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# BULLETIN

## OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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Volume 90, No. 6

February 9, 2005

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### DIRECTORY

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**SATISH BABBAR**, *Vice-Chair*

**JOEL A. MIELE, SR.**

**JAMES CHIN**

*Commissioners*

**Pasquale Pacifico**, *Executive Director*

**Roy Starrin**, *Deputy Director*

**John E. Reisinger**, *Counsel*

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### CONTENTS

DOCKET .....	72
<b>CALENDAR</b> of March 8, 2005	
Morning .....	73
Afternoon .....	74

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# CONTENTS

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**MINUTES of Regular Meetings,  
Tuesday, February 1, 2005**

Morning Calendar .....75

**Affecting Calendar Numbers:**

111-01-BZ	9001 Ditmas Avenue, Brooklyn
102-95-BZ	50 West 17 <sup>th</sup> Street, Manhattan
234-98-BZ	2600-2614 Adam Clayton Powell Jr., Boulevard, Manhattan
322-98-BZ	300 West 125 <sup>th</sup> Street, Manhattan
144-03-BZ	188-16 Northern Boulevard, Queens
226-04-A	106 West Market Street, Queens
277-04-A	155 Reid Avenue, Queens

Afternoon Calendar .....78

**Affecting Calendar Numbers:**

349-03-BZ	85-14 63 <sup>rd</sup> Drive, Queens
350-03-BZ	85-16 63 <sup>rd</sup> Drive, Queens
126-04-BZ	66 87 <sup>th</sup> Street, Brooklyn
135-04-BZ	91-22 188 <sup>th</sup> Street, Queens
152-04-BZ	3213 Edson Avenue, The Bronx
190-04-BZ	2184 Mill Avenue, Brooklyn
266-04-BZ	96 Boreum Place, Brooklyn
270-04-BZ	1239 East 22 <sup>nd</sup> Street, Brooklyn
350-04-BZ	3450 Wayne Avenue, The Bronx

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# DOCKETS

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New Case Filed Up to January 11, 2005

**10-05-BZ** B.BK. 449 and 459 39th Street, between Fourth and Fifth Avenues, Block 705, Lot 53, Borough of Brooklyn. N.B.#301868997. Proposed construction of a five story residential building, to contain 27 residential units, with fifteen parking spaces, located in an M1-2 zoning district, is contrary to Z.R.§42-00.

**COMMUNITY BOARD #7BK**

**11-05-BZ** B.M. 214 East 49th Street, between Second and Third Avenues, Block 1322, Lot 43, Borough of Manhattan. Applic.#1036677120. Proposed 520 square foot addition at the rear of the existing eating and drinking establishment, Use Group 6, located in an R8B zoning district, is contrary to Z.R. §22-10.

**COMMUNITY BOARD #6M**

**12-05-BZ** B.BK. 1662 East 28th Street, between Quentin Road and Avenue "P", Block 6790, Lot 21, Borough of Brooklyn. Applic.#301874531. Proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

**COMMUNITY BOARD #15BK**

**13-05-BZ** B.BK. 614/26 Sheepshead Bay Road, bounded by West 6th and 8th Streets, Block 7279, Lot 6, Borough of Brooklyn. Applic.#301566712. Proposed physical culture establishment, located in a C8-2(OP) zoning district, requires a special permit from the Board as per Z.R.§73-36.

**COMMUNITY BOARD #13BK**

**14-05-BZ** B.M. 300 West 56th Street, southwest corner of 8th Avenue, Block 1046, Lot 36, Borough of Manhattan. Applic.#103963613. Proposed physical culture establishment, located in a C6-4(CL) zoning district, on the second and third floors, of a three story commercial building, requires a special permit from the Board as per Z.R.§73-36.

**COMMUNITY BOARD #4M.**

**15-05-BZ** B.M. 209 West 20th Street, north side, 141' west of Seventh Avenue, Block 770, Lot 33, Borough of

Manhattan. Applic.#103430529. Proposed construction of a seven-story 64.5' residential building, located in an R8B zoning district, which exceeds the permitted height of 60' is contrary to Z.R.§23-692.

**COMMUNITY BOARD #4M**

**16-05-BZ** B.S.I. 161 Westervelt Avenue, southeast corner of Curtis Place, Block 30, Lot 11, Borough of Staten Island. Applic.#500697971. Proposed erection of a one family dwelling, Use Group 1, located in an R3A-Hillside Preservation zoning district, which does not comply with the zoning requirements for side and front yards, is contrary to Z.R. §23-45 and §23-461.

**COMMUNITY BOARD #1SI**

**17-05-A** B.BX. 3329/3333 Giles Place, (aka 3333 Giles Place), west side, between Canon Place and Fort Independence Street, Block 3258, Lots 5 and 7, Borough of The Bronx. An appeal seeking a determination that the owner of said premises has acquired a common-law vested right to continue a development commenced under R6 Zoning.

**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.**

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# CALENDAR

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**MARCH 8, 2005, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, March 8, 2005, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

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## SPECIAL ORDER CALENDAR

### **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**

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### **183-97-BZ**

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for Daniel M. Frishwasser, owner; 250 East 60th Street Co., LP, lessee.

SUBJECT - Application September 10, 2004 - to reopen and extend the time and waiver of the Rules and Procedures, in which to complete construction and obtain a new certificate of occupancy pursuant to the resolution adopted by the board on September 15, 1998.

PREMISES AFFECTED - 250 East 60th Street, south side of East 60th Street, Block 1414, Lot 20, Borough of Manhattan.

**COMMUNITY BOARD #8M**

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### **158-02-BZ**

APPLICANT - Eric Palatnik, P.C., for Torah Academy For Girls, owner.

SUBJECT - Application September 15, 2004 - reopening for an amendment to extend the time to obtain a certificate of occupancy which expired October 8, 2004.

PREMISES AFFECTED - 444 Beach 6th Street, between Jarvis and Meehan Avenues, Block 15596, Lot 1, Borough of Queens.

**COMMUNITY BOARD #14Q**

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### **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 & 11-412 to reinstate the previous BSA variance, under calendar

**MARCH 8, 2005, 1:30 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, March 8, 2005, at 1:30 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## ZONING CALENDAR

### **144-04-BZ**

APPLICANT - Eric Palatnik, P.C., for Atlantic Realty Management, Inc., owner.

SUBJECT - Application March 30, 2004 - Under Z.R.§72-21, to permit the proposed development which will contain residential uses at the second through eighth floors (Use Group 2), within an M1-6 zoning district to vary Z.R.§43-10.

PREMISES AFFECTED - 286 Hudson Street, East side of Hudson Street between Dominick and Spring Streets, Block 579, Lot 3, Borough of Manhattan.

**COMMUNITY BOARD #2M**

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### **174-04-BZ**

APPLICANT - Law Offices of Howard Goldman, PLLC for Harold Milgrim, Trustee.

SUBJECT - Application April 28, 2004 - under Z.R. §72-21 Proposed conversion of floors two through six, to residential use, Use Group 2, in an existing six-story commercial building, located in an M1-6 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 124 West 24th Street, south side, between Sixth and Seventh Avenues, Block 799, Lot 54, Borough of Manhattan.

**COMMUNITY BOARD #4M**

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### **267-04-BZ**

APPLICANT - Fischbein Badillo Wagner Harding, for Kermit Square, LLC, owner.

SUBJECT - Application July 30, 2004 - under Z.R.§72-21, to permit the proposed thirty-two unit multiple dwelling, Use Group 2, located in a C8-2 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 362/64 Coney Island Avenue, northwest corner of Kermit Place, Block 5322, Lot 73, Borough of Brooklyn.

**COMMUNITY BOARD #7BK**

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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

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# CALENDAR

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side of the intersection formed by Willets Point Boulevard and Clintonville Street, Block 4860, Lot 15, Borough of Queens.  
**COMMUNITY BOARD #7Q**

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*Pasquale Pacifico, Executive Director*

**REGULAR MEETING  
TUESDAY MORNING, FEBRUARY 1, 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, November 16, 2004, were approved as printed in the Bulletin of November 25, 2004, Volume 89, No. 47.

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**SPECIAL ORDER CALENDAR**

# MINUTES

## 111-01-BZ

APPLICANT - Eric Palatnik, P.C., acting of Counsel to Charles R. Foy, Esq., for George Marinello, owner; Wendy's Restaurant, lessee.

SUBJECT - Application March 23, 2004 - reopening for an amendment to the resolution to amend the hours of operation of the existing drive thru facility until 4 A.M. daily.

PREMISES AFFECTED - 9001 Ditmas Avenue, between 91st Street and Remsen Avenue, Block 8108, Lot 6, Borough of Brooklyn.

## COMMUNITY BOARD #17BK

### APPEARANCES -

For Applicant: Eric Palatnik, Erma Trotman and Marva Straker.

For Opposition: Marva Straker and Esme Trotman.

**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, this application is for a re-opening and an amendment to the resolution, to permit an extension in the hours of operation of an existing drive-thru facility for a restaurant (Wendy's) until 1 A.M. daily; and

WHEREAS, a public hearing was held on this application on October 5, 2004 after due notice by publication in The City Record, and then to November 16, 2004 for decision, on which date the matter was reopened; a subsequent continued hearing was held on January 11, 2005, and the matter was closed and decided on February 1, 2005; and

WHEREAS, Community Board 17, Brooklyn, recommended approval of this application; and

WHEREAS, however, certain residential neighbors of the restaurant testified in opposition to this application, on the basis that the operation of the restaurant interfered with the reasonable enjoyment of their premises, especially at night; and

WHEREAS, on August 15, 2001, under the referenced

THAT the term of this grant shall be for one year, to expire on February 1, 2006;

THAT the hours of operations for the drive-through facility shall be from 10 A.M. to 1 A.M. daily;

THAT upon closure of the main restaurant at 11 P.M., the parking areas at the site shall be chained off by restaurant staff so that no vehicle access to these areas is possible; all chains shall be visible to drivers at nights, in accordance with the note on the BSA-approved plans;

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

THAT all landscaping shall be planted and maintained as indicated on the BSA-approved plans, and all trees adjacent to the

calendar number, the Board granted a special permit pursuant to Z.R. § 73-243, on a site within an R5 (C1-2) zoning district, allowing an accessory drive-thru facility for the proposed eating and drinking establishment, on condition that the hours of operation for the drive-thru would be Sunday through Thursday, 10:00 A.M. to 11:00 P.M., and Friday And Saturday, 10:00 A.M. to 12:00 midnight; and

WHEREAS, the applicant initially requested that the Board allow the drive-thru facility to remain open until 4 A.M.; and

WHEREAS, the Board expressed concern that there was no demonstration of any actual need for the facility to remain open until 4 A.M., and suggested to the applicant that reduced hours be investigated; and

WHEREAS, the applicant subsequently modified its request regarding hours of operation for the drive-thru to the following: 10 A.M. to 1 A.M., daily; and

WHEREAS, the applicant also represents that the dining room will now close at 11 P.M. daily; and

WHEREAS, the applicant states that the proposed extension of the hours of operation for the drive-thru is necessary because the early drive-thru closing time forces the dining room to remain open late, which has caused security problems and lower sales; and

WHEREAS, in support of this argument, the applicant has provided the following documentation: (1) a Crime Against Property/Persons Index, which indicates that the subject facility is located in an area with a high level of criminal activity; and (2) a sales comparison chart, which compares the sales of three Wendy's locations that operate late night drive-thru facilities and demonstrates the financial disadvantage resulting from the previously established drive-thru closing time; and

WHEREAS, the Board has reviewed the request for the proposed extension of drive-thru hours, and finds that approval is warranted so long as Wendy's implements and complies with certain mitigating conditions, set forth below.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, said resolution having been adopted on August 15, 2001, so that as amended this portion of the resolution shall read: "to amend the hours of operation of the existing drive-thru facility to 10 A.M. to 1 A.M. daily; on condition that all work shall substantially conform to drawings filed with this application and marked 'Received December 28, 2004' - (4) sheets and 'Received January 18, 2005' - (1) sheet; and on further condition:

neighboring residential uses shall be maintained at a maximum height of 6 ft.;

THAT all conditions from prior resolutions not subsequently waived or modified 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. 301816275).

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# MINUTES

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Adopted by the Board of Standards and Appeals, February 1, 2005.

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## 102-95-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for The Argo Corp., as agent for 50 West 17 Realty Co.; Renegades Assoc. dba Splash Bar, lessee.

SUBJECT - Application March 23, 2004 - Extension of Term for an eating & drinking establishment with dancing. Amendment for interior modifications in portions of the cellar and first floor. Located in M1-6M zoning district.

PREMISES AFFECTED - 50 west 17th Street, south side of West 17th Street, between 5th Avenue and 6th Avenue, Block 818, Lot 78, Borough of Manhattan.

### COMMUNITY BOARD #5M

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 February 15, 2005, at 10 A.M., for decision, hearing closed.

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## 234-98-BZ

APPLICANT - Walter T. Gorman, P.E., for Jose Vasquez, owner; Harlem Hand Carwash, lessee.

SUBJECT - Application November 18, 2003 - reopening for an extension of time to complete construction which expires on November 23, 2003.

PREMISES AFFECTED - 2600-2614 Adam Clayton Powell Jr. Boulevard, a/k/a 2600-2614 7<sup>th</sup> Avenue, west side of Adam Clayton Powell Jr. Boulevard, block front from W. 150<sup>th</sup> Street to W. 151<sup>st</sup>

PREMISES AFFECTED - 188-16 Northern Boulevard, southwest corner of 189th Street, Block 5510, Lot 38, Borough of Queens.

### COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: H. I. Sigman.

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 March 1, 2005, at 10 A.M., for decision, hearing closed.

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## APPEALS CALENDAR

## 226-04-A

Street, Block 2036, Lot 29, Borough of Manhattan.

### COMMUNITY BOARD #10M

APPEARANCES - None.

For Applicant: Deirdre Carson.

**ACTION OF THE BOARD** - Laid over to May 17, 2005, at 10 A.M., for continued hearing.

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## 322-98-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for HUSA Management Co., LLC, owner; TSI Harlem USA, Inc. d/b/a New York Sports Club, lessee.

SUBJECT - Application March 15, 2004 - reopening for an amendment to the resolution to allow the enlargement of a previously granted special permit permitting the operation of a physical culture establishment located in portions of the first floor and of the fourth floor of the subject premises.

PREMISES AFFECTED - 300 West 125th Street, south side of West 125<sup>th</sup> Street, between St. Nicholas Avenue and Frederick Douglas Boulevard, Block 1951, Lots 22, 25, 27, 28, 29, 33, 39, Borough of Manhattan.

### COMMUNITY BOARD #10M

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 February 15, 2005, at 10 A.M., for decision, hearing closed.

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## 144-03-BZ

APPLICANT - H. Irving Sigman, for Ching Kuo Chiang, owner.

SUBJECT - Application September 29, 2004 - Pursuant to Z.R. Sections 72-01 and 72-22 to reopen an amend a previously granted variance to allow modifications of a mixed use building (U.G. 2 & 6) with accessory storage and parking in an R3-2 district.

APPLICANT - Joseph Sherry, for Breezy Point Cooperative, Inc., owner; William Basher, lessee.

SUBJECT - Application June 15, 2004 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, located within the bed of a mapped street and has a private disposal system in the bed of the mapped street, is contrary to Sections 35 and 36 of the General City Law and Department of Buildings' Policy.

PREMISES AFFECTED - 106 West Market Street, north side, 55.8' south of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

### COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

**ACTION OF THE BOARD** - Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner

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# MINUTES

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Miele and Commissioner Chin.....4  
Negative:.....0

## THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated June 1, 2004 acting on Department of Buildings Application No. 401849504, reads:

"A-1 The proposed enlargement is on a site located partially in the bed of a mapped street; therefore, no permit or Certificate of Occupancy can be issued as per Art. 3, Sect 35 of the General City Law.

A-2 The site and building is not fronting on an official mapped street; therefore, no permit or Certificate of Occupancy can be issued as per Art. 3, Sect 36 of the General City Law; also, no permit can be issued since the proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and is therefore contrary to Section 27-291 of the Administrative Code of the City of New York.

A-3 The private disposal system is in the bed of a mapped street contrary to Dept of Buildings Policy"; and

WHEREAS, a public hearing was held on this application on January 11, 2005 after due notice by publication in the City Record, and then to decision on February 1, 2005, and

WHEREAS, by letter dated July 15, 2004, the Fire Department states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated August 18, 2004, the Department of Environmental Protection states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated September 10, 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, dated June 1, 2004, acting on Department of Buildings Application No. 401849504, is modified under the APPEARANCES -

For Applicant: Loretta Papa.

## 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 February 15, 2005, at 10 A.M., for decision, hearing closed.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 1:15 P.M.

**REGULAR MEETING  
TUESDAY AFTERNOON, FEBRUARY 1, 2005  
2:00 P.M.**

power vested in the Board by Section 35 and 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 26, 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, February 1, 2005.

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## 277-04-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative Inc., owner; John & Anne Egan, lessees.

SUBJECT - Application August 10, 2004 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, located partially within the bed of a mapped street and has a private disposal system in the bed of a mapped street, is contrary to Sections 35 and 36, of the General City Law and Department of Buildings Policy

PREMISES AFFECTED - 155 Reid Avenue, east side, 493.42' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

## COMMUNITY BOARD #14Q

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

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## ZONING CALENDAR

### 349-03-BZ

APPLICANT - The Agusta Group, for Cyril Pereira, owner.

SUBJECT - Application November 14, 2003 - under Z.R. §72-21 to permit the legalization of the conversion of a two family dwelling, into a three family dwelling, is contrary to Z.R. §22-12, which only permits two family dwelling in R3-1 zoning districts.

PREMISES AFFECTED - 85-14 63RD Drive, east side, between Fitchett Street and Woodhaven Boulevard, Block 3115, Lot 21, Borough of Queens.

## COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: Sol Korman.

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# MINUTES

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## 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 March 15, 2005, at 1:30 P.M., for decision, hearing closed.

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## 350-03-BZ

APPLICANT - The Agusta Group, for Cyril Pereira, owner.

SUBJECT - Application November 14, 2003 - under Z.R. §72-21 to permit the legalization of the conversion of a two family dwelling, into a three family dwelling, is contrary to Z.R. §22-12, which only permits two family dwelling in R3-1 zoning districts.

PREMISES AFFECTED - 85-16 63RD Drive, east side, between Fitchett Street and Woodhaven Boulevard, Block 3115, Lot 22, Borough of Queens.

### COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: Sol Korman.

## 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 March 15, 2005, at 1:30 P.M., for decision, hearing closed.

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## 126-04-BZ

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

SUBJECT - Application October 7, 2004 - under Z.R. §73-622 to

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

### COMMUNITY BOARD #12

APPEARANCES -

For Applicant: Steven Epstein and Frank T. Porco.

For Opposition: Donald Horn, Kinereth Stubbs, Caren L. Portuondo, Catherine McDow, Simon Simms and Hattie Stringfellow.

**ACTION OF THE BOARD** - Laid over to April 12, 2005, at 1:30 P.M., for continued hearing.

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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.

For Opposition: Victoria Hofmo.

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

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## 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.

For Opposition: Eugenia Rudmann, and Linda S. Mitchell.

**ACTION OF THE BOARD** - Laid over to April 5, 2005, at 1:30 P.M., for continued hearing.

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## 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 and Albert Marengo.

For Opposition: Sol/Saul Needle and Bryan Lee.

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

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## 266-04-BZ

APPLICANT - Fredrick A. Becker, Esq. for TSI Cobble Hill d/b/a/New York Sports Club-Lessee.

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# MINUTES

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SUBJECT - Application July 28, 2004 - under Z.R. §73-36 to allow the operation of a physical cultural establishment on the first and second floor of a two story commercial building located within a C2-3 zoning district .

PREMISES AFFECTED - 96 Boreum Place - southwest corner of Boreum Place and Pacific Street, Block 279, Lot 37, Borough of Brooklyn.

**COMMUNITY BOARD #2BK**

APPEARANCES -

For Applicant: Fredrick A. Becker, Adam Shane and Jaime?.

For Opposition: Eugenia Rudmann, Linda S. Mitchell and Edward P. Doran.

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

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**270-04-BZ**

APPLICANT - Sheldon Lobel, P.C., for Benjamin Gross, owner.

SUBJECT - Application November 18, 2004 - under Z.R. §73-622 to permit the enlargement of a single family residence. Varying the requirements for floor area & open space pursuant to §23-141, side yard pursuant to §23-461 and rear yard is less than required pursuant to §23-47. Located in an R-2 zoning district.

PREMISES AFFECTED - 1239 East 22nd Street, east side of East

APPEARANCES -

For Applicant: Deirdre A. Carson.

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

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*Pasquale Pacifico, Executive Director.*

Adjourned: 3:50 P.M.

22nd Street, between Avenue K and Avenue L, Block 7622, Lot 15, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

APPEARANCES -

For Applicant: Richard Lobel.

For Opposition: Eugenia Rudmann, Linda S. Mitchell and Edward P. Doran.

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

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**350-04-BZ**

APPLICANT - Greenberg & Traurig by Deirdre A. Carson, Esq., LLP, for Montefiore Hospital Housing Section II, Inc, owner; Fordham University, lessee.

SUBJECT - Application October 29, 2004 - under Z.R. § Z.R.73-30 in an R7-2/C1-3 (partial) district, permission sought to erect a non-accessory radio tower on the roof of an existing 28-story residential structure. The radio tower will be operated by Fordham University (WFUV 90.7 FM), and will have total height of 161 feet, including a mechanical equipment room that will be contained inside an existing masonry enclosure originally built to house an HVAC cooling tower. The elevation of the tower will be 621 feet, including the height of the existing structure.

PREMISES AFFECTED - 3450 Wayne Avenue, Wayne Avenue, between Gun Hill Road and East 210th Street (roof), Block 3343, Lot 245, Borough of The Bronx.

**COMMUNITY BOARD #7BX**