
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

Volume 90, No. 23

May 26, 2005

DIRECTORY

MEENAKSHI SRINIVASAN, *Chair*

SATISH BABBAR, *Vice-Chair*

JOEL A. MIELE, SR.

JAMES CHIN

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

John E. Reisinger, *Counsel*

OFFICE -	40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD -	40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

CONTENTS

DOCKET	325
CALENDAR of June 14, 2005	
Morning	326
Afternoon	327

CONTENTS

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, May 17, 2005**

Morning Calendar328

Affecting Calendar Numbers:

1111-62-BZ	201 East 56 th Street, a/k/a 935-951 Third Avenue, Manhattan
1129-64-BZ	147-36 Brookville Boulevard, Queens
138-68-BZ	10-25 150 th Street, Queens
739-76-BZ	212-95 26 th Avenue, Queens
234-98-BZ	2600-2614 Adam Clayton Powell Jr. Boulevard, Manhattan
306-04-BZY & 310-04-BZY	65/67 North Burgher Avenue, Staten Island
325-04-A	91 Wakefield Road, Staten Island
347-04-BZY & 348-04-BZY	3056/3058 Cross Bronx Expressway, The Bronx
54-05-A	1824 35 th Street, Brooklyn
55-05-A	40 Ocean Avenue, Queens
56-05-A	10 Jane Lane, Queens
57-05-A	667 Highland Place, Queens
58-05-A	15 Ocean Avenue, Queens
59-05-A	5 Courtney Lane, Queens

CONTENTS

MINUTES of Regular Meetings, Afternoon Calendar	331
---	-----

Affecting Calendar Numbers:

381-03-BZ	6023 Fort Hamilton Parkway, Brooklyn
247-04-BZ	22-20 Merrick Boulevard, Queens
292-04-BZ	1340 East 26 th Street, Brooklyn
294-04-BZ	103-05 35 th Avenue, Queens
371-04-BZ	1271 East 28 th Street, Brooklyn
391-04-BZ	2610 Avenue "L", Brooklyn
16-05-BZ	161 Westervelt Avenue, Staten Island
36-04-BZ	30 Carlton Avenue, Brooklyn
37-04-BZ	32 Carlton Avenue, Brooklyn
144-04-BZ	286 Hudson Street, Manhattan
163-04-BZ	677/91 Fulton Street, Brooklyn
174-04-BZ	124 West 24 th Street, Manhattan
209-04-BZ	109-09 15 th Avenue, Queens
210-04-A	109-09 15 th Avenue, Queens
255-04-BZ	1924 Homecrest Avenue, Brooklyn
297-04-BZ	1174 East 22 nd Street, Brooklyn
327-04-BZ	66-35 108 th Street, Queens
345-04-BZ	1030-1044 Ocean Parkway, Brooklyn
356-04-BZ	60 East 55 th Street, Manhattan
15-05-BZ	209 West 20 th Street, Manhattan
32-05-BZ	288 7 th Street, Brooklyn
63-05-BZ	2324 West 13 th Street, Brooklyn
82-05-BZ	1841 Park Avenue, Manhattan

DOCKETS

106-05-A B.M. 220/22 Sullivan
 Street,
Block 540, Lot 28, Borough of Manhattan. Application
to modify Certificate of Occupancy No. 17004, on the
basis that the Certificate of Occupancy allows
conditions at the subject premises, that are contrary to
the Zoning Resolution.

107-05-BZ B.BK. 1823 East 24th
 Street,
east side of 24th Street, off Avenue "R", Block 6830, Lot
77, Borough of Brooklyn. Applic. #301923621.
Proposed enlargement of an existing one family
dwelling, Use Group 1, located in an R3-2 zoning
district, which does not comply with the zoning
requirements for open space ratio, floor area ratio, lot
coverage and side yard and rear yards, is contrary to
Z.R. §23-141(b), §23-461(a) and §23-47.
COMMUNITY BOARD #15BK

108-05-BZ B.BK. 224-22
 Prospect Court,
northwest corner of 225th Street, Block 13071, Lot 74,
Borough of Brooklyn. N.B. #402039511. Proposed
construction of a one family dwelling, which does not
provide the required front yard, is contrary to Z.R. §23-
462.
COMMUNITY BOARD #13BK

109-05-BZ B.BK. 224-26 Prospect
 Court,
northwest corner of 225th Street, Block 13071, Lot 76,
Borough of Brooklyn. N.B. #402039502. Proposed
construction of a one family dwelling, which does not
provide the required front yard, is contrary to Z.R. §23-
462.
COMMUNITY BOARD #13BK

110-05-BZY B.Q. 56-31 Bell
 Boulevard,
east side, 276.12' south of 56th Avenue, Block 7445,
Lot 47, Borough of Queens. Alt. #402079576.
Application for extension of time to complete
construction and/or obtain a certificate of occupancy
for a minor development pursuant to Z.R. §11-332.

111-05-BZY B.Q. 34-11 203rd
 Street,
east side, between 34th and 35th Avenues, Block 6085,
Lot 47, Borough of Queens. Alt. #402009615.
Application for extension of time to complete
construction and/or obtain a certificate of occupancy
for a minor development pursuant to Z.R. §11-332.

112-05-BZY B.Q. 28-56 215th
 Place,
north of the corner formed by the intersection of 215th
Place and 29th Avenue, Borough of Queens. Alt.
#402103291. Application for extension of time to
complete construction and/or obtain a certificate of
occupancy for a minor development pursuant to Z.R.
§11-332.

**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

JUNE 14, 2005, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, June 14, 2005, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

364-87-BZ

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

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

COMMUNITY BOARD #18BK

793-88-BZ

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

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

PREMISES AFFECTED - 164/76 Willis Avenue, north east corner of 135th Street and Willis Avenue, Block 2280, Lots 1, 4, 5, 7, 76, Borough of The Bronx.

COMMUNITY BOARD #1BX

162-93-BZ

APPLICANT - Fredrick A. Becker, Esq., for Chelsea Eighth L. P., owner; TSI West 16th Street dba New York Sports Club, lessee.

SUBJECT - Application December 22, 2004 and updated May 9, 2005 - Extension of Term and to legalize an Amendment to expand the floor area of previously granted special permit for a physical culture establishment, and a waiver of the rules of procedure for a late filing. The premises is located in a C2-5, R8 and C6-2M zoning district. PREMISES AFFECTED - 270 West 17th Street, aka 124-128 Eighth Avenue, easterly side of Eighth Avenue between West 17th Street and West 16th Street, Block 766, Lots 36-41, Borough of Manhattan.

COMMUNITY BOARD #4M

12-00-BZ

189-04-BZ

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

PREMISES AFFECTED - 1045 East 24th Street, east side of 24th Street, approximately 363' south of Avenue "J", Block 7606, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEALS CALENDAR

161-04-A

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

SUBJECT - Application April 21, 2004 - Proposed conversion of a former loft building, into eight (8) dwelling units, with rear windows for natural light and ventilation, is contrary to Section 27 of the NYC Building Code.

PREMISES AFFECTED -73 Washington Avenue, east side, 170' north of Park Avenue, Block 1875, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #3BK

JUNE 14, 2005, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, June 14, 2005, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

160-04-BZ

APPLICANT - Mitchell S. Ross, Esq., Agusta & Ross, for Daffna, LLC, owner.

SUBJECT - Application April 21, 2004 - under Z.R. §72-21 to permit, in an M1-2 zoning district, the residential conversion of an existing four-story commercial loft building into eight dwelling units, contrary to Z.R. §42-10. PREMISES AFFECTED - 73 Washington Avenue, East side of Washington Avenue 170' north of Park Avenue, Block 1875, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #2BK

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

MINUTES

God, owner.

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

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

COMMUNITY BOARD #12BX

245-04-BZ

APPLICANT - Agusta & Ross, for Mark Stern, owner.

SUBJECT - Application July 6, 2004 - under Z.R.§72-21 to permit the proposed five-story, nine unit multiple dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED - 102/04 Franklin Avenue, west side, 182' south of Park Avenue, Block 1898, Lots 45 and 46, Borough of Brooklyn.

COMMUNITY BOARD #3BK

394-04-BZ

APPLICANT - Deirdre A. Carson/Greenberg Traurig, LLP, for 33 Mercer Street, LLC, owner.

SUBJECT - Application December 20, 2004 - under Z.R.§72-21 to permit the proposed construction of a seven-story mixed-use building, containing residential and retail uses, whereas such uses are not permitted as right, located within an M1-5B zoning district, is contrary to Z.R. §42-10 and §42-14(D)(2)(B).

PREMISES AFFECTED - 44 Mercer Street, aka 471 Broadway, east side, 107.1/2" north of the intersection of Grand and Mercer Streets, Block 474, Lot 49, Borough of Manhattan.

COMMUNITY BOARD #2M

5-05-BZ

APPLICANT - Sheldon Lobel, P.C., for S & J Real Estate, LLC, owner.

SUBJECT - Application January 14, 2005 - under Z.R.§73-53, to permit the enlargement of an existing non-conforming manufacturing building located within a district designated for residential use (R3-2). The application seeks to enlarge the subject contractor's establishment (Use Group 16) by 2,499.2 square feet.

PREMISES AFFECTED - 59-25 Fresh Meadow Lane, east side, between Horace Harding Expressway and 59th Avenue, Block 6887, Lot 24, Borough of Queens.

COMMUNITY BOARD #11Q

6-05-BZ

APPLICANT - Eric Palatnik, P.C., for Isaac and Renee Sasson, owners.

SUBJECT - Application January 14, 2005 - under Z.R.§73-622 an enlargement to a single family home to vary sections ZR 23-141 for open space and floor area, ZR 23-46 for side yards and ZR 23-47 for rear yard. The premise is located in an R-2 zoning district.

PREMISES AFFECTED - 3046 Bedford Avenue, between Avenues "I and J", Block 7588, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #14BK

12-05-BZ

APPLICANT - Eric Palatnik, P.C., for Dina Horowitz, owner.

SUBJECT - Application January 21, 2005 - under Z.R.§ 73-622 for an enlargement to a single family home to vary sections ZR23-141 for floor area, ZR 23-461 for side yards and ZR 23-47 for rear yard. The premise is located in an R3-2 zoning district.

PREMISES AFFECTED - 1662 East 28th Street, between Quentin Road and Avenue "P", Block 6790, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #15BK

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, MAY 17, 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, March 8, 2005, were approved as printed in the Bulletin of March 17, 2005, Volume 90, No. 12.

SPECIAL ORDER CALENDAR

1111-62-BZ

APPLICANT - Sheldon Lobel. P.C., for 200 East Tenants Corporation, owner; Adonis Parking, LLC, lessee.
SUBJECT - Application September 23, 2004 - Extension of Term of a variance to permit transient parking beyond the Ten year term expiring on March 26, 2003 in the C5-2 portion of the lot.

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

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Jordan Most.

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 June 7, 2005, at 10 A.M., for decision, hearing closed.

1129-64-BZ

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

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

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

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Jordan Most.

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 June 7, 2005, at 10 A.M., for decision, hearing closed.

138-68-BZ

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

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

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

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Francis R. Angelino and Stephen Katz.

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 June 7, 2005, at 10 A.M., for decision, hearing closed.

739-76-BZ

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

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

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

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Adam Rothkrug.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

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

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 7th Avenue, west side of

MINUTES

Adam Clayton Powell Jr. Boulevard, block front from W. 150th Street to W. 151st Street, Block 2036, Lot 29, Borough APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0
.....0

ACTION OF THE BOARD - Laid over to June 7, 2005, at 10 A.M., for decision, hearing closed.

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 -

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.

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Laid over to June 14, 2005, at 10 A.M., for continued hearing.

325-04-A

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

SUBJECT - Application October 4, 2004 - Proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 91 Wakefield Road, west side, 825.19 north of Woods of Arden Road, Block 5415, Lot 85, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Laid over to June 14, 2005, at 10 A.M., for continued hearing.

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'

of Manhattan.

COMMUNITY BOARD #10M

north of Sampson Avenue, Block 5443, Lot 71, Borough of The Bronx.

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

COMMUNITY BOARD#10BX

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Laid over to June 14, 2005, at 10 A.M., for continued hearing.

54-05-A

APPLICANT -NYC Department of Buildings.

OWNER OF PREMISES: Yeshiva Imrei Chaim Viznitz.

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

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

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Brett Beecham.

For Opposition: Joel Steinberg, Joan Blitzer Petito, Caroline Schloss and Israel Steinberg.

ACTION OF THE BOARD - Laid over to July 12, 2005, at 10 A.M., for continued hearing.

55-05-A

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

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

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

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0
.....0

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

MINUTES

56-05-A

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

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

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

COMMUNITY BOARD #14Q

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 May 24, 2005, at 10 A.M., for decision, hearing closed.

57-05-A

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

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

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

COMMUNITY BOARD #14Q

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 May 24, 2005, at 10 A.M., for decision, hearing closed.

58-05-A

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

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

PREMISES AFFECTED - 15 Ocean Avenue, east side, 295.32' north of Rockaway Point Boulevard, Block 16350,

Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

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 May 24, 2005, at 10 A.M., for decision, hearing closed.

59-05-A

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

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

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

COMMUNITY BOARD #14Q

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 May 24, 2005, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:00 A.M.

MINUTES

**REGULAR MEETING
TUESDAY AFTERNOON, MAY 17, 2005
2:00 P.M.**

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

ZONING CALENDAR

381-03-BZ

CEQR #04-BSA-102K

APPLICANT - Moshe M. Friedman, P.E., for Hamilton G.S. Realty, owner.

SUBJECT - Application December 8, 2003 - under Z.R. §72-21 to permit the proposed expansion of existing social security offices, and the addition of school by adding a second floor, to an existing one story building, located in an M1-1 zoning district, which does not comply with the zoning requirements for Use Group and floor area, and is contrary to Z.R. §42-00, §43-12 and §43-122.

PREMISES AFFECTED - 6023 Fort Hamilton Parkway, a/k/a 6013/23 Fort Hamilton Parkway, a/k/a 6012/24 Tenth Avenue, and a/k/a 973/83 61st Street, northeast corner, Block 5715, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Yosef Gottdiener.

ACTION OF THE BOARD - Application granted upon condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated November 20, 2003, acting on Department of Buildings Application No. 301536620, reads:

“Expansion of existing Social Security Offices and proposed Religious School is contrary to ZR Sec 42-00 Use Group and ZR Sec 43-12 and 43-122 Floor Area and requires a variance from the Board of Standards and Appeals as per Sec 72-21”; and

WHEREAS, a public hearing was held on this application on July 20, 2004 after due notice by publication in the *City Record*, with continued hearings on September 14, 2004, November 16, 2004, December 14, 2004, February 15, 2005, and April 19,

2005, and then to decision on May 17, 2005; and

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

WHEREAS, Community Board 12, Brooklyn, recommends approval of this application; and

WHEREAS, this is an application under Z.R. § 72-21, to permit, within an M1-1 zoning district, the proposed enlargement of an existing one-story building to accommodate the expansion of the existing Social Security Office and the occupancy of a new religious school, which is contrary to Z.R. §§ 42-00, 43-12 and 43-122; and

WHEREAS, the subject site is a slightly irregular corner lot, with a lot area of approximately 9,011 sq. ft., bounded by Fort Hamilton Parkway on the north, 61st Street on the west, and 10th Avenue on the south; and

WHEREAS, the site is improved upon with a one-story, 14 ft. high office building, currently occupied by a Social Security Office; and

WHEREAS, the subject application proposes the addition of a second story to the existing building, with the majority of the new floor to be occupied by a religious school (hereinafter, the “School”); a small portion of the second floor will be occupied by the Social Security Office, primarily for storage purposes; and

WHEREAS, the new building will have a total Floor Area Ratio (“F.A.R.”) of 2.0, with a commercial F.A.R. of 1.38 and a community facility F.A.R. of .62; as well as a total height of 25 ft., which is complying; and

WHEREAS, the applicant represents that the use of the second floor by the Social Security Office will be temporary; upon cessation of this use, the entire second floor will be used for occupancy by the School; and

WHEREAS, the applicant also notes that were it not for the presence of the Social Security Office, the introduction of the School at the site would be permitted through a special permit; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject lot in conformance and compliance with underlying district regulations: (1) the existing building is a single-story building converted for use by the Social Security Office, which is obsolete for viable commercial use; (2) a cellar can not be developed on the site due to the presence of sealed underground gasoline storage tanks; and (3) the site is adjacent to a below-grade trench used by the Long Island Rail Road line; and

WHEREAS, the applicant notes that the existing building is one of the only single story commercial buildings in the area which also does not provide a

MINUTES

cellar for storage; and

WHEREAS, however, the applicant argues that a cellar can not be constructed at the site; and

WHEREAS, specifically, the applicant argues that the presence of the underground tanks and the

WHEREAS, the applicant also notes that disturbing the ground at the site during cellar construction could have a negative impact on the integrity of the soil at the cut, and that any preventative measures taken to avoid this would again add significant additional costs to the development proposal; and

WHEREAS, at the request of the Board, the applicant has shown that other properties along 61st Street opposite the cut have not been built with substantial below grade spaces; this substantiates the claim that below grade construction would be difficult given the proximity of the cut; and

WHEREAS, based upon the above, the Board finds that the unique conditions mentioned above, when considered in the aggregate, create practical difficulties and unnecessary hardship in developing the site in strict conformance and compliance with applicable zoning regulations; and

WHEREAS, the applicant submitted a feasibility study that analyzed a conforming and complying building with the addition of a cellar; the study concludes that such a scenario would not be feasible; and

WHEREAS, specifically, this feasibility study shows that tank removal and construction of a cellar on this site would cost over \$700,000, rendering such development infeasible; and

WHEREAS, the Board agrees that construction of a cellar would not generate sufficient revenue to cover the costs incurred for such construction; and

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

WHEREAS, the applicant states that the proposed development will not negatively affect the character of the neighborhood nor impact adjacent uses; and

WHEREAS, the applicant notes that the existing building has historically been occupied by a community service use, and that the School will provide a comparable community service use to the surrounding neighborhood; and

WHEREAS, the applicant also notes that the findings set forth at Z.R. § 73-19, which allows the Board to permit a school in the subject zoning district, have been met; and

WHEREAS, specifically, the applicant states that the proposed School will provide adequate separation from noise, traffic, and other adverse effects of the surrounding zoning district through the use of sound-attenuation exterior wall and window construction or

proximity of the site to the railway cut make the construction of a cellar infeasible; and

WHEREAS, the applicant notes if removal of the tanks were undertaken, significant additional costs would be incurred; and

provision of open space; and

WHEREAS, the applicant also states that the School will apply for a No Parking sign along Tenth Avenue, where all transportation of students to and from the School will take place; and

WHEREAS, the Board notes that the addition of the second floor will not increase the height of the building to such an extent that it will not be compatible with the surrounding context, given the presence of three-story buildings adjacent to it on the same block; and

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

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

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 04-BSA-102K, dated November 25, 2003; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts and Public Health; and WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617.4, the Rules of Procedure for City

MINUTES

Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes the required findings under Z.R. § 72-21, to permit, within an M1-1 zoning district, the proposed enlargement of an existing one-story building to accommodate the expansion of the existing Social Security Office and the occupancy of a new religious school, which is contrary to Z.R. §§ 42-00,

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

THAT prior to occupancy of the building by the School, approval for a "No Parking" sign shall be obtained and said sign shall be located along the 10th Avenue side of the building where loading/unloading of students will take place;

THAT the bulk parameters of the proposed building shall be as follows: a total F.A.R. of 2.0, with a commercial F.A.R. of 1.38 and a community facility F.A.R. of .62;

THAT the interior layout and all exiting requirements shall be as reviewed and 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;

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

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

Adopted by the Board of Standards and Appeals, May 17, 2005.

247-04-BZ

CEQR #05-BSA-003Q

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

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 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 Boulevard, Northern side of the area bounded by Merrick Boulevard, 125th Avenue, Merrill Street and Baisley Boulevard, Block 12516, Lot 37, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Richard Lobel.

ACTION OF THE BOARD - Application granted upon condition.

THE VOTE TO GRANT -

43-12 and 43-122; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 17, 2005"-(6) sheets; and *on further condition*:

THAT the term of this variance shall be for 10 years, to expire on May 17, 2015;

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated June 7, 2004, acting on Department of Buildings Application No. 401863765, reads:

"For the Board of Standards and Appeals Only

1. The proposed enlargement of the existing storage facility at the premises in a C8-1 zoning district creates a non-compliance by exceeding the permitted floor area authorized by ZR Section 33-122
2. The proposed enlargement of the existing storage facility at the premises in a C8-1 zoning district creates a non-compliance by exceeding the permitted floor area ratio authorized by ZR Section 33-122
3. The proposed enlargement creating a second floor within a required rear yard equivalent increases the degree of non-compliance, contrary to ZR Section 54-31 and 33-283;" and

WHEREAS, a public hearing was held on this application on March 15, 2005 after due notice by publication in The City Record, with a continued hearing on April 19, 2005, and then to decision on May 17, 2005; and

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

WHEREAS, this is an application under Z.R. § 72-21, to permit, within a C8-1 zoning district, the proposed enlargement of a two-story storage facility (Use Group 16), which exceeds the permitted floor area and floor area ratio authorized by Z.R. § 33-122, and creates a second floor within a rear yard equivalent contrary to Z.R. §§ 54-31 and 33-283; and

WHEREAS, Community Board 12, Queens, the Queens Borough President, and City Council Member Leroy Comrie recommend approval of this application; and

WHEREAS, the subject site is bounded by Merrick Boulevard, Baisley Boulevard, Merrill Street and 125th Avenue, with a total lot area of 66,572 sq. ft.; and

WHEREAS, the lot has a length of 400 feet on the northerly end (facing Merrick Boulevard) and a length of

MINUTES

287 feet on the southerly end (facing Merrill Street); and
WHEREAS, the lot's border extends into a triangular area on its easterly end and an "L" shape on its westerly end; and

WHEREAS, the site is currently improved upon with a two-story plus cellar commercial building that operates as a self-storage facility, with a floor area of 66,000 sq. ft.; and

WHEREAS, the applicant proposes to enlarge the second story of the existing building, such that the total floor area of the building will be 82,150 sq. ft.; and

WHEREAS, the applicant represents that the existing building, formerly a food storage warehouse, is inefficient and ill-suited for a self-storage facility; and

WHEREAS, the owner of the facility has submitted a letter in furtherance of the above, which states that storage facilities that are well-designed have multiple points of entry so that customers can easily reach their storage units; the existing building has few points of entry because there are loading docks on one end and a "dog leg" extension at the far end, both of which decrease the desirability of rental units; and

WHEREAS, the applicant represents that the existing cellar is less than 1,500 sq. ft. and contains only mechanical space; and

WHEREAS, the applicant further represents that excavation below the existing slab/floor of the cellar would be cost-prohibitive because facilities under the existing slab would have to be re-routed, the existing slab is not designed to be a structural slab, and there would be extra costs in connection with supporting the existing slab on grade; and

WHEREAS, in support of the above, the applicant has submitted a letter from the project architect that states that in order to excavate the cellar the building must be emptied, the slab on grade must be removed as it was not designed, and is not properly supported, to serve as an intermediate floor between a cellar and a main floor, and the existing foundation would need to be underpinned and extended to adequately take into account the depth of the cellar; and

WHEREAS, the architect also represents that the cost of excavation and underpinning would be over \$2,500,000; the applicant notes that these costs do not include the loss in revenue while construction takes place; and

WHEREAS, the architect further speculates that there may be other unknown soil conditions such as ground or rock; and

WHEREAS, the Board notes that the applicant did not submit any evidence to substantiate the presence of any soil conditions; accordingly, the Board does not find that the alleged soil conditions contribute to the site's uniqueness; and

WHEREAS, the Board finds that certain of the aforementioned unique physical conditions, namely the irregular shape of the lot, the obsolescence of the building, and the difficulty in excavating the cellar, when

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject lot in compliance with underlying district regulations: (1) the lot is irregularly shaped and very large; (2) the existing building is obsolete as it was built for a food storage use; (3) the existing building underutilizes the lot; and (4) below-grade construction is cost-prohibitive because of conditions inherent to the building; and

considered in the aggregate, create unnecessary hardship and practical difficulties in developing the site in compliance with the current zoning; and

WHEREAS, the applicant's letter from the project architect states that the cost of demolishing the building and constructing a new building in compliance with the existing zoning requirements would be cost-prohibitive; and

WHEREAS, the applicant has also submitted a feasibility study that analyzed a community facility option and a commercial retail option, which purports to show that developing the lot in compliance with the existing zoning would not result in a reasonable rate of return; and

WHEREAS, based upon its review of this feasibility study, the Board has determined that because of the subject site's unique physical conditions, there is no reasonable possibility that development in strict compliance with zoning will provide a reasonable return; and

WHEREAS, the applicant represents that the proposed variance will not negatively affect the character of the neighborhood as it is already an existing use and the surrounding neighborhood is predominantly commercial; and

WHEREAS, the Board acknowledges that the applicant is enlarging the building within the existing envelope; and

WHEREAS, the Board also notes that the applicant is planting street trees and providing an opaque fence around a portion of the site; and

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

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

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

WHEREAS, the Board has conducted an

MINUTES

environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 05-BSA-003Q dated July 6, 2004; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program;

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended and makes the required findings under Z.R. § 72-21, to permit, within a C8-1 zoning district, the proposed enlargement of a two-story storage facility (Use Group 16), which exceeds the permitted floor area and floor area ratio authorized by Z.R. § 33-122, and creates a second floor within a rear yard equivalent contrary to Z.R. §§ 54-31 and 33-283; on condition that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 3, 2005"-(5) sheets; and on further condition:

THAT all interior partitions and exiting shall be as reviewed and approved by DOB;

THAT the sidewalk and curb on Merrill Street shall be refurbished and street trees shall be added as reflected on the BSA-approved plans;

THAT a six foot opaque fence shall be constructed around the site as indicated 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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 17, 2005.

292-04-BZ

CEQR #05-BSA-033K

APPLICANT - Eric Palatnik, P.C., for Daniel Hirsch, owner.
SUBJECT - Application August 23, 2004 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R2 zoning

Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

district, which does not comply with the zoning requirements for floor area ratio, open space ratio, rear and side yards, is contrary to Z.R. 23-141(a), §23-47 and §23-48.

PREMISES AFFECTED - 1340 East 26th Street, between Avenues "M and N", Block 7661, Lot 59, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted upon condition.

THE VOTE TO GRANT -

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

Negative:.....0

....0

THE RESOLUTION -

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated August 6, 2004, acting on Department of Buildings Application No. 30187372, reads:

- "1. Plans are contrary to Z.R. 23-141(a) in that the proposed Floor Area Ratio (FAR) exceeds the permitted 0.5.
2. Plans are contrary to Z.R. 23-141(a) in that the proposed Open Space Ratio (OSR) is less than the minimum required 150.0.
3. Proposed plans are contrary to Z.R. 23-47 in that the proposed rear yard is less than the minimum required 30'-0".
4. Proposed plans are contrary to Z.R. 23-48 in that the minimum side yard is less than the required 5'-0.";

WHEREAS a public hearing was held on this application on March 19, 2005 after due notice by publication in *The City Record*, and then to decision on May 17, 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 and 73-03 to permit, in an R2 zoning district, the proposed enlargement of an existing one-family dwelling (Use Group 1), which does not comply with the

MINUTES

zoning requirements for floor area, open space ratio, and rear and side yards, contrary to Z.R. §§ 23-141(a), 23-47 and 23-48; and

WHEREAS, the subject lot is located on East 26th Street between Avenues M and N, and has a total lot area of approximately 3,000 sq. ft.; and

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

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

WHEREAS, the applicant seeks an increase in the floor area from 2,120 sq. ft. (0.71 Floor Area Ratio or "FAR") to 2,632 sq. ft. (0.88 FAR); the maximum floor area permitted is 1,500 sq. ft. (0.50 FAR); and

WHEREAS, the proposed enlargement will reduce the Open Space Ratio ("OSR") from 65 to 58; the

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 one-family dwelling (Use Group 1), which does not comply with the zoning requirements for floor area, open space ratio, and floor and side yards, contrary to Z.R. §§ 23-141(a), 23-47 and 23-48; *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 May 3, 2005" - (6) sheets; and "Received May 17, 2005"-(4) sheets; and *on further condition*:

THAT there shall be no habitable room in the cellar;
THAT the above condition shall be set forth on the certificate of occupancy;

THAT the total F.A.R. on the premises, including the attic, shall not exceed 0.88;

THAT the total attic floor area shall not exceed 494 sq. ft.;

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;

minimum OSR required is 150; and

WHEREAS, the proposed enlargement will reduce the rear yard from 27'-9" to 20'-0"; the minimum rear yard required is 30'-0"; 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 existing side yards for this lot consist of a legal, non-complying side yard of 2'-9" and a complying side yard of 6'-10"; 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 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

THAT the existing garage shall be converted to storage subject to approval by the Department of Buildings;

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

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

Adopted by the Board of Standards and Appeals, May 17, 2005.

294-04-BZ

CEQR #05-BSA-035Q

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

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

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

COMMUNITY BOARD #3Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted upon condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner

MINUTES

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

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated August 12, 2004, acting on Department of Buildings Application No. 401955602, reads:

1. Objection 1. Required front yard fronting 35th Avenue is contrary to ZR 23-45.
2. Objection 2. Required side yard fronting 103rd Street is contrary to ZR 23-49.”; and

WHEREAS, a public hearing was held on this application on March 5, 2005, after due notice by publication in *The City Record*, with a continued hearing on March 19, 2005, and then to decision on May 17, 2005; and

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

WHEREAS, the proposal contemplates no side yard on the side of the proposed building facing tax lot 44, a vacant lot; the other side yard will be complying; and

WHEREAS, the proposal also contemplates parking for two cars, one space fronting 103rd Street and one space fronting a three-story building to the east of the site; and

WHEREAS, the applicant states that the following is a unique physical condition, which creates practical difficulties in developing the subject lot in compliance with underlying district regulations: the site is an undeveloped corner lot that is uniquely small and narrow; and

WHEREAS, the applicant represents that the lot has a width of 25 ft. and that the provision of the required 8 ft. side yard with the other required side yards would result in a house with a 6.75 ft. width, which the applicant represents is neither habitable nor marketable; and

WHEREAS, at the request of the Board the applicant also submitted a study of the seven other corner lots within 400 ft. of the premises, and showed that of the four lots that have the same measurements as the subject lot, one is vacant and the other three do not have complying front or side yards; and

WHEREAS, the Board finds that the aforementioned unique physical condition, namely the smallness and narrowness of the subject undeveloped corner lot, creates 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 condition, 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 or marketable; and

and Vice-Chair Babbar; and
WHEREAS, Community Board 3, Queens, recommends approval of this application; and

WHEREAS, this is an application under Z.R. § 72-21, to permit the proposed construction of a three-story, three-family dwelling (Use Group 2), located in an R5 zoning district, which does not comply with the zoning requirements for front yard and side yard, contrary to Z.R. §§ 23-45 and 23-49; and

WHEREAS, the subject premises is a vacant corner lot located on the northeast corner of the intersection of 35th Avenue and 103rd Street, and has a total lot area of approximately 2,500 sq. ft., with dimensions of 25 ft. in width and 100.8 ft. in depth; and

WHEREAS, the applicant has submitted documentation that the lot has been in existence with its current dimensions since 1930; and

WHEREAS, the proposal contemplates an 8.5 ft. front yard along the 35th Avenue frontage; the other front yard along 103rd Street will be complying; and

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

WHEREAS, the applicant represents that the impact of the zero lot line on the north side of the building next to the vacant lot is offset by the fact that the vacant lot is 30 feet wide and developable under the provisions of R5 zoning; and

WHEREAS, the applicant represents that within a 400-ft. radius of the site, there are 39 dwellings that are built upon the lot line; 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 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 to permit the proposed construction of a three-story, three-family dwelling (Use Group 2), located in an R5 zoning district, which does not comply with the zoning requirements for front yard and side yard, contrary to Z.R. §§ 23-45 and 23-49; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received May 2, 2005” - (4) sheets; and *on further*

MINUTES

condition;

THAT the internal floor layouts on each floor of the proposed building shall be as reviewed and approved by DOB;

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

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

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

Adopted by the Board of Standards and Appeals, May 17, 2005.

371-04-BZ

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

SUBJECT - Application November 22, 2004 - under Z.R. 73-622 to permit the proposed enlargement of an existing single family residence, located in an R5 zoning district, which does

2. Plans are contrary to Z.R. 23-141(a) in that the proposed Open Space Ratio (OSR) is less than the minimum required 150.0.
3. Plans are contrary to Z.R. 23-461(a) in that the existing total side yards are less than the required 13'-0"
4. Plans are contrary to Z.R. 23-461(a) in that the existing minimum side yard is less than the required minimum 5'-0"
5. Proposed plans are contrary to Z.R. 23-47 in that the proposed rear yard is less than the minimum required 30'-0"." and

WHEREAS a public hearing was held on this application on March 5, 2005 after due notice by publication in *The City Record*, and then to closure and decision on May 17, 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 and 73-03, to permit, in an R2 zoning district, the proposed enlargement of an existing one-family dwelling (Use Group 1), which does not comply with the zoning requirements for floor area, open space ratio, and rear and side yards, contrary to Z.R. §§ 23-141(a), 23-461(a) and 23-47; and

WHEREAS, the subject lot is located on East 28th Street between Avenues M and L, and has a total area of approximately 4,000 sq. ft.; and

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

not comply with the zoning requirements for floor area ratio, open space ratio, side and rear yards, is contrary to Z.R. §23-141(a), §23-46 and §23-47.

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

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted upon condition.

THE VOTE TO GRANT -

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

Negative:.....0

....0

THE RESOLUTION -

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated October 22, 2004, acting on Department of Buildings Application No. 301858274, reads:

- "1. Plans are contrary to Z.R. 23-141(a) in that the proposed Floor Area Ratio (FAR) exceeds the permitted 0.5.

is available; and

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

WHEREAS, the applicant seeks an increase in the floor area from 3,049.31 sq. ft. (0.76 Floor Area Ratio or "FAR") to 3944.21 sq. ft. (0.98 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 70 to 59; the minimum OSR required is 150; and

WHEREAS, the proposed enlargement will maintain one existing non-complying side yard of 2'-11", which does not comply with the 5 ft. minimum side yard requirement; and

WHEREAS, the enlargement will also maintain the other existing non-complying side yard of 7'-3", which, when aggregated with the other side yard dimension, does not comply with the 13 ft. total side yard requirement; 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 proposed enlargement will reduce the rear yard from 32'-4" to 25'-4"; the minimum rear yard required is 30'-0"; 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

MINUTES

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 one-family dwelling (Use Group 1), which does not comply with the zoning requirements for floor area, open space ratio, and rear and side yards, contrary to Z.R. §§ 23-141(a), 23-461(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 May 3, 2005"-(8) sheets and "Received May 17, 2005"-(1) sheet; and *on further condition*:

THAT there shall be no habitable room in the cellar;

Adopted by the Board of Standards and Appeals, May 17, 2005.

391-04-BZ

CEQR #05-BSA-074M

APPLICANT - Moshe M. Friedman, P.E., for Meilech Fastag, owner.

SUBJECT - Application December 13, 2004 - under Z.R. §73-622 Proposed enlargement to an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, is contrary to Z.R. §23-141(a).

PREMISES AFFECTED - 2610 Avenue "L", south side, 60' east of the intersection of Avenue "L" and East 26th Street, Block 7644, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Yosef Gottdiener.

ACTION OF THE BOARD - Application granted upon condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated December 6, 2004, acting on

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

THAT the total F.A.R. on the premises, including the attic, shall not exceed .98;

THAT the total attic floor area shall not exceed 771.02 sq. ft.;

THAT vaulted ceilings shall be constructed as illustrated on Plan A-10 stamped May 3, 2005;

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

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

THAT the existing garage shall be converted to storage subject to approval by the Department of Buildings;

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

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

Department of Buildings Application No. 301874032, reads:

"Extension to existing 1 family dwelling is contrary to ZR 23-141(a), Floor Area Ratio, and ZR 23-141(a), Open Space Ratio, and requires a Special Permit from the Board of Standards and Appeals as per Section 73-622" and

WHEREAS a public hearing was held on this application on March 19, 2005 after due notice by publication in *The City Record*, and then to decision on May 17, 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 and 73-03 to permit, in an R2 zoning district, the proposed enlargement of an existing one-family dwelling (Use Group 1), which does not comply with the zoning requirements for floor area and open space ratio, contrary to Z.R. § 23-141(a); and

WHEREAS, the subject lot is located on the south side of Avenue L, between East 26th Street and East 27th Street, and has a total lot area of approximately 4,000 sq. ft.; and

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

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

MINUTES

plus cellar and attic residential structure; and

WHEREAS, the applicant seeks an increase in the floor area from 3,316 sq. ft. (0.83 Floor Area Ratio or "FAR") to 3918 sq. ft. (0.98 FAR); the maximum floor area permitted is 2,500 sq. ft. (0.50 FAR); and

WHEREAS, the proposed enlargement will reduce the Open Space Ratio ("OSR") from 78 to 59; the minimum OSR required is 150; and

WHEREAS, the proposed rear yard extension will reduce the rear yard from 30 ft., 1.5 in. to 20 ft., 1.5 in.; 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

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

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

Adopted by the Board of Standards and Appeals, May 17, 2005.

16-05-BZ

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

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

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

COMMUNITY BOARD #1SI

APPEARANCES - None.

ACTION OF THE BOARD - Application granted upon condition.

THE VOTE TO GRANT -

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 one-family dwelling (Use Group 1), which does not comply with the zoning requirements for floor area and open space ratio, contrary to Z.R. § 23-141(a); *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 December 13, 2004"-(4) sheets, "Received March 7, 2005"-(1) sheet, and "Received May 3, 2005"-(5) sheets; and *on further condition*:

THAT there shall be no habitable room in the cellar;
THAT the above condition shall be set forth on the certificate of occupancy;

THAT the total F.A.R. on the premises, including the attic, shall not exceed 0.98;

THAT the total attic floor area shall not exceed 818.18 sq. ft.;

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

THAT the existing garage shall remain one car accessory parking;

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;

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Staten Island Borough Commissioner, dated December 30, 2004, acting on Department of Buildings Application No. 500697971, reads, in pertinent part:

"The subject premises is proposed to be developed as a single corner zoning lot with new three story and cellar, one family dwelling with non-complying front and side yards that is contrary to section 23-45 and 23-461 of Zoning Resolution and therefore shall be referred to the Board of Standards and Appeals."; and

WHEREAS, a public hearing was held on this application on April 12, 2005, after due notice by publication in *The City Record*, and then to closure and decision on May 17, 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 1, Staten Island, and the St. George Civic Association recommend

MINUTES

approval of this application; and

WHEREAS, this is an application under Z.R. § 72-21, to permit the proposed construction of a three-story with cellar, one-family dwelling, located in an R3A zoning district in the Hillside Preservation Special District, which does not comply with the zoning requirements for front yard and side yards, contrary to Z.R. §§ 23-45 and 23-461; and

WHEREAS, the record indicates that the subject premises is a vacant, corner lot located on the southeast corner of the intersection of Curtis Place and Westervelt Avenue, and has a total lot area of 2,178 sq. ft.; and

WHEREAS, the applicant represents that the lot is 100 ft. in length, and has a width of 25 ft. at the front (facing Westervelt Avenue) and a width of 18.75 ft. at the rear; and

WHEREAS, the applicant purchased the site from the City of New York at an auction in 1989; at the time of the auction it was zoned R4, and it was re-zoned to R3A in 2003; and

WHEREAS, the applicant further represents that there is a slope along the property of approximately 12%; and

WHEREAS, the proposal contemplates a 3 ft., 8 in. front yard along the Curtis Place frontage; the other front yard will be complying; and

WHEREAS, the proposal also contemplates a 4 ft. side yard, which leaves an open area of 5 ft. between the proposed building and the existing detached residence southeast of the site; the other side yard will be complying; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical

WHEREAS, the applicant has provided pictures of the surrounding homes that substantiate the above statement; 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 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 three-story with cellar, one-family dwelling, located in an R3A zoning district in the Hillside

difficulties in developing the subject lot in compliance with underlying district regulations: the site is an undeveloped corner lot that is uniquely small and narrow, and is encumbered with a slope; and

WHEREAS, the applicant represents that the provision of the required 10 ft. front yard along Curtis Place and an 8 ft. side yard would, due to the small lot size, result in a house with a 7 ft. width, which the applicant represents is neither practical to build upon nor marketable; and

WHEREAS, the applicant also notes that the allowable lot coverage under the Hillside Preservation Special District regulations is 22.5%; to accommodate the maximum floor area while complying with the lot coverage requirement, it is necessary to construct a three-story house; and

WHEREAS, the applicant represents that this is the only vacant lot in a 200 ft. radius, aside from a community garden; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, namely the smallness and narrowness of the subject undeveloped corner lot and its slope, 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 of the proposed building is consistent with the surrounding one and two-family, two to three-story residences; and Preservation district, which does not comply with the zoning requirements for front yard and side yards, contrary to Z.R. §§ 23-45 and 23-461; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 27, 2005"-(4) sheets and "Received May 3, 2005"-(1) sheet; and *on further condition*;

THAT the internal floor layouts on each floor of the proposed building shall be as reviewed and approved by DOB;

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

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

THAT the Department of Buildings must ensure 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,

MINUTES

May 17, 2005.

36-04-BZ

APPLICANT - Petraro & Jones, LLP, for Jack Randazzo, owner.

SUBJECT - Application February 12, 1004 - under Z.R. §72-21 to permit the proposed construction of an eight family dwelling, on a vacant lot, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 30 Carlton Avenue, west side, 240' south of Flushing Avenue, Block 2030, Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Patrick W. Jones, Agnes Im, Jack Randazzo and Vito Randazzo.

ACTION OF THE BOARD - Laid over to June 14, 2005, at 1:30 P.M., for continued hearing.

37-04-BZ

APPLICANT - Petraro & Jones, LLP, for Jack Randazzo, owner.

SUBJECT - Application February 12, 1004 - under Z.R. §72-21 to permit the proposed construction of an eight family dwelling, on a vacant lot, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 32 Carlton Avenue, west side, 264' south of Flushing Avenue, Block 2030, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Patrick W. Jones, Agnes Im, Jack Randazzo and Vito Randazzo.

ACTION OF THE BOARD - Laid over to June 14, THE VOTE TO CLOSE HEARING -

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

Negative:.....0
.....0

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

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

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

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

APPEARANCES - None.

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

163-04-BZ

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

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

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

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

APPEARANCES -

For Applicant: Chris Wright.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0
.....0

ACTION OF THE BOARD - Laid over to June 14, 2005, at 1:30 P.M., for decision, hearing closed.

209-04-BZ

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

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

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

MINUTES

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino, Anthony Morali and James Cervino.

ACTION OF THE BOARD - Laid over to June 14, 2005, at 1:30 P.M., for continued hearing.

210-04-A

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

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

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

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino, Anthony Morali and James Cervino.

ACTION OF THE BOARD - Laid over to June 14, 2005, at 1:30 P.M., for continued hearing.

255-04-BZ

APPLICANT - Eric Palatnik, P.C., for Eli Kafif, owner.

SUBJECT - Application July 15, 2004 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, which does not comply with the zoning requirements for floor area and side yard, is contrary to Z.R. §23-141 and §23-461(a), located in an R5 zoning district.

PREMISES AFFECTED - 1924 Homecrest Avenue, between Avenues "S and T", Borough of Brooklyn.

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

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

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: Dominick Answini and Sandi Hacoen.

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 June 7, 2005, at 1:30 P.M., for decision, hearing closed.

345-04-BZ

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik and Antoinette Vasile.

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

297-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Arthur Djal, 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

APPEARANCES -

For Applicant: Richard Lobel.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

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

327-04-BZ

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

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

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

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

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Lyra Altman, Fredrick Becker and David Ozeici.

For Opposition: Lisa De Santis, Vincent J. DeSantis, Albert Cohen and Michael De Santis.

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 June 7, 2005, at 1:30 P.M., for decision, hearing closed.

MINUTES

356-04-BZ

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

SUBJECT - Application November 16, 2004 - under Z.R. §73-36 approval sought for a proposed physical cultural establishment to be located on a portion of the cellar and first floor, entire third, fourth and sixth floor levels of a 41 story mixed use building currently under construction. The proposed PCE use will contain 19, 249 gross square feet. The site is located in a C5-2.5 Special Midtown District.

PREMISES AFFECTED - 60 East 55th Street, south mid block, East 55th Street, block bounded by Park and Madison Avenues and East 54th and East 55th Streets, Block 1290, Lot # 45, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: James P. Power.

For Opposition: Ju Chan Chen, Leo Y Lee, Barry Zonon, Michael Thmmie and other.

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 June 7, 2005, at 1:30 P.M., for decision, hearing closed.

15-05-BZ

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

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

63-05-BZ

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

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

PREMISES AFFECTED -2324 West 13th Street between Avenue W and Avenue X; distance of 150 feet south of Avenue W, Block 7160, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Carol Slater and Ann Brent.

For Opposition: Wang Kit Cheng and Bertina Mo.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Commissioner Miele and

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

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Irving Gothbaum.

For Opposition: Ju-Chen Chan and Leo Lee.

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

32-05-BZ

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

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

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

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Emily Simon.

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 June 14, 2005, at 1:30 P.M., for decision, hearing closed.

Commissioner

Chin.....3

Negative:.....0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to June 14, 2005, at 1:30 P.M., for decision, hearing closed.

82-05-BZ

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

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

MINUTES

District and to vary Section 42-12 of the Resolution.
PREMISES AFFECTED - 1841 Park Avenue (a/k/a 101 East
126th Street), Northeast corner of Park Avenue and East
126th Street, Block 1775, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Frank Chaney.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Commissioner Miele and
Commissioner

Chin.....3

Negative:.....
.....0

Absent: Vice-Chair

Babbar.....1

ACTION OF THE BOARD - Laid over to June 14,
2005, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 5:45 P.M.