
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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DIRECTORY

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Affecting Calendar Numbers:

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DOCKET

New Case Filed Up to March 23, 2004

73-04-A B.BK. 11 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2001, Borough of Brooklyn. Applic.#301815542. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

78-04-A B.BK. 39 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2006, Borough of Brooklyn. Applic.#301812439. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law

74-04-A B.BK. 23 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2002, Borough of Brooklyn. Applic.#301815490. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

79-04-A B.BK. 41 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2007, Borough of Brooklyn. Applic.#301812448. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law

75-04-A B.BK. 25 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2003, Borough of Brooklyn. Applic.#301812402. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

80-04-A B.BK. 47 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2008, Borough of Brooklyn. Applic.#301812457. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law

76-04-A B.BK. 31 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2004, Borough of Brooklyn. Applic.#301812411. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

81-04-A B.BK. 49 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2009, Borough of Brooklyn. Applic.#301812466. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law

77-04-A B.BK. 33 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2005, Borough of Brooklyn. Applic.#301812420. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

82-04-A B.BK. 57 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2010, Borough of Brooklyn. Applic.#301812475. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law

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83-04-A B.BK. 59 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2011, Borough of Brooklyn. Applic.#301812484. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

84-04-A B.BK. 65 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2012, Borough of Brooklyn. Applic.#301812493. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

85-04-A B.BK. 67 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2013, Borough of Brooklyn. Applic.#301812509. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

86-04-A B.BK. 73 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2014, Borough of Brooklyn. Applic.#301812518. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

87-04-A B.BK. 5 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2015, Borough of Brooklyn. Applic.#301812527. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

88-04-A B.BK. 83 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2016, Borough of Brooklyn. Applic.#301812581. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to

Section 36, Article 3 of the General City Law.

89-04-A B.BK. 5 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2017, Borough of Brooklyn. Applic.#301809657. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

90-04-A B.BK. 15 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2018, Borough of Brooklyn. Applic.#301805338. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

91-04-A B.BK. 31 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2019, Borough of Brooklyn. Applic.#301801539. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

92-04-A B.BK. 39 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2020, Borough of Brooklyn. Applic.#301815356. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

93-04-A B.BK. 47 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2021, Borough of Brooklyn. Applic.#301815347. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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94-04-A B.BK. 55 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2022, Borough of Brooklyn. Applic.#301815365. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

95-04-A B.BK. 63 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2023, Borough of Brooklyn. Applic.#301809675. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

96-04-A B.BK. 71 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2024, Borough of Brooklyn. Applic.#301809538. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

97-04-A B.BK. 79 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2024, Borough of Brooklyn. Applic.#301809516. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

98-04-A B.BK. 87 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2026, Borough of Brooklyn. Applic.#301810725. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

99-04-A B.BK. 64 Harbor Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2027, Borough of Brooklyn. Applic.#301815472. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

100-04-A B.BK. 62 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2028, Borough of Brooklyn. Applic.#301815536. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

101-04-A B.BK. 56 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2029, Borough of Brooklyn. Applic.#301815506. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

102-04-A B.BK. 54 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2030, Borough of Brooklyn. Applic.#301815515. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

103-04-A B.BK. 48 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2031, Borough of Brooklyn. Applic.#301815524. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

104-04-A B.BK. 46 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2032, Borough of Brooklyn. Applic.#301815551. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

105-04-A B.BK. 38 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2033, Borough of Brooklyn. Applic.#301815560. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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106-04-A B.BK. 36 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2034, Borough of Brooklyn. Applic.#301815579. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

107-04-A B.BK. 30 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2035, Borough of Brooklyn. Applic.#301815588. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

108-04-A B.BK. 28 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2036, Borough of Brooklyn. Applic.#301815597. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

109-04-A B.BK. 50 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2037, Borough of Brooklyn. Applic.#301815631. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

110-04-A B.BK. 48 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2038, Borough of Brooklyn. Applic.#301815622. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

111-04-A B.BK. 86 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2039, Borough of Brooklyn. Applic.#301815604. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

112-04-A B.BK. 84 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2040, Borough of Brooklyn. Applic.#301815613. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

113-04-A B.BK. 78 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2041, Borough of Brooklyn. Applic.#301810734. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

114-04-A B.BK. 76 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2042, Borough of Brooklyn. Applic.#301810743. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

115-04-A B.BK. 70 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2043, Borough of Brooklyn. Applic.#301810752. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

116-04-A B.BK. 68 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2044, Borough of Brooklyn. Applic.#301810761. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

117-04-A B.BK. 60 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2045, Borough of Brooklyn. Applic.#301810770. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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118-04-A B.BK. 58 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2046, Borough of Brooklyn.

Applic.#301810789. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

119-04-A B.BK. 22 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2047, Borough of Brooklyn. Applic.#301810798. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

120-04-A B.BK. 16 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2048, Borough of Brooklyn. Applic.#301810805. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

121-04-A B.BK. 14 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2049, Borough of Brooklyn. Applic.#301810814. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

122-04-A B.BK. 6 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2050, Borough of Brooklyn. Applic.#301810814. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

123-04-A B.BK. 22 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2051, Borough of Brooklyn. Applic.#301810841. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

124-04-A B.BK. 10 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2052, Borough of Brooklyn.

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

125-04-BZ B.Q. 247-39 Jamaica Avenue, north side, between 91st Avenue and Commonwealth Boulevard, Block 8662, Lot 50, Borough of Queens. Applic.#401766601. Proposed two story expansion of an existing one story commercial building, for residential use, Use Groups 2 and 6, located in R4, C2-2 and R3A zoning districts, which does not comply with the zoning requirements for floor area, lot coverage, open space, number of dwelling units and height of building, is contrary to Z.R. §23-141, §35-31, §23-22 and §23-631.

COMMUNITY BOARD #13Q

126-04-BZ B.BK. 66 87th Street, south side, between Narrows Avenue and Colonial Road, Block 6046, Lot 19, Borough of Brooklyn. Alt.1#301685610. Proposed enlargement of a single family residence, Use Group 2, located in an R3-1(BR) zoning district, which does not comply with the zoning requirements for open space, floor area, also side and front yards, is contrary to Z.R. §23-141, §23-461(a) and §23-45.

COMMUNITY BOARD #10BK

127-04-BZ B.BK. 5313/23 Fifth Avenue, between 53rd and 54th Streets, Block 816, Lot 1, Borough of Brooklyn. Alt.1#301366590. The legalization of an existing physical culture establishment, located on the fourth floor of a four story building, situated in a C4-3 zoning district, requires a special permit from the Board as per Z.R. §73-36.

COMMUNITY BOARD #7BK

128-04-BZ B.M. 162/68 East 68th Street, south side, 100' west of Third Avenue, Block 1402, Lots 41 and 42 (Tent. Lot 42), Borough of Manhattan. Applic.#103412807. Proposed horizontal enlargement of an existing school and culture center, Use Group 3, previously approved by the Board under Calendar No. 658-72-BZ, which violates height, setback, floor area, lot coverage and rear yard requirements, is contrary to Z.R. §23-633, §24-11, §24-33 and §24-552.

COMMUNITY BOARD #8M

DOCKET

Applic.#301810832. Proposed construction of a one family

129-04-A B.Q. 30 Marion Walk, west side, 44.56' north of West End Avenue, Block 16350, Lot 400, Borough of Queens. Alt.1#401815050. Proposed alteration of an existing one family dwelling, and the addition of a second floor, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

130-04-A B.Q. 181 Reid Avenue, west side, of Beach 201st Street, 129.55' north of Breezy Point Boulevard, Block

CALENDAR

16350, Part of Lot 400, Borough of Queens. Alt.1#401804357.
Proposed alteration and enlargement of 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.

B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

131-04-A B.M. 217 West 20th Street, between Seventh and Eighth Avenues, Block 770, Lot 30, Borough of Manhattan. Applic.#116501. Application to revoke Certificate of Occupancy No. 116501, on the basis that the CO authorized the Premises to be occupied as a Use Group 6, eating and drinking establishment, a non-conforming use that had been discontinued for a period greater than two years.

132-04-BZ B.M. 310 East Houston Street, southeast corner of Avenue "P", Block 384, Lot 4, Borough of Manhattan. Applic.#103673473. Proposed commercial (Use Group 6), use of the ground floor of the otherwise as-of-right proposed mixed use building, located in an R7-2 zoning district, is contrary to Z.R. §32-15.

COMMUNITY BOARD #3M

133-04-BZ B.M. 866 Third Avenue, west side, between 52nd and 53rd Streets, Block 1307, Lot 1004, Borough of Manhattan. Applic.#103701353. Proposed conversion of floors 12 through 30, and a portion of the lobby of a 30 story building, to be converted from hotel use to residential use (Use Group 6), located in a C6-6/C6-4-5 zoning district, which does not comply with the zoning requirements for rear yard, is contrary to Z.R. §23-47 and §54-31.

COMMUNITY BOARD #6M

134-04-BZ B.BK. 184 Kent Avenue, northwest corner of North Third Street, Block 2348, Lot 1, Borough of Brooklyn. Applic.#301050403. Proposed construction of a public esplanade between the building and bulkhead line, also the proposed construction of an additional forty-seven residential units, located in an M3-1 zoning district, is contrary to a previous variance granted by the Board, under Cal. No. 191-00-BZ.

COMMUNITY BOARD #1BK

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;

CALENDAR

APRIL 20, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, April 20, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

844-57-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Ozone Auto Service, Inc., owner.

SUBJECT - Application January 13, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 9, 2003.

PREMISES AFFECTED - 87-19 Rockaway Boulevard, aka 97-18/58 88th Street, northwest corner of Rockaway Boulevard and 88th Street, Block 9060, Lot 25, Borough of Queens.

COMMUNITY BOARD #9Q

138-87-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Philip Cataldi Trust, owner; Enterprise Car Rental Co., lessee.

SUBJECT - Application January 9, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 12, 2003.

PREMISES AFFECTED - 218-36 Hillside Avenue southeast corner of Hillside Avenue and 218th Place, Block 10678, Lot 14, Hollis, Borough of Queens.

COMMUNITY BOARD #14Q

16-93-BZ

APPLICANT - Carl A. Sulfaro, Esq., for 110 Christopher Street, LLC, owner.

SUBJECT - Application January 13, 2004 - reopening for an extension of term of variance which expired February 24, 2004 and for an amendment to the resolution.

PREMISES AFFECTED - 110 Christopher Street, south side, 192'-6.25" west of Bleeker Street, Block 588, Lot 51, Borough of Manhattan.

COMMUNITY BOARD #2M

367-03-BZ

APPLICANT - Eric Palatnik, P.C., for 1224 Brunswick Realty Corp., owner.

SUBJECT - Application November 25, 2003 - under Z.R. §72-21 to permit the proposed conversion of a former movie theater, to

APRIL 20, 2004, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, April 20, 2004, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

287-03-BZ

APPLICANT - Stuart A. Klein, Esq., for First Step Realty, LLC, owner.

SUBJECT - Application August 28, 2003 - under Z.R. §72-21 to permit the proposed construction of a six-story residential building, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 430 Keap Street, southeast corner of Hope Street, Block 2387, Lot 2, Borough of Brooklyn.

COMMUNITY BOARD #1BK

356-03-BZ

APPLICANT - Law Office of Fredrick A. Becker, for Eliezer Jeidel and Rachele Jeidel, owners.

SUBJECT - Application February 9, 2004 - under Z.R. §73-622 to permit the proposed enlargement to an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space and side yard, is contrary to Z.R. §23-141 and §23-461.

PREMISES AFFECTED - 2311 Avenue "J", between East 23rd and East 24th Streets, Block 7587, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #14BK

361-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Joseph Chakkalo and Ninett Chakkalo, owner.

SUBJECT - Application November 20, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R4 (OP) zoning district, which does not comply with the zoning requirements for open space ratio, lot coverage and rear yard, is contrary to Z.R. §23-141 and §23-47.

PREMISES AFFECTED - 2277 East 2nd Street, between Avenue "W" and Gravesend Neck Road, Block 7154, Lot 62, Borough of Brooklyn.

COMMUNITY BOARD #15BK

a warehouse with ancillary retail space, located in C1-2, C4-2 and R-5 zoning districts, with loading occurring within the R-5 portion of the site, does not comply with the zoning requirements, for perimeter wall height, total height, side and rear yards, sky exposure, off-street parking and loading, is contrary to Z.R. §32-00, §22-00, §23-

CALENDAR

631d, §23-461, §23-543, §36-21 and §36-681.

PREMISES AFFECTED - 714 Beach 20th Street, between New Haven and Cornaga Avenues, Block 15564, Lots 25 and 55, Borough of Queens.

COMMUNITY BOARD #14Q

Pasquale Pacifico, Executive Director

APRIL 27, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, April 27, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

274-90-BZ

APPLICANT - George E. Berger, for Long Island University, owner.

SUBJECT - Application December 22, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired January 27, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 85 DeKalb Avenue, north side DeKalb Avenue, west of Ashland Place, Block 2086, Lot 34, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APRIL 27, 2004, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, April 27, 2004, at 1:30 P.M., at 40 Rector

REGULAR MEETING

TUESDAY MORNING, MARCH 23, 2004

10:00 A.M.

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, January 27, 2004, were approved

Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

341-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Chelsea Ventura, LLC, owner.

SUBJECT - Application November 6, 2003 - under Z.R. §72-21 to permit the proposed construction of a new residential building, on a merged zoning lot with an existing multiple dwelling, which creates non-compliances with respect, floor area ratio, number of dwelling units, and rear yard equivalent, is contrary to Z.R. §23-145, §23-22 and §23-533.

PREMISES AFFECTED - 343 West 16th Street, between Eighth and Ninth Avenues, Block 740, Lot 12, Borough of Manhattan.

COMMUNITY BOARD #4M

as printed in the Bulletin of February 5, 2004, Volume 89, Nos. 5 and 6.

SPECIAL ORDER CALENDAR

1050-38-BZ, Vol. II

MINUTES

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

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

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

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: John Ronan.

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

THE VOTE TO GRANT-

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

Negative:0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on March 2, 2004 after due notice by publication in The City Record, and laid over to March 23, 2004 for decision; and

WHEREAS, the applicant requests an extension of the term of the granted variance, which expires on June 30, 2004; and

WHEREAS, on June 30, 1959, the Board granted an application for the erection of a gasoline service station with an accessory motor vehicle repair shop, non-automatic auto laundry and lubritorium, without the required rear yard.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution, and, pursuant to Z.R. §11-411, extends the term of the variance which expires on June 30, 2004 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 30, 2004 expiring on June 30, 2014; on condition that all work shall substantially conform to drawings as filed with this application marked "Received November 20, 2004"- (4) sheets; and on further condition:

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

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

THAT any vacuums located on the premises shall be in

WHEREAS, the applicant requests a re-opening, an extension of the term of the variance which expired on December 12, 2003, and an amendment to the resolution; and

WHEREAS, the applicant also seeks to legalize an attendant's booth on the premises, as well as provide 6 reservoir spaces as indicated on the plans submitted with the instant application; and

WHEREAS, since February 6, 1940, the Board has exercised jurisdiction over the premises under the subject calendar number, with further actions occurring since that date; and

WHEREAS, on December 2, 1958, the Board granted an application under the subject calendar number to permit the construction and maintenance of a non-commercial parking lot for more than five (5) vehicles; and

WHEREAS, the record indicates that the premises has been

operation only from 9 a.m. to 8 p.m.;

THAT the above conditions and all conditions from prior resolutions under the subject calendar number 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 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 # 301658604)

Adopted by the Board of Standards and Appeals, March 23, 2004.

628-39-BZ

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

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

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

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Application re-opened, resolution amended and term of variance extended.

THE VOTE TO GRANT-

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

Negative:0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on January 27, 2004, after due notice by publication in The City Record, with continued hearings on March 9, 2004, and then to March 23, 2004 for decision; and

continuously occupied as a parking lot since 1958.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution, pursuant to Zoning Resolution §11-411, extends the term of the variance which expires on May 9, 2004, so that as amended this portion of the resolution shall read: "to permit the extension of the term of the variance for an additional five (5) years from December 12, 2003 expiring on December 12, 2008, and to legalize the addition of an attendant's booth, and the addition of six reservoir spaces; on condition that all work shall substantially conform to drawings as filed with this application, marked "Received February 27, 2004"-(1) sheet; and on further condition;

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

THAT any graffiti located on the premises shall be removed

MINUTES

within 48 hours;

THAT landscaping shall be provided and maintained in accordance with BSA approved plans;

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

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

THAT the parking layout shall be 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; 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 #200805888)

Adopted by the Board of Standards and Appeals, March 23, 2004.

1073-62-BZ

APPLICANT - Sheldon Lobel, P.C., for 305 East 40th Owner's Corporation, owner; Innovative Parking, LLC, lessee.

SUBJECT - Application January 13, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired March 5, 2003.

PREMISES AFFECTED - 301-313 East 40th Street, north side of

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, reopens and amends the resolution, said resolution having been adopted on March 5, 1963 as amended through February 8, 1994, so that as amended this portion of the resolution shall read: "to permit the extension of the term of the variance for an additional (10) years from March 5, 2003 to expire on March 5, 2013, on condition that all work shall substantially conform to drawings as filed with this application marked "Received March 9, 2004"- (2) sheets; and on further condition;

THAT the capacity of the parking in the subject garage shall be no more than 108 spaces;

THAT all tenants/units owners in the subject building shall receive an annual mailing informing them of their parking space recapture rights under the Multiple Dwelling Law and/or other applicable laws;

THAT the parking layout in the subject garage will be as approved by the Department of Buildings;

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

East 40th Street, Block 1333, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Richard Lobel.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and term of variance extended.

THE VOTE TO CLOSE HEARING -

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

Commissioner Chin.....5

Negative:0

THE VOTE TO GRANT-

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

Commissioner Chin.....5

Negative:0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on February 24, 2004, after due notice by publication in The City Record, and laid over to March 23, 2004 for decision; and

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term of the variance which expired on March 5, 2003; and

WHEREAS, on March 5, 1963, the BSA granted an application under Section 60(3) of the Multiple Dwelling Law to permit the use of surplus and unused tenants' parking spaces, within the required accessory garage of a twenty-story and penthouse building, as transient parking for a term of twenty years; and

WHEREAS, on July 6, 1983 and again on February 8, 1994 the BSA granted extensions of the term of the variance for ten years.

(DOB Application #103634658)

Adopted by the Board of Standards and Appeals, March 23, 2004.

519-57-BZ

APPLICANT - Carl A. Sulfaro, Esq., for BP Amoco Corporation, owner.

SUBJECT - Application November 24, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 19, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 2071 Victory Boulevard, northwest corner of Bradley Avenue, Block 462, Lot 35, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Carl A. Sulfaro, Esq.

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

116-68-BZ

APPLICANT - Stephen Rizzo, for 40 Central Park South Inc., owner; Café Atlas, lessee.

SUBJECT - Application December 19, 2003 - reopening for an

MINUTES

extension of time to obtain a certificate of occupancy which expired on December 21, 2003.

PREMISES AFFECTED - 40 Central Park South, south side, 120' east of Sixth Avenue, Block 1274, Lot 6, Borough of Manhattan.

COMMUNITY BOARD #5

APPEARANCES -

For Applicant: Stephen Rizzo, ATCO.

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

399-70-BZ

APPLICANT - Walter T. Gorman, P.E., for Sunoco, Inc., owner.
SUBJECT - Application December 24, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 630 Arthur Kill Road, southwest corner of Armstrong Avenue, Block 5494, Lot 88, Borough of Staten Island.

COMMUNITY BOARD #3

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

1043-80-BZ

APPEARANCES -

For Applicant: H. I. Sigman.

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

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: Richard Lobel.

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

34-94-BZ

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

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

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

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Adam Rothkrug.

THE VOTE TO REOPEN HEARING -

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

Negative:0

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

982-83-BZ

APPLICANT - H. Irving Sigman, for Barone Properties Inc., owner.

SUBJECT - Application December 5, 2003 - reopening for an extension of time to complete construction and obtain a certificate of occupancy and for an amendment to the resolution.

PREMISES AFFECTED - 191-20 Northern Boulevard, southwest corner of 192nd Street, Block 5513, Lot 27, Borough of Queens.

COMMUNITY BOARD #11

APPLICANT - Maduakolam M. Nnabuihe, for Kenny Collado, owner.

SUBJECT - Application October 3, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 6, 2003.

PREMISES AFFECTED - 401, 403, 405 Castle Hill Avenue, aka 2181 Norton Avenue, northwest corner of Castle Avenue and Norton Avenue, Block 3510, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES - None.

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

87-94-BZ

APPLICANT - The Law Office of Fredrick A. Becker, Esq., for Czech Republic, owner.

SUBJECT - Application November 13, 2003 - reopening for an extension of time to complete construction and for an amendment to the resolution.

PREMISES AFFECTED - 321-325 East 73rd Street, north side of 73rd Street, Block 1448, Lot 16, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

MINUTES

For Applicant: Fredrick A. Becker.

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

59-96-BZ

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

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

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

COMMUNITY BOARD #7Q

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

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.

114-21 Taipei Court, north side, 501' west of 115th Street, Block 4019, Lot 133, Borough of Queens.

114-23 Taipei Court, north side, 491' west of 115th Street, Block 4019, Lot 134, Borough of Queens.

114-25 Taipei Court, north side, 471' west of 115th Street, Block 4019, Lot 135, Borough of Queens.

114-27 Taipei Court, north side, 451' west of 115th Street, Block 4019, Lot 136, Borough of Queens.

114-29 Taipei Court, north side, 421' west of 115th Street, Block 4019, Lot 137, Borough of Queens.

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

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: Sol Korman.

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

290-02-BZ thru 314-02-BZ

APPLICANT - New York City Board of Standards and Appeals. **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.

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

APPEARANCES -

For Applicant: Adam W. Rothkrug.

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

178-03-BZ

APPLICANT - Eric Palatnik, P.C., for King Carmichael, owner; BP Products North America, lessee.

SUBJECT - Application December 19, 2003 - reopening for an extension of term of variance which expires April 28, 2004.

PREMISES AFFECTED - 114-02 Van Wyck Expressway, for southwest corner of Linden Boulevard and Van Wyck Expressway, Block 11661, Lot 7, Borough of Queens.

MINUTES

COMMUNITY BOARD #10

APPEARANCES -

For Applicant: Eric Palatnik.

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

128-03-A thru 130-03-A

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

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

PREMISES AFFECTED -

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

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

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

THE VOTE TO CLOSE HEARING -

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

Commissioner Chin.....5

Negative:0

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

Pasquale Pacifico, Executive Director.

Adjourned: 11:10 A.M.

REGULAR MEETING TUESDAY AFTERNOON, MARCH 23, 2004 2:00 P.M.

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

ZONING CALENDAR

Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

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

392-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Susan Vernon, lessee.

SUBJECT - Application December 23, 2003 - Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 20 Janet Lane, south side, 206' east of Beach 203rd Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Anthony Papa.

150-03-BZ

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

SUBJECT - Application May 15, 2003 - under Z.R. §72-21 to permit the proposed construction of three additional floors above a one story and basement building, to form a mixed-use building, to contain as of right uses on the first floor and basement level, and a nine residential units on the remaining three floors, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

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

Commissioner Chin.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 18, 2002, acting on Department of Buildings Application No. 301341402, reads:

"Submit Board of Standards and Appeals Approval for:

1. U.G. 2 not permitted in M-1 Zone per ZR 42-10."; and

WHEREAS, a public hearing was held on this application on September 30, 2003 after due notice by publication in the City Record, with continued hearings on October 28, 2003, November 18, 2003, December 16, 2003, January 13, 2004, and February 24, 2004, and then to March 23, 2004 for decision; and

MINUTES

WHEREAS, Community Board No. 1 in Brooklyn has 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; and

WHEREAS, this is an application under Z.R. §72-21, to permit in an M1-1 zoning district the proposed construction of three additional floors above a portion of an existing one-story and basement building, containing nine residential units, which is contrary to Z.R. §42-00; and

WHEREAS, the subject premises is a through lot, fronting on both Metropolitan Avenue and North 1st Street, between Wythe Avenue and Berry Street, and is currently improved with a vacant one-story and basement building; and

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

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the entire premises in compliance with the applicable zoning regulations 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 conformity with applicable zoning regulations will provide a reasonable return; and

WHEREAS, the applicant states that the surrounding area is mixed use in nature, with a majority of buildings in the immediate area being occupied with residential uses; and

WHEREAS, as the request of the Fire Department of the City of New York, the applicant has inserted certain fire safety measures on the plans for the proposed building; and

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

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

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

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

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

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

WHEREAS, a Certificate of Occupancy issued in 1952 indicates that the existing building was constructed in 1952 and occupied as a factory; and

WHEREAS, the applicant represents that there is a grade elevation change on the lot - the first floor is approximately eight feet above grade fronting Metropolitan Avenue, approximately three feet above grade fronting North 1st Street, and the basement is approximately three feet above grade fronting Metropolitan Avenue; and

WHEREAS, the applicant states that the existing building is obsolete for as-of-right uses due to its low ceiling heights, as well as its lack of modern amenities such as an elevator or a lift to alleviate the grade elevation discrepancies; and

Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit in an M1-1 zoning district, the proposed construction of three additional floors above an existing one-story and basement building, which would contain nine residential units and is contrary to Z.R. §42-00; on condition that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received February 9, 2004" - (4) sheets and "Received May 15, 2003" - (6) sheets; and on further condition:

THAT any requirement for an elevator or for compliance with Local Law 58 of 87 will be reviewed and determined by the Department of Buildings; the BSA does not herein grant any waiver of said requirements; and

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

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

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

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

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

Adopted by the Board of Standards and Appeals, March 23, 2004.

MINUTES

262-03-BZ

APPLICANT - Eric Palatnik, P.C., for Sam Dagan, owner.
SUBJECT - Application August 18, 2003 - under Z.R. §73-622 to permit the legalization of an enlargement to an existing one family dwelling, which does not comply with the zoning requirements for floor area and rear yard, is contrary to Z.R. §23-47 and §23-142.
PREMISES AFFECTED - 1564 East 28th Street, west side, between Avenue "P" and Kings Highway, Block 7688, Lot 82, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

Commissioner Chin.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 7, 2003, acting on Application No. 300686096, reads, in part:

1. Proposed floor area contrary to ZR 23-142.
2. Proposed rear yard contrary to ZR 23-47."; and

WHEREAS, a public hearing was held on this application on February 3, 2003 with a continued hearing on March 23, 2004, on which date a decision was rendered; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the legalization of an enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliances with regard to floor area and rear yard requirements, and which is contrary to Z.R §§23-47 and 23-142; and

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

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

WHEREAS, the 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.

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 legalization of an enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliances with regard to floor area

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING

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

Negative:0

THE VOTE TO GRANT-

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

and rear yard requirements, and which is contrary to Z.R §§23-47 and 23-142, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "March 1, 2004"-(9) 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;

Adopted by the Board of Standards and Appeals, March 23 2004.

337-03-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for 340 Madison Owner, LLC c/o Macklowe Properties, 142 West 57th Street, owners.

SUBJECT - Application October 31, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing 21-story office, retail and church building with irregular E-shaped floor plates, will require variances to modify the Special Street Wall requirement of the Grand Central subdistrict, and permit the transfer of floor area across a zoning district boundary, which is not permitted as per

MINUTES

Z.R. §81-621, §77-02, §33-17 and §81-211.

PREMISES AFFECTED - 342 Madison Avenue,(a/k/a 16 East 44th Street), west blockfront, between East 43rd and 44th Streets, Block 1278, Lots 8, 14, 15, 17, 62, 63 and 65, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on

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

Negative:0

THE VOTE TO GRANT-

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 22, 2003, acting on Application No. 103434230, reads:

"1. Streetwall height of the proposed enlargement does not comply with ZR Section 81-621.

2. Proposed transfer of floor area across zoning district boundary (i.e. from C5-2.5 zone to C5-3 zone) is not permitted pursuant to ZR Sections 77-02, 33-17 and 81-211."; and

WHEREAS, a public hearing was held on this application on February 3, 2004 after due notice by publication in The City Record, and laid over to March 23, 2004 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed enlargement of an existing 21-story office, retail and church building with irregular "E"-shaped floor plates, which requires variances to modify the Special Street Wall requirement of the Grand Central Subdistrict regulations and to permit the transfer of floor area across a zoning district boundary, which is contrary to Z.R. §§81-621, 81-211, 77-02, and 33-17; and

WHEREAS, the proposed subject zoning lot is 48,265 square feet, situated on the west blockfront of Madison Avenue, between East 43rd and 44th Streets, and is located partially within a C5-3 zoning district (within the Midtown Special District/Grand Central Subdistrict) and partially within a C5-2.5 zoning district (within the Midtown Special District); and

WHEREAS, the subject lot is currently occupied by a 21 story plus penthouse mixed-use building (commercial offices, retail, church) with 503,487 square feet of floor area; and

WHEREAS, the applicant represents that the building

condition.

THE VOTE TO REOPEN HEARING

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

Negative:0

THE VOTE TO CLOSE HEARING

was originally built with an irregular "E"-shaped floor plate to accommodate and surround two hold out parcels, each with 25 feet of frontage along Madison Avenue and a depth of 95 feet; and

WHEREAS, the applicant states that the proposed enlargement of the building will, contrary to applicable zoning regulations (1) exceed the maximum permitted streetwall height along Madison Avenue, East 43rd Street and East 44th Street and (2) transfer unused floor area generated by the portion of the zoning lot in C5-2.5 district (12 FAR maximum) to enlarge the portion of the building located in the C5-3 district (15 FAR maximum); and

WHEREAS, the proposed enlargement will result in the addition of 76,384 square feet of floor area over and above what would be permitted in an as of right enlargement without the transfer, but the site itself will remain under built, and the Board has not been asked for a bulk variance in the instant application; and

WHEREAS, the proposed enlargement will result in the increase in degree of non-compliance of the streetwall height on the three frontages of the building; specifically, the height of the West 43rd Street streetwall is increased from 177.13 feet to 187.94 feet for a distance of 95 feet from the Madison Avenue intersection, the height of the streetwall along the southern 100.41 feet Madison Avenue is increased to a uniform height of 187.94 feet, and the height of the East 44th Street streetwall is increased to a height of 187.94 feet; and

WHEREAS, in response to concerns expressed by the Board, the applicant has made a supplemental submission which concludes that the proposed relocation of the delivery entrance for the building from Madison Avenue to East 43rd Street will represent an operational improvement over previous conditions; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardships in constructing the proposed building in conformity with underlying district regulations: the history of development and functional obsolescence of the existing building resulting from its irregular and undersized floor plates, and its outdated and inadequate air-conditioning, electrical and telecommunication systems and building services; additionally, the applicant notes that the building lacks a loading dock and freight elevator, which results in the mixing of tenant traffic with deliveries and building services;

MINUTES

and

WHEREAS, the Board finds that the aforementioned unique physical conditions, when considered in the aggregate, create unnecessary hardships and practical difficulties in developing the site in compliance with the applicable zoning

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 conformity with applicable zoning regulations will provide a reasonable return; and

WHEREAS, the applicant states that the immediate area surrounding the building is characterized by short blocks and narrow avenues that contribute to a dense urban fabric, reinforced by high coverage commercial buildings, and that the proposed enlargement of the building will reinforce this context by expanding the upper floors of the building on its Madison Avenue side, while preserving the scale of the lower-rise buildings in the midblock; and

WHEREAS, the applicant further states that the proposed enlargement will reinforce the high streetwall tradition of the neighborhood; and

WHEREAS, in response to concerns expressed by the Board, the applicant made a supplemental submission showing an axonometric projection of the buildings along Madison Avenue between East 41st and East 47th Street and the elevations of these buildings with their total height indicated in stories and feet, which the applicant contends supports their position that the proposed streetwalls will be consistent with the character of the neighborhood; and

WHEREAS, the applicant submitted a revised elevation drawing indicating the heights above curb level at which the various front setbacks occur for buildings along Madison Avenue between East 41st and East 47th Streets; and

WHEREAS, the Board has reviewed these two submissions and find that they show that the design of the proposed building, including its total height and streetwall height, will be contextual with surrounding buildings; and

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

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

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

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

WHEREAS, the applicant represents that the transfer of floor area has been approved by the City Planning Commission; and

regulations; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the entire premises in compliance with the applicable zoning regulations would not yield the owner a reasonable return; 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 above, to permit the proposed enlargement of an existing 21-story office, retail and church building with irregular "E"-shaped floor plates, which requires variances to modify the Special Street Wall requirement of the Grand Central Subdistrict regulations and to permit the transfer of floor area across a zoning district boundary, which is contrary to Z.R. §§81-621, 81-211, 77-02, and 33-17, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 31, 2003"- (31) sheets; and on further condition;

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

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

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

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

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

Adopted by the Board of Standards and Appeals, March 23, 2004.

346-03-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Roadco, LLC, owner.

SUBJECT - Application November 13, 2003 - under Z.R. §72-21 to permit the legalization of an existing two family dwelling, Use

MINUTES

Group 2, located in an R2 zoning district, which does not comply with the zoning requirements, regarding the number of units permitted on the zoning lot, is contrary to Z.R. §23-22.

PREMISES AFFECTED - 156-05 Cross Island Parkway, east of APPEARANCES -

For Applicant: Joseph Morsellino.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 24, 2003, acting on Application No. 401484773, reads:

"1. Proposed number of dwelling units is contrary to section 23-22 in that the maximum permitted number of dwelling units is two. The proposed number of dwelling units is three."; and

WHEREAS, a public hearing was held on this application on February 24, 2004 after due notice by publication in The City Record, and laid over to March 23, 2004 for decision; and

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

WHEREAS, the Queens Borough President has recommended approval of this application; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed legalization of an existing two family home, situated on a zoning lot comprised of two tax lots, located within an R2 zoning district, that also contains a one family dwelling, for a total of three dwelling units on a single zoning lot, which is contrary to Z.R. §23-22; and

WHEREAS, the subject zoning lot is a through lot comprising tax lot 78 and tentative tax lot 94, with the one family home on lot 78 and the two family home on lot 94; the total lot area is 7,042 square feet; the lot is situated on the Cross Island Parkway east of 156th Street, with frontage on both Cross Island Parkway and Cryders Lane; and

WHEREAS, the applicant states that the two family home became a pre-existing, non-conforming dwelling when the area was rezoned to R2 in 1961; and

WHEREAS, the applicant states that the owner of the zoning lot filed for and obtained approval from the Department of Buildings for the construction of the one family home, built the home, and subsequently received notice from DOB that the two family home would have to be converted to a one family home in order to comply with Z.R. §23-22; and

156th Street, Block 4566, Lot 78 (tentative Lot No. 94), Borough of Queens.

COMMUNITY BOARD #7Q

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardships in using the existing building in conformity with underlying district regulations: the history of development of the zoning lot with a two family home, and the irregular shape of the zoning lot; and

WHEREAS, the Board finds that certain of the aforementioned unique physical conditions, specifically the long history of the lot's development with a two family home, create unnecessary hardships and practical difficulties in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, the applicant states that conversion of the two family home to one family would cost a substantial amount, but decrease the home's value, and would be difficult to market due to its large size; 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 conformity with applicable zoning regulations will provide a reasonable return; and

WHEREAS, the applicant states that the retention of the two family home as two family is in keeping with other two family homes directly adjacent to the subject site and in the surrounding area, and notes that the use of the structure for a two family home has not had any adverse impacts on neighboring properties for decades; and

WHEREAS, the Board notes, based on the record before it, that both structures on the lot comply and conform in all respects to applicable zoning regulations aside from Z.R. §23-22; and

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

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

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

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

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

WHEREAS, the evidence demonstrates no foreseeable

MINUTES

significant environmental impacts that would require the

Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited above, to permit the proposed legalization of an existing two family home, situated on a zoning lot comprised of two tax lots, located within an R2 zoning district, that also contains a one family dwelling, for a total of three dwelling units on a single zoning lot, which is contrary to Z.R. §23-22, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 13, 2003"- (4) sheets; and on further condition;

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

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

THAT the above conditions 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, March 23, 2004.

203-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Marcello Porcelli, owner; BP Amoco, PLC, lessee.

SUBJECT - Application July 1, 2002 - under Z.R. §72-21 to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, that is located in a C1-2 within an R5 zoning district, is contrary to §32-31.

PREMISES AFFECTED - 110-18 Northern Boulevard, between 110th and 111th Streets, Block 1725, Lots 1, 3, 4, 7, 8, 11, 12 and 13, (Tentative Lot 1), Borough of Queens.

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to May 18, 2004,

preparation of an Environmental Impact Statement.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: G. Lawrence

THE VOTE TO CLOSE HEARING -

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

Commissioner Chin.....5
Negative:0

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

361-02-BZ

APPLICANT - Marianne Russo, for 214 25th Street Corporation, owner.

SUBJECT - Application December 13, 2002 and updated January 5, 2004 - under Z.R. §72-21 to permit the proposed renovation and conversion of an existing factory building, to create 15 unit loft type apartments, with five parking spaces in the mews, a gardened courtyard, and the addition of floor area to the center of the front structure, located in an M1-1D district, which does not meet the zoning requirements for rear lot line, parking, height and setback, is contrary to Z.R. §42-00, §43-61(d), §43-61(c) and §44-27.

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

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Peter Hirshman.

For Opposition: Phaedra Thomas.

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

81-03-BZ

APPLICANT - Timothy M. Rice, for Vinicio Ramirez, owner;

SUBJECT - Application March 24, 2003 and updated December 15, 2003 - under Z.R. §32-30 to reestablish and amend an expired variance, for an auto repair (auto-body) shop, parking for more than five(5) vehicles, storage, and the legalization of a new one story structure on the same lot, which is contrary to a previous variance granted under Cal. No.843-46-BZ, Vol. II, and Z.R. §§22-00 and 32-00.

PREMISES AFFECTED - 857 East 169th Street, and 1351 Lyman Place, northwest corner, Block 2970, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #3

at 1:30 P.M., for postponed hearing.

MINUTES

84-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Nissan Perla, Partner: N.P. Holdings, LLC, owner.

SUBJECT - Application October 24, 2003 - under Z.R. §72-21 to permit the proposed nine (9) story plus penthouse residential building, Use Group 2, located in an R5, C1-2 overlay zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage, total height, perimeter wall height, lot area per dwelling unit and the required number of parking spaces, is contrary to Z.R. §23-141, §23-631, §23-222 and §25-521.

PREMISES AFFECTED - 35-40 30th Street, a/k/a 35-37 29th Street, between 35th and 36th Avenues, Block 341, Lot 6, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Jordan Most.

For Opposition: Caroline Adams.

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

208-03-BZ

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

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

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

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Stuart Klein, Tiffany Raspberry, Council Democratic Recchia and Mel Berfond.

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

221-03-BZ

APPLICANT - Martyn & Don Weston, for 253 West 28th Street,

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Eric Palatnik.

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

Corp., owner.

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

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

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Don Weston, Francis R. Angelino and Vincent Hanley.

For Opposition: Howard Hornstein, Vikki Barbero and Alan Fierstein.

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

231-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Isaac Douek Jacqueline Douek Maurice Douek, owners.

SUBJECT - Application July 29, 2003 - under Z.R. §72-21 to permit the proposed construction of a six story building, with a mezzanine and cellar, to contain eighteen residential units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 63 and 65 Columbia Street, southeast corner of Congress Street, Block 299, Lots 7 and 8, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Janice Cahalane.

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

266-03-BZ

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

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

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

267-03-BZ

APPLICANT - Stuart A. Klein, Esq., for North 14th Street Realty

MINUTES

Associates, LLC, owner.

SUBJECT - Application August 21, 2003 - under Z.R. §72-21 to permit the proposed construction of three attached six and seven story buildings, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 2/6 Berry Street, 194/96 North 14th Street, south side, between Wythe Avenue to the west and Berry Street to the east, Block 2279, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Stuart Klein, Harold Weinberg, Robert B. Pauls and Ken Fisher.

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

271-03-BZ

APPLICANT - Law Office of Fredrick A. Becker, for Frank Scelta, owner.

SUBJECT - Application August 27, 2003 - under Z.R. §72-21 to permit the proposed construction of a five family, three-story multiple dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10, §42-11 and §42-12.

PREMISES AFFECTED - 976 Metropolitan Avenue, between Catherine Street and Morgan Avenue, Block 2918, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Fredrick Becker and Everett Parker.

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

299-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Josette Said, owner.

SUBJECT - Application September 15, 2003 - under Z.R. §72-21 to permit the proposed construction of a detached one-family dwelling, Use Group 1, located in an R1-2 zoning district, which does not comply with the zoning requirements for front yard, rear

SUBJECT - Application December 15, 2003 - under Z.R. §72-21 to permit the proposed expansion and reconstruction of a functionally obsolete one-story industrial building, thereby creating a modern climate controlled eight-story manufacturing and storage of office furniture facility, Use Groups 16 and 17, located in an M3-1 zoning district, which does not comply with the zoning requirements for floor area ratio, setbacks, sky exposure plane, street wall height and parking spaces, which is contrary to Z.R. §43-12, §43-43, §44-21.

PREMISES AFFECTED - 1100 Leggett Avenue, south side, between Barry and Dupont Streets, Block 2606, Lot 125, Borough of the Bronx.

COMMUNITY BOARD #2BX

yard and setback, is contrary to Z.R. §23-45, §23-52 and §23-631.
PREMISES AFFECTED - 179-16 Grand Central Parkway, between Midland Parkway and Edgerton Boulevard, Block 9943, Lot 43, Borough of Queens.

COMMUNITY BOARD #8

APPEARANCES -

For Applicant: Jordan Most.

For Opposition: Pazia Siev.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

305-03-BZ

APPLICANT - Sheldon Lobel, P.C., for 10 Grand Avenue, LLC, owner.

SUBJECT - Application September 25, 2003 - under Z.R. §72-21 to permit the legalization of residential occupancy, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 2, 8, 10 Grand Avenue, southwest corner of Flushing Avenue, Block 1877, Lots 27 and 30, Borough of Brooklyn.

COMMUNITY BOARD #2

APPEARANCES -

For Applicant: Janice Cahalane.

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

387-03-BZ

APPLICANT - Steven M. Sinacori/Stadtmauer Bailkin, for 1100 Leggett Avenue, Inc., owner; Green Office Systems, Inc., lessee.

APPEARANCES -

For Applicant: Steven Sinacori.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

MINUTES

Pasquale Pacifico, Executive Director.

Adjourned: 7:00 P.M.

CORRECTIONS

***CORRECTION**

This resolution adopted on April 9, 2002, under Calendar No. 71-99-BZ and printed in Volume 87, Bulletin Nos. 15-16, is hereby corrected to read as follows:

71-99-BZ

CEQR # 99-BSA-126Q

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Maspeth Federal Savings Bank and Loan Center, owner.

SUBJECT - Application April 8, 1999 - under Z.R. §72-21, to permit the proposed second story enlargement to an existing bank (Use Group) located in a C1-2 within an R6B zoning district, which will not comply with rear yard requirements, and is contrary to Z.R. §33-26 and 33-27.

PREMISES AFFECTED - 56-05 69th Street, east side, 130.55' north of Grand Avenue, Block 2500, Lot 7, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 4, 2002 acting on Applic. No. 400913179 reads:

“1. The proposed 2nd story enlargement encroaches on the rear yard and is therefore contrary to section 33-26 & 33-27 of the zoning Resolution.”

WHEREAS, a public hearing was held on this application on September 28, 1999 after due notice by publication in *The City Record* and laid over to October 19, 1999, November 23, 1999, January 16, 2001, December 4, 2001, January 8, 2002, February 26, 2002, March 19, 2002 and then to April 9, 2002 for decision. On April 9, 2002 the case was reopened and decision rendered; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed second story enlargement to an existing bank (Use Group 6) located in a C1-2 within an R6B zoning district, which will not comply with rear yard requirements, and is contrary to Z.R. §33-26 and §33-27; and

WHEREAS, the subject site is Lot 7 of Block 2500, Queens County, on the New York City Tax Map, commonly known as 56-05 69th Street, Queens, NY, and is located approximately 100 feet from the northeasterly intersection of Grand Avenue and 69th Street; and

WHEREAS, the applicant contends that the lot area of the site is 5,834 square feet, and is currently improved with a one story and cellar office building that covers 5,696 square feet of the lot; and

WHEREAS, the applicant states that the building is an odd shape built out to the odd shape lot, and has a dimension of 22.95' by 54.73' by 70.81' by 59.39' by 101.93'; and

WHEREAS, the applicant proposes that the second floor is to be the exact shape of the first floor and built out over first floor; and

WHEREAS, Community Board 5 has recommended approval of this application but with off street parking to be provided for an additional (11) employees' vehicles, which together with the four (4) employee parking spaces in the bank lot on 69th Street will bring the total available and designated for employee parking in this lot to fifteen (15) spaces; and

WHEREAS, the subject lot is located within an R6B/C1-2 zoning district; and

WHEREAS, the applicant represents that the proposed additional second floor will eliminate the practical difficulty associated with the existing building; and

WHEREAS, the applicant states that currently, the employees work in the existing one story and cellar area, but when the second floor is completed, two of the existing departments will be located to the second floor and a conference room will be added; and

WHEREAS, the applicant also states that the proposed two

story building will contain 11,392 feet of floor area that will require 19 parking spaces under zoning requirements; and

WHEREAS, the applicant represents that as the subject lot is 98% covered, there is no space for the required parking; and

WHEREAS, according to the applicant, the proposed building on the subject lot is required to provide 19 parking spaces and 8 spaces on another nearby lot utilized by the bank; and

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WHEREAS, the applicant states that the bank owns lots with 54 parking spaces and will add 11 parking spaces; and

WHEREAS, the applicant claims that the 65 parking spaces will accommodate the 27 required parking spaces and have an excess of 38 parking spaces to be provided; and

WHEREAS, the applicant states that the lot is oddly shaped; and

WHEREAS, the applicant claims that the lot has a frontage along the east side of 69th Street and extends easterly at a 90 degree angle on the northerly side of the lot 59.9 feet; the lot extends easterly at a 90 degree angle on the southerly side of the lot 11.607 feet, then extends northeasterly at an approximate 150 degree angle 54.73 feet; then northwesterly at an approximate 130 degree angle, where it meets the easternly bound extension on the northerly side of the lot; and

WHEREAS, the applicant states that the subject building is built out over the 98% of the lot along the odd dimensions; and

WHEREAS, the applicant claims that the use of the building is diminished by the reduction of efficiency of the odd shaped lot; and

WHEREAS, the factors that under Z.R. § 33-27, this lot is an interior lot less than 70 feet in depth and as such is considered a shallow interior lot, combined with its irregularity, contribute to the finding of a unique physical condition; and

WHEREAS, according to the applicant, the existing one-story building is built out over 98% of the lot and covers the portion of the lot that would be the required rear yard area for the second floor enlargement; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, the site's history of conforming commercial use, site's uniquely oddly shaped lot, present a practical difficulty and unnecessary hardship for the existing Use Group 6 use, which does not comply with rear yard requirements; and

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

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

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

WHEREAS, under Z.R. §33-27, since this lot is an interior lot less than 70 feet in depth and as such is considered a shallow interior lot, the required rear yard of twenty feet may be reduced by one foot for each two feet by which the maximum depth of such interior lot is less than 70 feet; and

WHEREAS, in addition, the degree of non-compliance to the rear yard requirement is not as great as it would be if it were greater than 70', and is therefore a minimal variance; and

WHEREAS, the Board find 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; and

Resolved that the Board of Standards and Appeals issues a Negative 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 second story enlargement to an existing bank (Use Group) located in a C1-2 within an R6B zoning district, which will not comply with rear yard requirements, and is contrary to Z.R. §33-26 and §33-27, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 4, 2002"-(6) sheets; and on further condition;

THAT the Certificate of Occupancy will state that the facility shall provide the required accessory parking spaces for employees and customers;

THAT the Certificate of Occupancy for the subject lot shall note the specific address, block and lot number for the accessory parking facility;

THAT the Certificate of Occupancy for the accessory parking facility shall note that the parking provided is reserved for employees and customers of the subject facility;

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

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

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

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

Adopted by the Board of Standards and Appeals, April 9, 2002.

****The resolution has been corrected to remove the part of the conditions which read: "...THAT the Certificate of Occupancy be obtained within two years;". Corrected in Bulletin Nos. 13-14, Vol. 89, dated April 1, 2004.**

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***CORRECTION**

This resolution adopted on December 9, 2003, under Calendar No. 235-01-BZ and printed in Volume 88, Bulletin Nos. 48-50, is hereby corrected to read as follows:

235-01-BZ

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

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

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

COMMUNITY BOARD #13BK

APPEARANCES - Adam Rothkrug.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative: Vice-Chair Babbar and Commissioner Caliendo.....2

Negative: Chairman Chin and Commissioner Miele.....2

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 2, 2001, acting on Application No. 301162328 reads:

“PROPOSED FUNERAL ESTABLISHMENT, USE GROUP 7, IN A C1-2/R5 DISTRICT REQUIRES A SPECIAL PERMIT FROM THE BOARD OF STANDARDS & APPEALS”; and

WHEREAS, previously, a public hearing was held on this application on December 18, 2001, after due notice by publication in *The City Record*, and laid over to February 5, 2002 and March 19, 2002, and then to May 7, 2002 for decision when it was re-opened and laid over for continued hearing to June 11, 2002, and then to July 16, 2002 for decision; and

WHEREAS, the subject application was denied on July 16, 2002, based on a two affirmative, two negative and one abstention vote; and

WHEREAS, the Board’s July 16, 2002 decision was appealed to the Supreme Court of New York State in an Article 78 proceeding, and subsequently remanded back to the Board on June 2, 2003 for a full vote of every member; and

WHEREAS, the application was then reopened and placed on the Special Order calendar; and

WHEREAS, a public hearing was held on the remanded application on September 9, 2003, after due notice by publication in *The City Record* and then to October 28, 2003

for continued hearing, and then to November 18, 2003 and December 9, 2003 for decision; and

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

WHEREAS, this is an application for a special permit, under Z.R. §73-27 to permit, in a C1-2/R5 zoning district, the proposed construction of a one-story funeral establishment (Use Group 7), contrary to Z. R. §32-21; and

WHEREAS, the subject premises is a parcel on the southern part of a larger block, with a total area of 26,503 square feet, consisting of eleven vacant tax lots and a portion of one additional tax lot (lot no. 38); and

WHEREAS, this application entails the proposed amalgamation of these separate tax lots into a single tax lot (lot no. 42); and

WHEREAS, the proposed funeral establishment would have a total floor area of 5,316 sq. ft., with a first floor containing four chapels, the largest of which would be approximately 800 square feet, as well as offices, an embalming room and storage; and

WHEREAS, the applicant states that a total of 35 off-street parking spaces would be provided; and

WHEREAS, pursuant to Z.R. §73-27(a), the Board may permit funeral establishments in a C1 or C4 district provided that there are serious difficulties involved in placing such use within a district wherein such use is permitted as-of-right and from which it could serve the needs of its prospective clientele, which make it necessary to locate such use in a C1 or C4 district; and

WHEREAS, the opposition to the application contends that there are numerous sites in the Coney Island neighborhood where the proposed funeral establishment could be sited; and

WHEREAS, the opposition also contends that there are homeowners in the neighborhood who would be willing to sell their property for siting of the proposed funeral establishment; and

WHEREAS, the applicant claims that Coney Island is a geographically segregated area, with limited availability of zones in which the proposed funeral establishment would be a permitted use, and that Mermaid Avenue is the principal commercial strip, with the street frontage predominantly zoned C1-2; and

WHEREAS, the applicant maintains that none of the parcels of land suggested by the opposition as alternative sites are attainable or viable for the proposed use as they are either too small or improperly zoned; and

WHEREAS, the applicant argues that the “serious

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applicant to initiate sale negotiations with parties who do not

WHEREAS, a majority of the Board, based upon their inspection of the subject area and review of the evidence in the record, find that the applicant has sufficiently refuted the existence of appropriate parcels in the Coney Island neighborhood other than the subject parcel for siting of the proposed funeral establishment; and

WHEREAS, accordingly, this majority of the Board finds that there are serious difficulties in locating such use in a district where it is permitted as-of-right and, therefore, that the applicant’s proposal meets the requirements of ZR §73-27(a); and

WHEREAS, pursuant to Z.R. §73-27(b), the Board must find that the site for the proposed funeral establishment is located so as to cause minimum interruption of the continuity of the frontage devoted to retail shopping uses; and

WHEREAS, the opposition contends that there is significant retail activity in the immediate neighborhood, and that the proposed funeral establishment would interrupt the continuity of the retail frontage; and

WHEREAS, the applicant maintains that there is no continuity of frontage devoted to retail shopping uses for the proposed funeral establishment to interrupt; and

WHEREAS, two members of the Board, based upon their inspection of the subject area and review of evidence in the record, find that the proposed funeral establishment would cause only minimum interruption of the continuity of the frontage devoted to retail shopping uses, as there are only a few retail stores on the street frontage; and

WHEREAS, however, two other members of the Board, based upon their inspection of the subject area and review of evidence in the record, find that the proposed funeral establishment would cause more than minimal interruption of continuity of the retail shopping use frontage, in that the proposed funeral establishment would envelope another retail establishment on the same block, surrounding it on both sides, and would also interrupt the continuity of frontage on the north side of Mermaid Avenue devoted to retail shopping use, which starts with the subject block and extends due west for eleven (11) more blocks to West 33rd Street; and

WHEREAS, these same two members of the Board note that the existence of actual retail shopping on the frontage is not relevant; rather, what matters is that the frontage is zoned commercial (C1-2), and is therefore devoted to retail shopping use; and

WHEREAS, pursuant to Z.R. §73-27(c), the Board must find that the proposed use is so located as to draw a minimum of vehicular traffic to and through local streets in residential

areas; and

WHEREAS, based upon its review of the record and its site inspection, the Board in its entirety finds that the applicant has met the finding set forth at Z.R. §73-27(c), in that its location will not lead to any significant increase in traffic on the immediate local streets; and

WHEREAS, only two members of the Board find that the applicant has met all of the findings necessary for a grant of a special permit pursuant to Z.R. §73-27; and

WHEREAS, pursuant to the Board’s Rules of Practice and Procedure §1-01.1(e) and New York City Charter §663, a special permit may not be granted unless there is a concurring vote of at least three members of the Board, and an action that fails to receive the requisite three votes will be deemed a denial.

Resolved that the decision of the Borough Commissioner, described above, is sustained and the subject application is hereby denied.

Adopted by the Board of Standards and Appeals, December 9, 2003.

****The resolution has been corrected in that the 25th WHEREAS which read: “...create a 200 foot, block long separation between the retail frontage of the block directly to the west and the retail frontage of the block directly to the east...” now reads: “interrupt the continuity of frontage on the north side of Mermaid Avenue devoted to retail shopping use, which starts with the subject block and extends due west for eleven (11) more blocks to West 33rd Street”. Corrected in Bulletin No. 12, Vol. 89, dated March 18, 2004.**

This resolution adopted on March 2, 2004, under Calendar No. 239-03-BZ and printed in Volume 89, Bulletin No. 11, is hereby corrected to read as follows:

**239-03-BZ
CEQR#04-BSA-009M**

APPLICANT - Jay A. Segal, Greenberg Traurig, LLP, for West Broadway Arches c/o Mr. Chuck Seltzer, owner.
SUBJECT - Application July 10, 2003 - under Z.R. § 73-01 & 73-53 to permit the proposed extension of the uses (studios with accessory living/sleeping accommodations) allowed on

floors two through six of the West Broadway portion of the subject building, which is located partially in a M1-5A zoning district and partially in a R7-2 zoning district, contrary to Z.R. §42-14D.
PREMISES AFFECTED - 468 West Broadway and 140

Street, between West Houston and Prince Streets, Block 516, Lot 7, Borough of Manhattan.
COMMUNITY BOARD #2M
APPEARANCES - None.
ACTION OF THE BOARD - Application granted on condition.

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Thompson Street, fronting on West Broadway and Thompson

THE VOTE TO GRANT -

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

Commissioner Miele4

Negative:0

Not Voting: Commissioner Chin.....1

THE RESOLUTION

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

"1. Proposed cellar and first floor use on West Broadway `Studios, art music, dancing or theatrical with accessory sleeping accommodations for employees in connection with commercial or manufacturing use' (Use Group 9), not permitted pursuant to ZR 42-14."; and

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

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

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

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

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

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

rooms in the cellar; and

WHEREAS, the applicant now seeks to extend the Uses to the ground floor; and

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

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

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

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

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

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

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

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

WHEREAS, the Board notes that there are no required

side yards; and

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Type I Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §§73-53 and 73-03 to permit the proposed extension of the uses (studios with accessory living/sleeping accommodations) allowed on floors two through six of the West Broadway portion of the

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subject building, which is located partially in a M1-5A zoning district and partially in a R7-2 zoning district, contrary to Z.R. §42-14D, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received July 10, 2003" -(1) sheet and "February 6, 2004" -(1) sheet; and on further condition;

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

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

THAT all applicable fire safety measure will be complied with;

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

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

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

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

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

****The resolution has been corrected to remove the part of the conditions which read: "...THAT substantial construction be completed and a new Certificate of Occupancy be obtained in accordance with Z.R. §73-70". Corrected in Bulletin Nos. 13-14, Vol. 89, dated April 1, 2004.**

Pasquale Pacifico, Executive Director.