
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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February 19, 2004

DIRECTORY

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366-02-BZ	2702 Avenue M, Brooklyn
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DOCKETS

New Case Filed Up to February 10, 2004

18-04-A B.Q. 10 Irving Walk, west side, 105.69' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens. Alt.1#401746063. Proposed addition of a second floor, to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 5 of the General City Law.

Briggs Avenue, Poe Place and Coles Lane, Block 3293, Lots 21 and 90, Borough of The Bronx. N.B.#200759508. Proposed construction of a six-story garage, plus a cellar and sub-cellar, to be occupied as an enclosed fully attended commercial parking facility, Use Group 8c, located in an R7-1 zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #7BX

19-04-BZ B.BX. 1217 East 233rd Street, aka 3923 Baychester Avenue, Block 4954, Lot 68, Borough of The Bronx. Alt.1#200742296. The reestablishment of an expired variance previously granted by the Board under Cal. No. 423-54-BZ, for a gasoline service station in a C2-1 within an R-4 zoning district, also the legalization of the conversion of a portion of the gas station to an accessory retail convenience store, is contrary to Z.R. §22-10 and §32-10.

COMMUNITY BOARD #12BX

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.

20-04-BZ B.K. 5723 17th Avenue, corner of 58th Street, Block 5498, Lot 1, Borough of Brooklyn. Alt.1#301550774. Proposed construction of a single family dwelling, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for side yards, floor area ratio, open space ratio and open space, is contrary to Z.R. §23-141(a), §23-45 and §23-461.

COMMUNITY BOARD #12BK

21-04-A B.Q. 634 Bayside Avenue, eastside, 267.40' south of Bayside Drive, Block 16350, Lot 300, Borough of Queens. Alt.1#401751154. Proposed enlargement of an existing one family dwelling, located partially 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.

22-04-BZ B.BX. 2556 Briggs Avenue, fronting on

CALENDAR

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

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

DISMISSAL CALENDAR

722-68-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Matthew Pines
SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 388-392 Kings Highway, West 3rd Street and Kings Place, Block 6678, Lot 68, Borough of Brooklyn.
COMMUNITY BOARD #11

16-99-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Milton Elbogen
SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 1116 East 26th Street, between Avenue K and Avenue L, Block 7625, Lot 52, Borough of Brooklyn.
COMMUNITY BOARD #14

147-02-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Joseph Pizzonia
SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 201-06 Hillside Avenue, corner of 201st Street and Hillside Avenue, Block 10495, Lot 52, Borough of Queens.
COMMUNITY BOARD #12

229-03-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: PIC Legacy Realty, Inc.
SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 303 Crystal Avenue, Block 472, Lot

304-03-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Woodlawn Heights Realty
SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 4299 Katonah Avenue, fronting on Katonah Avenue between East 236th and East 237th Streets, Block 3377, Lot 59, Borough of The Bronx.
COMMUNITY BOARD #12

149, Borough of Staten Island.
COMMUNITY BOARD #1

327-02-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Frank Galeano.
SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 82 Union Street, south side, 266' west of Columbia Street, east of Van Brunt Street, Block 341, Lot 18, Borough of Brooklyn.
COMMUNITY BOARD #6

352-02-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Peter Likourentzos
SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 2801 Emmons Avenue, northeast corner East 28th Street to East 29th Street, Block 8792, Lot 63, Borough of Brooklyn.
COMMUNITY BOARD #15

229-03-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: PIC Legacy Realty, Inc.
SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 303 Crystal Avenue, Block 472, Lot 149, Borough of Staten Island.
COMMUNITY BOARD #1

295-03-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Luis Parrales
SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 860-862 Castle Hill Avenue/2201 Hermany Avenue, northeast corner of Castle Hill Avenue and Hermany Avenue, Block 3692, Lot 1, Borough of The Bronx.
COMMUNITY BOARD #9

343-03-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Pasquale Pescatore
SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 90 Havemeyer Street, fronting on the west side of Havemeyer Street between Hope Street and Metropolitan Avenue, Block 2368, Lot 26, Borough of Brooklyn.
COMMUNITY BOARD #1

CALENDAR

358-03-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Rita Citronenbaum

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 1651 52nd Street, northside 334'-4 west of 17th Avenue, between 16th and 17th Avenues, Block 5466, Lot 69, Borough of Brooklyn.

COMMUNITY BOARD #12

Pasquale Pacifico, Executive Director

REGULAR MEETING TUESDAY MORNING, FEBRUARY 10, 2004 10:00 A.M.

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, December 9, 2003, were approved as printed in the Bulletin of Volume 88, No. 48-50.

SPECIAL ORDER CALENDAR

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

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended

MINUTES

and term of variance extended.

THE VOTE TO GRANT -

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

Negative:.....0

Abstain: Chair Srinivasan.....1

Absent: Commissioner Chin.....1

THE RESOLUTION-

WHEREAS, a public hearing was held on this application on August 12, 2003, after due notice by publication in The City Record, and laid over to October 21, 2003, January 13, 2004 and then to February 10, 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 variance which expired on June 19, 2001; and

WHEREAS, the applicant also seeks an amendment to the resolution to permit the erection of a new metal canopy over the fuel dispensing area, to relocate the ground sign structure to the westerly end of the lot and to provide a new full width concrete sidewalk on the Clinton Avenue frontage, a new 5'-0" high, 100% closed chain-link fencing, and a new planting area.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, reopens and amends the resolution, pursuant to Zoning Resolution §11-412, extends the term of the variance which expired on June 19, 2001, so that as amended this portion of the resolution shall read: "to permit the extension of the term of the variance for an additional ten (10) years from June 19, 2001 expiring on June 19, 2011, and to permit the erection of a new metal canopy over the fuel dispensing area, to relocate the ground sign structure to the westerly end of the lot and to provide a new full width concrete sidewalk on the Clinton Avenue frontage, a new 5'-0" high 100% closed chain-link fencing, and a new planting area; 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, 2004"- (4) sheets; and on further condition;

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

Absent: Commissioner Chin.....1

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

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

THAT there shall be no overnight parking of vehicles of the site, with the exception of cars awaiting service;

THAT no automatic car washing shall occur on the premises, and all car wash modules shall be removed;

THAT there shall be no use of automatic vacuums on the site;

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 a certificate of occupancy will be obtained within one year from the date of this grant;

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; 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." (DOB Application #401750128)

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

994-77-BZ

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

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

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

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

Absent: Commissioner Chin.....1

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

MINUTES

101-92-BZ

APPLICANT - Sheldon Lobel, P.C., for Portrem Realty Co., owner.

SUBJECT - Application August 13, 2003 - reopening for an extension of term of variance which expired October 26, 2003.

PREMISES AFFECTED - 68-98 E. Burnside Avenue (aka 2036 Walton Avenue and 2035 Morris Avenue) south side of East Burnside Avenue, between Walton Avenue and Morris Avenue, Block 2829, Lot 45, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Jordan Most.

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

27-00-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Emanuel N. Hartofilis, owner; VanDoren Oil Co., Inc. Lessee.

SUBJECT - Application October 28, 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.

PREMISES AFFECTED - 110-35 Horace Harding Expressway, northwest corner of VanDoren Street, Block 1970, Lot39, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES -

For Applicant: Carl Sulfaro.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

Absent: Commissioner Chin.....1

ACTION OF THE BOARD - Laid over to February 24, 2004, at 10 A.M., for decision, hearing closed.

279-01-BZ

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

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

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

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Howard Hornstein and Barbara Hair.

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

290-02-BZ thru 314-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

191-00-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 184 Kent Avenue Associates, owner.

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

PREMISES AFFECTED - 184 Kent Avenue, northwest corner of intersection of Kent Avenue and North 3rd Street, Block 2348, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Howard Hornstein, Barbara Hair and Ken Fischer.

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

200-00-BZ

APPLICANT - The Agusta Group, for Blans Development Corp., owner.

SUBJECT - Application August 28, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 107-24 37th Avenue, aka 37-16 108th Street, southwest corner of 108th Street and 37th Avenue, Block 1773, Lot 10, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Sheldon Leffler.

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

OWNER OF PREMISES: Edgewater Development, Inc.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED -

114-01 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 125, Borough of Queens.

114-03 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 126, Borough of Queens.

114-05 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 127, Borough of Queens.

114-07 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 128, Borough of Queens.

114-09 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 129, Borough of Queens.

114-11 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 130, Borough of Queens.

114-13 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 131, Borough of Queens.

114-15 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 132, Borough of Queens.

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114-21 Taipei Court, north side, 501' west of 115th Street, Block 4019, Lot 133, Borough of Queens.
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114-31 Taipei Court, north side, 411' west of 115th Street, Block 4019, Lot 138, Borough of Queens.
114-33 Taipei Court, northwest corner of 115th Street, Block 4019, Lot 139, Borough of Queens.
114-35 Taipei Court, north side, 371' west of 115th Street, Block 4019, Lot 141, Borough of Queens.
114-20 Taipei Court, south side, 501' west of 115th Street, Block 4019, Lot 124, Borough of Queens.
114-22 Taipei Court, south side, 491' west of 115th Street, Block 4019, Lot 123, Borough of Queens.
114-24 Taipei Court, south side, 471' west of 115th Street, Block 4019, Lot 122, Borough of Queens.
114-26 Taipei Court, south side, 451' west of 115th Street, Block 4019, Lot 121, Borough of Queens.
114-28 Taipei Court, south side, 431' west of 115th Street, Block 4019, Lot 119, Borough of Queens.
114-30 Taipei Court, south side, 411' west of 115th Street, Block 4019, Lot 117, Borough of Queens.
114-32 Taipei Court, south side, 391' west of 115th Street, Block 4019, Lot 116, Borough of Queens.
114-34 Taipei Court, south side, 371' west of 115th Street, Block 4019, Lot 115, Borough of Queens.
114-36 Taipei Court, south side, 391' west of 115th Street, Block 4019, Lot 114, Borough of Queens.

COMMUNITY BOARD #7Q

- A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law
 - B) Existing dwelling to be altered does not have at least 8% of total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to Section 27-291 of the Administrative Code.";
- and

WHEREAS, by the letter dated, February 4, 2004, the Fire Department has reviewed the above project and has no objections; 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 November 10, 2003 acting on Department of Buildings Alt. 1 Application No. 401721455 is modified under the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received January 13, 2004"- (1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules,

APPEARANCES -

For Applicant: Adam W. Rothkrug.

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

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.

ACTION OF THE BOARD - Appeal granted on condition.
THE VOTE TO GRANT-

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

Negative:.....0

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated November 10, 2003, acting on Department of Buildings Alt. 1 Application No. 401721455, reads, in pertinent part:

"A-1 The street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York, Therefore:

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 February 10, 2004.

352-03-A

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

SUBJECT - Application November 18, 2003 - Proposed

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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.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT-

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

Negative:.....0

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated November 10, 2003, acting on Department of Buildings Alt. 1 Application No. 401732354, reads in pertinent part:

"A-1 The existing building to be altered lies within a bed of a mapped street contrary to General City Law Section 35"; and

WHEREAS, by letter dated February 4, 2004, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated December 10, 2003 the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated January 12, 2004 the Department of Transportation reviewed the above project and has no objections; and

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.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT-

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

Negative:.....0

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated November 05, 2003, acting on Department of Buildings Alt. 1 Application No. 4017712401

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

Resolved, that the decision of the Queens Borough Commissioner, dated November 10, 2003 acting on Department of Buildings Alt. 1 Application No. 401732354 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 November 1, 2003"-(1) sheet; and that the 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 February 10, 2004.

reads, in pertinent part:

"A1- The street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York, Therefore:

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law.

B) Existing Dwelling to be altered does not have at least 8% of total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to Section 27-291 of the Administrative Code.

A-2 The existing building to be altered lies within the bed of a mapped the street contrary to General City Law Article 3, Section 35"; and

WHEREAS, by letter dated, February 4, 2004, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated, December 11, 2003 the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated, January 12, 2004 the Department of Transportation reviewed the above project and has no objections; and

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

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Resolved, that the decision of the Queens Borough Commissioner, dated November 5, 2003 acting on Department of Buildings Alt. 1 Application No. 401712401 is modified under the power vested in the Board by Section 35 & 36 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 November 18, 2003"-(1) sheet; and that the 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 February 10, 2004.

REGULAR MEETING

TUESDAY AFTERNOON, FEBRUARY 10, 2004
2:00 P.M.

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

ZONING CALENDAR

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 yard enlargement, to an existing one-family dwelling (Use Group 1) in an R3-1 zoning district, which creates and increases non-compliance with regard to floor area ratio, open space ratio, lot coverage, and rear and side yard requirements, and which 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.

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: Sheldon S. Leffler.

For Opposition: Janine Gaylard.

ACTION OF THE BOARD - Application Withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:.....0

Absent: Commissioner Chin.....1

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

Pasquale Pacifico, Executive Director.

Adjourned: 10:50 A.M.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg and Emmanuel Smith.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

Abstain: Chair Srinivasan.....1

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 7, 2002, acting on Department of Buildings Application No. 301415706 reads:

"1. Creates non-compliances with respect to floor area ratio (FAR) and open space ratio and is contrary to Section 23-141;

2. Increases the degree of non-compliance with respect to lot coverage and is contrary to sections 23-141 ZR and Section 54-31;

3. Increases the degree of non-compliance with respect to rear yard and is contrary to section 23-47 ZR &54-31;

4. Increases the degree of non-compliance with respect to side yards and is contrary to section 23-461 & 54-31."; and

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WHEREAS, a public hearing was held on this application on August 13, 2003, laid over to October 21, 2003, January 13, 2004 and then to February 10, 2004 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed erection of a second story, and a rear yard enlargement, to an existing one-family dwelling (Use Group 1) in an R3-1 zoning district, which creates and increases non-compliance with regard to floor area ratio, open space ratio, lot coverage, and rear and side yard requirements, and which is contrary to Z.R §§23-141, 23-47, 54-31 and 23-461; 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

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 erection of a second story, and a rear yard enlargement, to an existing one-family dwelling (Use Group 1) in an R3-1 zoning district, which creates and increases non-compliance with regard to floor area ratio, open space ratio, lot coverage, and rear and side yard requirements, and which is contrary to Z.R §§23-141, 23-47, 54-31 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 October 3, 2003"-(6) sheets, "October 10, 2003"-(1) sheet, "January 14, 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

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

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

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

WHEREAS, 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.

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, February 10, 2004.

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 construction of a two-story and mezzanine manufacturing use building in an R6 zoning district, which 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

APPEARANCES –

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

Abstain: Chair Srinivasan.....1

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Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 12, 2003, acting on Department of Buildings Application No. 301469453, reads:

"Proposed enlargement of existing manufacturing facility in an R6 Zoning District is contrary to section 22-10, and must be referred back to the Board of Standards and Appeals"; and

WHEREAS, a public hearing was held on this application on October 28, 2003 after due notice by publication in The City Record, with continued hearings on December 9, 2003, January 13, 2004 and then to February 10, 2004 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a two-story and

WHEREAS, the proposed building will contain a cellar used for storage and mechanical equipment; a first floor used for loading and unloading, accessory parking, offices, a retail/wholesale showroom and assembly; and a mezzanine and second floor also used for storage and assembly; and

WHEREAS, the applicant asserts that the existing building is in an extreme state of disrepair, and largely unstable due to its advanced age, as well as deterioration resulting from the demolition of the adjacent building; and

WHEREAS, under Calendar No. 1067-86-BZ, the Board granted a variance to permit the conversion of the upper floors for office and storage use; and

WHEREAS, the applicant states that despite the variance, the upper floors of the building were never altered, most likely due to the extreme state of disrepair of the building; and

WHEREAS, the Board finds that the aforementioned unique conditions 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 there is an M1-2 zoning district located directly across the street from the subject premises, with a gasoline service station on the northeast corner of Willoughby Avenue and Bedford Street; and

mezzanine manufacturing use building in an R6 zoning district, which is contrary to Z.R. § 22-10; and

WHEREAS, the subject premises consists of a corner lot, with 73 feet of frontage on Willoughby Avenue and 76.17 feet of frontage on Bedford Avenue, with a total area of 5,714.2 square feet; and

WHEREAS, the record indicates that the subject premises is currently comprised of three separate tax lots (numbers 43, 44 and 46) which are proposed to be combined into a single zoning lot (number 43) and developed with the proposed two-story manufacturing building; and

WHEREAS, lots 43 and 44 are vacant and owned by the City of New York, while lot 46 is developed with a three-story building that was previously the subject of a variance application approved under BSA Cal. No. 1067-86-BZ; and

WHEREAS, the applicant represents that the existing building and use became legally non-conforming and non-complying when the current zoning took effect in 1961; and

WHEREAS, the Board notes that within the R6 zoning district, there are several manufacturing and commercial uses; and

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

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.

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 two-story and mezzanine manufacturing use building in an R6 zoning district, which is contrary to Z.R. §22-10, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 13, 2003"-(8) sheets and "July 29, 2003"-(1) sheet; and on further

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condition;

THAT the term of this variance shall be limited to 10 years from the date of this resolution to expire on February 10, 2014;

THAT any change in use from the specific use of the property as Material handling Equipment and Accessory Wholesale Establishment and Assembly (Use Group 17), or change in ownership or lessee shall require Board approval;

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 SUBJECT - Application April 4, 2003 - under Z.R. §72-21 to permit the proposed construction of a four-story residential building (Use Group 2), located in an R5 zoning district, which does not comply with the zoning requirements for height, setback, front yards, and accessory parking, contrary to Z.R. §§23-631, 23-45, and 25-23.

PREMISES AFFECTED - 135 Coffey Street, between Conover and Van Brunt Streets, Block 597, Tentative Lots 9 and 11, Former Lots Numbers, 9-11, 13, 14, 37 and 38, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Eric Palatnikk.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING-

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

Negative:.....0

Absent: Commissioner Chin.....1

THE VOTE TO CLOSE HEARING-

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

Negative:.....0

Absent: Commissioner Chin.....1

THE VOTE TO GRANT-

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

Negative:.....0

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 2, 2003, acting on Department of Buildings

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, February 10, 2004.

108-03-BZ

APPLICANT - Eric Palatnik, P.C., for FAC Homeownership HDFC, owners.

Application No. 301500481, reads:

"1) Proposed Building Height is contrary to ZR Section 23-631(d) & (e) and therefore must be referred to the Board of Standards and Appeals.

2) Proposed Front Yard is contrary to ZR Section 23-45 and therefore must be referred to the Board of Standards and Appeals.

3) Proposed Accessory Parking is contrary to ZR Section 25-23 and therefore must be referred to the Board of Standards and Appeals"; and

WHEREAS, a public hearing was held on this application on November 18, 2003 after due notice by publication in the City Record; decisions were scheduled for December 9, 2003 and January 27, 2004 and were then deferred; the decision date was laid over to February 10, 2004; and

WHEREAS, Community Board No. 6 in Brooklyn recommended approval of the subject application; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a four-story residential building (Use Group 2), located in an R5 zoning district, which does not comply with the zoning requirements for height, setback, front yards, and accessory parking, contrary to Z.R. §§23-631(d)(e), 23-45, and 25-23; and

WHEREAS, the Board notes that there are related variance applications under BSA Calendar Nos. 109-03-BZ and 110-03-BZ, for construction of buildings that will be part of the same affordable housing development, and a companion variance application under BSA Calendar No. 329-03-BZ (142 Coffey

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Street) that would permit the construction of an accessory parking lot serving the building to be created; and

WHEREAS, the subject lots are currently vacant and unoccupied; and

WHEREAS, the applicant proposes the construction of a four-story residential structure, containing 21,447 square feet of floor area and 20 dwelling units; 6 accessory parking spaces will be provided on-site and 8 more parking spaces will be provided at a lot to be created at 142 Coffey Street; and

WHEREAS, the applicant represents that the basis of the uniqueness of the premises relates to its programmatic needs as a not-for-profit corporation founded for the express purposes of developing and managing housing for persons of low income, and

WHEREAS, the applicant has submitted photo surveys depicting the surrounding neighborhood and demonstrating that there are many residential buildings near the subject site with equal or more bulk, including some with a height of 3 to 4 stories; and

WHEREAS, the applicant states that there are many vacant lots and abandoned buildings in the vicinity, and that the proposal, if granted, will have a beneficial effect on the surrounding community by bringing families to the community and rejuvenating the immediate area; and

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

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

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

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

WHEREAS, the Board has determined that the proposed project is consistent with the City's Local Waterfront Revitalization Program policies; and

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

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed construction of a four-story residential building (Use Group 2), located in an R5 zoning district, which does not comply with the

generally assisting in the betterment of the community through promotion of safe and clean low income housing options; and

WHEREAS, the applicant represents that the requested variances will assist in the creation of viable, sustainable residential development for low income individuals, and that such development is needed given the demand for affordable housing in the vicinity; and

WHEREAS, the Board finds that the aforementioned unique conditions create practical difficulties and unnecessary hardships in developing the site in strict conformity with current zoning; and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the legalization will be in furtherance of its programmatic needs; and zoning requirements for height, setback, front yards, and accessory parking, contrary to Z.R. §§23-631, 23-45, and 25-23; on condition that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 26, 2003"-(7) sheets and "Received February 6, 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 the above conditions shall be noted in the Certificate of Occupancy;

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

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

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

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

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

109-03-BZ

APPLICANT - Eric Palatnik, P.C., for FAC Homeownership HDFC, owners.

SUBJECT - Application April 4, 2003 - under Z.R. §72-21 to permit the proposed construction of a four story residential building (Use Group 2), located in an R5 zoning district, which does not comply with the zoning requirements for height, setback, front yards,

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and accessory parking, contrary to Z.R. §§23-631, 23-45, and 25-23.

PREMISES AFFECTED - 71 Walcott Street, between Richard and Van Brunt Streets, Block 596, Tentative Lot 24, Former Lots Numbers, 23-29 and 43, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Eric Palatnikk.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING-

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

Negative:.....0

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 2, 2003, acting on Department of Buildings Application No. 301500506, reads:

"1) Proposed Building Height is contrary to ZR Section 23-631(d) & (e) and therefore must be referred to the Board of Standards and Appeals.

2) Proposed Front Yard is contrary to ZR Section 23-45 and therefore must be referred to the Board of Standards and Appeals.

3) Proposed Accessory Parking is contrary to ZR Section 25-23 and therefore must be referred to the Board of Standards and Appeals"; and

WHEREAS, a public hearing was held on this application on November 18, 2003 after due notice by publication in the City Record; decisions were scheduled for December 9, 2003 and January 27, 2004 and were deferred; the decision was then laid over to February 10, 2004;

WHEREAS, Community Board No. 6 in Brooklyn recommended approval of the subject application; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a four-story residential building (Use Group 2), located in an R5 zoning district, which does not comply with the zoning requirements for height, setback, front yards, and accessory parking, contrary to Z.R. §§23-631, 23-45, and 25-23; and

WHEREAS, the Board notes that there are related variance applications under BSA Calendar Nos. 108-03-BZ and 110-03-BZ, for construction of buildings that will be part of the same overall three building low income housing development; and

WHEREAS, the applicant notes that lot 23 was, at the time of filing, under City ownership; and

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

Negative:.....0

Absent: Commissioner Chin.....1

THE VOTE TO CLOSE HEARING-

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

Negative:.....0

Absent: Commissioner Chin.....1

THE VOTE TO GRANT-

WHEREAS, the applicant represents that the New York City Department of Housing Preservation and Development will submit an application for the disposition of the City-owned property pursuant to ULURP; and

WHEREAS, the subject site is 15,643 square feet in size, and is currently vacant and unoccupied, with the exception of a small, dilapidated, two story residence on lot 24; and WHEREAS, the applicant proposes the demolition of the two-story residence and the construction of a four-story residential structure, containing 24,826 square feet of floor area and 20 dwelling units; accessory parking spaces will be provided on-site; and an outdoor play space of approximately 2000 square feet will also be provided; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardships in developing the site in conformity with underlying district regulations: it is primarily undeveloped, improved with an existing and obsolete structure, and is located in close proximity to a Coast Flood Plain, which prevents the use of a full cellar and/or a partial basement and leads to the need for the increase in height, as a partial basement would have contained some residential units that must now be relocated to the upper floors; and

WHEREAS, the applicant represents that an additional basis of the uniqueness of the premises relates to its programmatic needs as a not-for-profit corporation founded for the express purposes of developing and managing housing for persons of low income, and generally assisting in the betterment of the community through promotion of safe and clean low income housing options; and

WHEREAS, the applicant represents that the requested variances will assist in the creation of viable, sustainable residential development for low income individuals, and that such development is needed given the demand for affordable housing in the vicinity; and

WHEREAS, the Board finds that the aforementioned unique conditions create practical difficulties and unnecessary hardships in developing the site in strict conformity with current zoning; and

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

WHEREAS, the applicant has submitted photo surveys depicting the surrounding neighborhood and demonstrating that there are many residential buildings near the subject site with equal or

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more bulk, including some with a height of 3 to 4 stories; and

WHEREAS, the applicant states that there are many vacant lots and abandoned buildings in the vicinity, and that the proposal, if granted, will have a beneficial effect on the surrounding community by bringing families to the community and rejuvenating the immediate area; and

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

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

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

WHEREAS, the Board has determined that the proposed project is consistent with the City's Local Waterfront Revitalization Program policies; and

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

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration with archaeological conditions as stated below 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 ZR. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed construction of a four story residential building (Use Group 2), located in an R5 zoning district, which does not comply with the zoning requirements for height, setback, front yards, and accessory parking, contrary to Z.R. §§23-631, 23-45, and 25-23; on condition that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked ""Received November 26, 2003"- (7) sheets and "Received February 6, 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 the above conditions shall be noted in the Certificate of Occupancy;

THAT (1) A scope-of-work for archaeological field testing should be submitted to the Landmarks Preservation Commission's ("LPC") for review and approval; (2) After the scope-of-work is approved by LPC, archaeological field testing should be conducted (prior to obtaining DOB permits) on Block 576/Lots 23, 24, 25, 26, 27, 29 and 43 in accordance with the Guidelines for

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

Archaeological Work in New York City; (3) Two copies of the Stage IA report, scope-of-work and the field testing report should be submitted to LPC's library and the Municipal Library; the Applicant shall also submit one copy of the aforementioned documents and LPC's approval of the field testing report to the BSA;

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

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

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

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

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

110-03-BZ

APPLICANT - Eric Palatnik, P.C., for FAC Homeownership HDFC, owners.

SUBJECT - Application April 4, 2003 - under Z.R. §72-21 to permit the proposed construction of a four story residential building (Use Group 2), located in an R5 zoning district, which does not comply with the zoning requirements for height, setback, front and rear yards, and distance from a window to a rear lot line, contrary to Z.R. §§23-631, 23-45, 25-23, and 23-861.

PREMISES AFFECTED - 79 Walcott Street, between Richard and Van Brunt Streets, Block 596, Tentative Lot 12, Former Lots Numbers, 12-15, 22, 23, 49 and 50, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Eric Palatnikk.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING-

Affirmative: Chair Srinivasan, Vice-Chair Babbar,

Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

Absent: Commissioner Chin.....1

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THE VOTE TO CLOSE HEARING-

Affirmative: Chair Srinivasan, Vice-Chair Babbar,

Negative:.....0

Absent: Commissioner Chin.....1

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar,

Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 2, 2003, acting on Department of Buildings Application No. 301499974, reads, in part:

- "1) Proposed Building Height is contrary to ZR section 23-631(d) & (e) and therefore must be referred to the Board of Standards and Appeals
- 2) Proposed front yard is contrary to ZR 23-45 and therefore must be referred to the Board of Standards and Appeals.
- 3) Proposed rear yard is contrary to ZR Section 23-45 and therefore must be referred to the Board of Standards and Appeals.
- 4) Proposed distance from a window to a rear lot line is contrary to ZR Section 23-861 and therefore must be referred to the Board of Standards and Appeals"; and

WHEREAS, a public hearing was held on this application on November 18, 2003 after due notice by publication in the City Record; decisions were scheduled for December 9, 2003 and January 27, 2004 and were deferred; the decision was then laid over to February 10, 2004;

WHEREAS, Community Board No. 6 in Brooklyn recommended approval of the subject application; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a four-story residential building (Use Group 2), located in an R5 zoning district, which does not comply with the zoning requirements for height, setback, front and rear yards, and distance from a window to a rear lot line, contrary to Z.R. §§23-631, 23-45, 25-23, and 23-861; and

WHEREAS, the Board notes that there are related variance applications under BSA Calendar Nos. 108-03-BZ and 109-03-BZ, for construction of buildings that will be part of the same overall three building low-income housing development, as

WHEREAS, the applicant has submitted photo surveys depicting the surrounding neighborhood and demonstrating that there are many residential buildings near the subject site with equal or more bulk, including some with a height of 3 to 4 stories; and

Commissioner Caliendo and Commissioner Miele.....4

well as a companion administrative appeal under BSA Calendar No. 330-03-A, which would allow for a waiver of a provisions in the Multiple Dwelling Law and New York City Building Code; and

WHEREAS, the applicant notes that lots 15, 22, 23 & 49 were, at the time of filing, under City ownership, but that the developer was in the process of purchasing the lots; and

WHEREAS, the applicant represents that the New York City Department of Housing Preservation and Development will submit an application for the disposition of the City-owned property pursuant to ULURP; and

WHEREAS, the subject site is 17,208 square feet in size, and is currently vacant and undeveloped; and

WHEREAS, the site possesses an irregular rear lot line; and

WHEREAS, the applicant proposes the construction of a four-story residential structure, containing 24,826 square feet of floor area and 21 dwelling units; accessory parking spaces will be provided onsite; and an outdoor play space of approximately 2000 square feet will also be provided; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardships in developing the site in conformity with underlying district regulations: it is primarily undeveloped and is located in close proximity to a Coast Flood Plain, which prevents the use of a full cellar and/or a partial basement and leads to the need for the increase in height, as a partial basement would have contained some residential units that must now be relocated to the upper floors; and

WHEREAS, the applicant represents that an additional basis of the uniqueness of the premises relates to its programmatic needs as a not-for-profit corporation founded for the express purposes of developing and managing housing for persons of low income, and generally assisting in the betterment of the community through promotion of safe and clean low income housing options; and

WHEREAS, the applicant represents that the requested variances will assist in the creation of viable, sustainable residential development for low income individuals, and that such development is needed given the demand for affordable housing in the vicinity; and

WHEREAS, the Board finds that the aforementioned unique conditions, and the irregular angle of the rear lot line, create practical difficulties and unnecessary hardships in developing the site in strict conformity with current zoning; and

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

WHEREAS, the applicant states that there are many vacant lots and abandoned buildings in the vicinity, and that the proposal, if granted, will have a beneficial effect on the surrounding community by bringing families to the community and rejuvenating the immediate

MINUTES

area; and

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

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

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

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

WHEREAS, the Board has determined that the proposed project is consistent with the City's Local Waterfront Revitalization Program policies; and

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

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration with archaeological conditions as stated below 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 proposed construction of a four story residential building (Use Group 2), located in an R5 zoning district, which does not comply with the zoning requirements for height, setback, front and rear yards, and distance from a window to a rear lot line, contrary to Z.R. §§23-631, 23-45, 25-23, and 23-861; on condition that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked ""Received November 26, 2003" - (6) sheets, "Received January 30, 2004" - (1) sheet and "Received February 6, 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;

APPEARANCES -

For Applicant Richard Lobel.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

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

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

THAT (1) A scope-of-work for archaeological field testing should be submitted to the Landmarks Preservation Commission's ("LPC") for review and approval; (2) After the scope-of-work is approved by LPC, archaeological field testing should be conducted (prior to obtaining DOB permits) on Block 576/Lots 23, 24, 25, 26, 27, 29 and 43 in accordance with the Guidelines for Archaeological Work in New York City; (3) Two copies of the Stage IA report, scope-of-work and the field testing report should be submitted to LPC's library and the Municipal Library; the Applicant shall also submit one copy of the aforementioned documents and LPC's approval of the field testing report to the BSA;

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

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

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

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

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

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

Abstain: Chair Srinivasan.....1

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 10, 2003, acting on Application No. 301626701 reads:

"THE PROPOSED ENLARGEMENT OF THE EXISTING ONE FAMILY RESIDENCE IN AN R2

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ZONING DISTRICT:

1. **CREATES NON-COMPLIANCE WITH RESPECT TO FLOOR AREA RATIO BY EXCEEDING THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRARY TO SECTION 23-141 OF THE ZONING RESOLUTION.**

2. **CREATES NON-COMPLIANCE WITH RESPECT TO THE OPEN SPACE RATIO AND IS CONTRARY TO SECTION 23-141 OF THE ZONING RESOLUTION."**; and

WHEREAS, a public hearing was held on this application on January 13, 2004, laid over to February 10, 2004 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Vice-Chair Satish Babbar, Commissioner James Chin, 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 ratio and open space ratio, contrary to Z.R §23-141; and

WHEREAS, the subject zoning lot is a corner lot located at the southwest corner of the intersection formed by Avenue M and East 23rd Street; and

WHEREAS, the applicant represents that the proposed enlargement will not create any non-compliance with regard to side yards; and

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

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

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

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

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, in an M1-1 zoning district, the enlargement to an existing warehouse.

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

COMMUNITY BOARD #13Q

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 R2 zoning district, which creates non-compliance with regard to floor area ratio and open space ratio, which is contrary to Z.R §23-141, 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 6, 2003"-(2) sheets and "November 19, 2003" -(10) sheets; 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.

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

APPEARANCES -

For Applicant: Richard Lobel.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

Abstain: Chair Srinivasan.....1

Absent: Commissioner Chin.....1

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THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated September 19, 2003 acting on Department of Buildings Alt. 1 Application No. 401706196 reads, in pertinent part:

"The proposed F.A.R. is 1.4, exceed permitted F.A.R. as per ZR 43-12. Refer to BSA."

WHEREAS, a public hearing was held on this application on January 13, 2004 and then laid over to February 10, 2004 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §§73-03 and 73-53 to legalize, in an M1-1 zoning district, the enlargement to an existing warehouse; and

WHEREAS, the subject site is located on 148th Road between Guy Brewer Boulevard and 175th Street; and

WHEREAS, this application seeks a 2,252 square foot extension of the second floor; and

WHEREAS, the applicant represents that the building will be used for warehouse and storage on the first floor, with accessory office use on the second floor; and

WHEREAS, the applicant has demonstrated that: the premises is not subject to termination pursuant to Z.R. §52-70; that the use for which the special permit is being sought has lawfully existed for more than 5 years; that the subject building has not received an enlargement pursuant to Z.R. §§11-412, 43-121 or 72-21; and that the subject use is listed in Use Groups 6, 16 & 17, not Use Group 18; and

WHEREAS, the Board notes that Z.R. §73-53(a)(5) is not applicable because the premises is located in an M1-1 zoning district; and

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

WHEREAS, the applicant represents that the enlargement, and the use generated by the enlargement, will

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;

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

be housed in an entirely enclosed building and will meet applicable performance standards; and

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

WHEREAS, the Board notes that Z.R. §73-53(b)(4),(5),(6),(7),(8), and (9) are not applicable to the instant application because the side lot lines do not coincide with a rear lot line of a residential district; and

WHEREAS, the record indicates that the subject enlargement has not generated significant increases in vehicular or pedestrian traffic, nor caused congestion in the surrounding area, and that there is adequate parking to accommodate vehicles generated by the enlargement; and

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Type 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. §§73-53 and 73-03; to permit, in an M1-1 zoning district, the enlargement to an existing warehouse, 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 20, 2003"-(3) sheets; and on further condition;

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, February 10, 2004.

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329-03-BZ

APPLICANT - Eric Palatnik, P.C., for FAC Homeownership HDFC; contract vendee.

SUBJECT - Application October 24, 2003 - under Z.R. §72-21 to permit the proposed off-site residential accessory parking, for the proposed development at 135 Coffey Street, is contrary to Z.R. §25-52.

PREMISES AFFECTED - 142 Coffey Street, between Conover and Van Brunt Streets, Block 586, Lots 37 and 38 (Tentative Lot 37), Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO REOPEN HEARING-

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

Negative:.....0

Absent: Commissioner Chin.....1

THE VOTE TO CLOSE HEARING-

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

Negative:.....0

Absent: Commissioner Chin.....1

THE VOTE TO GRANT-

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

Negative:.....0

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 2, 2003, acting on Department of Buildings Application No. 301153347, reads, in part:

"Proposed Residential Accessory Off Site Parking is contrary to ZR Section 25-52 and therefore must be referred to the Board of Standards and Appeals."; and

WHEREAS, the Board finds that the aforementioned unique conditions create practical difficulties and unnecessary hardships in developing the site in strict conformity with current zoning; and

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

WHEREAS, the applicant has shown on the plans adequate and contextual screening of the proposed parking lot; and

WHEREAS, the applicant states that there are many vacant lots and abandoned buildings in the vicinity, and that the proposal, if granted, will have a beneficial effect on the

WHEREAS, a public hearing was held on this application on January 27, 2004 after due notice by publication in the City Record and then laid over to February 10, 2004 for decision; and

WHEREAS, Community Board No. 6 in Brooklyn recommended approval of the subject application; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of an off-site residential parking lot for the proposed development at 135 Coffey Street, contrary to Z.R. §25-52; and

WHEREAS, the Board notes that there is a companion variance application under BSA Calendar No. 108-03-BZ, for construction of the four-story building at 135 Coffey Street, which will be part of a larger, three building low income housing development; and

WHEREAS, the subject site is 4,000 square feet in size, and is currently vacant and undeveloped; and

WHEREAS, the applicant proposes the construction of a parking lot with space for eight (8) cars, to be used by the residents of the proposed building at 135 Coffey Street; and

WHEREAS, the applicant represents that the basis of the uniqueness of the premises relates to its programmatic needs as a not-for-profit corporation founded for the express purposes of developing and managing housing for persons of low income, and generally assisting in the betterment of the community through promotion of safe and clean low income housing options; and

WHEREAS, the applicant represents that the requested variances will assist in the creation of viable, sustainable residential development for low income individuals, and that such development is needed given the demand for affordable housing in the vicinity; and

surrounding community by brining families to the community and rejuvenating the immediate area; and

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

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

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

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

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

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit the proposed construction of an off-site residential parking lot for the proposed development at 135 Coffey Street, contrary to Z.R. §25-52; on condition that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "January 30, 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 all lighting will be directed downwards and away from any adjacent use;

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

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

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

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

THAT the Department of Buildings must ensure

THE VOTE TO GRANT-

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

Negative:.....0

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated October 2, 2003, acting on Department of Buildings NB Application No. 301499974, reads, in part: "Proposed Area of Opening in the Rear Wall is contrary to Article 15 - Table 3-4 of the New York City Building Code and therefore must be referred to the Board of Standards and Appeals.

Proposed Distance From a Window to a Rear Lot Line is contrary to Article 3 Title 1 Section 26 of the Multiple Dwelling Law, Article 3, Title 1 Section 30 of the

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, February 10, 2004.

330-03-A

APPLICANT - Eric Palatnik, P.C., for FAC Homeownership HDFC; contract vendee.

SUBJECT - Application October 24, 2003 - Proposed area of openings in the rear wall, and distance from a window to a rear lot line, for a proposed four story residential building, is contrary to Article 15, Table 3-4 of the NYC Building Code, and Article 3, Title 1, Sections 26 and 30 of the Multiple Dwelling Law.

PREMISES AFFECTED - 79 Wolcott Street, between Van Brunt and Richard Streets, Block 576, Tentative Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD -

THE VOTE TO REOPEN HEARING-

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

Negative:.....0

Absent: Commissioner Chin.....1

THE VOTE TO CLOSE HEARING-

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

Negative:.....0

Absent: Commissioner Chin.....1

Multiple Dwelling Law and therefore must be referred to the Board of Standards and Appeals."; and

WHEREAS, the applicant brings this appeal pursuant to Section 648 and 666 of the New York City Charter (the "Charter"), and Section 310 of the New York State Multiple Dwelling Law (the "MDL"), and requests waivers of the objections cited above; and

WHEREAS, the Board notes that there is a companion application related to the instant application, brought under BSA Calendar No. 110-03-BZ, which would permit the construction of a four-story residential building with bulk variances as part of a larger three building development; and

WHEREAS, the applicant states that the proposed development is located on Wolcott Street in the Red Hook section of Brooklyn, on a vacant, undeveloped parcel of land 17,208 square feet in size, consisting of eight (8) separate tax

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lots that are in the process of being merged, within an R-5 zoning district; and

WHEREAS, the proposed development consists of a four-story residential structure, with on-site parking and a shared outdoor play space; and

WHEREAS, pursuant to Charter §666(7), the Board may grant an appeal related to a final determination from DOB as to a Building Code provision provided that the Board finds that there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the law, so that the spirit of the law shall be observed, public safety secured and substantial justice done; and

WHEREAS, pursuant to MDL §310, the Board may grant a waiver request of an MDL light and air provision where the Board finds that compliance with the strict letter of the MDL causes practical difficulties or unnecessary hardships, provided that the spirit and intent of the MDL are maintained and public health, safety and welfare preserved and substantial justice done, and provided that open areas for light and air are made available which are at least equivalent in area to those required by the applicable provisions of the MDL; and

WHEREAS, the applicant represents that the subject site is burdened with a rear lot line that runs at a steep pitch, reducing the rear yard from its maximum length of in excess of 30 feet to just 10 feet at its smallest length, and that this angle causes practical difficulty in complying with MDL §§26 and 30 and Building Code, Article 15, Table 3-4; and

WHEREAS, at the Board's request, the applicant has submitted revised plans highlighting the portion of the proposed residential structure that will have less than the required distance from the building to the lot line, as well as the distance of the existing buildings on the lots to the rear to

Resolved, that the decision of the Brooklyn Borough Commissioner, dated October 2, 2003, acting on Department of Buildings NB Application No. 3014999742 is modified 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 October 24, 2003"-(6) sheets, "January 30, 2004"-(1) sheet and "February 6, 2004"-(2) sheets; and on further condition:

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

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

the rear lot line of the subject property; and

WHEREAS, the submitted plans also show that as-of-right development would result in an awkward angular carve-out in the center of an as-of-right building, which would likely be difficult and expensive to construct, and lead to less livable dwelling units; and

WHEREAS, the submitted plans show, and testimony at hearing stated, that five residential units will be affected by the practical difficulty resulting from the angle of the rear lot line; and

WHEREAS, the submitted plans show that although the angle of the rear lot line does diminish the depth of the rear yard at certain points, such that there is a triangular shaped wedge of the rear yard that is non-complying, there is also a triangular shaped wedge of rear yard that exceeds what is required at certain points, due to the angle of the rear yard lot; and

WHEREAS, based upon its review of the plans, the Board has determined that open areas for light and air are made available at the rear of the subject property which are at least equivalent in area to those required by the applicable provisions of the MDL, and that the area provided will mitigate the effect of the angle of the rear lot line on light and air for the affected units of the apartment; and

WHEREAS, the Board finds that the applicant has submitted adequate evidence in support of the findings required to be made under Charter §666(7) and MDL §310; and

WHEREAS, in reaching this determination, the Board notes that its finding is based on the unique facts related to the physical conditions of the site as presented in the instant application, and that this decision does not have general applicability to any pending or future Board application.

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

80-03-BZ

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 -

For Applicant: Fredrick A. Becker.

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

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142-03-BZ

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

SUBJECT - Application May 1, 2003 - under Z.R. §§11-412 & 11-413

to permit the proposed auto repair shop, Use Group 16, located in a C2-2 zoning district, is contrary to Z.R. §32-00.

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

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Phanuel Soba

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

255-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Surf Avenue Enterprise, owner.

SUBJECT - Application August 11, 2003- under Z.R. §72-21 to permit the legalization of an existing furniture store, Use Group 10, located in a C7 zoning district, also a request to vary the requirement of maintaining a loading berth on the premises, is contrary to Z.R. §32-10 and §36-62.

PREMISES AFFECTED - 1019 Surf Avenue, between West 8th and West 12th Streets, Block 7628, Lot 236, Borough of Brooklyn.

333-03-BZ

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

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

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

COMMUNITY BOARD #4BK

APPEARANCES -

For Applicant: Philip L. Rampulla.

THE VOTE TO CLOSE HEARING-

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

Negative:.....0

Absent: Commissioner Chin.....1

ACTION OF THE BOARD - Laid over to March 9, 2003, at 1:30 P.M., for decision, hearing closed.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Richard Lobel, Leo Turio and Guy Ronkouski.

For Administration: Anthony Scattoro, Fire Department.

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

270-03-BZ

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

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

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

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: Joseph P. Morsellino, Council Member Melinda Katz, Francis Pisani, Sal Panico, Anthony Colletti and Manish Chasha.

For Opposition: Peter Geis.

ACTION OF THE BOARD - Laid over to March 9, 2003, at 1:30 P.M., for continued hearing.

382-03-BZ

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

SUBJECT - Application December 8, 2003 - under Z.R. §72-21 to permit the proposed conversion of a fifteen-story with cellar and basement manufacturing loft building, to a dormitory, Use Group 3A, located in an M1-5 zoning district, which is contrary to Z.R. §42-12.

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

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Joyce Brown, Ray Levin and Jerry Johnson.

For Administration: Chief Carty, Fire Department.

THE VOTE TO CLOSE HEARING-

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

Negative:.....0

Absent: Commissioner Chin.....1

ACTION OF THE BOARD - Laid over to March 9, 2003, at 1:30 P.M., for decision, hearing closed.

MINUTES

Pasquale Pacifico, Executive Director.

Adjourned: 6:10 P.M.

CORRECTIONS

***CORRECTION**

These resolution adopted on August 12, 2003, under Calendar No. 366-02-BZ and printed in Volume 88, Bulletin No. 33, is hereby corrected to read as follows:

366-02-BZ

CEQR#03-BSA-106K

APPLICANT - Moshe M. Friedman, P.E., for Nahum Z. Rabinowitz, owner; Chevra Nachlas Joshua Chasidei Monastrich, lessee.

SUBJECT - Application December 18, 2002 - under Z.R. §72-21 t to permit, in an R2 zoning district, the conversion of a 2 story and attic, two-family dwelling to Use Group 4 synagogue and rabbi's apartment (rectory), which does not comply with the zoning requirements for floor area, front yards, lot coverage, and side

yards and is contrary to Z.R. §§24-111, 23-141, 24-34, and 24-35.

PREMISES AFFECTED - 2702 Avenue "M" aka 1301 East 27th Street, southeast corner, Block 7663, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Josef Friedman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

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 December 12, 2002 acting on ALT I. Application No. 301476203 reads:

"PROPOSED CONVERSION OF EXISTING NON-CONFORMING TWO (2) FAMILY RESIDENCE TO CONFORMING SYNAGOGUE AND RABBI'S APARTMENT (RECTORY) IS CONTRARY TO Z.R. SEC- 24-111 & 23-141 FLOOR AREA, Z.R. SEC 24-11 MAXIMUM LOT COVERAGE, Z.R. SEC 24-34 FRONT YARD, Z.R. SEC 24-35 SIDE YARDS AND REQUIRES A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS AS PER Z.R. SEC 72-21"; and

WHEREAS, a public hearing was held on this application on May 6, 2003 after due notice by publication in The City Record, and laid over to June 17, 2003 and July 22, 2003 and then to August 12, 2003 for decision; and

WHEREAS, Community Board No. 14 in Brooklyn recommended conditional approval of this application; 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 Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit in an R2 zoning district the conversion of a 2 story and attic, two-family dwelling to Use Group 4 synagogue and Rabbi's apartment (rectory), which does not comply with the zoning requirements for floor area, front yards, lot coverage, and side yards and is contrary to Z.R. §§24-111, 23-141, 24-34, and 24-35; and

WHEREAS, the subject parcel is a 30' by 100' corner lot,

which is currently improved with a two and one-half story with cellar, two-family dwelling, a porch and a garage; and

WHEREAS, the owner proposes the construction of a one and two story extension to the existing building and a cellar Mikva and Synagogue, a synagogue on the first floor, and a Rabbi's apartment on the second floor and in the attic; and

WHEREAS, the applicant represents that the Synagogue located on the first floor will not be used simultaneously with the Synagogue located in the cellar; and

WHEREAS, the applicant asserts that the "as of right" conditions require two 11' side yards and two 15' front yards, therefore permitting only a 4' wide building, which makes a complying or conforming development difficult thus posing an unnecessary hardship on the owner; and

WHEREAS, the applicant asserts that religious custom, namely the location of the Synagogue and the parsonage on the same lot and religious requirements, namely separate private entrances for both male and female members of the congregation, create the a practical difficulty in the construction of a conforming development; and

WHEREAS, the Board finds that the programmatic needs of the community facility create an undue hardship with strict compliance with the provisions of the Zoning Resolution; and

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

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

CORRECTIONS

WHEREAS, the record indicates that the surrounding area consists largely of residential uses mixed with some community facility uses; and

WHEREAS, the applicant represents that the existing synagogue and cellar have been upgraded to Iic construction and that the proposed addition will be Ic construction; and

WHEREAS, the applicant has submitted, in response to the Board's Executive session of July 21, 2003, a copy of the prepared deed for the subject property; and

WHEREAS, the applicant represents that the entire building will contain a wet sprinkler system, with a hard-wired smoke detectors which will be connected to an approved Fire Department central station; and

WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties

nor be detrimental to the public welfare; and

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

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford 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.

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, in an R2 zoning district, the conversion of a 2 story and attic, two-family dwelling to Use Group 4 synagogue and rabbi's apartment (rectory), which does not comply with the zoning requirements for floor area, front yards, lot coverage, and side yards and is contrary to Z.R. §§24-111, 23-141, 24-34, and 24-35, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 19, 2003"- (3) sheets, "Received May 29, 2003"-(2) sheets, "Received July 29, 2003"-(3) sheets, "Received December 18, 2002"-(1) sheet and on further condition;

THAT the maximum occupancy of the subject building shall be limited to 120 persons;

THAT the side exit door is to only be used for the Rabbi's private family use;

THAT there shall be no cooking in the synagogue portion of the building (excluding the rabbi's apartment);

THAT the Mikva hours shall be limited to between 6:15 AM and 8:15 AM in the morning and from about 2 hours before sunset to sunset, Fridays and Holiday eve;

THAT the rectory (apartment) at the second story and attic shall be limited to occupancy of the Rabbi and the immediate family (single family only). The plans have been updated to show New York City Building Code Occupancy Group "J3";

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

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

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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, August 12, 2003.

shall be no cooking on the premises and the kitchen shall be used for warming food only; now reads: "THAT there shall be no cooking in the synagogue portion of the building (excluding the rabbi's apartment); Corrected in Bulletin No. 8, Vol. 89, dated February 19, 2004.

Pasquale Pacifico, Executive Director.

****The resolution has been corrected to remove from the 17th WHEREAS the part which read: ...fire alarm system directly connected to a central station.; and also, to correct the part of the conditions which read: THAT there**