
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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February 17, 2005

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DOCKETS

New Case Filed Up to February 8, 2005

18-05-BZ **B.Q.** **87-25 Clover Place,**
east side, between Foothill Avenue and Clover Hill Road, Block 10509, Lot 31,
Borough of Queens. Applic. #401754482. Proposed reduction in the requirements
for side yard footage and the minimum distance between windows, for a proposed
one family garage with an accessory garage, is contrary to Z.R.§23-461 and §23-44.
COMMUNITY BOARD #8Q

19-05-BZ **B.M.** **151 West 28th Street,**
north side, 101' east of Seventh Avenue, Block 804, Lot 8, Borough of Manhattan.
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building, to residential use, Use Group 2, located in an M1-6 zoning district, is
contrary to Z.R. §72-21.
COMMUNITY BOARD #5M

20-05-A **B.M.** **An appeal asking the**
Board to rescind an Order issued by the Commissioner of the Department of
Buildings, dated December 29, 2004, pursuant to §26-115 of the NYC Administrative
Code demanding the production of documents.

21-05-A **B.S.I.** **2380 Hylan Boulevard,**
south side of Otis Avenue, Block 3904, Lot 1, Borough of Staten Island. Alt.1
#500751411. Proposed addition to an existing banquet hall, which will be located
within the bed of a mapped street, is contrary to Section 35, Article 3 of the General
City Law.

22-05-A **B.S.I.** **5728 Amboy Road**
and 3 Haynes Street, southeast corner, Block 6654, Lot 9, Borough of Staten Island.
Applic.#s 500744885 and 500744894. An appeal challenging the Department of
Buildings' ("DOB") decision that approved and permitted the building of two (2)
houses on a lot containing less than the required square footage as zoned for in the
Special South Richmond District ("SSRD"), also this appeal is seeking to reverse
the DOB' decision not to enforce §107-42 of the SSRD within NYC Zoning
Resolution.

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

MARCH 15, 2005, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, March 15, 2005, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

1237-66-BZ

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

SUBJECT - Application - December 14, 2004 - Extension of Term to obtain a Certificate of Occupancy for a gasoline service station, with accessory uses, located in a C2-2 zoning district.

PREMISES AFFECTED - 1 East 233rd Street, northeast corner of Van Cortland and Park East, Block 3363, Lots 18 and 23, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEALS CALENDAR

2-05-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Mr. & Mrs. Terrance Farrell, lessee.

SUBJECT - Application January 11, 2005 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has a private disposal system which is being upgraded in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law, and Department of Buildings Policy.

PREMISES AFFECTED - 37 Marion Walk, east side, 102.98' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

3-05-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative Inc., owner; Dale & Susan Salmonese; lessee.

SUBJECT - Application January 11, 2005 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has a private disposal system which is being upgraded in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law, and Department of Buildings Policy.

PREMISES AFFECTED - 10 Doris Lane, south side, 42.02' west of Reid Avenue, Block 16350, Lot 400, Borough of Queens.

241-04-A

APPLICANT - Rampulla Associates Architects, for Erin Esposito,

247-04-BZ

APPLICANT - Sheldon Lobel, P.C., for BC Merrick Storage LP, owner.

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

385-04-A

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

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

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

COMMUNITY BOARD #14Q

MARCH 15, 2005, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, March 15, 2005, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

212-04-BZ

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

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

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

COMMUNITY BOARD #2SI

SUBJECT - Application July 7, 2004 - under Z.R. §72-21, to permit the proposed enlargement of a two-story storage facility (Use Group 16) in a C8-1 zoning district, which creates non-compliance

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by exceeding the permitted floor area authorized by Section 33-122 of the Zoning Resolution and creates a second floor within a rear yard equivalent, increasing the degree of non-compliance contrary to Sections 54-31 and 33-283 of the Zoning Resolution.

PREMISES AFFECTED - 22-20 Merrick Blvd., Northern side of the area bounded by Merrick Blvd., 125th Avenue, Merrill Street and Baisley Blvd., Block 12516, Lot 37, Borough of Queens.

COMMUNITY BOARD #12Q

297-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Arthur Djmal, owner.
SUBJECT - Application January 18, 2005 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R-2 zoning district, which does not comply with the zoning requirement for floor area ratio, is contrary to Z.R. §23-141.

PREMISES AFFECTED - 1174 East 22nd Street, southwest corner of Avenue "K", Block 7621, Lot 47, Borough of Brooklyn.

COMMUNITY BOARD #14BK

315-04-BZ - 318-04-BZ

APPLICANT - Steve Sinacori/Stadtmauer Bailkin, for Frank Mignone, owner.

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

PREMISES AFFECTED -

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

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

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

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

COMMUNITY BOARD #11BK

Pasquale Pacifico, Executive Director

MARCH 16, 2005, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing,

Tuesday morning, March 16, 2005, 10:00 A.M., at 40 Rector

309-04-BZY & 310-04-BZY

APPLICANT - Rothkrug Rothkrug Weinberg Spector, for Steeplechase Building Corp, owner.

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

PREMISES AFFECTED -

Street, 6th Floor, New York, N.Y. 10006, on the following matters:

BZY CALENDAR

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.

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

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

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

93 Lorrain Avenue, north side, 220' west of Ralph Avenue, Block 6212, Lot 56, Borough of Staten Island.

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

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

65 North Burgher Avenue, east side, 630.42' south of Richmond Terrace, Block 158, Lot 173, Borough of Staten Island.

67 North Burgher Avenue, east side, 655.42' south of Richmond Terrace, Block 158, Lot 171, Borough of Staten Island.

CALENDAR

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.

347-04-BZY & 348-04-BZY

APPLICANT - Rothkrug Rothkrug Weinberg Spector, for Ana Canton Ramirez, owner.
SUBJECT - Application October 28, 2004 - Application to extend time to complete construction for a major development pursuant to Z.R. §11-331.
PREMISES AFFECTED -
3056 Cross Bronx Expressway, west side, 176.54' north of Sampson Avenue, Block 5443, Lot 71, Borough of The Bronx.
3058 Cross Bronx Expressway, west side, 119.70' north of Sampson Avenue, Block 5443, Lot 80, Borough of The Bronx.
COMMUNITY BOARD#10BX

349-04-BZY

APPLICANT - Rothkrug Rothkrug Weinberg Spector, for Anamika Kaur Sahni, owner.
SUBJECT - Application October 28, 2004 - Application to extend time to complete construction for a minor development pursuant to Z.R. §11-331.
PREMISES AFFECTED - 1420 Balcom Avenue, east side, 225' north of Latting Street, Block 5370, Lot 10, Borough of The Bronx.
COMMUNITY BOARD#10BX

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, FEBRUARY 8, 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 23, 2004, were approved as printed in the Bulletin of December 2, 2004, Volume 89, No. 48.

SPECIAL ORDER CALENDAR

MINUTES

803-61-BZ

APPLICANT - Eric Palatnik, P.C., for Philip and Martin Blessinger, owner; BP Products North America, owner.

SUBJECT - Application to reopen and amend the BSA resolution to extend the time to obtain a Certificate of Occupancy. On December 9, 2003 the Board issued a resolution and required that a new Certificate of Occupancy be obtained within Twelve (12) months from the date of the resolution. The period in which to obtain the C of O expires December 9, 2004.

PREMISES AFFECTED - 1416 Hylan Boulevard, corner of Hylan Boulevard and Reid Street, Block 3350, Lot 30, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and an extension of time to obtain a Certificate of Occupancy (“CO”) for a gas station; and

WHEREAS, a public hearing was held on this application on January 25, 2005 after due notice by publication in *The City Record*, and then to decision on February 8, 2005; and

WHEREAS, on November 14, 1961, the Board granted an application under the subject calendar number to permit, in a C2-1 within an R3 zoning district, an automotive service station with accessory uses; and

WHEREAS, on December 9, 2003, under the same calendar number, the Board granted an application for an extension of term and required that a new CO be obtained within twelve months from the date of the resolution; and

WHEREAS, the period in which to obtain the CO expired on December 9, 2004; and

WHEREAS, the applicant states the reason for the requested extension of time is an unexpected delay in the retention of an organization to make the required filings at the Department of Buildings.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and

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 (“CO”) for a gas station; and

WHEREAS, a public hearing was held on this application on January 25, 2005 after due notice by publication in *The City Record*, and then to decision on February 8, 2005; and

WHEREAS, on August 10, 1967, the Board granted an application under the subject calendar number, to permit, in an R6 zoning district, the enlargement in lot area of a site

reopens and amends the resolution, said resolution having been adopted on November 14, 1961, and subsequently extended, 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 an additional one year from the date of this resolution to expire on February 8, 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. 500623104)

Adopted by the Board of Standards and Appeals, February 8, 2004.

785-67-BZ

APPLICANT - Eric Palatnik, P.C., for Park Circle Realty Associates, owner; BP Products North America, lessee.

SUBJECT - Application - September 13, 2004 - to reopen and amend the BSA resolution to extend the time to obtain a Certificate of Occupancy. On December 9, 2003 the Board issued a resolution and required that a new Certificate of Occupancy be obtained within Twelve (12) months from the date of the resolution. The period in which to obtain the C of O expires December 9, 2004.

PREMISES AFFECTED - 577/89 Marcy Avenue, Southeast corner of Marcy Avenue and Myrtle Avenue, Block 1755, Lot 4, Borough of Brooklyn.

COMMUNITY BOARD #3SI

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 -

occupied by an automotive service station with accessory uses; and

WHEREAS, at various times since 1967, under the same calendar number, the Board has reopened the application to allow for other site modifications; and

WHEREAS, on December 9, 2003, under the same calendar number, the Board granted an application for an extension of term and required that a new CO be obtained within twelve months from the date of the resolution; and

WHEREAS, the period in which to obtain the CO expired

MINUTES

on December 9, 2004; and

WHEREAS, the applicant states the reason for the requested extension of time is an unexpected delay in the retention of an organization to make the required filings at the Department of Buildings.

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 August 10, 1967, and subsequently extended and modified, 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 an additional one year from the date of this resolution, to expire on February 8, 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. 301619390)

Adopted by the Board of Standards and Appeals, February 8, 2004.

53-86-BZ

APPLICANT - Sheldon Lobel, P.C., for Hallmark Equities, L.P., owner.

SUBJECT - Application June 29, 2004 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired January 19, 2000.

PREMISES AFFECTED - 350 Wadsworth Avenue, west side of Wadsworth Avenue, 72.3' north of West 190th Street, Block 2170,

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 Alt. No. 1175/61)

Adopted by the Board of Standards and Appeals, February 8, 2004.

Lot 281, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of time to obtain a Certificate of Occupancy ("CO") for a parking lot; and

WHEREAS, a public hearing was held on this application on October 5, 2004 after due notice by publication in *The City Record*, with continued hearings on November 9, 2004, and January 25, 2005, and then to decision on February 8, 2005; and

WHEREAS, on December 5, 1961, the Board granted an application under BSA Calendar No. 1252-61-BZ, to permit, in an R7-2 zoning district, the maintenance of a parking lot for the parking and storage of more than five motor vehicles; and

WHEREAS, on January 19, 1999, under the subject calendar number, the Board extended the term of the grant and required that a new CO be obtained within twelve months from the date of the resolution; and

WHEREAS, the period in which to obtain the CO expired on January 19, 2000; and

WHEREAS, the applicant represents that a new CO could not be obtained due to illness of the owner and other unforeseen circumstances.

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 December 5, 1961, 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 an additional six months from the date of this resolution to expire on August 8, 2005; 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

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, Block 2696, Lot 130, Borough of The

MINUTES

Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to March 1, 2005, at 10 A.M., for continued hearing.

442-42-BZ

APPLICANT - Sheldon Lobel, P.C., for Cropsey 20th Avenue Corporation, owner.

SUBJECT - Application July 30, 2004 - reopening for an amendment to an existing gasoline service station to erect a new canopy over the existing MPD's and alter signage.

PREMISES AFFECTED - 2001/2011 Cropsey Avenue, northeast corner of 20th Avenue and Cropsey Avenue, Block 6442, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Janice Cahalane.

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.

450-46-BZ

APPLICANT - Friedman & Gotbaum, LLP by Shelley S. Friedman, Esq., for 41 East LLC, owner.

SUBJECT - Application December 29, 2004 - Extension of Term for a commercial UG6B in a residential district previously granted, which is not permitted in R8B zoning district and an amendment to include a community use facility UG4, which is as of right, is contrary to previously approved plans. This application is an In-Part legalization.

PREMISES AFFECTED - 41 East 62nd Street, Manhattan, north side of East 62nd Street, 105' east of the corner formed by the intersection of East 62nd Street and Madison Avenue, Block 1377, Lot 27, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Shelly Friedman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, 295-99-BZ

APPLICANT - Rampulla Associates Architects, for Wyckoff Heights Medical Center, owner.

SUBJECT - Application September 20, 2004 - Extension of Time/Waiver of the Rules of Practice and Procedures to complete construction the erection of a five (5) story parking facility, which will service the Wyckoff Hospital as an accessory parking facility which was granted by the Board on May 2, 2000.

PREMISES - 370 Stanhope Street, Stanhope Street between Wyckoff Avenue and St. Nicholas Avenue, Block 3271, Lots 17,

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.

164-94-BZ

APPLICANT - Sullivan, Chester & Gardner, P.C., for Tuckahoe Realty, LLC, owner; Lucille Roberts Health Club, lessee.

SUBJECT - Application February 11, 2004 - Extension of term and Waiver of the Rules and Procedures for an expired variance for a physical culture establishment ("Lucille Roberts Fitness for Women"), granted pursuant to section 72-21 which expired on March 1, 2003.

PREMISES AFFECTED - 84 Hugh Grant Circle, South side of Hugh Grant Circle, 95.69 feet west of Cross Bronx Expressway, Block 3794 Lot 109, The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Jeffrey Chester.

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.

286-99-BZ

APPLICANT - Rampulla Associates Architects, for Vasiliou 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 - Laid over to March 15, 2005, at 10 A.M., for continued hearing.

18, 20, 22, 37, 38, Borough of Brooklyn.

COMMUNITY BOARD #4BK

APPEARANCES -

For Applicant: Philip Rampulla.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to March 15, 2005, at 10 A.M., for decision, hearing closed.

MINUTES

224-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Basile Builders Group, Inc., owner.

SUBJECT - Application December 18, 2003 - Reopening for an application previously denied by the Board of Standards and Appeals to consider additional information that was not available at the time the BSA originally considered this application. The application was filed pursuant to section 72-21 of the zoning resolution to permit a proposed six story residential building located in an R-5 zoning district, which would create non-compliance with respect to Section 23-141, FAR, lot coverage and open space, Section 23-631 height and perimeter wall, Section 23-222 lot area per dwelling unit, Sections 23-45, 23-46 and 2347 yard requirements.

PREMISES AFFECTED - 2353 Cropsey Avenue, a/k/a 247 Bay 34th Street, Block 6889, Lots 7, 9, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Janice Cahalane.

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.

271-04-A

APPLICANT - Pier 63 Maritime, Inc. , by Michele A. Luzio.

SUBJECT - Application August 3, 2004 - An appeal challenging the Department of Buildings jurisdiction to issue summons to subject property, on the grounds that the NYC Department of Business Services has exclusive jurisdiction over The "Barge".

PREMISES AFFECTED - One Pier 63, at 23rd Street and The Hudson River, (The Barge), Block 662, Lot 2, Borough of Manhattan.

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to March 8, 2005,

REGULAR MEETING

TUESDAY AFTERNOON, FEBRUARY 8, 2005

2:00 P.M.

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

ZONING CALENDAR

at 10 A.M., for continued hearing.

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 Ciy 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 - Laid over to March 15, 2005, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:00 A.M.

228-04-BZ

CEQR #BSA-04-214-K

APPLICANT - Louis Ari Schwartz, for Louis Ari Schwartz, owner.

SUBJECT - Application September 2, 2004 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, is contrary to Z.R. §23-141(a) and §23-47.

PREMISES AFFECTED - 1400 East 22nd Street, west side, 300' south of Avenue "M", Block 7657, Lot 62, Borough of Brooklyn.

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COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 18, 2004, acting on Department of Buildings Application No. 301497155, reads:

- “1. Proposed plans are contrary to Z.R. 23-141(a) in that the floor area ratio is greater than the 50% permitted.
2. Proposed plans are contrary to Z.R. 23-141(a) in that the open space ratio is less than the 1.5 permitted.
3. Proposed plans are contrary to Z.R. 23-47 in that the rear yard is less than 30 feet.”; and

WHEREAS a public hearing was held on this application on October 26, 2004 after due notice by publication in *The City Record*, with continued hearings on November 16, 2004, December 14, 2004, and January 25, 2004, and then to decision on February 8, 2005; and

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

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

WHEREAS, this is an application under Z.R. § 73-622 to permit, in an R2 zoning district, the proposed enlargement of an existing single-family residence (Use Group 1), which does not comply with the zoning requirements for floor area, open space ratio and rear yards, contrary to Z.R. §§ 23-141(a) and 23-47; and

WHEREAS, the subject lot is located on the west side of East 22nd Street, between Avenues M and N, and has a total lot area of approximately 4,000 sq. ft.; and

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

WHEREAS, the applicant seeks an increase in the floor

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

THAT the total floor area on the premises, including the attic, shall be limited to 1.0;

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

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

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

area from 2,450 sq. ft. (0.61 Floor Area Ratio or “FAR”) to 4,000 sq. ft. (1.0 FAR) (the maximum floor area permitted is 2,000 sq. ft. (0.50 FAR)); and

WHEREAS, the proposed enlargement will reduce the Open Space Ratio (“OSR”) from 108 to 52 (the minimum open space ratio required is 150); and

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

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

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

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

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

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-622 and 73-03.

Therefore it is Resolved that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.13 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§ 73-622 and 73-03, to permit, in an R2 zoning district, the proposed enlargement of an existing single family residence (Use Group 1), which does not comply with the zoning requirements for floor area, open space ratio and rear yards, contrary to Z.R. §§ 23-141(a) and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application and marked “Received January 6, 2005”–(9) sheets; and *on further condition*:

THAT there shall be no habitable room in the cellar;

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

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

Adopted by the Board of Standards and Appeals, February 8, 2005.

237-04-BZ

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CEQR #BSA-04-219X

APPLICANT - Sheldon Lobel, P.C., for Tony Perez Cassino, owner.

SUBJECT - Application June 21, 2004 - under Z.R. §72-21 to permit the proposed construction of a two-unit detached house, in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage ratio, height, side and front yards, and is contrary to Z.R. §23-141, §23-48, §23-45 and §23-631.

PREMISES AFFECTED - 5722 Faraday Avenue, southeast corner of Valles Avenue, Block 5853, Lot 2198, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 21, 2004, acting on Department of Buildings Application No. 200842348, reads, in pertinent part:

- “1. Proposed floor area ratio exceeds maximum allowed under ZR 23-141
2. Proposed open space ratio less than the minimum required under ZR 23-141
3. Proposed lot coverage ratio exceeds maximum allowed under ZR 23-141
4. Proposed side yard less than minimum required under ZR 23-48
5. Proposed front yard less than minimum required under ZR 23-45
6. Proposed height is contrary to the stated section of the code. ZR 23-631”; and

WHEREAS, a public hearing was held on this application on October 5, 2004, after due notice by publication in *The City Record*, with continued hearings on November 23, 2004 and January 11, 2005, and then to decision on February 8, 2005; and

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

WHEREAS, construction of the dwelling as currently proposed will result in the following non-compliances: an F.A.R. of .85 (.5 is the maximum permitted); open space of 60% (65% is the minimum required); a lot coverage of 40% (35% is the maximum permitted); no setbacks as required, with a total height of 34.3 ft. on the north side of the site, and 25.5 ft. on the south side of the site; one non-complying front yard of 5 ft. (10 ft. is the minimum required); and a side yard of 3 ft. (5 ft. is the minimum required); and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties in developing the subject lot in compliance with underlying district regulations: (1) the site is a corner lot facing an

Board, consisting of Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin; and

WHEREAS, Community Board 8, Bronx, recommends approval of this application; and

WHEREAS, this is an application under Z.R. § 72-21, to permit the proposed construction of a two-family detached dwelling (Use Group 2), located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio (F.A.R.), open space ratio, lot coverage ratio, height, and side and front yards, contrary to Z.R. §§ 23-141, 23-48, 23-45 and 23-631; and

WHEREAS, the original version of this application contemplated an F.A.R. of .90, a front yard of 17.45 ft, a side yard (which will function as a rear yard) of 20 ft., and a lot coverage ratio of .42; and

WHEREAS, the current version of this application contemplates a F.A.R. of .85, a front yard of 15 ft., a side yard of 25 ft., and a lot coverage ratio of .40; and

WHEREAS, the subject premises is a vacant corner lot located on the southeast corner of Farraday and Valles Avenues, with a total lot area of 2,530 sq. ft.; and

WHEREAS, the applicant represents that though the site is technically a corner lot, it is more akin on a practical level to an interior lot due to its frontage on Valles Avenue; and

WHEREAS, Valles Avenue is a mapped but unbuilt street, and is a steep and rocky knoll covered densely with vegetation where it intersects with Farraday Avenue; and

WHEREAS, the applicant has submitted a letter from the Department of Transportation indicating that there is no plan to reconstruct, widen or alter the existing layout of Valles Avenue, and that it is unlikely that it will be developed in the foreseeable future; and

WHEREAS, the applicant proposes to construct a two-story (plus basement and cellar), two-family dwelling, with a studio unit in the front of the basement level, and a three bedroom unit on the first and second floors; a two-car garage will also be provided at the cellar level; and

WHEREAS, the applicant represents that the cellar level is occupied only by the garage, which will be located at the north portion of the site (fronting Farraday Avenue); and

WHEREAS, the applicant further represents that the basement level has a small entranceway terrace and a studio unit, also fronting Farraday Avenue; and unmapped street that is rocky and overgrown with vegetation; (2) the lot is narrow; (3) the site slopes steeply upward in the southern and western direction, with an elevation differential from the front lot line of between 15 and 25 feet; and

WHEREAS, the applicant represents that due to the width of the lot and the required yards, complying construction would result in a building 80 feet long and only ten feet wide, which would not be habitable; and

WHEREAS, the applicant further represents that a dwelling with a complying F.A.R. would result in an awkward, functionally compromised living space, as available floor area would be inordinately allocated to non-livable space such as stairwells and accompanying hallways (needed to compensate

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for the slope on the site), thereby reducing the amount of livable rooms and compromising the habitability of the dwelling; and

WHEREAS, the Board finds that both the narrowness of the lot and the slope affecting it create a practical difficulty in developing the site in compliance with the applicable zoning provision; and

WHEREAS, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict compliance with the applicable zoning requirements will result in a residential development that would be habitable; and

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

WHEREAS, in furtherance of this statement, the applicant submitted a Neighborhood Character table which shows that many buildings in the immediate vicinity of the site are two and three family homes; and

WHEREAS, the applicant represents that the same table shows that many buildings in the area exceed the allowable F.A.R. and are comparable in bulk to the proposed building; and

WHEREAS, the applicant also submitted photos of the surrounding neighborhood, which show the variety of density and bulk mentioned above; and

WHEREAS, this variety was confirmed on the Board's site visit as well; and

WHEREAS, the applicant further notes that the impact of the proposed development's bulk is mitigated by the site's location, in that it is adjacent to a three-family home to the east with an F.A.R. of .83, and also adjacent to Valles Avenue (which is unlikely to be opened); 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, the Board asked the applicant to redesign the proposed dwelling in order to provide more light and air to the proposed units, which resulted in a design that required a lesser F.A.R. waiver and provided a larger side yard (at the 311-04-BZ

APPLICANT - Rothkrug Rothkrug Weinberg Spector, for Jack Madonia, owner.

SUBJECT - Application September 14, 2004- under Z.R. §72-21 to permit the proposed one-family dwelling, located in an R1-2 (NA-1) zoning district, which does not provide the required lot area, requires tree removal, modification of topography and waiver of the front and rear yards requirements, is contrary to Z.R. §105-50, §105-421, §105-423 and §105-432.

PREMISES AFFECTED - 380 Lighthouse Avenue, south side, 579' west of Windsor Avenue, Block 2285, Lots 1 and 45, Borough of Staten Island.

rear of the proposed structure); and

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.13 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. § 72-21, to permit the proposed construction of a two-family detached home (Use Group 2), located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage ratio, height, and side and front yards, contrary to Z.R. §§ 23-141, 23-48, 23-45 and 23-631; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 21, 2004" - (3) sheets and "Received December 28, 2004" - (6) sheets; and *on further condition*:

THAT the following bulk parameters will apply to the development approved herein: an F.A.R. of .85; open space of 60%; lot coverage of 40%; wall heights of 20 ft. and 20 ft.; total heights of 34.3 ft. and 25.5 ft.; front yards of 15 and 5 ft.; and a side yard of 3 ft., all as illustrated on the BSA-approved plans;

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 8, 2005.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 17, 2004, acting on Department of Buildings

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Application No. 500733646, reads, in pertinent part:

“Proposed one-family dwelling in an R1-2 (NA-1) district, without a required front yard, rear yard, or lot area, and which requires modification of existing topography, alteration of botanic environments or removal of trees, modification of yard, height, and setback regulations and parking location regulations and alteration of other natural features. City Planning Commission does not have jurisdiction to waive required lot area, as per Section 105-50, so application is referred to Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on November 23, 2004, after due notice by publication in *The City Record*, with a continued hearing on January 11, 2005, and then to decision on February 8, 2005; and

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

WHEREAS, Community Board 2, Staten Island, recommended disapproval of this application; and

WHEREAS, Council Member Oddo and the Lighthouse Hill Civic Association objected to this application; and

WHEREAS, this is an application under Z.R. § 72-21, to permit the proposed construction of a one-family detached home (Use Group 2), located in an R1-2 (NA-1) zoning district, which does not comply with the zoning requirements for lot area, rear yard, and front yard, and which requires modification of the existing topography, alteration of botanic environments or removal of trees and the alteration of other natural features, contrary to Z.R. §§ 105-50, 105-241, 105-423 and 105-432; and

WHEREAS, the subject premises is an irregularly shaped vacant lot, with 186.34 ft. of frontage on Lighthouse Avenue, a depth of 65.23 ft., and a total lot area of 9,773 sq. ft.; and

WHEREAS, the Board notes that the subject lot was in existence prior to the enactment of the Special Natural Area District regulations (Z.R. 105-00 et seq., hereinafter “SNAD”); and

WHEREAS, the applicant states that the site is sloped, from an elevation of 120 ft. along the northerly lot line,

WHEREAS, the applicant represents that the proposed one-family dwelling is comparable in size and shape to other dwellings in the area, and that its development will not alter the essential character of the neighborhood or substantially impact adjacent properties; and

WHEREAS, in support of this representation, the applicant submitted a Sanborn map that indicates that the majority of lots to the north of the premises are developed and improved with existing homes varying in heights from one story to two and a half stories; and

WHEREAS, the applicant also notes the deficiency in lot area will not negatively impact any adjacent property or the neighborhood in general; and

WHEREAS, based upon the above, the Board finds that

adjacent to Lighthouse Avenue, to an elevation of less than 84 ft. along the southerly lot line, such that the site meets the definition of “steep slope” as set forth in Z.R. § 105-11(b)(1); and

WHEREAS, the applicant notes that the City Planning Commission (“C.P.C”) normally has jurisdiction over the SNAD regulations applicable to the subject development proposal, but because C.P.C. can not vary the lot area requirement, a Board application was necessary; and

WHEREAS, as noted below, the applicant has provided the Board with proposed findings for the applicable SNAD regulations; and

WHEREAS, the proposed development will result in the following non-compliances: a lot area of 9,773 sq. ft. (12,500 sq. ft. is the minimum required); a front yard of 10 ft. (20 ft. is the minimum required); and a rear yard of 10 ft. (30 ft. is the minimum required); and

WHEREAS, the floor area ratio of the proposed dwelling will meet applicable district requirements; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties in developing the subject lot in compliance with underlying district regulations: (1) the site suffers from a very steep slope; and (2) the lot is narrow; and

WHEREAS, the applicant represents that due to the width of the lot and the required yards, complying construction would result in a building only 15 feet wide, which would not be habitable; and

WHEREAS, the applicant further represents that due to the slope on the site and the SNAD regulations, yard relief is required so that any need to cut into the slope or disturb the natural terrain for construction purposes is minimized; and

WHEREAS, the Board finds that both the narrowness of the lot and the slope affecting it create a practical difficulty in developing the site in compliance with the applicable zoning provisions; and

WHEREAS, the Board has determined that because of the subject lot’s unique physical conditions, there is no reasonable possibility that development in strict compliance with the applicable zoning requirements will result in a residential development that would be habitable; and

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

WHEREAS, the Board notes that the applicant has submitted suggested findings pursuant to the applicable provisions of the SNAD; and

WHEREAS, the Board has reviewed the proposed findings and has determined that they have been met; and

WHEREAS, the Board notes that the applicant has

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committed to planting twelve new trees, to compensate for the trees that will be removed during construction of the proposed dwelling; and

WHEREAS, the Board notes that it defers to the Department of Buildings the review and approval of the proposed trees plantings; and

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.13 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. § 72-21, to permit the proposed construction of a one-family detached home (Use Group 2), located in an R1-2 (NA-1) zoning district, which does not comply with the zoning requirements for lot area, rear yard, and front yard, and which requires modification of the existing topography, alteration of botanic environments or removal of trees and the alteration of other natural features, contrary to Z.R. §§ 105-50, 105-241, 105-423 and 105-432; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 14, 2004"-(6) sheets, "Received December 27, 2004"-(1) sheet, "Received January 10, 2005" -(2) sheets, and "Received January 25, 2005"- (1) sheet; and *on further condition*:

THAT use of the cellar shall be limited to storage and recreation, and not sleeping purposes;

THAT the above condition shall be noted on the certificate of occupancy

THAT twelve new trees shall be planted on the site prior to issuance of any certificate of occupancy;

THAT all tree plantings shall be as reviewed and approved by DOB;

THAT all laws, rules, regulations, and DOB policies related to site and construction safety and protection of adjoining properties shall be complied with during the construction of the subject dwelling;

THAT the following requirements must be implemented
291-03-BZ

APPLICANT - Stuart A. Klein, Esq., for 6202 & 6217 Realty Company, owner.

SUBJECT - Application September 4, 2003 - under Z.R. §72-21 to permit the proposed residential building, Use Group 2, located on a site in that is in an M1-1 and an R5 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1380 62nd Street, northwest corner of 14th Avenue, Block 5733, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to March 1, 2005, at 1:30 P.M., for deferred decision.

during construction and identified on the construction plan submitted to and reviewed by DOB:

(a) construction fences shall be erected around all vegetation proposed for preservation and all other areas that must be protected, and those portions of the fence that are downhill from the construction site shall have hay bales placed adjacent to them.

(b) a construction staging area shall be located in an area on the subject site that would most minimize destruction of the natural features of the landscape; such area shall be as close to the construction area on the site as practical, and shall be either on the flattest portion of the site or behind a containment wall where it will not erode any area that must be protected or endanger any tree designated for preservation;

THAT DOB shall ensure that the above conditions are met during construction;

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 8, 2005.

357-03-BZ

APPLICANT - Agusta & Ross, for ECROB, LLC., owner.

SUBJECT - Application November 19, 2003 - under Z.R. §72-21 to permit the proposed four-story and penthouse multiple dwelling in an M1-2 district contrary to Z.R. §42-10.

PREMISES AFFECTED - 33 Berry Street, a/k/a 144 North 12th Street, southwest corner of North 12th Street and Berry Street, Block 2290, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to March 15, 2004,

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at 1:30 P.M., for continued hearing.

3-04-BZ

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

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

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Eric Palatnik and Dr. Shilpo Trivedi.

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

63-04-BZ

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

SUBJECT - Application February 27, 2004 - under Z.R. §72-21 to permit the proposed accessory parking, for an adjacent car rental facility, (Use Group 8), located in an R5 zoning district, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 108-24 Astoria Boulevard, southwest corner of 110th Street, Block 1703, Lots 94, 97, 98 and 99, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Joseph Morsellino, Jimmy Smith and Vera Brome.

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.

208-04-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Brian Gross and Chedva Gross, owners.

SUBJECT - Application May 21, 2004 - under Z.R. §72-21 to permit the proposed enlargement of the cellar, first floor and second floor, on the southerly side of single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the

For Opposition: Beverly McDermott, Robert Tucker and Joe Amoroso.

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

72-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Motiva Enterprises, LLC, owner.

SUBJECT - Application March 5, 2004 - under Z.R. §11-411 to request an extension of term of the previously granted variance, which permitted the erection and maintenance of a gasoline service station with accessory uses, and Section 11-412 to authorize the alteration of the signage and the accessory use of a convenience store located in an R6/C1-2 and R6 zoning district.

PREMISES AFFECTED - 141-54 Northern Boulevard, southwest corner of Parsons Boulevard, Block 5012, Lot 45, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to March 8, 2005, at 1:30 P.M., for continued hearing.

207-04-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for David Spira and Gayle Malka Spira, owners.

SUBJECT - Application May 19, 2004 - under Z.R. §72-21 to permit the proposed enlargement of the cellar, first and second floors, also the attic, on the northerly side of a single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, also side and front yards, is contrary to Z.R. §23-141, §23-461 and §23-45.

PREMISES AFFECTED - 2721 Avenue "N", northwest corner of East 28th Street, Block 7663, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

zoning requirements for floor area ratio, open space ratio, side and front yards, also the front setback, is contrary to Z.R. §23-141, §23-461, §23-45 and §23-631.

PREMISES AFFECTED - 2822 Avenue "L", southwest corner of East 29th Street, Block 7646, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to March 15, 2005, at 1:30 P.M., for decision, hearing closed.

MINUTES

220-04-BZ

APPLICANT - Eric Palatnik, P.C., for Marjay Realty, LLC, owner; Maxim Health and Fitness, lessee.

SUBJECT - Application May 28, 2004 - under Z.R. §73-36 to permit the proposed physical culture establishment, to occupy a portion of the second floor, of an existing six story building, located in an M1-2 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED - 500 Driggs Avenue, a/k/a 482/504 Driggs Avenue, through lot fronting on North 9th and 10th Streets and Driggs Avenue, Block 2305, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to March 15, 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 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: Jordan Most and Robert Pauls.

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.

298-04-BZ

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

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

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

258-04-BZ

APPLICANT - Eric Palatnik, P.C., for Mindy Elmann, owner.

SUBJECT - Application November 16, 2004 - under Z.R. §73-622 to permit the proposed enlargement of a single family residence, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage and rear yard, is contrary to Z.R. §23-141(b) and §23-47.

PREMISES AFFECTED - 1837 and 1839 East 24th Street, south of Avenue "R", Block 6830, Lots 70 and 71 (tentative Lot 71), Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik and Lewis Garfinkel.

ACTION OF THE BOARD - Laid over to March 8, 2005, at 1:30 P.M., for continued hearing.

265-04-BZ

APPLICANT - Greenberg & Traurig, LLP by Jay A. Segal, Esq. for LVMH, Inc., owner; BlissWorld LLC, Lessee.

SUBJECT - Application July 27, 2004 - under Z.R. §73-36 to permit the legalization of the operation of a physical cultural establishment on the 3rd floor of a twenty-two story commercial building consisting of 3,792 sq. ft. located within a C5-3 (MID) Zoning district.

PREMISES AFFECTED - 19 East 57th Street - north side of East 57th Street and Madison Avenue, Block 1293, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Meloney McMonoy.

§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 and Abraham Sandberg.

For Opposition: Suellen Rubin and Richard S. Klotz.

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

Pasquale Pacifico, Executive Director.

Adjourned: 4:25 P.M.

MINUTES
