
BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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

Volume 90, No. 30

July 28, 2005

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Tuesday, July 19, 2005**

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DOCKETS

New Case Filed Up to July 19, 2005

160-05-A B.Q. 458½ Hillcrest Walk,
E/S Beach 212th Street, 149.65' S/O Rockaway Blvd. Block
16350, Lot 400, Borough of Queens. Application
#402104842. Reconstruct and enlarge an existing single
family dwelling situated in the bed of a mapped Beach 212th
Street, contrary to General City Law Article 3 Section 35,
and upgrade existing non-conforming private disposal
system within the bed of a mapped Street contrary to
Building Department policy.

COMMUNITY BOARD #14Q

161-05-A B.S.I. 7194-7196 Amboy Road
and 26 Joline Avenue, located on South side of Amboy
Road, 185' East of intersection of Amboy Road & Brehaut
Avenue, Block 7853, Lot(s) 47 and 74, Borough of
Richmond. Applic. #'s 500573300 and 500573319. Appeal
with Department of Building in order to avoid compliance
with ZR107-251(a) DOB allowed applicant to subdivide a
zoning lot formed by documents filed with the Staten Island
County Clerk's Office, reel 15096 Pages 271-296. The
applicant did not have City Planning approval as required in
Z.R. §107-08 and reconfirmed Z.R. §12-10 under the
definition of Special South Richmond Development District.

COMMUNITY BOARD #3SI

162-05-A B.M. 19-21 Beekman Place,
a/k/a 461 East 50th and 51st Streets, East side of Beekman
Place between East 50th and 51st Streets, Block 1361, Lot
117, Borough of Manhattan. Applic, #103981318. Appeal
from DOB determination concerning a brick and masonry
privacy wall in the property. The DOB determined that wall
was too high and that there is "insufficient evidence" of the
wall structural integrity and that, therefore, the wall should
be demolished. There is no basis in the Building Code for
the DOB's order and therefore respectfully request that the
Board overturn the final determination.

COMMUNITY BOARD #6M

163-05-BZ B.BK 1134 East 28th Street,
West Side, 260' South of Avenue K between Avenues K

and J, Block 7627, Lot 59, Borough of Brooklyn. Applic.
#301973112. Proposed to erect a two-story rear enlargement
and a small enlargement over the existing front maintaining
a 15' front yard.

COMMUNITY BOARD #14BK

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 16, 2005, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, August 16, 2005, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, NY 10006, on the following matters:

SPECIAL ORDER CALENDAR

294-00-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Broadway Partners, LLC, owners.

SUBJECT – Application June 17, 2005 – Extension of time to complete substantial construction on a mixed use, commercial/residential building. The premise is located in an M1-5B zoning district.

PREMISES AFFECTED – 501 Broadway and 72 Mercer Street, west side of Broadway and east side of Mercer Street, 120/ north of Broome Street, Block 484, Lot 22, Borough of Manhattan.

COMMUNITY BOARD #2M

359-02-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Wegweiser & Ehrlich, LLC, owner.

SUBJECT – Application October 18, 2004 – Amendment to a previous variance Z.R. §72-21 that allowed the operation of a school on the first floor and cellar in a six story building; the amendment is to relocate the operation of the school from the cellar floor to the second floor and to maintain the use on the first floor. The premises is located in an M1-5 (TMU) zoning district.

PREMISES AFFECTED – 53-55 Beach Street, North side of Beach Street, west of Collister Street, Block 214, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEALS CALENDAR

95-05-A

APPLICANT – Anderson Kill & Olick, P.C., for 9th & 10th Street, LLC, owner.

SUBJECT – Application April 20, 2005 – An appeal challenging the Department of Buildings’ decision dated March 21, 2005, as to whether they have sufficient documentation to determine the proposed use of said premises as a college student dormitory.

PREMISES AFFECTED – 605 East Ninth Street, between East Ninth and East Tenth Streets, 93’ east of Avenue “B”, Block 392, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #3M

AUGUST 16, 2005, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, August 16, 2005, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, NY 10006, on the following matters:

ZONING CALENDAR

361-04-BZ

APPLICANT – Eric Palatnik, P.C. for Parsons Estates, LLC, owners.

SUBJECT – Application November 17, 2004 – under Z.R. §72-21 to permit a proposed three-story residential building in an R4 district which does not comply with the zoning requirements for floor area, wall height, sky exposure plane, open space, lot coverage and the number of dwelling units; contrary to Z.R. §§23-141c, 23-631 and 23-22.

PREMISES AFFECTED – 75-48 Parsons Boulevard, 168.40’ north of 76th Road, at the intersection of 76th Avenue; Block 6810, Lot 44, Borough of Queens.

COMMUNITY BOARD #8Q

362-04-BZ

APPLICANT – The Agusta Group for South Long Island Realty Management, owner.

SUBJECT – Application November 18, 2004 – under Z.R. §72-21 to permit a proposed conversion of a vacant three-story building to commercial use; contrary to Z.R.32-421 (Limitation on floors occupied by non-residential uses) in an R6/C2-4 district.

PREMISES AFFECTED – 25-84 31st Street, west side, 339’ north of Newton Avenue, Block 598, Lot 60, Borough of Queens.

COMMUNITY BOARD #1Q

395-04-BZ

APPLICANT – Moshe M. Friedman, P.E., for Congregation Imrei Yehudah, owner.

SUBJECT – Application May 24, 2005 – under Z.R. §72-21 to permit the proposed synagogue and rectory, Use Group 4, located in an R4 zoning district, which does not comply with the zoning requirements for front wall, sky exposure, side and front yards, also parking, is contrary to Z.R.§24-521, §24-35(a), §24-34 and §25-31.

PREMISES AFFECTED – 1232 54th Street, southwest side 242’-6” southeast of the intersection formed by 54th Street and 12th Avenue, Block 5676, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #12BK

CALENDAR

46-05-BZ

APPLICANT – Boris Saks, Esq., for 1795 Coney Island, LLC, owner; Women’s Kosher Gym of Brooklyn, Inc., lessee.

SUBJECT – Application February 28, 2005 – under Z.R. §73-36 to permit the proposed physical culture establishment, located in a C8-2 zoning district.

PREMISES AFFECTED – 1797 Coney Island Avenue, east side, 305’ north of Avenue “O”, Block 6749, Lot 69, Borough of Brooklyn.

COMMUNITY BOARD #14BK

88-05-BZ

APPLICANT – Sheldon Lobel, P.C., for David and Margaret Hamm, owners.

SUBJECT – Application April 8, 2005 – under Z.R. §73-622 to permit the enlargement of a single family residence which exceeds allowable floor area ratio, lot coverage and open space ratio pursuant to ZR 23-141 and less than the minimum side yards pursuant to ZR 23-461. The premise is located in an R3-21 zoning district.

PREMISES AFFECTED – 2015 East 22nd Street, east side, between Avenue S and T, Block 7301, Lot 53, Borough of Brooklyn.

COMMUNITY BOARD #15BK

Pasquale Pacifico, Executive Director

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**REGULAR MEETING
TUESDAY MORNING, JULY 19, 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 19, 2005, were approved as printed in the Bulletin of April 28, 2005, Volume 90, Nos. 19-20. If there be no objection, it is so ordered.

SPECIAL ORDER CALENDAR

364-87-BZ

APPLICANT – Sheldon Lobel, P.C., for B & V Realty, owner.

SUBJECT – Application January 7, 2005 and updated May 16, 2005 – Extension of Term/Waiver for an Automotive Repair Shop, located in a C2-2 within an R5 zoning district. PREMISES AFFECTED – 1710-1720 Flatbush Avenue, southerly intersection of East 34th Street and Flatbush Avenue, Block 7598, Lots 23, 24, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Janice Cahalane.

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 is an application for a re-opening and an extension of the term of the variance; and

WHEREAS, a public hearing was held on this application on June 14, 2005, after due notice by publication in The City Record, and then to decision on July 19, 2005; and

WHEREAS, Community Board No. 18, Brooklyn, recommends approval of this application on the following conditions: 1) the premises be cleaned and maintained in a debris-free environment, and 2) the use of the premises be limited to repairs and not used for storage or leasing of parking spaces; and

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

WHEREAS, in 1950, the Board granted an application, under calendar number 560-47-BZ, to permit, in

a C2-2(R5) zoning district, an automotive service station; and

WHEREAS, at various times since 1950, under calendar numbers 560-47-BZ and 364-87-BZ, the Board reopened the application to allow for other site modifications and term extensions, the last term extension being granted on March 22, 1993; and

WHEREAS, the most recent term of the variance expired on March 22, 2003; and

WHEREAS, the existing automotive service station contains three automotive service bays, an office, a sales office and a bathroom; and

WHEREAS, the applicant now seeks an extension of the term of the variance pursuant to Z.R. §§ 72-01 and 72-22; and

WHEREAS, the applicant states that since the original approval in 1988, use of the automotive repair facility has been continuous, and the manner of use of the facility will not change; and

WHEREAS, the applicant represents that since the parking lot has been operated since 1988, the neighborhood will not be negatively impacted by the continuation of this parking use at the subject site; and

WHEREAS, as represented by the applicant and observed by the Board, there are non-complying cracks in the sidewalk at the west curb cut; and

WHEREAS, the Board expressed concern about this non-compliance and asked the applicant to address them; and

WHEREAS, the applicant states that other than the aforementioned cracks, the site is in complete compliance with the prior Board plan; and

WHEREAS, in light of the above changes, the Board finds that the requested extension of term is appropriate, with certain conditions as set forth 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 in 1950, so that as amended this portion of the resolution shall read: “to extend the term for ten years from March 22, 2003; on condition that all work and site conditions shall substantially conform to drawings filed with this application marked ‘Received May 16, 2005’-(3) sheets and ‘Received June 22, 2005’- (1) sheet; and on further condition;

THAT the term of this grant shall be for ten years, to expire on March 22, 2013;

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

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

THAT the service bays shall operate Monday through Saturday from 8 a.m. to 7 p.m. and Sunday from 8 a.m. to 5 p.m.;

THAT the above conditions shall be listed on the

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certificate of occupancy;

THAT the owner shall obtain a certificate of occupancy by July 19, 2006;

THAT all conditions from prior resolutions 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 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)/configuration(s) not related to the relief granted.” (DOB Application No. 301875727)

Adopted by the Board of Standards and Appeals, July 19, 2005.

793-88-BZ

APPLICANT – Eric Palatnik, P.C., for 164 Willis Avenue Realty Corp., owner; RSV S/S Inc., lessee.

SUBJECT – Application December 1, 2004 and updated May 3, 2005 for an amendment to a previously approved variance to a gasoline service station to construct a new convenience store located in an R6 zoning district.

PREMISES AFFECTED 164/76 Willis Avenue, Block 2280, Lots 1, 4, 5, 7, 76, Borough of The Bronx.

COMMUNITY BOARD #1BX

APPEARANCES -

For Applicant: Eric Palatnik.

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 is an application for a re-opening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on June 14, 2005, after due notice by publication in *The City Record*, and then to decision on July 19, 2005; and

WHEREAS, Community Board No. 1, Bronx, recommends approval of the subject application; and

WHEREAS, on June 12, 1990, under the subject calendar number, the Board granted a variance to permit, in an R6 zoning district, the construction of an automotive service station (Use Group 16) which did not conform to the district use regulations; and

WHEREAS, at various times since 1990, under the subject calendar number, the Board has reopened the application to allow for other modifications and term

extensions, the last being granted on October 12, 2002; and

WHEREAS, on October 12, 2002, under the subject calendar number, the Board granted an application for an extension of term to expire on October 29, 2012; in the same grant, the Board also approved the addition of an accessory convenience store to the subject property; and

WHEREAS, the applicant now seeks an amendment of the prior Board grant to permit the construction of a new convenience store; the proposed construction constitutes a reduction in the scope of construction previously approved by the Board; and

WHEREAS, specifically, the applicant seeks to construct an accessory convenience store adjacent to the four-story building along the northern perimeter of the subject property; the Board previously approved the construction of an accessory convenience store adjacent to the two-story building along the eastern perimeter of the property; and

WHEREAS, the applicant no longer seeks to terminate use of the diesel pumps or reposition the fuel tanks; and

WHEREAS, the Board has determined that the evidence in the record supports a grant of the requested amendment to the prior resolution with the conditions listed below.

Therefore it is Resolved that the Board of Standards and Appeals re-opens and amends the resolution, so that as amended this portion of the resolution shall read: “to permit the construction of an automotive service station (Use Group 16) which does not conform to the district use regulations; *on condition* that all work and site conditions shall substantially conform to drawings filed with this application marked ‘Received May 3, 2005’-(5) sheets and ‘June 14, 2005’-(1) sheet; and *on further condition*;

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

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

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

THAT street trees shall be provided and landscaping shall be maintained in accordance with the Board-approved plans;

THAT all 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 DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.” (DOB Application No. 2P0003472)

Adopted by the Board of Standards and Appeals, July 19, 2005.

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12-00-BZ

APPLICANT – Eric Palatnik, P.C., for Jack Meisels, owner.
SUBJECT – Application November 9, 2004 – Extension of time to complete construction and obtain a Certificate of Occupancy permitting the enlargement of a one-family dwelling which was granted on October 17, 2000.

PREMISES AFFECTED – 1045 East 24th Street, east side of 24th Street, approximately 363’ south of Avenue “J”, Block 7606, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Eric Palatnik.

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 is an application for an extension of time to complete construction and obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on June 14, 2005, after due notice by publication in the *City Record*, and then to decision on July 19, 2005; and

WHEREAS, on October 17, 2000, under the subject calendar number, the Board granted an application to permit, within an R2 zoning district, the enlargement of a one-family dwelling; and

WHEREAS, the resolution for said grant specified that a new certificate of occupancy be obtained within four years of the date of the grant; this period of time expired on October 17, 2004; and

WHEREAS, the applicant claims that the need for the extension of time arises from a change in architects and general delays in construction; together, these factors have resulted in a delay in the construction of the proposed enlargement; and

WHEREAS, the applicant represents that the construction is 90% complete except for the kitchen area, which remains unfinished, as well as some general painting and stucco work; and

WHEREAS, the applicant states that the owner of the property anticipates that construction will be complete and the required certificate of occupancy will be obtained within five to seven months; and

WHEREAS, based upon the above, the Board has determined that the evidence in the record supports the grant of the requested waiver and extension.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, said resolution having been adopted on October 17, 2000, so that as amended

this portion of the resolution shall read: “to permit an extension of time to complete construction and obtain a certificate of occupancy, for an additional period of one (1) year from the date of this resolution, to expire on July 19, 2006; *on condition:*

THAT all conditions from prior resolutions 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 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)/configuration(s) not related to the relief granted.”

(DOB Application No. 300871705)

Adopted by the Board of Standards and Appeals, July 19, 2005.

130-59-BZ

APPLICANT - Joseph P. Morsellino, for Doyle B. Shaffer, Inc., owner.

SUBJECT - Application March 18, 2005 - Extension of Term/Waiver of an existing parking area accessory to a funeral home. The premise is located in C1-2 in a R3-2 zoning district.

PREMISES AFFECTED - 45-17 Little Neck Parkway, Pembroke Avenue and Little Neck Parkway, Block 8260, Lot 98, Borough of Queens.

COMMUNITY BOARD#11Q

APPEARANCES –

For Applicant: Joseph Morsellino.

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 10 A.M., for decision, hearing closed.

364-89-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Kellarakos Realty, Inc., owner; Balvinder Bains, lessee.

SUBJECT - Application April 4, 2005 - Extension of Term of a Variance for an automotive service station (UG16). The premise is located in an R-6 zoning district.

PREMISES AFFECTED - 30-75 21st Street, southeast corner of 30th Drive, Block 551, Lot 15, Borough of Queens.

COMMUNITY BOARD# 1Q

APPEARANCES –

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For Applicant: Carl A. Sulfaro.

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

169-91-BZ

APPLICANT - Ellen Hay / Wachtel & Masyr, LLP, for Broadway Wilson Realty, LLC, owner; Crunch Fitness International, Inc., lessee.

SUBJECT - Application March 21, 2005 - Extension of Term for the continued operation of a PCE/Waiver and Amendment to legalize additional floor area. The premise is located in a M1-5B zoning district.

PREMISES AFFECTED - 404 Lafayette Street aka 708 Broadway, Lafayette Street and East 4th Street, Block 545, Lot 6, Borough of Manhattan.

COMMUNITY BOARD 2M

APPEARANCES –

For Applicant: Ellen Hay.

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.

110-95-BZ

APPLICANT - John W. Russell, Esq., for 1845 Realty, Inc., owner; 1845 Cornaga Avenue, lessee.

SUBJECT - Application March 15, 2004 - Extension of Term of a variance, which permitted, within a C2/R5 zoning district, the operation of a auto repair facility (UG16), with accessory uses, including parking and minor repairs using handtools.

PREMISES AFFECTED - 1845 Cornaga Avenue, southwest corner of Cornaga Avenue and B19th Street, Block 15563, Lot 1, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES – None.

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

132-97-BZ

APPLICANT - Alan R. Gaines, Esq., for Deti Land, LLC, owner; Fiore Di Mare LLC, lessee.

SUBJECT - Application June 7, 2005 - Extension of Term/Amendment/Waiver for an eating and drinking establishment with no entertainment or dancing and occupancy of less than 200 patrons, UG 6 located in a C-3 (SRD) zoning district.

PREMISES AFFECTED - 227 Mansion Avenue, Block 5206, Lot 26, Borough of Staten Island

COMMUNITY BOARD# 3SI

APPEARANCES –

For Applicant: Joseph D. Manno.

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

325-04-A

APPLICANT -Rothkrug Rothkrug Weinberg Spector, for Kevin Kane, owner.

SUBJECT - Application October 4, 2004 - Proposed construction of a 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 - 91 Wakefield Road, west side, 825.19 north of Woods of Arden Road, Block 5415, Lot 85, Borough of Staten Island.

COMMUNITY BOARD #3SI

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 Chin.....4
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Staten Island Borough Commissioner, dated September 3, 2004, acting on Department of Buildings Application No. 500681390, reads:

“Proposed construction is located within the bed of a mapped street contrary to Section 35 of the General City Law. Refer to the Board of the Standards and Appeals;” and

WHEREAS, a public hearing was held on this application on April 12, 2005, after due notice by publication in the *City Record*, with continued hearings on May 17, 2005 and June 14, 2005, and then to decision on July 19, 2005; and

WHEREAS, by letter dated February 9, 2005, the Department of Transportation states that it has reviewed the above project and has no objections; and

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WHEREAS, Community Board 3, Staten Island, expressed concern that the Department of Parks and Recreation might want to acquire this land and incorporate it as part of the park; and

WHEREAS, in response, the Board has reviewed Department of Parks and Recreation ULURP Application #030089MMR, dated August 3, 2002 and revised January 2, 2003 (the "Application");

WHEREAS, the Board notes that the Application reflects that Hales Avenue (the mapped street) is proposed to be demapped, and that the Department of Parks and Recreation ("Parks Department") does not intend to acquire the subject property; and

WHEREAS, by letter dated February 16, 2005, the Department of Environmental Protection (DEP) has reviewed the above project and has indicated that the latest adopted Drainage Plan #OB -8(13) calls for a future 10" diameter sanitary sewer and a 27" diameter storm sewer to be installed in Hales Avenue between Wakefield Road and Hylan Boulevard;

WHEREAS, DEP has further requested that the applicant amend the latest adopted Drainage Plan to DEP's satisfaction prior to the issuance of a building construction permit; and

WHEREAS, the applicant has requested that the Board not condition its grant on such an amendment as amending the drainage plan is an expensive and time-consuming process; and

WHEREAS, the Board has considered DEP's request and has concluded that it would be an extreme hardship in this particular case to require the applicant to amend the Drainage Plan;

WHEREAS, by letter dated March 8, 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 Staten Island Commissioner dated September 3, 2004, acting on Department of Buildings Application No. 500681390, is hereby modified by the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked 'October 4, 2004' – 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 19, 2005.

347-04-BZY & 348-04-BZY

APPLICANT - Rothkrug Rothkrug Weinberg Spector, for Ana Canton Ramirez, owner.

SUBJECT - Application October 28, 2004 - Application to extend time to complete construction for a major development pursuant to Z.R. §11-331.

PREMISES AFFECTED -

3056 Cross Bronx Expressway, west side,
176.54' north of Sampson Avenue, Block 5443,
Lot 71, Borough of The Bronx.

3058 Cross Bronx Expressway, west side,
119.70' north of Sampson Avenue, Block 5443,
Lot 80, Borough of The Bronx.

COMMUNITY BOARD#10BX

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, this is an application under Z.R. § 11-331, to renew a building permit and extend the time for the completion of the foundation of a minor development under construction; and

WHEREAS, a public hearing was held on this application on March 16, 2005, after due notice by publication in *The City Record*, with a continued hearing on May 17, 2005, and then to decision on July 19, 2005; and

WHEREAS, the site was inspected by a committee of the Board, including Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin; and

WHEREAS, Community Board 10, Bronx, opposed the granting of any relief to the applicant; and WHEREAS, although some of the testimony and submissions from opposition were relevant to the Board's proceedings, the Board notes that arguments were made that suggested that the developer acted in bad faith, sought to "beat the clock" by expediting excavation and foundation work, or attempted to undermine the hard work of the community in effecting a rezoning, which are not arguments that the Board may consider given the statutory framework

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set forth at Z.R. § 11-30 et. Seq.; and

WHEREAS, the subject premises is located on the west side of the Cross Bronx Expressway, north of Sampson Avenue; and

WHEREAS, the subject premises was formerly located within an R4 zoning district; and

WHEREAS, however, on September 28, 2004, the effective date of the rezoning (hereinafter, the "Rezoning Date"), the City Council voted to rezone the area which the subject premises is within to R3A; and

WHEREAS, the subject premises is proposed to be developed with two two-story plus basement, two-family dwellings with 1,670 sq. ft. of floor area and 1,677 sq. ft. of floor area, respectively, which would comply with the zoning regulations applicable to an R4 zoning district, but not those of an R3A zoning district; and

WHEREAS, Z.R. § 11-331 reads: "If, before the effective date of an applicable amendment of this Resolution, a building permit has been lawfully issued as set forth in Section 11-31 paragraph (a), to a person with a possessory interest in a zoning lot, authorizing a minor development or a major development, such construction, if lawful in other respects, may be continued provided that: (a) in the case of a minor development, all work on foundations had been completed prior to such effective date; or (b) in the case of a major development, the foundations for at least one building of the development had been completed prior to such effective date. In the event that such required foundations have been commenced but not completed before such effective date, the building permit shall automatically lapse on the effective date and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit. The Board may renew the building permit and authorize an extension of time limited to one term of not more than six months to permit the completion of the required foundations, provided that the Board finds that, on the date the building permit lapsed, excavation had been completed and substantial progress made on foundations."; and

WHEREAS, Z.R. § 11-31(a) reads: "For the purposes of Section 11-33, relating to Building Permits Issued Before Effective Date of Amendment to this Resolution, the following terms and general provisions shall apply: (a) A lawfully issued building permit shall be a building permit which is based on an approved application showing complete plans and specifications, authorizes the entire construction and not merely a part thereof, and is issued prior to any applicable amendment to this Resolution. In case of dispute as to whether an application includes "complete plans and specifications" as required in this Section, the Commissioner of Buildings shall determine whether such requirement has been met."; and

WHEREAS, because the proposed development contemplates two buildings on contiguous zoning lots, it meets the definition of Major Development; and

WHEREAS, the Board notes that this application was made on October 27, 2004, which is within 30 days of the Rezoning Date, as required by Z.R. § 11-331; and

WHEREAS, the applicant represents that all of the relevant Department of Buildings permits were lawfully issued to the owner of the subject premises; and

WHEREAS, the record indicates that on September 27, 2004, two new building permits (Permits Nos. 200910416-01-NB and 200910407-01-NB) for the proposed development were lawfully issued to the applicant by the Department of Buildings; and

WHEREAS, the Board has reviewed the record and agrees that the afore-mentioned permits were lawfully issued to the owner of the subject premises; and

WHEREAS, the applicant represents that 80% of the tree removal took place on September 26, 2004, and excavation machines were placed on the property on the same day; and

WHEREAS, the applicant represents that excavation and placement of the footings and foundations of one of the buildings on the site took place on September 27, 2004; and

WHEREAS, the applicant represents that excavation and placement of the footings and some of the foundations on the second building took place on September 28, 2004, prior to the City Council vote on the rezoning; and

WHEREAS, in support of these representations the applicant has submitted, among other items, an affidavit from the general contractor, photographs, and a table showing the percentage of work completed on the foundations prior to the Rezoning Date and the amounts of money spent or committed on the project prior to the Rezoning Date; and

WHEREAS, in support of the contention that footings were poured prior to the Rezoning Date, the applicant has submitted three receipts from a concrete batching company reflecting delivery of 11 yards of concrete on September 27, 2004, an additional 22 yards of concrete on September 27, 2004, and 11 yards of concrete in the morning of September 28, 2004; and

WHEREAS, the Board has reviewed the affidavit and receipts, and agree that they support the conclusion that excavation and the pouring of the footings were complete as of the Rezoning Date; and

WHEREAS, in support of the claim that the concrete blocks for the foundations were put in place prior to the Rezoning Date, the applicant has submitted a receipt dated September 27, 2004, noting the delivery of the blocks; and

WHEREAS, the Board notes that the applicant has shown that, as of the Rezoning Date, all of the footings were in place and some of the foundations were installed, and the only remaining work was the foundation walls for the second

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building; and

WHEREAS, the applicant has submitted a schedule of foundation work completed from the general contractor, which states that \$25,000 of the \$35,000 (or 71 percent) of the foundation costs, including the costs for the supplies and labor associated with installing the footings and the walls, but excluding tree removal costs, excavation costs, and other soft costs associated with development on the site, had been incurred as of the Rezoning Date; and

WHEREAS, the Board finds all of above-mentioned submitted evidence sufficient and credible; and

WHEREAS, based upon the above, the Board finds that excavation was complete and that substantial progress had been made on foundations, and additionally, that the applicant has adequately satisfied all the requirements of Z.R. § 11-331.

Therefore it is resolved that this application to renew New Building permit Nos. 200910416-01-NB and 200910407-01-NB pursuant to Z.R. § 11-331 is granted, and the Board hereby extends the time to complete the required foundations for one term of sixth months from the date of this resolution, to expire on January 19, 2006.

Adopted by the Board of Standards and Appeals, July 19, 2005.

291-04-A

APPLICANT - Eric Palatnik, P.C., acting of Counsel to Charles Foy, Esq., for H & L Miller, A New York Partnership, owner.

SUBJECT - Application December 21, 2004 - Proposed enlargement of a zoning lot, on which an existing eating and drinking establishment rests, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 90-19 Metropolitan Avenue, northwest corner of Trotting Course Lane, Block 3177, Lot 34, Borough of Queens.

APPEARANCES –

For Applicant: Eric Palatnik, Ed Szajna, Gregory Meeyenzie and Frank McMahan.

For Opposition: Rodd Ferrara for Assemblyman Andrew Hevesi, Nancy Cohen, Joseph Tiraco, Eugenia Gonzalez-Centeno and other.

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

21-05-A

APPLICANT -Rampulla Associates Architects, for Geraldo Campitiello, owner.

SUBJECT - Application February 4, 2005 -Proposed addition to an existing banquet hall, which will be located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -2380 Hylan Boulevard, south side of Otis Avenue, Block 3904, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Philip Rampulla.

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.

Pasquale Pacifico, Executive Director

Adjourned:

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**REGULAR MEETING
TUESDAY AFTERNOON, JULY 19, 2005
1:30 P.M.**

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

ZONING CALENDAR

209-04-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Chilton Paint Co., owner; CPP Development, LLC, lessee.

SUBJECT - Application May 21, 2004 - under Z.R. §72-21 to permit the proposed six story residential building, with 134 dwelling units, Use Group 2, located in an M2-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 109-09 15th Avenue, northwest corner of 110th Street, Block 4044, Lot 60, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

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 Queens Borough Commissioner, dated June 13, 2005, acting on DOB Application No. 401843617 reads in pertinent part:

“1. Section 42-00 Z.R.: Residential Use Group 2 not permitted in an M2-1 Manufacturing District”; and

WHEREAS, a public hearing was held on this application on March 29, 2005 after due notice by publication in *The City Record*, with continued hearings on May 17, 2005, June 14, 2005 and then to decision on July 19, 2005; and

WHEREAS, this application is being filed in connection with Cal. No. 210-04-A, pursuant to which the applicant seeks a waiver of Article III, Section 35 of the General City Law in order to build upon the mapped street present on this site; and

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

WHEREAS, Community Board 7, Queens and the Queens Borough President recommend approval of this application on condition that: 1) 110th Street and 15th Avenue are closed off with bollards; and 2) the decorative pools are no

deeper than 18” for safety reasons; and

WHEREAS, the College Point Board of Trade and the Coastal Preservation Network support the current proposal; and

WHEREAS, this is an application under Z.R. § 72-21 to permit, in an M2-1 zoning district, the conversion and enlargement of an existing obsolete industrial building to residential use, contrary to Z.R. § 42-00; and

WHEREAS, the proposed building will be a six-story residential building with a floor area of 129,512 sq. ft. and a floor area ratio (“FAR”) of 1.29; and

WHEREAS, the subject zoning lot (the “Site”) is located on the northwest corner of 15th Avenue and 110th Street; the total lot area is approximately 100,338 sq. ft.; and

WHEREAS, the Site is a waterfront lot, a portion of which is land under water; the floor area of the land under water is approximately 22,928 sq. ft. and the upland portion is approximately 77,410 sq. ft.; and

WHEREAS, the Site is currently improved upon with a 3-story masonry warehouse building, with a total floor area of approximately 42,000 sq. ft.; and

WHEREAS, the applicant represents that the building was constructed in 1856 and was formerly occupied by the Chilton Paint Company; the open area on the lot was formerly occupied by a contractor’s truck parking lot and a soil/gravel yard; and

WHEREAS, the applicant states that the district in which the Site is located was introduced into this area in order to accommodate a World War II wartime industry that was directly connected to the wartime effort; and

WHEREAS, the applicant further states that Lot 6 (north of the Site) was used for the manufacturing of marine engines for the Navy during the war and needed a waterfront site to accommodate its facility; Lot 80 (south of the Site) is currently being used for the storage of vehicles; and Lot 20 (adjacent to the Site on the north) is currently being developed with a six-story residential apartment house with commercial offices on the lower two floors; and

WHEREAS, the proposed building will have 134 one, two and three-bedroom units; specifically, there will be 52 one-bedrooms, 68 two-bedrooms and 14 three-bedrooms; the sixth floor will consist of the upper portion of the fifth floor duplexes; and

WHEREAS, the first floor of the existing building will include a lobby and amenity room to be used by the residents; and

WHEREAS, there will be 139 parking spaces in a two-level cellar garage, which the applicant represents is almost twice the number of parking spaces required under the Zoning Resolution for such a development; and

WHEREAS, all deliveries and refuse pickups will take place inside the building; and

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WHEREAS, the current proposal includes the following alterations to the existing building: 1) the placement of two additions at the rear and on the roof of the existing building; 2) the demolition of the existing outer buildings in the rear of the Site; 3) the complete remodeling of the first floor of the building to provide a vehicular entrance and exit and a pedestrian entrance with waterfront views through a glass lobby; and 4) the addition of grassy areas, shrubs fountains and sculptures to the areas of the lot not occupied by the proposed building; and

WHEREAS, the applicant represents that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the Site in strict conformance with underlying zoning regulations: 1) the existing building is obsolete for modern conforming use; 2) the parcel's poor soil conditions require expensive piles and extraordinary foundations; 3) the soil must be replaced due to environmental concerns; and 6) State DEC restrictions require that the footprint of any potential development on the Site occupy approximately 20% of the open land; and

WHEREAS, the applicant states that many industrial and commercial uses have found it difficult and undesirable to locate in the subject area because of the narrowness of the streets, the poor accessibility to major arterial highways, and the lack of support stores, restaurants and other similar establishments in the area; and

WHEREAS, the applicant concludes that these locational features combine with the site conditions to create unnecessary hardship and practical difficulties in using the building for a conforming use; and

WHEREAS, in support of the contention that poor soil conditions exist at the Site, the applicant has submitted boring tests that show that the soil is such that piles and extraordinary foundation measures must be used; and

WHEREAS, in response to a query of the Board, the applicant has submitted a letter from an engineer that explains the constraints placed on the Site by the DEC restrictions; and

WHEREAS, the applicant represents that the DEC restrictions constrain a viable conforming building; and

WHEREAS, based upon the above, the Board finds that the conditions cited by the applicant, when considered in the aggregate, create unnecessary hardship and practical difficulties in strictly conforming with the applicable use provisions of the Zoning Resolution; and

WHEREAS, the applicant submitted a feasibility study that contemplates a conforming eight-story industrial/commercial building containing 220,000 s.f. of floor area; the study purports to demonstrate that developing the premises in conformance with applicable district use regulations would not yield the owner a reasonable return; and

WHEREAS, the applicant submitted an engineer's report that concluded that current industry standards and practice

would require significant structural alterations to the existing building in order to permit it to function as a conforming use; the report estimates that, at a minimum, the cost of the necessary structural alterations would total \$2,000,000.00; and

WHEREAS, specifically, the engineer's report based its conclusion on the following three characteristics of the existing building: 1) deficient ceiling heights; 2) loading capacity requirements that are barely satisfied; and 3) the structure's inability to be adapted to economically viable storage methods in the receiving and shipping area due to the existing column spacing; and

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

WHEREAS, the applicant represents that the proposed variance will not affect the character of the neighborhood, and that residential use of the existing building is compatible with the uses in the surrounding neighborhood; and

WHEREAS, the applicant states that within the subject M2-1 district, much of the area along the water is developed with commercial and residential uses, and the area across 110th Street is primarily developed with residential uses; and

WHEREAS, the applicant also states that even though the area east of 110th Street is in an M2-1 zoning district, it is entirely residential; similarly, Block 4045, across the street from the Site to the north is zoned M2-1 yet developed with residential uses; and

WHEREAS, additionally, the applicant represents that the block directly across 110th Street from the Site is in an R4 zoning district; and

WHEREAS, the applicant represents that the bulk of the proposed project (1.29 FAR) is lower than the FAR permitted in an R4 infill zoning district (1.35 FAR); and

WHEREAS, the applicant further represents that the bulk of the proposed project is significantly less than the 2.0 FAR that is permitted as-of-right; and

WHEREAS, the applicant further represents that the bulk impact on the street would remain the same or be diminished because the streets are narrow; moreover, the only portion of the building that will be visible from the street is the existing building, which will be completely renovated with an attractive new façade and street presence; and

WHEREAS, the applicant also states that the enlargement of the existing building would be set back by 20 ft.; and

WHEREAS, in addition, the applicant represents that the remodeling of the first floor of the proposed building to include waterfront views through a glass lobby will add depth to the buildings at the street level and greatly improve the street presence for the residential areas across 110th Street; and

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WHEREAS, the Board expressed concern regarding the scale of the proposed six-story building as its height is close to eight stories, and its compatibility with the two to three story buildings in the surrounding area; and

WHEREAS, in response to the Board's concerns the applicant proposed two additional schemes and provided an Urban Design/Streetscape model and study; and

WHEREAS, the applicant also brought the height of the building down by 10 ft. by minimizing the Mansard roof; and

WHEREAS, at the request of the Board, the applicant submitted prospective drawings showing the visual impact of the building from various vantage points; and

WHEREAS, the Board finds that because of the reduction in height, the proposed building will not be out of context with the surrounding neighborhood; and

WHEREAS, therefore, the Board finds that the proposed application will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the stated bases of hardship – the obsolescence of the building, poor soil conditions and the strict DEC requirements – are not self-created; and

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

WHEREAS, the applicant submitted feasibility studies that analyzed the expected return for three proposed residential schemes, including a six-story condominium and two different versions of a four-story condominium; and

WHEREAS, the applicant represents that the six-story condominium scheme, as compared to the other two proposals, will afford the owner the most reasonable return on his investment; and

WHEREAS, the Board expressed concern regarding the applicant's site valuation and comparable condominium sale prices in the area; and

WHEREAS, the applicant submitted a revised feasibility study in which it provided additional comparables and updated the site valuation; and

WHEREAS, the Board reviewed the revised feasibility analysis associated with each proposed residential scheme and finds that the six-story condominium scheme is the only one of the three proposals that will provide the owner with the necessary financial incentive to develop the Site; and

WHEREAS, accordingly, the Board finds that the current 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 6NYCRR, 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. 04-BSA-208Q dated May 25, 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 May 21, 2004; (2) a Phase I Environmental Site Assessment Report, dated September 3, 2004; (3) a Proposed Remedial Action Plan, dated January 26, 2005 and (4) a Health and Safety Plan, dated January 26, 2005; 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 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 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 each and every one of the required findings under Z.R. § 72-21 and grants a variance to permit, in an M2-1 zoning district, the conversion and enlargement of an existing industrial building to residential use, contrary to Z.R. § 42-00; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked

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“Received, July 18, 2005”-(13) sheets; *on further condition*;

THAT the building shall contain a maximum of 134 units;

THAT the total residential floor area ratio shall not exceed 1.29;

THAT there shall be a total of 139 accessory parking spaces located in a two-cellar garage; and;

THAT the total height of the building shall not exceed 67'-4" (with parapet);

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 19, 2005.

210-04-A

APPLICANT - Joseph P. Morsellino, Esq., for Chilton Paint Co., owner; CPP Development, LLC, lessee.

SUBJECT - Application May 21, 2004 - Proposed six story residential building, with 134 dwelling units, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 109-09 15th Avenue, northwest corner of 110th Street, Block 4044, Lot 60, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

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, acting on Application No. 4018433617 dated May 3, 2004, which reads in pertinent part:

“#2 “Can not build in bed of mapped street as per General City Law 35;” and

WHEREAS, a public hearing was held on this application on March 29, 2005 after due notice by publication in the *City Record*, for continued hearings on May 17, 2005, June 14, 2005 and then to decision on July 19, 2005; and

WHEREAS, this application was filed in conjunction with Cal. No 209-04-BZ, pursuant to which the applicant seeks, under Z.R. §72-21, to permit, in an M1-2 zoning district, the building of residential dwellings which requires a variance pursuant to Z.R. § 42-00; and

WHEREAS, Community Board 7, Brooklyn, recommends approval of this application with conditions;

WHEREAS, by letter dated August 10, 2004, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated September 2, 2004 the Department of Transportation 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 decision of the Borough Commissioner, acting on Application No. 4018433617 dated May 3, 2004, is modified under the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received July 18, 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 Department of Buildings 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 19, 2005.

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363-04-BZ

APPLICANT - Herrick Feinstein, LLP, for 6002 Fort Hamilton Parkway Partners, owners.

SUBJECT - Application November 18, 2004 - under Z.R. §§72-01(b) and 72-21 to permit in an M1-1 district, approval sought to convert an existing industrial building to residential use. The proposed development will contain 115,244 SF of residential space containing 90 dwelling units, as well as 9,630 SF of retail space. There will be 90 parking spaces. The development is contrary to district use regulations per Section 42-00.

PREMISES AFFECTED - 6002 Fort Hamilton Parkway, a/k/a 949/59 61st Street, a/k/a 940/66 60th Street, south side of 61st Street, east side, of Fort Hamilton Parkway and north side of 60th Street, Block 5715, Lots 21 and 27, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Mitchell Korbey.

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 November 8, 2004, acting on DOB Application No. 301799034 reads:

- “1. Proposed residential use (Use Group 2) is not permitted within the M1-1 District [Z.R. 42-00]. Obtain BSA approval.
2. Proposed building bulk exceeds maximum FAR permitted within the M1-1 District [Z.R. 43-12]. Obtain BSA approval.”; and

WHEREAS, a public hearing was held on this application on January 25, 2004 after due notice by publication in *The City Record*, with continued hearings on March 15, 2005, April 19, 2005, June 7, 2005, and then to decision on July 19, 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 Vice-Chair Babbar; and

WHEREAS, Community Board 12, Brooklyn, recommends approval of this application on condition that the cellar-level parking is restricted to residents of the proposed building; and

WHEREAS, this is an application under Z.R. § 72-21 to permit, in an M1-1 zoning district, the conversion of an existing obsolete industrial building to residential use, contrary to Z.R. §§ 42-00 and 43-12; and

WHEREAS, the applicant originally proposed a 90-unit development that would contain a total of 115,244 sq. ft. of residential space and 9,630 sq. ft. of ground-floor retail space with a floor area ratio (“FAR”) of 3.55 and a below-grade parking lot with 90 spaces; and

WHEREAS, the Board requested that the applicant modify the proposal and submit alternative residential development scenarios that would reduce the originally proposed height and FAR; the applicant’s revised proposals, identified as Schemes A through F, are discussed below; and

WHEREAS, the applicant’s current proposal (Scheme E) proposes a 6-story 100-unit, 2.99 FAR residential building that comprises 103,972 sq. ft. of floor area, including 88,510 sq. ft. of rentable residential space and 6,000 sq. ft. of ground floor retail; the proposal includes a significantly recessed 6th floor, as well as 92 cellar-level attended parking spaces reserved exclusively for residents of the building; and

WHEREAS, the Board denied an April 28, 1983 application to permit, in an M1-1 zoning district, an amusement arcade in what was then an existing roller skating rink at the site; at the time, active commercial and manufacturing uses occupied the two floors above the skating rink; and

WHEREAS, the applicant asserts that the 1983 application is not relevant to the current application because the conditions in the building and the surrounding neighborhood have significantly changed since 1983 in the following ways: 1) the first floor has not been used as a roller skating rink in over a decade; 2) the building is currently obsolete for as-of-right manufacturing and warehouse uses; 3) the building’s upper floors no longer contain manufacturing uses and are largely vacant; and 4) the surrounding neighborhood has experienced significant residential development; and

WHEREAS, the subject zoning lot (the “Site”) is located on the intersection of Fort Hamilton Parkway and 60th Street and Fort Hamilton Parkway and 61st Street; the subject lot has a total lot area of approximately 33,486 sq. ft.; and

WHEREAS, the Site is currently improved upon with a 1 to 3-story, mostly vacant commercial/warehouse structure, with a total floor area of 51,474 sq. ft.; the owner of the property runs an office/retail use on the ground floor; and

WHEREAS, the applicant represents that the building was constructed in the early 20th century and has previously been used as a dairy processing center for the Borden Milk Company, an automobile repair facility, a roller skating rink, and a warehouse and parking lot; and

WHEREAS, the applicant further states that the building has been mostly vacant of permanent business uses for several years; and

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WHEREAS, the applicant represents that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the site in strict conformance with underlying zoning regulations: 1) the building is obsolete for modern manufacturing as it lacks a passenger elevator and has only one freight elevator that is too small to load a palette from a truck backed up against it; 2) the building has interior level changes that impede the movement of large and/or heavy items throughout the building; and 3) the Site has a disproportionately small parking lot in comparison to the size of the building, which provides virtually no space for the parking and/or maneuvering of large trucks; and

WHEREAS, the applicant represents that because the building was initially designed for a single-user, it would be extremely difficult, inefficient and costly to convert the building into one that could accommodate multiple manufacturing, warehouse or commercial tenants; and

WHEREAS, the applicant further represents that it would be difficult to adapt the building to multiple users because of the level changes on each floor; and

WHEREAS, the applicant also states that the building is unfit for office uses in particular because it lacks a passenger elevator and lobby area, has interior load bearing walls, unusually positioned staircases and an inadequate parking lot; and

WHEREAS, the applicant further states that most of the successful retail and office uses of this size provide substantial parking; however, the high cost of demolishing part of the building to make room for additional parking could not be recovered by a retail or warehousing operation; and

WHEREAS, the applicant concludes that these features combine to create unnecessary hardship and practical difficulties in using the building for a conforming use; and

WHEREAS, the applicant has produced evidence of the building's obsolescence in the form of drawings, floor plans and photographs; and

WHEREAS, specifically, these drawings, floor plans and photographs show the building's inadequate elevators and parking, the interior level changes and the impracticality of subdividing the floors due to the building's original design for single-user; and

WHEREAS, based upon the above, the Board finds that the conditions cited by the applicant, namely the inadequate elevators and parking, the interior level changes, and the single-user design of the building, when considered in the aggregate, create unnecessary hardship and practical difficulties in strictly conforming with the applicable provision of the Zoning Resolution; and

WHEREAS, the applicant submitted a feasibility study that contemplates use of the existing building for commercial and industrial purposes; the study purports to demonstrate that developing the premises in conformance with applicable district use regulations would not yield the owner a reasonable

return; and

WHEREAS, the feasibility study also shows that retrofitting the building to bring it up to standards appropriate for modern manufacturing use would be cost-prohibitive and not realize a reasonable return; and

WHEREAS, the applicant notes that a month-to-month small warehouse distribution use and a wood-working showroom have recently vacated the facility for more centrally located space; and

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

WHEREAS, the applicant represents that the proposed variance will not affect the character of the neighborhood, and that residential use of the existing building is compatible with the uses in the surrounding neighborhood; and

WHEREAS, the applicant states that even though the subject area is zoned predominantly for manufacturing, it is characterized by medium-density residential uses; in fact, the majority of other blocks in the area contain significant concentrations of residential uses, with 75% of the lots in the subject area currently being used for housing; and

WHEREAS, the block on which the Site is located includes seven non-conforming residential lots, an auto-related establishment, warehouse, distribution and retail uses, and a textile assembly operation; and

WHEREAS, the only existing industrial-type uses that require a manufacturing zoning (warehouse and distribution) are concentrated in a small area along the rail cut at 62nd Street; however, these uses are not strictly manufacturing in nature and are permitted in a C8 zoning district; and

WHEREAS, a new 6-story residential building that is taller than the proposed building was recently completed one block west of the Site on the southwest corner of 60th Street and 9th Avenue within an R6 zoning district; and

WHEREAS, the applicant represents that the bulk and scale of the proposed building (2.99 FAR) is the same as the bulk and scale of structures that exist in the R6 zoning district across 60th Street; and

WHEREAS, the applicant further represents that Fort Hamilton Parkway is a 100 ft. wide street developed with three to five story buildings, and 60th Street is also a wide street lined with two to three story residential buildings; and

WHEREAS, the applicant further represents that the proposed project will not compromise the streetscape because the proposed sixth story of the building is set back 22 ft. from Fort Hamilton Parkway and 35 ft. from 60th Street; and

WHEREAS, the applicant states that the lower half of the building's façade will be replaced such that it will aesthetically contribute to the neighborhood's character; and

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WHEREAS, finally, the Site will have its own parking garage beneath the building, with a parking space for each apartment such that the existing neighborhood street parking will not be adversely affected by an increase in on-street parking; and

WHEREAS, therefore, the Board finds that the proposed application will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the stated bases of hardship – the obsolescence of the building resulting from its layout, size, shape and condition, and the premium demolition costs – are not self-created; and

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

WHEREAS, at the request of the Board, the applicant analyzed numerous lesser variance alternatives different from its original proposal; the submitted scenarios, identified as Schemes A-E, are summarized below; and

WHEREAS, Scheme A proposed a 4-story, 3.3 residential FAR building with mezzanines, a lower height on Fort Hamilton Parkway and increased bulk on 61st Street; Scheme B proposed a 90-unit, 3.0 FAR building without mezzanines; Scheme C proposed a straight conversion of the existing structure; Scheme D proposed a 100-unit 3.04 residential FAR building with ground floor retail; Scheme E proposed a 100-unit 2.99 FAR building with 6,000 sq. ft. of retail and 88,518 sq. ft. of rentable residential space; and Scheme F proposed an 85-unit residential building with 88,570 sq. ft. of residential floor area and 6,000 sq. ft. of ground floor retail; and

WHEREAS, the Board has reviewed the feasibility studies associated with each scheme and finds that the current proposal, Scheme E, 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 6NYCRR, 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 05BSA062K dated October 28, 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; Hazardous Materials; Waterfront Revitalization Program; Infrastructure;

Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; 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, 2004; (2) a Phase I Environmental Site Assessment Report, dated November 2004; and (3) supporting technical reports including the back-up data for air quality and noise analyses; and

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

WHEREAS, an executed Restrictive Declaration was recorded on July 11, 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 each and every one of the required findings under Z.R. § 72-21 and grants a variance to permit, in an M1-1 zoning district, the conversion of an existing industrial building to residential use, contrary to Z.R. §§ 42-00 and 43-12; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "July 15, 2005"–(10) sheets; *on further condition*;

THAT the building shall contain a maximum of 100 units;

THAT the total floor area ratio shall not exceed 3.0;

THAT use of the 92 cellar-level accessory parking spaces shall be used exclusively by residents of the building;

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

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

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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 19, 2005.

387-04-BZ

APPLICANT - Eric Palatnik, P.C., for Aspinwal Building Corp., (contract vendee).

SUBJECT - Application December 10, 2004 - under Z.R.§72-21 to permit the proposed construction of a one story and cellar building (retail and office), Use Group 6, located in an RS-2(HS) zoning district, is contrary to Z.R. §22-00.

PREMISES AFFECTED - 908 Clove Road (formerly 904 and 908 Clove Road), east side, between Bard and Tyler Avenues, Block 323, Lot 42 (previously Lots 42 and 44), Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Eric Palatnik.

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 19, 2005.

154-04-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Wavebrook Associates, owner.

SUBJECT - Application April 9, 2004- under Z.R.§72-21 to permit the proposed construction of a four family dwelling, Use Group 2, located in M1-1 zoning district, is contrary to Z.R.§42-10.

PREMISES AFFECTED - 63 Rapeleye Street, north side, 116' east of Hamilton Avenue, Block 363, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES - None.

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

189-04-BZ

APPLICANT - D.E.C. Designs, for City of Faith Church of God, owner.

SUBJECT - Application May 5, 2004 - under Z.R.§73-19 to allow a school (UG3) in a C8-1 zoning district which is not permitted as per section 32-00 of the Zoning Resolution.

PREMISES AFFECTED - 3445 White Plains Road, 445.2' south of Magenta Street, Block 4628, Lot 47, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Peter Hirshman.

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 23, 2005, at 1:30 P.M., for decision, hearing closed.

212-04-BZ

APPLICANT - Rampulla Associates Architects, for G.A.C. Caterers, Inc., owner.

SUBJECT - Application May 21, 2004 - under Z.R.§72-21 to permit the proposed erection and maintenance of a cellar and two (2) story photography and video studio, Use Group 6, located in an R3-2 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 2360 Hylan Boulevard, a/k/a 333 Otis Avenue, between Otis and Bryant Avenues, Block 3905, Lot 17, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Philip Rampulla and Ed Vamero.

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.

257-04-BZ

APPLICANT - Patrick W. Jones, Petraro & Jones, LLP, for Boerum Place, LLC, owner.

SUBJECT - Application November 19, 2004 - under Z.R.§72-21, to permit the proposed construction of an eight story mixed-use, retail-residential building, located in an R6A, R6, C2-4 and C2-3 zoning districts which does not comply with the zoning requirements for floor area ratio, lot coverage, building height and loading berth, is contrary to Z.R. §23-145, §33-121, §23-633, §35-25 and §36-22.

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PREMISES AFFECTED - 252/60 Atlantic Avenue (a/k/a 83/87 Boerum Place; 239/47 Pacific Street), east side of Boerum Place, between Atlantic Avenue and Pacific Street, Block 181, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Patrick Jones and Daniel P. Lane.

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 23, 2005, at 1:30 P.M., for decision, hearing closed.

272-04-BZ

APPLICANT - Sullivan Chester & Gardner, for Chickie, LLC, owner.

SUBJECT - Application August 5, 2004 - under Z.R. §72-21 to permit the proposed five story, twenty-unit multiple dwelling, Use Group 2, located in an R-5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, density, side and front yards, height and/or setback and parking spaces, is contrary to Z.R. §23-141, §23-22, §23-45a, §23-461(a and b), §23-462, §23-631d and §25-23.

PREMISES AFFECTED - 14-38/40 31st Drive, East side, between 14th and 21st Streets, Block 531, Lots 50 and 51, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Opposition: Dominic Casamento, Felice Ortiz and Mary L. Rivera Casamento.

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

290-04-BZ

APPLICANT - Stuart A. Klein, Esq., for Alex Lokshin - Carroll Gardens, LLC, owner.

SUBJECT - Application August 20, 2004 - under Z.R. §72-21 to permit, in an R4 zoning district, the conversion of an existing one-story warehouse building into a six-story and penthouse mixed-use residential/commercial building, which is contrary to Z.R. §§22-00, 23-141(b), 23-631(b), 23-222, 25-23, 23-45, and 23-462(a).

PREMISES AFFECTED - 341-349 Troy Avenue (a/k/a 1515 Carroll Street), Northeast corner of intersection of Troy Avenue and Carroll Street, Block 1407, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES -

For Applicant: Gregory Chillino.

ACTION OF THE BOARD - Laid over to

September 13, 2005, at 1:30 P.M., for continued hearing.

302-04-BZ

APPLICANT - Martyn & Don Weston for Regina Formisano, owner.

SUBJECT - Application September 10, 2004 - under Z.R. §72-21 to permit the proposed construction of a residential building on a vacant lot, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 40 Woodhull Street, south side, 85' west of Hicks Street, Block 363, Lot 20, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Don Weston and Regina Forasano.

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

402-04-BZ

APPLICANT - Steven Sinacori/Stadtmauer Bailkin LLP for Knapp Street Entertainment Center Inc., owner; Public Storage Inc., lessee.

SUBJECT - Application December 28, 2004 - under Z.R. §72-21 - to permit the change of use from an enclosed amusement arcade (Use Group 15) to self-storage facility (Use Group 16) in an R6 Zoning District and to vary Sections 24-11 (Lot coverage), 24-35(b) (Side Yard), and 24-522 (Perimeter wall height, setback, and sky exposure plane) of the Resolution.

PREMISES AFFECTED - 2461 Knapp Street, east side, between Avenue "X and Y", Block 8833, Lot 200, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: John Pallante and Steve Sinacori.

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

31-05-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Larry Warren, owner.

SUBJECT - Application April 28, 2005 - under Z.R. §73-622 to permit the enlargement to a single family home to vary sections ZR 23-141 floor area, ZR 23-461 for side yards and ZR 23-631 for perimeter wall height. The premise is located in an R2X (OP) zoning district.

PREMISES AFFECTED - 1897 East Second Street, between Billings Place and Colin Place, Block 6681, Lot 211, Borough of Brooklyn.

COMMUNITY BOARD #15BK

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APPEARANCES –

For Applicant: Lyra Altman.

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.

34-05-BZ

APPLICANT - Sheldon Lobel, P.C., for Robert Hakim,
owner.

SUBJECT - Application February 24, 2005 - under Z.R.§73-
622 to permit the proposed enlargement fo an existing one
family dwelling, Use Group 1, located in an R3-2 zoning
district, which does not comply with the zoning
requirements for floor area, open space ratio, also side and
rear yards, is contrary to Z.R. §23-141, §23-461(a) and
§23-47.

PREMISES AFFECTED - 1975 East 24th Street, east side,
between Avenues "S" and "T", Block 7303, Lot 56, Borough
of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

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

39-05-BZ

APPLICANT - Eric Palatnik, P.C. for Yeshivas Ahavas
Israel Inc., owner.

SUBJECT - Application February 24, 2005 - Under Z.R.
§72-21, to permit the enlargement of the existing Use Group
3 Yeshiva, in an R6 Zoning District and to vary Sections
24-11 (Lot coverage), 24-35(b) (Side yard), and 24-522
(Perimeter wall height, setback, and sky exposure plane) of
the Resolution.

PREMISES AFFECTED - 6 Lee Avenue, West side of Lee
Avenue between Clymer and Taylor Streets, Block 2173,
Tentative Lot 35 (Formerly Lots 31 & 35), Borough of
Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Eric Palatnik.

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.

64-05-BZ

APPLICANT - Paul F. Bonfilio, for Patrick & Elizabeth
O'Connor, owner.

SUBJECT - Application March 16, 2005 - under Z.R.§72-21
to construct a single family detached residence with less
than the required lot area ZR 23-32 and less than the
required side yard width ZR 23-461. The vacant lot/site is
located in a R1-2 zoning district.

PREMISES AFFECTED - 40 Conyningham Avenue, west
side, between Springhill and Castleton Avenues, Block 101,
Lot 445, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Paul Bonfilio.

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.

71-05-BZ

APPLICANT - Sheldon Lobel, P.C., for Barbara and Marc
Tepler, owner.

SUBJECT - Application March 23, 2005 - under Z.R.§
73-622 to permit the enlargement of a single family
residence which exceeds the allowable floor area and less
than the minimum required open space per ZR23-241, less
than the minimum side yard per ZR23-46 and less than the
minimum rear yard per ZR23-47. The premise is located in
an R-2 zoning district.

PREMISES AFFECTED - 1226 East 29th Street, west side,
between Avenues "L and M", Block 7646, Lot 56, Borough
of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Richard Lobel.

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.

Pasquale Pacifico, Executive Director

Adjourned: 3:23 P.M.