
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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April 22, 2004

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CONTENTS

DOCKET	284
CALENDAR of May 11, 2004	
Morning	285
Afternoon	286
CALENDAR of May 18, 2004	
Morning	287
Afternoon	288

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, April 13, 2004**

Morning Calendar289

Affecting Calendar Numbers:

399-70-BZ	630 Arthur Kill Road, Staten Island
56-96-BZ	32-02 Linden Place, Queens
269-98-BZ	70 East 184 th Street, The Bronx
144-00-BZ	210 East 77 th Street, Manhattan
191-00-BZ	184 Kent Avenue, Brooklyn
263-01-BZ	85-101 N 3 rd Street, Brooklyn
193-03-BZ	824-834 Kent Avenue, Brooklyn
281-99-BZ	6055 Strickland Avenue, Brooklyn
465-55-BZ	486/496 Coney Island Avenue, Brooklyn
735-59-BZ	902 Soundview Avenue, The Bronx
245-90-BZ	1054 43 rd Street, Brooklyn
85-91-BZ	204-18 46 th Avenue, Queens
101-92-BZ	68-98 E. Burnside Avenue, The Bronx
279-01-BZ	2106-2130 McDonald Avenue, Brooklyn
103-02-BZ	1516 East 24 th Street, Brooklyn
128-03-A thru	
130-03-A	22 , 26, 30 Brookside Loop, Staten Island
311-03-A thru	
313-03-A	140, 144 & 146 Jackson Avenue, Staten Island
392-03-A	20 Janet Lane, Queens
331	
53-04-A thru	
62-04-A	34 th Avenue, Queens

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, April 27, 2004**

Afternoon Calendar.....297

Affecting Calendar Numbers:

203-02-BZ	110-18 Northern Boulevard, Queens
354-03-BZ	209/15 East 51 st Street, Manhattan
387-03-BZ	1100 Leggett Avenue, The Bronx
5-04-BZ	595 Gerard Avenue, The Bronx
161-02-BZ	2433 Knapp Street, Brooklyn
68-03-BZ	649 39 th Street, Brooklyn
82-03-BZ	51 North 8 th Street, aka 91 Kent Avenue, Brooklyn
102-03-BZ	291 Kent Avenue, Brooklyn
118-03-BZ	1101 Prospect Avenue, Brooklyn
186-03-BZ	525 Union Avenue, Brooklyn
255-03-BZ	1019 Surf Avenue, Brooklyn
258-03-BZ	47 Thames Street, Brooklyn
260-03-BZ	20 Grand Avenue, Brooklyn
270-03-BZ	108-36/50 Queens Boulevard, Queens
299-03-BZ	179-16 Grand Central Parkway, Queens
300-03-BZ	326 East 126 th Street, Manhattan
325-03-BZ thru	
326-03-BZ	307 & 309 Hamden Avenue, Staten Island
342-03-BZ	92/94 Greene Street, aka 109 Mercer Street, Manhattan
347-03-BZ	2611 Avenue N, Brooklyn
362-03-BZ	428 West 45 th Street, Manhattan
365-03-BZ	224-20 Prospect Court, Queens
371-03-BZ &	
372-03-BZ	655 & 663 Fifth Avenue, Manhattan
7-04-BZ	2208 Boller Avenue, The Bronx

CORRECTION.....308

Affecting Calendar Numbers:

400-70-BZ	134-07 Cross Bay Boulevard, Queens
92-03-BZ	472 West 130 th Street, Manhattan

DOCKET

New Case Filed Up to April 13, 2004

142-04-BZ B.S.I. 516 Arbutus Avenue, north side, at the intersection of Shore Avenue and Trout Place, Block 6529, Lot 15, Borough of Staten Island. N.B.#500668164. Proposed single family detached residence, Use Group 1, located within the required front yard, is contrary to Z.R. §23-45.

COMMUNITY BOARD #3SI

143-04-BZ B.S.I. 522 Arbutus Avenue, north side, at the intersection of Shore Avenue and Trout Place, Block 6529, Lot 10, Borough of Staten Island. N.B.#500668155. Proposed in-ground pool, located within the required front yard, is contrary to Z.R. §23-12.

COMMUNITY BOARD #3SI

144-04-BZ B.M. 286 Hudson Street, east side, between Dominick and Spring Streets, Block 579, Lot 3, Borough of Manhattan. Applic.#103694236. Proposed development, Use Groups 2 and 6, which will contain residential uses at the second through ninth floors, is not permitted as of right within the an M1-6 zoning district, is contrary to §43-10.

COMMUNITY BOARD #2M

145-04-BZ B.M. 526 West 22nd Street, south side, 340' west of Tenth Avenue, Block 693, Lot 48, Borough of Manhattan. Applic.#103674276. Proposed construction of a mixed-use residential and commercial building, within an M1-5 zoning district, which does not permit residential use, and has a non-complying front wall, is contrary to Z.R. §42-10 and §43-43.

COMMUNITY BOARD #4M

146-04-BZ B.S.I. 191 Edgewater Street, between Sylvaton Terrace and Sylvia Lane, Borough of Staten Island. Alt.1# 500632880. Proposed conversion of an existing vacant seven-story manufacturing building, to residential use, Use Group 2, located in an M3-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1SI

147-04-BZ B.BK. 459 Carroll Street, 175' west of the corner of Carroll Street and Third Avenue, Block 447, Lot 46, Borough of Brooklyn. Alt.1#301691364. Proposed conversion

of a light manufacturing building, to residential use, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #6BK

148-04-A B.BK. 133 Sterling Place, aka 22 Seventh Avenue, northwest corner, Block 942, lots 48 and 52, Borough of Brooklyn. Applic.#s 301571261 and 300854920. An appeal seeking to reverse the Department of Buildings' decision dated March 5, 2004, which revoked permits that were issued regarding subject premises.

149-04-BZ B.Q. 14 Gotham Walk, west side, 167.23' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens. Alt.1#401827902. Proposed alteration and enlargement of an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

150-04-BZ B.M. 129 Elizabeth Street, west side, 60'-5' south of Broome Street, Block 470, Lot 17, Borough of Manhattan. Applic.#103299048. Proposed six story plus cellar mixed use building, on an undersized lot, located in a C6-2G zoning district, which does not comply with the zoning requirements for floor area ratio and lot coverage, is contrary to Z.R. §109-121, §109-122 and §23-32.

COMMUNITY BOARD #2M

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

CALENDAR

MAY 11, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, May 11, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

707-56-BZ, Vol. II

APPLICANT - Walter T. Gorman, P.E., for Jewell Mallimson/Leonard Mallimson, owners; Amoco Oil Company, lessee.

SUBJECT - Application January 13, 2004 - reopening for an extension of term of variance which expired April 21, 2004.

PREMISES AFFECTED - 1500/10 Williamsbridge Road, northeast corner of Eastchester Road, Block 4082, Lot 5, Borough of The Bronx.

COMMUNITY BOARD #11BX

40-80-BZ

APPLICANT - Sheldon Lobel, P.C., for 35 West 23rd Street Corp., owner; Patrick Montgomery, lessee.

SUBJECT - Application February 9, 2004 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 35-37 West 23rd Street, between Fifth Avenue and Avenue of the Americas, Block 825, Lot 7501, Borough of Manhattan.

COMMUNITY BOARD #5M

1038-80-BZ

APPLICANT - Davidoff & Malito, LLP, for Feinrose Downing, LLC, owner; Expressway Arcade Corp., lessee.

SUBJECT - Application January 29, 2004 - reopening for an extension of term of variance which expired January 6, 2004.

PREMISES AFFECTED - 31-07/09/11 Downing Street, Block 4327-4367, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

295-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Yeled V'Yalda Early Childhood Center, owner.

SUBJECT - Application January 22, 2004 - reopening for an amendment to the resolution.

MAY 11, 2004, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing,

PREMISES AFFECTED - 1257-1263 38th Street, between 12th Avenue and 13th Avenue, Block 5295, Lots 47, 48, 49, Borough of Brooklyn.

COMMUNITY BOARD #12BK

393-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative Inc., owner; Phillip & Stacey Benoit, owners.

SUBJECT - Application December 23, 2003 - Proposed enlargement and alteration to an existing one family dwelling, not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law. The building is not considered within 100' of a corner, therefore, 30'0" rear yard is required for second story enlargement.

PREMISES AFFECTED - 2 Roxbury Avenue, southeast corner of Marshall Avenue, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

395-03-A & 396-03-A

APPLICANT - Zaki Turkieh, for Aryeh Realty, LLC, owner.

SUBJECT - Application December 26, 2003 - proposed building not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 253-06 Rockaway Boulevard, located on Rockaway Boulevard and corner of East Dock Street, Block 13921, Lot 84, Borough of Queens.

27-04-A

APPLICANT - Steven Sinacori/Stadtmauer Bailkin, LLP, for City of New York, owner; Unconvention Center, Inc., lessee.

SUBJECT - Application February 11, 2004 - Proposed rehabilitation and renovation of Pier 94, for use as an exhibition hall for mid-size trade shows, which seeks relief from the requirements of §27-369(f) of the NYC Building Code with respect to protection of an exterior corridor, and §27-771.01(b) of the NYC Building Code with respect to mechanical system providing less than (6) six air changes per hour.

PREMISES AFFECTED - 755 12th Avenue, west side, between West 53rd and 55th Streets, Block 1109, Lot 5, Borough of Manhattan.

COMMUNITY BOARD #4M

Tuesday afternoon, May 11, 2004, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

CALENDAR

ZONING CALENDAR

229-03-BZ

APPLICANT - David L. Businelli, for PIC Legacy Realty, Inc., owner.

SUBJECT - Application July 3, 2003 - under Z.R. §72-21 to permit the proposed erection of a one family detached residence, Use Group 1, located in an R-2 zoning district, which does not comply with the zoning requirements for front yard is contrary to Z.R. §23-45.

PREMISES AFFECTED - 303 Crystal Avenue, southeast corner of Watchogue Road, Block 472, Lot 149, Borough of Staten Island.

COMMUNITY BOARD #1SI

314-03-BZ

APPLICANT - Deirdre A. Carson, Esq., for 17-18 Management Co. LLC, c/o White, Inc., owner; AMAC, lessee.

SUBJECT - Application October 16, 2003 - under Z.R. §§73-01, 73-03 & 73-19 to permit the legalization of an existing school, Use Group 3A, located in an 11 story loft building, in an M1-6M zoning district, is contrary to Z.R. §42-00 and §42-12.

PREMISES AFFECTED - 18 West 18th Street, a/k/a 25 West 17th Street, a through lot, 356' west of the intersection of Fifth Avenue and 17th and 18th Streets, Block 819, Lot 56, Borough of Manhattan.

COMMUNITY BOARD #5M

327-03-BZ

APPLICANT - Harold Weinberg, P.E., for Frank Galeano, owner.

SUBJECT - Application November 4, 2002 - under Z.R. §72-21 to permit the proposed erection of a four story, four family residence, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 82 Union Street, south side, 266'-0" west of Columbia Street, east of Van Brunt Street, Block 341, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #6BK

SUBJECT - Application February 3, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 7, 2003.

PREMISES AFFECTED - 232 East 50th Street, East 50th Street between Second Avenue and Third Avenue, Block 1323, Lot 35, Borough of Manhattan.

COMMUNITY BOARD #6M

343-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Pasquale Pescatore, owner.

SUBJECT - Application November 12, 2003 - under Z.R. §72-21 to permit the proposed construction of seven story, nineteen unit, residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 90 Havemeyer Street, between Hope Street and Metropolitan Avenue, Block 2368, Lot 26(Former Lots 26, 27 and 28), Borough of Brooklyn.

COMMUNITY BOARD #1BK

390-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Dobbins Street, LLC, owner.

SUBJECT - Application December 18, 2003 - under Z.R. §72-21 to permit the legalization of residential use on the second floor, of a two story mixed use building, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 95 Dobbins Street, between Norman and Messerole Avenues, Block 2616, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #1BK

Pasquale Pacifico, Executive Director.

MAY 18, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, May 18, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

811-81-BZ

APPLICANT - Sheldon Lobel, P.C., for Eva Ezrovics, owner.

585-91-BZ

APPLICANT - Tarek M. Zeid, for Luis Mejia, owner.

SUBJECT - Application December 10, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 30, 2003 and for an amendment to the resolution.

CALENDAR

PREMISES AFFECTED - 222-44 Braddock Avenue, Braddock Avenue between Winchester Boulevard and 222nd Street, Block 10740, Lot 12, Borough of Queens.

COMMUNITY BOARD #13Q

199-00-BZ

APPLICANT - The Agusta Group, for En Ping, Ltd., owner; The Atlantis 2010, lessee.

SUBJECT - Application March 10, 2004 - reopening for an extension of term of variance which expired March 13, 2004.

PREMISES AFFECTED - 76-19 Roosevelt Avenue, northwest corner of Roosevelt Avenue and 77th Street, Block 1287, Lot 37, Borough of Queens.

COMMUNITY BOARD #3Q

11-04-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; James McGovern, lessee.

SUBJECT - Application January 13, 2004 - Proposed reconstruction and enlargement of 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 - 25 Fulton Walk, east side, 64.30' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

12-04-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Jeanne & Michael Byrnes, lessees.

SUBJECT - Application January 13, 2004 - Proposed reconstruction and enlargement of 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 - 310 Hillside Avenue, south side, 350.0" west of Beach 178th Street, Block 16340, Lot 50, Borough of Queens. .

COMMUNITY BOARD #14Q

SUBJECT - Application November 24, 2003 - under Z.R. §72-21 to permit the proposed construction of an automotive car wash and Lubritorium, Use Group 2, located in a C2-2(R6) zoning district, which is contrary to Z.R. §32-00.

PREMISES AFFECTED - 34-11 Far Rockaway Boulevard, southeast corner of Sea Girt Boulevard, Block 15950, Lots 14 and 24, Borough of Queens.

COMMUNITY BOARD #14Q

328-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Mike Biagioni and Frank Biagioni, owners.

SUBJECT - Application October 24, 2003 - request for withdrawal.

PREMISES AFFECTED - 930-936 Richmond Avenue, between Forest Avenue and Monsey Place, Block 1706, Lots 36 & 39, Borough of Staten Island.

COMMUNITY BOARD #1SI

MAY 18, 2004, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, May 18, 2004, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

338-03-BZ

APPLICANT - Eric Palatnik, P.C., for Michael Kohl, owner.

SUBJECT - Application October 31, 2003 - under Z.R. §72-21 to permit the legalization of commercial offices and a dental laboratory on the second floor of a two story building, located in an R5 zoning district, is contrary to Z.R. §22-11.

PREMISES AFFECTED - 726 Avenue "Z", south side, 203.56' east of Ocean Parkway, Block 7238, Lot 32, Borough of Brooklyn.

COMMUNITY BOARD #13BK

364-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Alprof Realty LLC/VFP Realty LLC, owners.

40-04-BZ

APPLICANT - Agusta & Ross, for Steven Witriol, owner.

SUBJECT - Application February 13, 2004 - under Z.R. §72-21 to permit the proposed change of use from an automobile repair and used vehicles sales (Use Group 16), previously approved by the Board under Cal. No. 56-95-BZ, to a retail store (Use Group 6), located in an R5 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2252 Linden Boulevard, southeast corner of Cleveland Street, Block 4360, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #5BK

CALENDAR

Pasquale Pacifico, Executive Director.

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

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

Absent: Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, February 10, 2004, were approved as printed in the Bulletin of February 19, 2004, Volume 89, No. 8.

SPECIAL ORDER CALENDAR

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

MINUTES

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD - Application reopened and resolution amended

THE VOTE TO GRANT -

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

Negative:0

Absent: Commissioner Miele1

THE RESOLUTION -

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

WHEREAS, Staten Island Community Board 3 recommends approval of this application.

WHEREAS, on December 15, 1970, the Board permitted the erection and maintenance of an automotive service station with accessory uses;

WHEREAS, on September 17, 1974, the Board amended the resolution to permit additional gasoline dispensers; and

WHEREAS, on May 7, 1991, the Board amended the resolution to permit a change in the design and arrangement of the service station, the erection of a new canopy over four (4) new gasoline pump islands with new MGB self serve pumps and the alteration of the existing office area to accommodate an attendant's booth; and

WHEREAS, the applicant requests a re-opening, and an amendment to the resolution to permit the removal of the existing canopy and dispenser islands, the installation of three new concrete dispenser islands, the erection of a new steel canopy, the removal of a portion of the existing service building, and the conversion of the remainder of the building to an accessory convenience store.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution, said resolution having been adopted on December 15, 1970, as amended through May 7, 1991, so that as amended this portion of the resolution shall read: "to permit the removal of the existing canopy and dispenser islands, the installation of three new concrete dispenser islands, the erection of a new steel

APPEARANCES - None.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened and time to obtain a Certificate of Occupancy extended.

THE VOTE TO GRANT -

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

Negative:0

Absent: Commissioner Miele1

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on January 13, 2004, after due notice by publication in The City Record, with continued hearings on March 2, 2004 and March 23, 2004, and then laid over to April 13, 2004 for decision; and

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure and reopening for an

canopy, the removal of a portion of the existing service building, and the conversion of the remainder of the building to an accessory convenience store, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 24, 2003"- (6) sheet; and on further condition;

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

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

THAT the above conditions and all conditions from prior resolutions required to be on the certificate of occupancy shall appear on the new 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; 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 Nos. 500656444 & 500656453)

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

56-96-BZ

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

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

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

COMMUNITY BOARD #7Q

extension of time to obtain a Certificate of Occupancy which expired January 9, 2003; and

WHEREAS, on September 23, 1997, the Board granted an application permitting the legalization of an existing physical culture establishment located on the second floor of an existing one and two story manufacturing and office building; and

WHEREAS, on October 12, 1999, the Board extended the time to obtain a Certificate of Occupancy to October 23, 2000 and amended the resolution to permit the replacement of the previously approved hard wired smoke detector with a wireless smoke detector and the removal of the counterbalance stair and handicap lift on condition that sprinkler systems on both the first and second floor be connected to a Fire Department approved central station; and

WHEREAS, the applicant represents that delays in obtaining construction approvals necessitate the instant

MINUTES

request for an extension of time to obtain a Certificate of Occupancy; and

WHEREAS, the Board notes that with the exception of the wireless smoke detection system, all work has been completed.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, and reopens the resolution, said resolution having been adopted on September 23, 1997 as amended through January 9, 2003, so that as amended this portion of the resolution shall read: "to permit an extension of the time to obtain a certificate of occupancy for a period of eighteen (18) months from the date of this resolution to expire on October 13, 2005; on condition;

THAT all conditions from prior resolutions required to be on the certificate of occupancy shall appear on the new 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; 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 #400604459)

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

269-98-BZ

APPLICANT - Mothiur Rahman, for Mothiur Rahman, owner.

SUBJECT - Application December 9, 2003 - reopening for an extension of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 70 East 184th Street, a/k/a 2363

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution, so that as amended this portion of the resolution shall read: "to permit an extension of the time to complete construction and obtain a certificate of occupancy for a period of two (2) years from the date of this resolution to expire on April 13, 2006, on condition;

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

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

THAT the above conditions and all conditions from prior resolutions required to be on the certificate of occupancy shall appear on the new 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; 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 No. 200483422)

Morris Avenue, south side of East of East 184th Street, corner formed by the intersection of Morris Avenue, Block 3183, Lot 42, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Mothiur Rahman.

ACTION OF THE BOARD - Application reopened and time to obtain a Certificate of Occupancy extended.

THE VOTE TO GRANT -

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

Negative:0

Absent: Commissioner Miele1

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on March 9, 2004, after due notice by publication in The City Record, with a continued hearing on March 30, 2004, and then laid over to April 13, 2004 for decision; and

WHEREAS, the applicant requests a reopening for an extension of time to complete construction and obtain a Certificate of Occupancy which expired January 11, 2004; and

WHEREAS, on January 11, 2000, the Board granted an application to permit the proposed construction of a two-story commercial building in an R8 zoning district, contrary to Z.R. Section 22-00; and

WHEREAS, the applicant represents that the instant request for an extension of time to complete construction and obtain a Certificate of Occupancy is due to financial problems that have delayed construction; the applicant states that construction will commence this summer and should be finished within two years from the date of this grant; and

WHEREAS, the applicant has submitted a letter from its lender stating that they are processing an application for financing for the proposed construction.

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

144-00-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Birch Wathen Lenox School, owner.

SUBJECT - Application January 28, 2004 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 210 East 77th Street, south side of 77th Street, 145 East of Third Avenue, Block 1431, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Adam Rothkrug, Michael Spector, Michael Delsordo, Frank Carnabuci, Elizabeth Levethal, Janine Hopley, Chris Carlin and Jonathan Theobald.

ACTION OF THE BOARD - Application reopened and resolution amended.

For Applicant: Adam W. Rothkrug.

THE VOTE TO GRANT -

MINUTES

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

Negative:0

Absent: Commissioner Miele1

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on March 30, 2004, after due notice by publication in The City Record, and laid over to April 13, 2004 for decision; and

WHEREAS, on September 12, 2000, the Board granted a variance under the subject calendar number to permit the enlargement of an existing school, which increased the degree of non-compliance with respect to floor area, lot coverage, height, setbacks and side yard; and

WHEREAS, the applicant represents that after the original variance was granted, the project engineers determined that the existing structure could not support the loads generated in connection with construction of the proposed gymnasium on the roof; and

WHEREAS, subsequently, the plans were redesigned to maintain and enlarge the existing gymnasium on the 2nd floor, and reconfigure the areas on the 8th, 9th and 10th floors for other school uses; and

WHEREAS, the applicant represents that the non-complying setback from the existing street wall of the building (as authorized in the previous grant) would be eliminated as a result of the reconfiguration of 8th, 9th and 10th floors; and

WHEREAS, the applicant states that the proposed changes will not change the footprint of the building and will result in a decrease in the proposed additional floor area from 13,616 square feet to 10,965 square feet-a reduction in F.A.R. from 8.55 to 8.12, as well as a decrease in the overall height of the building from 125 feet to 120.4 feet.

Resolved, that the Board of Standards and Appeals, waives PREMISES AFFECTED - 184 Kent Avenue, northwest corner of intersection of Kent Avenue and North 3rd Street, Block 2348, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Barbara Hair.

ACTION OF THE BOARD -

THE VOTE TO WITHDRAW -

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

Negative:0

Absent: Commissioner Miele1

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

263-01-BZ

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

PREMISES AFFECTED - 85-101 N. 3rd Street, northeast corner

the Rules of Practice and Procedure, and reopens and amends the resolution, pursuant to Zoning Resolution §§72-01 and 72-22, so that as amended this portion of the resolution shall read: "to permit a modification of approved plans to reflect a decrease in square footage and a change in interior arrangement and design, on condition that all work shall substantially conform to drawings as filed with this application marked "January 28, 2004"- (20) sheets; and on further condition;

THAT all conditions from prior resolutions required to be on the certificate of occupancy shall appear on the new certificate of occupancy;

THAT appropriate soundproofing measures shall be installed and maintained in accordance with the March 24, 2004 submission from Cerami and Associates;

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# 103628111)

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

191-00-BZ

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

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

of intersection of North 3rd Street and Whythe Avenue, Block 2350, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Francis R. Angelino.

ACTION OF THE BOARD - Application reopened and time to obtain a Certificate of Occupancy extended.

THE VOTE TO GRANT -

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

Negative:0

Absent: Commissioner Miele1

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on March 9, 2004, after due notice by publication in The City Record, with a continued hearing on March 30, 2004, and then laid over to April 13, 2004 for decision; and

WHEREAS, the applicant requests a reopening for an extension of time to obtain a Certificate of Occupancy which expired January 7, 2004; and

WHEREAS, on January 7, 2003, the Board permitted the creation of 59 residential units, located on floors 2 through 6 of an existing six-story building, contrary to Z.R. Section 42-00; and

WHEREAS, the applicant represents that an extension of time

MINUTES

is needed because construction has been delayed due to protracted sale/purchase negotiations; and

WHEREAS, the applicant has submitted a letter dated March 23, 2004 stating that construction will likely take 9 to 12 months to complete.

Resolved, that the Board of Standards and Appeals, reopens the resolution, said resolution having been adopted on January 7, 2003, so that as amended this portion of the resolution shall read: "to permit an extension of the time to obtain a certificate of occupancy for a period of two (2) years from the date of this resolution to expire on April 13, 2006, on condition

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

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

THAT the above conditions and all conditions from prior resolutions required to be on the certificate of occupancy shall appear on the new 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; 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 #300128047)

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

281-99-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF THE PREMISES: Enopac Holding LLC.

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

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

COMMUNITY BOARD #18BK

APPEARANCES - None.

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

465-55-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 325 North Macquesten Parkway Corporation, owner; Abko Inc dba Carwash Associates, lessee.

SUBJECT - Application June 13, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 486/496 Coney Island Avenue aka 804/826 Church Avenue, west side of Coney Island Avenue 91'9

193-03-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Park and Kent Associates, Inc.
SUBJECT - to dismiss the application for lack of prosecution.

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

COMMUNITY BOARD #3BK

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Absent: Commissioner Miele1

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

1/8" south of the corner of Church Avenue and Coney Island Avenue) Block 5341, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

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

735-59-BZ

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

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

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

COMMUNITY BOARD #18BX

APPEARANCES -

For Applicant: John Ronan.

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

MINUTES

245-90-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Margarita Herskovich and Lyubov Herskovich, owners.

SUBJECT - Application June 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 29, 2001.

PREMISES AFFECTED - 1054 43rd Street, south side of 43rd Street, Block 5602, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Miele1

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

85-91-BZ

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

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

Negative:0

Absent: Commissioner Miele1

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

279-01-BZ

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

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

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

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Barbara Hair.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Miele1

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

103-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Bnei Aharon, Inc.,

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

COMMUNITY BOARD #11

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Laid over to May 25, 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: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

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

owner.

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

PREMISES AFFECTED - 1516 East 24th Street, East 24th Street, 105'south of Avenue O and Kings Highway, Block 6770, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to May 11, 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 Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

MINUTES

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Appeals granted.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Miele1

THE VOTE TO GRANT -

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

Negative:0

Absent: Commissioner Miele1

THE RESOLUTION-

WHEREAS, the decision of the Department of Buildings Borough Commissioner dated March 31, 2003, acting on N.B. Application Nos. 500602902, 500602911, and 500602920, reads in pertinent part:

"Proposed Construction is located in the bed of a final mapped street is contrary to Article 111, Section 35 of the General City Law and is referred to the Board of Standards and Appeals"; and

WHEREAS, by letter dated January 20, 2004, the Fire

Resolved, that the decision of the DOB Borough Commissioner, dated March 31, 2003, acting on N.B. Application Nos. 500602902, 500602911, and 500602920 is modified under the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received January 26, 2004 - (1) sheet; and that the proposal comply with all applicable R3X (SRD) zoning requirements; that all other applicable laws, rules, and regulations shall be complied with; and on further condition:

THAT a Homeowners Agreement be established to maintain the private roadway;

THAT pursuant to the instruction of the Fire Department, no parking shall be permitted within the proposed private road, and "No Parking-Fire Lane" signs will be posted throughout the development;

THAT the above conditions be noted on the Certificate of Occupancy;

THAT the 35 foot wide clearance for the "Sewer Corridor" that is acceptable to DEP is created and recorded prior to the issuance of 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, April 13, 2004.

Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated March 31, 2004 the Department of Transportation has reviewed the above project and has recommended that the development's proposed driveway be configured to include the emergency by-pass approved by the Fire Department, and that a Homeowner's Association be established to maintain the private roadway, and

WHEREAS, by the letter dated July 15, 2003, the Department of Environmental Protection has reviewed the above revised project and requires the applicant to provide a 35 ft. wide clearance located in the bed of Winant Avenue for the "Sewer Corridor" with no permanent structures being built on both lots within this "Sewer Corridor" for the purpose of future drainage and installation, maintenance and/or reconstruction of the 10 inch dia. Sanitary and 42 inch dia. Storm Sewer in Winant Avenue; and

WHEREAS, the applicant has agreed with DEP's request and has revised the site plan to provide for the subject "Sewer Corridor Easement"; and

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

311-03-A thru 313-03-A

APPLICANT - Rudolf J. Beneda, A.I.A., for M.Y.H.P. Building Corp., owner.

SUBJECT - Application October 9, 2003 - Proposed two-story, two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

140 Jackson Avenue, west side, 103.90' south of Robin Road, Block 3124, Lot 500, Borough of Staten Island.

144 Jackson Avenue, west side, 137.33' south of Robin Road, Block 3124, Lot 502, Borough of Staten Island.

146 Jackson Avenue, west side, 154.95' south of Robin Road, Block 3124, Lot 180, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES - None.

ACTION OF THE BOARD - Appeals granted on condition.

THE VOTE TO GRANT -

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

Negative:0

Absent: Commissioner Miele1

THE RESOLUTION -

WHEREAS, the decision of the Staten Island Borough Commissioner, dated October 2, 2003, acting on N.B. Application Nos. 500596170,500596161,500596152, reads in pertinent part:

"1. Street giving access to the proposed building is not placed on an official map of the City of New York therefore:

A. No Certificate of Occupancy can be issued as per Article 3,Section 36 of the General City Law

B. Permit may not be issued since the proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City York." and

MINUTES

WHEREAS, the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Staten Island Borough Commissioner, dated October 2, 2003, acting on N.B. Application Nos. 500596170, 500596161, and 500596152 is modified under the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received April 5, 2004" - (1) sheet; and that the proposal comply with all applicable R3-1 zoning district requirements; and that all applicable laws, rules, and regulations shall be complied with; and on further condition:

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 - None.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

Absent: Commissioner Miele1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated December 9, 2003 acting on N.B. Application No. 401737741, reads in pertinent part:

"For Board of Standards & Appeals Only

A1- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law ; also no permit can be issued since the proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City York."; and

WHEREAS, by letter dated February 2, 2004, the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated December 9, 2003, acting on N.B. Application No. 401737741 is modified under the power vested in the Board by Section §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received December 23, 2003"- (1) sheet; and that the proposal comply with all applicable R4 zoning

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

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

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

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

_____ district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition:

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

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

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

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

331-03-A

APPLICANT - The Agusta Group, for Nelson Catano, owner.

SUBJECT - Application October 27, 2003 - The legalization of an existing mercantile occupancy, within a frame class IID construction building, located within the fire district, is not permitted as per §27-296 and Table 4-1 of the NYC Building Code.

PREMISES AFFECTED - 37-44 103rd Street, west side, 410.75' south of 37th Avenue, Block 1768, Lot 32, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Opposition: Janine Gaylard.

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

53-04-A thru 62-04-A

APPLICANT - New York City Department of Buildings

OWNER OF RECORD: Thomas Huang

SUBJECT - Applications February 26, 2004 - Application to revoke Certificate of Occupancy No. 401223289, on the basis that the Certificate of Occupancy allows conditions at the referenced premises that are contrary to the Zoning Resolution and the Administrative Code.

PREMISES AFFECTED -

MINUTES

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

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Quee

140-28 34th Avenue, Block 4994, Lot 224, Borough of Queens.

ns.

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

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

140-30 34th Avenue, Block
4994
, Lot
125,
Boro

140-32 34th Avenue, Block 4994, Lot 126, Borough of Queens.

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

140-34 34th Avenue, Block 4994, Lot 127, Borough of Queens.

located in a C1-2 within an R5 zoning district, is contrary to §32-31.

140-34A 34th Avenue, Block 4994, Lot 227, Borough of Queens.

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.

140-36 34th Avenue, Block 4994, Lot 327, Borough of Queens.

COMMUNITY BOARD #3Q

COMMUNITY BOARD #11Q

APPEARANCES -

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Adam Rothkrug, Gerald Caliendo and Tom Berinato.

For Administration: Lisa Orrantia, Department of Buildings.
ACTION OF THE BOARD - Application granted on condition.

For Administration: Lisa Orrantia, Department of Buildings.

THE VOTE TO GRANT -

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

Affirmative: Vice-Chair Babbar, Commissioner Caliendo and Commissioner Chin.....3
Negative:0
Not Voting: Chair Srinivasan1
Absent: Commissioner Miele1

Pasquale Pacifico, Executive Director.

THE RESOLUTION -

Adjourned: 11:10 A.M.

WHEREAS, the decision of the Borough Commissioner, dated December 31, 2003 acting on Application No. 401444772 reads:

"Proposed Construction of a New Building to be operated as a gasoline filling station with an accessory convenience store, located in a C2-4 within an R-6 Zoning district, is not permitted as of right as per ZR Sec 32-00 and therefore must be referred to the BSA."; and

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

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

WHEREAS, a public hearing was held on this application on December 16, 2003 after due notice by publication in The City Record, with continued hearings on February 3, 2004, and March 23, 2004, and then laid over to April 13, 2004 for decision; and

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

Absent: Commissioner Miele.

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211 and 73-03, on a site previously the subject of applications before the Board, to permit in a R6/C2-4 zoning District, the continuance of an automotive service station use, as well as an enlargement of the zoning lot upon which the existing automotive service station is situated; and

WHEREAS, the record indicates that the combined site has a lot area of 20,435 square feet; and

WHEREAS, the Board finds that the instant application meets the requirements of Z.R. §§73-211(a), which requires that the site contain a minimum lot area of 7,500 square feet; and

WHEREAS, Z.R. §73-211(b) limits the proposed use to

ZONING CALENDAR

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

MINUTES

15,000 square feet for sites not located on an arterial highway or major street; and

WHEREAS, the subject site is located on Northern Boulevard, which the Board finds is a major street; and

WHEREAS, therefore, the Board finds that Z.R. §73-211(b) is not applicable to the subject application; and

WHEREAS, the Board has also determined that the entrances

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 has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-211 and 73-03.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §§73-211 and 73-03, on a site previously before the Board, to permit in a C2-2/R5 zoning District, the legalization of an enlargement of the zoning lot housing an existing automotive service station, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received March 1, 2004"-(7) 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 landscaping be provided and maintained in accordance with BSA approved plans;

THAT there shall be no used car sales on the premises;

THAT there shall be no parking of cars on the sidewalk at any time;

THAT any automobile vacuums shall only be operated between the hours of 9:00 A.M.- 7:00 P.M.;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring April 13, 2004;

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

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

THAT this approval is limited to the relief granted by the Board in response to 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 13, 2004.

and exits have been designed so that at maximum operation, vehicular traffic into or from the premises will cause a minimum obstruction on the streets or sidewalks; and

WHEREAS, the applicant further represents that there will be no lubrication, repair or washing of cars at the subject premises; and

WHEREAS, the Board finds that the existing screening at the subject premises complies with Z.R. §73-211(4); and

354-03-BZ

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

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

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

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Janice Calahane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

Absent: Commissioner Miele1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated September 10, 2003, acting on Department of Buildings Alt. I Application number 103548626, reads;

"Proposed Physical Culture Establishment is not permitted in R8B and C6-6 zoning district as per Section 22-10 and Section 32-10 of the Zoning Resolution"; and

WHEREAS, a public hearing was held on this application on February 3, 2004 after due notice by publication in The City Record, with a continued hearing on March 9, 2004, and then laid over to April 13, 2004 for decision; and

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

WHEREAS, this is an application for under Z.R. §72-21, to permit a proposed physical culture establishment ("PCE") use in the cellar of an existing mixed-use building, located partially within an R8B zoning district and partially within a C6-6 overlay, which is contrary to Z.R. §§32-10 and 22-10; and

WHEREAS, the subject building is located on the north side of East 51st Street, between First and Second Avenues, and is situated within the Special Transit Land Use District and Special Midtown District; and

WHEREAS, the applicant represents that 40 feet of the subject building is located within the C6-6 commercial overlay along Second Avenue, while 50 feet of the subject building is located within the underlying R8-B zoning district; and

MINUTES

WHEREAS, a variance, rather than a special permit, is required because 1,211.5 square feet of the proposed PCE (27.92

WHEREAS, the proposed PCE would occupy a total of 4,338.8 square feet of area in the cellar; and

WHEREAS, the record indicates that the cellar area and the ground floor of the subject building have been used for commercial use since 1960; and

WHEREAS, through a supplemental submission dated March 29, 2004, the applicant reiterates that the subject cellar area has always been maintained as one commercial unit, and that the rear portion of the cellar area is only accessible through the front portion; thus, to gain access to the rear portion in some other way would require relocation of the boiler, storage room, laundry room, locker room and workshop, causing an unfair burden to the owner; and

WHEREAS, the Board finds that there are unique physical conditions inherent to the existing building, namely the division of the lot by a district zoning boundary, the history of commercial use in the cellar, and the limitations of the cellar in terms of use, which create an unnecessary hardship in complying strictly with the applicable use provisions of the Zoning Resolution; and

WHEREAS, the applicant has submitted a letter, dated March 29, 2004, from a commercial real estate broker involved with marketing of the cellar area, which states that the space was difficult to lease and that it is only suitable for use as a health club type facility due to its size, configuration, cellar location and lack of street visibility; and

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

WHEREAS, the applicant represents that many of the buildings in the area are mixed-use with commercial use on the ground and cellar levels and residential occupancy above; and

WHEREAS, the ground floor commercial use acts a buffer between the proposed PCE and the residential uses in the building, and the portion of the cellar to be used as a PCE within the R8B zoning district would not be visible from adjacent properties or lots; and

WHEREAS, the hours of operation for the proposed PCE will be 10 AM to 10 PM Monday through Friday, 9 AM to 8 PM Saturday, and 9 AM to 7 PM Sunday; and

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

WHEREAS, the unnecessary hardship associated with a conforming use of the zoning lot was not caused by the owner, nor by a predecessor in interest, but is inherent in the site; and

WHEREAS, the hardship results from the strict application of the Zoning Resolution to the subject zoning lot; and

WHEREAS, therefore, the Board finds that this proposal is the THAT substantial construction shall be completed in accordance with Z.R. §72-23; and

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

% of the total PCE floor area) would be in the R8B zoning district in which a special permit may not be granted; and minimum necessary to afford the owner relief; and

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

WHEREAS, the Board notes that although a variance is being requested, the subject application meets all the requirements of the special permit for a PCE, except for the required zoning district; and

WHEREAS, the proposed physical cultural establishment will contain facilities for the practice of massage by New York State licensed masseurs or masseuses; and

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

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

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

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

Resolved that the Board of Standards and Appeals issues a 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, to permit a proposed physical culture establishment use, in the cellar of an existing mixed-use building, located partially within an R8B zoning district and partially within a C6-6 overlay, which is contrary to Z.R. §§32-10 and 22-10, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 18, 2004"- (3) sheets; and on further condition;

THAT the term of this variance will be ten (10) years, starting on April 13, 2004 and expiring on April 13, 2014;

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

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

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

THAT the hours of operation shall be limited to 10 AM to 10 PM Monday through Friday, 9 AM to 8 PM Saturday, and 9 AM to 7 PM Sunday;

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

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.

MINUTES

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

387-03-BZ

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

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

Absent: Commissioner Miele1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 11, 2003, acting on Department of Buildings Application No. 200815092, reads:

"A. Proposed Floor Area of 260,121 sq/ft is contrary to ZR 43-12. FAR has been increased from 2.2 to 4.35.

B. Proposed setbacks are contrary to ZR 43-43. Provide required setbacks. Front setback @ Barry Street - 20 ft. Dupont Street - 20 ft. Leggett Avenue - 15 ft.

C. Provide sky exposure plane in accordance with ZR 43-43. Sky exposure plane @ Barry Street - 2.7-1. @ Dupont Street - 2.7-1. @ Leggett Avenue - 5.6-1.

D. Maximum Street wall height (134/8 stories) is contrary to

WHEREAS, the applicant states that they evaluated the possibility of extending the floor area over the entire first floor of the existing building, thereby increasing the size of the floor plate and decreasing overall height, but that such extension would necessitate reconstruction of the entire site at an increased cost; and

WHEREAS, the applicant also states that the smaller 35,000 square foot tower floor configuration addresses the future user's operational requirements better than a larger floor plate, which would lead to inefficient operations; and

WHEREAS, the applicant represents that the following are unique physical conditions, which create practical difficulties and unnecessary hardships in constructing the proposed building in conformity with underlying district regulations: (1) the existing building is obsolete due its poor construction, antiquated design, deteriorating building systems, failing masonry walls, warped floor

section 43-43. 60 ft./4 stories.

E. Proposed 138 parking spaces is contrary to section . . . 44-21."; and

WHEREAS, a public hearing was held on this application on February 24, 2004 after due notice by publication in the City Record; with a continued hearing on March 23, 2004, and then laid over for decision on April 5, 2004; and

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

WHEREAS, Community Board 2, Bronx, and the Bronx Borough President recommend approval of this application; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed expansion and reconstruction of a one story industrial building, creating an eight story building used for manufacturing and storage of office furniture (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, contrary to Z.R. §§43-12, 43-43 and 44-21; and

WHEREAS, the subject premises is located on the south side of Leggett Avenue between Barry and Dupont Streets, has a total lot area of approximately 59,801 square feet, is located within an M3-1 zoning district, and is currently occupied by a one story building with a legal use of manufacturing and storage; and

WHEREAS, the subject zoning lot is proposed to be developed with an eight story expanded building, with a floor area of approximately 260,121 square feet, and a height of 134 feet; and

WHEREAS, approximately 19,801 square feet of the existing building will be retained and remodeled to modern standards, and incorporated into the new, expanded building; and

WHEREAS, the expanded building will be owned and operated by a furniture re-builder and re-furbisher, and will be utilized for manufacturing, refinishing and warehouse purposes; and

WHEREAS, the requested bulk waiver is for an increase in the Floor Area Ratio ("FAR") to 4.35, an increase of 2.15 over the permitted FAR of 2.2 (the permitted Floor Area is 131,563 sq. ft., and the proposed Floor Area is 260,121 sq. ft.); the requested setback and sky exposure plane waivers will allow for the total waiver of these requirements; the requested street wall height waivers allow for 134 feet (8 story) street walls versus the 60 feet (4 story) maximum; the requested parking waiver allows for the creation of 130 parking spaces versus the 260 that are required; and slab, lack of HVAC system and undermined foundation wall at the corner of Barry Street; and (2) the spacing of the existing building's interior columns hinder efficient manufacturing use, and when combined with the absence of an exterior loading berth, makes the movement of materials and finished product difficult; and

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

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

WHEREAS, based upon its review of the record, the Board

MINUTES

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

WHEREAS, the applicant states that the immediate neighborhood surrounding the zoning lot is mixed-use, with manufacturing, automotive and commercial uses; and

WHEREAS, the applicant further states that to the south of a zoning lot there is a 6 story loft building comparable in height to the subject building; and

WHEREAS, the applicant represents that: (1) the facility is close to public transportation; (2) most employees of the facility will not drive to work; and (3) the proposed amount of spaces should be sufficient to meet the facility's parking needs; and

WHEREAS, the applicant notes that at least 50 percent of the facility will be used for storage, which would generate a lesser parking need than a building used only for manufacturing; and

WHEREAS, at the request of the Board, the applicant has relocated the entrance to the loading and parking area to Dupont Street, which is less heavily trafficked than Leggett Avenue; and

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

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

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

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

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, April 13, 2004.

5-04-BZ

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

SUBJECT - Application January 7, 2004 - under Z.R. §73-19 to permit the proposed construction and operation of a school, without

WHEREAS, the applicant conducted a Phase I Environmental Site Assessment Report which recommended that a ground-penetrating radar survey be conducted to determine if there are existing underground gasoline storage tanks on the subject site; and

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed expansion and reconstruction of a one story industrial building, creating an eight story building used for manufacturing and storage of office furniture (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, contrary to Z.R. §§43-12, 43-43 and 44-21; on condition that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 15, 2003"- (15) sheets and "March 9, 2004"- (1) sheet; and on further condition:

THAT a ground-penetrating radar survey be conducted to determine if there are any existing underground gasoline storage tanks on the subject site; the results of this survey should be sent to the BSA's CEQR Examiner;

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

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

THAT any change in ownership of the building must be approved by the BSA, and may trigger the elimination or reduction of the parking waiver; sleeping accommodations on the site, Use Group 3, to be located in an M1-2 zoning district, requires a special permit as per Z.R. §73-19.

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

COMMUNITY BOARD #4BX

APPEARANCES -

For Applicant: Judith Gallent.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

Absent: Commissioner Miele1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 6, 2004, acting on Department of Buildings Application No. 200821780, reads:

"In an M-1 district a Special Permit by the Board of Standards and Appeals may be granted to a school having no residential

MINUTES

accommodations as per Sec. 73-19 of the Zoning Resolution."; and

WHEREAS, a public hearing was held on this application on March 9, 2004 after due notice by publication in the City Record; and then laid over for decision on April 13, 2004; and

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

WHEREAS, the subject application has the support of various social service agencies and New York State offices; and

WHEREAS, this is an application to permit the proposed construction and operation of a school without sleeping accommodations (Use Group 3), located within an M1-2 zoning district, which requires a special permit under Z.R. §73-19; and

WHEREAS, the subject premises is located on Gerard Avenue between 150th and 151st Streets, has a total lot area of approximately 99,110 square feet, is located within an M1-2 zoning district, and is currently occupied by a two and three story building (with cellar) with a legal use of light manufacturing and storage; the subject lot also has a 101 space parking lot, enclosed by chain-link fence and

WHEREAS, the majority of the ground floor of the existing building is and will continue to be occupied by a storage facility, which has its loading area on River Avenue; and

WHEREAS, the second floor of the existing building is proposed to be renovated, and will be leased to and operated by a school for children with psychiatric issues (without sleeping accommodations), addressing the children's educational and treatment needs; and

WHEREAS, evidence in the record indicate that the proposed school is located within 400 feet of an R6 zoning district, where the school is permitted as-of-right; thus the Board finds that the requirements of Z.R. §73-19 (b) are met; and

WHEREAS, the applicant states that the subject premises is surrounded by a mix of light manufacturing and institutional uses, as well as parking lots and garages;

WHEREAS, the applicant has submitted an Environmental Assessment Statement indicating that the level of noise and traffic from the area is light; the applicant also notes that the subject building's walls are thick and its windows are double-paned, double-glazed and thermally insulated, resulting in significant sound attenuation; and

WHEREAS, the Board finds that adequate separation from noise, traffic and other adverse effects of the surrounding non-residential district is achieved through the use of sound attenuating exterior wall and window construction; thus the Board finds that the requirements of Z.R. §73-19 (c) are met; and

WHEREAS, the applicant represents that students will arrive and leave school by school buses and will be supervised at all times; and

WHEREAS, the applicant represents that the location of the school's entrance on Gerard Avenue is the safest point of entry for the students, allowing them to enter the school quickly and without waiting on line outside the building; and

WHEREAS, to minimize traffic congestion on Gerard Avenue, a "No Standing Zone" will be established during school hours, and signage reflecting the zone will be obtained; in addition, to avoid

WHEREAS, a small portion of the ground floor would be renovated to serve as a reception/security area for the school; and

WHEREAS, the applicant states that the school will serve a maximum of 115 children, between the ages of 7 and 17; that there is a significant need for such a school in the Bronx area; and that the school will be operated by a joint City/State government agency partnership; and

WHEREAS, the school will operate from 8:00 A.M. to 2:30 P.M., with arrival and dismissal of students supervised by school staff; and

WHEREAS, the applicant represents that extensive efforts to identify and secure a site for the school within a district where it would be permitted as of right took place over a two year period; and

WHEREAS, certain sites were ultimately rejected due to cost prohibitions, potential public opposition, lack of appropriate size, operational concerns, poor building condition or poor transportation access;

WHEREAS, the applicant maintains that the results of the site search shows that there is no practical possibility of obtaining a site of adequate size for the school in a district where it is permitted as of right; and

WHEREAS, the applicant has demonstrated difficulty in obtaining land for the development of a school within the neighborhood to be served and with an adequate size, within districts where the school is permitted as-of-right, sufficient to meet the programmatic needs of the school; and

WHEREAS, therefore, Board finds that the requirements of Z.R. §73-19 (a) are met; and school bus congestion, buses will wait in the on-site parking lot prior to loading or unloading when too many buses are already waiting on Gerard Avenue; and

WHEREAS, therefore, Board finds that the requirements of Z.R. §73-19 (d) are met; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-19; 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. §73-03; 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.

MINUTES

§73-19 and grants a Special Permit, to allow the proposed construction and operation of a school without sleeping accommodations (Use Group 3), located within an M1-2 zoning district; on condition that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "January 7, 2004" - (5) sheets and "March 29, 2004" - (3) sheets; and on further condition:

THAT the applicant shall obtain from the New York City Department of Transportation appropriate signage to establish a No Standing zone in front of the Gerard Avenue entrance to the building during school hours;

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

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 13,

68-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Torah M. Sinai, Inc., owner.

SUBJECT - Application February 11, 2003 - under Z.R. §72-21 to permit the proposed conversion of an existing building, which is located in an area designated as a manufacturing district, to be used for a day care center, Use Group 3, and office use, Use Group 6, without the required parking, and is contrary to Z.R. §42-00 and §44-21.

PREMISES AFFECTED - 649 39th Street, northwest corner of Seventh Avenue, Block 903, Lots 79, 80 and 83, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Janice Cahalane and Charles Defonsort.

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

82-03-BZ

APPLICANT - Sullivan Chester & Gardner LLP, for Diamond Street Properties, Inc., owners.

SUBJECT - Application March 5, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing two story building, to four stories, and the change of use from manufacturing/warehouse facility, to mixed use (residential and commercial), located in an M3-1 zoning district, is contrary to Z.R. §42-10.

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

COMMUNITY BOARD #1BK

2004.

161-02-BZ

APPLICANT - SFS Associates, for Coral Cove, LLC, owner.

SUBJECT - Application May 20, 2002 - under Z.R. § 72-21 to permit the proposed construction of a six story residential building, Use Group 2, located in a C3 zoning district, which does not comply with the zoning requirements for floor area ratio, perimeter wall, height, lot area per dwelling unit, setback, sky exposure and parking, is contrary to Z.R. §§23-00 and 25-00.

PREMISES AFFECTED - 2433 Knapp Street, corner of Knapp Street and Avenue "X", Block 8833, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Peter Hirshman, S.B. Pauls and Donald Lentner.

For Opposition: George Breadhead, Roberta Sherman, Kathryn Manitt, Ray Schifan and Dan Cavanagh.

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

APPEARANCES -

For Applicant: Jeffrey Chester and J. Conaty.

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

102-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Southside Realty Holdings, LLC, owner.

SUBJECT - Application April 3, 2003 - under Z.R. §72-21 to permit the proposed development of two residential buildings with underground accessory parking and an open recreation space between the two buildings, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 291 Kent Avenue, 35/37 South Second Street and 29/33 South Third Street, east side of Kent Avenue, between South Second and Third Streets, Block 2415, Lots 10, 14, 15, 41-43, 114 and 116, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Richard Lobel.

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

118-03-BZ

APPLICANT - Slater & Beckerman, LLP, for 1101 Prospect LLC, owner.

SUBJECT - Application April 11, 2003 - under Z.R. §72-21 to permit the proposed construction of a six-story residential and community facility building, Use Group 2 and 4, located in an R5B zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, number of dwelling

MINUTES

units, community facility bulk regulations, front and yards, height and setback, is contrary to Z.R. §23-141(b), §23-22, §24-01, §24-162, §23-45, §24-34, §24-35 and §24-521.

PREMISES AFFECTED - 1101 Prospect Avenue, a/k/a 1677 11th Avenue, northeast corner, Block 5256, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Stuart Beckerman and Daniel Plank.

For Opposition: John Keefe, Assemblymember Brenan and Kenneth K. Fisher.

ACTION OF THE BOARD - Laid over to June 15, 2004, at 1:30 P.M., for continued hearing.

186-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Mount Carmel Plaza, LLC, owner.

SUBJECT - Application June 4, 2003 - under Z.R. §72-21 to permit the legalization of an existing furniture store, Use Group 10, located in a C7 zoning district, also a request to vary the requirement of maintaining a loading berth on the premises, is contrary to Z.R. §32-10 and §36-62.

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

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Howard Goldman.

ACTION OF THE BOARD - Laid over to May 25, 2004, at 1:30 P.M., for continued hearing.

258-03-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Howard Goldman.

ACTION OF THE BOARD - Laid over to June 15, 2004, at 1:30 P.M., for continued hearing.

260-03-BZ

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

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

permit the proposed seven story multiple dwelling, Use Group 2, with a total of sixty residential units and twenty-four parking spaces, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 525 Union Avenue, west side, 48' south of Withers Street, Block 2315, Lot 14, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Richard Lobel.

For Opposition: Patty Giovenco, Anthony B. Amonte and Stephanie Eisenberg.

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

255-03-BZ

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

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

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

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Howard Goldman.

ACTION OF THE BOARD - Laid over to June 22, 2004, at 1:30 P.M., for continued hearing.

270-03-BZ

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

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

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

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Laid over to April 27, 2003, 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 yard and setback, is contrary to Z.R. §23-45, §23-52 and §23-631.

MINUTES

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: Irving E. Minkin.

THE VOTE TO REOPEN HEARING -

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

Negative:0

Absent: Commissioner Miele1

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

300-03-BZ

325-03-BZ & 326-03-BZ

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

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

PREMISES AFFECTED -

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

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

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: John Ronan and Anthony J. Tucci.

ACTION OF THE BOARD - Laid over to May 18, 2004, at 1:30 P.M., for continued hearing.

342-03-BZ

APPLICANT - Jay Segal (Greenberg Traurig) for Vincent Perazzo, owner; 92-94 Greene Street, LLC, contract vendee.

SUBJECT - Application November 10, 2003 - under Z.R. §72-21 to permit the proposed seven-story building, that will have retail use in its cellar and first floor, and residential use on its upper six floors, Use Groups 2 and 6, located in an M1-5A zoning district, which is contrary to Z.R. §42-14D, §42-00, §42-10 and §43-12.

PREMISES AFFECTED - 92/94 Greene Street, aka 109 Mercer Street, 100' north of Spring Street, Block 499, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Jay Segal, Jack Freeman, Joe Lombardi, D. McCall and Matt Viggiano.

For Opposition: Barry Mallin, Daniel L. C. M. Gerson of Senator Martin Connor, Assemblyman Glick, James Solomon, Susan Posen, Robert Buxbaum, Regina Nadelson and others.

ACTION OF THE BOARD - Laid over to June 9, 2004, at

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

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

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

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Stuart Beckerman.

ACTION OF THE BOARD - Laid over to May 25, 2004, at 1:30 P.M., for continued hearing.

10:00 A.M., for continued hearing on the Special Calendar.

347-03-BZ

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

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

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

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Adam Rothkrug.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Miele1

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

362-03-BZ

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

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

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

COMMUNITY BOARD #4

APPEARANCES -

MINUTES

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Miele1

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

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Catherine DeSantis, Loretta DeSantis and Linda DeSantis.

ACTION OF THE BOARD - Laid over to May 25, 2004, at 1:30 P.M., for continued hearing.

371-03-BZ & 372-03-BZ

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

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

PREMISES AFFECTED -

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

663 Fifth Avenue, southwest corner, block bounded by Fifth and Madison Avenues, and East 52nd and East 53rd Streets, Block 1288, Lot 3, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Robert Flahive and Steve Rowland.

For Administration: Anthony Scaduto, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Miele1

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

7-04-BZ

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

365-03-BZ

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

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

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

COMMUNITY BOARD #13Q

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

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

COMMUNITY BOARD #10X

APPEARANCES -

For Applicant: Lawrence Whiteside, Rev. Sheldon Williams and Victor Body-Lawson.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to May 18, 2004, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 8:40P.M.

MINUTES

CORRECTIONS

*CORRECTION

This resolution adopted on March 30, 2004, under Calendar No. **400-70-BZ** and printed in Volume 89, Bulletin No. 15, is hereby corrected to read as follows:

400-70-BZ

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

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

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

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application re-opened and resolution amended.

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 a continued hearing on March 9, 2004, and then laid over to March 30, 2004 for decision; and

WHEREAS, the applicant has requested a re-opening and an amendment to the resolution; and

WHEREAS, on November 24, 1970, the BSA granted a variance under §72-21 to permit in a C1-2 within an R4 zoning district, the erection and maintenance of an automotive service station with accessory uses; and

WHEREAS, on November 25, 1997, the resolution was amended to permit modernization of the site; and

WHEREAS, the subject application seeks to demolish the existing kiosk on the site and construct a 2,480 square foot convenience store, of which 1,354 square feet will be used as sales area, to relocate the existing gasoline dispensers and canopy, alter the existing signage and to include nine (9) parking spaces.

Resolved, that the Board of Standards and Appeals reopens

and amends the resolution, pursuant to Zoning Resolution §§72-01 and 72-22, so that as amended this portion of the resolution shall read: "to permit the to demolition of the existing kiosk on the site and construction of a 2,480 square foot convenience store, of which 1,354 square feet will be used as sales area, relocation the existing gasoline dispensers and canopy, alteration of the existing signage and the inclusion of nine (9) parking spaces; on condition that all work shall substantially conform to drawings as filed with this application, marked "Received March 12, 2004"- (7) sheets; and on further condition;

THAT the term of this variance shall be limited to ten (10) years from the date of this resolution to expire on March 30, 2014;

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 signage will be as approved by the Department of Buildings;

THAT landscaping shall be provided and maintained in accordance with BSA approved plans, as submitted with the instant application on Sheet 2, dated "Received March 12, 2004";

THAT all lighting shall be directed toward Cross Bay Boulevard, and away from residential homes;

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 #401636253)

Adopted by the Board of Standards and Appeals, March 30, 2004.

****The resolution has been corrected in the part which read: "...ten (10) parking spaces...." now reads: "... nine (9) parking spaces..." . Corrected in Bulletin Nos. 16-17, Vol. 89, dated April 22, 2004.**

***CORRECTION**

This resolution adopted on March 30, 2004, under Calendar No. 92-03-BZ and printed in Volume 89, Bulletin No. 15, is hereby corrected to read as follows:

**92-03-BZ
CEQR #03-BSA-152M**

permit the proposed residential development of an entire zoning lot with 3 three story, three family attached dwellings, on a vacant lot divided by an R7-2 and M1-1 district boundary, which is contrary to Z.R. §43-10 and which requires a special permit to allow the extension of the residential use to a 25 foot portion of the lot within the M1-1 zoning district.

**PREMISES AFFECTED - 472 West 130th Street, southwesterly corner of the intersection of West 130th Street and Convent Avenue, Block 1969, Lots 64, 67 and 68, Borough of Manhattan.
COMMUNITY BOARD #9M
APPEARANCES -**

CORRECTIONS

APPLICANT - Sheldon Lobel, P.C., for Parkside Inc., owner.
SUBJECT - Application March 25, 2003 - under Z.R. §73-52 to

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 March 11, 2003, acting on Department of Buildings Application No. 103157003, reads:

“1. Proposed residential use is not permitted as of right in a M1-1 district. It is contrary to Section 43-10 Z.R.”; and

WHEREAS, a public hearing was held on this application on November 5, 2003 after due notice by publication in the City Record; with continued hearings on December 9, 2003, December 23, 2003, February 3, 2004, March 2, 2004, and then laid over for decision to March 30, 2004; and

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

WHEREAS, the Housing Land Use Committee of Community Board 9, Manhattan, does not object to the subject proposal; and

WHEREAS, this is an application under Z.R. §73-52 to permit the proposed residential development of an entire zoning lot with 3 three story, three family attached dwellings, on a vacant lot divided by an R7-2 and M1-1 district boundary, which is contrary to Z.R. §43-10 and which requires a special permit to allow the extension of the residential use to a 25 foot portion of the lot within the M1-1 zoning district; and

WHEREAS, the zoning lot has an area of 5,140 square feet, and is comprised of three tax lots (lot 64, 67 and 68); these lots have been combined into one zoning lot through a Zoning Lot Merger; and

WHEREAS, tax lot 64 is 2,405 square feet in area and is located in that section of the zoning lot that is within the M1-1 zoning district; tax lots 67 and 68 have a combined area of 2,735 square feet and are located in that section of the zoning lot that is within the R7-2 zoning district; and

WHEREAS, the applicant proposes the erection of 3 three story, three family dwellings, one on each tax lot; the three dwellings will be attached; and

WHEREAS, Z.R. §73-52 provides that when a zoning lot, in single ownership as of 1961, is divided by district boundaries in which two or more uses are permitted, the Board may permit a use which is permitted in the district in which more than 50 percent of

the lot area of the zoning lot is located to extend not more than 25 feet into the remaining portion of the zoning lot where such use is not permitted, provided: (a) that, without any such extension, it would not be economically feasible to use or develop the remaining portion of the zoning lot for a permitted use; and (b) that such extension will not; and

WHEREAS, the applicant has provided sufficient evidence showing that the zoning lot was in common ownership prior to 1961 and continuously from that time onward; and

WHEREAS, the applicant represents that without the extension of the R7-2 zoning district provisions into the tax lot within the M1-1 zoning district (tax lot 64), this tax lot would not be feasible to develop with a conforming use; and

WHEREAS, the Board notes that it would not be feasible to develop tax lot 64 with a conforming M1-1 use on such a small parcel of land, and in close proximity to conforming residential buildings; and

WHEREAS, the applicant represents that tax lot 64 will be developed in accordance with the uses currently in the surrounding area; and

WHEREAS, the Board finds that the surrounding area is best characterized as mixed use, with multiple dwellings adjoining the zoning lot, and across the street, and with some warehouse uses and a public school in the immediate vicinity; and

WHEREAS, the Board notes that the grant of the special permit would allow the entire zoning lot to be developed for residential use, which would add to the mixed-use character of the neighborhood; and

WHEREAS, the Board finds that the proposed extension will not cause impairment of the essential character or the future use or development of the surrounding area and

WHEREAS, the proposed project will not interfere with any pending public improvement project; 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, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-52 and 73-03; and

WHEREAS, the applicant has answered to the Board’s satisfaction its concerns regarding the applicability of Z.R. §23-711(c), which regulates the minimum distance between buildings on a single zoning lot; and

WHEREAS, the Board notes that any development on the subject zoning lot must conform to all applicable R7-2 zoning district regulations and other zoning and Building Code requirements, as determined and approved by the Department of Buildings; 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. §73-52 and grants a special permit to allow the proposed residential development of an entire zoning lot with 3 three story, three family attached dwellings, on a vacant lot divided by an R7-2 and M1-1 district boundary, which is contrary to Z.R. §43-10 and which requires a special permit to allow the extension of the residential use to a 25 foot portion of the lot within the M1-1 zoning district; on condition that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 9, 2003"-(1) sheet and "March 25, 2004"-(10) sheets; and on further condition:

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

CORRECTIONS

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

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

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

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

Adopted by the Board of Standards and Appeals, March 30, 2004.

****The resolution has been corrected to remove the part of the Resolved which read: "... under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the....." now reads: "...under Z.R. §73-52 and grants a special permit to allow the..." . Corrected in Bulletin Nos. 16-17, Vol. 89, dated April 22, 2004.**

Pasquale Pacifico, Executive Director.