
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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April 21, 2005

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DOCKETS

New Case Filed Up to April 12, 2005

78-05 -BZ **B.Q.** **264-15 77th Avenue,**
southwest corner of 256th Street, Block 8538, Lots 29 and 31,
Borough of Queens. **Applic. #402086372.** Proposed
expansion of an existing one story synagogue building,
located in an R2 zoning district, which does not comply with
the zoning requirements for lot coverage, also front and side
yards, is contrary to Z.R. §24-11, §24-24 and §24-35.
COMMUNITY BOARD #13BK

79-05-BZ **B.M.** **101/21 Central Park North,**
west side of Lenox Avenue, between Central Park North and
West 111th Street, Block 1820, Lot 30, Borough of
Manhattan. **N.B. #103977528.** Proposed 20-story mixed use
building, with below grade parking spaces, located in an
R8/C1-4 and R7-2/C1-4 zoning district, which does not
comply with the zoning requirements for floor area, height
and setback, is contrary to Z.R. §23-011, §23-145, §35-22,
§35-31, §23-633 and §35-24.
COMMUNITY BOARD #10M

80-05-BZ **B.M.** **49 West 32nd Street,**
north side, 148.6' west of Broadway, Block 835, Lot 9,
Borough of Manhattan. **Applic. #104045819.** Proposed
operation of a physical culture establishment, at the subject
premise, located in a C6-6(Mid) zoning district, requires a
special permit from the Board as per Z.R. §73-36.
COMMUNITY BOARD #5M

81-05-BZ **B.BK.** **1061/71 52nd Street,**
north side, 229' east of Fort Hamilton Parkway, Block 5653,
Lot 55, Borough of Manhattan. **N.B. #301320372.** Proposed
development of a 7-story plus mezzanine residential building,
with 39 dwelling units and 10 off-street accessory parking
space, located in an R6 zoning district, which does not
comply with the zoning requirements floor area ratio, height
factor, lot coverage, base height, height of streetwall,
setback, sky exposure plane, and parking is contrary to Z.R.
§23-145, §23-632, §23-633 and §25-23.
COMMUNITY BOARD #12BK

82-05-BZ **B.M.** **1841 Park Avenue,**
a/k/a 101 East 126th Street, northeast corner, Block 1775,
Lot 1, Borough of Manhattan. **Applic. #104063193.**
Proposed daycare center (school), Use Group 3A, is not
permitted as-of-right in an M1-2 zoning district, and is
therefore contrary to Z.R. §42-12.
COMMUNITY BOARD #11M

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

CALENDAR

MAY 17, 2005, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, May 17, 2005, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

1111-62-BZ

APPLICANT - Sheldon Lobel. P.C., for 200 East Tenants Corporation, owner; Adonis Parking, LLC, lessee.

SUBJECT - Application September 23, 2004 - Extension of Term of a variance to permit transient parking beyond the Ten year term expiring on March 26, 2003 in the C5-2 portion of the lot.

PREMISES AFFECTED - 201 East 56th Street a/k/a 935-951 Third Avenue, 201-207 East 56th Street and 200-210 East 57th Street, Manhattan.

COMMUNITY BOARD #6M

1129-64-BZ

APPLICANT - Sheldon Lobel. P.C., for 147-36 Brookville Boulevard Corp., owner.

SUBJECT - Application November 10, 2004 - Extension of term filed pursuant to sections 72-01 and 72-22, which was originally granted March 2, 1965, to permit the erection of a one story enlargement to an existing building used for the sale of auto supplies in an R3-2 zoning district.

PREMISES AFFECTED - 147-36 Brookville Boulevard, southwest corner of 147th Road and Brookville Boulevard, Block 13729, Lot 33, Borough of Queens.

COMMUNITY BOARD #13Q

138-68-BZ

APPLICANT - Francis R. Angelino c/o DeCamp Diamond & Ash, for Martin A. Gleason Funeral Home, LLC, owner.

SUBJECT - Application - February 18, 2005 - Request a two-year Extension of Time/Waiver to obtain a Certificate of Occupancy for a funeral home. The premise is located in an R-2 zoning district.

PREMISES AFFECTED - 10-25 150th Street, Block 4515, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

PREMISES AFFECTED - 40 Ocean Avenue, west side, 295.32' north of Rockaway Boulevard, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14

739-76-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Cord Meyer Development, Corp., owner; Peter Pan Games of Bayside, lessee.

SUBJECT - Application January 19, 2005 - reopening for an extension of term of variance for an amusement arcade (Use Group 15) which expired April 10, 2005.

PREMISES AFFECTED - 212-95 26th Avenue, 26th Avenue and Bell Boulevard, Block 5900, Lot 2, Borough of Queens.

COMMUNITY BOARD #7Q

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.

APPEALS CALENDAR

54-05-A

APPLICANT - NYC Department of Buildings.

OWNER OF PREMISES: Yeshiva Imrei Chaim Viznitz.

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

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

COMMUNITY BOARD #12BK

55-05-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Giacomo & Elizabeth Reneo, lessee.

SUBJECT - Application March 8, 2005 - Proposed enlargement to an existing one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

CALENDAR

56-05-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; John & Margaret Carr, lessees.

SUBJECT - Application March 8, 2005 - Proposed enlargement to an existing one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 10 Janet Lane, south side, 235.6' west of Beach 201st Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

SUBJECT - Application March 8, 2005 - Proposed enlargement to an existing one family dwelling not fronting on a legally mapped street, also a proposal to upgrade the private disposal in the bed of an existing service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings' Policy.

PREMISES AFFECTED -5 Courtney Lane, north side, 237.31' east of Beach 203rd Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

57-05-A

APPLICANT -Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; James & Bernadette Geissler, lessees.

SUBJECT - Application March 8, 2005 -Proposed enlargement to an existing one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -667 Highland Place, east side, .10' north of 12th Avenue, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14

MAY 17, 2005, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, May 17, 2005, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

58-05-A

APPLICANT -Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Muriel Daly, lessee.

SUBJECT - Application March 8, 2005 - Proposed enlargement to an existing one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -15 Ocean Avenue, east side, 295.32' north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14

156-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Edwin Umanoff, owner.

SUBJECT - Application April 13, 2004 - under Z.R. §72-21 to permit the legalization of an existing insurance brokerage business, Use Group 6, located in an R5 zoning district, is contrary to Z.R. §22-00.

PREMISES AFFECTED - 9712 Flatlands Avenue, between East 98th Street and Rockaway Parkway, Block 8205, Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #18

59-05-A

APPLICANT -Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Kevin & Maureen Gormley, lessees.

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

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

COMMUNITY BOARD #2BK

163-04-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for MyLaw Realty Corp., owner; Fort Greene Sports Club, LLC, lessee.

356-04-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for RFD 55th Street, LLC, owner; The Core Club 55th Street, LLC, lessee.

SUBJECT - Application November 16, 2004 - under Z.R. §73-36 approval sought for a proposed physical cultural establishment to be located on a portion of the cellar and first floor, entire third, fourth and sixth floor levels of a 41 story mixed use building currently under construction. The proposed PCE use will contain 19, 249 gross

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square feet. The site is located in a C5-2.5 Special Midtown District. PREMISES AFFECTED - 60 East 55th Street, southmidblock, East 55th Street, block bounded by Park and Madison Avenues and East 54th and East 55th Streets, Block1290, Lot # 45, Borough of Manhattan.

COMMUNITY BOARD #5M

15-05-BZ

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

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

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

COMMUNITY BOARD #4M

32-05-BZ

APPLICANT - Law Office of Howard Goldman, for Rivendell School, owner.

SUBJECT - Application February 24, 2005 - under Z.R. §72-21 to permit the proposed relocation and expansion of an existing not-for-profit school, located in an R6B zoning district, which does not comply with the zoning requirements for lot coverage, is contrary to Z.R. §24-11 and §52-31.

PREMISES AFFECTED - 288 7th Street, between Fourth and Fifth Avenues, Block 998, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #6BK

63-05-BZ

APPLICANT -Carole S. Slater, Esq., Slater & Beckerman, LLP for Otsar, Inc., owner.

SUBJECT - Application March 15, 2005 - Variance pursuant to Section 72-21 of the Zoning Resolution, to permit a two-story addition to a not for profit educational institution for developmentally disabled children, within R5 and R5/C1-2 Zoning Districts to vary Sections 24-11, 24-34, and 77-28 of the Resolution.

PREMISES AFFECTED -2324 West 13th Street between Avenue W and Avenue X; distance of 150 feet south of Avenue W, Block

REGULAR MEETING

TUESDAY MORNING, APRIL 12, 2005

10:00 A.M.

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, February 8, 2005, were approved as printed in the Bulletin of February 17, 2005, Volume 90, No. 7.

7160, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #13BK

82-05-BZ

APPLICANT - Adrienne W. Bernard, Esq., Fried, Frank, Harris, Shriver & Jacobson, LLP, for Association to Benefit Children, owner.

SUBJECT - Application April 5, 2005 - pursuant to Z.R.§ 73-19, to allow an existing child care facility accessory to a not-for-profit community service organization to operate as a Use Group 3A school, within an M1-2 and R7-2 Zoning District and to vary Section 42-12 of the Resolution.

PREMISES AFFECTED - 1841 Park Avenue (a/k/a 101 East 126th Street), Northeast corner of Park Avenue and East 126th Street, Block 1775, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #11M

Pasquale Pacifico, Executive Director

SPECIAL ORDER CALENDAR

200-24-BZ

APPLICANT - Stephen Ely, for Ebed Realty c/o Ruben Greco, owner.

SUBJECT - Application December 22, 2004 - reopening for an extension of time to obtain a Certificate of Occupancy, located in an R8 and C8-2 zoning district.

PREMISES AFFECTED - 3030 Jerome Avenue, a/k/a 3103 Villa Avenue, 161.81' south of East 204th Street on the East Side of

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Jerome Avenue, Block 3321, Lot 25, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Stephen Ely.

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 waiver of the Rules of Practice and Procedure and an extension of time to obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on March 29, 2005 after due notice by publication in the *City Record*, and then to decision on April 12, 2005; and

WHEREAS, on May 25, 1924, the Board permitted the erection of a storage garage at the subject premises; and

WHEREAS, on March 29, 1960, the Board reopened and amended the resolution to permit a change in use from storage garage to auto repair, for a term of ten years; said term was extended at various times; and

WHEREAS, on March 17, 2001, the Board legalized the change of use from automotive related services (Use Group 16) to a retail food store (Use Group 6) and to extend the term of the variance; and

WHEREAS, on November 26, 2002, the Board reopened and amended the resolution to permit a change of use from retail food store to a bookstore and to extend the time to complete construction and obtain a new certificate of occupancy; and

WHEREAS, the period in which to obtain the CO expired on November 26, 2004; and

WHEREAS, the applicant states that the reason for the requested extension of time is due to financial considerations; and

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

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and reopens and amends the resolution, said resolution having been

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a re-opening and an extension of term for a special permit for a physical culture establishment ("PCE"), and an amendment to approve an alteration of the signage and a minor change to the interior layout of the PCE; and

WHEREAS, a public hearing was held on this application on April 5, 2005, after due notice by publication in *The City Record*, and then to decision on April 12, 2005; and

WHEREAS, Community Board No. 10, Bronx, has no objection to the extension of term of the special permit; and

WHEREAS, the PCE is located on a portion of the first and second floors of the Co-Op City Bay Plaza shopping center and occupies 20,290 sq. ft. of floor area; and

adopted on March 25, 1924, so that as amended this portion of the resolution shall read: "to permit an extension of the time to obtain a certificate of occupancy, for a period of one year from the date of this resolution to expire on April 12, 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) and/or configuration(s) not related to the relief granted."

(DOB Application No. 200608896)

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

68-94-BZ

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

SUBJECT - Application January 21, 2005 - to reopen and 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.

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, on November 1, 1994, under the subject calendar number, the Board granted a special permit for a term of ten years pursuant to Z.R. § 73-36, to permit, in a C3-4 district, the operation of a PCE, with certain conditions; and

WHEREAS, the special permit expired on November 1, 2004; and

WHEREAS, since the original grant, the applicant has changed two signs above the PCE entrance at the rear of the shopping center from "Bally Jack LaLanne" to "Bally Total Fitness," and has installed a wire mesh partition on the second floor for the sale of retail merchandise; and

WHEREAS, the applicant submitted a sign analysis which reflects the amendments to the signage and states that the signage is in full compliance with C4-3 district sign

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regulations; and

WHEREAS, additionally, the Board finds that the applicant continues to meet the requirements of Z.R. § 73-36; and

WHEREAS, accordingly, the Board finds that it is appropriate to grant an extension of a special permit in this case.

Therefore it is Resolved that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, and *reopens and amends* the resolution, said resolution having been adopted on November 1, 1994, so that as amended this portion of the resolution shall read: “to permit the extension of the term of the special permit for an additional ten (10) years to expire on November 1, 2014, and to permit an alteration of the signage and the interior layout on the second floor, *on condition* that all work shall substantially conform to drawings filed with this application marked ‘Received February 28, 2005’-(4) sheets; and *on further condition*:

THAT the terms of this grant shall be for ten years to expire on November 1, 2014;

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

THAT the conditions from the prior resolution not specifically waived by the Board shall remain in effect;

THAT a new Certificate of Occupancy shall be obtained within eighteen (18) months of the date hereof;

THAT all signage shall comply with the C4-3 zoning district regulations;

THAT all plans previously approved by the BSA shall remain in effect except for the changes to the plans approved with respect to the second floor and the signage;

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

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

(DOB Application No. 200925721)

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

WHEREAS, on January 15, 2002, the applicant wrote a letter to the Board outlining various structural problems encountered with the conversion of the existing residence into a office/retail building, and requested permission to demolish the existing structure and construct a new building with the same amount of square footage, in lieu of converting the existing structure; and

WHEREAS, on March 13, 2002, the Board issued a letter granting the applicant’s request to demolish the existing structure and build a new building, and the building has since been demolished; and

WHEREAS, in 2003, the site was down-zoned from R3-2 to R3-1; and

WHEREAS, the period in which to complete construction expired on May 2, 2004; and

286-99-BZ

APPLICANT - Rampulla Associates Architects, for Vasilios Koniosis, owner.

SUBJECT - Application September 20, 2004 - Extension of Time/Waiver of the Rules of Practice and Procedures to complete construction for the conversion of an existing single family detached dwelling to stores and offices, approved by the Board on May 2, 2000.

PREMISES - 4142 Hylan Boulevard, SE/S of Hylan Boulevard at the corner of Hylan Boulevard and Hinz Avenue, Block 5310, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Philip Rampulla.

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 waiver of the Rules of Practice and Procedure, an extension of time to complete construction and obtain a certificate of occupancy, and an amendment to the Board-approved resolution; and

WHEREAS, a public hearing was held on this application on February 8, 2005 after due notice by publication in the *City Record*, with a continued hearing on March 15, 2005, and then to decision on April 12, 2005; and

WHEREAS, Community Board 3, Staten Island, has no objection to this application, provided certain conditions, as reflected below, are imposed by the Board; and

WHEREAS, on May 2, 2000, the Board granted an application under the subject calendar number to permit, within an R3-2 zoning district in the Special South Richmond District, a change in use of the subject premises from a one-family dwelling to an office/retail building (Use Group 6), contrary to Z.R. § 22-00; and

WHEREAS, the Board-approved building was for a two-story retail and office building, with a floor area of 5,734 sq. ft., five separate tenant spaces and 21 accessory parking spaces; and

WHEREAS, the applicant’s current proposal is a two-story with cellar, bank building, with a floor area of 5,684 sq. ft., one tenant space, and 22 accessory parking spaces; and

WHEREAS, the new building has a diminished footprint, which reduces the lot coverage by 1,377 square feet from the prior grant; and

WHEREAS, in response to Board concerns, the applicant has agreed to conditions regarding the operation of the proposed bank and circulation, reflected below; and

WHEREAS, based upon the above, the Board has determined that the evidence in record supports the grant of

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the requested waiver and extension.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and reopens and amends the resolution, said resolution having been adopted on May 2, 2000, so that as amended this portion of the resolution shall read: "to permit an extension of the time to complete construction of a two-story with cellar, bank and office building and to obtain a certificate of occupancy, for an additional three years from the date of this resolution to expire on April 12, 2008; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked 'Received March 29, 2005' - (1) sheet and 'Received March 1, 2005' - (5) sheets; and *on further condition*:

THAT the term of this grant shall be for a period of 20 years from the date of the original grant, to expire on May 2, 2020;

THAT the hours of operation shall be from 8:30 AM to 4 PM Monday, Tuesday and Wednesday, and 8:30 to 6 PM Thursday and Friday;

THAT all landscaping and fencing shall be installed and maintained in accordance with BSA-approved plans;

THAT the refuse container shall be located within an opaque fenced area;

THAT no vehicles shall be parked on the sidewalk at any time;

THAT the subject premises shall be kept clean and free of debris at all times;

THAT the premises shall remain free of graffiti at all times;

THAT the curb cut on Hylan Boulevard shall be for exiting only and signage and/or markings shall be installed indicating this;

THAT the curb cut on Heinz Avenue nearest to Hylan Boulevard shall be for entrance only and signage and/or markings shall be installed indicating this;

THAT there shall be no change in the use of the site as a bank without prior Board approval;

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

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

SUBJECT - Application September 7, 2004 - reopening for an extension of term of a variance for attended transient parking, limited to a maximum of twenty-three (23) vehicles, in a multiple dwelling presently located in C5-1 (MP) zoning district. The original grant of the variance by the Board of Standards and Appeals was made pursuant to Section 60(3) of the multiple Dwelling Law.

PREMISES AFFECTED - 49 East 77th Street, east side of Madison Avenue at intersection of E. 78th Street and E. 77th Street, Block 1392, Lot 1101, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Steven Simich.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar,

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

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

(DOB Application No.500641638)

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

314-28-BZ

APPLICANT - Manuel B. Vidal, Jr., for Henilda Realty Corporation, owner; Henilda Realty Corporation, lessee.

SUBJECT - Application July 8, 2004 - reopening for an amendment to the prior resolution to permit the removal of the existing kiosk and to erect a new building on the property to be used as a convenience store.

PREMISES AFFECTED - 902/14 Westchester Avenue and 911/15 Rogers Place, south west corner of 889/903 East 163rd Street, Block 2696, Lot 130, Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Eric Palatnik.

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 May 10, 2005, at 10 A.M., for decision, hearing closed.

752-64-BZ

APPLICANT - Patrick Jones, Esq, by Petraro & Jones, for Gallery Partners, LLC, owner.

Commissioner Miele and Commissioner Chin.....4

Negative:.....0

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

721-67-BZ

APPLICANT - Sheldon Lobel, P.C., for Bill Wolf Petroleum Corp., owner.

SUBJECT - Application September 15, 2004- reopening for an amendment to the resolution to permit the addition of a canopy and the conversion of the existing accessory service bays to an accessory convenience store.

PREMISES AFFECTED - 7310-7322 New Utrecht Avenue,

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block bound by New Utrecht Avenue, 74th Street and 16th Avenue,
Block 6203, Lot 1, Borough of Brooklyn

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Janice Cahalane.

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

490-69-BZ

APPLICANT - Sheldon Lobel, P.C., for 300 East 74th Owners
Corp., owner; GGMC Parking, LLC, lessee.

SUBJECT - Application September 2, 2004 - reopening for an
extension of term of a variance for attended transient parking in a
multiple dwelling presently located in a C1-9 and R8-B zoning
district. The original grant of the variance by the Board of Standards
and Appeals was made pursuant to Section 60(3) of the multiple
Dwelling Law.

PREMISES AFFECTED - 1408/18 Second Avenue, 303/09 East
73rd Street, 300/04 East 74th Street, east side of Second Avenue, 50'
north of East 73rd Street, Block 1448, Lot 3, Borough of Manhattan.

COMMUNITY BOARD #8M

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 May 10, 2005, at
10 A.M., for decision, hearing closed.

1038-80-BZ

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

SUBJECT - Application January 13, 2005 - reopening for an
extension of term of variance which expired on January 6, 2005 for
an amusement arcade.

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

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant:

APPEALS CALENDAR

303-04-BZY thru 308-04-BZY

APPLICANT - Edward Lauria, P.E., for Fred LaRocca, owner.

SUBJECT - Application September 10, 2004 - Application to
complete construction for a minor development as per Z.R. §11-331.

PREMISES AFFECTED -

81 Lorraine Avenue, north side, 220' west of Ralph Avenue,
Block 6212, Lot 62, Borough of Staten Island.

85 Lorraine Avenue, north side, 220' west of Ralph Avenue,
Block 6212, Lot 61, Borough of Staten Island.

89 Lorraine Avenue, north side, 220' west of Ralph Avenue,
Block 6212, Lot 58, Borough of Staten Island.

93 Lorraine Avenue, north side, 220' west of Ralph Avenue,

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.

97-97-BZ

APPLICANT - Eric Palatnik, P.C., for BP Products North
America, owner.

SUBJECT - Application November 5, 2004 - Extension of Time to
Obtain a Certification of Occupancy. On October 7, 1997 the
Board of Standards and Appeals issued a resolution permitting in an
R-5 zoning district, the construction and maintenance of a gasoline
service station with an accessory convenience store.

PREMISES AFFECTED - 1730 Cross Bronx Expressway, a/k/a
1419/21 Rosedale Avenue, Block 3894, Lot 28, Borough of The
Bronx.

COMMUNITY BOARD #9BX

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

Block 6212, Lot 56, Borough of Staten Island.

88 Jeannette Avenue, north side, 220' west of Ralph
Avenue and Lorraine Avenues, Block 6212, Lot 26,
Borough of Staten Island.

92 Jeannette Avenue, north side, 220' west of Ralph
Avenue and Lorraine Avenues, Block 6212, Lot 27,
Borough of Staten Island.

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:.....0

Adopted by the Board of Standards and Appeals, by April 12,

MINUTES

2005.

312-04-A

APPLICANT - Eric Paltnik, P.C for Aspinwall Building Corp.,owner.

SUBJECT - Application September 15, 2004 - Proposed building not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law .

PREMISES - 14 Letty Court, 185.87' west of Van Name Avenue, Block 1188, Lot 115, Borough of Staten Island.

COMMUNITY BOARD #1SI

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 Staten Island Borough Commissioner, dated August 23, 2004, acting on Department of Buildings Application No. NB 500624247 reads:

“A1. The street giving access to the proposed building is not duly placed on the official map of the City of New York, therefore:

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law.

B) Proposed construction does not have at least 8 % of total perimeter of the Building fronting directly upon a legally mapped street or frontage is contrary to Section 27-291 of the Administrative Code.”; and

WHEREAS, a public hearing was held on this application on February 8, 2005 after due notice by publication in the *City Record*, with a continued hearing on March 15, 2005, and then to decision on April 12, 2005; and

WHEREAS, by letter dated January 5, 2005, the Fire APPEARANCES - None.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:.....0

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

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 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*, and to decision on April 12, 2005; and

WHEREAS, Council Member Andrew Lanza appeared in opposition to the subject application; and

WHEREAS, the subject premises is located on the northeast side of Arden Avenue, at the intersection of Ralph Avenue and Arden Avenue; and

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 Borough Commissioner, dated August 23, 2004, acting on Department of Buildings Application No. 500624247, is modified under the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received November 30, 2004”- (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 12, 2005.

324-04-BZY

APPLICANT - Edward Lauria, P.E., for Peter Rendel, owner.

SUBJECT - Application September 13, 2004 - Application to extend time to complete construction for a major development pursuant to Z.R. §11-331.

PREMISES AFFECTED - 1150 Arden Avenue, northeast side, 736.38' southeast of Ralph and Arden Avenues, Block 6212, Lot 115, Borough of Staten Island.

WHEREAS, the subject premises is located within an R3-2 zoning district; and

WHEREAS, the subject premises was proposed to be developed with a 14-family multiple dwelling; and

WHEREAS, however, on August 12, 2004 (hereinafter, the “Enactment Date”), the City Council voted to enact text changes to the Zoning Resolution in response to the recommendations of the Staten Island Growth Management Task Force, rendering the proposed development non-complying as to private road width and parking requirements, among other items; 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

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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, the Board notes that this application was made on September 13, 2004, which is technically within 30 days of the Enactment Date as required by Z.R. § 11-331 because the actual 30th day fell on the weekend, when the Board’s office is closed; and

WHEREAS, the record indicates that on August 10, 2004, a new building permit (Permit No. 500577271-01-NB, hereinafter, the “NB Permit”) was lawfully issued to the applicant for construction of the proposed development by the

Therefore it is resolved that this application made pursuant to Z.R. § 11-331, to renew New Building permit No. 500577271-01-NB, is denied.

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

241-04-A

APPLICANT - Rampulla Associates Architects, for Erin Esposito, owner.

SUBJECT - Application June 28, 2004 - Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 6515 Amboy Road, 650’ south of Bedell Avenue, Block 7664, Lot 452 (Tentative Lot 463), Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Philip Rampulla.

THE VOTE TO CLOSE HEARING -

Department of Buildings (“DOB”); and

WHEREAS, the Board has reviewed the record and agrees that the aforementioned permit was lawfully issued to the owner of the subject premises; and

WHEREAS, on August 9, 2004, the applicant was issued a stop work order for removing trees without a permit in violation of Section 27-227 of the Administrative Code of the City of New York; and

WHEREAS, on August 10, 2004, DOB rescinded its stop work order and construction continued on the site; and

WHEREAS, on August 11, 2004, the applicant was issued a second stop work order for removing trees without a permit; and

WHEREAS, the applicant’s NB Permit was revoked on August 12, 2004, following the enactment of the text changes; and

WHEREAS, the applicant represents that excavation work was not completed prior to the Enactment Date; and

WHEREAS, however, the applicant alleges that political intervention caused the Department of Buildings to act indiscriminately and incorrectly and prohibited the developer from completing the excavation and foundation prior to the Enactment Date; and

WHEREAS, notwithstanding the applicant’s unsubstantiated allegations, on which the Board takes no position, Z.R. § 11-331 of the Zoning Resolution only authorizes the Board to renew a building permit and permit an extension of time to complete the required foundations if excavation has been completed and substantial progress has been made on foundations as of the Rezoning Date; and

WHEREAS, by the applicant’s own admission, excavation was not completed and substantial progress was not made on foundations as of the Enactment Date; and

WHEREAS, accordingly, the Board has no authority under Z.R. § 11-331 to renew applicant’s building permit and permit an extension of time to complete the foundations; and

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

301-04-BZY

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Medhat M. Hanna, owner.

SUBJECT - Application September 10, 2004 - Application to complete construction for a minor development as per Z.R. §11-331.

PREMISES AFFECTED - 102 Greaves Avenue, corner of Dewey Avenue, Block 4568, Lot 40, Borough of Staten Island.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: Bill Lile.

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

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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 - Laid over to May 17, 2005, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 10:50 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, APRIL 12, 2005
2:00 P.M.**

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

ZONING CALENDAR

361-02-BZ

CEQR #03-BSA-101K

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

SUBJECT - Application December 13, 2002 and updated January 5,

WHEREAS, a public hearing was held on this application on March 23, 2004 after due notice by publication in the *City Record*; with continued hearings on May 11, 2004, June 22, 2004, August 10, 2004, October 5, 2004, December 14, 2004, March 15, 2005, and then to decision on April 12, 2005; and

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

WHEREAS, Community Board No. 7, Brooklyn, recommends disapproval of this application; and

WHEREAS, this is an application under Z.R. § 72-21, to permit, within an M1-1D zoning district, the proposed residential and commercial conversion of an existing manufacturing building, with twelve dwelling units, ten parking spaces, and two small commercial spaces, contrary to Z.R. § 42-00; and

WHEREAS, the current version of this application contemplates the partial demolition of some of the existing buildings on the site, and the conversion of the remaining structures to residential use and commercial use; and

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

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

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Peter Hirshman, Marianne Russo and Joe English.

ACTION OF THE BOARD - Application granted on condition.

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

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 15, 2002, acting on Department of Buildings Application No. 301177991, reads, in pertinent part:

“Proposed conversion to residence is in an M1-1D zoning district and is contrary to Sec. 42-00 Z.R., and is therefore not permitted”; and

WHEREAS, the original version of this application contemplated a slightly enlarged purely residential building with 15 dwelling units, a total floor area of 20,686 sq. ft., a total height of 35 to 46 ft., and five parking spaces; and

WHEREAS, upon the request of the Board, the applicant submitted intermediate revised proposals, none of which the Board found satisfactory until the applicant submitted the current mixed-use proposal; and

WHEREAS, the premises is located in the mid-block of 25th Street between Fourth and Fifth Avenues in the Sunset Park area of Brooklyn; and

WHEREAS, the site is 86 ft. by 151 ft., with a total lot area of 12,617 sq. ft.; and

WHEREAS, the site is currently improved upon with multiple one and two story manufacturing structures, originally constructed as a chocolate factory in the late 19th century, with a total floor area of 16,964 sq. ft.; and

WHEREAS, the applicant represents that the structures have been vacant since 1994; and

WHEREAS, the proposed conversion will occur within the envelope of the remaining structures; thus, the existing

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yard dimensions and building height will remain the same; and

WHEREAS, the floor area of the proposed development (16,935 sq. ft.), will be slightly less than the floor area of the existing buildings (16,964 sq. ft.); and

WHEREAS, residential use will occupy 11,294 sq. ft. and commercial use will occupy 2070 sq. ft.; and

WHEREAS, the open space on the site will increase from 2845 sq. ft. to 4773 sq. ft., as a result of the partial demolition; and

WHEREAS, residential use is allowed pursuant to an authorization from the City Planning Commission, but the applicant states that it can not meet certain of the requirements for said certification, thus necessitating the instant variance application; and

WHEREAS, the applicant states that the following is a unique physical condition, which creates practical difficulties and unnecessary hardship in developing the subject lot in conformance with underlying district regulations: the existing buildings are deficient for modern manufacturing uses, due to their small configuration, multiple levels between buildings that can not be cost effectively retrofitted, lack of street access for the rear structures, low ceiling heights, narrow interior spaces and lack of loading facilities; and

WHEREAS, the applicant also states that the subject application is comparable in many respects to a Board-granted variance for a residential development on the adjacent lot, and cites to these similarities in a detailed submission; and

WHEREAS, however, the Board notes that each variance case is site-specific and must be evaluated on its own merits regardless of any alleged similar grant; thus, the Board declines to credit applicant's arguments about the comparability of the two applications, and

WHEREAS, the applicant represents due to the limitations of the existing buildings, especially the fact that there are multiple levels, past marketing efforts were not

WHEREAS, again, however, the Board found the applicant's analysis of these scenarios unconvincing; and

WHEREAS, accordingly, the Board then asked the applicant to consider an alternative twelve unit development that would provide for a commercial component, and also reduced residential floor area; and

WHEREAS, the applicant subsequently modified the proposal to the current version, and submitted a revised feasibility study that analyzed both the commercial and residential components; the Board finds this study acceptable; and

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

WHEREAS, the applicant argues that the proposed residential conversion would not affect the character of the neighborhood because the site is within a zoning district in which residential use is permitted pursuant to a C.P.C. authorization; and

successful in attracting a conforming manufacturing tenant; and

WHEREAS, the Board notes that the problems with the multiple levels were illustrated on submitted plans and sections, and confirmed upon site inspection; and

WHEREAS, however, the Board finds that certain of the claimed unique physical conditions do not affect the viability of conforming one-story manufacturing or office development; specifically, the Board does not find the alleged irregularity or narrowness of the site, or the narrowness of the street, to be unique physical conditions that cause hardship; and

WHEREAS, accordingly, the Board finds that both the slope of the site and the fact that the site is developed with numerous structures that can not be retrofitted for conforming use, when considered in the aggregate, create practical difficulties and unnecessary hardship in developing the site in strict conformity with current applicable zoning regulations; and

WHEREAS, the applicant submitted an initial feasibility study that analyzed a conforming manufacturing use, the "as is" condition, and the initially proposed pure residential use; and

WHEREAS, the applicant concluded that neither a conforming manufacturing development nor the "as is" condition would realize a reasonable return, but that the originally proposed residential building would; and

WHEREAS, however, the Board questioned the credibility of this original study, and concluded that the economic hardship for the "as is" condition had not been convincingly demonstrated; and

WHEREAS, the applicant then submitted other scenarios with various amounts of residential units; the applicant stated that none of the scenarios that proposed less than 15 units were financially viable; and

WHEREAS, however, the Board must nevertheless assess the impact of the proposed variance use on the neighborhood's character and adjacent conforming uses; thus, the Board does not accept applicant's argument; and

WHEREAS, the Board also observes that the proposal could not meet the residential character finding for the authorization, thus rendering applicant's argument unpersuasive; and

WHEREAS, further, the Board notes that the predominant land use on both sides of 25th Street is commercial; and

WHEREAS, at the Board's request, the applicant submitted a color coded land use map of 25th Street, showing the various occupancies and the parking for each; and

WHEREAS, the map illustrates that while there is no residential use on the north side of 25th Street, there are two residential uses on the south side, one being the afore-mentioned

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multiple dwelling next door, and the other being a smaller dwelling three doors down; and

WHEREAS, based upon the submitted map and its own site visit, the Board concludes that the character of 25th Street is not predominantly residential; however, the Board finds that the proposed amount of dwelling units, which has been reduced from 15 to 12, is small enough that there will be no significant effect on the essential character of the neighborhood; and

WHEREAS, further, the Board notes that the significant reduction in F.A.R., density and height from the applicant's initial proposal to the current proposed version, and the inclusion of a commercial building on the site, leads to a development proposal more compatible with the built conditions surrounding the site; and

WHEREAS, the Board also finds that the inclusion of ten parking spaces on-site will minimize any parking impact on 25th Street, and lessen any potential conflict with the introduction of residential uses on existing conforming uses and their day to day operation; and

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

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

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

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

THAT the bulk parameters of the proposed buildings shall be as follows: a total F.A.R. of 1.34, and floor area of 16,935 sq. ft.; and a total height of 25'-1" (excluding mechanicals);

THAT a total of ten parking spaces shall be provided on-site, as illustrated on the BSA-approved plans;

THAT all exiting and light and air requirements shall be as reviewed and approved by DOB;

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

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

THAT the Department of Buildings must ensure

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 03-BSA-101K dated December 16, 2002; and

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

WHEREAS, 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 the required findings under Z.R. § 72-21, to permit, within an M1-1D zoning district, the proposed residential and commercial conversion of an existing manufacturing building, with twelve dwelling units, ten parking spaces, and two small commercial spaces, contrary to Z.R. § 42-00; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 5, 2005"--(9) sheets and "Received April 11, 2005"--(1) sheet; and *on further condition*:

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 12, 2005.

6-04-BZ

CEQR #04-BSA-116K

APPLICANT - Sheldon Lobel, Esq. for TSI Bay Ridge, Inc. dba New York Sports Club, lessee.

SUBJECT - Application January 7, 2004 - under Z.R. §72-21 to

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legalize an existing physical cultural establishment in a three story building within a R-6/C1-3/R-6 zoning district.

PREMISES AFFECTED - 7118-7124 Third Avenue, between 71st street and 72nd Street, Block 5890, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

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 December 15, 2003, acting on Department of Buildings Application No. 301499484, reads:

“Zoning objection for proposed use on 2nd and 3rd floors. Physical Culture or Health Establishments, including gymnasiums are not permitted within a C1-3 zoning district as per Zoning Regulation sections 32-00 and 22-00.”; and

WHEREAS, a public hearing was held on this application on January 25, 2005 after due notice by publication in *The City Record*, with a continued hearing on March 15, 2005, and then to decision on April 12, 2005; and

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

WHEREAS, this is an application under Z.R. § 72-21, to permit a proposed physical culture establishment (“PCE”) use on the second and third floor of an existing commercial building, previously before the Board, located in an R6 (C1-3) zoning district, contrary to Z.R. §§ 32-00 and 22-00; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject lot in conformance with underlying district regulations: (1) the upper portion of the building was designed to be a movie theater and accordingly has multiple levels and mezzanines and varying ceiling heights; and (2) only the east side of the building has windows; and

WHEREAS, the applicant states that a significant amount of the building’s floor space is located in the upper floors and that it is necessary for the owner to lease these floors in order to generate a profit; and

WHEREAS, the applicant represents that the layout of the building and the lack of existing windows cause the building to be poorly suited for a conventional residential, community facility or retail use as there is insufficient opportunity to produce substantial units that are cost effective; and

WHEREAS, the record indicates that the Board previously granted a variance on July 22, 1960, to permit, in a former retail and residential use district, the change in occupancy of the existing building, from theatre, stores, club room and dance studio to bowling alley with accessory restaurant and bar, extending into the residence use portion of the lot; and

WHEREAS, Community Board 10, Brooklyn, recommends approval of this application, with the following conditions: (1) the courtyard shall not be used for parking of any kind at any time and signs shall be posted to that effect in the courtyard; (2) the fence around the courtyard shall remain and be renovated to conform to the Building Code; and (3) the curb cut to the street from the courtyard shall be restored as a curb; and

WHEREAS, the 72nd Street Block Association opposes the grant of the variance, and specifically requests that the curb cut be restored and the courtyard area not be used as a parking lot; and

WHEREAS, the applicant represents that half of the site is within the area of the C1-3 overlay and the other half is within the underlying R6 zoning district; and

WHEREAS, a variance, rather than a special permit, is required because the proposed PCE is not a permitted special permit use in an R6 or C1-3 zoning district; and

WHEREAS, the subject building is located on the northwesterly corner of 3rd Avenue and 72nd Street; and

WHEREAS, the total floor area of the three-story building is 39,583 sq. ft.; and

WHEREAS, the premises is currently occupied by two commercial establishments on the first floor; and

WHEREAS, the second and third floors were occupied by another PCE starting in 2000, but the previous owner never legalized the PCE; and

WHEREAS, the proposed PCE will occupy a total of 22,046 sq. ft. of floor area in the building, including 700 sq. ft. of the first floor, 14,786 sq. ft. of the second floor and 6,560 sq. ft. of the third floor, with an entrance on the first floor; and

WHEREAS, the Board finds that there are unique physical conditions inherent to the existing building, namely, the limitations of the configuration of the upper floors and the lack of windows as the upper floors were designed for a movie theater, which create an unnecessary hardship in conforming strictly with the applicable use provisions of the Zoning Resolution; and

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

WHEREAS, at the request of the Board, the applicant has submitted brokerage agreements indicating that the broker aggressively but unsuccessfully tried to market the building from 1996 through 2000, and evidence that the applicant advertised the building in various publications in 2002; and

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WHEREAS, the applicant represents that the surrounding area is characterized by commercial buildings and that the proposed use is compatible with these uses; and

WHEREAS, the hours of operation for the proposed PCE will be 6 AM to 11 PM Monday through Friday, and 8 AM to 8 PM Saturday and Sunday; and

WHEREAS, the Community Board had certain concerns, as stated above; and

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

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

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

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

WHEREAS, the proposed PCE will contain facilities for classes, instruction and programs for physical improvement, bodybuilding, weight reduction and aerobics; and

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR. NO.04-BSA-116K, dated November 16, 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;

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 12, 2005.

Construction Impacts; and Public Health; 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 617.4, 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, to permit a proposed physical culture establishment use on the second and third floors of an existing commercial building, located in an R6 (C1-3) zoning district, which is contrary to Z.R. §§ 32-00 and 22-00, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 28, 2005"-(6) sheets and "Received April 8, 2005"-(1) sheet; and *on further condition*:

THAT the term of this variance will be two years, from April 12, 2005 to April 12, 2007;

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

THAT the hours of operation shall be limited to 6 AM to 11 PM Monday through Friday, and 8 AM to 8 PM Saturday and Sunday;

THAT there shall be no parking in the courtyard and signs shall be posted to that effect;

THAT the pedestrian gate to the courtyard shall be no greater than 40 inches in width;

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

THAT there shall be no curb cut on 72nd Street;

THAT all fire protection measures indicated on the BSA-approved plans shall be installed and maintained, as approved by DOB;

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

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

152-04-BZ

APPLICANT - James M. Plotkin, Esq., for Frank T. Porco, owner.

SUBJECT - Application April 9, 2004 - under Z.R. §72-21 to permit in an R5 district, on a site consisting of 11,970SF, the construction of a four one-story warehouses (UG 16). Currently, the site is improved with four buildings: one concrete block building, and three sheds. The proposed warehouse is contrary to residential district use regulations.

PREMISES AFFECTED - 3213 Edson Avenue, bounded on the north by East 222nd Street, south by Burke Avenue and west by

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Grace Avenue, Block 4758, Lot 25, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES - None.

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

190-04-BZ

APPLICANT - Agusta & Ross, for Ira and Larry Weinstein, LLC, owner.

SUBJECT - Application May 7, 2004 - under Z.R. §72-21 to permit the proposed conversion of a former lead factory, into a multiple dwelling (45 families), with a ground floor waterfront restaurant, and doctor's office, is contrary to Z.R. §22-12, which states that "residential uses" shall be limited to single, two family or semi-detached residences in an R3-1 zoning district.

PREMISES AFFECTED - 2184 Mill Avenue, a/k/a 6001 Strickland Avenue, southwest corner, Block 8470, Lot 1090, Part of Lot 1091, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Opposition: Roberta Sherman, Laura Cotrich and Alan Maisel.

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 24, 2005, at 1:30 P.M., for decision, hearing closed.

234-04-BZ

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

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

SUBJECT - Application September 7, 2004 - under Z.R. §72-21 to permit the proposed conversion of a two family residential house to a Yeshiva (Religious School), located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, floor area ratio, lot coverage, street wall, sky exposure, side and rear yards, is contrary to Z.R. §24-11, §24-521, §24-35(a) and §24-36.

PREMISES AFFECTED - 1746 East 21st Street, west side, 440' north of Quentin Road, Block 6783, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Moshe Friedman.

THE VOTE TO CLOSE HEARING -

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

regulations.

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

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

275-04-BZ

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

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

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

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: I. Don Weston, Jack Freeman and Brian Fenwick.

For Opposition: Susan Howard, Jimmy Simopoulos, Cathy McCandless and JM Vangas.

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.

298-04-BZ

APPLICANT - Moshe M. Friedman, P.E., for Yeshiva Emek Hatalmud, owner.

Negative:.....0

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

322-04-BZ

APPLICANT - Eric S. Palatnik, P.C., for Beis Avroham, owner.

SUBJECT - Application September 28, 2004 - Z.R. §72-21, to permit the proposed extension of an existing synagogue and Rabbi's apartment (Rectory), within an R2 Zoning District and to vary Sections 24-111(a), 23-141(a), 24-35, 24-34, and 25-31 of the Resolution.

PREMISES AFFECTED - 1124 East 21st Street a/k/a Kenmore

MINUTES

Place a/k/a 2015-2025 Avenue J, Northwest corner of the intersection of Avenue J and East 21st Street, Block 7584, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Moshe M. Friedman.

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.

327-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Beth Gavriel Bukharian Congregation, owner.

SUBJECT - Application October 4, 2004 - under Z.R.§72-21 to request a variance from the following sections of the Zoning Resolution: 24-11(floor area ratio); 24-34 (front yard requirements); and 24-521 (height and setback regulations). The proposal calls for the enlargement of an existing Community Facility.

PREMISES AFFECTED - 66-35 108th Street, between 66th Road and 67th Avenue, Block 2175, Lot 1, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: Sheldon Lobel.

For Opposition: Robert Burger and Yuzi Stark.

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

339-04-BZ

APPLICANT - Eric Palatnik, P.C., for Kramer & Wurtz, Inc, owner; Apache Oil Co., lessee.

SUBJECT - Application October 13, 2004 - under Z.R.§§11-411 & SUBJECT - Application November 4, 2004 - Under Z.R.§72-21, to modify the previous approval by the BSA (118-01-BZ) by altering the configuration of the subject building and to permit a change in use from Use Group 6 office use to Use Group 6 retail use, within an R3-1 Zoning District and to vary Section 22-00 of the Resolution.

PREMISES AFFECTED - 1845 Richmond Avenue, East side of Richmond Avenue, 500 feet south of Eaton Place, Block 2030, Lot 57, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Eric Palatnik.

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

16-05-BZ

APPLICANT - James McCormack, Architect, for James McCormack, owner.

11-412 to reinstate the previous BSA variance, under calendar number 205-29-BZ, for automotive service station located in an R3-1 zoning district. The application seeks an amendment to permit the installation of a new steel framed canopy over the existing fuel dispenser islands.

PREMISES AFFECTED - 157-30 Willets Point Boulevard, south side of the intersection formed by Willets Point Boulevard and Clintonville Street, Block 4860, Lot 15, Borough of Queens.

COMMUNITY BOARD #7Q

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

345-04-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Yad Yosef, owner.

SUBJECT - Application October 22, 2004- under Z.R. §72-21 to request a bulk variance to allow the construction of a new synagogue in an R5 district contrary to Z.R. §§23-141, 23-464, 23-47, 113-12, 23-631(d), 113-30, 25-18 and 25-31.

PREMISES AFFECTED - 1030-1044 Ocean Parkway, west side, between Avenues "J" and "L", Block 5495, Lots 909, 911 and 914, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES - None.

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

352-04-BZ

APPLICANT - Eric Palatnik, P.C., for R. Randy Lee, owner.

SUBJECT - Application January 27, 2005 - under Z.R.§ 72-21 to permit the proposed one family residence which does not meet the requirements of Section 23-45 (Front Yard) and Section 23-461 (Side Yards), located in R3A.HS (Hillside Preservation District).

PREMISES AFFECTED - 161 Westervelt Avenue, southeast corner of Curtis Place, Block 30, Lot 11, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: James McCormack.

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

Pasquale Pacifico, Executive Director.

Adjourned: 4:30 P.M.

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