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# BULLETIN

## OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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Volume 89. No. 12

March 18, 2004

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### DIRECTORY

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**Affecting Calendar Numbers:**

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**Wednesday, March 10, 2004**

**Affecting Calendar Numbers:**

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# DOCKETS

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New Case Filed Up to March 9, 2004

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**64-04-A** B.Q. 22 Hudson Walk,  
west side, 132.76' north of Breezy Point Boulevard, Block  
16350, Lot 400, Borough of Queens. Alt. #401748882.  
Proposed enlargement to an existing one family dwelling,  
not fronting on a legally mapped street, and has a private  
disposal system in the bed of a private service road, is  
contrary to Section 36, Article 3 of the General City Law,  
and Department of Buildings' policy.

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**65-04-A** B.Q. 8 Beach 221<sup>st</sup>  
Street,  
south side, 127.34' east of Rockaway Point Boulevard,  
Block 16350, Lot 400, Borough of Queens. Alt.  
#401764621. Proposed enlargement to an existing one  
family dwelling, not fronting on a legally mapped street, is  
contrary to Section 36, Article 3 of the General City Law.

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**66-04-A** B.Q. 976 Bay  
side,  
southeast corner of Bayside Connection, Block 16350, Lot  
300, Borough of Queens. Alt. #401752386. Proposed  
enlargement to an existing one family dwelling, not fronting  
on a legally mapped street, and has a private disposal  
system in the bed of a mapped street, is contrary to  
Section 36, Article 3 of the General City Law and  
Department of Buildings' policy.

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**67-04-A** B.Q. 20 Queens Walk,  
west side, 368.85' north of Breezy Point Boulevard, Block  
16350, Lot 400, Borough of Queens. Alt. #401748873.  
Proposed enlargement to an existing one family dwelling,  
not fronting on a legally mapped street, and has a private  
disposal system in the bed of a private service road, is  
contrary to Section 36, Article 3 of the General City Law,  
and Department of Buildings' policy.

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**68-04-A** B.S.I. 96 Driggs  
Street,  
Block 5275, Tentative Lot 10, Borough of Staten Island.  
N.B.# 500664453. Proposed erection 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.

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**69-04-A** B.S.I. 23 Lillian Place,  
Block 5275, Tentative Lot 11, Borough of Staten Island.  
N.B. #500664444. Proposed erection 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.

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**70-04-BZ** B.Q. 69-91 75<sup>th</sup>  
Street,  
a/k/a 75-13 71<sup>st</sup> Avenue, northeast corner, Block 3794, Lot  
77, Borough of Queens. Alt.#401719556. The  
legalization of a change in occupancy from a "factory and  
storage" building, to a physical culture establishment,  
located in an M1-1 zoning district, requires a special  
permit from the Board as per §73-36.

**COMMUNITY BOARD #5Q**

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**71-04-BZ** B.BK. 720 East 86<sup>th</sup>  
Street,  
between Glenwood Road and Flatlands Avenue, Block  
8006, Lot 47, Borough of Brooklyn. Applic. #301498216.  
Proposed construction of a three family residence, Use  
Group 2, located in an R5 zoning district, which does not  
comply with the zoning requirements for floor area ratio  
and side yard, is contrary to Z.R. §23-141(b) and §23-  
462(a).

**COMMUNITY BOARD #18BK**

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**72-04-BZ** B.Q. 141-54 Northern Boulevard,  
southwest corner of Parsons Boulevard, Block 5012, Lot  
45, Borough of Queens. Alt.1 #401827564. The  
reestablishment of an expired variance, previously granted  
by the Board under Calendar Number 436-59-BZ, which  
permitted the erection and maintenance of a gasoline  
service station with accessory uses, in an R6/C1-2 and R6  
zoning district.

**COMMUNITY BOARD #7Q**

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**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.**

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# CALENDAR

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**APRIL 13, 2004, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, April 13, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

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## SPECIAL ORDER CALENDAR

### **735-59-BZ**

APPLICANT - Walter T. Gorman, P.E., for 902 Soundview Realty LLC, owner; Palisades Fuel, lessee.

SUBJECT - Application January 12, 2004 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired and for an amendment to the resolution.

PREMISES AFFECTED - 902 Soundview Avenue northeast corner of Story Avenue, Block 3662, Lots 1 and 59, Borough of The Bronx.

### **COMMUNITY BOARD #18**

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### **85-91-BZ**

APPLICANT - Carl A. Sulfaro, Esq., for Scott R. Benson, DVM, owner; Bayside Veterinary Center, lessee.

SUBJECT - Application January 9, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 21, 2002.

PREMISES AFFECTED - 204-18 46th Avenue, south side of 46th Avenue, 142.91' east of 204th Street, Block 7304, Lot 17, Borough of Queens.

### **COMMUNITY BOARD #11**

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### **53-04-A thru 62-04-A**

APPLICANT - New York City Department of Buildings

OWNER OF RECORD: Thomas Huang

SUBJECT - Applications February 26, 2004 - 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.

PREMISES AFFECTED -

140-26A 34<sup>th</sup> Avenue, Block 4994, Lot 24, Borough of Queens.

140-28 34<sup>th</sup> Avenue, Block 4994, Lot 224, Borough of Queens.

140-28A 34<sup>th</sup> Avenue, Block 4994, Lot 224, Borough of Queens.

140-30 34<sup>th</sup> Avenue, Block 4994, Lot 125, Borough of Queens.

309 Hamden Avenue, north side, 130' east of Boundary Avenue, Block 3687, Lot 8, Borough of Staten Island.

### **COMMUNITY BOARD #2**

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140-30A 34<sup>th</sup> Avenue, Block 4994, Lot 225, Borough of Queens.

140-32 34<sup>th</sup> Avenue, Block 4994, Lot 126, Borough of Queens.

140-32A 34<sup>th</sup> Avenue, Block 4994, Lot 27, Borough of Queens.

140-34 34<sup>th</sup> Avenue, Block 4994, Lot 127, Borough of Queens.

140-34A 34<sup>th</sup> Avenue, Block 4994, Lot 227, Borough of Queens.

140-36 34<sup>th</sup> Avenue, Block 4994, Lot 327, Borough of Queens.

### **COMMUNITY BOARD #11**

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**APRIL 13, 2004, 1:30 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday afternoon, April 13, 2004, at 1:30 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## ZONING CALENDAR

### **300-03-BZ**

APPLICANT - Slater & Beckerman, for TC Interprises, LLC, owner.

SUBJECT - Application September 18, 2003 - under Z.R. §72-21 to permit the proposed construction of a six (6) story residential building, Use Group 2, located in an M1-2 zoning district which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 326 East 126th Street, south side, between First and Second Avenues, Block 1802, Lot 36, Borough of Manhattan.

### **COMMUNITY BOARD #11M**

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### **325-03-BZ & 326-03-BZ**

APPLICANT - Walter T. Gorman, for LT Land Development Corp., owner.

SUBJECT - Application October 21, 2003 - under Z.R. §§72-11 & 72-21 to permit the proposed construction of a one family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirement for front yard, is contrary to Z.R. §23-45.

PREMISES AFFECTED -

307 Hamden Avenue, north side, 90' east of Boundary Avenue, Block 3687, Lot 6, Borough of Staten Island.

### **347-03-BZ**

APPLICANT - Eric Palatnik, P.C., for Shaul and Sara Taub, owners.

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# MINUTES

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SUBJECT - Application November 14, 2003 - under Z.R. § 73-622 to permit the proposed enlargement of an existing single family residence, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, is contrary to Z.R. §23-141(a).

PREMISES AFFECTED - 2611 Avenue "N", between East 26th and East 27th Streets, Block 7662, Lot 5, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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### **362-03-BZ**

APPLICANT - Sheldon Lobel, P.C., for Reiss Realty Corp., owner.

SUBJECT - Application November 20, 2003 - under Z.R. §11-411 to permit the continued use of the premises for private parking, accessory to commercial use, and for storage accessory to commercial use, changed from previously approved storage of combustible chemical solvents, is contrary to a previously Cal. No. 1071-40-BZ Vol.II and Z.R. §22-00.

PREMISES AFFECTED - 428 West 45th Street, between Ninth and Tenth Avenues, Block 1054, Part of Lot 48, Borough of Manhattan.

**COMMUNITY BOARD #4**

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### **365-03-BZ**

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Avi Mansher, owner.

SUBJECT - Application November 25, 2004 - under Z.R. §72-21 to permit the construction of a two story, two family dwelling, Use Group 2, which does not provide the required side yard which is contrary to Z.R. §23-462.

PREMISES AFFECTED - 224-20 Prospect Court, a/k/a 225th Street, northwest corner, Block 13071, Lot 74, Borough of Queens.

**COMMUNITY BOARD #13Q**

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### **371-03-BZ & 372-03-BZ**

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for 655 Properties, LLC, owner; Cornelia Fifth Avenue LLC, lessee.

SUBJECT - Application December 2, 2003 - under Z.R. §73-36 to permit the legalization of the eighth floor, and the roof, of an existing eight story building, for use as a physical culture establishment, located in a C5-3(MiD) zoning district, is contrary to Z.R. §32-10.

PREMISES AFFECTED -

655 Fifth Avenue, southwest corner, block bounded by Fifth and Madison Avenues, and East 52nd and East 53rd Streets, Block 1288, Lot 1, Borough of Manhattan.

663 Fifth Avenue, southwest corner, block bounded by Fifth and Madison Avenues, and East 52nd and East 53rd Streets, Block

1288, Lot 3, Borough of Manhattan.

**COMMUNITY BOARD #5M**

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### **7-04-BZ**

APPLICANT - Lawrence Whiteside dba Construction/Codes Consultants, for Rev. Dr. Sheldon E. Williams/Coop City Baptist Church, owner.

SUBJECT - Application January 9, 2004 - under Z.R. §72-21 to permit the proposed construction of a Church/Community Outreach Center, Use Group 4, located in an R3-2 zoning district, which does not comply with the zoning requirements for open space ratio, floor area ratio, height and setback, and encroaches onto the front and side yards, is contrary to Z.R. §24-11, §24-34, §24-35 and §24-521.

PREMISES AFFECTED - 2208 Boller Avenue, property fronting on Boller and Hunter Avenues and Erskine Place, Block 5135, Lot 1, Borough of The Bronx.

**COMMUNITY BOARD #10X**

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*Pasquale Pacifico, Executive Director*

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# MINUTES

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**REGULAR MEETING  
TUESDAY MORNING, MARCH 9, 2004  
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, January 13, 2003, were approved as printed in the Bulletin of January 22, 2004, Volume 89, No. 4.

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**SPECIAL ORDER CALENDAR**

**994-77-BZ**

APPLICANT - Joseph P. Morsellino, for Rutledge Apartments, owner; DNS Automotive Inc., lessee.

SUBJECT - Application June 12, 2003 - reopening for an extension of term of variance which expired May 23, 2003.

PREMISES AFFECTED - 89-43/49 Doran Avenue, northside of Woodhaven Boulevard, Block 3872, Lot 49, Borough of Queens.

**COMMUNITY BOARD #5Q**

APPEARANCES -

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD - Application reopened, and term of variance extended.**

**THE VOTE TO GRANT -**

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

**Negative:.....0**

**THE RESOLUTION -**

**WHEREAS, a public hearing was held on this application on September 9, 2003 after due notice by publication in *The City Record*, and laid over to November 18, 2003, January 6, 2004, February 10, 2004 and then to March 9, 2004 for decision; and**

**WHEREAS, the applicant requests an extension of the term of the granted variance, which expired on May 23, 2003; and**

**WHEREAS, on May 23, 1976, the Board granted an application for a variance made pursuant to Z.R. §§72-01 and 72-22, permitting the maintenance of an accessory residential garage as an accessory storage facility for an adjoining retail store, located partially within a C2-2 zoning district and partially within an R4 zoning district; and**

**WHEREAS, on October 7, 1997, the Board granted an amendment to the variance to legalize the machine shop on the premises.**

**Resolved, that the Board of Standards and Appeals, reopens and amends the resolution, and extends the term of the variance which expired on May 23, 2003, pursuant to Z.R.**

**671-56-BZ**

APPLICANT - Walter T. Gorman, P.E., for Benjamin Siegel Properties, LLC, owner; Euclid Enterprises, Inc., lessee.

SUBJECT - Application December 5, 2003 - request for a waiver of

§§72-01 and 72-22, so that as amended this portion of the resolution shall read: "to permit the extension of the term of the variance for an additional ten (10) years from May 23, 2003 expiring on May 23, 2013; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 24, 2004"- (3) sheets; 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 the above conditions and all conditions from prior resolutions under the subject calendar number shall appear on the certificate of occupancy;**

**THAT the open parking layout in the accessory garage for the residential buildings will be as approved by the Department of Buildings;**

**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 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."**

**(DOB # 401604910)**

**Adopted by the Board of Standards and Appeals, March 9, 2004.**

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**628-39-BZ**

APPLICANT - Rothkrug, Rothkrug Weinberg & Spector, for R-9-2 Inc., owner; D2 Developers Inc., lessee.

SUBJECT - Application October 10, 2003 - reopening for an extension of term of variance which expired December 12, 2003.

PREMISES AFFECTED - 1531/41 Plimpton Avenue, northwest corner of Plimpton Avenue and Featherbed Lane, Block 2875, Lots 51 and 56, Borough of The Bronx.

**COMMUNITY BOARD #5BX**

APPEARANCES -

For Applicant: Simon H. Rothkrug.

**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 10 A.M., for decision, hearing closed.**

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the Rules of Practice and Procedure, reopening for an extension of term of variance which expired September 14, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 1249-1265 Sutter Avenue, northside

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# MINUTES

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blockfront from Euclid Avenue to Doscher Street, Block 4249, Lots 55 and 59, Borough of Brooklyn.

**COMMUNITY BOARD #5BK**

APPEARANCES -

For Applicant: John Ronan.

For Opposition: James Tillman.

**ACTION OF THE BOARD** - Laid over to May 11, 2004, at 10 A.M., for continued hearing.

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**973-57-BZ**

APPLICANT - Sheldon Lobel, P.C., for Bill Wolf Petroleum Corp., owner.

SUBJECT - Application October 16, 2003 - reopening for an extension of term of variance which expired October 28, 2003.

PREMISES AFFECTED - 60-04 Metropolitan Avenue on the southwest corner of 60th Street, Block 3492, Lot 45, Borough of Manhattan.

**COMMUNITY BOARD #5M**

APPEARANCES -

For Applicant: Jordan Most.

**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 10 A.M., for decision, hearing closed.

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**1068-64-BZ**

APPLICANT - Alfonse Duarte, P.E., for NWRE 202 Corp., owner; Xiaomeng Li, lessee.

SUBJECT - Application November 13, 2003 - request for a rehearing.

PREMISES AFFECTED - 202-01 Northern Boulevard, northeast corner of 202nd Street, Block 6263, Lot 29, Borough of Queens.

**COMMUNITY BOARD #11Q**

APPEARANCES -

For Applicant: Alfonso Duarte.

**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 without date, at 10 A.M., for decision, hearing closed.

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**234-98-BZ**

APPLICANT - Walter T. Gorman, P.E., for Jose Vasquez, owner; Harlem Hand Carwash, lessee.

SUBJECT - Application November 18, 2003 - reopening for an extension of time to complete construction which expires on November 23, 2003.

PREMISES AFFECTED - 2600-2614 Adam Clayton Powell Jr.

**198-66-BZ**

APPLICANT - Eric Palatnik, P.C., for 300 East 74 Owners Corp., owner.

SUBJECT - Application December 16, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 300 East 74<sup>th</sup> Street, southeast corner of 2<sup>nd</sup> Avenue and East 74<sup>th</sup> Street, Block 1448, Lot 3, Borough of Manhattan.

**COMMUNITY BOARD #8M**

APPEARANCES -

For Applicant: Eric Palatnik, Bill Mamian and Khalid Mohammad.

**ACTION OF THE BOARD** - Laid over to May 25, 2004, at 10 A.M., for continued hearing.

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**400-70-BZ**

APPLICANT - Sheldon Lobel, P.C., for Amerada Hess Corporation, owner.

SUBJECT - Application November 7, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 134-07 Cross Bay Boulevard (formerly 134-15 Croo Bay Boulevard) Cross Bay Boulevard at northeast corner of Linden Boulevard, Block 11493, Lots 79 and 87, Borough of Queens.

**COMMUNITY BOARD #10Q**

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 10 A.M., for decision, hearing closed.

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**62-83-BZ, Vol. II**

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Shaya B. Pacific, LLC.

SUBJECT - Reopening for possible rescindment.

PREMISES AFFECTED - 696 Pacific Street, 529/39 Dean Street and 549/59 Dean Street, Block 1128, Lots 16, 18, 37, 65, 68, 70, Borough of Brooklyn.

**COMMUNITY BOARD #8BK**

APPEARANCES -

For Applicant: Chris Wright.

**ACTION OF THE BOARD** - Laid over to May 11, 2004, at 10 A.M., for continued hearing.

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Boulevard, a/k/a 2600-2614 7<sup>th</sup> Avenue, west side of Adam Clayton Powell Jr. Boulevard, blockfront from W. 150<sup>th</sup> Street to W. 151<sup>st</sup> Street, Block 2036, Lot 29, Borough of Manhattan.

**COMMUNITY BOARD #10M**

APPEARANCES -

For Applicant: John Ronan.

**ACTION OF THE BOARD** - Laid over to April 27, 2004,

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# MINUTES

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at 10 A.M., for continued hearing.

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## 269-98-BZ

APPLICANT - Mothiur Rahman, for Mothiur Rahman, owner.  
SUBJECT - Application December 9, 2003 - reopening for an extension of time to obtain a Certificate of Occupancy.  
PREMISES AFFECTED - 70 East 184<sup>th</sup> Street, a/k/a 2363 Morris Avenue, south side of East of East 184<sup>th</sup> Street, corner formed by the intersection of Morris Avenue, Block 3183, Lot 42, Borough of The Bronx.

## COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Mothiur Rahman.

**ACTION OF THE BOARD** - Laid over to March 20, 2004, at 10 A.M., for continued hearing.

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## 263-01-BZ

APPLICANT - Francis R. Angelino, Esq., for Lee & Wythe Realty Corp., owner; 85-101 North Third Street Associates, Inc., Lessee.  
SUBJECT - Application January 7, 2004 - reopening for an extension of time to obtain a Certificate of Occupancy which expired on January 7, 2003.

PREMISES AFFECTED - 85-101 N. 3<sup>rd</sup> Street, northeast corner of intersection of North 3<sup>rd</sup> Street and Whythe Avenue, Block 2350, Lot 1, Borough of Brooklyn.

## COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Francis R. Angelino.

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

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## 279-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Magen David Yeshivah, owner.

SUBJECT - Application December 8, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 2106-2130 McDonald Avenue, through lot with frontage on Lake Street and McDonald Avenue, between Avenue S & T, Block 7087, Lots 14, 22, 24, 73, 76, Borough of Brooklyn.

## 235-01-BZ

APPLICANT - Rothkrug & Rothkrug for Mermaid Commons, LLC, owner; Coney Island Memorial Chapel, Inc., lessee.

SUBJECT - Application July 10, 2001 - reopening for a rehearing for reconsideration.

PREMISES AFFECTED - 2009 Mermaid Avenue, a/k/a 2879 West 21<sup>st</sup> Street, a/k/a 2882 West 20<sup>th</sup> Street, northwest corner of West 20<sup>th</sup> Street and Mermaid Avenue, Block 7018, Lot 42 (Tentatively), Borough of Brooklyn.

## COMMUNITY BOARD #13BK

## COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Barbara Hair.

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

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## 32-02-BZ

APPLICANT - Martyn & Don Weston, for Winchester Realty Group, LLC, owner.

SUBJECT - Application December 12, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 176-182 Johnson Street, southwest corner of 92-102 Prince Street, Block 2049, Lot 15, Borough of Brooklyn.

## COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Don Weston.

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

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## 193-03-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Park and Kent Associates, Inc.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 824-834 Kent Avenue, south side of Park Avenue, east of Taafee Place, Block 1897, Lot 31, Borough of Brooklyn.

## COMMUNITY BOARD #3BK

APPEARANCES -

For Favor: Jim Plotkin.

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

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APPEARANCES

For Applicant: Simon Rothkrug.

**ACTION OF THE BOARD** - Technical amendment, see corrected resolution.

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## 91-03-A

APPLICANT - Paul Gregory, R.A., for 349 Broadway Group LP, owner.

SUBJECT - Application March 21, 2003 - Proposed increase in the

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# MINUTES

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number of loft dwelling units in an existing nine story mixed use building, must comply with Local Law 10/99 regarding sprinklers.  
PREMISES AFFECTED - 349 Broadway, a/k/a 93 Leonard Street, northwest corner, Block 174, Lot 37, Borough of Manhattan.

**COMMUNITY BOARD #1M**

APPEARANCES -

For Opposition: John Yacovone, Fire Department.

For Administration: Janine A. Gaylard, Department of Buildings.

**ACTION OF THE BOARD** - Application withdrawn.

**THE VOTE TO WITHDRAW -**

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

**Negative:.....0**

Adopted by the Board of Standards and Appeals, March 9, 2004.

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**45-03-A thru 64-03-A**

APPLICANT - Robert E. Englert, A.I.A., for Sleepy Hollow Development Corp., owner.

35 Hall Avenue, north side, 200.62' west of Willowbrook Road, Block 2091, Lot 66, Borough of Staten Island.

31 Hall Avenue, north side, 267.12' west of Willowbrook Road, Block 2091, Lot 65, Borough of Staten Island.

29 Hall Avenue, north side, 143.62' west of Willowbrook Road, Block 2091, Lot 63, Borough of Staten Island.

**COMMUNITY BOARD #2SI**

APPEARANCES -

For Applicant: Robert E. Englert.

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

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*Pasquale Pacifico, Executive Director.*

Adjourned: 11:30 A.M.

**REGULAR MEETING  
TUESDAY AFTERNOON, MARCH 9, 2004**

SUBJECT - Application February 10, 2003 - Proposed two family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED -

69 Hall Avenue, north side, 595.62' west of Willowbrook Road, Block 2091, Lot 85, Borough of Staten Island.

67 Hall Avenue, north side, 570.62' west of Willowbrook Road, Block 2091, Lot 80, Borough of Staten Island.

65 Hall Avenue, north side, 545.62' west of Willowbrook Road, Block 2091, Lot 79, Borough of Staten Island.

63 Hall Avenue, north side, 520.62' west of Willowbrook Road, Block 2091, Lot 78, Borough of Staten Island.

61 Hall Avenue, north side, 495.62' west of Willowbrook Road, Block 2091, Lot 77, Borough of Staten Island.

59 Hall Avenue, north side, 465.62' west of Willowbrook Road, Block 2091, Lot 76, Borough of Staten Island.

55 Hall Avenue, north side, 435.62' west of Willowbrook Road, Block 2091, Lot 75, Borough of Staten Island.

53 Hall Avenue, north side, 410.62' west of Willowbrook Road, Block 2091, Lot 74, Borough of Staten Island.

51 Hall Avenue, north side, 385.62' west of Willowbrook Road, Block 2091, Lot 73, Borough of Staten Island.

49 Hall Avenue, north side, 355.62' west of Willowbrook Road, Block 2091, Lot 72, Borough of Staten Island.

45 Hall Avenue, north side, 325.62' west of Willowbrook Road, Block 2091, Lot 71, Borough of Staten Island.

43 Hall Avenue, north side, 300.62' west of Willowbrook Road, Block 2091, Lot 70, Borough of Staten Island.

41 Hall Avenue, north side, 275.62' west of Willowbrook Road, Block 2091, Lot 69, Borough of Staten Island.

39 Hall Avenue, north side, 250.62' west of Willowbrook Road, Block 2091, Lot 68, Borough of Staten Island.

37 Hall Avenue, north side, 225.62' west of Willowbrook Road, Block 2091, Lot 67, Borough of Staten Island.

**2:00 P.M.**

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

**ZONING CALENDAR**

**360-02-BZ**

**CEQR #03-BSA-100K**

APPLICANT - Law offices of Howard Goldman, PLLC, for S & Y Enterprises, LLC, owner.

SUBJECT - Application December 13, 2002 - under Z.R. §72-21 to permit the proposed conversion and enlargement of an existing warehouse, into a residential building with 83 units and 41 parking spaces, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 130 North Fourth Street, between Berry Street and Bedford Avenue, Block 2351, Lot 6, Borough of Brooklyn.

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# MINUTES

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## COMMUNITY BOARD #1BK

### APPEARANCES -

For Applicant: Chris Wright.

### ACTION OF THE BOARD - Application granted on condition.

### THE VOTE TO GRANT -

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

Negative:.....0

### THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 14, 2002, acting on Application No. 301395078, reads:

“Proposed conversion of the building into residential dwellings is not permitted in a manufacturing district as per Section 42-00 of the Zoning Resolution.”; and

WHEREAS, a public hearing was held on this application on June 17, 2003 after due notice by publication in *The City Record*, with continued hearings on August 5, 2003, September 30, 2003, October 21, 2003, and October 28, 2003; with a deferred decision date on November 18, 2003; the hearing was continued on December 16, 2003, February 3, 2004 and February 24, 2004; and then to March 9, 2004 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21 to permit the conversion and enlargement of an existing vacant one-story with mezzanine warehouse into a three-story residential building (two full stories and one partial) with 53 units and 31 parking spaces, and 64,000 square feet of total

WHEREAS, the applicant asserts that the building has a deficient amount of loading docks, and that one of the loading docks is obsolete and possesses inadequate capacity for modern manufacturing concerns; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

WHEREAS, the applicant states that the area is mixed-use, containing residential, manufacturing and commercial uses, and that the subject site borders residential neighborhoods on the south, and is directly across the street from a row of multiple dwellings; and

WHEREAS, the applicant will provide a courtyard in the building that will provide sufficient light and air to the prospective tenants; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

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

WHEREAS, the Board finds that the variance is the

floor area, within a M1-2 zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, the applicant originally proposed a building with 83 dwelling units and 41 parking spaces, and requested a bulk variance to two full floors to the existing building, for a total floor area of 87,312 square feet; and

WHEREAS, in response to concerns expressed by the Board as to the requested bulk variance, the applicant modified the proposal over the course of the public hearing process; the scope of the conversion is now limited primarily to the envelope of the existing building; the conversion entails the creation of a second floor within the existing building, and the enlargement is limited to a penthouse floor set back, thus minimizing the impact on the context of the street; and the Floor Area Ratio of the conversion does not exceed what is permitted in an M1-2 zoning district; and

WHEREAS, the subject zoning lot is 32,000 square feet, situated on North 4<sup>th</sup> Street, between Berry Street and Bedford Avenue, and is entirely within the Bedford North Third Street Urban Renewal Area; and

WHEREAS, by letter dated October 17, 2003, the applicant states that it will pursue approval of an Urban Renewal Plan amendment, as well as a land disposition action, with the NYC Department of Housing and Preservation, in order to permit the residential use of the subject premises; and

WHEREAS, the applicant represents that the subject zoning lot has an irregular L-shaped configuration that creates irregular floor plates between the Berry Street and Bedford Avenue sides of the buildings; and

minimum variance necessary to afford 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 above, to permit the conversion and enlargement of an existing vacant one-story with mezzanine warehouse into a three-story residential building (two full stories and one partial) with 53 units and 31 parking spaces, and 64,000 square feet of total floor area, within a M1-2 zoning district, which is contrary to Z.R. §42-00, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received February 10, 2004”- (12) sheets, and “Received

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March 2, 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 any retail uses at the premises will comply with Local Law 10/87 and the Americans with Disabilities Act;

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

THAT, prior to obtaining a building permit from the Department of Buildings, the applicant will obtain approval from the NYC Department of Housing and Preservation for an amendment to the Bedford North Third Street Urban Renewal Plan and approval of a land disposition;

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

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  
THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 11, 2002 and updated February 4, 2003, acting on Department of Buildings Application No. 301361130, reads: "Proposed residential use/community facility-school are not permitted in M1-2 zone as per Zoning Resolution section 42-00"; and

WHEREAS, a public hearing was held on this application on October 7, 2003 after due notice by publication in the City Record; with continued hearings on November 18, 2003, December 16, 2003, January 13, 2004, February 10, 2004, and February 24, 2004; and then to decision on March 9, 2004; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of one 3-story with cellar multiple dwelling, with 36 dwelling units and 35,154 square feet of floor area, located within an M1-2 zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, the applicant notes that the original proposal before the Board was for the construction of two multiple

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 9, 2004.

80-03-BZ

CEQR #03-BSA-146X

APPLICANT - Fredrick A. Becker, Esq., for C & L Pioneer Enterprises LLC, owner.

SUBJECT - Application March 4, 2003 - under Z.R. §72-21 to permit the proposed construction of two multi-story multiple dwellings, also the use of a community facility (school), in one of the buildings, Use Groups 2 and 4, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 602 39<sup>th</sup> Street, southeast corner of Sixth Avenue, Block 914, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Application granted on condition.

dwellings, one with four stories and one with six stories, with a total 56 dwelling units and 59,000 square feet of floor area; one of the dwellings also would have contained a community facility use; but that over the course of the public hearing process, due to Board and community concerns and developer decisions, the scope of the project has been reduced; and

WHEREAS, the subject premises is situated on the southeast corner of 39<sup>th</sup> Street and 6<sup>th</sup> Avenue, has a total lot area of 22,500 square feet, is mapped within an M1-2 zoning district, and is currently occupied by a gasoline service station no longer in use, with garages for approximately 41 automobiles; and

WHEREAS, the applicant states that the existing gas station use was discontinued because it could not operate profitably; and

WHEREAS, the applicant represents that the proposal also includes on-site parking for 18 vehicles; and

WHEREAS, the applicant represents 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 configuration of the site for gas station use makes conversion of the lot to a conforming use impractical given that there is no existing structure for other uses to occupy; and the costs involved with tank removal; and

WHEREAS, the Board notes that the lot has been historically developed as a gas station, and there are no existing buildings on the lot suitable for a conforming use to

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# MINUTES

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occupy; and

WHEREAS, the Board finds that the unique conditions mentioned above, namely, the increased costs of development due to tank removal and the historical development of the subject lot as a gas station, when considered in the aggregate, create practical difficulties and unnecessary hardships in developing the site in strict conformity with current zoning; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the entire premises with a conforming use would not yield the owner a reasonable return; and

WHEREAS, based upon its review of the record, 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 immediate area has a significant amount of residential uses, including the majority of structures located on the southerly side of the 39<sup>th</sup> Street block front between 6<sup>th</sup> and 7<sup>th</sup> Avenue, to the east of the subject premises; and

WHEREAS, the applicant further states that the façade

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement. *Resolved, that the Board find that the applicant has not demonstrated a negative impact to the objection cited, to permit the proposed construction of one 3-story with cellar multiple dwelling, with 36 dwelling units, located within an M1-2 zoning district, which is contrary to Z.R. '42-00; on condition that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received February 11, 2004" -(8) sheets and "Received March 2, 2004"-(7) sheets and on further condition:*

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 above conditions shall be noted in the Certificate of Occupancy;

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

THAT substantial construction will 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

Adopted by the Board of Standards and Appeals, March 9, 2004.

and height of the building have been designed to be contextual with the adjacent and nearby structures; and

WHEREAS, the Board notes that in the immediate vicinity of the site there are three and four story buildings; and

WHEREAS, based on the above, the Board finds the subject application, if granted, 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 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

243-03-BZ  
CEQR #04-BSA-013M

THE BOARD OF STANDARDS AND APPEALS ISSUES A NEGATIVE DECLARATION owner.

SUBJECT - Application July 16, 2003 - under Z.R. §11-412 to permit the reestablishment of a previous variance granted by the Board, Under Cal. No. 8-78-BZ, which permitted a gasoline service station with accessory uses, Use Group 16, on a site that is divided by an R7-2 and C8-3 district boundary, also the conversion of a portion of the building to an accessory convenient store, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 2420 Amsterdam Avenue, between West 180<sup>th</sup> and West 181<sup>st</sup> Streets, Block 2152, Lots 77 and 83, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Janice Cahalane.

THE ACTION OF BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5  
Negative:.....0

THE RESOLUTION -

WHEREAS, the Board of Standards and Appeals, acting on Department of Buildings Alt. 1 Application No. 103311925, reads:

“Proposed automotive service station with accessory convenience store in residential zone R7-2 is

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# MINUTES

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contrary to ZR Sec 22-10”; and

WHEREAS, a public hearing was held on this application on November 5, 2003 after due notice by publication in the *City Record*, laid over to November 25, 2003, January 6, 2004, January 27, 2004, and then to March 9, 2004 for decision; and

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

WHEREAS, this is an application under Z.R. §11-412, on a site previously before the Board, to permit the reestablishment of a previously granted variance allowing a gasoline service station with accessory uses, and to permit the

WHEREAS, most recently, on January 16, 1990, under calendar number 8-78-BZ, the Board granted an application to waive the rules of practice and procedure and to reopen and amend the resolution to extend the term of the variance for ten (10) years from October 17, 1988; and

WHEREAS, the subject site is a 32,925 square foot through lot that fronts on Amsterdam Avenue and 181<sup>st</sup> Street, and is currently improved with a 5,752 square foot building containing an office, sales and attendant area, two service rooms, an employee locker room and bathrooms; and

WHEREAS, the most recent Certificate of Occupancy, issued on March 2, 1990, lists the use of the site as a “gasoline service station, lubricatorium, storage of more than five motor vehicles awaiting service on vacant portion of the premises, offices, storage, employees toilet and locker room”; and

WHEREAS, the applicant seeks to convert the office, sales and attendant area into a 1,098 square feet accessory convenience store; and

WHEREAS, the record indicates that the automotive service/repair/lubricatorium use has been continuous since 1936; and

WHEREAS, the record indicates that the instant proposal does not increase the size of the subject zoning lot and that all activity is contained on the zoning lot as originally approved by the Board; and

WHEREAS, the record indicates that the continued use of the site as an automotive service establishment with accessory sales and lubricatorium will not impair the essential character or future use of development of the area, because the essential character of the area within the vicinity of the subject site is more commercial than residential, as evidenced by the numerous commercial uses in the vicinity; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §11-412; and

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

WHEREAS, the evidence demonstrates no foreseeable

conversion of a portion of the existing building to an accessory convenience store, on a lot partially within an R7-2 zoning districts and partially within a C8-3 zoning district, which is contrary to Z.R. §22-10; and

WHEREAS, on July 2, 1935, under Calendar Number 556-26-BZ, the Board permitted the erection and maintenance of a gasoline service station for a term of 5 years, in a former business use district; and

WHEREAS, since the original grant in 1935, the Board has granted several extensions of term and amendments under calendar numbers 556-26-BZ, 240-38-BZ, 8-78-BZ, and 314-82-A; and

significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

*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. §11-412, on a site previously before the Board, to permit in R7-2 and C8-3 zoning districts, the reestablishment of a variance granted by the board, permitting a gasoline service station with accessory uses, and to permit the conversion of a portion of the building to an accessory convenience store, which is contrary to Z.R. §22-10; *on condition* that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked “Received January 9, 2004” -(3) sheets and “July 16, 2003”-(4) sheets; and *on further condition*;

THAT the term of the variance shall be limited to ten (10) years from October 17, 1998, expiring on October 17, 2008;

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 the above conditions shall appear on the certificate of occupancy;

THAT all applicable fire safety measure will be complied with;

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

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Certificate of Occupancy be obtained in accordance with Z.R. §73-70.

Adopted by the Board of Standards and Appeals, March 9, 2004.

**289-03-BZ**

**CEQR #04-BSA-040K**

APPLICANT - Sheldon Lobel, P.C., for Aldo Paronich, owner.  
SUBJECT - Application August 29, 2003 - under Z.R. §73-53 to  
**ACTION OF THE BOARD - Application granted on condition.  
THE VOTE TO GRANT -**

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

Negative:.....0

**THE RESOLUTION -**

WHEREAS, the decision of the Borough Commissioner, dated August 26, 2003, acting on Department of Buildings Application No. 301391802, reads:

“THE PROPOSED LEGALIZATION OF A BUILDING, THEREBY RESULTING IN AN F.A.R. GREATER THAN 1.0 IN AN M1-1 DISTRICT IS CONTRARY TO 43-12.”; and

WHEREAS, a public hearing was held on this application on December 9, 2003, laid over to January 27, 2003 and then to March 9, 2004 for decision; and

WHEREAS, on November 12, 2003, Community Board 1, Brooklyn, unanimously recommended approval of this application; and

WHEREAS, a special permit is sought under Z.R. §§73-03 and 73-53 to permit the legalization of an existing contractors establishment, Use Group 16, located in an M1-1 zoning district, which is currently overbuilt by approximately 21% of the permitted floor area ratio of 1.0, and is therefore contrary to Z.R. §43-12; and

WHEREAS, the subject zoning lot is located on the southeasterly corner of Morgan Street and Frost Street, is 5,000 square feet in area and is currently improved with a one story and mezzanine building with 6,057 of floor area, which is overbuilt by 1,057 square feet (21%); 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 16, 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 M1-1 zoning district; and

permit the legalization of an existing contractors establishment, Use Group 16, located in an M1-1 zoning district, which is currently overbuilt by approximately 21% of the permitted floor area ratio of 1.0, and is therefore contrary to Z.R. §43-12.

PREMISES AFFECTED - 440 Morgan Avenue, southeast corner of Frost Street, Block 2869, Lot 5, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

APPEARANCES -

For Applicant: Janice Cahalane.

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 to be legalized is 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

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 because the required parking would be seven (7) spaces which is less than the 15 and therefore may be waived pursuant to §44-23; 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 negative declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-53

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and 73-03 to permit the legalization of an existing contractors establishment, Use Group 16, located in an M1-1 zoning district, which is currently overbuilt by approximately 21% of the permitted floor area ratio of 1.0, and is therefore contrary to Z.R. §43-12, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received August 29, 2003” -(3) sheets and “December 30, 2003”-(1) sheet; and *on further condition*;

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 9, 2004.

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## 333-03-BZ

### CEQR #04-BSA-068K

APPLICANT - Rampulla Associates, Architects, for Cobra Realty, Inc., owner; Wyckoff Heights Medical Center; lessee.

SUBJECT - Application October 29, 2003 - under Z.R. §72-21 to permit the reestablishment of a variance previously granted under BSA Calendar no. 18-77-BZ, which permitted a 40 car parking lot in an R6 zoning district.

PREMISES AFFECTED - 371 Stockholm Street, between Wyckoff and St. Nicholas Avenues, Block 3249, Lot 35, Borough of Brooklyn.

### COMMUNITY BOARD #4BK

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

### THE VOTE TO GRANT -

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

Negative:.....0

### THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 2, 2003, acting on Department of Buildings Application No. 301571243, reads:

“Proposed public parking lot not permitted in an R-6 zoning district as per Zoning Resolutions section 22-11 to 22-14”; and

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;

WHEREAS, a public hearing was held on this application on February 10, 2004 after due notice by publication in the City Record, and then laid over to March 9, 2004 for decision; and WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board; and

WHEREAS, this is an application under Z.R. §72-21, to permit the reestablishment of a variance previously granted under BSA Calendar no. 18-77-BZ, which permitted a 40 car parking lot in an R6 zoning district; and

WHEREAS, the applicant notes that the original grant was for a five year term, which expired in 1982, but that the parking lot use has continued since that date; and

WHEREAS, the subject premises is situated on Stockholm Street between Wyckoff Avenue and St. Nicholas Avenue, has a total lot area of 8,000 square feet, is located within an R6 zoning district, and is currently occupied by a parking lot with an accessory attendant’s booth; and

WHEREAS, the applicant states that the parking lot provides off street parking spaces for the Wyckoff Heights Medical Center (“WHMC”), a not for profit entity, located across the street from the subject premises; and

WHEREAS, the applicant also states that WHMC has experienced rapid growth and its parking needs have increased as a result; and

WHEREAS, the applicant claims that the subject lot is necessary to meet WHMC’s increased parking needs, especially in light of the on-street timed no-parking zones for trash pick up and street cleaning on streets surrounding WHMC, which lead to employees having to move their vehicles during the day, thereby increasing traffic and parking congestion, as well as interrupting WHMC’s outpatient service provision; and

WHEREAS, the applicant represents that the above programmatic concerns, when considered in conjunction with the on-street parking regulations, constitute unique physical conditions which create practical difficulties and unnecessary hardships in developing or using the subject lot in conformity with underlying district regulations; and

WHEREAS, the Board finds that the unique conditions mentioned above, when considered in the aggregate, create practical difficulties and unnecessary hardships in developing or using the site in strict conformity with current zoning; and

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WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the variance will be in furtherance of its programmatic needs; and

WHEREAS, the applicant states that the immediate area

WHEREAS, based on the above, the Board finds the subject application, if granted, 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 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 the reestablishment of a variance previously granted under BSA Calendar no. 18-77-BZ, which permitted a 40 car parking lot in an R6 zoning district; *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application, marked "October 29, 2003"-(1) sheet; and *on further condition*:

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 number of cars parked shall not exceed 40;

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

THAT the layout of the parking lot shall be as approved by the Department of Buildings;

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

contains other community facility uses near the subject site, and that the parking lot has been in existence for the past 26 years, and has become an integral part of the immediate vicinity without any adverse impacts; and 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 9, 2004.

382-03-BZ

CEQR #DASNY-03-1M

APPLICANT - Raymond H. Levin, Esq., for 406 Realty, LLC, owner; FIT Student Housing Corporation, lessee.

SUBJECT - Application December 8, 2003 - under Z.R. §72-21 to permit the proposed conversion of a fifteen-story with cellar and basement manufacturing loft building to Dormitory Use (UG 3A), which is contrary to Z.R. §42-12.

PREMISES AFFECTED - 406 West 31<sup>st</sup> Street, south side, between Ninth and Tenth Avenues, Block 728, Lot 42, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Jerry Johnson.

**ACTION OF THE BOARD - Application granted on condition.**

**THE VOTE TO GRANT -**

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

Negative:.....0

**THE RESOLUTION -**

WHEREAS, the decision of the Borough Commissioner, dated November 7, 2003, acting on Department of Buildings Application No. 103586193, reads:

"The proposed conversion to a dormitory (Use Group 3A) in an M1-5 zoning district is contrary to ZR 42-12, not permitted."; and

WHEREAS, a public hearing was held on this application on February 10, 2004 after due notice by publication in the City Record, and then laid over to March 9, 2004 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed conversion of a fifteen-story with cellar and basement manufacturing loft building to Dormitory Use (UG 3A), which is contrary to Z.R. §42-12; and

WHEREAS, the subject premises is situated on the south side of West 31<sup>st</sup> Street between Ninth and Tenth avenues and

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has a total lot area of 23,916 square feet, is located within an M1-5 zoning district, and is currently occupied by a fifteen story, partially occupied building with 299,334 square feet of floor area; and

WHEREAS, the applicant states that the premises was historically developed as a manufacturing loft building and contained various manufacturing and printing establishments, but now contains general office uses on only two out of the fifteen floors; and

WHEREAS, the applicant represents that the proposed converted building would be used by the Fashion Institute of Technology Student Housing Corporation (“FIT SHC”) as accommodations for approximately 1,200 students, with accessory services such as a fitness center and laundry facilities; and

WHEREAS, the building is in proximity to the Fashion Institute of Technology’s (“FIT”) primary campus on West 27<sup>th</sup> Street; and

WHEREAS, the applicant represents that the following are unique physical conditions, which create practical difficulties and unnecessary hardships in using the building in conformity with underlying district regulations: the building’s large size; the irregular shape of the lot; the history of the building’s development and use; its location distant from mass transit and other local services, as well as its location in relation to an access road to the Lincoln Tunnel; and the building’s unfinished and non-upgraded interior space; and

WHEREAS, the applicant claims that the above conditions have led to difficulty in attracting conforming tenants and a significant vacancy rate within the building; and

WHEREAS, the applicant represents that FIT is faced with programmatic needs that are well-served by the proposed conversion of the building, namely: the proximity of the building to the FIT main campus allows easy access for the prospective student residents; the provision of over 1,100 beds doubles FIT’s inventory of available beds in one development project; the size of the building allows for the inclusion of accessory support services for the dormers; and the building’s dimensions and column spacing provide an ideal floor plate for conversion to a residence hall, maximizing the number of rooms possible and making for an efficient building; and

WHEREAS, the Board finds that the unique conditions mentioned above, when considered in the aggregate and in conjunction with the programmatic needs of FIT, create practical difficulties and unnecessary hardships in developing the site in strict conformity with current zoning; and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the proposed conversion will be in furtherance of its programmatic needs; and

WHEREAS, the applicant states that the immediate area is currently characterized by large institutional uses such as

WHEREAS, the applicant states that the subject lot is irregularly shaped, extending to a depth of between 10 feet on the east side of the lot and 85 feet on the west side; and

the US Postal Service and Pennsylvania Station, and is surrounded by access road to the Lincoln Tunnel; and

WHEREAS, the applicant further states that residential uses are located adjacent to the site along West 31<sup>st</sup> Street, and that a mixed-use district with various mixed-use developments exists east of Ninth Avenue; and

WHEREAS, the applicant represents that no negative impact is anticipated due to the proposed conversion; rather, the proposed conversion will provide a residential link between the residential uses west of the site with the mixed-use neighborhoods to the east, and, through the addition of the student residents, provide life and activity on a typically empty street; and

WHEREAS, the applicant represents that a synopsis of all fire safety measures applicable to the proposed dormitory use will be incorporated into the plans for the proposed building; and

WHEREAS, in response to the concerns of Community Board 4 regarding noise and air quality impacts from the Lincoln Tunnel on the project, the applicant states that: no impact is anticipated and that the project has received a Negative Declaration pursuant to the CEQR regulations; that the project incorporates window and wall attenuation measures; and alternate means of ventilation will be provided in the building; and

WHEREAS, in response to the concerns of Community Board 4 regarding development of the adjacent lot and potential impact on light and air for the proposed dormitory, that applicant states that: a 22 feet light and air easement has been entered into by FIT SHC and the Port Authority for the adjacent lot, which will provide for legal light and air for the subject lot should the adjacent lot be developed; said easement has not been finally approved by the Board of the Port Authority, but the grant herein shall be conditioned upon such approval and submission of the approved easement to the BSA; and

WHEREAS, in response to the concerns of Community Board 4 regarding pedestrian and traffic safety, the applicant states that: FIT has agreed to work with the Community Board on pedestrian safety issues for the surrounding area; and

WHEREAS, based on the above, the Board finds the subject application, if granted, 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

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WHEREAS, this proposal is the minimum necessary to  
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 adopts the Negative Declaration issued by the Dormitory Authority of the State of New York 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 the proposed conversion of a fifteen-story with cellar and basement manufacturing loft building to Dormitory Use (UG 3A), which is contrary to Z.R. §42-12; *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "March 1, 2004"- (12) sheets; and *on further condition*:

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 above conditions shall be noted in the Certificate of Occupancy;

THAT the applicant will submit to the Board within six (6) months from the date of this grant an authorized and executed 22 foot easement between FIT SHC and the Port Authority, providing light and air to the subject lot should the adjacent lot be developed;

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

THAT substantial construction will 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

## 82-03-BZ

APPLICANT - Sullivan Chester & Gardner LLP, for Diamond

afford the owner relief; and  
9, 2004.

## 164-02-BZ

APPLICANT - Stuart A. Klein, Esq, for Marian Begley, owner.  
SUBJECT - Application May 23, 2002 - under Z.R. §72-21 to permit the legalization of an enlargement to an existing two family dwelling, which does not comply with the zoning requirements for side yards, is contrary to Z.R. §23-48(b), §23-48 and §23-461(a).  
PREMISES AFFECTED - 1913 Hobart Avenue, west side, bounded by St. Theresa Avenue to the south and Wilkinson Avenue to the north, Block 4234, Lot 58, Borough of The Bronx.

### COMMUNITY BOARD #10BX

APPEARANCES -

For Applicant: Richard Budd.

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 April 20, 2004, at 1:30 P.M., for decision, hearing closed.

## 222-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Eugene & Francine Simonetti, owner.  
SUBJECT - Application August 5, 2002 - under Z.R. §72-21 to permit the proposed nine family residential development, Use Group 2, located in an R4 zoning district, which exceeds the permitted floor area and number of dwelling units, and provide less than the required parking, which is contrary to Z.R. §23-141b, §23-22 and §25-23.  
PREMISES AFFECTED - 2547 East 12<sup>th</sup> Street, east side, 280' north of Avenue "Z", Block 7433, Lot 159, Borough of Brooklyn.

### COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Adam Rothkrug and Harold Weinberg.

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 April 20, 2004, at 1:30 P.M., for decision, hearing closed.

Street Properties, Inc., owners.

SUBJECT - Application March 5, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing two story building, to

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four stories, and the change of use from manufacturing/ warehouse facility, to mixed use (residential and commercial), located in an M3-1 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED - 51 North 8<sup>th</sup> Street, a/k/a 91 Kent Avenue, northeast corner, Block 2309, Lot 1, Borough of Brooklyn.

## COMMUNITY BOARD #1BK

APPEARANCES - None.

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

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## 142-03-BZ

APPLICANT - George Sirinakis/Phanuel Soba, for Ishamael Miller, owner.

SUBJECT - Application May 1, 2003 - under Z.R. §§11-412 and 11-413, to permit the proposed auto repair shop, Use Group 16, located in a C2-2 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 140-20 Farmers Boulevard, northwest corner of 142<sup>nd</sup> Avenue, Block 12592, Lot 315, Borough of Queens.

## COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Phanuel Soba

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 April 20, 2004, at 1:30 P.M., for decision, hearing closed.

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## 211-03-BZ

APPLICANT - Eric Palatnik, P.C., for Simon Blitz, Contract Vendee.

SUBJECT - Application June 20, 2003 - under Z.R. §72-21 to permit the proposed expansion and also the conversion of an existing warehouse, to residential use, Use Group 2, located in an M1-4(Special LIC District), which does not comply with the zoning requirements for the new use, floor area and total height, is contrary to Z.R. §43-12, §43-43 and §42-10.

PREMISES AFFECTED - 529-535 48<sup>th</sup> Avenue, between Vernon Boulevard and Fifth Street, Block 30, Lot 9, Borough of Queens.

PREMISES AFFECTED - 108-36/50 Queens Boulevard, southeast corner of 71st Road, Block 3257, Lot 1 (formerly 1 and 42), Borough of Queens.

## COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: Joseph P. Morsellino, Francis Pisani, Anthony Colletti, Frank A. Luz, Steve Lin, Peter Pisani, Peter Galletta, Annie Wood and Chuck Liheureux.

**ACTION OF THE BOARD** - Laid over to April 13, 2003, at

## COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Eric Palatnik and Gerrano D. Massaro.

For Opposition: China Marks.

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.

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## 249-03-BZ

APPLICANT - Sheldon Lobel, P.C., for D & J Herms Realty, Inc., owner.

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to permit the proposed four story building, with penthouse and cellar, to contain nine residential units on the second, third and fourth floors, and one commercial unit on the ground floor, on a site that is located in C8-2 zoning district, which does not permit residential use, is contrary to §32-10.

PREMISES AFFECTED - 265 Bedford Avenue, southeast corner of North First Street, Block 2381, Lot 1, Borough of Brooklyn.

## COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: James Esber.

For Administration: John Yacovone, Fire Department.

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

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## 270-03-BZ

APPLICANT - Joseph P. Morsellino, for Cord Meyer Development, LLC, owner.

SUBJECT - Application August 26, 2003 - under Z.R. §72-21 to permit the proposed erection and maintenance of a mixed use building, Use Groups 2 and 6, with less that the required open space, and which exceeds the permitted floor area ratio, located on a site that is divided by two zoning districts (C4-2 and R7-1), is contrary to §35-23, §23-142, §35-33 and §35-32.

1:30 P.M., for continued hearing.

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## 288-03-BZ

APPLICANT - H. Irving Sigman, for Aggressive Realty Corp., owner.

SUBJECT - Application August 29, 2003 - under Z.R. §72-21 to permit the proposed construction of a three story vertical and horizontal enlargement to an existing two story hotel, Use Group 5,

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located in a C2-2 within an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, height and non-complying signs, is contrary to Z.R. §33-121, §33-341, §32-641-643, §32-652 and §32-655.

PREMISES AFFECTED - 109-17 Horace Harding Expressway, northeast corner of Saultell Avenue, Block 1969, Tentative Lot 2, Borough of Queens.

**COMMUNITY BOARD #4Q**

APPEARANCES -

For Applicant: H Irving Sigman and Hiram Monserritz.

For Administration: Battalion Chief Eugene Carty, Fire Department.

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

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**296-03-BZ**

APPLICANT - Moshe M. Friedman, P.E., for Kigsway Realty, LLC, owner.

SUBJECT - Application September 10, 2003 - under Z.R. §72-21 to permit the proposed extension of an existing two story (2) commercial building, Use Group 6, to three stories, located in a C4-3 zoning district, which is in compliance with the NYC Zoning Resolution for the addition, but does not comply with the required parking requirements, as per Z.R. §36-21.

PREMISES AFFECTED - 1619 Kings Highway, a/k/a 1601/1621 Kings Highway and 1639/1651 East 17<sup>th</sup> Street, Block 6779, Lot 22, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

APPEARANCES -

For Applicant: Moshe Friedman.

For Administration: Battalion Chief Eugene Carty, Fire Department.

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

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**303-03-BZ**

APPLICANT - Moshe M. Friedman, P.E., for Leon Farhi, owner.

SUBJECT - Application December 8, 2004 - under Z.R. §72-21 to permit the proposed reconstruction of a four story residential

**340-03-BZ**

APPLICANT - Davidoff & Malito, LLP, by Howard B. Weiss, Esq., for Ramirez Properties, LLC, owner.

SUBJECT - Application November 5, 2003 - under Z.R. §72-21 to permit the proposed nine story mixed use building, commercial and residential (Use Groups 2 and 6), located in an M1-5 zoning district, which does not comply with the zoning requirements for floor area ratio, setback, perimeter wall height, sky exposure plane and open space, is contrary to Z.R. §42-00, §43-12 and §43-42.

PREMISES AFFECTED - 408 Greenwich Street, a/k/a 22/24 Hubert Street, between Laight and Hubert Streets, Block 217,

building, Use Group 2, that had existed at this location and was demolished by the City of New York, which does not comply with the zoning requirements for floor area, lot size, perimeter wall, dwelling units, side yards and parking, is contrary to Z.R. §23-141(a), §23-32, §23-631(d), §23-22, §23-462 and §25-23.

PREMISES AFFECTED - 433 Columbia Street, northeast corner of Columbia Street and West 9<sup>th</sup> Street, Block 534, Lot 4, Borough of Brooklyn.

**COMMUNITY BOARD #6BK**

APPEARANCES - None.

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.

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**306-03-BZ**

APPLICANT - Law Offices of Howard Goldman, LLC, for Kay Water Properties, LLC, owner.

SUBJECT - Application September 29, 2003 - under Z.R. §72-21 to permit the proposed conversion of a four story industrial building, located in an M1-2 zoning district, into a residential dwelling, also the addition of two floors, for a total of 18 loft-style dwelling units, is contrary to Z.R. §§42-00 and 43-00.

PREMISES AFFECTED - 192 Water Street, between Jay and Bridge Streets, Block 41, Lot 11, Borough of Brooklyn.

**COMMUNITY BOARD #2BK**

APPEARANCES -

For Applicant: Emily Simons, Roben B. Cauls.

For Administration: Battalion Chief Eugene Carty, Fire Department.

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

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**Lot 23, Borough of Manhattan.**

**COMMUNITY BOARD #1M**

APPEARANCES -

For Applicant: Howard Weiss.

For Opposition: Alan J. Gerson, Sadie Dyer, Office of Assembly Member, Doris Diether, Richard Hersehlay, Ekkehart Schwarz, Jon Steinberg, Joseph Reidy, Robin Forst, Starr Ockenga, Donald Foest, Amy Poehler, David Reynolds, Richard Dean, Mathias Chouranki and Carole DeSaram.

THE VOTE TO CLOSE HEARING -

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

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Negative: .....0

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

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**354-03-BZ**

APPLICANT - Sheldon Lobel, P.C., for Edelman, Edward & UNED Associates, LLC, owner.

SUBJECT - Application November 18, 2003 - under Z.R. §72-21 to permit the proposed physical culture establishment, in the cellar of a multi-story mixed-use building which sits on property divided by an R8-B and a C6-6/R8-B district boundary, which is contrary to Z.R. §22-10 and §32-10.

PREMISES AFFECTED - 209/15 East 51<sup>st</sup> Street, between Second and Third Avenues, Block 1325, Lot 6, Borough of Manhattan.

**COMMUNITY BOARD #6M**

APPEARANCES -

For Applicant: Janice Calahane and Tod Weinberg.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to March 9, 2004, at 1:30 P.M., for continued hearing.

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**5-04-BZ**

APPLICANT - Bryan Cave, LLP, for Gerard Avenue LLC, c/o American Self Storage Management Associates, Inc. owner.

SUBJECT - Application January 7, 2004 - under Z.R. §73-19 to permit the proposed construction and operation of a school, without sleeping accommodations on the site, Use Group 3, to be located in an M1-2 zoning district, requires a special permit as per Z.R. §73-19.

PREMISES AFFECTED - 595 Gerard Avenue, a/k/a 587/95 River Avenue, between 150<sup>th</sup> and 151<sup>st</sup> Streets, Block 2354, Lot 1, Borough of The Bronx.

**COMMUNITY BOARD #4BX**

APPEARANCES -

For Applicant: Judith Gallent and other.

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 April 13, 2004, at 1:30 P.M., for decision, hearing closed.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 6:00 P.M.

**DISMISSAL CALENDAR  
WEDNESDAY MORNING, MARCH 10, 2004**

**10:00 A.M.**

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

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**327-02-BZ**

APPLICANT - New York City Board of Standards and Appeals.  
OWNER OF PREMISES: Frank Galeano.

SUBJECT - to dismiss the application for lack of prosecution.  
PREMISES AFFECTED - 82 Union Street, south side, 266' west of Columbia Street, east of Van Brunt Street, Block 341, Lot 18, Borough of Brooklyn.

**COMMUNITY BOARD #6BK**

APPEARANCES -

In Favor: Harold Weinberg.

**ACTION OF THE BOARD -** Application withdrawn.

**THE VOTE TO WITHDRAW -**

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

Negative: .....0

Adopted by the Board of Standards and Appeals, March 10, 2004.

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**229-03-BZ**

APPLICANT - New York City Board of Standards and Appeals.  
OWNER OF PREMISES: PIC Legacy Realty, Inc.

SUBJECT - to dismiss the application for lack of prosecution.  
PREMISES AFFECTED - 303 Crystal Avenue, Block 472, Lot 149, Borough of Staten Island.

**COMMUNITY BOARD #1SI**

APPEARANCES -

In Favor: David L. Businelli.

**ACTION OF THE BOARD -** Application withdrawn.

**THE VOTE TO WITHDRAW -**

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

Negative: .....0

Adopted by the Board of Standards and Appeals, March 10, 2004.

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**295-03-BZ**

**COMMUNITY BOARD #1BK**

APPEARANCES -

In Favor: Janice Cahalane.

**ACTION OF THE BOARD -** Application withdrawn.

**THE VOTE TO WITHDRAW -**

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

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Luis Parrales

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 860-862 Castle Hill Avenue/2201 Hermany Avenue, northeast corner of Castle Hill Avenue and Hermany Avenue, Block 3692, Lot 1, Borough of The Bronx.

**COMMUNITY BOARD #9BX**

APPEARANCES - None.

**ACTION OF THE BOARD -** Application dismissed.

**THE VOTE TO DISMISS -**

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

Negative: .....0

Adopted by the Board of Standards and Appeals, March 10, 2004.

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**304-03-BZ**

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Woodlawn Heights Realty

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 4299 Katonah Avenue, fronting on Katonah Avenue between East 236<sup>th</sup> and East 237<sup>th</sup> Streets, Block 3377, Lot 59, Borough of The Bronx.

**COMMUNITY BOARD #12BX**

APPEARANCES - None.

**ACTION OF THE BOARD -** Application withdrawn.

**THE VOTE TO WITHDRAW -**

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

Negative: .....0

Adopted by the Board of Standards and Appeals, March 10, 2004.

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**343-03-BZ**

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Pasquale Pescatore.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 90 Havemeyer Street, fronting on the west side of Havemeyer Street between Hope Street and Metropolitan Avenue, Block 2368, Lot 26, Borough of Brooklyn.

Chin.....5

Negative: .....0

Adopted by the Board of Standards and Appeals, March 10, 2004.

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**722-68-BZ**

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# MINUTES

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APPLICANT - New York City Board of Standards and Appeals.  
OWNER OF PREMISES: Matthew Pines  
SUBJECT - to dismiss the application for lack of prosecution.  
PREMISES AFFECTED - 388-392 Kings Highway, West 3rd Street and Kings Place, Block 6678, Lot 68, Borough of Brooklyn.

**COMMUNITY BOARD #11BK**

APPEARANCES -

In Favor: Irving E. Minkin.

**ACTION OF THE BOARD** - Laid over to May 18, 2004, at 10 A.M., SOC Calendar, for continued hearing.

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**16-99-BZ**

APPLICANT - New York City Board of Standards and Appeals.  
OWNER OF PREMISES: Milton Elbogen.  
SUBJECT - to dismiss the application for lack of prosecution.  
PREMISES AFFECTED - 1116 East 26<sup>th</sup> Street, between Avenue K and Avenue L, Block 7625, Lot 52, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

APPEARANCES -

In Favor: Eric Palatnik.

**ACTION OF THE BOARD** - Laid over to May 11, 2004, at 10 A.M., SOC Calendar, for continued hearing.

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**147-02-BZ**

APPLICANT - New York City Board of Standards and Appeals.  
OWNER OF PREMISES: Joseph Pizzonia  
SUBJECT - to dismiss the application for lack of prosecution.  
PREMISES AFFECTED - 201-06 Hillside Avenue, corner of 201st Street and Hillside Avenue, Block 10495, Lot 52, Borough of Queens.

**COMMUNITY BOARD #12Q**

APPEARANCES -

**358-03-BZ**

APPLICANT - New York City Board of Standards and Appeals.  
OWNER OF PREMISES: Rita Citronenbaum  
SUBJECT - to dismiss the application for lack of prosecution.  
PREMISES AFFECTED - 1651 52<sup>nd</sup> Street, northside 334'-4 west of 17<sup>th</sup> Avenue, between 16<sup>th</sup> and 17<sup>th</sup> Avenues, Block 5466, Lot 69, Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

APPEARANCES -

In Favor: Harold Weinberg.

**ACTION OF THE BOARD** - Laid over to May 11, 2004, at

In Favor: Sandy Anagnostou.

**ACTION OF THE BOARD** - Laid over to May 11, 2004, at 10 A.M., SOC Calendar, for continued hearing.

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**352-02-BZ**

APPLICANT - New York City Board of Standards and Appeals.  
OWNER OF PREMISES: Peter Likourentzos  
SUBJECT - to dismiss the application for lack of prosecution.  
PREMISES AFFECTED - 2801 Emmons Avenue, northeast corner East 28<sup>th</sup> Street to East 29<sup>th</sup> Street, Block 8792, Lot 63, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

APPEARANCES -

In Favor: Harold Weinberg.

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

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**156-03-BZ**

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: RKO Plaza LLC & Farrington Street Developers, LLC.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 135-35 Northern Boulevard, north side of intersection of Main Street and Northern Boulevard, Block 4958, Lots 48 and 38, Borough of Queens.

**COMMUNITY BOARD #7Q**

APPEARANCES -

In Favor: Howard Goldman.

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

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10 A.M., SOC Calendar, for continued hearing.

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## COMPLIANCE CALENDAR

**55-91-BZ**

APPLICANT - The New York City of Standards and Appeals.  
OWNER OF PREMISES: Exxon Company USA and Sue Francy Realty.

SUBJECT - Application - reopening for compliance.

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# MINUTES

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PREMISES AFFECTED - 96-10 Corona Avenue, southeast corner of Junction Boulevard, Block 1878, Lots 1 and 4, Borough of Queens.

**COMMUNITY BOARD #4Q**

APPEARANCES -

In Favor: Hiram A. Rothkrug.

THE VOTE TO WITHDRAW -

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

Negative:.....0

Adopted by the Board of Standards and Appeals, March 10, 2004.

**ACTION OF THE BOARD** - Laid over to April 20, 2004, at 10 A.M., for decision, hearing closed.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 11:30 A.M.

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**705-81-BZ**

APPLICANT - The New York City Board of Standards and Appeals

OWNER OF PREMISES: Fraydun Enterprises.

LESSEE: New York Health and Racquet Club.

SUBJECT - Application - reopening for compliance.

PREMISES AFFECTED - 1433/37 York Avenue, northeast corner of East 76<sup>th</sup> Street, Block 1471, Lots 21, 22 and 23, Borough of Manhattan.

**COMMUNITY BOARD #8M**

APPEARANCES -

In Favor: Jeff Bodner.

In Opposition: Mary Noonan, Ellen Stigman.

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

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**69-03-BZ**

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for Bond Street, LLC, owner.

SUBJECT - Application February 12, 2003 - under Z.R. § 72-21 to permit the proposed development of a 15-story mixed-use building, consisting of residential apartments and local retail usage, located in an M1-5B zoning district, where residential use is not permitted is contrary to Z.R. §42-10.

PREMISES AFFECTED - 32/40 Bond Street, mid-block portion fronting on north side, of Bond Street between Lafayette and the Bowery, Block 530, Lot 48, Borough of Manhattan.

**COMMUNITY BOARD #2M**

APPEARANCES -

In Favor: Shelly Friedman, Mary Clarke and others.

In Opposition: S. Klein.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0