
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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March 11, 2004

DIRECTORY

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386-03-BZ	326 East 18 th Street, Manhattan

DOCKETS

New Case Filed Up to March 2, 2004

44-04-A B.S.I. 1491 Richmond Road, bounded by Norden Street and Forest Road, Block 869, Lot 374, Borough of Staten Island. Applic.#500353422. Application to review and modify Certificate of Occupancy No. 500353422, issued on 2/28/00, on the grounds that the CO was issued with the mistakenly understanding that the non-conforming use was continuous, thus improperly allowing a retail store in a residential zoning district.

45-04-A B.S.I. 4 Tompkins Place, 125' east of Court Street, Block 522, Lot 20, Borough of Staten Island. Applic.#500648294. Borough of Staten Island. Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

46-04-A B.S.I. 8 Tompkins Place, 125' east of Court Street, Block 522, Lot 18, Borough of Staten Island. Applic.#500648301. Borough of Staten Island. Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

47-04-A B.S.I. 12 Tompkins Place, 125' east of Court Street, Block 522, Lot 17, Borough of Staten Island. Applic.#500648310. Borough of Staten Island. Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

48-04-A B.S.I. 16 Tompkins Place, 125' east of Court Street, Block 522, Lot 16, Borough of Staten Island. plic.#500648329. Borough of Staten Island. Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

49-04-A B.S.I. 20 Tompkins Place, 125' east of Court Street, Block 522, Lot 15, Borough of Staten Island. Applic.#500648338. Borough of Staten Island.

Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

50-04-A B.Q. 101-20 39th Avenue, south side, between 102nd and 103rd Streets, Block 1770, Lot 22, Borough of Queens. Applic.#401770570. Proposed three family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

51-04-A B.Q. 101-22 39th Avenue, south side, between 102nd and 103rd Streets, Block 1770, Lot 23, Borough of Queens. Applic.#401770589. Proposed three family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

52-04-A B.Q. 101-24 39th Avenue, south side, between 102nd and 103rd Streets, Block 1770, Lot 24, Borough of Queens. Applic.#401770561. Proposed three family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

53-04-A B.Q. 140-26A 34th Avenue, Block 4994, Lot 24, Borough of Queens. Applic.#401223289. Application to revoke Certificate of Occupancy No. 401223289, on the basis that the Certificate of Occupancy allows conditions at the referenced premises that are contrary to the Zoning Resolution and the Administrative Code.

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54-04-A B.Q. 140-28 34th Avenue, Block 4994, Lot 224, Borough of Queens. Applic.#401223243. Application to revoke Certificate of Occupancy No. 401223243. on the basis that the Certificate of Occupancy allows conditions at the referenced premises that are contrary to the Zoning Resolution and the Administrative Code.

55-04-A B.Q. 140-28A 34th Avenue, Block 4994, Lot 224, Borough of Queens. Applic.#401223243. Application to revoke Certificate of Occupancy No. 401223243. on the basis that the Certificate of Occupancy allows conditions at the referenced premises that are contrary to the Zoning Resolution and the Administrative Code.

56-04-A B.Q. 140-30 34th Avenue, Block 4994, Lot 125, Borough of Queens. Applic.#401223332. Application to revoke Certificate of Occupancy No. 401223332. on the basis that the Certificate of Occupancy allows conditions at the referenced premises that are contrary to the Zoning Resolution and the Administrative Code.

57-04-A B.Q. 140-30A 34th Avenue, Block 4994, Lot 225, Borough of Queens. Applic.#401223314. Application to revoke Certificate of Occupancy No. 401223314. on the basis that the Certificate of Occupancy allows conditions at the referenced premises that are contrary to the Zoning Resolution and the Administrative Code.

58-04-A B.Q. 140-32 34th Avenue, Block 4994, Lot 126, Borough of Queens. Applic.#401224714. Application to revoke Certificate of Occupancy No. 401224714. on the basis that the Certificate of Occupancy allows conditions at the referenced premises that are contrary to the Zoning Resolution and the Administrative Code.

59-04-A B.Q. 140-32A 34th Avenue, Block 4994, Lot 27, Borough of Queens. Applic.#401224705. Application to revoke Certificate of Occupancy No. 401224705 on the basis that the Certificate of Occupancy allows conditions at the referenced premises that are contrary to the Zoning Resolution

and the Administrative Code.

60-04-A B.Q. 140-34 34th Avenue, Block 4994, Lot 127, Borough of Queens. Applic.#401224698. Application to revoke Certificate of Occupancy No. 401224698 on the basis that the Certificate of Occupancy allows conditions at the referenced premises that are contrary to the Zoning Resolution and the Administrative Code.

61-04-A B.Q. 140-34A 34th Avenue, Block 4994, Lot 227, Borough of Queens. Applic.#401230011. Application to revoke Certificate of Occupancy No. 401230011 on the basis that the Certificate of Occupancy allows conditions at the referenced premises that are contrary to the Zoning Resolution and the Administrative

62-04-A B.Q. 140-36 34th Avenue, Block 4994, Lot 327, Borough of Queens. Applic.#401202444. Application to revoke Certificate of Occupancy No. 401202444 on the basis that the Certificate of Occupancy allows conditions at the referenced premises that are contrary to the Zoning Resolution and the Administrative

63-04-BZ B.Q. 108-24 Astoria Boulevard , southwest corner of 110th Street, Block 1703, Lots 94, 97, 98 and 99, Borough of Queens. Alt.#401815167. Proposed accessory parking, for an adjacent car rental facility, (Use Group 8), located in an R5 zoning district, is contrary to Z.R. §22-10.

COMMUNITY BOARD #3Q

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

MARCH 30, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, March 30, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

724-56-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Anthony Nicovic, owner.

SUBJECT - Application December 18, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 19, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 42-42 Francis Lewis Boulevard, south of 42nd Road, Block 5373, Lot 26, Borough of Queens.

COMMUNITY BOARD #11Q

144-00-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Birch Wathen Lenox School, owner.

SUBJECT - Application January 28, 2004 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 210 East 77th Street, south side of 77th Street, 145 East of Third Avenue, Block 1431, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #8M

103-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Bnei Aharon, Inc., owner.

SUBJECT - Application December 2, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1516 East 24th Street, East 24th Street, 105' south of Avenue O and Kings Highway, Block 6770, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #14BK

44-04-A

APPLICANT - NYC Department of Buildings.

OWNER OF RECORD: Martin Suss

LESSEE: William J. Newstad; Endeavor Abstract; Paladin Abstract.

339-03-BZ

APPLICANT - Snyder and Snyder, LLP, for United Hebrew Cemetery, Inc., owner; Omnipoint Communications, Inc., lessee.

SUBJECT - Application October 31, 2003 - under Z.R. §73-30 to

SUBJECT - Application February 25, 2004 - Application to revoke or modify Certificate of Occupancy No. 500353422, issued on 2/28/00, on the grounds that the CO was issued with the mistaken understanding that the non-conforming use was continuous, thus improperly allowing a retail store in a residential zoning district. PREMISES AFFECTED - 1491 Richmond Road, bounded by Norden Street and Forest Road, Block 869, Lot 374, Borough of Staten Island.

COMMUNITY BOARD #2

MARCH 30, 2004, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, March 30, 2004, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

194-03-BZ

APPLICANT - Sheldon Lobel, P.C., for B'nos Menachem Inc., owner.

SUBJECT - Application June 13, 2003 - under Z.R. §72-21 to permit the proposed catering establishment, Use Group 9, in the cellar of an existing one story, basement and cellar building (school for girls), located in an R6 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 739 East New York Avenue, between Troy and Albany Avenues, Block 1428, Lot 47, Borough of Brooklyn.

COMMUNITY BOARD #9BK

218-03-BZ

APPLICANT - Gerald J. Caliendo, R.A., for TTW Realty LLC, owner.

SUBJECT - Application June 25, 2003 - under Z.R. §72-21 to permit the proposed nine-story mixed use building with residential, commercial and community facility uses, located in an M1-1 zoning district, which does not comply with the zoning requirements for the uses, permitted floor area, total height and perimeter wall, is contrary to Z.R. §42-00, §23-141 and §23-631.

PREMISES AFFECTED - 19-73 38th Street, corner of 20th Avenue, Steinway Street and 38th Street, Block 811, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

permit the proposed installation of a non-accessory radio tower, disguised as an eighty-two feet (82') flagpole, together with related equipment at the base thereof ("facility"), on said premises, located in an R3-2 zoning district, which requires a special permit.

CALENDAR

PREMISES AFFECTED - 122 Arthur Kill Road, between Clarke and Newvale Avenues, Blocks 4475 and 4463, Lots 1 and 175, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

363-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Audubon Housing Development Fund Corp., owner.

SUBJECT - Application November 21, 2003 - under Z.R. §72-21 to permit the proposed seven story residential building, Use Group 2, containing 116 units, located in an M1-4 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 480 East 176th Street, between Bathgate and Washington Avenues, Block 2917, Lots 17, 20, 23, 25 and 27, Borough of The Bronx.

COMMUNITY BOARD #6BX

384-03-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for Renewal Arts Realty Corp., owner; Albert Einstein College of Medicine of Yeshiva University, lessee.

SUBJECT - Application December 10, 2003 - under Z.R. §72-21 to permit the proposed operation of a Use Group 4A health facility, on a portion of a zoning lot, located in an M1-2 zoning district, which is contrary to Z.R. §42-11.

PREMISES AFFECTED - 804 East 138th Street, south side, 155.52' east of Willow Avenue, Block 2589, Lots 15 and 16, Borough of The Bronx.

COMMUNITY BOARD #1BX

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, MARCH 2, 2004
10:00 A.M.**

Present: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, January 6, 2004, were approved as printed in the Bulletin of January 15, 2004, Volume 89, Nos. 1-3.

MINUTES

SPECIAL ORDER CALENDAR

1050-38-BZ, Vol. II

APPLICANT - Walter T. Gorman, P.E., for Sovereign Realty Associates, LLC, owner; Amoco Oil Company, lessee.
SUBJECT - Application - November 20, 2003 - reopening for an extension of term of variance which expires June 30, 2004.
PREMISES AFFECTED - 1301/1319 65th Street a/k/a 6411/23 13th Avenue, northeast corner of 13th Avenue, Block 5747, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: **John Ronan.**

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 23, 2004, at 1:30 P.M., for decision, hearing closed.

465-55-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 325 North Macquesten Parkway Corporation, owner; Abko Inc dba Carwash Associates, lessee.

SUBJECT - Application June 13, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 486/496 Coney Island Avenue aka 804/826 Church Avenue, west side of Coney Island Avenue 91'9 1/8" south of the corner of Church Avenue and Coney Island Avenue) Block 5341, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Laid over to April 13, 2004, at 10 A.M., for continued hearing.

889-55-BZ, Vol. II

APPLICANT - J & H Management Corp., for Everything Auto Repair, lessee.

SUBJECT - Application October 21, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 1, 2003

PREMISES AFFECTED - 69-13/25 (69-15 Official) 164th

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and

Commissioner Chin.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 30, 2004, at 1:30 P.M., for decision, hearing closed.

245-90-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for

Street, east side 110' south of 69th Avenue, Block 6931, Lot 38, Borough of Queens.

COMMUNITY BOARD #8

APPEARANCES -

For Applicant: Miles Fisher, Janice Cahalane and Wayne Weinstein.

ACTION OF THE BOARD - Laid over to April 27, 2004, at 10 A.M., for continued hearing.

85-58-BZ

APPLICANT - Maxfield Blaufeux & Heywood Blaufeux, for Estate of Hyman Badzanower, owner; Westfield second Associates, owner

SUBJECT - Application October 7, 2003 - reopening for an extension of term of variance which expired September 9, 2003.

PREMISES AFFECTED - 20/24 2nd Avenue a/k/a 30/32 East 1st Street, northeast corner of 2nd Avenue and East 1st Street, Block 443, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Heywood Blaufeux.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and

Commissioner Chin.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 30, 2004, at 1:30 P.M., for decision, hearing closed.

923-77-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Matthew Percia, owner.

SUBJECT - Application September 9, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 31, 2003.

PREMISES AFFECTED - 1905 McDonald Avenue, east side of McDonald Avenue, 105' south of Quentin Road, Block 6658, Lot 86, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING -

Margarita Herskovich and Lyubov Herskovich, owners.

SUBJECT - Application June 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 29, 2001.

PREMISES AFFECTED - 1054 43rd Street, south side of 43rd Street, Block 5602, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Laid over to April 13, 2004, at 10 A.M., for continued hearing.

MINUTES

59-96-BZ

APPLICANT - The Agusta Group by Philip P. Agusta, R.A., for Yong Brothers Trading, Inc., owner; Pine Village Corp., lessee.

SUBJECT - Application November 14, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired January 9, 2003.

PREMISES AFFECTED - 32-02 Linden Place aka 135-20 32nd Avenue, southwest corner of Linden Place and 32nd Avenue, Block 4950, Lot 48, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to March 23, 2004, at 10 A.M., for continued hearing.

281-99-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF THE PREMISES: Enopac Holding LLC.

SUBJECT - On remand from the New York County Supreme Court.

PREMISES AFFECTED - 6055 Strickland Avenue, west side of Strickland Avenue roughly between the prolongation of Mayfair Avenue and East 59th Place, Block 8470, Lots 1060, 1070, 1076, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Jay Segal.

For Opposition: Lewis Fidler.

THE VOTE TO REOPEN HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and

Commissioner Chin.....5

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and

Commissioner Chin.....5

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Department of Buildings Borough Commissioner dated March 17, 2003, acting on Department of Buildings N.B. Applications Nos. 401618861, 401618870, 401261889, 401618736, and 401618745 reads, in pertinent part:

"No Construction is permitted in the bed of a mapped street as per Section 35 of the General City Law, refer to the Board of Standards and Appeals"; and

WHEREAS, this appeal is filed to allow five two-family dwellings to be built in a portion of the bed of a mapped street

Commissioner Chin.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 16, 2004, at 1:30 P.M., for decision, hearing closed.

123-03-A thru 127-03-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Collier Realty, LLC., owner.

SUBJECT - Application April 17, 2003 - Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

437 Beach 28th Street, west side, 141.5" south of Brookhaven Avenue, Block 15793, Lot 9, Borough of Queens.

435 Beach 28th Street, west side, 174.9" south of Brookhaven Avenue, Block 15793, Lot 10, Borough of Queens.

431 Beach 28th Street, west side, 200.2" south of Brookhaven Avenue, Block 15793, Lot 12, Borough of Queens.

434 Beach 29th Street, east side, 10" south of Brookhaven Avenue, Block 15793, Lot 48, Borough of Queens.

436 Beach 29th Street, east side, 39.3" south of Brookhaven Avenue, Block 15793, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Appeals granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and

Commissioner Chin.....5

Negative:0

THE VOTE TO GRANT -

known as Collier Avenue, between Beach 28th Street and Beach 29th Street, in Queens; and

WHEREAS, by letter date January 20, 2004, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated January 27, 2004, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by the letter dated December 5, 2003, the Department of Environmental Protection has reviewed the above revised project and has advised that the latest adapted City Drainage Plan dp 50S(55)-2 for the above referenced location calls for a future 12" storm sewer to be installed in Collier Avenue starting from Beach 29th Street; there are existing houses on both sides of Collier Avenue between Beach 29th Street and Beach 28th Street

MINUTES

which front other mapped streets; neither the existing house nor the new proposed development will need to be connected to the above mentioned storm sewer; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the DOB Borough Commissioner, dated March 17, 2003, acting on N.B. Application Nos. 401618861, 401618870, 401261889, 401618736, and 401618745 is modified under the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received January 16, 2004"-(1) sheet; and that the proposal comply with all applicable zoning requirements; that all other applicable laws, rules, and regulations shall be complied with; and on further condition:

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 2, 2004.

128-03-A thru 130-03-A

263-03-A

APPLICANT - John W. Carroll, Wolfson & Carroll, for Ben Bobker, owner.

SUBJECT - Application August 20, 2003 - An administrative appeal challenging the Department of Buildings' final determination dated August 13, 2003, in which the Department refused to revoke the certificate of occupancy, on the basis that the applicant had satisfied all objections regarding said premises.

PREMISES AFFECTED - 1638 Eighth Avenue, west side, 110-5' east of Prospect Avenue, Block 1112, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to March 30, 2004, at 10 A.M., for postponed hearing.

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Brookside Development Corp., owner.

SUBJECT - Application April 18, 2003 - Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

22 Brookside Loop, west side, 162' south of Woodrow Road, Block 7022, Lot 5, Borough of Staten Island.

26 Brookside Loop, west side, 25.5' south of Woodrow Road, Block 7022, Lot 8, Borough of Staten Island.

30 Brookside Loop, west side, 341.5' south of Woodrow Road, Block 7022, Lot 10, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Laid over to March 23, 2004, at 10 A.M., for continued hearing.

331-03-A

APPLICANT - The Agusta Group, for Nelson Catano, owner.

SUBJECT - Application October 27, 2003 - The legalization of an existing mercantile occupancy, within a frame class IID construction building, located within the fire district, is not permitted as per §27-296 and Table 4-1 of the NYC Building Code.

PREMISES AFFECTED - 37-44 103rd Street, west side, 410.75' south of 37th Avenue, Block 1768, Lot 32, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to April 13, 2004, at 10 A.M., for continued hearing.

Adjourned: 11:10 A.M.

Pasquale Pacifico, Executive Director.

MINUTES

**REGULAR MEETING
TUESDAY AFTERNOON, MARCH 2, 2004
2:00 P.M.**

Present: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

77-03-BZ & 78-03-BZ

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., for Better Luxury Homes, Inc., owner.

SUBJECT - Application March 3, 2003 - under Z.R. §72-21 to permit the proposed construction of a one family dwelling, Use

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R2 zoning district, the proposed construction of two (2) one family, two story dwellings (UG 1) on a combined zoning lot, which does not comply with the zoning requirements for minimum rear yard and maximum number of dwelling units, contrary to Z.R. §§23-47 and 23-22; and WHEREAS, the subject site is currently vacant, and comprises two tax lots that are proposed to be merged as one zoning lot; when combined, the zoning lot will be approximately 6,200 square feet in area; and

WHEREAS, the applicant represents that the two proposed dwellings will have the required minimum distance between them; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardships in constructing the proposed building in conformity with underlying district regulations: the shallow depth of the lot, the proximity of the site to the Grand Central Parkway, and the site's topography, which includes rocks, pools and stone outcroppings; and

WHEREAS, the Board finds that certain of the aforementioned unique physical conditions, namely the lot's shallowness and its topography, when considered in the aggregate, create practical difficulties and unnecessary hardships in developing the site in strict compliance with current zoning; and

WHEREAS, the applicant has submitted a feasibility study

Group 1, located in an R2 zoning district, which does not comply with the zoning requirement for minimum rear yard, and is contrary to Z.R. §23-47.

PREMISES AFFECTED -

260-32 Grand Central Parkway, east side, 9' south of 267th Street, Block 8443, Lot 123, Borough of Queens.

260-34 Grand Central Parkway, east side, 9' south of 267th Street, Block 8443, Lot 120, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....4

Negative:0

Not Voting: Chair Srinivasan1

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated January 22, 2004, acting on Department of Buildings NB Application No. 401464857 reads:

"1. Proposed rear yard is contrary to section 23-47 Z.R. 30'-0 minimum rear yard is required in an R2 Zoning District.

2. Proposed number of dwelling units exceeds the maximum number of dwelling units permitted on the zoning lot and does not comply with section 23-22 Z.R."; and

WHEREAS, a public hearing was held on this application on October 28, 2003 and then hid over to November 25, 2003, January 6, 2004, February 3, 2004, February 24, 2004 and then to March 2, 2004 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board; and

demonstrating that developing the entire premises with complying building would not yield the owner a reasonable return; and

WHEREAS, the applicant states that a complying building would be inhabitable due to its narrow size, as illustrated on the submitted "Complying Conditions" plan; and

WHEREAS, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict compliance with zoning will provide a reasonable return; and

WHEREAS, the applicant states that the neighborhood had been developed predominantly with ranch homes, but that the area is undergoing constant change, with some of the ranch homes being expanded to two stories, and in some cases being demolished and replaced with two story brick veneered homes; and

WHEREAS, the applicant further states that the site fronts on the service road to the Grand Central Parkway, and that it does not appear to be part of the ranch home development; the homes to the west of the subject site are also two stories; and

WHEREAS, based on the above, the Board finds that this action will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford

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the owner relief; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, in an R2 zoning district, the proposed construction of two (2) one family, two story dwellings (UG 1) on a combined zoning lot, which does not comply with the zoning requirements for minimum rear yard and maximum number of dwelling units, contrary to Z.R. §§23-47 and 23-22; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 3, 2003" - (8) sheets; "December 30, 2003" -(1) sheet; and "January 26, 2004" -(1) sheet; and on further condition:

239-03-BZ

APPLICANT - Jay A. Segal, Greenberg Traurig, LLP, for West Broadway Arches c/o Mr. Chuck Seltzer, owner.

SUBJECT - Application July 10, 2003 - under Z.R. § §73-01 & 73-53 to permit the proposed extension of the uses (studios with accessory living/sleeping accommodations) allowed on floors two through six of the West Broadway portion of the subject building, which is located partially in a M1-5A zoning district and partially in a R7-2 zoning district, contrary to Z.R. §42-14D.

PREMISES AFFECTED - 468 West Broadway and 140 Thompson Street, fronting on West Broadway and Thompson Street, between West Houston and Prince Streets, Block 516, Lot 7, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

Not Voting: Commissioner Chin.....1

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated July 3, 2003, acting on Department of Buildings Application No. 103459570, reads:

"1. Proposed cellar and first floor use on West Broadway`Studios, art music, dancing or theatrical with accessory sleeping accommodations for employees in connection with commercial or manufacturing use' (Use

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located in the premises shall be removed within 48 hours;

THAT the premises shall comply with all applicable fire safety measures;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 2, 2004.

Group 9), not permitted pursuant to ZR 42-14.'; and

WHEREAS, a public hearing was held on this application on January 27, 2004, and then to March 2, 2004 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board; and

WHEREAS, a special permit is sought under Z.R. §§73-03 and 73-53 to permit the proposed extension of the uses (studios with accessory living/sleeping accommodations) allowed on floors two through six of the West Broadway portion of the subject building, which is located partially in a M1-5A zoning district and partially in a R7-2 zoning district, contrary to Z.R. §42-14D; and

WHEREAS, the subject zoning lot is a through lot fronting both on West Broadway and Thompson Street; that part of the lot fronting on West Broadway (the eastern part) is within a M1-5A zoning district, and the western part is within an R7-2 zoning district; and

WHEREAS, the lot is improved with a six-story with cellar building, which has a separate Certificate of Occupancy ("CO") for its West Broadway portion (the "Eastern Portion"); and

WHEREAS, the CO for the Eastern Portion allows studios for art, music dancing or theatrical, with accessory living/sleeping accommodation for employees in connection with commercial or manufacturing uses (the "Uses"), on floors two through six; the CO allows an art gallery or store use on the ground floor and an art gallery and store storage rooms in the cellar; and

WHEREAS, the applicant now seeks to extend the Uses

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to the ground floor; and

WHEREAS, the applicant represents that the CO, amended in 1983, provides that 50 percent of the units in the Eastern Portion are to be used for Joint Living Working Quarters for Artists ("JLWQA"), and that the extension would allow the use of the ground floor for a use similar to JLWQA; and

WHEREAS, the applicant, through testimony and submission of supporting documentation, has demonstrated that: the premises is not subject to termination pursuant to Z.R. §52-70; that the use for which the special permit is being sought has lawfully existed for more than 5 years; that the subject building has not received an enlargement pursuant to Z.R. §§11-412, 43-121 or 72-21; and that the subject use is listed in Use Group 9, not Use Group 18; and

WHEREAS, the Board notes that Z.R. §73-53(a)(5) is not applicable because the premises is located in an M1-5A

WHEREAS, the record indicates that the subject extension will not generate significant increases in vehicular or pedestrian traffic, nor cause congestion in the surrounding area, and that the adequate parking requirement is not applicable to the subject extension, as no parking is provided on the subject lot and the extension of the Uses to the ground floor would likely decrease the need for parking through elimination of the retail use; and

WHEREAS, the Board notes that there are no required side yards; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use are outweighed by the advantages to be derived by the community; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, therefore, the Board determines that the evidence in the record supports the findings required to be made under Z.R. §73-53 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type I Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §§73-53 and 73-03 to permit the proposed extension of the uses (studios with accessory living/sleeping accommodations) allowed on floors two through six of the West Broadway portion of the subject building, which is located partially in a M1-5A zoning district and partially in a R7-2 zoning district, contrary to Z.R. §42-14D, on condition that all work shall substantially

zoning district; and

WHEREAS, the requested proposal is for an extension that results in less than 45% of the floor area occupied by such use on December 17, 1987 and is less than a 2,500 square feet addition to the floor area occupied by such use on December 17, 1987, and does not exceed 10,000 square feet; and

WHEREAS, the applicant represents that the extension will be housed in an entirely enclosed building, and that the performance standards are inapplicable; and

WHEREAS, the applicant further states that there will be no open uses of any kind; and

WHEREAS, the applicant represents, and the Board agrees, that that the requirements set forth at Z.R. §73-53(b)(4),(5),(6),(7),(8), and (9) are either satisfied, or not applicable to the instant application; and

conform to drawings as they apply to the objection above-noted, filed with this application marked "Received July 10, 2003" -(1) sheet and "February 6, 2004" -(1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT all applicable fire safety measure will be complied with;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted; and

THAT substantial construction be completed and a new Certificate of Occupancy be obtained in accordance with Z.R. §73-70.

Adopted by the Board of Standards and Appeals March 2, 2004.

60-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Naomi Kunin, owner.
SUBJECT - Application February 15, 2002 - under Z.R. §72-21, to permit the legalization of an interior enlargement in an existing one family dwelling, Use Group 1, which creates non-compliance with respect to floor area ratio and rear yard, which is contrary to Z.R.

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§§23-141 and 23-47.

PREMISES AFFECTED - 3849 Bedford Avenue, east side, 380.0' south of Quentin Road, Block 6808, Lot 71, Borough of Brooklyn

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to June 8, 2004, at 1:30 P.M., for continued hearing.

92-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Parkside Inc., owner.
SUBJECT - Application March 25, 2003 - under Z.R. §73-52 to permit the proposed residential development of an entire zoning lot,

139-03-BZ

APPLICANT - Alfonso Duarte, for Sanjoy Augustine, owner.
SUBJECT - Application April 29, 2003 - under Z.R. §72-21 to permit the proposed erection of a two family dwelling, Use Group 2A, located in an R3-A zoning district, which does not comply with the zoning requirements, for rear yard and floor area ratio, is contrary to Z.R. §23-47 and §23-141(b).

PREMISES AFFECTED - 247-54 90th Avenue, south side, 225.51' west of Commonwealth Boulevard, Block 8662, Lot 28, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to March 30, 2004, at 1:30 P.M., for continued hearing.

183-03-BZ

APPLICANT - Agusta & Ross, for North Berry Capital Group, LLC, owner.

SUBJECT - Application June 3, 2003 - under Z.R. §72-21 to permit the proposed forty-three unit multiple dwelling, with retail space on the ground floor, and underground accessory parking throughout for twenty-two vehicles, Use Groups 2 and 6, located in an M1-2 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 118 Berry Street, 116 North Seventh Street, a/k/a 116/26 North Seventh Street and 118/20 Berry Street, northwest corner, Block 2326, Lots 18 and 19 (tentative Lot 18), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to April 27, 2004, at 1:30 P.M., for continued hearing.

on a lot divided by an R7-2 and M1-1 district boundary, which requires a special permit.

PREMISES AFFECTED - 472 West 130th Street, southwesterly corner of the intersection of West 130th Street and Convent Avenue, Block 1969, Lots 64, 67 and 68, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 30, 2004, at 1:30 P.M., for decision, hearing closed.

199-03-BZ thru 205-03-BZ

APPLICANT - Stuart A. Klein, Esq., for Classon Holding Co., owner.

SUBJECT - Application June 17, 2003 - under Z.R. §72-21 to permit the proposed seven story residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED -

148 Classon Avenue, between Myrtle and Park Avenues, Block 1895, Proposed Lot 42, Borough of Brooklyn.

152 Classon Avenue, between Myrtle and Park Avenues, Block 1895, Proposed Lot 46, Borough of Brooklyn.

156 Classon Avenue, between Myrtle and Park Avenues, Block 1895, Proposed Lot 47, Borough of Brooklyn.

77 Emerson Place, between Myrtle and Park Avenues, Block 1895, Proposed Lot 117, Borough of Brooklyn.

81 Emerson Place, between Myrtle and Park Avenues, Block 1895, Proposed Lot 116, Borough of Brooklyn.

85 Emerson Place, between Myrtle and Park Avenues, Block 1895, Proposed Lot 115, Borough of Brooklyn.

89 Emerson Place, between Myrtle and Park Avenues, Block 1895, Proposed Lot 114, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Stuart Klein.

ACTION OF THE BOARD - Laid over to May 11, 2004, at 1:30 P.M., for continued hearing.

MINUTES

217-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Mr. Vincenzo Adragna, owner.

SUBJECT - Application June 24, 2003 - under Z.R. §72-21 to permit the proposed one story and cellar expansion, of an existing one story and cellar retail building, Use Group 6, located in an R5 zoning district, which is contrary to Z.R. §52-22.

PREMISES AFFECTED - 140/42 Pennsylvania Avenue, southeast corner of Liberty Avenue, Block 3703, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #5BK

223-03-BZ

APPLICANT - C Anthony Mulrain c/o Greenberg Traurig, LLP, for Majority Baptist Church, owner; Ominpoint Communications, Inc., lessee.

SUBJECT - Application July 1, 2003 - under Z.R. §73-30 to permit the proposed installation of a wireless telecommunications facility, located in a C2-2 within an R3-2 zoning district, which requires a special permit as per Z.R. §73-30.

PREMISES AFFECTED - 115-15 Farmers Boulevard, bounded by 115th Road and 115th Avenue, Block 11032, Lot 4, Borough of Queens.

COMMUNITY BOARD #12

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to April 20, 2004, at 1:30 P.M., for postponed hearing.

224-03-BZ

APPLICANT - C Anthony Mulrain c/o Greenberg Traurig, LLP, for Mal Pal Realty Corp., owner; Ominpoint Communications, Inc., lessee.

SUBJECT - Application July 1, 2003 - under Z.R. §73-30 to permit the proposed installation of a wireless telecommunications facility, located in an R3-2 zoning district, which requires a special permit as per Z.R. §73-30.

PREMISES AFFECTED - 139-19 109th Avenue, bounded by 139th and 142nd Streets, Block 10068, Lots 210, 213, 214 and 215, Borough of Queens.

COMMUNITY BOARD #12

APPEARANCES - None

ACTION OF THE BOARD - Laid over to April 20, 2004, at 1:30 P.M., for postponed hearing.

240-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Young Israel of

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and

Commissioner Chin.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 30, 2004, at 1:30 P.M., for decision, hearing closed.

Jamaica Estates, Inc., owner.

SUBJECT - Application July 10, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing two story synagogue, Use Group 4, located in an R1-2 zoning district, which does not comply with the zoning requirements for floor area ratio, building height, side yards, rear yard, also the proposed addition of lot 39 to the existing building, is contrary to Z.R. §24-10, §24-111, §24-521, §24-35 and §24-36, and a previous variance granted under Cal. No. 815-85-BZ.

PREMISES AFFECTED - 83-10 and 83-16 188th Street, south side, between Midland Parkway and Radnor Road, Block 7263, Lots 35 and 39, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Jordan Most, Rabbi Hochberg, Sheldon Lobel and Councilmember David Weprin.

For Opposition: Leo Weinberger, Shirl Basehore, Dr. Clifford Feiner, Mariko Conway and Doreen Fusco.

ACTION OF THE BOARD - Laid over to May 11, 2004, at 1:30 P.M., for continued hearing.

258-03-BZ

APPLICANT - Law Office of Howard Goldman, PLLC, for Thames Realty, LLC, owner.

SUBJECT - Application August 12, 2003 - under Z.R. §72-21 to permit the legalization of twenty-three residential units, in a four story building, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 47 Thames Street, between Morgan Street and Knickerbocker Avenue, Block 3008, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Howard Goldman.

ACTION OF THE BOARD - Laid over to April 13, 2004, at 1:30 P.M., for continued hearing.

MINUTES

260-03-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 376 East 94th Street, Realty LLC, owner.

SUBJECT - Application August 14, 2003 - under Z.R. §72-21 to permit the legalization of sixty (60) residential units, in an existing seven story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 20 Grand Avenue, between Flushing

291-03-BZ

APPLICANT - Stuart A. Klein, Esq., for 6202 & 6217 Realty Company, owner.

SUBJECT - Application September 4, 2003 - under Z.R. §72-21 to permit the proposed residential building, Use Group 2, located on a site in that is in an M1-1 and an R5 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1380 62nd Street, northwest corner of 14th Avenue, Block 5733, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #10

APPEARANCES –

For Applicant: Stuart Klein.

ACTION OF THE BOARD - Laid over to April 20, 2004, at 1:30 P.M., for continued hearing.

302-03-BZ

APPLICANT - Harold Weinberg, P.E., for Albert Gonter, owner.

SUBJECT - Application September 22, 2003 - under Z.R. §73-622 to permit the proposed erection of a rear enlargement to an existing one family dwelling, also an extension of the residential use into the attic, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and rear yard, is contrary to Z.R. §23-141, §23-47 and §54-31.

PREMISES AFFECTED - 1212 East 23rd Street, west side, 100' south of Avenue "L", Block 7640, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #14

APPEARANCES –

For Applicant: Howard Weinberg, Miriam Gonter and Albert Gonter.

ACTION OF THE BOARD - Laid over to April 20, 2004, at 1:30 P.M., for continued hearing.

307-03-BZ

APPLICANT - Fried, Frank Harris, Shriver & Jacobson, by Adrienne W. Bernard, Esq., for Clatco Company, LLC, 543 Realty Co., LLC and Broadway 110 Developers, LLC, owners.

SUBJECT - Application October 2, 2003 - under Z.R. §72-21

and Park Avenues, Block 1877, Lot 35, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES –

For Applicant: Howard Goldman.

ACTION OF THE BOARD - Laid over to April 13, 2004, at 1:30 P.M., for continued hearing.

to permit the proposed construction of a 15-story residential building, Use Group 2, located in R-8 and C1-4 zoning districts, which does not comply with the zoning requirements for lot coverage, maximum building height, street walls and setback, and is contrary to Z.R. §35-24, §23-633 and §23-145. PREMISES AFFECTED - 543/45 West 110th Street, (aka Cathedral Parkway), and 2840/46 Broadway, northeast corner, Block 1882, Lots 1 and 6, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES –

For Applicant: Steven Leikowitz, Paul Byard and Barbara Hokol.

For Opposition: Jonathan Schachter, Jeffery Chester, John Lipsett, Carol Kerb, Walter S., Carolyn Birden, Nathan Gebert, Brat Taylor, Danny Vega, Steven Goldschmidt and Daniel Katz.

ACTION OF THE BOARD - Laid over to March 30, 2004, at 1:30 P.M., for continued hearing.

309-03-BZ

APPLICANT - Howard A. Zipser, Stadtmauer Bailkin, LLP, for James Horvath, owner.

SUBJECT - Application October 6, 2003 - under Z.R. §72-21 to permit the proposed erection of a six-story residential building, Use Group 2, on a zoning lot, divided by C6-1 and R6 zoning districts, which does not comply with the zoning requirements for floor area, height and setback limit per table A, which is contrary to Z.R. §23-145 and 23-633.

PREMISES AFFECTED - 744/48 Greenwich Street, west side, between Perry and West 11th Streets, Block 633, Lots 20 and 119, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Zipser, Sean Basler and Abbas Shah.

For Opposition: Barry Mallin, Daniel Lane and Barbara Schlachet.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and

Commissioner Chin.....5

MINUTES

Negative:0

ACTION OF THE BOARD - Laid over to March 30, 2004, at 1:30 P.M., for decision, hearing closed.

386-03-BZ

APPLICANT - Steven M. Sinacori/Stadtmauer Bailkin, for Jean E. Manas & Rebecca Haile, owners.

SUBJECT - Application December 12, 2003 - under Z.R. §72-21 to permit the proposed conversion of a vacant doctor's office in the basement of the building, to residential use, and to incorporate that space into the existing one-family residential use, Use Group 2, located in an R7B zoning district, which does not comply with the zoning requirements for rear yard, floor area and lot coverage, is contrary to Z.R. §23-145, §23-44 and §54-31.

PREMISES AFFECTED - 326 East 18th Street, south side, between First and Second Avenues, Block 923, Lot 50, Borough of Manhattan.

COMMUNITY BOARD #6

APPEARANCES -

For Applicant: Steven Sinacori and Michael Inovi.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 30, 2004, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 6:20 P.M.