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# BULLETIN

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

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Volume 89, No. 39

September 30, 2004

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### DIRECTORY

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722-68-BZ	388-392 Kings Highway, Brooklyn
221-88-BZ	102-01 66 <sup>th</sup> Road, Queens
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234-98-BZ	2600-2614 Adam Clayton Powell Jr. Boulevard, Manhattan
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**Affecting Calendar Numbers:**

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147-02-BZ	201-06 Hillside Avenue, Queens
208-03-BZ	2555 Shell Road, Brooklyn
221-03-BZ	253/55 West 28 <sup>th</sup> Street, Manhattan
373-03-BZ	293 East 207 <sup>th</sup> Street, The Bronx
388-03-BZ	444 Broadway, Manhattan
142-04-BZ	516 Arbutus Avenue, Staten Island
143-04-BZ	522 Arbutus Avenue, Staten Island
147-04-BZ	459 Carroll Street, Brooklyn
156-04-BZ	9712 Flatlands Avenue, Brooklyn
158-04-BZ	1035 Ocean Parkway, Brooklyn
188-04-BZ	1378 East 28 <sup>th</sup> Street, Brooklyn

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# DOCKETS

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New Case Filed Up to September 21, 2004

**303-04-BZY** B.S.I. 81 Lorrain Avenue, north side, 220' west of Ralph Avenue, Block 6212, Lot 62, Borough of Staten Island. N.B.#500733110. Application to extend time to complete construction for a major development as per Z.R. §11-331.

**304-04-BZY** B.S.I. 85 Lorrain Avenue, north side, 220' west of Ralph Avenue, Block 6212, Lot 61, Borough of Staten Island. N.B.#500733147. Application to extend time to complete construction for a major development as per Z.R. §11-331.

**305-04-BZY** B.S.I. 89 Lorrain Avenue, north side, 220' west of Ralph Avenue, Block 6212, Lot 58, Borough of Staten Island. N.B.#500733165. Application to extend time to complete construction for a major development as per Z.R. §11-331.

**306-04-BZY** B.S.I. 93 Lorrain Avenue, north side, 220' west of Ralph Avenue, Block 6212, Lot 56, Borough of Staten Island. N.B.#500733156. Application to extend time to complete construction for a major development as per Z.R. §11-331.

**307-04-BZY** B.S.I. 88 Jeannette Avenue, south side, 220' east of Ralph and Lorrain Avenues, Block 6212, Lot 26, Borough of Staten Island. N.B.#500733129. Application to extend time to complete construction for a major development as per Z.R. §11-331.

**308-04-BZY** B.S.I. 92 Jeannette Avenue, south side, 220' east of Ralph and Lorrain Avenues, Block 6212, Lot 27, Borough of Staten Island. N.B.#500733138. Application to extend time to complete construction for a major development as per Z.R. §11-331.

**309-04-BZY** B.S.I. 65 North Burgher Avenue, east side, 630.42' south of Richmond Terrace, Block 158, Lot 173, Borough of Staten Island. N.B.#500702402. Application to extend time to complete construction for a major development as per Z.R. §11-331.

**310-04-BZY** B.S.I. 67 North Burgher Avenue, east side, 655.42' south of Richmond Terrace, Block 158, Lot 171, Borough of Staten Island. N.B.#500702395. Application to extend time to complete construction for a major development as per Z.R. §11-331.

**311-04-BZ** B.S.I. 380 Lighthouse Avenue, south side, 579' west of Winsor Avenue, Block 2285, Lots 1 and 45, Borough of Staten Island. Applic.#500733646. Proposed one-family dwelling, located in an R1-2 (NA-1) zoning district, which does not provide the required lot area, requires tree removal, modification of topography and waiver of the front and rear yards requirements, is contrary to Z.R. §105-50, §105-421, §105-423 and §105-432.

**COMMUNITY BOARD #2SI.**

**312-04-A** B.S.I. 14 Letty Court, 185.87' west of Van Name Avenue, Block 1188, Lot 115, Borough of Staten Island. Applic.#500624247. Proposed construction of a three-story, one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

**313-04-A** B.Q. 132-02 Hook Creek Boulevard, southwest corner of 132nd Avenue, Block 12981, Lot 117, Borough of Queens. Applic.#401874126. Proposed enlargement of an existing two story, single family residence, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

**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**

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# CALENDAR

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Department; F.D.-Fire Department.

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# CALENDAR

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**OCTOBER 26, 2004, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, October 26, 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**

### **135-46-BZ**

APPLICANT - Harold Weinberg, P.E., for Leon Rubinfeld, owner.  
SUBJECT - Application January 7, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 29, 2002.

PREMISES AFFECTED - 3802 Avenue U, southeast corner of East 38th Street, between Ryder Avenue and East 38th Street, Block 8755, Lot 37, Borough of Brooklyn.

**COMMUNITY BOARD #18**

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### **813-63-BZ**

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin, LLP, for Selma R. Miller, owner; Central Parking Corporation, lessee.

SUBJECT - Application March 16, 2004 - reopening for an amendment to reflect the existence of 125 parking spaces in accordance with Consumer Affairs License 0914278.

PREMISES AFFECTED - 699/711 West End Avenue, west side of West End Avenue between West 94th and 95th Streets, Block 1253, Lot 21, Borough of Manhattan.

**COMMUNITY BOARD #7**

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### **1046-63-BZ**

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for 61st Street and Park Avenue Corp., d/b/a The Regency Hotel, 540 Park Avenue, owners; Distinctive Parking, LLC, lessee.

SUBJECT - Application August 30, 2004 - reopening for an amendment to the resolution to permit the use of surplus parking spaces for transient parking.

PREMISES AFFECTED - 540 Park Avenue, 35-39 East 61st Street, southeast corner, block bounded by Park and Madison Avenues, East 61st and East 62nd Streets, Block 1376, Lot 36, Borough of Manhattan.

**COMMUNITY BOARD #8**

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the proposed construction of a nine story residential and community facility building, Use Groups 2 and 4, on a narrow vacant lot, encumbered by a massive rock outcropping, in an R8 zoning district, which does not comply with the zoning requirements for height and setback, is contrary to Z.R. §23-692 and §23-62.

PREMISES AFFECTED - 703 West 171st Street, Fort Washington Avenue on the east and Haven Avenue on the west,

### **211-94-BZ**

APPLICANT - The Agusta Group, for Steve Polisenio, Astoria Ice, Inc., owner.

SUBJECT - Application July 26, 2004 - reopening for an extension of term of variance which expired October 24, 2003 and for an amendment to relocate the PCE from the third floor and mezzanine to the 4 story portion of the building to the mezzanine of the one story portion of the building. In addition, a new PCE is proposed at the second floor level which is currently the roof the one story portion of the building.

PREMISES AFFECTED - 34-38 38th Street, thru block between 37th & 38th Streets 115' north of 35th Avenue, Block 645, Lot 10, Borough of Queens.

**COMMUNITY BOARD #1**

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**OCTOBER 26, 2004, 1:30 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, October 26, 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**

### **153-04-BZ**

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Peter Moschovitis, owner.

SUBJECT - Application April 9, 2004 - under Z.R. §72-21 to permit

the proposed two family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirements for front yard, lot width, lot area and minimum dwelling size units, in a detached residence, is contrary to Z.R. §23-222, §23-45 and §23-32.

PREMISES AFFECTED - 2948 Voorhies Avenue, a/k/a 2710 Haring Street, southwest corner, Block 8794, Lot 10, Borough of Brooklyn.

**COMMUNITY BOARD #15**

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### **200-04-BZ**

APPLICANT - David Vandor, for Mr. Frank Renna, President of D'Aprile Development and Leasing, owner.

SUBJECT - Application May 12, 2004 - under Z.R. §72-20 to permit

Block 2139, Lot 199, Borough of Manhattan.

**COMMUNITY BOARD #12**

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### **168-04-BZ**

APPLICANT - Jay A. Segal, Esq., Greenberg Traurig LLP, for Greenwich Triangle 1, LLC, owner.

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# CALENDAR

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SUBJECT - Application April 23, 2004 - under Z.R.§72-21 to permit

the proposed construction of an eight story building, with residential use on its upper seven floors, in an M1-5 zoning district, within the Special Tribeca Mixed Use District, is contrary to Z.R. §111-02.

PREMISES AFFECTED - 500 Canal Street, (a/k/a 471 Greenwich Street), triangle bounded by Canal, Watts and Greenwich Streets, Block 594, Lots 1 and 3, Borough of Manhattan.

**COMMUNITY BOARD #1**

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**200-04-BZ**

APPLICANT - David Vandor, for Mr. Frank Renna, President of D'Aprile Development and Leasing, owner.

SUBJECT - Application May 12, 2004 - under Z.R. §72-20 to permit the proposed construction of a nine story residential and community facility building, Use Groups 2 and 4, on a narrow vacant lot, encumbered by a massive rock outcropping, in an R8 zoning district, which does not comply with the zoning requirements for height and setback, is contrary to Z.R. §23-692 and §23-62.

PREMISES AFFECTED - 703 West 171st Street, Fort Washington Avenue on the east and Haven Avenue on the west, Block 2139, Lot 199, Borough of Manhattan.

**COMMUNITY BOARD #12**

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**228-04-BZ**

APPLICANT - Louis Ari Schwartz, for Louis Ari Schwartz, owner.

SUBJECT - Application September 2, 2004 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, is contrary to Z.R. §23-141(a) and §23-47.

PREMISES AFFECTED - 1400 East 22nd Street, west side, 300' south of Avenue "M", Block 7657, Lot 62, Borough of Brooklyn.

**COMMUNITY BOARD #14**

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*Pasquale Pacifico, Executive Director*

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# MINUTES

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**REGULAR MEETING  
TUESDAY MORNING, SEPTEMBER 21, 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, June 22, 2004, were approved as printed in the Bulletin of July 1, 2004, Volume 89, No. 27.

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**SPECIAL ORDER CALENDAR**

**949-57-BZ**

APPLICANT - Sheldon Lobel, P.C., for Motiva Enterprises, LLC, owner

SUBJECT - Application February 9, 2004 - reopening for an extension of term of variance which expires October 29, 2004 and for an amendment to authorize the legalization of the conversion of the building to an accessory convenience store.

PREMISES AFFECTED - 2100 Williamsbridge Road, northeast corner of Williamsbridge Road and Lydig Avenue, Block 4310, Lot 30, Borough of The Bronx.

**COMMUNITY BOARD #11**

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: John Yacovone.

**ACTION OF THE BOARD** - Laid over to October 19, 2004, at 10 A.M., for continued hearing.

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**40-63-BZ**

APPLICANT - Francis R. Angelino, Esq., for Park Hill Tenants Corp., owner; Majestic Car Park LLC, lessee.

SUBJECT - Application January 12, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which permitted transient parking in the unused and surplus spaces in an existing multiple dwelling accessory garage.

PREMISES AFFECTED - 1199 Park Avenue, northeast corner of East 94th Street, Block 1525, Lot 1, Borough of Manhattan.

**COMMUNITY BOARD #8**

APPEARANCES -

For Applicant: Francis R. Angelino.

For Administration: John Yacovone.

**THE VOTE TO CLOSE HEARING -**

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

Negative:.....0

Not Voting: Commissioner Miele.....1

SUBJECT - Application April 16, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired on December 6, 2003, to allow an open parking on the roof of an accessory parking garage, located in

**ACTION OF THE BOARD** - Laid over to October 19, 2004, at 10 A.M., for decision, hearing closed.

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**1018-65-BZ**

APPLICANT - Sheldon Lobel, P.C., for Colin Development Corp., owner.

SUBJECT - Application June 8, 2004 - reopening for an amendment to the resolution to redevelop the existing gasoline service station and eliminate the automotive service bays and construction of a new convenience store.

PREMISES AFFECTED - 159-04 Cross Bay Boulevard, between 159th and 160th Avenues, Block 14013, Lot 64, Borough of Queens.

**COMMUNITY BOARD #10**

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: John Yacovone.

**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 October 19, 2004, at 10 A.M., for decision, hearing closed.

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**722-68-BZ**

APPLICANT - Sheldon Lobel, P.C., for Matthews Pines, owner; Speedstar Motors, Inc., lessee.

SUBJECT - Application July 30, 2003 - reopening for an amendment to legalize a change of use from wholesale storage and packaging establishment, with an accessory office and loading area (Use Group 16) to automotive repair and sales (Use Group 16) and warehouse (Use Group 16), with accessory offices, located in an R-6 zoning district.

PREMISES AFFECTED - 388-392 Kings Highway, West 3<sup>rd</sup> Street and Kings Place, Block 6678, Lot 68, Borough of Brooklyn.

**COMMUNITY BOARD #11BK**

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: John Yacovone.

**ACTION OF THE BOARD** - Laid over to January 11, 2005, at 10 A.M., for continued hearing.

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**221-88-BZ**

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for North Shore University Hospital, owner; Central Parking System of New York, Inc., lessee.

an R7-1 zoning district.

PREMISES AFFECTED - 102-01 66th Road, 102-14 66th Avenue, 66-06 103rd Street, Block 2131, Part of Lot 16, Borough of Queens.

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# MINUTES

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## COMMUNITY BOARD #6

### APPEARANCES -

For Administration: John Yacovone.

### 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 October 19, 2004, at 10 A.M., for decision, hearing closed.

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## 67-91-BZ

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for HNF Realty LLC, owner; Cumberland Farms, Inc., lessee.

SUBJECT - Application March 16, 2004 and updated June 29, 2004 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 17, 2002 and for an amendment to allow the sale of convenience store items in place of accessory gasoline service station items.

PREMISES AFFECTED - 260-09 Nassau Boulevard, 54-47 to 54-67 Little Neck Parkway, northeast corner of the intersection with Little Neck Parkway, Block 8274, Lots 134, 135, Borough of Queens.

## COMMUNITY BOARD #11

### APPEARANCES -

For Applicant: Juan Reyes.

For Administration: John Yacovone.

### 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 October 19, 2004, 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. 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.

For Administration: John Yacovone.

**ACTION OF THE BOARD** - Laid over to November 9, 2004, at 10 A.M., for continued hearing.

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## 256-01-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Mundream Realty Corp., owner; Hempstead Auto Care, Inc., lessee.

SUBJECT - Application March 4, 2004 - reopening for an amendment to the resolution to permit a one story enlargement to the existing building and new partitions within the salesroom.

PREMISES AFFECTED - 219-06 Hempstead Avenue, southeast corner of 219th Street and Hempstead Avenue, Block 11154, Lot 22, Borough of Queens.

## COMMUNITY BOARD #13

### APPEARANCES -

For Applicant: John Ronan.

For Administration: John Yacovone.

**ACTION OF THE BOARD** - Laid over to October 19, 2004, at 10 A.M., for continued hearing.

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## 263-03-A

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

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

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

## COMMUNITY BOARD #7BK

APPEARANCES - None.

**ACTION OF THE BOARD** - Laid over to October 19, 2004, at 10 A.M., for continued hearing.

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# MINUTES

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## 15-04-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Fred Corona, owner.

SUBJECT - Application January 21, 2004 - Proposed building not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 8 Reynolds Street, south side, 100' west of St. Mary's Avenue, Block 2989, Tentatively Lot 28, Borough of Staten Island.

### COMMUNITY BOARD #1

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: Eileen McLee.

**ACTION OF THE BOARD** - Laid over to October 19, 2004, at 10 A.M., for continued hearing.

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## 25-04-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Michael Picciallo, owner.

SUBJECT - Application February 11, 2004 - Proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 506 Bradford Avenue, south side, 148' south of Drumgoole Road, Block 6946, Lot 36, Borough of Staten Island.

### COMMUNITY BOARD #3

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: Richard Preis.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to December 7, 2004, at 10 A.M., for continued hearing.

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## 26-04-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Michael Picciallo, owner.

SUBJECT - Application February 11, 2004 - Proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 510 Bradford Avenue, south side, 108' south of Drumgoole Road, Block 6946, Lot 38, Borough of Staten Island.

### COMMUNITY BOARD #3

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: Richard Preis.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to December 7, 2004, at 10 A.M., for continued hearing.

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## 213-04-A

APPLICANT - Joseph A. Sherry for Breezy Point Inc., owner; Sheila Schaberich, lessee.

SUBJECT - Application May 25, 2004 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has a private disposal system in the bed of a service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings' Policy.

PREMISES AFFECTED - 40 Queens Walk, west side, 203.23' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

### COMMUNITY BOARD #14

APPEARANCES -

For Applicant: Catherine O'Reilly.

For Administration: John Yacovone, Fire Department.

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 October 19, 2004, at 10 A.M., for decision, hearing closed.

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## 214-04-A

APPLICANT - Joseph A. Sherry for Breezy Point Inc., owner; Gregory Allen, lessee.

SUBJECT - Application May 25, 2004 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, has a private disposal system in the bed of a service road and is located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings' Policy.

PREMISES AFFECTED - 18 Essex Walk, north west corner of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

### COMMUNITY BOARD #14

APPEARANCES -

For Applicant: Catherine O'Reilly.

For Administration: John Yacovone, Fire Department.

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 October 19, 2004, at 10 A.M., for decision, hearing closed.

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# MINUTES

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## 215-04-A

APPLICANT - Joseph A. Sherry for Breezy Point Inc., owner; Michael Behringer, lessee.

SUBJECT - Application May 25, 2004 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has a private disposal system in the bed of a service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings' Policy.

PREMISES AFFECTED - 4 Jamaica Walk, west side, 30' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

### COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

For Administration: John Yacovone, Fire Department.

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 October 19, 2004, at 10 A.M., for decision, hearing closed.

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## 216-04-A

APPLICANT - Joseph A. Sherry for Breezy Point Inc., owner; John Whelan, lessee.

SUBJECT - Application May 25, 2004 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has a private disposal system in the bed of a service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings' Policy.

PREMISES AFFECTED - 14 Essex Walk, west side, 55.80' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

### COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

For Administration: John Yacovone, Fire Department.

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 October 19, 2004, at 10 A.M., for decision, hearing closed.

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## 217-04-A

APPLICANT - Joseph A. Sherry for Breezy Point Inc., owner; Kathryn Byrnes, lessee.

SUBJECT - Application May 25, 2004 - Proposed enlargement of PREMISES AFFECTED - 39 Irving Walk, north side of Breezy Point Boulevard, 518.38' west of Beach 207th Street, Block 16350,

an existing one family dwelling, not fronting on a legally mapped street and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law. PREMISES AFFECTED - 464 Seabreeze Walk, east side, 30.71' east of Rockaway Point Boulevard, Block 16350, Lot 400, Borough of Queens.

### COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

For Administration: John Yacovone, Fire Department.

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 October 19, 2004, at 10 A.M., for decision, hearing closed.

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## 218-04-A

APPLICANT - The Agusta Group, for Tanya Tang, owner.

SUBJECT - Application May 26, 2004 - Proposed construction of a four story and cellar eight family residential building, which is located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 100-23 39th Avenue, north side, between 100 and 102nd Streets, Block 1767, Lot 60, Borough of Queens.

### COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Sol Korman.

For Administration: John Yacovone, Fire Department.

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 October 19, 2004, at 10 A.M., for decision, hearing closed.

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## 221-04-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Laura & Glenn Pfister, owners.

SUBJECT - Application June 2, 2004 - Proposed alteration and enlargement of an existing one family dwelling, located within the bed of a mapped street, and has a private disposal system in the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law and Department of Buildings' Policy.

Lot 400, Borough of Queens.

### COMMUNITY BOARD #3Q

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# MINUTES

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## APPEARANCES -

For Applicant: Gary Lenhart.

For Administration: John Yacovone, Fire Department.

## 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 October 5, 2004, at 10 A.M., for decision, hearing closed.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 11:25 A.M.

## REGULAR MEETING TUESDAY AFTERNOON, SEPTEMBER 21, 2004 2:00 P.M.

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

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## ZONING CALENDAR

### 182-04-BZ

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin, for Chelsea/Village Associates, for Harmic III, LLC, lessee.

SUBJECT - Application April 29, 2004 - under Z.R. §72-21 to permit proposed eating and drinking establishment (comedy theater), Use Group 12, on a zoning lot, split between a C6-2A and R8B zoning district, of which a portion is located in the R8B district, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 351/53 West 14th Street, north side, between Eighth and Ninth Avenues, Block 738, Lot 8, Borough of Manhattan.

### COMMUNITY BOARD #4M

## APPEARANCES -

For Administration: John Yacavone, Fire Department.

**ACTION OF THE BOARD** - Application granted on condition  
**THE VOTE TO REOPEN HEARING -**

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

Negative:.....0

WHEREAS, the ground floor space is approximately 7,915 sq. ft. in size, and includes a 415 sq. ft. mezzanine level; and

WHEREAS, the comedy theater proposal contemplates the addition of 1,345 sq. ft. to the mezzanine level, though the applicant states that this addition is as-of-right; and

WHEREAS, the applicant represents that the following are

## THE VOTE TO CLOSE HEARING -

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

Negative:.....0

## THE VOTE TO GRANT -

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 March 21, 2004, acting on Department of Buildings Application No. 103733925, reads:

"Proposed use group twelve is not permitted as-of-right in portion of zoning lot located in R8B Zoning District. This is contrary to section 22-10 ZR."; and

WHEREAS, a public hearing was held on this application on August 17, 2004 after due notice by publication in the City Record, and then to September 21, 2004 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board, consisting of Chair Srinivasan and Vice-Chair Babbar; and

WHEREAS, Manhattan Community Board 4 recommends approval of this application, with certain conditions agreed to by the applicant and incorporated herein; and

WHEREAS, this is an application under Z.R. §72-21 to permit, on a zoning lot split between C6-2A and R8B zoning districts, and partially within the Gansevoort Market Historic District, an eating and drinking establishment (comedy theater), Use Group 12, on the ground floor of an existing building, in the portion of said building which is within the R8B zoning district, contrary to Z.R. §22-10; and

WHEREAS, the subject zoning lot is a through lot located on the north side of West 14th Street and the south side of West 15th Street, between 8th and 9th Avenues, with a depth of approximately 206.6 feet and frontages of 50 feet along each street; and

WHEREAS, the zoning lot is currently improved with two residential buildings, with addresses of 362/64 West 15th Street and 351/53 West 14th Street (the "subject building"); and

WHEREAS, the record indicates that the subject building has four stories and contains residential use on the upper stories and a ground floor commercial space 150 feet deep, with 103.25 feet (69%) located in the C6-2A district and the remaining 46.75 feet (31%) located in the R8B district; and

WHEREAS, the upper stories are 50' wide and only 47' 7 1/2" deep, and contain a total of 24 apartments; and

WHEREAS, the subject application seeks a use variance for part of the ground floor commercial space of the subject building; and

unique physical conditions which create practical difficulties and unnecessary hardship in complying with underlying district regulations: (1) the narrow width and extended depth of the ground floor; (2) the split zoning designation, which prohibits Use Group 12 uses only within the rear 47 feet of the building; and (3) the history of development of the zoning lot; and

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# MINUTES

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WHEREAS, the applicant states that the ground floor space is unusually deep in relation to its 50 foot width and cannot be efficiently used for its intended retail purpose; and

WHEREAS, evidence in the record indicates that the subject zoning lot and the surrounding area was formerly zoned C6, and then rezoned in 1999 to its current C6-2A/R8B designation, and that the requested variance would merely permit the rear 47 feet of the 150 foot deep ground floor, which is within the R8B district, to be returned to a previously permitted Use Group 12 use; and

WHEREAS, the Board notes that a Use Group 6 use could occupy the entirety of the ground floor space as-of-right; and

WHEREAS, based upon the above, the Board finds that the unique conditions mentioned above, when considered in the aggregate, create practical difficulties and unnecessary hardship in developing the site in strict compliance 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, the applicant represents that the building owner's attempts to solicit as-of-right tenants for the ground floor commercial space were unsuccessful; and

WHEREAS, the record indicates that the space was previously used as a slaughterhouse and, more recently, occupied by a supermarket; and

WHEREAS, the applicant states that the supermarket failed due to the narrow configuration of the ground floor space and the lack of commercial storage space in the cellar and elsewhere in the building; and

WHEREAS, the applicant further states that the ground floor is unattractive to retail uses because of a lack of a rear loading berth, which is not possible to install due to the building located on the West 15th Street side of the zoning lot; 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 of the rear 47 feet of the subject building in strict conformity with zoning will provide a reasonable return; and

WHEREAS, the applicant maintains that the proposed comedy theater will be located in a mixed-use area, characterized by numerous commercial businesses, retail stores, eating and drinking establishments and residential uses; and

WHEREAS, the applicant will provide sound attenuation measures, such as a second, suspended ceiling and double doors, to

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Resolved, that the Board of Standards and Appeals issues a Type I Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended and makes each and every one of the required findings under Z.R. §72-21, to permit, on a zoning lot split between C6-2A and R8B zoning districts, and partially within the Gansevoort Market Historic District, an eating and drinking establishment (comedy theater), Use Group 12, on the ground floor of an existing building, in the portion of said building which is within the R8B

minimize sound transfer to the residential uses above and near the proposed establishment; and

WHEREAS, the applicant agrees that the rear egress of the premises, which exits into the residential courtyard between the two buildings on the zoning lot, shall only be used in case of emergency, and will be guarded while patrons are in the comedy theater; and

WHEREAS, based on the above, the Board finds that 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.

WHEREAS, the project is classified as an Type I action pursuant to 6NYCRR, Part 617.4 because the subject premises is partially within a designated historic district; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in an Environmental Assessment Statement (EAS) CEQR No. 04-BSA-187M dated April 8, 2004; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

WHEREAS, additional environmental studies were conducted and submitted for Board review on the following categories: traffic and parking, and hazardous materials assessment; and

WHEREAS, the Board, based upon its review of the additional studies, determined that there would not be any environmental impacts in these categories; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

zoning district, contrary to Z.R. §22-10; 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 April 29, 2004" - (1) sheet and "September 23, 2004" - (1) sheet; and on further condition:

THAT the term of this variance shall be limited to fifteen (15) years from the date of this resolution, to expire on September 21, 2019;

THAT there shall be no change in use of the space to be occupied by the comedy theater to another use not permitted as-of-right without prior BSA approval;

THAT the applicant shall install sound attenuation measures, including double doors and a second, suspended ceiling, as shown

# MINUTES

on BSA-approved plans, prior to obtaining a certificate of occupancy;

THAT the residential courtyard between the two buildings, which is at the rear egress point of the subject premises, shall be: (1) used only in case of emergency for egress, and not for commercial use of any type or as a patron waiting area or employee break area, (2) appropriately designated as an emergency exit with signs, (3) fully alarmed, and, (4) during times when patrons are in the comedy theater, guarded by a staff member;

THAT all applicable fire safety measures, including those shown on the BSA-approved plans, shall be complied with;

THAT any and all kitchen/cooking area exhaust vents shall be located in such a way that, to the maximum extent possible, exhaust shall be vented away from any adjacent residential use;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT all exiting requirements, including from the cellar area, shall be as reviewed and approved by the Department of Buildings;

THAT substantial construction be completed and a Certificate of Occupancy be obtained 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, September 21, 2004.

## 184-04-BZ

APPLICANT - Robert Piscioneri, R.A., for Morris Park Community Association, owner.

4- Proposed side yard contrary [to] ZR Section 24-37 in that two side yards must be provided of 8' minimum.

5- Rear yard contrary to ZR Section 24-37."; and

WHEREAS, a public hearing was held on this application on August 17, 2004, after due notice by publication in The City Record, and then to decision on September 21, 2004; and

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

WHEREAS, Community Board 11, Bronx, recommends approval of this application; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed enlargement of an existing community facility, Use Group 4, located in an R4 zoning district, which does not comply with the zoning requirements applicable to enlargements of an existing non-complying building, as well as lot coverage, front yard, side yard and rear yard requirements, contrary to Z.R. §§54-31,

SUBJECT - Application May 3, 2004- under Z.R. §72-21 to permit the proposed addition of a second floor, to be used as accessory offices, in conjunction with the community center on the first floor, located in an R4 zoning district, which does not comply with the zoning requirements for lot coverage, front, side and rear yards, is contrary to Z.R. §54-31, §24-11, §24-34 and §24-37.

PREMISES AFFECTED - 1824 Bronxdale Avenue, east side, 251' north of Morris Park Avenue, Block 4123, Lot 42, Borough of The Bronx.

## COMMUNITY BOARD #11BX

APPEARANCES -

For Administration: John Yacovone, Fire Department.

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

**THE VOTE TO REOPEN HEARING -**

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

Negative:.....0

**THE VOTE TO CLOSE HEARING -**

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

Negative:.....0

**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 April 30, 2004, acting on Department of Buildings Application No. 200749538, reads:

" 1- Proposed Alteration to an existing Non-Complying structure is contrary to ZR 54-31.

2- ZR 24-11 Proposed lot coverage exceeds the maximum permitted.

3- Proposed front yard is contrary to ZR Section 24-34 in that 15' must be provided.

24-11, 24-34, and 24-37; and

WHEREAS, the subject premises is located on the east side of Bronxdale Avenue, 251 feet north of Morris Park Avenue and has a total lot area of approximately 2,888 sq. ft.; and

WHEREAS, the site is currently occupied by a one-story building, with 2,164 sq. ft of floor area, which the applicant represents was constructed in 1958 and occupied as a factory pursuant to the Business Use District regulations applicable to the site at that time; and

WHEREAS, the existing building is on a shallow lot with a depth of 54' on the north side and 60' 8" on the south side and a width of 50 feet; and

WHEREAS, the building occupies the entire lot except for the parking area on the south side of the lot; and

WHEREAS, since 1985, the building has been occupied by the Morris Park Community Association (the "Association"), a

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# MINUTES

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not-for-profit entity that serves the Morris Park community by providing various educational, cultural and counseling services; and

WHEREAS, the instant application contemplates the addition of a second story to the existing building, increasing the total floor area to 4,843 sq. ft.; and

WHEREAS, the proposal leads to the following non-compliances: an increase in the degree of non-compliance of the existing one-story structure, which is prohibited; a proposed lot coverage of 2,679 sq. ft. (maximum lot coverage is 1,588 sq. ft.); a proposed front yard of from 5'-3/8" to 6'-7" (15' is required); one proposed side yard of 1'6", and no side yard on the opposite side (two 8' minimum side yards are required); and no rear yard (17' minimum rear yard is required); and

WHEREAS, the applicant represents that the following is a unique physical condition, which creates practical difficulties and unnecessary hardship in developing the site in compliance with underlying district regulations: the combination of the small size and shallowness of the lot and the existing building makes the proposed vertical expansion the only feasible means of increasing necessary floor space; and

WHEREAS, the applicant represents that the following is a programmatic need of the Association that will be fulfilled through the proposed variance: the addition of a second floor to be used as an accessory office, which will support the other community services of the Association; and

WHEREAS, the applicant states that the Association provides the following services: a neighborhood safety patrol, free after-school programs, bedtime stories and arts and crafts programs, and recreational, educational and transportation services for seniors; and

WHEREAS, the applicant states the enlargement will allow the Association to provide more and better services that are needed in this neighborhood; and

WHEREAS, based on the above, the Board finds that 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 Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the current proposal is the minimum necessary to afford the owner relief; and

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

WHEREAS, the project is classified as an Unlisted action pursuant to 6NYCRR, Part 617; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in an Environmental Assessment Statement (EAS) CEQR No. 04-BSA-189X, dated April 1, 2004; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program;

WHEREAS, the applicant represents that to obtain the necessary space to accommodate this programmatic need while still respecting the surrounding building heights, relief from applicable front, rear and side yard requirements is necessary; and

WHEREAS, the applicant notes that an as-of-right enlargement would result in a second floor with limited useable space and would necessitate the construction of a supporting structure that would render the first floor unusable for its current uses; and

WHEREAS, the Board finds that the applicant has submitted sufficient information explaining its programmatic needs in relation to the requested variance; and

WHEREAS, the Board notes that the above-mentioned physical constraints inherent to the site make it impractical for the applicant to use the available as-of-right floor area in order to meet the stated programmatic needs; and

WHEREAS, based upon the foregoing, the Board finds that the unique condition mentioned above, when considered in conjunction with the programmatic needs of the applicant, creates practical difficulties and unnecessary hardship in developing the site in strict compliance with applicable zoning regulations; and

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

WHEREAS, the Board has reviewed the submitted radius map and has conducted a site visit, and finds that the bulk and height of the proposed building is not out of context with surrounding buildings, given the variety of building types existing in the vicinity; and

WHEREAS, the Board notes that the height of the proposed building is comparable to that of the numerous two and three-story buildings in the vicinity, and that the floor area is within district limitations; and

Infrastructure; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed enlargement of an existing community facility, Use Group 4, located in an R4 zoning district, which does not comply with the zoning requirements applicable to enlargements of an existing non-complying building, as well as lot coverage, front yard, side yard and rear yard requirements, contrary to Z.R. §§54-31, 24-11, 24-34, and 24-37, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received May 3, 2004" - (2) sheets, "September 8, 2004"-(2) sheets and

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"September 17, 2004" - (2) sheets; and on further condition;  
THAT any change in use or ownership of the subject premises must be approved in advance by the BSA;

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 occupancy loads on both floors of the proposed building shall be as reviewed and approved by the Department of Buildings;

THAT substantial construction be completed and a Certificate of Occupancy be obtained 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 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, September 21, 2004.

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## 199-03-BZ thru 205-03-BZ

### 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, September 21, 2004.

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## 147-02-BZ

APPLICANT - Gerald J. Caliendo, R.A., for Joseph Pizzonia, owner.

SUBJECT - Application May 8, 2002 - under Z.R. §72-21 to permit the legalization of the change of use of covered parking area, to automobile repair service bays, and the addition of a mezzanine with an accessory office and storage area, located in a C1-2 within an R-4 zoning district, is contrary to a previous variance granted under Cal. No. 148-87-BZ and Z.R. §32-00.

PREMISES AFFECTED - 201-06 Hillside Avenue, southeast corner of 201<sup>st</sup> Street, Block 10495, Lot 52, Borough of Queens.

### COMMUNITY BOARD #12Q

#### APPEARANCES -

For Applicant: Sandy Anagnostou.

For Administration: John Yacovone, Fire Department.

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

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

### PREMISES AFFECTED -

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

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

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

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

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

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

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

### COMMUNITY BOARD #3BK

#### APPEARANCES -

For Applicant: Stuart A. Klein.

For Administration: John Yacovone, Fire Department.

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

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

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## 208-03-BZ

APPLICANT - Law Offices of Stuart A. Klein for Shell Road, LLC, owner; Orion Caterers, Inc., lessee.

SUBJECT - Application June 19, 2003- under Z.R. §72-21 to permit the legalization of an expansion of an existing catering hall, Use Group 9, located in a split C1-2(overlay of R-4) and M1-1 zoning district, which does not comply with the zoning requirements for floor area ratio, rear yard, and parking, is contrary to Z.R. §33-121, 33-292, §36-21, §43-26 and §44-20.

PREMISES AFFECTED - 2555 Shell Road, east side, between Avenue "X" and Bouck Court, Block 7192, Lot 74, Borough of Brooklyn.

### COMMUNITY BOARD #11BK

#### APPEARANCES -

For Applicant: Stuart Klein.

For Administration: John Yacovone, Fire Department.

#### THE VOTE TO CLOSE HEARING -

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

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# MINUTES

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Negative:.....0  
**ACTION OF THE BOARD** - Laid over to October 19, 2004, at 1:30 P.M., for decision, hearing closed.

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## 221-03-BZ

APPLICANT - Martyn & Don Weston, for 253 West 28<sup>th</sup> Street, Corp., owner.

SUBJECT - Application June 26, 2003 - under Z.R. §72-21 to permit the legalization of three existing residential units, located on the third, fourth and fifth floors, of a five story mixed use building, in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 253/55 West 28<sup>th</sup> Street, north side, 105'-1" east of Eighth Avenue, Block 778, Lot 7, Borough of Manhattan.

### COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Don Weston.

For Administration: John Yacovone, Fire Department.

THE VOTE TO REOPEN HEARING -

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

Negative:.....0

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

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

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## 388-03-BZ

APPLICANT - Francis R. Angelino, Esq., for 444 Broadway Associates, LLC, owner; Five Points Fitness, LLC, lessee.

SUBJECT - Application December 12, 2003 - under Z.R. §73-36 to permit the legalization of a physical culture establishment, located on the second floor in an M1-5B zoning district, which requires a special permit.

PREMISES AFFECTED - 444 Broadway, Bounded by Grand, Crosby and Howard Streets, Block 232, Lot 5, Borough of Manhattan.

### COMMUNITY BOARD #2

APPEARANCES -

For Applicant: Francis R. Angelino, Simon Burgess, Kevin McGrath, Caroline Kim and Jan Hartley.

For Administration: John Yacovone, Fire Department.

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 October 19, 2004, at 1:30 P.M., for decision, hearing closed.

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## 142-04-BZ

APPLICANT - Rampulla Associates Architects, for Frank McErlean, owner.

SUBJECT - Application March 30, 2004 - under Z.R. §72-21 to

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

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## 373-03-BZ

APPLICANT - The Agusta Group, for 3235 Hull LLC, owner.

SUBJECT - Application December 2, 2003 - under Z.R. §72-21 to permit the proposed off-site accessory parking lot, to be located in an R7-zoning district, which is contrary to Z.R. §25-52.

PREMISES AFFECTED - 293 East 207<sup>th</sup> Street, north side, 80' west of Perry Avenue, Block 3343, Lot 683, Borough of The Bronx.

### COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Sol Korman.

For Administration: John Yacovone, Fire Department.

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 October 19, 2004, at 1:30 P.M., for decision, hearing closed.

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permit the proposed single family detached residence, Use Group 1, located within the required front yard, which is contrary to Z.R. §23-45.

PREMISES AFFECTED - 516 Arbutus Avenue, north side, at the intersection of Shore Avenue and Trout Place, Block 6529, Lot 15, Borough of Staten Island.

### COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Philip L. Rampulla.

For Administration: John Yacovone, Fire Department.

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

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## 143-04-BZ

APPLICANT - Rampulla Associates Architects, for Charles Farina, owner.

SUBJECT - Application March 30, 2004 - under Z.R. §72-21 to permit the proposed in-ground pool, located within the required front yard, which is contrary to Z.R. §23-12.

PREMISES AFFECTED - 522 Arbutus Avenue, north side, at the intersection of Shore Avenue and Trout Place, Block 6529, Lot 10, Borough of Staten Island

### COMMUNITY BOARD #3SI

APPEARANCES -

For Administration: John Yacovone, Fire Department.

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

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# MINUTES

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## 147-04-BZ

APPLICANT - Sullivan, Cheser & Gardner, P.C., for Ben Schrank, owner.

SUBJECT - Application April 8, 2004 - under Z.R. §72-21 to permit the proposed conversion of a light manufacturing building, to residential use, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED - 459 Carroll Street, 175' west of the corner of Carroll Street and Third Avenue, Block 447, Lot 46, Borough of Brooklyn.

### COMMUNITY BOARD #6

APPEARANCES -

For Applicant: Jeffrey Chester.

For Opposition: Ernest ?

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to October 26, 2004, at 1:30 P.M., for continued hearing.

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## 156-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Edwin Umanoff, owner.

SUBJECT - Application April 13, 2004 - under Z.R. §72-21 to permit the legalization of an existing insurance brokerage business, Use Group 6, located in an R5 zoning district, is contrary to Z.R. §22-00.

### THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

Absent: Vice-Chair Babbar .....1

**ACTION OF THE BOARD** - Laid over to October 26, 2004, at 1:30 P.M., for decision, hearing closed.

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## 188-04-BZ

APPLICANT - Moshe M. Friedman, P.E., for Joshua Frankel, owner.

SUBJECT - Application May 4, 2004 - under Z.R. §73-622 to permit the legalization of an enlargement to an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, side and rear yards, and is contrary to Z.R. §23-141(a), §23-47 and §23-48.

PREMISES AFFECTED - 1378 East 28th Street, west side, 130' north of Avenue "N", Block 7663, Lot 82, Borough of Brooklyn.

### COMMUNITY BOARD #14

APPEARANCES -

For Applicant: Moshe Friedman.

For Administration: John Yacovone, Fire Department.

### THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Commissioner Caliendo,

PREMISES AFFECTED - 9712 Flatlands Avenue, between East 98th Street and Rockaway Parkway, Block 8205, Lot 40, Borough of Brooklyn.

### COMMUNITY BOARD #18

APPEARANCES -

For Applicant: Jordan Most and Edwin Umanoff.

For Administration: John Yacovone, Fire Department.

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

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## 158-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Albert Cohen, owner.

SUBJECT - Application April 15, 2004 - under Z.R. §72-21 to permit the proposed horizontal enlargement, to a detached one-family dwelling, Use Group 1, on a narrow lot with non-complying side yards, and also encroaches in the required rear yard, located in an R5 zoning district, which is contrary to Z.R. §23-48, §54-31 and §23-47.

PREMISES AFFECTED - 1035 Ocean Parkway, between Avenues "I" and "K", Block 6527, Lot 76, Borough of Brooklyn.

### COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Irving Minkin.

For Administration: John Yacovone, Fire Department.

Commissioner Miele and Commissioner Chin.....4

Negative:.....0

Absent: Vice-Chair Babbar .....1

**ACTION OF THE BOARD** - Laid over to October 5, 2004, at 1:30 P.M., for decision, hearing closed.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 4:00 P.M.