
BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 89, No. 4

January 22, 2004

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Wednesday, January 14, 2004

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281-99-BZ	6055 Strickland Avenue, Brooklyn
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DOCKETS

1-04-BZY B.S.I. 28 Webster Avenue, west side, 34.4' north of Stanley Avenue, Block 111, Lot 15, Borough of Staten Island. N.B. #500650137. Proposed extension of time to complete construction for a major development for a period of six months pursuant to Z.R. §11-331.

2-04-BZY B.S.I. 32 Webster Avenue, northwest corner of Stanley Avenue, Block 111, Lot 16, Borough of Staten Island. N.B. #500650128. Proposed extension of time to complete construction for a major development for a period of six months pursuant to Z.R. §11-331.

3-04-BZ B.Q 147-08 46th Avenue, between Parsons Boulevard and 149th Street, Block 5452, Lot 3, Borough of Queens. N.B. #401738884. Proposed dental office, Use Group 6, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space, front and side yards and use, is contrary to Z.R. §24-111, §22-14, §24-34 and §24-35.

COMMUNITY BOARD #7Q

4-04-BZ B.BK. 177 Norfolk Street, between Oriental and Shore Boulevards, Block 8757, Lot 27, Borough of Brooklyn. Alt.1 #301636674. Proposed enlargement of an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space, rear and side yards, perimeter wall height and lot coverage is contrary to Z.R. §23-141(a), §23-141, §23-45, §23-47 §23-61 and §23-631b.

COMMUNITY BOARD 15BK

5-04-BZ B.BX. 595 Gerard Avenue, a/k/a 587/95 River Avenue, between 150th and 151st Streets, Block 2354, Lot 1, Borough of The Bronx. Alt. #200821780. 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 from the Board as per Z.R. §73-19.

COMMUNITY BOARD #4BX

6-04-BZ B.BK. 7118/24 Third Avenue, between 71st and 72nd Streets, Block 5890, Lot 43, Borough of Brooklyn. Alt.1 #301499484. The legalization of an existing physical culture establishment, situated in an R6 and C1-2/R6 Bay Ridge Special District, and located

on the second and third floors of an existing three story building, is contrary to Z.R. §32-10.

COMMUNITY BOARD #10BK

7-04-BZ B.BX. 2208 Boller Avenue, property fronting on Boller and Hunter Avenues and Erskine Place, Block 5135, Lot 1, Borough of The Bronx. N.B. #200804291. 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.

COMMUNITY BOARD #10BX

8-04-BZ B.Q. 78-15 Parsons Boulevard, between 78th Avenue and 78th Road, Block 6829, Lot 1, Borough of Queens. Applic. #400865328. Proposed renovation of an existing two story community facility (school), Use Group 3, by the addition of two additional stories, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, height of front walls, and the location of front stair and handicap elevator, is contrary to Z.R. §24-11, §24-521, §24-34 and §24-33.

COMMUNITY BOARD #8Q

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

CALENDAR

MARCH 2, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, March 2, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

1050-38-BZ, Vol. II

APPLICANT - Walter T. Gorman, P.E., for Sovereign Realty Associates, LLC, owner; Amoco Oil Company, lessee.

SUBJECT - Application - November 20, 2003 reopening for an extension of term of variance which expires June 30, 2004.

PREMISES AFFECTED - 1301/1319 65th Street a/k/a 6411/23 13th Avenue, northeast corner of 13th Avenue, Block 5747, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #10BK

889-55-BZ, Vol. II

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

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

PREMISES AFFECTED - 69-13/25 (69-15 Official) 164th Street, east side 110' south of 69th Avenue, Block 6931, Lot 38, Borough of Queens.

COMMUNITY BOARD #8

923-77-BZ

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

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

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

COMMUNITY BOARD #15BK

MARCH 2, 2004, 1:30 P.M.

260-03-BZ

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

SUBJECT - Application August 14, 2003 - under Z.R. §72-21 to permit the legalization of sixty (60) residential units, in an existing

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, March 2, 2004, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

223-03-BZ

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

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

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

COMMUNITY BOARD #12

224-03-BZ

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

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

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

COMMUNITY BOARD #12

258-03-BZ

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

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

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

COMMUNITY BOARD #1BK

seven story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 20 Grand Avenue, between Flushing and Park Avenues, Block 1877, Lot 35, Borough of Brooklyn.

COMMUNITY BOARD #2BK

CALENDAR

291-03-BZ

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

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

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

COMMUNITY BOARD #10

302-03-BZ

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

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

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

COMMUNITY BOARD #14

386-03-BZ

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

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

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

COMMUNITY BOARD #6

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, JANUARY 13, 2004
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, November 18, 2003, were approved as printed in the Bulletin of November 27, 2003, Volume

88, No. 46-47.

SPECIAL ORDER CALENDAR

489-82-BZ

APPLICANT - Beryl J. Levi, for Tower Isles Frozen Foods, Ltd., owner.

SUBJECT - Application October 3, 2003 - request for a

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waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired February 1, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 2025 Atlantic Avenue, a/k/a 228 Hopkinson Avenue, north side of Atlantic Avenue bounded by Radde Place and Hopkinson Avenue, Block 1564, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #16BK

APPEARANCES - None.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended and term of special permit extended.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on November 18, 2003, after due notice by publication in *The City Record*, and laid over to January 13, 2004 for decision; and

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the special permit which expired on February 1, 2003, and an amendment to the resolution; and

WHEREAS, the applicant seeks an amendment for approval to expand the hours of operation at the subject site; and

WHEREAS, on February 1, 1983, the Board granted a special permit under Z.R. §11-413, permitting the change in use from an automobile sales and service establishment to a food products processing establishment; and

WHEREAS, the above grant limited the hours of operation to 7:30 a.m. to 5:00 p.m. five days a week; and

WHEREAS, the applicant now seeks to extend the hours of operation from 4:00 a.m. to 10:00 p.m. six days a week, closed Sunday; and

WHEREAS, the record indicates that the applicant has been a good neighbor to the adjacent properties and that since the last grant its business needs have increased.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, and extends the term of the special permit which expired on February 1, 2003, pursuant to Zoning Resolution §§72-01 and 72-22, so that as amended this 106-02-BZ

APPLICANT - Eric Palatnik, P.C., for Beth Jacobs of Boro Park Inc., owner.

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

PREMISES AFFECTED - 4502 14th Avenue a/k/a 1371 46th Street, 14th Avenue and 46th Street, Block 5617, Lots 38, 43, 50, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application reopened and

portion of the resolution shall read:

“to permit the extension of the term of the special permit for an additional twenty (20) years from February 1, 2003 expiring on February 1, 2023, and to approve the new hours of operation, limited to 4:00 a.m. to 10:00 p.m., Monday through Saturday; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received November 24, 2003”- (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 landscaping shall be provided and maintained in accordance with BSA approved plans;

THAT lighting shall be positioned down and away from any adjacent residential uses;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT the Department of Buildings verifies that the plans submitted in conjunction with the instant application substantially conform to plans previously approved by the Board;

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 Application # 747/81)

Adopted by the Board of Standards and Appeals, January 13, 2004.

resolution amended.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on December 23, 2003, after due notice by publication in *The City Record*, and laid over to January 13, 2004 for decision; and

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the

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term of the special permit which expired on February 1, 2003, and an amendment to the resolution; and

WHEREAS, on December 17, 2002, the Board granted a variance under Z.R. §72-21, permitting, in an R6 zoning district, the enlargement of an existing childcare facility and Yeshiva, (Use Groups 3 and 4) which did not comply with the zoning requirements for lot coverage, rear yard and the required off-street parking, contrary to Z.R. §§24-11, 24-12, 24-36 and 24-31; and

WHEREAS, the applicant seeks an amendment to legalize the addition of a fourth floor to the facility, thereby increasing the floor area by 12, 456 square feet; to amend the previously approved plan to rearrange rooms and to relocate the connecting bridge between two of the structures; and to legalize a change in the height and setback of the building which is contrary to Z.R. §24-522.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, pursuant to Zoning Resolution §§72-01 and 72-22, so that as amended this portion of the resolution shall read:

“to approve the legalization of the addition of a fourth floor to the facility, thereby increasing the floor area by 12, 456 square feet; the amendment of the previously approved plan to rearrange rooms and to relocate the connecting bridge between two of the structures; and the legalization of a change in the height and setback of the building which is contrary to Z.R. §24-522; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received October 2, 2003”- (17) sheets and “January 5, 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 the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4
Negative:.....0

Adopted by the Board of Standards and Appeals, January 13, 2004.

867-55-BZ, Vol. II

APPLICANT - Carl. A. Sulfaro, Esq., for 66-15 JR Realty Corp., owner.

SUBJECT - Application June 17, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 19, 2001.

PREMISES AFFECTED - 66-11 Borden Avenue, northeast

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 Alt. Application No. 301161515)

Adopted by the Board of Standards and Appeals, January 13, 2004.

263-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Sando Realty by David Mosher

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 1800 Coney Island Avenue, west side, 260' north of Avenue O, south of Avenue N, Block 6592, Lot 34, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES - None.

ACTION OF THE BOARD - Application dismissed for lack of prosecution.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Adopted by the Board of Standards and Appeals, January 13, 2004.

361-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: 214 25 Street Corp.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 214 25th Street, between Fourth and Fifth Avenue, Block 655, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Marianne Russo.

ACTION OF THE BOARD - Application withdrawn.

corner of Clinton Avenue, Block 2394, Lot 8, Maspeth, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

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

931-57-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Ziya Ercan, owner;

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Time Service Station, Inc., lessee.

SUBJECT - Application June 13, 2003 - reopening for an extension of term of variance which expires May 9, 2004 and for an amendment to the resolution.

PREMISES AFFECTED - 535 Vanderbilt Avenue, a/k/a 1047 Van Duzer Street, northeast corner of Vanderbilt Avenue and Van Duzer Street, Block 650, Lot 30, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to February 3, 2004, at 10 A.M., for decision, hearing closed.

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.

ACTION OF THE BOARD - Laid over to March 9, 2004, for continued hearing.

ACTION OF THE BOARD - Laid over to February 3, 2004, at 10 A.M., for decision, hearing closed.

145-95-BZ

APPLICANT - Sullivan Chester & Gardner, P.C., for LRHC, Inc., d/b/a Lucille Roberts, owner.

SUBJECT - Application June 5, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired November 13, 2002.

PREMISES AFFECTED - 80 Fifth Avenue, southwest corner of West 14th Street, Block 577, Lot 39, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Jeffrey Chester.

1043-80-BZ

APPLICANT - Rothkrug & Rothkrug Weinberg & Spector for RANS 1680 Building Corp., owner.

SUBJECT - Application December 17, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 3, 2000.

PREMISES AFFECTED - 1680/88 Albany Avenue a/k/a 4024 Marginal Street, southwest corner of Albany Avenue and Marginal Street, Block 7744, Lots 47, 49, 50, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO REOPEN HEARING -

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

Negative:0

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

132-92-BZ

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

SUBJECT - Application February 27, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expires July 19, 2004 and for an amendment to the resolution.

PREMISES AFFECTED - 3948-52 Amboy Road, south side of Amboy Road between Hillside Terrace and Brown Avenue, Block 5142, Lot 22, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 3, 2004, at 10 A.M., for decision, hearing closed.

56-96-BZ

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

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

PREMISES AFFECTED - 32-02 Linden Place aka 135-20

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**32nd Avenue, southwest corner of Linden Place and 32nd Avenue, Block 4950, Lot 48, Borough of Queens.
COMMUNITY BOARD #7Q**

APPEARANCES -

For Applicant: I. Korman.

ACTION OF THE BOARD - Laid over to March 2, 2004, at 10 A.M., for continued hearing.

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. Blvd., aka 2600-2614 7th Avenue, west side of Adam Clayton Powell Jr. Blvd, blockfront from W150th Street to W. 151st Street, Block 2036, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #10M

APPEARANCES -

For Applicant: John Ronan.

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

189-99-BZ

APPLICANT -The Agusta Group by Philip P. Agusta, R.A., M.U.P., for 460 Quincy Avenue Realty Corporation, owner.

SUBJECT - Application October 21, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction which expired November 14, 2001.

PREMISES AFFECTED - 460 Quincy Avenue, southeast corner of Dewey Avenue, Block 5578, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #10BX

WHEREAS, by the letter dated December 26, 2003 the Department of Environmental Protection has reviewed the detailed site plan and cross section SA-1 and SA-2 prepared by the project engineer and has determined that there is enough space between the proposed building and the existing city sewer and that construction will not interfere with the DEP's structures . DEP finds this proposal acceptable; and

WHEREAS, by letter dated November 17, 2003, the Department of Transportation has reviewed the above project and has no objections as this site is not presently included in DOT's Capital Improvement Program; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated September 8, 2003, acting on N.B. Application No. 401721286 is modified under the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 11, 2003"- (1) sheet; and that the

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4
Negative:0

ACTION OF THE BOARD - Laid over to February 3, 2004, at 10 A.M., for decision, hearing closed.

297-03-A

APPLICANT - Fischbein Badillo Wagner Harding, for 101-02/10 Metropolitan, owner.

SUBJECT - Application September 11, 2003 - proposed construction, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 101-10 Metropolitan Avenue, aka 91-51/99 71st Avenue, southwest corner, Block 3896, Lot 42, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: Peter Geis.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4
Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated September 8, 2003 acting on N.B. Application No. 401721286, reads in pertinent part:

"1- Construction in the bed of a mapped street is contrary to General City Law, Section 35 and therefore must be referred to the Board of Standards & Appeals"; and

WHEREAS, the Fire Department has reviewed the above project and has no objections; and proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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

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

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

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

Adopted by the Board of Standards and Appeals on January 13, 2004.

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99-01-A, Vol. II

APPLICANT - The Agusta Group, for Nicolo Balducci, Executor for Serafina Balducci, owner.

SUBJECT - Application August 7, 2003 - To restore to calendar- proposed to legalize the conversion of a two story and cellar frame two (2) family dwelling to stores (U.G. 6).

PREMISES AFFECTED - 37-18 74th Street, west of 74th Street, 161.107' south of 37th Avenue, Block 1284, Lot 47, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Israel Korman.

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

323-03-A and 324-03-A

APPLICANT - Sheldon Lobel, P.C., for Infinity Homes, Inc., owner.

SUBJECT - Application October 21, 2003 - Proposed construction of a two-story, two-family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City law.

PREMISES AFFECTED -

117-36 166th Street, between 119th Avenue and Foch Boulevard, Block 12356, Lot 36 and p/o of 39, New Lot 38, Borough of Queens.

117-38 166th Street, between 119th Avenue and Foch Boulevard, Block 12356, Part of Lot 39, New Lot 40, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Jon Popin.

THE VOTE TO CLOSE HEARING -

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

352-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Kerry & Larry Gresser, lessees.

SUBJECT - Application November 18, 2003 - Proposed reconstruction and enlargement of the first floor, and the addition of a second story, to an existing 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 - 362-1/2 Sea Breeze Avenue, south side, 43.19' west of Beach 181st Street, Block 16340, Part of Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

Negative:0

ACTION OF THE BOARD - Laid over to February 3, 2004, at 10 A.M., for decision, hearing closed.

351-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Dawn & Joseph Henderson, lessees.

SUBJECT - Application November 18, 2003 - Proposed reconstruction and enlargement of the first floor, and the addition of a second story, 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.

PREMISES AFFECTED - 23 Pelham Walk, east side, 240.61' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

353-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Clifford Ris, lessee.

SUBJECT - Application November 18, 2003 - Proposed reconstruction and enlargement of an existing one family dwelling, situated within the bed of a mapped street, and not fronting on a legally mapped street is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 396 Sea Breeze Avenue, east side, of Beach 182nd Street, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

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Pasquale Pacifico, Executive Director

Adjourned: 11:05 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, JANUARY 13, 2004
2:00 P.M.**

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

ZONING CALENDAR

229-02-BZ

CEQR #03-BSA-022K

APPLICANT - Mark A. Levine, Esq., of Herrick, Feinstein, LLP, for Simon Dushinsky and Issac Rabinowitz, owners.

SUBJECT - Application August 15, 2002 - under Z.R. §72-21 to permit in an M3-1 zoning district, the proposed construction of a three building residential development (Use Group 2), which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 24 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #3BK

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M3-1 zoning district, the proposed construction of a three building residential development (Use Group 2), which is contrary to Z.R. §42-00; and

WHEREAS, the subject site is comprised of three adjacent tax lots, and is irregularly shaped in that it is only 87.9 feet wide, and 172 feet long on the south side and 250 long on the north side; and

WHEREAS, the proposed development will be comprised of three separate 7 story buildings, each on its own tax and zoning lot, with a shared cellar, and overall the three buildings will contain 42 multi-bedroom units designed for larger families; and

WHEREAS, specifically, the applicant represents that when completed the proposed development will contain 1 three-bedroom unit, 17 four-bedroom units, and 24 five-bedroom units; and

WHEREAS, the site is occupied by an existing, vacant three story building containing approximately 21,690 sq. ft. and occupying a footprint of approximately 7,320 sq. ft.; the building is only 61 feet wide and 120 feet long; and

WHEREAS, the applicant represent that the existing building was built as a specialty building for a pharmaceutical company, and is obsolete for an as-of-right use due to the

APPEARANCES -

For Applicant: Mark A. Levine.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 22, 2002, acting on NB Application No. 301384794, reads:

“Proposed construction of residential building is not permitted within the M3-1 zone as per section 42-00 of the Zoning Resolution.”; and

WHEREAS, a public hearing was held on this application on January 7, 2003 after due notice by publication in *The City Record*, and then laid over for continued hearings to March 25, 2003, June 24, 2003, September 9, 2003, October 21, 2003, December 9, 2003 and then to January 6, 2004 for decision; the decision was then deferred to January 13, 2004; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., and Commissioner Peter Caliendo and Commissioner Joel Miele P.E.; and

small floor plate, limited elevator capacity, and supporting beam configuration, leading to inefficiencies in the moving and storage of manufacturing materials and equipment; and

WHEREAS, the applicant further represents that to rehabilitate the building to accommodate a modern conforming use would require extensive work and significant investment that is cost-prohibitive; and

WHEREAS, the aforementioned unique physical conditions, namely the irregular shape of the site and obsolescence of the existing building, make its occupancy for a complying development impractical and create practical difficulties and unnecessary hardship in developing the site in 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, 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 represents that the bulk and height of the proposed development is in keeping with the adjacent R7-1 zoning district; and

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WHEREAS, the applicant notes that the proposed design of the development possesses a streetwall contextual base similar to existing residential buildings found in the area; and

WHEREAS, upon site inspection and review of the submitted land use maps, the Board notes that the applicant's proposal is contextually compatible with the surrounding buildings and neighborhood, and will not have any adverse impact on the use or development of adjacent properties; 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, 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.

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

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

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

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

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

Adopted by the Board of Standards and Appeals, January 13, 2004.

230-02-BZ

CEQR #03-BSA-023K

APPLICANT - Mark A. Levine, Esq., of Herrick, Feinstein, LLP, for Simon Dushinsky and Issac Rabinowitz, owners.

SUBJECT - Application August 15, 2002 - under Z.R. §72-21 to permit in an M3-1 zoning district, the proposed construction of a three building residential development (Use Group 2), which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 32 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 7, Borough of Brooklyn.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, in an M3-1 zoning district, the proposed construction of a three building residential

on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received December 17, 2003"- (10) sheets, "January 6, 2004"-(2) sheets, and "January 7, 2004"-(2) 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 premises shall comply with all applicable fire safety measures;

THAT when completed, the proposed development shall contain 1 three-bedroom unit, 17 four-bedroom units, and 24 five-bedroom units;

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mark A. Levine.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 22, 2002, acting on NB Application No. 301384794, reads:

"Proposed construction of residential building is not permitted within the M3-1 zone as per section 42-00 of the Zoning Resolution."; and

WHEREAS, a public hearing was held on this application on January 7, 2003 after due notice by publication in *The City Record*, and then laid over for continued hearings to March 25, 2003, June 24, 2003, September 9, 2003, October 21, 2003, December 9, 2003 and then to January 6, 2004 for decision; the decision was then deferred to January 13, 2004; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., and Commissioner Peter Caliendo and Commissioner Joel Miele P.E.; and

WHEREAS, this is an application under Z.R. §72-21, to

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permit, in an M3-1 zoning district, the proposed construction of a three building residential development (Use Group 2), which is contrary to Z.R. §42-00; and

WHEREAS, the subject site is comprised of three adjacent tax lots, and is irregularly shaped in that it is only 87.9 feet wide, and 172 feet long on the south side and 250 long on the north side; and

WHEREAS, the proposed development will be comprised of three separate 7 story buildings, each on its own tax and zoning lot, with a shared cellar, and overall the three buildings will contain 42 multi-bedroom units designed for larger families; and

WHEREAS, specifically, the applicant represents that when completed the proposed development will contain 1 three-bedroom unit, 17 four-bedroom units, and 24 five-bedroom units; and

WHEREAS, the site is occupied by an existing, vacant three story building containing approximately 21,690 sq. ft. and occupying a footprint of approximately 7,320 sq. ft.; the building is only 61 feet wide and 120 feet long; and

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

WHEREAS, the applicant represents that the bulk and height of the proposed development is in keeping with the adjacent R7-1 zoning district; and

WHEREAS, the applicant notes that the proposed design of the development possesses a streetwall contextual base similar to existing residential buildings found in the area; and

WHEREAS, upon site inspection and review of the submitted land use maps, the Board has noted that the applicant's proposal is contextually compatible with the surrounding buildings and neighborhood, and will not have any adverse impact on the use or development of adjacent properties; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor 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, 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 applicant represent that the existing building was built as a specialty building for a pharmaceutical company, and is obsolete for an as-of-right use due to the small floor plate, limited elevator capacity, and supporting beam configuration, leading to inefficiencies in the moving and storage of manufacturing materials and equipment; and

WHEREAS, the applicant further represents that to rehabilitate the building to accommodate a modern conforming use would require extensive work and significant investment that is cost-prohibitive; and

WHEREAS, the aforementioned unique physical conditions, namely the irregular shape of the site and obsolescence of the existing building, make its occupancy for a complying development impractical and create practical difficulties and unnecessary hardship in developing the site in 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, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, in an M3-1 zoning district, the proposed construction of a three building residential development (Use Group 2), which is contrary to Z.R. §42-00; on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application "Received December 17, 2003"-(10) sheets, "January 6, 2004"-(2) sheets, and "January 7, 2004"-(2) 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 premises shall comply with all applicable fire safety measures;

THAT when completed, the proposed development shall contain 1 three-bedroom unit, 17 four-bedroom units, and 24 five-bedroom units;

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

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other

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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, January 13, 2004.

231-02-BZ

CEQR #03-BSA-024K

APPLICANT - Mark A. Levine, Esq., of Herrick, Feinstein, LLP, for Simon Dushinsky and Issac Rabinowitz, owners.

SUBJECT - Application August 15, 2002 - under Z.R. §72-21 to permit in an M3-1 zoning district, the proposed "Proposed construction of residential building is not permitted within the M3-1 zone as per section 42-00 of the Zoning Resolution."; and

WHEREAS, a public hearing was held on this application on January 7, 2003 after due notice by publication in *The City Record*, and then laid over for continued hearings to March 25, 2003, June 24, 2003, September 9, 2003, October 21, 2003, December 9, 2003 and then to January 6, 2004 for decision; the decision was then deferred to January 13, 2004; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., and Commissioner Peter Caliendo and Commissioner Joel Miele P.E.; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M3-1 zoning district, the proposed construction of a three building residential development (Use Group 2), which is contrary to Z.R. §42-00; and

WHEREAS, the subject site is comprised of three adjacent tax lots, and is irregularly shaped in that it is only 87.9 feet wide, and 172 feet long on the south side and 250 long on the north side; and

WHEREAS, the proposed development will be comprised of three separate 7 story buildings, each on its own tax and zoning lot, with a shared cellar, and overall the three buildings will contain 42 multi-bedroom units designed for larger families; and

WHEREAS, specifically, the applicant represents that when completed the proposed development will contain 1 three-bedroom unit, 17 four-bedroom units, and 24 five-bedroom units; and

WHEREAS, the site is occupied by an existing, vacant three story building containing approximately 21,690 sq. ft.

construction of a three building residential development (Use Group 2), which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 42 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mark A. Levine.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 22, 2002, acting on NB Application No. 301384794, reads:

and occupying a footprint of approximately 7,320 sq. ft.; the building is only 61 feet wide and 120 feet long; and

WHEREAS, the applicant represent that the existing building was built as a specialty building for a pharmaceutical company, and is obsolete for an as-of-right use due to the small floor plate, limited elevator capacity, and supporting beam configuration, leading to inefficiencies in the moving and storage of manufacturing materials and equipment; and

WHEREAS, the applicant further represents that to rehabilitate the building to accommodate a modern conforming use would require extensive work and significant investment that is cost-prohibitive; and

WHEREAS, the aforementioned unique physical conditions, namely the irregular shape of the site and obsolescence of the existing building, make its occupancy for a complying development impractical and create practical difficulties and unnecessary hardship in developing the site in 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, 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 represents that the bulk and height of the proposed development is in keeping with the adjacent R7-1 zoning district; and

WHEREAS, the applicant notes that the proposed design of the development possesses a streetwall contextual base similar to existing residential buildings found in the area; and

WHEREAS, upon site inspection and review of the submitted land use maps, the Board has noted that the

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applicant's proposal is contextually compatible with the surrounding buildings and neighborhood, and will not have any adverse impact on the use or development of adjacent properties; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor 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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, in an M3-1 zoning district, the proposed construction of a three building residential development (Use Group 2), 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 December 17, 2003"- (10) sheets, "January 6, 2004"- (2) sheets, and "January 7, 2004"- (2) 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 premises shall comply with all applicable fire safety measures;

THAT when completed, the proposed development shall contain 1 three-bedroom unit, 17 four-bedroom units, and 24 five-bedroom units;

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

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

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

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

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

Adopted by the Board of Standards and Appeals, January 13, 2004.

afford the owner relief; and

WHEREAS, 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.

73-03-BZ

CEQR #03-BSA-138M

APPLICANT - Mark A. Levine, Esq., for Uptown Partners, contract vendee.

SUBJECT - Application February 20, 2003 - under Z.R. §72-21 to permit the proposed construction of a 24-story mixed use building (residential and commercial), in an R7-2 zoning district, which does not comply with the zoning requirements for lot coverage, floor area, setbacks and exposure planes, and also has commercial use on the same floor as residential use, contrary to Z.R. §§23-142, 23-632, 23-64 and 32-421.

PREMISES AFFECTED - 400 Lenox Avenue, situated between West 129th and 130th Streets, Block 1727, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #10M

APPEARANCES -

For Applicant: Mark A. Levine

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....3

Negative: Chairman Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner,

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dated January 24, 2003, acting on Department of Buildings New Building Application No. 103272076, reads:

- “a) The lot coverage proposed exceeds the allowable. This is contrary to ZR 23-142
- b) The floor area proposed exceeds the allowable. This is contrary to ZR 23-142
- c) The proposed building projects into the required setbacks and sky exposure planes. These projections are not allowable obstructions beyond the required setbacks and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Joel Miele and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a 24-story mixed use building (residential and commercial), in an R7-2 zoning district, which does not comply with the zoning requirements for lot coverage, floor area, setbacks and exposure planes, and also has commercial use on the same floor as residential use, contrary to Z.R. §§23-142, 23-632, 23-64 and 32-421; and

WHEREAS, the subject lot is located on the east side of Lenox Avenue, between West 129th and 130th Streets, and encompasses 23,491 square feet, located within a R7-2 zoning district, with a 100' wide C2-4 commercial overlay along Lenox Avenue; and

WHEREAS, the record indicates that the subject lot is currently occupied by an inactive and partially constructed church structure, containing approximately 45,000 sq. ft., and a designated landmark 2-story wood frame structure used by a church, containing approximately 5,970 sq. ft.; and

WHEREAS, the subject application originally contemplated the demolition of the partially constructed church structure, followed by the construction of a 24-story mixed use building, but, in response to Board and community concerns, has now been modified to entail construction of a 12-story, 125 feet high mixed use building containing 142,139 sq. ft. (6.05 FAR), with 131,003 sq. ft. of residential floor area and 11,136 sq. ft. of commercial floor area, including 94 residential units and 88 parking spaces; and

WHEREAS, the Board notes that the applicant has worked diligently with the community and elected officials and has been responsive to their concerns regarding the initial proposed height of the building, and that the community now supports the subject application; and

WHEREAS, the applicant represents that the unique physical conditions inherent to the site that cause hardship are as follows: (1) high water conditions, (2) poor unstable soils, (3) the need for extensive installation of sheeting and underpinning, and (4) protection of an adjacent landmark; and

sky exposure plane. This is contrary to ZR 23-632 and ZR 23-64

- d) A commercial usage on the same floor as residential usage is not permitted. This is contrary to ZR 32-421”; and

WHEREAS, a public hearing was held on this application on June 3, 2003 after due notice by publication in *The City Record*, with continued hearings on July 15, 2003, September 9, 2003, October 7, 2003, November 18, 2003, December 16, 2003 and then to January 13, 2004 for decision; and

WHEREAS, the applicant has submitted supplementary evidence as to the subsurface conditions, in the form of written submissions and testimony from a consultant, purporting to show that said conditions would require extensive work in order to be appropriately addressed and that this work would greatly increase the cost of development over and above a development where such conditions do not exist; and

WHEREAS, specifically, this consultant, in a letter dated December 18, 2003, contends that the increased cost of foundation construction associated with the subsurface conditions and heightened need for extensive sheeting and underpinning (including that due to the adjacent landmark) is roughly 2.2 million dollars; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, namely the site's subsurface conditions and proximity to a designated landmark, create practical difficulties in developing the site in conformity with the 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 proposed building is designed with a contextual base similar to existing buildings on West 129th Street, and is positioned on the site at a point furthest away from the adjacent landmarked row houses; and

WHEREAS, the Board finds that the bulk and height of the proposed building, as modified over the course of the hearing process, will not impair the use of the surrounding residential buildings; and

WHEREAS, the Board notes that the immediate neighborhood is characterized generally by 3 to 6 story residential buildings on the cross streets, with some larger and taller commercial and mixed use buildings along Lenox Avenue; and

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WHEREAS, therefore, the Board finds that this action, if approved, will not alter the essential character of the surrounding neighborhood nor 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 this proposal is the minimum necessary to afford the owner relief; and

Resolved that the Board of Standards and Appeals issues a Type II Determination 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, to permit the proposed construction of a 24-story mixed use building (residential and commercial), in an R7-2 zoning district, which does not comply with the zoning requirements for lot coverage, floor area, setbacks and exposure planes, and also has commercial use on the same floor as residential use, contrary to Z.R. §§23-142, 23-632, 23-64 and 32-421, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 3, 2003"-(17) 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 premises shall comply with all applicable fire safety measures;

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

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

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

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

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, January 13, 2004.

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; 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 significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

133-03-BZ

CEQR #03-BSA-175K

APPLICANT - Harold Weinberg, P.E., for Natan Bukai, owner.

SUBJECT - Application April 22, 2003 - under Z.R. §73-622 to permit in an R4 zoning district, the proposed erection of a one-story enlargement at the rear of an existing one-family dwelling, which does not comply with the zoning requirements for floor area ratio and minimum rear yard, contrary to Z.R. §§23-141 and 54-31.

PREMISES AFFECTED - 2354 East 5th Street, west side, 100'-0" south of Avenue "W", between Avenue "W" and Angel Court, Block 7180, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 11, 2003, acting on Department of Buildings Alteration Type 1 Application No. 301501765, reads:

"BOARD OF STANDARDS AND APPEALS
DENIAL

THE PROPOSED ENLARGEMENT OF THE
EXISTING DETACHED RESIDENCE IN AN R4
ZONING DISTRICT:

1. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO FLOOR AREA RATIO EXCEEDING THE ALLOWABLE FLOOR AREA RATIO AND IS

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CONTRARY TO SECTIONS 23-141 & 54-31 OF THE ZONING RESOLUTION.

2. REDUCES THE REAR YARD BELOW 30' MINIMUM REQUIRED AND IS CONTRARY TO SECTION 23-47 OF THE ZONING RESOLUTION.”; and

WHEREAS, a public hearing was held on this

WHEREAS, a special permit is sought under Z.R. §73-622, to permit, in an R4 zoning district, the proposed erection of a one-story enlargement at the rear of an existing one-family dwelling, which does not comply with the zoning requirements for floor area ratio and minimum rear yard, contrary to Z.R. §§23-141 and 54-31; 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 enlargement of the building into the rear yard is not located within 20 feet of the rear lot line; and

WHEREAS, the perimeter wall height will comply with all applicable zoning regulations; and

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit, in an R4 zoning district, the proposed erection of a one-story enlargement at the rear of an existing one-family dwelling, which does not comply with the zoning requirements for floor area ratio and minimum rear yard, contrary to Z.R. §§23-141 and 54-31, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received October 21, 2003”- (4) sheets, “December 29, 2003”-(1) sheet and “January 13, 2004”-(1) sheet; and *on further condition*;

THAT there shall be no habitable room in the cellar;

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 this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; no approval has been given by the Board as to the use and layout of the cellar;

THAT the use and layout of the cellar shall be as

application on December 23, 2003 and then laid over to January 13, 2004 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

approved by the Department of Buildings;

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;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, January 13, 2004.

190-03-BZ and 191-03-A

CEQR #03-BSA-205Q

APPLICANT - Sheldon Lobel, P.C., for Satya Sanatan Dharma Sabha, Inc., owner.

SUBJECT - Application June 9, 2003 - under Z.R. § 72-21 to permit the legalization of a portion of a two-story building to a temple and conversion of the remainder of the building to a temple, and to permit an enlargement of the building, which does not comply with the zoning requirements for height, side, and front yards, contrary to Z.R. §§24-521, 24-35, and 24-34.

PREMISES AFFECTED - 87-48 215th Place, corner of Hillside Avenue, Block 10682, Lot 45, Borough of Queens. COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated May 27, 2003, acting on Department of Buildings Alteration Application No. 401641201, reads, in part:

- “1. PROPOSED HEIGHT OF BUILDING AFTER ENLARGEMENT EXCEEDS THE PERMISSIBLE HEIGHT CONTRARY TO

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SECTION 24-521 ZONING RESOLUTION

2. PROPOSED CONVERSION TO COMMUNITY FACILITY USE CREATES A
3. PROPOSED ENLARGEMENT CREATES A NON-COMPLIANCE WITH RESPECT TO ONE FRONT YARD, CONTRARY TO SECTION 24-34 ZONING RESOLUTION"; and

WHEREAS, a public hearing was held on this application on October 21, 2003 after due notice by publication in *The City Record* and laid over to December 9, 2003 for decision; the decision was then deferred to January 13, 2004; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21 to permit the legalization of a portion of a two-story building to a temple and conversion of the remainder of the building to a temple, and to permit an enlargement of the building, which does not comply with the zoning requirements for height, side, and front yards, contrary to Z.R. §§24-521, 24-35, and 24-34; and

WHEREAS, the subject property is an irregularly shaped corner lot measuring 3,955 square feet in area; and

WHEREAS, the subject lot is presently improved with a two-story and cellar building, which was originally used as a single family dwelling, but which currently contains one dwelling unit on the second floor and a temple which occupies the first floor and cellar; and

WHEREAS, the yards of the existing building were in compliance with the zoning resolution when the building was used as a single family dwelling; and

WHEREAS, the applicant notes that the proposed FAR, after enlargement, is 30 per cent less than that permitted by the Zoning Resolution; and

WHEREAS, the conversion of the whole building to a community facility use has created a non-compliance with only one side yard; and

WHEREAS, a community facility is a conforming "as of right" use under the Zoning Resolution; and

WHEREAS, the applicant asserts that the size of the existing building is inadequate to serve the programmatic needs of the temple, which include meetings and services for a growing congregation of approximately sixty-five members; and

WHEREAS, the applicant represents that the requested variance will enable the temple to meet its programmatic requirement of providing the appropriate atmosphere for worship as dictated by the religious practices of the congregation; and

NON-COMPLIANCE WITH RESPECT TO ONE SIDE YARD, CONTRARY TO SECTION 24-35 ZONING RESOLUTION

WHEREAS, the Boards finds that the applicant's programmatic needs, as discussed above, create a practical difficulty with strict compliance with the bulk provisions of the Zoning Resolution; and

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

WHEREAS, the record indicates that the neighborhood surrounding the site is characterized by residential uses; and WHEREAS, the applicant represents that the enlargement of the proposed building is not out of context with the height, front, and side yards of neighboring properties, nor will it adversely impact local residential dwellings; 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 property 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 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 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.

Therefore, it is 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 objections cited, to permit the legalization of a portion of a two-story building to a temple and conversion of the remainder of the building to a temple, and to permit an enlargement of the building, which does not comply with the zoning requirements for height, side, and front yards, contrary to Z.R. §§24-521, 24-35, and 24-34, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 9, 2003"- (7) sheets; and *on further condition*;

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

THAT the applicant will comply with all applicable fire safety measures;

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

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

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

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

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

Adopted by the Board of Standards and Appeals, January 13, 2004.

210-03-BZ

CEQR #03-BSA-214K

APPLICANT - Harold Weinberg, P.E. & Jack Gamill, P.E., for Mordechai Beityakov, owner.

SUBJECT - Application June 20, 2003 - under Z.R. §73-622 to permit in an R2 zoning district, the proposed erection of a two-story enlargement at the rear of an existing one-family dwelling that does not comply with the zoning requirements for floor area ratio, open space ratio and the rear yards requirement, contrary to Z.R. §§23-141, 23-47, and 54-31.

PREMISES AFFECTED - 1455 East 24th Street, east side, 450' south of Avenue "N", Block 7678, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 11, 2003, acting on Department of Buildings Alteration Type 1 Application No. 301546815, reads:

“THE PROPOSED ENLARGEMENT OF THE EXISTING

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review

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

ONE-FAMILY RESIDENCE IN AN R2 ZONING DISTRICT:

1. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO FLOOR AREA RATIO EXCEEDING THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRARY TO SECTIONS 23-141 & 54-31 OF THE ZONING RESOLUTION.

2. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO THE OPEN SPACE RATIO AND IS CONTRARY TO SECTIONS 23-141 & 54-31 OF THE ZONING RESOLUTION.

3. REDUCES THE REAR YARD BELOW 30' AND IS CONTRARY TO SECTION 23-47 OF THE ZONING RESOLUTION.”; and

WHEREAS, a public hearing was held on this application on December 23, 2003 after due notice by publication in *The City Record*, laid over to January 13, 2004 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622, to permit, in an R2 zoning district, the proposed erection of a two-story enlargement at the rear of an existing one-family dwelling that does not comply with the zoning requirements for floor area ratio, open space ratio and the rear yard requirement, contrary to Z.R. §§23-141, 23-47, and 54-31; 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 enlargement into the side yard does not result in a decrease in the existing minimum width of open area between the building and the side lot line; and

WHEREAS, the enlargement of the building into the rear yard is not located within 20 feet of the rear lot line; and

WHEREAS, the perimeter wall height will comply with all applicable zoning regulations; and

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

and makes the required findings under Z.R. §73-622 to permit, in an R2 zoning district, the proposed erection of a two-story enlargement at the rear of an existing one-family

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dwelling that does not comply with the zoning requirements for floor area ratio, open space ratio and the rear yards requirement, contrary to Z.R. §§23-141, 23-47, and 54-31, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received November 13, 2003"- (7) sheets and "December 29, 2003"-(2) sheet; and *on further condition*;

THAT there shall be no habitable room(s) in the cellar;

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 the use and layout of the cellar 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; no approval has been given by the Board as to the use and layout of the cellar;

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;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, January 13, 2004.

241-03-BZ

APPLICANT - Moshe M. Friedman, P.E., for Chaya Knopf, owner.

SUBJECT - Application July 10, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area, open space, and rear and side yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47.

PREMISES AFFECTED - 1183 East 28th Street, east side, 100' north of Avenue "L", Block 7628, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

For Applicant: Joseph Friedman.

For Opposition: Shirley Simon.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 26, 2002, acting on DOB Application No. 301400231 reads:

"1. Proposed plans are contrary to ZR 23-141 in that the Floor Area Ratio exceeds the 0.5 permitted and the Open Space Ratio is less than the 150.0 required.

2. Proposed plans are contrary to ZR 23-461 in that the proposed yards are less than the minimum 5 feet required on one side.

3. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than 30 feet."; and

WHEREAS, a public hearing was held on this application on December 9, 2003 after due notice by publication in The City Record, laid over to January 6, 2004 for decision; the decision was then deferred to January 13, 2004; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area, open space, and rear and side yard requirements, contrary to Z.R. §§'23-141, 23-461 and 23-47; 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 enlargement of the building into the rear yard is not located within 20 feet of the rear lot line; and

WHEREAS, the enlargement into the side yard does not result in a decrease in the existing minimum width of open area between the building and the side lot line; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulations; and

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality

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Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area, open space, and rear and side yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received July 10, 2002"-(7) sheets and "January 8, 2004"-(1) sheet; and on further condition;

THAT there shall be no habitable room(s) in the cellar;

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 the use and layout of the cellar 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; no approval has been given by the Board as to the use and layout of the cellar;

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 within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, January 13, 2004.

242-03-BZ

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area ratio, open space ratio, lot coverage, perimeter wall height and rear and side yard requirements, and is contrary to Z.R. §§23-141, 23-47, 23-48 and 23-631; and

WHEREAS, the Board finds that the proposed

CEQR #04-BSA-012K

APPLICANT - Moshe M. Friedman, P.E., for Sion Maslaton, owner.

SUBJECT - Application July 10, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area ratio, open space ratio, lot coverage, perimeter wall height and rear and side yard requirements, and is contrary to Z.R. §§23-141, 23-47, 23-48 and 23-631.

PREMISES AFFECTED - 1858 East 26th Street, west side, 285'-0" north of Avenue "S", Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Joseph Friedman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 3, 2003, acting on Application No. 301053507 reads:

"Proposed extensions to existing One (1) Family

Dwelling are contrary to

ZR 23-141(b) Floor Area

ZR 23-141(b) Open Space & Lot Coverage

ZR 23-48 Side Yard

ZR 23-48 Minimum Side Yard

ZR 23-47 Rear Yard

ZR 23-631(b) Perimeter Wall

And Requires a Special Permit from the Board of Standards and Appeals as per Sec 73 622."; and

WHEREAS, a public hearing was held on this application on December 23, 2003 and then laid over to January 6, 2004 for decision; then deferred to January 13, 2004; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

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 enlargement of the building into the rear yard is not located within 20 feet of the rear lot line; and

WHEREAS, the enlargement into the side yard does not result in a decrease in the existing minimum width of open area between the building and the side lot line; and

WHEREAS, the perimeter wall height will comply with

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the applicable zoning regulations; and

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area ratio, open space ratio, lot coverage, perimeter wall height and rear and side yard requirements, and is contrary to Z.R. §§23-141, 23-47, 23-48 and 23-631, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received July 10, 2003"- (5) sheets, "September 23, 2003"- (3) sheets, and "January 8, 2004"- (1) sheet; and *on further condition*;

THAT there shall be no habitable room in the cellar;

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 the use and layout of the cellar 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; no approval has been given by the Board as to the use and layout of the cellar;

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;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

WHEREAS, a public hearing was held on this application after due notice by publication in *The City Record* on November 18, 2003, and then laid over to December 16, 2003, and then to January 13, 2004 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner

Adopted by the Board of Standards and Appeals, January 13, 2004.

244-03-BZ

CEQR #04-BSA-014K

APPLICANT - Eric Palatnik, P.C., for Victor Falah, owner.
SUBJECT - Application July 17, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, and rear and side yards, contrary to Z.R. §§23-141, 23-47, and 23-461.

PREMISES AFFECTED - 3975 Bedford Avenue, between Avenues "S" and "R", Block 6831, Lot 56, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 3, 2003, acting on Department of Buildings Alteration Type 1 Application No. 301556144, reads:

"OBTAIN SPECIAL PERMIT APPROVAL FROM THE BOARD OF STANDARDS AND APPEALS AS PER SEC. 73-622 OF THE ZONING RESOLUTION FOR THE FOLLOWING OBJECTIONS:

PROPOSED SIDE YARD IS CONTRARY TO Z.R. 23-461

PROPOSED REAR YARD IS CONTRARY TO ZR 23-47

PROPOSED FLOOR AREA IS CONTRARY TO ZR 23-141

PROPOSED OPEN SPACE RATIO IS CONTRARY TO ZR 23-141."; and

Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622, to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, and rear and side yards, contrary to Z.R. §§23-141, 23-47, and 23-461; and

WHEREAS, the Board finds that the proposed

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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 enlargement into the side yard does not result in a decrease in the existing minimum width of open area between the building and the side lot line; and

WHEREAS, the enlargement of the building into the rear yard is not located within 20 feet of the rear lot line; and

WHEREAS, the perimeter wall height will comply with all applicable zoning regulations; and

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622, to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, and rear and side yards, contrary to Z.R. §§23-141, 23-47, and 23-461, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received December 11, 2003"-(11) sheets; and *on further condition*;

THAT there shall be no habitable room(s) in the cellar;

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 the use and layout of the cellar 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; no approval has been given by the Board as to the use and layout of the cellar;

"Proposed Physical Culture Establishment located at 28-56 Steinway Street on the first and second floors is not permitted pursuant to ZR 12-10. Proposed use is not permitted on the 3rd floor as per ZR 12-10."; and

WHEREAS, a public hearing was held on this application on December 23, 2003, after due notice by publication in *The City Record*, and then to January 13, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish

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 within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, January 13, 2004.

265-03-BZ

CEQR #04-BSA-030Q

APPLICANT - The Law Office of Fredrick A. Becker, for 2856-2860 Steinway Street, LLC by Lloyd Goldman, owner; TSI Astoria Inc. d/b/a New York Sports Club, lessee.

SUBJECT - Application August 21, 2003 - under Z.R. §73-36 to permit the creation of a physical culture establishment ("PCE") within C2-2 and C4-2A zoning districts, located on the second and third floors of an existing three-story commercial building.

PREMISES AFFECTED - 28-56/60 Steinway Street, northwest corner of 30th Avenue, Block 662, Lot 41, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated August 8, 2003, acting on Department of Buildings Application No. 401705963, reads:

Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §§73-36 and 73-03 to permit the creation of a physical culture establishment ("PCE") within C2-2 and C4-2A zoning districts, located on the second and third floors of an existing three-story commercial building; and

WHEREAS, the subject structure contains a three-story building that was previously occupied by a theater and retail stores; and

WHEREAS, the building presently houses a bank and a

MINUTES

drug store use on the first floor, with the second and third floors remaining vacant: and

WHEREAS, the proposed hours of operation of the PCE will be Monday through Thursday 6:00 A.M. to 11:00 P.M., Friday 6:00 A.M. to 9:00 P.M., and Saturday and Sunday 9:00 A.M. to 7:00 P.M.; and

WHEREAS, the record shows that the proposed PCE will contain facilities for classes, instruction, and programs for physical improvement, body building, weight reduction, and aerobics; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board finds that the proposed use 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 record indicates that the proposed PCE will have no adverse impact on the privacy, light, quiet, and air of the surrounding area, as the facility is to be located at the second and third floors of an existing 3-story commercial building; and

WHEREAS, the proposed project will not interfere with the existing street system or any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-36 and 73-03; 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 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-

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, January 13, 2004.

07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-36, and 73-03, to permit the creation of a physical culture establishment ("PCE") within C2-2 and C4-2A zoning districts, located on the second and third floors of an existing three-story commercial building, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received August 21, 2003"- (6) sheets and "January 6, 2004"- (2) sheets; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring on January 13, 2014;

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

THAT any and all massages will all be performed by New York State licensed massage therapists;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT all signage shall comply with the underlying signage regulations;

THAT the hours of operation shall be limited to Monday through Thursday 6:00 A.M. to 11:00 P.M., Friday 6:00 A.M. to 9:00 P.M. and Saturday and Sunday 9:00 A.M. to 7:00 P.M.;

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 the applicant shall comply with all provisions of Local Law 58/87;

THAT substantial construction shall be completed in accordance with Z.R. §73-70;

THAT this approval is limited to the relief granted by the Board in response to the specifically cited and filed Department of Buildings objection only;

301-03-BZ

CEQR #04-BSA-051K

APPLICANT - The Law Office of Fredrick A. Becker, for Leonard Wassner and Isabell Wassner, owners.

SUBJECT - Application September 22, 2003 - under Z.R. §§73-622 to permit in an R2 zoning district, the proposed enlargement of an existing one-family dwelling, which does not comply with the zoning requirements for floor area ratio, open space ratio, rear and side yards, contrary to Z.R. §§23-141, 23-46 and 23-47.

PREMISES AFFECTED - 1103 East 22nd Street, between

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Avenues “J” and “K”, Block 7604, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra J. Altman and David Shteierman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 3, 2003, acting on Application No. ALT. I. 301622885 reads:

“Obtain special permit from the Board of Standards and Appeals for the following objections:

- 1). proposed floor area is contrary to zr 23-141.
- 2). proposed open space ratio contrary to zr 23-141.
- 3). Proposed rear yard contrary to zr 23-47
- 4). Proposed side yard contrary to zr 23-46.”; and

WHEREAS, a public hearing was held on this application on December 16, 2003 after due notice by publication in *The City Record*, and then laid over to January 13, 2004 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622, to permit, in an R2 zoning district, the proposed enlargement of an existing one-family dwelling, which does not comply with the zoning requirements for floor area ratio, open space ratio, rear and side yards, contrary to Z.R. §§23-141, 23-46 and 23-47; and

WHEREAS, the Board finds that the proposed

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; no approval has been given by the Board as to the use and layout of the cellar;

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;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of

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 enlargement into the side yard does not result in a decrease in the existing minimum width of open area between the building and the side lot line; and

WHEREAS, the enlargement of the building into the rear yard is not located within 20 feet of the rear lot line; and

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

WHEREAS, the perimeter wall height will comply with all applicable zoning regulations; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit, in an R2 zoning district, the proposed enlargement of an existing one-family dwelling, which does not comply with the zoning requirements for floor area ratio, open space ratio, rear and side yards, contrary to Z.R. §§23-141, 23-46 and 23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received November 20, 2003”- (7) sheets and “January 13, 2004”- (2) sheets; and *on further condition*;

THAT there shall be no habitable room(s) in the cellar;

THAT the use and layout of the cellar shall be as approved by the Department of Buildings;

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;

this grant.

Adopted by the Board of Standards and Appeals, January 13, 2004.

254-02-BZ

APPLICANT - Klein & O’Brien, LLP, for Malka Ausch, owner.

SUBJECT - Application September 18, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy, Use Group 2, in an existing three-story building and the proposed use, in the one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 41/45 South Fifth Street, bounded

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on the west by Kent Avenue, and on the east by Wythe Avenue, Block 2441, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 3, 2004, at 1:30 P.M., for decision, hearing closed.

276-02-BZ

APPLICANT - Harold Weinberg, P.E., for Morton Osterman, owner.

SUBJECT - Application October 10, 2002 - under Z.R. §73-622 to permit the proposed erection of a second story, and a rear enlargement to an existing one family dwelling, Use Group 1, located in an R3-1 zoning district, which creates non-compliance with regards to floor area ratio, open space ratio, lot coverage, and rear and side yards, is contrary to Z.R. §23-141, §23-47, §54-31 and §23-461.

PREMISES AFFECTED - 160 Norfolk Street, west side, 300'0 north of Oriental Boulevard and south of Shore Boulevard, Block 8756, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 10, 2004, at 1:30 P.M., for decision, hearing closed.

80-03-BZ

85-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for 926 Bedford LLC, owner; Department of General Services, lessee.

SUBJECT - Application March 13, 2003 - under Z.R. 72-21 to permit the proposed combining of three tax lots into a single zoning and tax lot, and also the proposed construction of a two-story building, that will be used for the manufacturing (primary assembly) of materials handling equipment, located in an R6 zoning district, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 922/26 Bedford Avenue, a/k/a 371 Willoughby Avenue, northwest corner, Block 1914, Lots 43, 44 and 46 (Tentative Lot 43), Borough of Brooklyn.

COMMUNITY BOARD #1BK

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 39th Street, southeast corner of Sixth Avenue, Block 914, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to February 10, 2004, at 1:30 P.M., for continued hearing.

83-03-BZ

APPLICANT - The Agusta Group, for Ms. Hilda Lovera, owner.

SUBJECT - Application March 12, 2003 - under Z.R. §72-21 to permit the proposed construction of a two family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, front yard and the maximum number of dwelling units, which is contrary to Z.R. §23-141, §23-45 and §23-22.

PREMISES AFFECTED - 2100 Herman Avenue, southeast corner of Olmstead Avenue, Block 3685, Lot 9, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: S. Korman.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 3, 2004, at 1:30 P.M., for decision, hearing closed.

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 10, 2004, at 1:30 P.M., for decision, hearing closed.

150-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Bolshy Gulliver, Inc., owner.

SUBJECT - Application May 15, 2003 - under Z.R. §72-21 to permit the proposed construction of three additional floors above a one story and basement building, to form a mixed-use

MINUTES

building, to contain as of right uses on the first floor and basement level, and a nine residential units on the remaining three floors, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 136 Metropolitan Avenue, between Wythe Avenue and Berry Street, Block 2364, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to February 24, 2004, at 1:30 P.M., for continued hearing.

183-03-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

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

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Stuart Klein.

ACTION OF THE BOARD - Laid over to March 2, 2004, at 1:30 P.M., for continued hearing.

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

For Applicant: Mitchell Ross.

For Opposition: Michelle Radicher, Sal Perovic, Anthony Tawczos, Rolf Carle, Peter Gillespr, Jean Heyer and Paul Parkhill.

ACTION OF THE BOARD - Laid over to February 10, 2004, at 1:30 P.M., for continued hearing.

199-03-BZ thru 205-03-BZ

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

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

PREMISES AFFECTED -

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

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

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

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

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

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

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.

ACTION OF THE BOARD - Laid over to February 24, 2004, at 1:30 P.M., for continued hearing.

240-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Young Israel of Jamaica Estates, Inc., owner.

SUBJECT - Application July 10, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing two story

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

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

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Sheldon Lobel, Meir Mishkoff, and Harvey Rosenblum.

For Opposition: Bernard Strauss, Bob Harris, S. Basehoe, and Leo Weinberger.

ACTION OF THE BOARD - Laid over to March 2, 2004, at 1:30 P.M., for continued hearing.

264-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Samuel Halon and Chaya Halon, owner.

SUBJECT - Application August 21, 2003 - under Z.R. §73-622 to permit the proposed enlargement of a single family residence, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and side yard, is contrary to Z.R. §23-141 and §23-461.

PREMISES AFFECTED - 2713 Avenue "N", 66' west of East 28th Street, Block 7663, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

307-03-BZ

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

SUBJECT - Application October 2, 2003 - under Z.R. §72-21 to permit the proposed construction of a 15-story residential building, Use Group 2, located in R-8 and C1-4 zoning districts, which does not comply with the zoning requirements for lot coverage, maximum building height, street walls and setback, and is contrary to Z.R. §35-24, §23-633 and §23-145.

PREMISES AFFECTED - 543/45 West 110th Street, (aka Cathedral Parkway), and 2840/46 Broadway, northeast corner, Block 1882, Lots 1 and 6, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: Steven Lelkowitz and Paul Byand.

For Opposition: Jeffery Chester, Carolyn Birden, Miriam Winocour and Daniel Katz.

For Applicant: Lyra J. Altman

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 3, 2004, at 1:30 P.M., for decision, hearing closed.

266-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for 1710-2 McDonald Realty, LLC, owner.

SUBJECT - Application August 21, 2003 - under Z.R. §73-50 to permit the proposed enlargement of an existing warehouse (furniture), situated in an M1-1 zoning district, by constructing a one-story addition at the rear, that will encroach into the required yard between district boundaries, is contrary to Z.R. §43-302.

PREMISES AFFECTED - 1710/12 McDonald Avenue, west side, 60' south of Avenue "O", Block 6607, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Dr. Joseph Knoll.

ACTION OF THE BOARD - Laid over to February 24, 2004, at 1:30 P.M., for continued hearing.

ACTION OF THE BOARD - Laid over to March 2, 2004, at 1:30 P.M., for continued hearing.

310-03-BZ

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

SUBJECT - Application October 6, 2003 - under Z.R. §73-622 to permit the proposed 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 and open space ratio, is contrary to Z.R. §23-141.

PREMISES AFFECTED - 2223 Avenue "M", corner of East 23rd Street, Block 7640, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant Richard Lobel.

THE VOTE TO CLOSE HEARING -

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

MINUTES

Negative:0

ACTION OF THE BOARD - Laid over to February 10, 2004, at 1:30 P.M., for decision, hearing closed.

327-03-BZ

APPLICANT - Sheldon Lobel, P.C., for New Century Limited Partnership, owner.

SUBJECT - Application November 12, 2003 - under Z.R. §73-53 to permit the proposed enlargement of an existing warehouse, located in an M1-1 zoning district, which requires a special permit.

PREMISES AFFECTED - 175-35 148th Road, between Guy Brewer Boulevard and 175th Street, Block 13379, Lot 21, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 10, 2004, at 1:30 P.M., for decision, hearing closed.

SPECIAL HEARING

WEDNESDAY MORNING, JANUARY 14, 2004

10:00 A.M.

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

281-99-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF THE PREMISES: Enopac Holding LLC.

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

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

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Jay Segal.

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, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Howard Weiss and Elysie Quasebarth.

For Opposition: Sadie Dyer, Office of Assembly Member Deborah Glick; Carole DeSaram, Community Board No. 1, Doris Diether, Starr Ockenga and others.

ACTION OF THE BOARD - Laid over to February 24, 2004, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director

Adjourned: 6:00 P.M.

For Opposition: Lewis Fidler, Council Member and Roberta Sherman.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 2, 2004, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director

Adjourned: 10:55 A.M.