
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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July 21, 2005

DIRECTORY

MEENAKSHI SRINIVASAN, *Chair*

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JOEL A. MIELE, SR.

JAMES CHIN

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

John E. Reisinger, *Counsel*

OFFICE -	40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD -	40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

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COMMUNITY BOARD #3SI

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

CALENDAR

AUGUST 9, 2005, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, August 9, 2005, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, NY 10006, on the following matters:

SPECIAL ORDER CALENDAR

558-51-BZ

APPLICANT – Eric Palatnik, P.C., B.P Products North America, owner.

SUBJECT – Application April 28, 2005 – Extension of Time to obtain a Certificate of Occupancy for a gasoline service station which expires on August 5, 2005. The premise is located in an C2-2/R-5 zoning district.

PREMISES – 68-22 Northern Boulevard, southwest corner of Northern Boulevard and 69th Street, Block 1186, Lot 19, Borough of Queens.

COMMUNITY BOARD #3Q

886-87-BZ

APPLICANT - Stuart Allen Klein, for Rockford R. Chun, owner.

SUBJECT - Application March 22, 2005 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of the special permit.

PREMISES AFFECTED - 11 East 36th Street, aka 10 East 37th Street, 200' east of 5th Avenue, Block 866, Lot 11, Borough of Manhattan.

COMMUNITY BOARD #5M

203-92-BZ

APPLICANT – Sullivan, Chester & Gardner, P.C., for Austin-Forest Assoc., owner; Lucille Roberts Org., d/b/a Lucille Roberts Figure Salon, lessee.

SUBJECT – January 26, 2005 Extension of Term/Amendment/Waiver for a physical culture establishment. The premise is located in an R8-2 zoning district.

PREMISES AFFECTED – 70-20 Austin Street, south side, 333' west of 71st Avenue, Block 3234, Lot 173, Borough of Queens.

COMMUNITY BOARD #6Q

231-04-A

APPLICANT – Joseph P. Morsellino, Esq., for Chri Babatsikos and Andrew Babatsikos, owners.

SUBJECT – Application June 17, 2004 – Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 240-79 Depew Avenue, corner of 243rd Street, Block 8103, Lot 5, Borough of Queens.

COMMUNITY BOARD#11Q

313-04-A

APPLICANT – Sheldon Lobel, P.C., for Angella Blackwood, owner.

SUBJECT – Application September 16, 2004 – Proposed enlargement of an existing two story, single family residence, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED – 132-02 Hook Creek Boulevard, southwest corner of 132nd Avenue, Block 12981, Lot 117, Borough of Queens.

COMMUNITY BOARD #13Q

365-04-A thru 369-04-A

APPLICANT – Petraro & Jones, LLP, for Sunrise Hospitality, LLC, owner.

SUBJECT – Application November 22, 2004 – Proposed construction, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law

PREMISES AFFECTED – 85-04 56th Avenue, south side, 44.16' east of Long Island Railroad right-of-way, Block 2881, Tentative Lot 9, Borough of Queens.

85-02 56th Avenue, south side, east of and adjacent to Long Island Railroad right-of-way, Block 2881, Tentative Lot 54, Borough of Queens.

85-01 57th Avenue, north side, east of and adjacent to Long Island Railroad right-of-way, Block 2881, Tentative Lot 53, Borough of Queens.

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85-03-A 57th Avenue, north side, 30.62' east of Long Island Railroad right-of-way, Block 2881, Tentative Lot 51, Borough of Queens.

COMMUNITY BOARD #4Q

APPEALS CALENDAR

CALENDAR

140-05-A

APPLICANT – Gary Lenhart, R.A., for the Breezy Point Cooperative, owner; Loretta & Tom Kilkenny, owners.

SUBJECT – Application June 7, 2005 – Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgrade existing private disposal system situated partially in the bed of the service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED – 29 Queens Walk, east side, 217.19’ north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

AUGUST 9, 2005, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, August 9, 2005, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, NY 10006, on the following matters:

ZONING CALENDAR

260-04-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Leewall Realty by Nathan Indig, owner.

SUBJECT – Application July 20, 2004 – under Z.R. §72-21 to permit the proposed construction of a four story, penthouse and cellar three-family dwelling, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED – 222 Wallabout Street, 64’ west of Lee Avenue, Block 2263, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #1BK

261-04-BZ

APPLICANT – Moshe M. Friedman, P.E., for Peretz Toiv, owner.

SUBJECT - Application July 22, 2004 – under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space and lot coverage, is contrary to Z.R. §23-141(b).

PREMISES AFFECTED – 2824 Avenue “R”, southwest corner of East 29th Street, Block 6834, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #15BK

262-04-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for Tishrey-38 LLC by Malka Silberstein, owner.

SUBJECT – Application July 22, 2004 – under Z.R. §72-21, to permit the proposed construction of a four story, penthouse and cellar four-family dwelling, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 218 Wallabout Street, 94’ west of Lee Avenue, Block 2263, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #1BK

CALENDAR

269-04-BZ

APPLICANT – Law Office of Howard Goldman, LLC, for 37 Bridge Street Realty, Corp., owner.

SUBJECT – Application August 2, 2004 – under Z.R. §72-21 to permit the conversion of a partially vacant, seven-story industrial building located in a M1-2 and M3-1 zoning district into a 60 unit loft style residential dwelling in the Vinegar Hill/DUMBO section of Brooklyn.

PREMISES AFFECTED - 37 Bridge Street, between Water and Plymouth Streets, Block 32, Lot 4, Borough of Brooklyn.

COMMUNITY BOARD #1BK.

355-04-BZ

APPLICANT – Slater & Beckerman, LLP, for Trustees under Irr.Trust, Stanley Gurewitsch, owner.

SUBJECT – Application November 10, 2004 and amended on July 26, 2005 to be a bulk variance – under Z.R. §72-21 to permit the proposed residential conversion of a portion of an existing three-story manufacturing building, and the construction of a four story residential enlargement atop said building, located in an M1-2(R6) zoning district within the special mixed-use MX-8 district, is contrary to Z.R. §§23-633, 23-942 and 123-64.

PREMISES AFFECTED – 302/10 North Seventh Street, aka 289 North Sixth Street, bounded on the southwest side, by north sixth street, southeast side by Meeker Avenue and northeast side by North Seventh Street, Block 2331, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #1BK

380-04-BZ

APPLICANT – Sheldon Lobel, P.C., for BK Corporation, owner.

SUBJECT - Application November 29, 2004 – under Z.R. §72-21 to permit the legalization of the conversion of one dwelling unit, in a new building approved exclusively for residential use, to a community facility use, in an R5 zoning district, without two side yards, is contrary to Z.R. §24-35.

PREMISES AFFECTED – 32-12 23rd Street, bounded by 33rd Avenue and Broadway, Block 555, Lot 36, Borough of Queens.

COMMUNITY BOARD #1Q

389-04-BZ

APPLICANT – Francis Angelino, Esq., for 150 East 34th

Street, Co., LLC, owner; Oasis Day Spa, Lessee.

SUBJECT – Application December 13, 2004 – under Z.R. §73-36 to permit the proposed legalization of an existing Physical Cultural Establishment, located on the second floor of the thirty seven story, Affina Hotel. The premise is located in a C1-9 zoning district.

PREMISES AFFECTED – 150 East 34th Street, Manhattan, between Lexington and Third Avenue, Block 889, Lot 55, Borough of Manhattan.

COMMUNITY BOARD #6M

78-05-BZ

APPLICANT – Sheldon Lobel, P.C., for Young Israel of New York Hyde Park, owner.

SUBJECT – Application March 31, 2005 – under Z.R. §72-21 to permit the proposed expansion of an existing one story synagogue building, located in an R2 zoning district, which does not comply with the zoning requirements for lot coverage, also front and side yards, is contrary to Z.R. §24-11, §24-24 and §24-35.

PREMISES AFFECTED – 264-15 77th Avenue, southwest corner of 256th Street, Block 8538, Lots 29 and 31, Borough of Queens.

COMMUNITY BOARD #13Q

107-05-BZ

APPLICANT – Eric Palatnikl, P.C., for Jeff and Jill Adler, owners.

SUBJECT – Application May 11, 2005 – under Z.R. §73-622 to permit the enlargement of a single family home to waive ZR§23-141(b) for floor area, lot coverage, open space, ZR§23-47 for rear yard. The premise is located in an R3-2 zoning district.

PREMISES AFFECTED – 1823 East 24th Street, east side of 24th Street, off Avenue “R”, Block 6830, Lot 77, Borough of Brooklyn.

COMMUNITY BOARD #15BK

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, JULY 12, 2005
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, April 12, 2005, were approved as printed in the Bulletin of April 21, 2005, Volume 90, No. 18

SPECIAL ORDER CALENDAR

129-70-BZ

APPLICANT – Sheldon Lobel, P.C., for 10 West 60th Street Corp., owner; 10 West 66th Street Garage Corp., lessee.

SUBJECT – Application January 28, 2005 – Extension of Term of variance for use of unused and surplus parking spaces for transient parking, limited to 75 spaces, in thirty-two story multiple dwelling located in a C4-7 and R-10 zoning district.

PREMISES AFFECTED – 6/14 West 66th Street, south side of West 66th Street, 125’ west of Central Park West, Block 1118, Lot 22, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES –

Applicant: Richard Lobel.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION:

WHEREAS, this application is a request for a re-opening and an extension of term of the variance; and

WHEREAS, a public hearing was held on this application on June 7, 2005, after due notice by publication in *The City Record*, and then to decision on July 12, 2005; and

WHEREAS, Community Board No. 7, Manhattan, recommends approval of this application; and

WHEREAS, on July 14, 1970, the Board granted an application pursuant to Section 60(3) of the Multiple Dwelling Law (“MDL”) under the subject calendar number to permit the use of transient parking for the unused and surplus tenant spaces in a multiple dwelling accessory garage for a term of 15 years, on condition that the transient parking spaces shall not exceed 75 in number; and

WHEREAS, the total number of parking spaces in the

garage is 195 as per Certificate of Occupancy No. 110158; the scope of this grant by the Board is limited to the use of 75 spaces for transient parking; and

WHEREAS, the term of the variance was extended for a period of 10 years on October 8, 1985 to expire on July 14, 1995, and an additional 10 years on February 6, 1996, to expire on July 14, 2005; and

WHEREAS, the resolution was re-opened and amended on April 23, 1991 to reflect a change in previously approved entrances and exits, and to reflect the existing signage conditions.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens and amends* the resolution pursuant to Section 60(3) of the MDL, said resolution having been adopted on July 14, 1970, so that as amended this portion of the resolution shall read: “granted for a term of ten (10) years from July 14, 2005 to expire on July 14, 2015; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked ‘Received June 28, 2005’-5 sheets; and *on further condition*;

THAT the number of daily transient parking spaces shall be no greater than 75;

THAT the reservoir spaces shall not be used for parking and the number of reservoir spaces shall be as determined by the Department of Buildings;

THAT all residential leases shall indicate that the spaces devoted to transient parking can be recaptured by residential tenants on 30 days notice to the owner;

THAT a sign providing the same information about tenant recapture rights be placed in a conspicuous place within the garage;

THAT the above conditions shall be listed on the certificate of occupancy;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT the layout of the parking garage shall be as approved by the Department of Buildings;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed Department of Buildings/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. 103974576)

Adopted by the Board of Standards and Appeals, July 12, 2005.

MINUTES

70-91-BZ

APPLICANT – Salvadeo Associates by David L. Businelli, for Mid Island Realty Corp., owner.

SUBJECT - Application January 4, 2005 and updated January 18, 2005 for an Extension of Term/Waiver of a variance to allow commercial/retail stores UG6 in an R3-2 zoning district.

PREMISES AFFECTED - 1894/1898 Hylan Boulevard, east side 40.6' north of Seaver Avenue, Block 3657, Lots 1 and 3, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES – None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT:

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

Negative:.....0

WHEREAS, this is an application for a re-opening and an extension of the term of the variance for a term of 10 years; and

WHEREAS, a public hearing was held on this application on June 7, 2005, after due notice by publication in *The City Record*, and then to decision on July 12, 2005; and

WHEREAS, Community Board 2, Staten Island, recommends approval of this application; and

WHEREAS, on March 2, 1976, under BSA calendar number 267-75-BZ, 1894 Hylan Boulevard and under BSA calendar number 266-75-BZ, 1898 Hylan Boulevard, the Board granted applications to permit, in an R3-2 zoning district, the construction of two adjacent one-story buildings for use as retail stores for a term of 15 years, contrary to Z.R. § 22-10; and

WHEREAS, at various times since 1976, the Board has reopened the application to allow for other site modifications and extensions of term, the last being granted on May 24, 1994; and

WHEREAS, the most recent term of variance expired on May 24, 2004; and

WHEREAS, the applicant now seeks an extension of term of the variance; and

WHEREAS, the Board has determined that the evidence in the record supports a grant of an extension of term with the conditions listed below.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution, adopted on March 2, 1976, so that as amended this portion of the resolution shall read: “to extend the term of the variance for 10 years from May 24, 2004; *on condition* that all work shall substantially conform to drawings as filed with this application, marked ‘Received April 26, 2005’ –(1) sheet and ‘June 10, 2005’- (1) sheet; *on further condition:*

THAT the term of this grant shall be for 10 years, to expire on May 24, 2014;

THAT the retail store’s hours of operation shall be limited to Monday through Friday 10 A.M. to 9 P.M., Saturday 10 A.M. to 8 P.M. and Sunday 11 A.M. to 6 P.M.; THAT the owners shall receive a certificate of occupancy within 1 year of the current grant of extension of term;

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 shall comply with the relevant signage restrictions in a C1 zoning district;

THAT all interior partitions and exits shall be as approved by the Department of Buildings;

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

THAT conditions from prior resolution(s) not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objections(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) / configuration(s) not related to the relief granted.”

(DOB Application Nos. 500744304 & 500744313)

Adopted by the Board of Standards and Appeals, July 12, 2005.

614-74-BZ

APPLICANT – Ross F. Moskowitz, Stroock & Stroock & Lavan, LLP, for Sixty East End Owner, Inc., lessee.

SUBJECT - Application February 18, 2005 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired March 11, 2000.

PREMISES AFFECTED - 60 East End Avenue west side a/k/a532-538 East 83rd Street a/k/a 531-537 East 82nd Street, Block 1579, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Ross Moskowitz and Tim Minton.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to August 9, 2005, at 10 A.M., for decision, hearing closed.

MINUTES

62-83-BZ

APPLICANT – Law Offices of Howard Goldman, LLC, for Shaya B. Pacific, LLC, owner.

SUBJECT - Application June 1, 2004 and updated 3/15/05 - reopening for an amendment to the resolution to allow the redesign of landscaped areas and the elimination of loading docks.

PREMISES AFFECTED - 696 Pacific Street, between Carlton and 6th Avenues, Block 1128, Lot 1002, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES –

For Applicant: Chris Wright.

For Opposition: Paul Sheridan.

ACTION OF THE BOARD - Laid over to September 13, 2005, at 10 A.M., for continued hearing.

234-84-BZ

APPLICANT – Vito J. Fossella, P.E., for Forest Realty Management, LLC, owner.

SUBJECT - Application May 19, 2005 - Extension of Term for commercial UG6 establishment partially located in a R3-2 residential zoning district.

PREMISES AFFECTED - 1976/82 Forest Avenue, Block 1696, Lot 26, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Sam A. Meniawy.

ACTION OF THE BOARD – Laid over to August 23, 2005, at 10 A.M., for continued hearing.

164-99-BZ

APPLICANT – Guy M. Harding, for Oscar Franco & Ivan Duque, owners.

SUBJECT – Application January 31, 2005 – Extension of Term/Waiver of a Special Permit for and entertainment and dancing establishment (UG 12) located in a C2-3/R6 zoning district.

PREMISES AFFECTED – 79-03 Roosevelt Avenue, north side of Roosevelt Avenue, 22' east from intersection of 79th Street and Roosevelt Avenue, Block 1290, Lot 46, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES –

Applicant: Guy Harding.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD – Laid over to August 9, 2005, at 10 A.M., for decision, hearing closed.

11-01-BZ

APPLICANT – Vassalotti Associate Architects, LLP, for Joseph Macchia, owner.

SUBJECT – Application May 19, 2005 – Extension of Time to obtain a Certificate of Occupancy, located in a C1-2(R5) zoning district.

PREMISES AFFECTED – 586/606 Conduit Boulevard, Block 4219, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES –

Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to July 26, 2005, at 10 A.M., for decision, hearing closed.

91-02-BZ

APPLICANT – Sheldon Lobel, P.C., for David Winiarski, owner.

SUBJECT – Application April 13, 2004 - reopening for an amendment to a previously granted variance under ZR §72-21 to allow minor modification of the approved plans.

PREMISES AFFECTED – 3032-3042 West 22nd Street, West 22nd Street, 180' north of Highland View Avenue, Block 7071, Lot 19 (a/k/a 19, 20, 22), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES –

For Applicant: Jordan Most.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to July 26, 2005, at 10 A.M., for decision, hearing closed.

MINUTES

90-05-A

APPLICANT – Zygmunt Staszewski, for Breezy Point Cooperative Inc., owner; Lisa Hogan, lessee.

SUBJECT – Application April 14, 2005 – Proposed alteration 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 – 15 Roosevelt Walk, east side, 285.27 south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Zygmunt Staszewski and Michael Harley.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan Vice-Chair Babbar, Commissioner Miele and Commissioner Chin4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated March 18, 2005, acting on Department of Buildings Application No. 401985795, reads:

“For Board of Standards & Appeals Only:

The street giving access to the existing building to be altered is not duly placed on the map of the City of New York.

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

WHEREAS, a public hearing was held on this application on July 12, 2005 after due notice by publication in the City Record, and then to closure and decision on July 12, 2005; and

WHEREAS, by letter dated May 10, 2005, the Fire Department states that it has reviewed the above project and has no objections; and

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

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated March 18, 2005, acting on Department of Buildings Application No. 401985795, is hereby 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 14, 2005” – one (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and on further condition:

THAT this approval is limited to the relief granted by the

Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

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

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

Adopted by the Board of Standards and Appeals, July 12, 2005.

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 –

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

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

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

140-30 34th Avenue, Block 4994, Lot 125, Borough of Queens

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

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

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

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

COMMUNITY BOARD #11Q

APPEARANCES –

For Opposition: Adam W. Rothkrug and Tom Berinato.

For Administration: Lisa Orrantia, DOB.

ACTION OF THE BOARD – Laid over to August 23, 2005, at 10 A.M., for continued hearing.

MINUTES

346-04-BZY

APPLICANT – Sheldon Lobel, P.C., for GRA V LLC, owners.

SUBJECT – Application October 27, 2004 - Application to extend time to complete construction for a minor development pursuant to Z.R. §11-331.

PREMISES AFFECTED – 3329-3333 Giles Place (a/k/a 3333 Giles Place), west side of Giles Place between Canon Place and Fort Independence Street, Block 3258, Lot 5 and 7, Borough of The Bronx.

APPEARANCES –

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to August 9, 2005, at 10 A.M., for decision, hearing closed.

17-05-A

APPLICANT – Sheldon Lobel, P.C., for GRA V LLC, owner.

SUBJECT - Application January 27, 2005 - An appeal seeking a determination that the owner of said premises has acquired a common-law vested right to continue a development commenced under R6 Zoning.

PREMISES AFFECTED - 3329/3333 Giles Place, (a/k/a 3333 Giles Place), west side, between Canon Place and Fort Independence Street, Block 8258, Lots 5 and 7, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES –

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to August 9, 2005, at 10 A.M., for decision, hearing closed.

54-05-A

APPLICANT – NYC Department of Buildings.

OWNER OF PREMISES: Yeshiva Imrei Chaim Viznitz.

SUBJECT – Application March 4, 2005 – Application to revoke Certificate of Occupancy No. 300131122, on the basis that the Certificate of Occupancy allows conditions at the subject premises that are contrary to the Zoning Resolution and the Administrative Code.

PREMISES AFFECTED – 1824 53rd Street, southeast corner of 18th Avenue, Block 5480, Lot 14, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Opposition: Stuart Klein and Irsael Steinberg.

ACTION OF THE BOARD – Laid over to August 23, 2005, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director

Adjourned: A.M.

MINUTES

**REGULAR MEETING
TUESDAY AFTERNOON, JULY 12, 2005
1:30 P.M.**

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

ZONING CALENDAR

327-02-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

APPEARANCES –

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 17, 2002, acting on Department of Buildings Application No. 301320657, reads:

“1. The proposed construction of a residential building located with an M1-1 zoning district is contrary to Section 42-00 of the Zoning Resolution.”; and

WHEREAS, a public hearing was held on this application on August 17, 2004, after due notice by publication in the City Record, with continued hearings on September 28, 2004, November 23, 2004, January 11, 2005, February 15, 2005, April 19, 2005, May 24, 2005, and then to decision on July 12, 2005; and

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

WHEREAS, this is an application under Z.R. § 72-21, to permit, within an M1-1 zoning district, the proposed construction of a new three-story, three-family residential building (Use Group 2) on a vacant lot, contrary to Z.R. § 42-00; and

WHEREAS, Community Board 6, Brooklyn, recommends approval of this application with conditions; and

WHEREAS, the current version of this application contemplates a three-story residential building, with floor area of 3,339 sq. ft., a floor area ratio (“F.A.R.”) of 1.59, and a total building height of 33 ft.; and

WHEREAS, the original version of this application contemplated a four-story residential building, with floor area of 5,460 sq. ft., and a total building height of 40 ft.; and

WHEREAS, the Board expressed reservations about this proposal, given the amount of actual hardship on the site, and the character of the community; and

WHEREAS, the subject premises is a 21 ft. by 100 ft. vacant lot, with 2,100 sq. ft. of lot area, located on the south side of Union Street, approximately 266 ft. west of Columbia Street, and east of Van Brunt Street; and

WHEREAS, the applicant represents that the lot is a pre-existing lot, and was formerly developed with a residential building in the early part of the century that was later razed; and

WHEREAS, most recently, the site has been occupied as a used car lot; and

WHEREAS, the applicant initially represented that existing foundation remains from the building previously on the lot as well as the small lot size and its vacant status were unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject lot in conformance with underlying district regulations; and

WHEREAS, however, the Board disagreed that the existing foundations were a unique condition, given that many vacant lots have old foundation rubble on them, and the applicant failed to substantiate that the foundation rubble was in fact a unique condition on the subject lot; and

WHEREAS, consequently, the applicant constructed the variance application based upon the small size of the lot, and the fact that the lot abuts a residential district, thus triggering a requirement of a rear yard, all of which compromise the creation of a conforming floor plate; and

WHEREAS, consequently, the applicant now represents that due to the small size of the lot, a conforming development would only be 70 ft. in depth, and of narrow width, such that the resulting floor plate would not be feasible for a conforming user; and

WHEREAS, moreover, the small size of the lot would not allow for loading berths or off-site parking, which would be required for a conforming development; and

WHEREAS, accordingly, the Board finds that the narrow width and small size of this pre-existing and vacant lot, which abuts a residential district, as well as its prior history of residential development, create practical difficulties and unnecessary hardship in developing the site in strict conformity with current applicable zoning regulations; and

WHEREAS, the applicant initially submitted a feasibility analysis that showed that a 2,000 sq. ft. manufacturing building would not result in a reasonable return, but that the initial four-story proposal would; and

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WHEREAS, the Board found this feasibility study insufficient, and suggested to the applicant that a reduced-bulk scenario might be feasible; and

WHEREAS, the applicant subsequently conducted three other scenarios: a three-story, three-family scenario; a three-story, four-family scenario; and a scenario with a building with a 5 ft. side yard; and

WHEREAS, the applicant represents that a building with a 5 ft. side yard would result in a building width of 16 ft.; such width would result in an inefficient floor plate and an uninhabitable multiple dwelling unit; and

WHEREAS, though the applicant claims that a three-story, three-family scenario will not realize a reasonable return, the Board disagrees, on the basis that if the feasibility study is amended to reflect recent favorable area comparables, then a reasonable return in terms of rental revenue could be realized; and

WHEREAS, consequently, the applicant has assented to a grant on this scenario; and

WHEREAS, based upon the above, the Board has determined that because of the subject lot's unique physical condition, there is no reasonable possibility that development in strict conformance with the provisions applicable in the subject zoning district will provide a reasonable return; and

WHEREAS, the site is in a neighborhood with many lawful non-conforming residential uses, including two on either side of the site; and

WHEREAS, the applicant has submitted a land use map showing these numerous residential uses; the conditions reflected on this map were confirmed by the Board on its site visit; and

WHEREAS, the Board observes that while there are conforming manufacturing and automotive uses across the street from the site, the modest increase in residential presence due to the proposed development (a total of three units) should not negatively impact these uses; and

WHEREAS, therefore, the Board finds that the use change proposed by the applicant is appropriate; and

WHEREAS, the Board found the applicant's initial proposal of a four-story building to be out of character with the neighborhood, including the two adjacent residential structures; and

WHEREAS, the applicant represents that the height currently proposed for the building is consistent with the height of residential buildings in the neighborhood and the buildings on either side; and

WHEREAS, the Board also notes that the current proposal contemplates an increased rear yard, which mitigates the lack of side yards and creates a more compatible development; and

WHEREAS, the Board notes that the significant reduction in floor area, stories and height from the applicant's initial proposal to the applicant's current proposal is more compatible with the built conditions surrounding the site; and

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

WHEREAS, after taking direction from the Board as to the proper amount of relief, the applicant modified the development proposal to the current version; and

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 03BSA074K dated October 28, 2002; and

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

WHEREAS, the Office of Environmental Planning and Assessment of the New York City Department of Environmental Protection (DEP) has reviewed the following submissions from the Applicant: (1) an Environmental Assessment Statement Form dated October 28, 2002; and (2) a Phase I Environmental Site Assessment Report, dated April 2005; and

WHEREAS, these submissions specifically examined the proposed action for potential hazardous materials impacts; and

WHEREAS, a Restrictive Declaration was executed on May 23, 2005 and submitted for recording on July 8, 2005 for the subject property to address hazardous materials concerns; and

WHEREAS, DEP has determined that there would not be any impacts from the subject proposal, based on the implementation of the measures cited in the Restrictive Declaration and the applicant's agreement to the conditions noted below; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes the required findings under Z.R. § 72-21, to permit, within a M1-1 zoning district, the proposed construction of a new three-story, three-family residential building (Use Group 2) on a vacant lot, contrary to Z.R. § 42-00; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 1, 2005" – (9) sheets and "July 7, 2005"-(2) sheets; and on further condition: THAT the bulk parameters of the proposed buildings shall be as follows: total maximum F.A.R. of 1.59; maximum floor area of 3339 sq. ft.; rear yard of 47 ft.; and maximum total height of 33 ft.;

THAT the street wall of the building shall be aligned with both of the adjacent streetwalls on Union Street;

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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 12, 2005.

218-03-BZ

APPLICANT – Gerald J. Caliendo, R.A., for TTW Realty LLC, owner.

SUBJECT – Application June 25, 2003 – under Z.R. §72-21 to permit the proposed nine-story mixed use building with residential, commercial and community facility uses, located in an M1-1 zoning district, which does not comply with the zoning requirements for the uses, permitted floor area, total height and perimeter wall, is contrary to Z.R. §42-00, §23-141 and §23-631.

PREMISES AFFECTED – 19-73 38th Street, corner of 20th Avenue, Steinway Street and 38th Street, Block 811, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES – None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan Vice-Chair Babbar,
Commissioner Miele and Commissioner Chin4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated June 20, 2003, acting on Department of Buildings Application No. 401444923, reads, in pertinent part:

1. Proposed U.G. 2 residential multiple dwelling in M1-1 contrary to section 42-00 Z.R.;
2. Proposed U.G. 4A Community Facility in M1-1 contrary to section 42-00 Z.R.;
3. Proposed accessory parking for community facility and residential multiple dwelling in M1-1 contrary to section 42-00 Z.R.;
4. There are no bulk requirements for residential development and community facility in an M1-1 Zoning District FAR of 1.0 as permitted in M1 is exceeded by proposed development refer to Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on March 30, 2004 after due notice by publication in the City Record; with continued hearings on May 25, 2004, July 20, 2004, September 14, 2004, November 9, 2004, January 25, 2005, April 5, 2005, and then to decision on July 12, 2005; and

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

WHEREAS, both the Queens Borough President and Community Board 1, Queens, recommend approval of this application; and

WHEREAS, this is an application under Z.R. §72-21, to permit, within an M1-1 zoning district, the proposed development of a four-story mixed-use building with residential, commercial and community facility uses and accessory parking, which does not comply with the zoning requirements for use, contrary to Z.R. §42-00; and

WHEREAS, the premises is a large vacant rectangular site bounded by 20th Avenue on the south, Steinway Street to the east and 38th Street to the west; the total lot area is 60,016 sq. ft.; and

WHEREAS, the applicant’s current proposal contemplates a 99,258 sq. ft. “U” shaped, four-story mixed use building with commercial/community facility uses on the first floor, 84 residential units on the second through fourth floors, and a cellar that would include an accessory gym, storage room, mechanical room and an accessory parking garage with 219 parking spaces; and

WHEREAS, the applicant’s original proposal contemplated a 150,041 sq. ft., ten-story, mixed use building, consisting of 108 dwelling units, an accessory parking garage

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with 195 parking spaces in the cellar, and retail and community facility uses on the ground floor; and

WHEREAS, an interim proposal contemplated a 120,008 sq. ft., four-story, mixed-use building that occupied the entire zoning lot; and

WHEREAS, the applicant has modified its original proposal to the current proposal at the direction of the Board;

WHEREAS, the building will contain 19,738 sq. ft. of retail on the ground floor, 2,521 sq. ft. of a community facility on the ground floor, and 76,986 sq. ft. of residential on floors two through four; and

WHEREAS, the lot is currently used for storage of motor vehicles, and was previously operated as a bus facility for storage, maintenance, and fueling of buses; and

WHEREAS, the applicant states that the bus facility was abandoned in 1988 and was demolished in 1991; a large volume of building and foundation debris has remained onsite; and

WHEREAS, the applicant represents that in 1997 the site was subject to environmental remediation including the removal of ten underground storage tanks, 1,864 tons of petroleum-contaminated soil and debris, 18 hydraulic bus lifts, and an oil/water separator; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject lot in conformance with underlying district regulations: (1) prior uses on the site have resulted in contamination of the soil; and (2) the poor condition of the site's soil will require deep piles for any construction on the site; and

WHEREAS, the applicant submitted Phase I and Phase II environmental reports that document the soil contamination on the site; and

WHEREAS, in further support of the claim that there are substandard soil conditions on the site, the applicant has submitted boring logs and engineer's reports: two of the reports indicate unsuitable materials up to 48 feet and three indicate unsuitable materials up to 28 ft.; and

WHEREAS, the applicant represents that these substandard soil conditions require costly pile foundations with short and long pile tips 30 to 60 feet below ground level; and

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

WHEREAS, at the Board's request, the applicant submitted a feasibility study analyzing the following development alternatives on the site: (1) conforming one-story manufacturing building; (2) conforming one-story and cellar retail building; (3) 26 three-story, three-family residential buildings; and (4) 84 rental apartments with an enclosed courtyard; and

WHEREAS, the applicant submitted two estimates of the environmental cleanup costs for the site: both estimates

are approximately \$3,000,000; and

WHEREAS, in response to Board concerns that the remediation costs for this site would differ based on the type of development, the applicant submitted a revised financial feasibility analysis including varying remediation costs depending upon the four alternatives listed above; and

WHEREAS, the revised feasibility analysis stated that costs would range from \$712,000 for the manufacturing use to \$1,263,000 for the retail use; such costs made the manufacturing and retail proposals infeasible as the applicant would not be able to realize a reasonable rate of return; and

WHEREAS, based upon the above, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict conformance with the use provisions applicable in the subject zoning district will provide a reasonable return; and

WHEREAS, the applicant further states that the subject lot fronts on a major commercial thoroughfare, and is adjacent to and across the street from a C2-2 commercial overlay in an R5 zoning district, and thus will not alter the essential character of the neighborhood; and

WHEREAS, the Board notes that the applicant has reduced the number of stories from the initial proposal from ten to four and has decreased the F.A.R. from 2.5 to 1.65, thus making the proposed building more compatible with the surrounding buildings; and

WHEREAS, the Board notes further that the subject site is located adjacent to R4 and R5 districts; and

WHEREAS, the applicant has submitted a land use map that shows a number of three-story, mixed-use buildings along Steinway Street and four-story, mixed-use buildings along 21st Avenue;

WHEREAS, the applicant represents that given the parking demand in the area, the proposed number of parking spaces is not excessive and will serve only as accessory parking for the building's commercial, community and residential uses; and

WHEREAS, in response to the Board's concerns, the applicant has increased the setback at the rear of the proposed building, from 20 feet to 30 feet, to act as a buffer between the residential portion of the building and the adjacent warehouse building; and

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

WHEREAS, after submitting several revised proposals at the direction of the Board, the applicant has reduced its initial proposal from a ten story building to a four story building and lowered the F.A.R. from 2.5 to 1.65; and

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

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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 project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 03BSA218Q, dated October 22, 2004; and

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

WHEREAS, the Office of Environmental Planning and Assessment of the New York City Department of Environmental Protection (DEP) has reviewed the following submissions from the Applicant: (1) an Environmental Assessment Statement Form, dated October 22, 2004; (2) April 1997 Limited Phase II Investigation Report; (3) a March 2005 Phase I Environmental Site Assessment (ESA) Report; (4) an April 29, 2005 letter regarding the Phase I ESA Report and DEC records; (5) a May 9, 2005 Revised Parking Garage Air Quality Analysis and Industrial Air Quality Analysis; and (6) a May 6, 2005 Draft Restrictive Declaration; and

WHEREAS, these submissions specifically examined the proposed action for potential hazardous materials, air quality and noise impacts; and

WHEREAS, a Restrictive Declaration was executed and recorded on June 24, 2005 for the subject property to address hazardous materials concerns; and

WHEREAS, DEP has determined that there would not be any impacts from the subject proposal, based on the implementation of the measures cited in the Restrictive Declaration and the applicant's agreement to the conditions noted below; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes the required findings under Z.R.

§ 72-21, to permit, within an M1-1 zoning district, the proposed development of a four-story mixed-use building with residential, commercial and community facility uses and accessory parking, which does not comply with the zoning requirements for use, contrary to Z.R. § 42-00; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 1, 2005" – (9) sheets; and on further condition:

THAT the bulk parameters of the proposed building shall be as follows: a total F.A.R. of 1.65 (99,258 sq. ft. maximum total floor area); maximum residential floor area of 76,986 sq. ft.; maximum community facility floor area of 2,521 sq. ft.; and a maximum building height of 53 ft.;

THAT there shall be a maximum of 84 units;

THAT a maximum of 219 parking spaces shall be provided in the accessory parking levels;

THAT the interior layout, parking layout and all exiting requirements shall be as reviewed and approved by the Department of Buildings;

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

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, July 12, 2005.

344-03-BZ/345-03-A

APPLICANT – Law Office of Howard Goldman, LLC, for City of New York, owner; Nick's Lobster House, lessee.

SUBJECT – Application November 13, 2003 – Under Z.R. §73-242, to allow a restaurant in a C3 zoning district. The restaurant allows eating and drinking, provides outdoor seating and has a seating capacity of 190 people. There is no dancing or musical entertainment. Under BSA Calendar No. 345-03-A the application seeks an appeal pursuant to Art. III, Sec. 35, of the General City Law to permit construction of commercial facility on the bed of a mapped street.

PREMISES AFFECTED – 2777 Flatbush Avenue, corner of Mill Basin, Block 8591, Part of Lots 980 and 175, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES –

For Applicant: Chris Wright.

ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW –

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

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Negative:.....0
Adopted by the Board of Standards and Appeals, July 12, 2005.

355-03-BZ

APPLICANT – Agusta & Ross, for D’Angelo Properties, Inc., owner.

SUBJECT – Application September 27, 2004 - under Z.R. §72-21 to permit the proposed four story and penthouse mixed-use multiple dwelling, Use Groups 2 and 6, in a C2-2/R4 zoning district, which does not comply with the zoning requirements for residential floor area, building height, number of dwelling units and residential front yard, is contrary to Z.R. §23-141, §23-60, §35-20, §23-22 and §23-45.

PREMISES AFFECTED – 64-01/07 Grand Avenue, northeast corner of 64th Street, Block 2716, Lot 1, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES – None.

ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:.....0

Adopted by the Board of Standards and Appeals, July 12, 2005.

385-03-BZ

APPLICANT – Joseph P. Morsellino, for Fabian Organization II, LLC, owner.

SUBJECT - Application December 12, 2003 - under Z.R. §72-21 to permit the proposed erection of a six-story multiple dwelling with 46 Units, located in an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, dwelling units, and height and setback, is contrary to Z.R. §23-141(c), §23-22 and §23-631(b).

PREMISES AFFECTED – 85-15 and 85-17 120th Street, southeast corner of 85th Avenue, Block 9266, Lots 48 and 53, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES – None.

ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:.....0

Adopted by the Board of Standards and Appeals, July 12, 2005.

9-04-BZ

APPLICANT – Marvin B. Mitzner, Esq., Fischbein Badillo Wagner Harding for Walworth Condominium, Inc., owner.

SUBJECT – Application January 12, 2004 – under Z.R. §72-21 to permit the proposed multiple dwelling, which will contain forty-seven dwelling units, located in an M1-1 zoning district, is contrary to Z.R. §§42-00 and 43-00.

PREMISES AFFECTED – 114 Walworth Street, northwest corner of Myrtle Avenue, Block 1735, Lot 24, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES –

For Applicant: Marvin Mitzner.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated December 16, 2003, acting on Department of Buildings Application No. 301535177, reads, in pertinent part:

“Proposed multiple dwelling in M1-1 district is contrary to 42-00 and 43-00.”; and

WHEREAS, a public hearing was held on this application on June 8, 2004 after due notice by publication in the City Record, with continued hearings on August 10, 2004, September 28, 2004, October 19, 2004, December 14, 2004, February 15, 2005, March 8, 2005, May 10, 2005 and then to decision on July 12, 2005; and

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

WHEREAS, Community Board 3, Brooklyn, recommends disapproval of this application; and

WHEREAS, Council Member Letitia James submitted a letter in support of the application; and

WHEREAS, this is an application under Z.R. § 72-21, to permit, within an M1-1 zoning district, the proposed development of three-story plus cellar multiple dwelling (Use Group 2), which is contrary to Z.R. §§ 42-00 and 43-00; and

WHEREAS, the subject site is a vacant rectangular lot, with a lot area of approximately 17,500 sq. ft. and approximately 175 ft. of frontage on Walworth Street; and

WHEREAS, the applicant represents that Sanborn maps show that the site was formerly developed with residential buildings, but has been vacant since the demolition of said buildings; and

WHEREAS, the proposed building will be a three-story plus cellar structure, with a Floor Area Ratio (F.A.R.) of 2.0, with 27 apartments and 27 accessory parking spaces, and a total height of 35 ft.; and

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WHEREAS, the original version of this application proposed a six-story plus cellar building, with an F.A.R. of 3.19, with 47 apartments and 24 parking spaces; and

WHEREAS, however, during the hearing process, the Board expressed reservations relating to the proposed height and density, and in response, the proposal has been modified multiple times, finally resulting in the current version; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject lot in compliance with underlying district regulations: (1) Walworth Street is a very narrow street along the subject block (50 ft. wide versus the typical 60 ft.) and is burdened with unrestricted on-street parking on both sides, which hinders truck navigation; (2) the site is bounded on both sides by residential buildings; (3) the site is sloped; and (4) the site potentially suffers from environmental contamination; and

WHEREAS, as an initial matter, the Board disagrees that the possible environmental contamination, the clean-up costs of which are only prospective, can be credited as any part of the basis for the hardship affecting the site; and

WHEREAS, moreover, the Board does not find the adjacency of residential uses to be, in and of itself, a hardship; however, as discussed below, the residential uses on the block do contribute to the hardship affecting the site in that the residential occupants use the on-street parking spaces; and

WHEREAS, in amplification of the argument that the 50 ft. width of Walworth Street combined with unrestricted parking on both sides causes a hardship, the applicant notes that the actual paved roadway is only 24 ft. wide, making the movement of the larger trucks, which are crucial to efficient modern manufacturing or warehousing operations, onto the site for loading purposes extraordinarily difficult, if not possible; and

WHEREAS, specifically, the applicant states that the act of backing a trailer into an off-street loading dock requires a significant amount of open and unobstructed street space, neither of which are present on this street, due to the width of the street and the on-street residential parking; and

WHEREAS, the applicant also observes that the on-street parking is necessary and very unlikely to be removed as the site is surrounded by residential uses across the street and in both directions along the blockfront; and

WHEREAS, at the Board's request, the applicant submitted to the Board various alternative designs for a building or buildings which would house a conforming use and potentially address the truck circulation issue; and

WHEREAS, however, it was determined that the alternative designs still presented problems associated with the innate conflict between the need for efficient truck access onto the site and the existence of significant amounts of non-conforming residential uses directly north, south and east of the site, and on-street parking related thereto; and

WHEREAS, in amplification of the argument that the slope on the site hinders conforming development, the

applicant states that for a modern manufacturing building, it is necessary to have one flat floor plate of a consistent elevation; and

WHEREAS, consequently, a combination of excavation and/or decking in order to not only provide an even floor plate, but also provide a usable interior loading area, is required; and

WHEREAS, the applicant states none of the aforementioned alternative designs effectively addressed the problems created by the slope; and

WHEREAS, at the request of the Board, the applicant submitted a survey of the surrounding area that showed other vacant lots comparable to the subject site; and

WHEREAS, the survey revealed that these vacant lots were dissimilar to the subject site in that they were in a different zoning district that allowed greater density, did not suffer the same locational disadvantages, or they were a different size; and

WHEREAS, the applicant claims that no other vacant lot is situated on a block with such a narrow street and adjacent to residential uses with unrestricted parking on both sides of the street; and

WHEREAS, the applicant also established that this convergence of conditions was not present on other streets in the area, in particular on Sanford Street, which is also zoned M1-1; and

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

WHEREAS, the applicant submitted an initial feasibility study that analyzed a fully conforming and complying building, which was a one-story warehouse with a two loading docks and no parking; and

WHEREAS, however, the Board expressed concerns that this scenario did not reflect the most viable building envelope, and thus asked the applicant to submit other scenarios that reflected a better attempt to address the hardships imposed by the width of the street and the on-street parking regulations; and

WHEREAS, in response the applicant submitted the following two scenarios: (1) a one-story warehouse with a single tenant, without parking restrictions and on-site loading and (2) two one-story warehouses, with two separate tenants, side by side; and

WHEREAS, as to the former scenario, the Board conducted its own internal analysis involving increased rents to make the scenario more comparable to conforming uses at better locations that do not suffer the same site constraints as the subject lot; and

WHEREAS, the applicant concluded that because of the hardships afflicting the site, the site, if developed for conforming use, would realize approximately 25% less income than other comparable sites; and

MINUTES

WHEREAS, thus, the Board agrees that such a scenario was not viable, and also notes that the scenario presumes that the parking restrictions could be ameliorated somehow, which the applicant alleges was unlikely to occur; and

WHEREAS, as to the two-tenant scenario, the Board asked for this analysis in response to the applicant's contention that the site was too large for a single user; however, the applicant determined that loading issues restrained this scenario from realizing a reasonable return; and

WHEREAS, at the Board's request, the applicant also discussed the feasibility of retail use of the site; and

WHEREAS, the applicant concluded that such use would not be feasible due to the same truck access problems and curbside loading problems that compromise warehouse or manufacturing use; and

WHEREAS, based upon the above, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict conformance with the use provisions applicable in the subject zoning district will provide a reasonable return; and

WHEREAS, the applicant states that the proposed development will not negatively affect the character of the neighborhood nor impact adjacent uses; and

WHEREAS, the Board expressed concerns about the initial proposal and the amount of residential units that it contemplated; and

WHEREAS, specifically, the Board was concerned that notwithstanding the existence of residential uses on the block, the introduction of 47 residential apartments could negatively impact the conforming uses on the block, as well as compromise the low-density residential character also found on the block; and

WHEREAS, the land use map and the Board's site visit confirmed the existence of lawful conforming uses near the subject site that could be impacted by the introduction of residential units, such that the amount of units proposed initially was inappropriate; and

WHEREAS, the Board also notes that although there are residential uses on the block, the proposed development would be the only significant multi-unit multiple dwelling, as the other residential uses are lawful non-conforming two-story dwellings; and

WHEREAS, the Board also expressed concerns about the height of the initially proposed building, finding it inconsistent and incompatible with the surrounding context; and

WHEREAS, as noted above, the applicant responded by reducing the amount of units and the height of the building to the current version, after submitting various intermediate iterations that the Board considered but rejected as not being compatible with the neighborhood; and

WHEREAS, the Board finds that the current version proposes an acceptable amount of residential units, as well as an acceptable height and building form; and

WHEREAS, thus, the Board concludes that the proposed bulk and height of the building will be compatible with the existing conditions in the immediate neighborhood; and

WHEREAS, the applicant responded to the Board's concern regarding the cellar at the rear by proposing to cover this space rather than leave it open; and

WHEREAS, the Board also notes that the provision of parking on-site will preserve the ability of existing residential occupants on the block to use the on-street parking spaces; and

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

WHEREAS, as already discussed, the applicant responded to Board concerns regarding the proper amount of relief necessary to address the actual hardship, and reduced the proposal accordingly; and

WHEREAS, the applicant also considered numerous lesser-variance scenarios that contemplated variances for parking, loading, and rear yard, as well as the elimination of unrestricted on-street parking; and

WHEREAS, the applicant concluded, and the Board concurs, that all such scenarios were compromised by the site's hardships, and would not realized the owner a reasonable return; and

WHEREAS, therefore, the Board finds that the current version of the 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 project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 04BSA119K, dated April 2, 2004; and

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

MINUTES

WHEREAS, the Office of Environmental Planning and Assessment of the New York City Department of Environmental Protection (DEP) has reviewed the following submissions from the Applicant: (1) an Environmental Assessment Statement Form, dated April 2, 2004; (2) a Phase I Environmental Site Assessment Report, dated March 29, 2004; (3) a Phase II Workplan and Health and Safety Plan, dated March 2005; and (4) an Air Quality Analysis submission dated April 2004; and

WHEREAS, these submissions specifically examined the proposed action for potential hazardous materials, air quality and noise impacts; and

WHEREAS, a Restrictive Declaration was executed and recorded on July 12, 2005 for the subject property to address hazardous materials concerns; and

WHEREAS, DEP has determined that there would not be any impacts from the subject proposal, based on the implementation of the measures cited in the Restrictive Declaration and the Applicant's agreement to the conditions noted below; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes the required findings under Z.R. § 72-21, to permit, within an M1-1 zoning district, the proposed development of three-story plus cellar multiple dwelling (Use Group 2), which is contrary to Z.R. §§ 42-00 and 43-00; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 6, 2005"- (7) sheets; and on further condition:

THAT the bulk parameters of the proposed building shall be as follows: (1) a maximum residential and total F.A.R. of 2.0 (maximum 34,989 sq. ft. of zoning floor area); (2) three stories plus a cellar; (3) a maximum of 27 total units; and (4) a maximum total height of 35 ft., all as reflected on the BSA-approved plans;

THAT a total of 27 parking spaces shall be provided at the accessory parking level;

THAT the interior layout, parking layout and all exiting requirements shall be as reviewed and approved by the Department of Buildings;

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

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, July 12, 2005.

135-04-BZ

APPLICANT – Joseph P. Morsellino, for Manuel Minino, owner.

SUBJECT – Application March 19, 2004 - under Z.R. §72-21 to permit the proposed erection and maintenance of an automobile showroom with offices, Use Group 6, located in an R2 and C2-2(R5) zoning district, is contrary to Z.R. §22-00.

PREMISES AFFECTED – 91-22 199th Street, northeast corner of Jamaica Avenue, Block 9910, Tentative Lot 43 (part of lot 1), Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES – None.

ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW -

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

Adopted by the Board of Standards and Appeals, July 12, 2005.

163-04-BZ

APPLICANT – Rothkrug Rothkrug Weinberg & Spector for My Law Realty Corp., owner; Fort Greene Sports Club, LLC, lessee.

SUBJECT – Application April 21, 2004 – under Z.R. §73-36 to permit the proposed physical culture establishment, which will occupy portions of the cellar and first floor of an existing two story building located in C1-3(R6) zoning district, which is contrary to Z.R. §32-00.

PREMISES AFFECTED - 677/91 Fulton Street, north side, 28' east of Ashland Place, Block 2096, Lot 69, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES –

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan Vice-Chair Babbar, Commissioner Miele and Commissioner Chin4
Negative:.....0

MINUTES

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated June 13, 2005, acting on Department of Buildings Application No. 301441296, reads:

“Proposed physical culture establishment, in a C2-4(R6) zoning district requires a special permit from the Board of Standards and Appeals, pursuant to section 73-36”; and WHEREAS, a public hearing was held on this application on May 17, 2005 after due notice by publication in The City Record, and then to decision on July 12, 2005; and

WHEREAS, Community Board 2, Brooklyn, recommends approval of this application; and

WHEREAS, New York City Council Member Letitia James recommends approval of this application; and

WHEREAS, the New York City Fire Department recommends approval of this application; and

WHEREAS, this is an application, under Z.R. § 73-36, to permit, in a C2-4(R6) zoning district, a physical culture establishment (“PCE”) to be located within a portion of an existing two-story commercial building, contrary to Z.R. § 32-00; and

WHEREAS, at the time of application, the subject premises was located in a C1-3(R6) zoning district; however, during the course of the hearing, the premises was rezoned to C2-4(R6), where the special permit being sought is permitted; and

WHEREAS, the City Council passed Resolution No. 1020, approving the decision of the City Planning Commission on ULURP No. C 040509 ZMK to rezone the premises; the Resolution became effective on June 8, 2005; and

WHEREAS, the premises consists of a total of 9,206 sq. ft. and is improved upon with a two-story commercial building that was last occupied as a furniture store, but is currently vacant; an office tenant currently occupies the second floor space; and

WHEREAS, the applicant represents that the proposed PCE, Park Slope Sport Club, will occupy portions of the cellar and first floor, with direct access into the building from Fulton Street, and access to the cellar via: 1) proposed interior stairs, and 2) an existing elevator; and

WHEREAS, the applicant states that the PCE will contain 5,682 sq. ft. of floor area at the cellar level and 9,206 sq. ft. of floor area on the first floor; the cellar level will encompass the men’s and women’s locker rooms, storage area and two massage rooms, while the first floor will contain the reception and training areas, offices and a juice bar; and

WHEREAS, the applicant further states that the PCE will contain facilities for classes, instruction and programs for physical improvement, body building, weight reduction, and aerobics; and

WHEREAS, the applicant represents that all masseurs and masseuses employed by the facility will be New York State licensed; and

WHEREAS, the applicant asserts that the entire facility will be equipped with an automatic wet sprinkler system and a fire alarm system that is connected to a Fire Department-approved central monitor system; and

WHEREAS, the applicant anticipates that the proposed PCE will have approximately 1,000 new members at the outset, with an ultimate final membership of approximately 2,500 persons; the PCE is expected to ultimately employ approximately 30 employees working various shifts related to usage; and

WHEREAS, the applicant further asserts that there are no foreseeable hazards or disadvantages to the community; in fact, the proposed PCE, a substantial commercial investment in the area, is expected to benefit the surrounding community by creating new employment opportunities; and

WHEREAS, the PCE will have hours of operation of 6 a.m. to 11 p.m. Monday through Friday, and 8 a.m. to 11 p.m. Saturday through Sunday; and

WHEREAS, the Board finds that the PCE, given the proposed uses and the hours of operation, will not interrupt the commercial activity along Fulton Street; and

WHEREAS, therefore, the Board finds that this action will neither: 1) alter the essential character of the surrounding neighborhood; 2) impair the use or development of adjacent properties; nor 3) be detrimental to the public welfare; 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 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 is 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 requisite findings pursuant to Z.R. § 73-36; and

WHEREAS, the Department of City Planning 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; and

MINUTES

Therefore it is resolved, that the Board of Standards and Appeals has adopted the Negative Declaration issued by the New York City Department of City Planning on December 6, 2004 under CEQR No. 05DCP013K, Fulton Street Rezoning, for several tax lots including the subject site; this application was prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under Z.R. § 73-36, to permit, within a C2-4(R6) zoning district, a physical culture establishment to be located within a portion of an existing two-story commercial building; on condition that all work shall substantially conform to drawings as they apply to the objections above noted filed with this application marked "Received June 28, 2005"-(1) sheet and on further condition;

THAT this grant shall be limited to a term of ten years from July 12, 2005, expiring July 12, 2015;

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: 6 a.m. to 11 p.m. Monday through Friday, and 8 a.m. to 11 p.m. Saturday through Sunday;

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

THAT Local Law 58/87 compliance shall be as reviewed and approved by DOB;

THAT fire safety measures shall be as installed and maintained on the Board-approved plans;

THAT an interior fire alarm system shall be provided as set forth on the BSA-approved plans and approved by DOB;

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 of applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 12, 2005.

255-04-BZ

APPLICANT – Eric Palatnik, P.C., for Eli Kafif, owner.

SUBJECT – Application July 15, 2004 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, which does not comply with the zoning requirements for floor area and side yard, is contrary to Z.R. §23-141 and §23-461(a), located in an R5 zoning district.

PREMISES AFFECTED – 1924 Homecrest Avenue, between Avenues "S" and "T", Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Eric Palatnik and Kathy Jaworski and Antonette Vasile.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Brooklyn Borough Commissioner dated June 15, 2004, acting on Department of Buildings Application No. 301764160, reads:

"Obtain approval from the Board of Standards and Appeals for the following objections:

1. Proposed floor area is contrary to Z.R. 23-141.
2. Proposed side yards are contrary to Z.R. 23-461(a)."; and

WHEREAS, a public hearing was held on this application on March 1, 2005, after due notice by publication in The City Record, with a continued hearing on April 5, 2005, May 17, 2005, June 7, 2005, and then to closure and decision on July 12, 2005; and

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, certain members of the community appeared in opposition, specifically expressing concern regarding the proposed cellar garage; and

WHEREAS, this is an application under Z.R. § 73-622, to permit, in an R5 zoning district, the proposed enlargement of an existing single-family dwelling, which does not comply with the zoning requirements for floor area and side yard, contrary to Z.R. §§ 23-141 and 23-461(a); and

WHEREAS, the subject through lot is located on Homecrest Avenue between Avenues "S" and "T," and extends from Homecrest Avenue to East 12th Street; the lot has a total lot area of approximately 2,529 sq. ft.; and

WHEREAS, the premises is within the boundaries of a designated area in which the subject special permit is available; and

MINUTES

WHEREAS, the applicant states that the premises is improved upon with an existing two-story single-family home, containing 2,218 sq. ft. of floor area; and

WHEREAS, the applicant seeks to enlarge the existing single-family home at the front and the rear; the proposed structure will be two stories with a partial third story; and

WHEREAS, the applicant seeks an increase in the floor area from 2,218 sq. ft. (1.25 Floor Area Ratio or "FAR") to 3,769 sq. ft. (1.49 FAR); the maximum floor area permitted is 3,161 sq. ft. (1.25 FAR); and

WHEREAS, the proposed side yards will be 2'-6 5/8" and 5'-8 3/4"; minimum required side yards are 5' and 8'; and

WHEREAS, at the direction of the Board, the driveway and garage in the cellar were omitted from the proposed plans because the Board determined that they did not comply with Code requirements; and

WHEREAS, instead, the applicant has depicted on the proposed plans that they will retain a parking space on the portion of the lot fronting on East 12th Street; and

WHEREAS, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and 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 is 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. § 73-622.

Therefore it is resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules and Procedure for the City Environmental Quality Review and makes the required findings under Z.R. § 73-622, to permit, in an R5 zoning district, the proposed enlargement of an existing single-family dwelling, which does not comply with the zoning requirements for floor area and side yard, contrary to Z.R. §§ 23-141 and 23-461(a); on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application and marked "Received June 21, 2005"-(6) sheets and "June 30, 2005"-(5) sheets; and on further condition:

THAT there shall be no habitable room in the cellar;

THAT the above condition shall be set forth in the certificate of occupancy;

THAT there shall be no garage in the cellar;

THAT any projection into the sidewalk shall be subject to Department of Transportation approval;

THAT there shall be no curb cut on Homecrest Avenue, and the existing curb shall be restored to a sidewalk curb;

THAT there shall be no more than one curb cut along East 12th Street; such curb cut shall not exceed ten feet, including splays;

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

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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 the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 12, 2005.

275-04-BZ

APPLICANT - Martyn & Don Weston Architects, for Christodora House Association, owner.

SUBJECT - Application August 9, 2004 - under Z.R. §72-21 to permit the proposed conversion of an existing unused gymnasium (Use Group 4) into four residential units (Use Group 2), within an R7-2 Zoning District and to vary Sections 23-142 and 23-22 of the Resolution.

PREMISES AFFECTED - 601-603 East 9th Street a/k/a 143 Avenue B, Northeast corner of 143 Avenue B, Block 392, Lot 1087, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:.....0

Adopted by the Board of Standards and Appeals, July 12, 2005.

MINUTES

372-04-BZ

APPLICANT – Rothkrug Rothkrug Weinberg Spector, for Robert Perretta, contract vendee.

SUBJECT – Application November 23, 2004 – under Z.R. §72-21 to permit in a R1-2(NA-1) zoning district the construction of a single family home on a lot with less than the required lot area and lot width to vary ZR §23-32.

PREMISES AFFECTED – 8 Lawn Avenue, corner of Nugent Street, Block 2249, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 4, 2004, acting on Department of Buildings Application No. 500736386, reads:

1. The proposed construction of a new one family dwelling, on a lot that was not separately owned on December 15, 1961, does not provide the required minimum lot area and lot width as per Section 23-32 of Zoning Resolution and therefore is referred to the Board of Standards and Appeals;” and

WHEREAS, a public hearing was held on this application on May 10, 2005, after due notice by publication in The City Record, with a continued hearing on June 14, 2005, and then to decision on July 12, 2005; and

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

WHEREAS, Community Board 2, Staten Island, Council Member Oddo, Assembly Member Ignizio, and the Richmondtown & Clarke Avenue Civic Association Inc. recommended disapproval of this application; and

WHEREAS, this is an application under Z.R. § 72-21, to permit the proposed construction of a single-family dwelling, located in an R1-2 (NA-1) zoning district, which does not comply with the zoning requirements for minimum lot area and lot width, contrary to Z.R. § 23-32; and

WHEREAS, the record indicates that the subject premises is a corner lot located on the northwest corner of the intersection of Lawn Avenue and Nugent Street, and is currently vacant; and

WHEREAS, the lot has a non-complying total lot area of 5,000 sq. ft. (minimum required lot area is 5,700 sq. ft.) and a non-complying lot width of 50 ft. (minimum required

lot width is 60 ft.); and

WHEREAS, the proposal contemplates a two-story plus attic and cellar that will comply with all floor area, front yard and side yard zoning requirements; and

WHEREAS, the applicant represents that the subject lot (Lot 1) was a separate zoning lot until 1963; and

WHEREAS, the applicant states that New York City owned the subject lot prior to 1961, and on January 26, 1961 the City sold Lot 1 along with former Lot 69 (now Lot 75 and a portion of current Lot 72) to a purchaser; the applicant has provided the Board with a copy of the deed that reflects the sale;

WHEREAS, the applicant further states that on October 16, 1962 the owner at that time sold Lot 1 and a portion of current Lot 72 to a subsequent owner; the applicant has provided the Board with a copy of the deed that reflects the sale; and

WHEREAS, the applicant represents that the New York City Department of Finance combined Lot 1, Lot 75 and a portion of current Lot 72 into one tax lot in 1962; and

WHEREAS, the applicant further represents that in November of 1965, current Lot 1 was then sold to the present-day owners; the applicant has provided the Board with a copy of the deed that reflects the sale; and

WHEREAS, the applicant states that in 1966, the Department of Finance again adjusted the tax map and Lots 1 and 75 were separated into two lots; and

WHEREAS, the Board asked the applicant whether the subject lot was ever used in conjunction with Lot 75; and

WHEREAS, the owners stated in an affidavit that to their knowledge the two lots were never used together; and

WHEREAS, in addition, the applicant submitted excerpts from a site plan and zoning computations filed with the Department of Buildings in connection with the construction of the existing home on Lot 75 that indicates that at the time the application was filed in 1985 the subject lot was not considered to be part of the zoning lot; and

WHEREAS, the applicant states that the following is a unique physical condition, which creates practical difficulties in developing the subject lot in compliance with underlying district regulations: the site is an undeveloped corner lot that has historically been used separate and apart from the contiguous property to the north, and is separated from the contiguous property to the north of the subject lot (Lot 75) by an active stream; and

WHEREAS, the applicant represents that common development with the property to the north of the subject lot (Lot 75) is infeasible because of the separation of the two lots by a stream; and

WHEREAS, the Board finds that the aforementioned unique conditions create a practical difficulty in developing the site in compliance with the applicable zoning provision; and

MINUTES

WHEREAS, the applicant states that without the waivers, no residence could be constructed on the property; and

WHEREAS, the Board inquired as to whether there was any potential for the owners to sell their unused development rights to the owner of Lot 75, the property adjacent to the subject lot on the north side; and

WHEREAS, the applicant responded that the existing building on Lot 75 currently only uses 40% of the floor area permitted under the zoning resolution, and could be expanded an additional 10,000 sq. ft. in area without the need for additional development rights; and

WHEREAS, although the Board recognizes that the subject lot was under common ownership with another lot for a period of three years, the Board notes that the lots were merged by operation of law because the two lots were under common ownership as of 1961; and

WHEREAS, the Board further notes that since 1924, the two lots were only under common ownership for a period of 3 years out of 81 years; and

WHEREAS, the Board has determined that because of the subject lot's unique physical condition, there is no reasonable possibility that development in strict compliance with the applicable zoning requirements will result in any development of the property; and

WHEREAS, the applicant states that the bulk of the proposed building is consistent with the surrounding residential uses; and

WHEREAS, in furtherance of the above, the applicant represents that it will comply with all other zoning requirements including F.A.R., height and setback requirements; and

WHEREAS, the Board notes that the applicant will comply with the side yard requirements and is not relying on the reduced side yard provisions for narrow lots; and

WHEREAS, the applicant has submitted a diagram of the surrounding area that shows that 88 out of the 200 lots on the diagram (44%) have less than the required 60 ft. frontage; and

WHEREAS, the applicant has also conducted a survey of the surrounding area, and has submitted a map and pictures, which demonstrate that there are 17 houses that have been recently constructed or are currently under construction that are similar in size and design to the proposed dwelling; and

WHEREAS, based upon the above, 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, based on the information provided to the Board, the Board finds that the site historically has operated as a separate zoning lot; and

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

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.13 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. § 72-21, to permit the proposed construction of a single-family dwelling, located in an R1-2 (NA-1) zoning district, which does not comply with the zoning requirements for minimum lot area and lot width, contrary to Z.R. § 23-32; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 15, 2005" - (5) sheets, "May 31, 2005"-(2) sheets and "June 28, 2005"-(1) sheet; and on further condition;

THAT the internal floor layouts on each floor of the proposed building shall be as reviewed and approved by DOB;

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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 12, 2005.

MINUTES

404-04-BZ

APPLICANT – Sheldon Lobel, P.C., for Sharokh Rambod, owner.

SUBJECT – Application December 30, 2004 – under Z.R. §73-622 – Enlargement of a single family residence to vary Z.R. §23-141 for open space and floor area, Z.R. §23-461 for side yards and Z.R. §23-47 for rear yard. The premises is located in an R2 zoning district.

PREMISES AFFECTED – 1384 East 24th Street, bounded by Avenue “N”, East 23rd Street, Avenue “M” and East 24th Street, Block 7659, Lot 81, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Richard Lobel.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated December 20, 2004, acting on Department of Buildings Application No. 301853297, reads: “Obtain approval from the Board of Standards and Appeals for the following objections:

1. Proposed floor area is contrary to Z.R. 23-141.
2. Proposed open space ratio is contrary to Z.R. 23-141.
3. Proposed rear enlargement of the building into non-complying side yard is contrary to Z.R. 23-461(a).
4. Proposed enlargement of the building does not provide minimum 30’ rear yard and is contrary to Z.R. 23-47.”; and

WHEREAS, a public hearing was held on this application on June 7, 2005 after due notice by publication in The City Record, and then to closure and decision on July 12, 2005; and

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

WHEREAS, Community Board 14, Brooklyn, recommends approval of this application; and

WHEREAS, this is an application under Z.R. § 73-622, to permit, in an R2 zoning district, the proposed enlargement of an existing single-family dwelling, which does not comply with the zoning requirements for floor area, open space ratio, and side and rear yards, contrary to Z.R. §§ 23-141, 23-461(a) and 23-47; and

WHEREAS, the subject lot is located on East 24th Street, on a block bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue; and

WHEREAS, the subject lot has a total lot area of approximately 4,000 sq. ft.; and

WHEREAS, the premises is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the applicant states that the subject premises is improved upon with an existing single-family home that currently stands partially completed; subsequent to granting an alteration permit, the Department of Buildings issued a stop work order for failure to have perforated plans visible at the construction site; and

WHEREAS, the applicant seeks an increase in the floor area from 2,486 sq. ft. (0.62 Floor Area Ratio or “FAR”) to 4,131.71 sq. ft. (1.02 FAR); the maximum floor area permitted is 2,000 sq. ft. (0.50 FAR); and

WHEREAS, the proposed enlargement will reduce the open space ratio (“OSR”) from 121% to 72%; the minimum OSR required is 150%; and

WHEREAS, the proposed enlargement will maintain one existing non-complying side yard of 2’-11”, which does not comply with the 5’ minimum side yard requirement; and

WHEREAS, the proposed enlargement will also maintain the other existing non-complying side yard of 7’-3 1/2”, which, when aggregated with the other side yard dimension, does not comply with the 13’ total side yard requirement; and

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

WHEREAS, the proposed enlargement will reduce the rear yard from 30’-1” to 26’-8”; the minimum rear yard required is 30’-0”; and

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

WHEREAS, the applicant states that the proposed structure, upon completion, will fall within the average range of dimensions of rear yard and height for other homes within a 400 ft. radius of the subject lot; and

WHEREAS, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and 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 is 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. §73-622.

MINUTES

Therefore it is resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. § 73-622, to permit, in an R2 zoning district, the proposed enlargement of an existing single-family dwelling, which does not comply with the zoning requirements for floor area, open space ratio, and side and rear yards, contrary to Z.R. §§ 23-141, 23-461(a) and 23-47; on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application and marked "Received June 28, 2005"-(7) sheets and "July 12, 2005"-(2) sheets; and on further condition:

THAT there shall be habitable room in the cellar;

THAT the total FAR on the premises, including the attic, shall not exceed 1.02;

THAT the total attic floor area shall not exceed 969.7 sq. ft., as confirmed by the Department of Buildings;

THAT the above conditions shall be set forth in the certificate of occupancy;

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

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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 the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 12, 2005.

378-03-BZ

APPLICANT – Harold Weinberg, P.E., for The New Way Circus Center by Regina Berenschtein, owner.

SUBJECT – Application December 4, 2003 - under Z.R. §72-21 application seeks to waiver sections: 23-141 (Lot Coverage), 23-462 (Side Yards), 23-45 (Front Yard), and 23-631 (Perimeter Wall Height, Sky Exposure Plane and Setback), to allow in a R5 zoning district the construction of a two story building to be used as a non-profit institution without sleeping accommodations for teaching of circus skills.

PREMISES AFFECTED – 2920 Coney Island Avenue, west side 53.96' north of Shore Parkway, Block 7244, Lot 98, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Harold Weinberg and Regina Berenschtein.

ACTION OF THE BOARD – Laid over to August 9, 2005, at 1:30 P.M., for continued hearing.

234-04-BZ

APPLICANT – Sheldon Lobel, P.C., for Zunick Realty Corp., owner.

SUBJECT – Application June 18, 2004 - under Z.R. §72-21 to permit in a M1-1 and M1-2 district, approval sought to legalize residential occupancy of 73 dwelling units in a four-story and basement industrial building, which was constructed in 1931. The legal use is listed artist loft space for the 73 units. There are proposed 18 parking spaces on the open portion of the lot, which consists of 25,620 SF in its entirety. The use is contrary to district use regulations.

PREMISES AFFECTED – 255 McKibbin Street, between Bushwich Avenue and White Street, Block 3082, Lot 65, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Jordan Most and Robert Pauls.

ACTION OF THE BOARD – Laid over to August 23, 2005, at 1:30 P.M., for continued hearing.

299-04-BZ

APPLICANT – Patrick W. Jones, Petraro & Jones, LLP, for Sutphin Boulevard, owner.

SUBJECT - Application September 7, 2004 - under Z.R. §72-21 - Proposed construction of a one-story retail building, Use Group 6, located in an R3-2 zoning district, is contrary to Z.R. §22-11.

PREMISES AFFECTED – 111-02 Sutphin Boulevard, (a/k/a 111-04/12 Sutphin Boulevard), southeast corner of 111th Avenue, Block 11965, Lots 26, 188 and 189 (tentative 26), Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Patrick Jones.

ACTION OF THE BOARD – Laid over to August 23, 2005, at 1:30 P.M., for continued hearing.

MINUTES

315-04-BZ and 318-04-BZ

APPLICANT – Steven Sinacori/Stadmauer Bailkin, for Frank Mignone, owner.

SUBJECT – Application September 20, 2004 - under Z.R. §72-21 to permit the proposed development which will contain four three-family homes (Use Group 2), within an M1-1 Zoning District which is contrary to Section 42-00 of the Resolution.

PREMISES AFFECTED –

1732 81st Street, east side of New Utrecht Avenue, Block 6314, Lots 26 and 29, (Tentative Lot 127), Borough of Brooklyn.

1734 81st Street, east side of New Utrecht Avenue, Block 6314, Lots 26 and 29, (Tentative Lot 128), Borough of Brooklyn.

1736 81st Street, east side of New Utrecht Avenue, Block 6314, Lots 26 and 29, (Tentative Lot 129), Borough of Brooklyn.

1738 81st Street, east side of New Utrecht Avenue, Block 6314, Lots 26 and 29, (Tentative Lot 130), Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES –

For Applicant: Steven Sinacori.

THE VOTE TO CLOSE HEARING -

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

ACTION OF THE BOARD – Laid over to September 13, 2005, at 1:30 P.M., for continued hearing.

374-04-BZ

APPLICANT – Deirdre A. Carson, Esq., Greenberg Traurig, LLP for Micro Realty Management, LLC c/o Werber Management, owner.

SUBJECT – Application November 26, 2004 – under Z.R. §72-21, to permit the proposed development of a seven-story residential building with ground floor commercial space in a C6-2A Special Lower Manhattan District and the South Street Seaport Historic District, to vary Sections 23-145, 23-32, 23-533, 23-692, 23-711 and 24-32 of the Resolution.

PREMISES AFFECTED – 246 Front Street, a/k/a 267½ Water Street, through lot fronting on Front and Water Streets, 126 feet north of the intersection of Peck Slip and Front Street, and 130 feet north of the intersection of Peck Slip and Water Street, Block 107, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Deirdre A. Carson, William A. McQuickin and Arpad Baksa.

For Opposition: Doris Diether, James Nachtwey, Randy Polumbo, Deborah Schneider, Julia Odowd, Laura Starr, Michelle Chasin and Noah Chagih.

ACTION OF THE BOARD – Laid over to August 23, 2005, at 1:30 P.M., for continued hearing.

332-04-BZ

APPLICANT - Eric Palatnik, P.C., for Chava Lobel, owner.
SUBJECT – Application April 6, 2005 – under Z.R. §73-622 to permit the proposed to combine two lots and enlarge one residence which is contrary to ZR 23-141(a) floor area, ZR 23-131(a) open space and ZR 23-47 rear yard, located in an R-2 zoning district.

PREMISES AFFECTED – 1410/14 East 24th Street, between Avenues “N and O”, Block 7677, Lots 33 and 34 (tentative 33), Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to August 9, 2005, at 1:30 P.M., for continued hearing.

382-04-BZ

APPLICANT – Eric Palatnik, P.C., for Billy Ades, (Contract Vendee).

SUBJECT – Application December 6, 2004 – under Z.R. §73-622 – to permit the proposed enlargement of an existing single family dwelling, located in an R4 zoning district, which does not comply with the zoning requirements for floor area, lot coverage, open space and side yards, is contrary to Z.R. §23-141(b) and §23-461(a).

PREMISES AFFECTED – 2026 Avenue “T”, corner of Avenue “T” and East 21st Street, Block 7325, Lot 8, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to August 9, 2005, at 1:30 P.M., for continued hearing.

MINUTES

388-04-BZ

APPLICANT - H. Irving Sigman, for D.R.D. Development Inc., owner.

SUBJECT – Application December 13, 2004 – under Z.R. §72-21 to permit the proposed construction of a one story and cellar commercial building, comprising of four stores, and accessory parking, Use Group 6, located in an R2 and a C8-1 zoning district, is contrary to Z.R. §22-00.

PREMISES AFFECTED – 133-16 Springfield Boulevard, west side, 114.44' north of Merrick Boulevard and 277' south of Lucas Street, Block 12723, Lot 9, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: H. Irving Sigman.

ACTION OF THE BOARD – Laid over to August 23, 2005, at 1:30 P.M., for continued hearing.

392-04-BZ

APPLICANT – Harold Weinberg, P.E., for Ephiraim Nierenberg, owner.

SUBJECT – Application December 14, 2005 – under Z.R. §73-622 to permit a proposed rear enlargement to a single family residence which is contrary to Z.R. §23-141(a) for floor area and open space, Z.R. §23-461 for side yards and Z.R. §23-47 for rear yard. Then premises is located in an R2 zoning district.

PREMISES AFFECTED – 966 East 23rd Street, west side, 220.0' north of Avenue “J”, between Avenues “I” and “J”, Block 7586, Lot 75, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Harold Weinberg.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to July 26, 2005, at 1:30 P.M., for decision, hearing closed.

15-05-BZ

APPLICANT – Friedman & Gotbaum, LLP, by Irving J. Gotbaum, for West 20th Street Realty, LLC, owner.

SUBJECT - Application January 27, 2005 – under Z.R. §72-21 to permit the proposed construction of a seven-story 64.5' residential building, located in an R8B zoning district, which exceeds the permitted height of 60', which is contrary to Z.R. §23-692.

PREMISES AFFECTED – 209 West 20th Street, north side, 141' west of Seventh Avenue, Block 770, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES –

For Opposition: Ju-Chen Chan, B. Zanm and B. Kaelan.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to August 9, 2005, at 1:30 P.M., for decision, hearing closed.

29-05-BZ

APPLICANT – Stephen Rizzo (CR&A), for 350 West Broadway, L.P., owner; Lighthouse Rizzo 350, LLC, lessee.

SUBJECT – Application February 17, 2005 - under Z.R. §72-21 to permit the proposed enlargement and renovation to an existing vacant fifteen story, to contain retail use in the cellar, first and second floor, and residential use on the third through fifteen floors, located in an M1-5A zoning district, is contrary to Z.R. §42-14, §42-00 and §42-10.

PREMISES AFFECTED – 350 West Broadway, 60' north of Grand Street, Block 476, Lot 75, Borough of Manhattan,

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Janice Cahalane, Steve Rizzo, Rob Rogers and Stephen Rizzo.

For Opposition: Ingrid Wiegand and other.

ACTION OF THE BOARD – Laid over to August 23, 2005, at 1:30 P.M., for continued hearing.

43-05-BZ

APPLICANT – Harold Weinberg, P.E., for Yossi Cohen, owner.

SUBJECT - Application February 25, 2005 - under Z.R. §73-622 to permit an enlargement to the rear of a single family home to vary sections Z.R. §23-141 floor area and open space, Z.R. §23-461 side yards and Z.R. §23-47 for rear yard. The premise is located in an R3-2 zoning district.

PREMISES AFFECTED – 1826 East 28th Street, west side, 200'-0" south of Avenue “R”, Block 6833, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Harold Weinberg, Kerl Coden and Alan Arorson.

For Opposition: Ed Jaworski, Antoinette Vasile and Wadih J. Pharam.

ACTION OF THE BOARD – Laid over to August 9, 2005, at 1:30 P.M., for continued hearing.

MINUTES

67-05-BZ

APPLICANT – Sheldon Lobel, P.C., for 1710 Broadway, LLC, C/O C&K Properties, owners; OPUS Properties LLC, lessees.

SUBJECT – Application March 17, 2005 – under Z.R. §73-36 to permit the proposed physical culture establishment, within the cellar level, with entry on the ground level, of an existing six-story building, located in a C6-6/C6-7 zoning district, which requires a special permit.

PREMISES AFFECTED – 1710 Broadway, northeast corner of West 54th Street, Block 1026, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Janice Cahalane.

ACTION OF THE BOARD – Laid over to August 9, 2005, at 1:30 P.M., for decision, hearing closed.

79-05-BZ

APPLICANT – Herrick, Feinstein LLP, owner; The Athena Group, LLC, owner.

SUBJECT – Applicant April 5, 2005 – under Z.R. §72-21 – to permit the proposed 20-story mixed use building, with below grade parking spaces, located in an R8/C1-4 and R7-2/C1-4 zoning district, which does not comply with the zoning requirements for floor area, height and setback, is contrary to Z.R. §23-011, §23-145, §35-22, §35-31, §23-633 and §35-24.

PREMISES AFFECTED – 101/21 Central Park North, west side of Lenox Avenue, between Central Park North and West 111th Street, Block 1820, Lot 30, Borough of Manhattan.

COMMUNITY BOARD #10M

APPEARANCES –

For Applicant: Mark Levine, Peter Schuberg, Alan Poepper and Betty Miller.

For Opposition: Council Member Bill Perkins, Valerie West, Rochelle DeRosa, Linda Lees, James I’Augusle, Leah DeRosa, Brian Rory, Karole Dill Barkley, Marion Peng, Karina Abditah, Roger Pauls and Neal

ACTION OF THE BOARD – Laid over to September 20, 2005, at 1:30 P.M., for continued hearing.

101-05-BZ

APPLICANT – Irving J. Gotbaum, Esq., by Friedman & Gotbaum, LLP., for 377Greenwich LLC, owner.

SUBJECT – Application April 26, 2005 - under Z.R. §72-21 to permit the proposed development of a seven-story, plus penthouse, transient hotel, located in a C6-2A/TMU(A-1) zoning district, which does not comply with the zoning requirements for floor area ratio, also maximum base height and setback requirements, is contrary to Z.R. §111-104 and §35-24.

PREMISES AFFECTED – 377 Greenwich Street, southeast corner of North Moore Street, Block 187, Lot 16, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Robert Pauls and other.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to August 16, 2005, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director

Adjourned: P.M.