
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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April 14, 2005

DIRECTORY

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Affecting Calendar Numbers:

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DOCKETS

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72-04-BZ **B.BK.** **245 Hooper Street,**
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Harrison Avenues, Block 2201, Lot 61, Borough of
Brooklyn. N.B. #301743344. Proposed erection of a
synagogue and yeshiva, with accessory residences, Use
Groups 2 and 4, located in an R6 zoning district, which does
not comply with the zoning requirements for floor area ratio,
lot coverage, rear yard and open space ratio, is contrary to
Z.R. §24-11, §23-142, §24-36 and §24-12.
COMMUNITY BOARD #1BK

77-05-BZ **B.M.** **132 West 26th Street,**
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Borough of Manhattan. Applic. #104039728. Proposed
construction of a twelve-story mixed building, containing
residential and retail uses, located within an M1-6 zoning
district, in which residential use is not permitted as of right,
is contrary to Z.R. §42-00.
COMMUNITY BOARD #4M

73-05-A **B.Q.** **125-12 31st Avenue,**
bounded by 31st Avenue and 125th Street, Block 4381, Lot 1,
Borough of Queens. N.B. #402086014. Proposed building,
of which a portion is located within the bed of a mapped
street, is contrary to Section 35, Article 3 of the General City
Law.

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

74-05-BZ **B.S.I.** **1089 Rockland Avenue,**
northeast side, between Borman and Shirra Avenues, Block
2000, Lot 7, Borough of Staten Island. Applic. #500668949.
Proposed construction of a non-accessory radio tower for
public utility wireless communications (disguised as a 50-foot
tall flagpole), located in an R3-2 zoning district, requires a
special permit from the Board as per Z.R. §73-30.
COMMUNITY BOARD #2SI

75-05-BZ **B.S.I.** **2018 Richmond Avenue,**
approximately 650' south of Amsterdam Place and Richmond
Avenue, Block 2100, Lot 460, Borough of Staten Island.
Applic. #500758290. Proposed construction of a non-
accessory radio tower for public utility wireless
communications (disguised as a 90-foot tall flagpole), located
in an R3-2 zoning district, requires a special permit from the
Board as per Z.R. §73-30.
COMMUNITY BOARD #2SI

76-05-BZ **B.M.** **342/6 and 348/54**
Amsterdam Avenue, northwest corner of West 76th Street,
also 207 West 76th Street, north side, 115' west of
Amsterdam Avenue, Block 1168, Lots 26, 30 and 33,
Borough of Manhattan. Applics.#s100226104, 104041226
and 100478573. The legalization of an existing physical
culture establishment, a portion of which was previously
approved by the Board under Cal. #131-91-BZ, located
within three separate buildings, requires a special permit
from the Board as per Z.R. §73-36.
COMMUNITY BOARD #7M

CALENDAR

MAY 10, 2005, 10:00 A.M.

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

SPECIAL ORDER CALENDAR

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

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 #14

126-99-BZ

APPLICANT - Sheldon Lobel, P.C., for Fortune Hospitality Group LLC, owner.

SUBJECT - Application February 23, 2005 - Extension of Time to Complete Construction of a hotel which was granted on March 28, 2000 under section 72-21 of the zoning resolution for the subject site to be used as a transient hotel located in C1-2 zoning district.

PREMISES AFFECTED - 220-16 Jamaica Avenue, south side of Jamaica Avenue between 220th Street and 221st Street, Block 10789, Lot 268, Borough of Queens.

COMMUNITY BOARD #13Q

215-00-BZ

APPLICANT - McDermott Will & Emery LLP, for Parker Jewish

MAY 10, 2005, 1:30 P.M.

Institute for Health Care and Rehabilitation, owner.

SUBJECT - Application January 13, 2005 - Extension of Time to Complete Construction of the Parker Jewish Institute for Health Care and Rehabilitation, authorized by a variance issued by the Board of Standards and Appeals on January 16, 2001, located R3-2 Zoning District.

PREMISES AFFECTED - 271-11 76th Avenue, Block 8489 and the Nassau County line, Block 8520, Lot 175, Borough of Queens.

COMMUNITY BOARD #13Q

182-02-BZ

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

SUBJECT - Application December 20, 2004 - reopening to request an amendment to redesign a gasoline service station previously approved in 2003. Relocation and reduction of floor area of the convenience store, relocate the fuel dispenser islands and canopy, increase the curb cuts from three to five and to modify the landscaping. The premise is located in R3-2/C1-2 and R3-2 zoning district.

PREMISES AFFECTED - 1705 Richmond Avenue, aka 2990 Victory Boulevard, southeast corner of the intersection of Richmond Avenue and Victory Boulevard, Block 2072, Lot 42, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEALS CALENDAR

211-04-A

APPLICANT - Sheldon Lobel, P.C., for Grace Presbyterian Church, owner.

SUBJECT - Application May 21, 2004 - Proposed expansion and renovation of an existing church building, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 216-50/56 28th Avenue, southwest corner of Cross Island Parkway, Block 6019, Lot 108, Borough of Queens.

COMMUNITY BOARD #11

CALENDAR

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, May 10, 2005, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

127-04-BZ

APPLICANT - Eric Palatnik, P.C., for Abraham Leser, owner; Absolute Power and Fitness, lessee.

SUBJECT - Application March 10, 2004 - under Z.R. §73-36 the legalization of an existing physical culture establishment, located on the fourth floor of a four story building, situated in a C4-3 zoning district.

PREMISES AFFECTED - 5313/23 Fifth Avenue, between 53rd and 54th Streets, Block 816, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

175-04-BZ thru 177-04-BZ

APPLICANT - Joseph P. Morsellino, for 130th Street LLC, owner.

SUBJECT - Application April 29, 2004- under Z.R. §72-21- Proposed erection and maintenance of a two family dwelling, Use Group 2, which does not comply with the zoning requirements for floor area, floor area ratio, lot coverage, open space, perimeter wall height and rear yard, is contrary to Z.R. §23-141, §23-631 and §23-47.

PREMISES AFFECTED -

7-05 130th Street, east side, Block 3982, Lot 70, Borough of Queens.

7-09 130th Street, east side, Block 3982, Lot 67, Borough of Queens.

7-13 130th Street, east side, Block 3982, Lot 65, Borough of Queens.

COMMUNITY BOARD #7Q

178-04-BZ thru 181-04-BZ

APPLICANT - Joseph P. Morsellino, for 130th Street LLC, owner.

SUBJECT - Application April 29, 2004- under Z.R. §72-21- Proposed erection and maintenance of a two family dwelling, Use Group 2, which does not comply with the zoning requirements for floor area, floor area ratio, lot coverage and minimum required open space is contrary to Z.R. §23-141.

PREMISES AFFECTED -

7-04 130th Street, west side, Block 3980, Lot 66, Borough of Queens.

7-06 130th Street, west side, Block 3980, Lot 68, Borough of

372-04-BZ

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

Queens.

7-12 130th Street, west side, Block 3980, Lot 72, Borough of Queens.

7-14 130th Street, west side, Block 3980, Lot 74, Borough of Queens.

COMMUNITY BOARD #7Q

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

276-04-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Albert J. and Catherine Arredondo, owners.

SUBJECT - Application August 10, 2004 - under Z.R. §72-21 to permit the proposed addition of a second floor plus attic, to an existing one family dwelling, Use Group 1, located in an R4 zoning district, which does not comply with the zoning requirements for rear and side yards, is contrary to Z.R. §23-461 and §23-47.

PREMISES AFFECTED - 657 Logan Avenue, west side, 100' south of Randall Avenue, Block 5436, Lot 48, Borough of The Bronx.

COMMUNITY BOARD #10BX

354-04-BZ

APPLICANT - Friedman & Gotbaum by Shelly S. Friedman, Esq., for Greenwich Tower LLC, owner.

SUBJECT - Application November 8, 2004 - under Z.R. §72-21 to permit the proposed conversion of an existing two-story building, from artist's studio to a single family residence, located in an M1-5 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED - 637 Greenwich Street, east side, 75.3' south of Barrow Street, Block 603, Lot 51, Borough of Manhattan.

COMMUNITY BOARD #2M

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

CALENDAR

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

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, APRIL 5, 2005
10:00 A.M.**

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

MINUTES

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, February 1, 2005, were approved as printed in the Bulletin of February 9, 2005, Volume 90, No. 6.

SPECIAL ORDER CALENDAR

348-82-BZ

APPLICANT - Salvati Architects for George Gong, owner.
SUBJECT - Application December 17, 2004 - Extension of Term/ Waiver/ Amendment, application seeks to legalize the change from three (3) storefronts (U.G. 6) to two (2) storefronts (U.G. 6 & 16D) located in an R5 zoning district. The application was approved under section 72-21 of the zoning resolution to permit in an R5 zoning district, the establishment of three (U.G. 6) storefronts for a term of 20 years which expired on April 12, 2003. PREMISES AFFECTED - 204 Avenue S, Avenue S and West 6th Street, Block 7083, Lot 4, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to May 24, 2005, at 10 A.M., for postponed hearing.

14-92-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for DG Equities and Greenwich Reade Associates, for TSI Greenwich Street, Inc., lessee.

SUBJECT - Application May 19, 2004 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 3, 2003 and for an amendment to the resolution to allow the operation of a physical culture establishment.

PREMISES AFFECTED - 311 Greenwich Street, a/k/a 151 Reade Street, southeast corner of Greenwich Street and Reade Street, Block 140, Lot 7502, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Fredrick A. Becker.

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 April 19, 2005, at 10 A.M., for decision, hearing closed.

68-94-BZ

APPLICANT - Fischbein Badillo Wagner & Harding for Bally Total Fitness, lessee

SUBJECT - Application January 21, 2005 - to Reopen and
WHEREAS, the decision of the Queens Borough Commissioner dated September 22, 2004 acting on Department of Buildings Application No.401970863, reads, in pertinent part:

Extension of Term of a Special Permit for a Physical Cultural Establishment located on a portion of the first and second floor of the Bay Plaza shopping center which expired on November 11, 2004. Located in a C4-3 Zoning district. Minor interior layout change and signage change.

PREMISES AFFECTED - 2100 Bartow Avenue, south side, at the eastern most side of Baychester Avenue, Bronx

COMMUNITY BOARD#10BX

APPEARANCES -

For Applicant: Barbara Hair.

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 April 19, 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 (fka 19, 20, 22), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Jordan Most.

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

329-04-A

APPLICANT - Jeffrey Geary, for Riley Realty Corp., owner.
SUBJECT - Application October 5, 2004 - Proposed construction of a 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 -10-03 Channel Road, (aka 100th Place), west side, 33.94' south of 197th Avenue, Block 15475, Lot 26, Borough of Queens.

COMMUNITY BOARD #14Q

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

THE RESOLUTION -

“General City Law 35: Building in the bed of a mapped street . . .”; and

WHEREAS, a public hearing was held on this application on March 29, 2005, after due notice by

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publication in the *City Record*, and then to decision on April 5, 2005; and

WHEREAS, by letter dated January 11, 2005, the Fire Department states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated February 17, 2005 the Department of Environmental Protection states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated December 23, 2004, the Department of Transportation 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, September 22, 2004 acting on Department of Buildings Application No.401970863, 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 March 29, 2005"-(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) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals April 5, 2005.

385-04-A

APPLICANT -Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Christine & Barry Fisxher, lessee.

SUBJECT - Application December 6, 2004 - Proposed reconstruction and enlargement of an existing single family dwelling, also the proposed upgrading of an existing private disposal system, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED - 2 Deauville Walk, in the bed of Beach 214th Street, at the intersection of Palmer Drive, Block 16350, Lot 300, Borough of Queens.

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

COMMUNITY BOARD #14Q

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

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated November 23, 2004, acting on Department of Buildings Application No. 402002266, reads:

"A-1 The existing building to be altered lies within the bed of a mapped street contrary to General City Law Article 3, Section 35

A-2 The proposed upgraded private disposal system is in the bed of a mapped street contrary to Department of Buildings Policy.;" and

WHEREAS, a public hearing was held on this application on March 15, 2005 after due notice by publication in the *City Record*, and then to decision on April 5, 2005; and

WHEREAS, by letter dated December 16, 2004, the Fire Department states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated January 31, 2005, the Department of Environmental Protection states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated February 2, 2005 in 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 Queens Borough Commissioner, dated November 23, 2004, acting on Department of Buildings Application No. 402002266, 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 March 21, 2005"-(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

configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 5, 2005.

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2:00 P.M.

232-04-A

APPLICANT - Snyder & Snyder LLP, c/o Omnipoint Communications, Inc., for Edward Zdanowicz, owner; Omnipoint Communications, Inc., lessee.

SUBJECT - Application June 18, 2004 - Proposed construction of a communications structure on a property that is not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 17 Feldmeyers Lane, 130' from the intersection of Feldmeyers Lane and Victory Boulevard, Block 2660, Lot 63, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES - None.

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 April 19, 2005, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 10:30 A.M.

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

ZONING CALENDAR

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 -

for Applicant: Sandy Anagnostou.

THE VOTE TO REOPEN HEARING -

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

Negative:.....0

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 12, 2005, at 1:30 P.M., for decision, hearing closed.

3-04-BZ

APPLICANT - Eric Palatnik, P.C., for Rushikesh Trivedi, owner.

SUBJECT - Application January 6, 2004 - under Z.R. §72-21 to permit the proposed dental office, Use Group 6, located in an R-2 zoning district, which does not comply with the zoning requirements for floor area, open space, front and side yards and use, which is contrary to Z.R. §24-111, §22-14, §24-34 and §24-35.

PREMISES AFFECTED - 147-08 46th Avenue, between Parsons Boulevard and 149th Street, Block 5452, Lot 3, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to June 7, 2005, at 1:30 P.M., for continued hearing.

REGULAR MEETING TUESDAY AFTERNOON, APRIL 5, 2005

63-04-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Showky Kaldawy, owner.

SUBJECT - Application February 27, 2004 - under Z.R. §72-21

to permit the proposed accessory parking, for an adjacent car rental facility, (Use Group 8), located in an R5 zoning district, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 108-24 Astoria Boulevard, southwest

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corner of 110th Street, Block 1703, Lots 94, 97, 98 and 99,
Borough of Queens.

COMMUNITY BOARD #3Q

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 May 10, 2005,
at 1:30 P.M., for decision, hearing closed.

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 188th Street, northeast corner
of Jamaica Avenue, Block 9910, Tentative Lot 43 (part of lot 1),
Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Laid over to May 10, 2005,
at 1:30 P.M., for continued hearing.

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.

For Opposition: Kathy Jaworski, Antoinette Vasile and Ed
Jaworski.

ACTION OF THE BOARD - Laid over to May 17, 2005,
at 1:30 P.M., for continued hearing.

286-04-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP for
Pei-Yu Zhong, owner.

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: Heather Petralia and Stuart Klein.

SUBJECT - Application August 18, 2004 - under Z.R. §72-21 to
permit the proposed one family dwelling, without the required lot
width and lot area is contrary to Z.R. §23-32.

PREMISES AFFECTED - 85-78 Santiago Street, west side,
111.74' south of McLaughlin Avenue, Block 10503, Part of Lot
13(tent.#13), Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Linda Valentino and Lurt Hoppe.

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 May 10, 2005,
at 1:30 P.M., for decision, hearing closed.

287-04-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP for
Pei-Yu Zhong, owner.

SUBJECT - Application August 18, 2004 - under Z.R. §72-21 to
permit the proposed one family dwelling, without the required lot
width and lot area is contrary to Z.R. §23-32.

PREMISES AFFECTED - 85-82 Santiago Street, west side, 177'
south of McLaughlin Avenue, Block 10503, Part of Lot
13(tent.#15), Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Linda Valentino and Lurt Hoppe.

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 May 10, 2005,
at 1:30 P.M., for decision, hearing closed.

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).

For Opposition: Linda Scott, Gloria Goodwin and Joseph Scott.

ACTION OF THE BOARD - Laid over to May 24, 2005,
at 1:30 P.M., for continued hearing.

294-04-BZ

MINUTES

APPLICANT - Petraro & Jones, LLP., by Patrick W. Jones, Esq., for 2478-61 Realty Corp., owner.

SUBJECT - Application August 26, 2004 - under Z.R. §72-21 proposed construction of a three family dwelling, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for front and side yards, is contrary to Z.R. §§23-45 and 23-49.

PREMISES AFFECTED - 103-05 35th Avenue, (a/k/a 34-29 35th Avenue), northeast corner of 103rd Street, Block 1744, Lot 43, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Patrick Jones and Willy Zambrarro.

For Opposition: Denis Pease and Dorothy Palmer.

ACTION OF THE BOARD - Laid over to April 19, 2005, at 1:30 P.M., for continued hearing.

340-04-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Anthony R. and Valerie J. Racanelli, owners; Walgreens, lessee.

SUBJECT - Application October 15, 2004 - under Z.R. §72-21 to request a bulk variance to allow the construction of a new drug store without the required parking in a C4-1 district, contrary to Z.R. §§33-23(B) and 36-21.

PREMISES AFFECTED - 1579 Forest Avenue, northeast side of Forest Avenue and Decker Avenue, Block 1053, Lot 149, Borough of Staten Island.

COMMUNITY BOARD #1SI

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 May 10, 2005, at 1:30 P.M., for decision, hearing closed.

371-04-BZ

APPLICANT - Eric Palatnik, P.C., for Hillel Kirschner, owner.

SUBJECT - Application November 22, 2004 - under Z.R.73-622 to permit the proposed enlargement of an existing single family residence, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, side and rear yards, is contrary to Z.R. §23-141(a), §23-46 and §23-47.

PREMISES AFFECTED - 1271 East 28th Street, between Avenues "L and M", Block 7646, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to May 17, 2005, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 3:40 P.M.

CORRECTIONS

*CORRECTION

This resolution adopted on March 15, 2005, under Calendar No. 126-04-BZ and printed in Volume 90, Bulletin Nos. 13-14, is hereby corrected to read as follows:

126-04-BZ

CEQR #04-BSA-141K

APPLICANT - Eric Palatnik, Esq., for James Bateh, owner.

SUBJECT - Application October 7, 2004 - under Z.R. §73-622 to permit the proposed enlargement of a single family residence, Use Group 2, located in an R3-1(BR) zoning district, which does not comply with the zoning requirements for open space, floor area, also side and front yards, is contrary to Z.R. §23-141, §23-461(a) and §23-45.

PREMISES AFFECTED - 66 87th Street, south side, between Narrows Avenue and Colonial Road, Block 6046, Lot 19, Borough of Brooklyn.

COMMUNITY BOARD #10BK

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, the decision of the Borough Commissioner, dated September 28, 2004, acting on Department of Buildings Application No. 301685610, reads:

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

1. Proposed floor area is contrary to ZR 23-141
2. Proposed open space ratio is contrary to ZR: 23-141
3. Proposed side yard is contrary to ZR 23-461(a)”; and

WHEREAS a public hearing was held on this application on January 11, 2005 after due notice by publication in *The City Record*, with continued hearings on February 1, 2005 and March 1, 2005, and then to decision on March 15, 2005; and

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

WHEREAS, Community Board 10, Brooklyn, recommends approval of this application; and

WHEREAS, this is an application under Z.R. § 73-622 to permit, in an R3-1 zoning district, the proposed enlargement of an existing single-family residence (Use Group 1), which does not comply with the zoning requirements for floor area, open space ratio and side yard, contrary to Z.R. §§ 23-141 and

23-461(a); and

WHEREAS, the subject lot is located on the south side of 87th Street between Colonial Road and Narrows Avenue, and has a total lot area of 5,000 sq. ft.; and

WHEREAS, the applicant states that the subject premises is improved upon with an existing two-story residential structure with attic; and

WHEREAS, the applicant seeks an increase in the floor area from 3,066 sq. ft. (0.62 Floor Area Ratio or “FAR”) to 4,678.82 sq. ft. (.936 FAR); this exceeds the permitted 2,500 sq. ft. floor area (0.60 FAR with attic); and

WHEREAS, the proposed enlargement will reduce the Open Space Ratio (“OSR”) from 61% to 57% (the minimum open space ratio required is 65%); and

WHEREAS, the applicant received a letter from the Department of Buildings that states that the applicant can maintain the existing perimeter wall height of 21’-8” so long as the applicant obtains waivers from the Board of Standards and Appeals for F.A.R., open space ratio and side yards; and

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

WHEREAS, the applicant proposes a straight line enlargement into the rear yard; and

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

WHEREAS, the applicant submitted photographs documenting houses in the immediate vicinity of the site that stand two stories high with no setbacks between the first and second floors; and

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

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

WHEREAS, the Board finds that, under the conditions imposed, any 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 and 73-03.

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. §§ 73-622 and 73-03, to permit, in an R3-1 zoning district, the proposed enlargement of an existing single-family residence (Use Group 1), which does not comply with the zoning requirements for floor area, open space ratio 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

CORRECTIONS

objection above-noted, filed with this application and

marked "Received August 24, 2004" - (5) sheets, "Received February 15, 2005" - (1) sheet, and "Received March 8, 2004" - (1) sheet; and *on further condition*:

THAT there shall be no habitable room in the cellar;

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

THAT the total F.A.R. for the premises, including the attic, shall not exceed 0.936;

THAT the total attic floor area shall not exceed 997.74 s.f.;

THAT the proposed attic floor area shall be reviewed and confirmed by the Department of Buildings;

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

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

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

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

Adopted by the Board of Standards and Appeals, March 15, 2005.

*The resolution has been corrected in the part of the 10th WHEREAS, which read: "21'-0"" now reads: "21'-8"". Corrected in Bulletin No. 17, Vol. 90, dated April 14, 2005.