
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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DOCKETS

New Case Filed Up to March 1, 2005

27-05-BZ **B.Q.** **91-11 Roosevelt Avenue,**
north side, between 91st and 92nd Streets, Block 1479, Lot
38, Borough of Queens. Applic. #402016983. Proposed
reestablishment of an expired variance, previously granted
by the Board under Cal. No. 361-37-BZ, which permitted a
gasoline service station and repair facility, located in a C1-2
within an R6 zoning district.
COMMUNITY BOARD #3Q

28-05-A **B.BK.** **7202 Ridge Boulevard,**
a/k/a Flagg Court, Block 5906, Lot 18, Borough of Brooklyn.
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enforce the permitted use of Certificate of Occupancy over
storage of garbage, (b) continuing to misclassify the
definition of the lot, (c) failing to order the restoration of the
streetscape as it was prior to the destruction of the new
externals storage area, and (d) allowing such illegal activity
that should be stamped out by the Commission as required
by law.

29-05-BZ **B.M.** **350 West Broadway,**
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Manhattan, Applic. #103976592. Proposed enlargement and
renovation to an existing vacant fifteen story, to contain
retail use in the cellar, first and second floor, and residential
use on the third through fifteen floors, located in an M1-5A
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COMMUNITY BOARD #2M

30-05-A **B.M.** **44 Mercer Street,**
a/k/a 471 Broadway, east side, 107'1/2" north of the
intersection of Grand and Mercer Streets, Block 474, Lot
49, Borough of Manhattan. Applic. #103576024. Proposed
seven-story mixed-use building, with J-2 occupancy, must
comply with §27-366 of the NYC Building Code and Article 3,
§102 of the Multiple Dwelling Law, regarding two
independent stairs for egress.

31-05-BZ **B.BK.** **1897 East Second Street,**
between Billings Place and Colin Place, Block 6681, Lot 211,
Borough of Brooklyn. Applic. #301874504. Proposed
enlargement of an existing one family dwelling, Use Group 1,
located in an R2X (OP) zoning district, which does not
comply with the zoning requirements for floor area ratio, side
yards and permitted wall height, is contrary to §23-141, §23-
461 and §23-631.
COMMUNITY BOARD #15BK

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 29, 2005, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, March 29, 2005, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

200-24-BZ

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

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

PREMISES AFFECTED - 3030 Jerome Avenue a/k/a 3103 Villa Avenue, 161.81' south of East 204th Street on the East Side of Jerome Avenue, Block 3321, Lot 25, Borough of The Bronx.

COMMUNITY BOARD #7BX

189-96-BZ

APPLICANT - John C Chen, for Ping Yee, owner; Edith D'Angelo-Cnandong, lessee.

SUBJECT - Application September 8, 2004 - Extension of Term-Waiver- for an eating and drinking establishment with dancing, Located in an C2-3 overlay within an R6 zoning district.

PREMISES AFFECTED - 85-12 Roosevelt Avenue, (85-10 Roosevelt Avenue), south side of Roosevelt Avenue, 58' east side of Forley Street, Block 1502, Lot 3, Borough of Queens.

COMMUNITY BOARD #4Q

28-02-BZ

APPLICANT - Sheldon Lobel. P.C., for Farbod Realty Corp., owner; Harris G. Joseph, Inc., lessee.

SUBJECT - Application - November 5, 2004 - Extension of Term & Amendment for the the use of a Pysical Cultural Establishment which was granted by BSA pursuant to Section 73-36 of the Zoning Resolution on February 4, 2003 for a term of two years. The application requests a change in the hours of operation contrary to the conditions set in the prior Resolution, located in a C5-2 zoning district.

PREMISES AFFECTED - 80 Madison Avenue, between 28th and 29th Streets, Block 858, Lot 14, Borough of Manhattan.

COMMUNITY BOARD#5M

377-03-BZ

MARCH 29, 2005, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday*

APPLICANT - Fischbein Badillo Wagner Harding, LLP, for Shinbone Alley Associates, LLC, owner.

SUBJECT - Application February 18, 2005 - reopening for an amendment to the resolution granted on June 8, 2004 to rearrange approve floor area and units.

PREMISES AFFECTED - 25 Bond Street, south side of Bond Street, 70' east of Lafayette Street, Block 529, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEALS CALENDAR

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

329-04-A

APPLICANT - Jeffrey Geary, for Riley Realty Corp., owner.

SUBJECT - Application October 5, 2004 - Proposed construction of a two story single family residence, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law

PREMISES AFFECTED -10-03 Channel Road, (aka 100th Place), west side, 33.94' south of 197th Avenue, Block 15475, Lot 26, Borough of Queens.

COMMUNITY BOARD #14Q

397-04-A

APPLICANT - Petraro & Jones, LLP, for Jennifer Walker, owner.

SUBJECT - Application December 23, 2004 - An appeal to request the Board to determine that the apartment house at subject premises, is not a "single room occupancy multiple dwelling" and (2) nullify the Department of Buildings' plan review "objection" that resulted in this appeal application.

PREMISES AFFECTED - 151 West 76th Street, north side, 471' from the intersection of Columbus Avenue, Block 1148, Lot 112, Borough of Manhattan.

COMMUNITY BOARD #7M

afternoon, March 29, 2005, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

CALENDAR

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

ZONING CALENDAR

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

201-04-BZ

APPLICANT - Eric Palatnik, P.C., for Marilyn Levine & Melvin Mesnick, Urban Spa, Inc., dba Carapan, lessee.

SUBJECT - Application May 14, 2004 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located in the basement level of a four story commercial structure, situated in a C6-2M zoning district, which requires a special permit.

PREMISES AFFECTED - 5 West 16th Street, between Fifth Avenue and Avenue of the Americas, Block 818, Lot 37, Borough of Manhattan.

COMMUNITY BOARD #5M

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.

COMMUNITY BOARD #7Q

Pasquale Pacifico, Executive Director

APRIL 5, 2005, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, April 5, 2005, 10:00 A.M., at 40 Rector Street, **91-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for David Winiarski, owner. SUBJECT - Application April 13, 2004 - reopening for an amendment to a previously granted variance under ZR§72-21 to allow minor modification of the approved plans.

PREMISES AFFECTED - 3032-3042 West 22nd Street, West

SPECIAL ORDER CALENDAR

348-82-BZ

APPLICANT - Salvati Architects for George Gong, owner.

SUBJECT - Application December 17, 2004 - Extension of Term/ Waiver/ Amendment, application seeks to legalize the change from three (3) storefronts (U.G. 6) to two (2) storefronts (U.G. 6 & 16D) located in an R5 zoning district. The application was approved under section 72-21 of the zoning resolution to permit in an R5 zoning district, the establishment of three (U.G. 6) storefronts for a term of 20 years which expired on April 12, 2003.

PREMISES AFFECTED - 204 Avenue S, Avenue S and West 6th Street, Block 7083, Lot 4, Borough of Brooklyn.

COMMUNITY BOARD #11BK

14-92-BZ

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

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

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

COMMUNITY BOARD #1M

68-94-BZ

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

SUBJECT - Application January 21, 2005 - to Reopen and Extension of Term of a Special Permit for a Physical Cultural Establishment located on a portion of the first and second floor of the Bay Plaza shopping center which expired on November 11, 2004. Located in a C4-3 Zoning district. Minor interior layout change and signage change.

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

COMMUNITY BOARD#10BX

22nd Street, 180' north of Highland View Avenue, Block 7071, Lot 19 (fka 19, 20, 22), Borough of Brooklyn.

COMMUNITY BOARD #13BK

CALENDAR

APPEALS CALENDAR

232-04-A

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

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

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

COMMUNITY BOARD #2SI

ZONING CALENDAR

286-04-BZ

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

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

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

COMMUNITY BOARD #8Q

287-04-BZ

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

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

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

COMMUNITY BOARD #8Q

290-04-BZ

APPLICANT - Stuart A. Klein, Esq., for Alex Lokshin - Carroll Gardens, LLC, owner.

SUBJECT - Application August 20, 2004 - under Z.R. §72-21 to permit, in an R4 zoning district, the conversion of an existing one-story warehouse building into a six-story and penthouse mixed-use residential/commercial building, which is contrary to Z.R. §§22-00, 23-141(b), 23-631(b), 23-222, 25-23, 23-45, and 23-462(a).

PREMISES AFFECTED - 341-349 Troy Avenue (a/k/a 1515 Carroll Street), Northeast corner of intersection of Troy Avenue and Carroll Street, Block 1407, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #9BK

APRIL 5, 2005, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, April 5, 2005, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

294-04-BZ

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 34-2935th Avenue), northeast corner of 103rd Street, Block 1744, Lot 43, Borough of Queens.

COMMUNITY BOARD #3Q

CALENDAR

371-04-BZ

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

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

COMMUNITY BOARD #14BK

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, MARCH 1, 2005
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on

Tuesday morning and afternoon, December 14, 2004, were approved as printed in the Bulletin of December 23, 2004, Volume 89, No. 51.

SPECIAL ORDER CALENDAR

MINUTES

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.

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 under Z.R. § 11-412, for a re-opening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on January 11, 2005, after due notice by publication in the *City Record*, with continued hearings on February 8, 2005, and then to March 1, 2004 for decision; and

WHEREAS, the Board has exercised jurisdiction over the subject premises since September 29, 1942, when under the subject calendar number, the Board granted an application to permit the reconstruction and extension of an existing gasoline service station; and

WHEREAS, subsequent extensions of the term of the variance as well as minor amendments were granted under BSA Cal. No. 708-42-A and the above-referenced calendar number, most recently on November 28, 1950; and

WHEREAS, the record indicates that the gasoline service station has operated continuously since the time of the original grant; and

WHEREAS, the instant application seeks an amendment to the resolution to permit an extension of the canopy and alteration of the signage; and

WHEREAS, the proposed metal canopy will measure 20'-0" x 50'-8" and will be placed over existing gasoline pumps; and

WHEREAS, the Board has determined that the evidence in the record supports the finding required to be made under Z.R. § 11-412.

Therefore it is Resolved that the Board of Standards and

ACTION OF THE BOARD - Application granted.

THE VOTE TO REOPEN HEARING -

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

Negative:.....0

THE VOTE TO CLOSE HEARING -

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

Appeals reopens and amends the resolution, so that as amended this portion of the resolution shall read: "to permit an extension of the canopy, which will connect to the existing building, as well as an alteration of the signage; *on condition* that all work shall substantially conform to drawings as filed with this application, marked "Received January 25, 2005" - (5) sheets; and *on further condition*:

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT there shall be no coin-operated car wash or vacuum on the premises;

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

THAT all signage shall comply with applicable zoning regulations;

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# 301782934)

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

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 - None.

Negative:.....0

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, made pursuant to Z.R. §§ 11-411 and 11-412, for a re-opening, an extension of the

MINUTES

term of the variance and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on February 8, 2005 after due notice by publication in the *City Record*, and then to March 1, 2005 for decision; and

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

WHEREAS, Manhattan Community Board No. 8 recommends approval of the subject application; and

WHEREAS, the premises consists of an interior lot with a 35'-0" frontage along East 62nd Street, between Madison Avenue and Park Avenue, with a depth of 100'-5" and a total lot area of 3,514.6 sq. ft.; and

WHEREAS, on July 23, 1946, under the subject calendar number, the Board granted an application to permit the change in occupancy from garage for 18 cars, storage and one-family dwelling to office use; and

WHEREAS, on September 24, 1946, the resolution was amended to allow the enlargement of the first floor of the building to a depth of approximately 71 ft.; and

WHEREAS, the term of the variance was subsequently extended on May 8, 1956, September 13, 1966, October 5, 1971, October 5, 1976 and December 16, 1986; and

WHEREAS, on November 1, 1994, the resolution was amended to eliminate the condition that restricted the occupancy of the office space to a portion of the premises, to permit commercial occupancy (Use Group 6B), and to extend the term of the variance for ten years from November 1, 1994, on condition that occupancy shall be limited to a single Use Group 6B office use; and

WHEREAS, the applicant now seeks an extension of the variance, as originally approved on July 23, 1946, and as amended with regard to the extension of the first floor on September 24, 1946, and an amendment to permit an addition to the building; and

WHEREAS, the applicant states that in early 2002, the owner of the site proposed to convert the premises from the small, under-built, owner-occupied building to a single-family residential townhouse with approximately 12,000 sq. ft.; and

WHEREAS, this proposal was then modified so that each floor would be built out with conforming residential use; the modification was approved by the NYC Landmarks Preservation Commission ("LPC") and the Department of Buildings ("DOB"); and

WHEREAS, the applicant represents that the proposal was abandoned mid-construction, and due to the "stop-start"

THAT the Department of Buildings shall ensure compliance with regard to the location and configuration of the commercial floor area;

THAT all conditions from prior resolution(s) 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

pattern of the building alteration, the building is currently in a deteriorated condition: the existing rear elevation is demolished; the steel necessary to support the expanded floors is in place but exposed; the cinderblock side walls are in various states of installation; most of the rear expansions are open to the sky; and the interior of the building is gutted; and

WHEREAS, the current proposal seeks to expand the building in accordance with the existing LPC and DOB approved plans, with all new additional floor area (other than the permitted commercial floor area as per the original variance) to be occupied by an as-of-right community facility use; and

WHEREAS, the applicant states that since the last Board action, the project architect has reevaluated previously approved BSA plans, and has determined that the corrected legal, and existing commercial floor area is 5,904.5 sq. ft. or a Floor Area Ratio ("FAR") of 1.68; and

WHEREAS, the instant application proposes to maintain the same square footage of commercial floor area; and

WHEREAS, the applicant proposes to develop an additional 5,164.0 sq. ft. (1.47 FAR) of community facility space, increasing the total square footage of the building to 11,068.5 (3.15 FAR), which is less than the maximum 4.0 FAR permitted in the underlying R8B Zoning District; and

WHEREAS, the Board has determined that the evidence in the record supports the grant of the requested amendment to the prior resolution.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, so that as amended this portion of the resolution shall read: "to permit an extension of the variance permitting commercial use, as originally approved on July 23, 1946, and as amended with regard to the extension of the first floor on September 24, 1946, for a term of ten (10) years from November 1, 2004 to expire on November 1, 2014, and to permit an as-of-right addition to the building which will be occupied by a conforming community facility use; *on condition* that all work shall substantially conform to drawings as filed with this application, marked 'Received February 22, 2005' - (9) sheets; and *on further condition*:

THAT the commercial floor area of the premises shall be limited to 5,904.5 s.f. (1.68 FAR);

THAT there shall be no accessory business signage at the premises;

THAT the above conditions shall appear on the certificate of occupancy; Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

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

173-94-BZ

APPLICANT - Board of Standards and Appeals

OWNER OF PREMISES: Richard Shelala.

MINUTES

SUBJECT - Application reopening for compliance to the resolution.
PREMISES AFFECTED - 165-10 144th Road, Block 13271, Lot 17, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application dismissed.

THE VOTE TO DISMISS -

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

Negative:.....0

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

144-03-BZ

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

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

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: H. I. Sigman.

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 re-opening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on February 1, 2005, after due notice by publication in the *City Record*, with a continued hearing on March 1, 2005, on which date the case was closed and decided; and

WHEREAS, Community Board No. 11, Queens and the Queens Borough President recommend conditional approval of the subject application; said conditions are reflected below; and

WHEREAS, on October 28, 2003, under the subject THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the hours of operation for the bank shall be 8:30AM to 4:00PM (Monday thru Friday) and 9:00AM to 1:00PM (Saturday and Sunday);

THAT a ramp shall be constructed to provide access for disabled individuals to the building in the rear;

THAT the parking lot shall be locked with a secure system after the bank's hours of operation, providing access only to residents of the building;

calendar number, the Board granted an application under Z.R. § 72-21, to permit, in an R3-2 zoning district, the construction of a two-story building with accessory storage in the cellar level, retail stores (Use Group 6) on the first floor, two residential units (Use Group 2) on the second floor and open accessory parking, which is contrary to Z.R. §§ 22-00, 23-00, 23-141, 23-22, 23-45 and 23-631; and

WHEREAS, the applicant now seeks an amendment to the resolution to permit a change in use on the first floor and cellar level from the four retail stores (Use Group 6) to a bank (Use Group 6), as well as architectural changes to the façade of the building and changes to the layout of the residential units on the second floor; and

WHEREAS, the changes specifically include: (1) a redesign of the first floor and cellar floor to provide for a bank use as the only commercial occupancy in the premises; (2) in lieu of eight exterior doors to service the retail stores, the bank will have one pair of entry doors from Northern Boulevard and one pair of entry doors from the rear parking lot; (3) the cellar stair emerging to an exit at grade at Northern Boulevard has been deleted in the proposed bank design; (4) the architectural layouts of the second floor residential units have been redesigned; (5) the design of the facades of the building have changed to accommodate the new door locations and the window requirements for the bank; and (6) the covered vault for a conveyor has been deleted from the site plan; and

WHEREAS, the applicant further states that there is not an increase in overall floor area; and

WHEREAS, the Board has determined that the evidence in the record supports a grant of the requested amendment to the prior resolution.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, so that as amended this portion of the resolution shall read: "to permit a change in use on the first floor and cellar level from the four retail stores (Use Group 6) to a bank (Use Group 6), as well as architectural changes to the façade of the building and changes to the layout of the residential units on the second floor; on condition that all work shall substantially conform to drawings as filed with this application, marked "Received September 29, 2004"- (4) sheet and "February 14, 2005"- (4) sheets; and on further condition:

THAT commercial refuse shall be collected after 8 AM; THAT the refuse collection area shall be enclosed with an opaque fencing;

THAT all commercial deliveries shall be limited to Northern Boulevard;

THAT a 6 ft. high opaque fence shall be installed and 6 ft. evergreens shall be planted, as indicated on the BSA-approved plans;

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

THAT all conditions from prior resolution(s) not specifically waived by the Board remain in effect;

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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 Permit No. 102702522)

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

314-28-BZ

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

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

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

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to April 12, 2005, at 10 A.M., for decision, hearing closed.

300-73-BZ

APPLICANT - Rothkrug Rothkrug Weinberg and Spector, LLP, for Vito Santoro, owner.

SUBJECT - Application March 2, 2004 - Reopening for an extension of term for a commercial vehicle storage facility and for an amendment to convert a portion of the facility for minor auto repair UG 16, located in an R-5 zoning district.

PREMISES AFFECTED - 101-08 97th Avenue, 97th Avenue, 50' west of 102nd Street, Block 9403, Lot 3, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Shelly Friedman and Gary Hendel.

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 29, 2005, at 10 A.M., for decision, hearing closed.

25-04-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Michael Picciallo, owner.

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 29, 2005, at 10 A.M., for decision, hearing closed.

121-93-BZ

APPLICANT - Kenneth H. Koons, Architect, for Pauline O'Sullivan, owner.

SUBJECT - Application November 23, 2004 - Reopening for an extension of term of variance for an eating and drinking establishment, without restrictions on entertainment and dancing, Use Group 12, located in a C2-3 within an R6 zoning district.

PREMISES AFFECTED - 202 West 236th Street, a/k/a 5757 Broadway, southwest corner of Broadway and West 236th Street, Block 5760, Lot 150, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Kenneth H. Koons.

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 29, 2005, at 10 A.M., for decision, hearing closed.

69-03-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Shelly Friedman, Esq., for 40 Bond Street Partners, LLC, owner.

SUBJECT - Application December 20, 2004 - reopening for an amendment to the resolution to modify the variance for a use conversion from manufacturing to residential that was originally granted on April 27, 2004.

PREMISES AFFECTED - 32-40 Bond Street, 163' east of the corner formed by the intersection of Bond and Lafayette Streets, Block 530, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

SUBJECT - Application February 11, 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 - 506 Bradford Avenue, south side, 148' south of Drumgoole Road, Block 6946, Lot 36, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Eric Palatnik.

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

MINUTES

26-04-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Michael Picciallo, owner.

SUBJECT - Application February 11, 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 - 510 Bradford Avenue, south side, 108' south of Drumgoole Road, Block 6946, Lot 38, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Eric Palatnik.

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

45-04-A through 49-04-A

APPLICANT - Willy C. Yuin, R.A., for Gal Sela, owner.

SUBJECT - Application - 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 -

4 Tompkins Place, 125' east of Court Street, Block 522, Lot 20, Borough of Staten Island.

8 Tompkins Place, 125' east of Court Street, Block 522, Lot 18, Borough of Staten Island.

12 Tompkins Place, 125' east of Court Street, Block 522, Lot 17, Borough of Staten Island.

16 Tompkins Place, 125' east of Court Street, Block 522, Lot 16, Borough of Staten Island.

20 Tompkins Place, 125' east of Court Street, Block 522, Lot 15, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Willy C. Yuin.

ACTION OF THE BOARD - Laid over to March 29, 2005, at 10 A.M., for continued hearing.

384-04-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point

REGULAR MEETING

TUESDAY AFTERNOON, MARCH 1, 2005

2:00 P.M.

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

ZONING CALENDAR

Cooperative, owner; Maureen & Bill Tully, lessees.

SUBJECT - Application December 6, 2004 - Proposed reconstruction and enlargement of an existing single family residence, not fronting on a legally mapped street, also the proposed upgrading of the private disposal system in the bed of the service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED - 37 Jamaica Walk, east side, 75.61' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

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

Pasquale Pacifico, Executive Director.

Adjourned: 10:40 A.M.

394-03-BZ

CEQR #04-BSA-111Q

APPLICANT - Sheldon Lobel, Esq., for American Physique of Ridgewood, owner.

SUBJECT - Application December 23, 2003 - under Z.R. §73-36 to permit the legalization of the operation of a physical cultural establishment on the ground and mezzanine level of a one story with mezzanine building located within a M1-4D zoning district.

PREMISES AFFECTED - 16-61 Weirfield Street, between Wyckoff and Cypress Avenues, Block 3549, Lots 74, 78 and 80, Borough of Queens.

COMMUNITY BOARD #5Q

MINUTES

APPEARANCES -

For Applicant: Elisa B. Hwu.

THE ACTION OF BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated November 24, 2003, acting on Department of Buildings Application No. 401713428, reads:

“A physical culture establishment is not permitted as of right in a M1-4D district. Secure special permit from the Board of Standards and Appeals- Sec.73-36 ZR.”; and

WHEREAS, a public hearing was held on this application on January 11, 2005 after due notice by publication in *The City Record*, with a continued hearing on March 1, 2005, on which date the case was closed and decided; and

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

WHEREAS, this is an application for under Z.R. § 73-36, to permit, within an M1-4D zoning district, the legalization of the operation of a physical culture establishment (“PCE”) use located at the ground floor and mezzanine level of an existing one-story building; and

WHEREAS, both Community Board 5, Queens, and the Queens Borough President recommend approval of this application; and

WHEREAS, the subject premises is located on Weirfield Street between Wyckoff and Cypress Avenue; and

WHEREAS, the applicant states that the 12,739 sq. ft. site is improved upon with a vacant one-story building with a ground floor of approximately 12,020 sq. ft and a mezzanine level of approximately 3,100 sq. ft.;

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

WHEREAS, the applicant also states that the building was formerly used as a warehouse but has been vacant for years; and

WHEREAS, that the PCE will occupy the entire building; and

WHEREAS, the applicant states that the ground level contains a stretching area, machine and free weights, and aerobics and boxing rooms; the mezzanine level contains a spin room and cardio and stretching areas; and

WHEREAS, the applicant represents that the neighborhood surrounding the subject premises is primarily developed with a mix of manufacturing buildings, two-story attached residences and community facilities; and

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

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

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

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazards or disadvantages to the community at large due to the proposed special permit use are 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. §§ 73-36 and 73-00; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement CEQR No. 04-BSA- 111Q dated December 9, 2004; and

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 6NYCRR Part 617.4 and 6-07(b) of the Rules of Procedure for the City Environmental Quality Review and Executive Order No. 91 of 1977, as amended and makes each and every one of the required findings under Z.R. §§ 73-36 and 73-00 to permit, within an M1-4D zoning district, the legalization of the operation of a physical culture establishment use located at the ground floor and mezzanine level of an existing one-story building; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “December 23, 2004”

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- 2 sheets and "February 28, 2005" - 2 sheets; and on further condition:

THAT this Special Permit shall be limited to a term of ten years from March 1, 2005, expiring March 1, 2015;

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

THAT the hours of operation shall be 6:00 AM to 11:00 PM (Monday thru Friday) and 7:00 AM to 9:00 PM (Saturday and Sunday);

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

THAT an interior fire alarm system shall be installed and maintained, including area smoke detectors throughout the premises, manual pull stations at each required exit, local audible and visual alarms, and connection of the such system and existing sprinkler system to a NYC Fire Department-approved central station, as shown on the BSA-approved plans;

THAT the DOB shall ensure compliance with all exiting requirements and Local Law 58/87;

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, March 1, 2005.

22-04-BZ

CEQR #04-BSA-126X

APPLICANT - Sheldon Lobel, P.C., for 2556 Miftar Corp., owner.

SUBJECT - Application February 9, 2004 - under Z.R. §72-21 to permit the proposed construction of a six-story garage, plus a cellar and sub-cellar, to be occupied as an enclosed fully attended commercial parking facility, Use Group 8C, located in an R7-1

WHEREAS, the subject premises consists of two pre-existing lots, lot 21 and lot 90; lot 21 fronts on Briggs Avenue and lot 90 fronts on two unmapped streets, Poe Place and Coles Lane; and

WHEREAS, the site has approximately 7,500 square feet of total lot area; and

WHEREAS, the current proposal contemplates the construction of a four-story plus cellar and sub-cellar building, with a Floor Area Ratio ("F.A.R.") of 4.0, to be occupied as an attended, 24-hour, elevator-serviced parking garage, with 30,396 square feet of total floor area and space for 140 cars; and

WHEREAS, the original proposal sought the construction

zoning district, is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2556 Briggs Avenue, fronting on Briggs Avenue, Poe Place and Coles Lane, Block 3293, Lots 21 and 90, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Elysa Hwu.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:.....0

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 9, 2004, acting on Department of Buildings Application No. 200759508, reads:

"Proposed construction of a parking garage (Use Group 8C) in an R7-1 zoning district is contrary to section 22-00 Z.R.;" and

WHEREAS, a public hearing was held on this application on September 28, 2004 after due notice by publication in the City Record, with continued hearings on December 7, 2004 and January 25, 2005, and then to decision on March 1, 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, both Community Board 7, Bronx, and the Bronx Borough President recommend approval of this application; and

WHEREAS, this is an application under Z.R. § 72-21 to permit, in an R7-1 zoning district, the construction of a four-story parking garage, contrary to Z.R. § 22-00; and of a six-story garage with a 6.0 F.A.R.; and

WHEREAS, the currently proposed building will rise four stories above grade to a height of 46 ft., 9 in. from grade to the top of the parapet on Briggs Avenue, and six stories to a height of 64 ft., 6 in. from grade to the top of the parapet on Poe Place; and

WHEREAS, the subject building will be a masonry structure, built full on the lot, and will include rooftop parking; and

WHEREAS, the applicant submitted a parking summary for each level of the premises, which reads as follows: Sub-level 2 - 28 cars (with stackers); Sub-level 1 - 21 cars; First Floor - 0 cars; Second Floor - 21 cars; Third Floor - 21 cars;

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Fourth Floor - 21 cars; Roof - 21 cars; and

WHEREAS, the applicant states that the proposed garage would help alleviate the loss of parking in the neighborhood that occurred when over one hundred metered spaces were removed for the construction of Fordham Park Plaza and the creation of new bus lanes; and

WHEREAS, the applicant also states that the proposed garage would alleviate traffic congestion that arises when drivers look for parking spaces in the neighborhood; and

WHEREAS, the applicant represents that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in constructing the proposed building in conformity with underlying district regulations: (1) the premises is located in an area of heavy traffic and borders a C4-4 zoning district; (2) lot 21 is the only vacant lot in the neighborhood and lot 90 measures approximately 31' x 70', which could be considered a substandard lot making it difficult or impossible to develop the lot for conforming uses; (3) lot 90 fronts only on Coles Lane and Poe Place, both of which are unmapped, contrary to Section 36 of the General City Law, and thus the two lots must be combined to allow frontage on Briggs Avenue, a mapped street; (4) there is a significant slope affecting the site; and

WHEREAS, the applicant represents that there is an approximate 20 ft. grade change affecting the site, such that the proposed garage will rise four stories above grade at the Briggs Avenue elevation and six stories above grade at the Poe Place elevation; and

WHEREAS, the Board only views the slope affecting the site and the lack of frontage on lot 90 as actual hardships; and

WHEREAS, accordingly, the Board finds that two of the unique conditions mentioned above, namely, the site's slope and lot 90's lack of frontage on a mapped street, create practical difficulties and unnecessary hardships in developing the site in strict conformity with applicable zoning regulations; and

WHEREAS, the applicant has submitted a feasibility study that demonstrates that none of the following as-of-right proposals, if developed on the subject site, would result in a reasonable return: a 36-unit apartment building; a seven-story community facility building; a mixed-use community facility and residential building; or a 36-unit apartment building with a residential parking lot; and

WHEREAS, accordingly, 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; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 04-BSA-126X dated July 6, 2004; and

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

WHEREAS, the applicant states that the immediate neighborhood surrounding the site is a heavily-trafficked mixed-use district, with residential and commercial uses; and

WHEREAS, the applicant also notes that the site borders a C4-4 zoning district where the proposed commercial parking garage would be permitted as-of-right; and

WHEREAS, the Board has reviewed the submitted land use map and has conducted a site and neighborhood examination, and agrees that there are many commercial uses in the area near the site, especially on the Briggs Avenue side; and

WHEREAS, the Board finds that the proposed garage will be compatible with these nearby uses; and

WHEREAS, the Board also notes that the proposed amount of parking spaces is not so significant that there will be a negative impact on the surrounding uses; and

WHEREAS, additionally, the Board recognizes that there is a need for parking in the area; and

WHEREAS, based on the above, the Board finds that the subject application, if granted, will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

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

WHEREAS, the Board raised concerns regarding the applicant's original proposal, which was for a six-story garage with a 6.0 F.A.R.; and

WHEREAS, in particular, the Board expressed a concern that the proposed bulk and height of the originally proposed building was out of context with the neighboring buildings on Poe Place and Coles Lane, primarily due to the change in grade; and

WHEREAS, the Board recommended that the applicant consider the use of stackers and roof parking as a means to reduce the overall F.A.R. and height; and

WHEREAS, the applicant reduced the number of stories from six to four and the F.A.R. from 6.0 to 4.0; and

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

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under Z.R. § 72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R7-1 zoning district, the construction of a four-story parking garage, contrary to Z.R. § 22-00; *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 February 28, 2005" – (1) sheet and "Received February 15, 2005" – (10) sheets; and *on further condition*:

THAT there shall be a maximum of 140 parking spaces in the garage;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

THAT the proposed garage will be constructed with the following bulk parameters: an F.A.R. of 4.0 and a height as indicated on the BSA-approved plans;

THAT the internal parking layout of the garage 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) and/or configuration(s) not related to the relief granted.

WHEREAS, this is an application under Z.R. § 72-21, to permit, within an M1-5 zoning district within the Special Tribeca Mixed Use District, the proposed construction of a new seven-story building with retail use on the ground floor and residential use on the upper floors, contrary to Z.R. § 111-02; and

WHEREAS, Community Board 1, Manhattan, recommends approval of this application; and

WHEREAS, the original version of this application contemplated an eight-story, 98 ft. high (exclusive of mechanicals) building with an F.A.R. of 6.0, with six full stories of 6,800 sq. ft. and then two additional 4,130 sq. ft. partial stories, set back from the street; and

WHEREAS, the current version of this application contemplates a seven-story, 86 ft. 6 in. high (exclusive of

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

168-04-BZ

CEQR #04-BSA-174M

APPLICANT - Jay A. Segal, Esq., Greenberg Traurig LLP, for Greenwich Triangle 1, LLC, owner.

SUBJECT - Application April 23, 2004 - under Z.R. §72-21 to permit the proposed construction of an eight story building, with residential use on its upper seven floors, in an M1-5 zoning district, within the Special Tribeca Mixed Use District, is contrary to Z.R. §111-02.

PREMISES AFFECTED - 500 Canal Street, (a/k/a 471 Greenwich Street), triangle bounded by Canal, Watts and Greenwich Streets, Block 594, Lots 1 and 3, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Meloney McMonoy.

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 April 20, 2004, acting on Department of Buildings Application No. 103723320, reads, in pertinent part:

"Proposed residential use is not permitted in M1-5 (TMU, B2). It is contrary to Z.R. 111-02."; 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 December 14, 2004 and January 25, 2004, and then laid over for decision on March 1, 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

mechanicals) building with an F.A.R. of 5.48, with six full stories of 6,630 sq. ft. and then one additional 4,027 sq. ft. story, set back from the street; and

WHEREAS, the subject premises is an 8,000 sq. ft. triangular lot, with frontages of 107.5 feet on Greenwich Street, 148 feet on Watts Street and 183.5 feet on Canal Street, and is partially improved upon with abandoned one and three story buildings; and

WHEREAS, the portion of the premises fronting on Canal Street is directly adjacent to a tunnel approach to the Holland Tunnel; and

WHEREAS, the applicant proposes to demolish the abandoned buildings on the premises and construct the proposed building; and

WHEREAS, the applicant states that the following are

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unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject lot in conformance with underlying district regulations: (1) the lot is a uniquely triangular-shaped site; and (2) the lot is directly adjacent to a Holland Tunnel approach; and

WHEREAS, the applicant represents that the triangular shape of the lot leads to increased façade construction costs; and

WHEREAS, in support of this representation, the applicant has submitted a financial analysis that reflects increased development costs related to the construction of additional façade; and

WHEREAS, this analysis shows that the costs of developing the proposed building on the subject site are higher than the cost of a comparable building on a normally shaped lot, because of façade expenditures; and

WHEREAS, the Board also observes that the triangular shape of the site would negatively impact conforming development in that any building constructed on the site will have awkward floor plates that would not be marketable for conforming manufacturing or office uses; and

WHEREAS, the applicant represents that due to the proximity of the lot to the tunnel approach, Port Authority regulations applicable to foundation requirements preclude the drilling of “H” piles; and

WHEREAS, the applicant has submitted a section drawing showing the horizontal and vertical proximity of the property to the Holland Tunnel, as well as a memo from the Port Authority describing the Port Authority’s policy regarding the drilling of piles near approaches; and

WHEREAS, the applicant also represents that the foundation requirements and facade construction will lengthen the construction period, thereby further increasing overall development costs; and

WHEREAS, accordingly, 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 conformity with current applicable zoning regulations; and

WHEREAS, the applicant submitted an initial feasibility study purporting to show that a conforming office/retail development with an F.A.R. of 5.0 would not realize a reasonable return, but that the originally proposed 6.0 F.A.R.

WHEREAS, specifically, this map shows that there is a 5.9 F.A.R. residential building directly across Watts Street at a height of 88 ft., a 5.8 F.A.R. residential building with a height of 94 ft. directly across Canal Street, and a 5.6 F.A.R. residential building with a height of 88 ft. directly across Greenwich Street; and

WHEREAS, the Board also observed residential uses near the subject site on its field visit; and

residential building would; and

WHEREAS, however, the Board found that the condominium sales comparables used in the feasibility study were out of date and too low, and asked the applicant to adjust them upwards; and

WHEREAS, the Board then asked the applicant to analyze the construction of a residential condominium with an F.A.R. of 5.0 using revised comparables; and

WHEREAS, the applicant subsequently submitted a feasibility study purporting to show that a residential proposal with an F.A.R. of 5.0 would not result in a reasonable return; this study reflected both revised comparables and a revised site valuation; and

WHEREAS, however, the Board was not convinced that an intermediate proposal, with an F.A.R. of between 5.0 and 6.0, was infeasible; and

WHEREAS, the applicant made adjustments, and subsequently, the proposal was modified and the F.A.R. of the proposed building was reduced to 5.48; and

WHEREAS, the Board notes in passing that the Special Tribeca Mixed Use District does not permit the construction of hotels, thus eliminating the necessity of a hotel feasibility analysis; and

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

WHEREAS, the applicant represents that there is a heavy concentration of residential use in the area surrounding the subject site, due to numerous conversions obtained pursuant to authorizations from the City Planning Commission; and

WHEREAS, the applicant represents that the bulk currently proposed for the building is consistent with the bulk of buildings in the neighborhood; and

WHEREAS, the applicant submitted a map of the surrounding neighborhood which illustrates the above representations; and

WHEREAS, the Board notes that the significant reduction in F.A.R. and height from the applicant’s initial proposal to the applicant’s current proposal is more compatible with the built conditions surrounding the site; 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

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not created by the owner or a predecessor in title; and

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

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 04-BSA-174M dated March 24, 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; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, the Office of Environmental Planning and Assessment of the New York City Department of Environmental Protection (DEP) has reviewed the following submissions from the Applicant: (1) an Environmental Assessment Statement Form, dated March 24, 2004; (2) a Phase I Environmental Site Assessment Report, dated October 24, 2002; (3) a Response Memorandum from Wall & Associates, Inc. dated December 13, 2004; and (4) a Phase II Workplan and Health and Safety Plan, dated February 2005; and

WHEREAS, these submissions specifically examined the proposed action for potential hazardous materials, air quality and noise impacts; and

WHEREAS, a Restrictive Declaration was executed and recorded for the subject property to address hazardous materials concerns; and

WHEREAS, DEP has determined that there would not be any impacts from the subject proposal, based on the implementation of the measures cited in the Restrictive Declaration and the Applicant's agreement to the conditions

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

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

noted below; 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, with conditions as stipulated below, 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, in an M1-5 zoning district within the Special Tribeca Mixed Use District, the proposed construction of a new seven-story building with retail use on the ground floor and residential use on the upper floors, contrary to Z.R. § 111-02; *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 24, 2005"-- (8) sheets; and *on further condition*:

THAT there shall be no restaurant or bar located at the first floor of the proposed building;

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

THAT the bulk parameters of the proposed building shall be as follows: an F.A.R of 5.48; a street wall height of 75 ft.; and a total height of 86 ft. 6 in. (exclusive of mechanicals);

THAT a window/wall attenuation of 40 dB(A) or greater on the Canal Street facade of the proposed building shall be provided, in order to achieve an acceptable interior noise level of 45 dB(A); an alternate means of ventilation shall also be provided in order to maintain a closed window condition; alternate means of ventilation shall include, but are not limited to, a provision for central air-conditioning or a provision for air conditioning sleeves for use by an air conditioner;

THAT the fresh air intakes shall not be placed on the Canal Street facade of the proposed building, in order to minimize any potential air quality effects or impacts from the high volumes of diesel trucks on Canal Street;

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 265-04-BZ

CEQR #05-BSA-017M

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.

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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 McMony.

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 July 13, 2004, acting on Department of Buildings Application No. 103775149, reads:

“Proposed Physical Culture Establishment within a C5-3 zone requires Board of Standards and Appeals approval as set forth in Z.R. §§ 12-10 and 73-36”;

and

WHEREAS, a public hearing was held on this application on February 8, 2005 after due notice by publication in *The City Record*, and then to decision on March 1, 2005; and

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

WHEREAS, Community Board No. 5, Manhattan, recommends approval of this application; and

WHEREAS, this is an application under Z.R. §§ 73-36 and 73-03, to permit, within a C5-3 (MID) zoning district, the legalization of a physical culture establishment on the entire third floor of an existing twenty-two story commercial building; and

WHEREAS, the PCE has been in operation on the premises without a special permit since January 2, 2000; and

WHEREAS, the subject premises is improved upon with a commercial building occupied by numerous retail and office uses; and

WHEREAS, the applicant represents that the third floor of the building has a total floor area of 3,742 sq. ft.; and

WHEREAS, the applicant represents that the PCE occupies the entire third floor of the building; and

WHEREAS, the applicant states that the PCE has facilities for a variety of body treatment and beauty services including manicure, pedicure, facials, waxing and massage; and

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 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under Z.R. §§ 73-36 and 73-03, to permit, within a C5-3 (MID) zoning district, the legalization of a physical culture establishment on the entire third floor of an existing twenty-

WHEREAS, the applicant states that all masseurs and masseuses employed by the facility are New York State licensed masseurs and masseuses; and

WHEREAS, the applicant states that the existing building is adjacent to a retail store to the east and another spa to the west; 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 Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the 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. §§ 73-36 and 73-03; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR. NO. 05-BSA-017M dated October 15, 2004; and

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

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

two story commercial building; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received October 15, 2004” - (1) sheet; and *on further condition*:

THAT this grant shall be limited to a term of five years from March 1, 2005, expiring March 1, 2010;

THAT all massages will be performed only by New York State licensed massage therapists;

THAT there shall be no change in ownership or operating

MINUTES

control of the physical culture establishment without prior application to and approval from the Board;

THAT the hours of operation shall be limited to: Monday through Friday 9:30 AM to 8:30 PM; Alternate Wednesdays: 12:30 pm to 8:30 pm; and Saturdays 9:30am to 6:30pm;

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

THAT 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) and/or configuration(s) not related to the relief granted.

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

266-04-BZ

CEQR #05-BSA-018K

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

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

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

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

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

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

WHEREAS, the 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

dated July 28, 2004, acting on Department of Buildings Application No. 301539761, reads:

“The Proposed Physical Culture Establishment is contrary to Z.R. § 32-00. Board of Standards and Appeals approval is required.”; and

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

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

WHEREAS, Community Board No. 2, Brooklyn, recommended approval of this application; and

WHEREAS, this is an application under Z.R. §§ 73-36 and 73-03, to permit, within a C2-3 zoning district, a proposed physical culture establishment in an existing two-story commercial building; and

WHEREAS, the ground floor and the second floor of the subject building are each 3,200 sq. ft.; the PCE will occupy the entirety of both floors; and

WHEREAS, the adjacent building located at 110 Boerum Place is operating as a PCE pursuant to a special permit re-issued by the Board under BSA Cal. No. 813-87-BZ in 1998, which is effective through 2008; and

WHEREAS, the subject PCE will operate in conjunction with the PCE located at 110 Boerum Place and will provide enhanced facilities for the existing members of the PCE at 110 Boerum Place; and

WHEREAS, there will be one shared access point to the entire facility located in the space between 96 Boerum Place and 110 Boerum Place on the first floor on the Boerum Place façade of the premises; and

WHEREAS, the subject PCE, together with the existing PCE at 110 Boerum Place, will continue to offer classes in fitness, weight training, exercise, aerobics and related areas of physical betterment; and

WHEREAS, the applicant states that the subject PCE provides an expanded open fitness area, enhanced layouts for the entire facility, and additional cardio-vascular and weight training machines; 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

community; and

WHEREAS, therefore the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-36 and 73-03; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR. NO. 05-BSA-018K, dated November 16, 2004; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under Z.R. §§ 73-36 and 73-03, to permit, within a C2-3 zoning district, a proposed physical culture establishment in an existing two-story commercial building, contrary to Z.R. § 32-10; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 11, 2004" - (6) sheets and "Received February 24, 2005" - (1) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten years from March 1, 2005, expiring on March 1, 2015;

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

THAT the hours of operation shall be limited to: Monday through Thursday 6 AM to 11 PM; Friday 6 AM to 9 PM; and Saturday to Sunday 8 AM to 8 PM;

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

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

THAT 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;

WHEREAS a public hearing was held on this application on February 1, 2005 after due notice by publication in *The City Record*, and then to decision on March 1, 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, Community Board 7, Bronx, the Bronx Borough President, Congressman Eliot L. Engel, and the Mosholu Preservation Corporation recommend approval of the application; and

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

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

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

350-04-BZ

CEQR #05-BSA-055X

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

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

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

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Meloney McMonoy.

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 October 29, 2004, acting on Department of Buildings Application No. 200912584, reads in pertinent part:

"Non-accessory radio tower requires Board of Standards and Appeals special permit pursuant to Z.R. Section 73-30."; and

WHEREAS, this is an application under Z.R. §§ 73-30 and 73-03, to permit the proposed construction of a non-accessory radio tower and antenna for a radio station within an R7-1 zoning district with a partial C1-3 overlay, which is contrary to Z.R. §§ 22-21 and 22-11; and

WHEREAS, pursuant to Z.R. § 73-30, the Board may grant a special permit for a non-accessory radio tower such as the antenna tower proposed, provided it finds "that the proposed location, design, and method of operation of such tower will not have a detrimental effect on the privacy, quiet, light and air of the neighborhood"; and

MINUTES

WHEREAS, the applicant also states that it has been looking for a new site for its radio tower for the broadcast of its public radio station, WFUV, since the mid-1990's; and

WHEREAS, the applicant notes that Montefiore Medical Center offered it a site for its radio tower atop its residential building at 3450 Wayne Avenue in 2004; and

WHEREAS, the antenna tower will be located on a rooftop enclosure that currently houses 60 antenna structures and is high above the urban and residential streetscape; and

WHEREAS, that the antenna tower will be constructed in a single, 6-month phase so as to minimize any noise and privacy impacts; and

WHEREAS, the applicant states that once the antenna tower is operating no employees associated with the antenna tower will reside in the Montefiore Medical Center, and any on-site visits for continuing inspection, maintenance and repairs to the antenna tower structure and related equipment will be so intermittent and of such short duration that they will not cause any significant disruption to the privacy of the residents of Montefiore Medical Center; and

WHEREAS, the applicant also states that the antenna tower has been designed not to create a significant visual obstruction or cast a significant shadow; and

WHEREAS, the applicant observes that the antenna tower will be located on a building that is located at the edge of a mixed use (C1-3) area that accommodates a number of non-residential uses in the immediate project area; and

WHEREAS, the proposed antenna tower will consist of three parts: a mechanical equipment room/support structure; a tower that will be 80 feet high and an antenna mast that will be 60 feet high; and a three foot beacon atop; and

WHEREAS, the applicant represents that the antenna tower complies with the use and bulk requirements of the Zoning Resolution and is within the applicable sky exposure plane; and

WHEREAS, based upon its review of evidence in the record, the Board finds that the proposed antenna tower will be located, designed and operated so that there will be no detrimental effect on the privacy, quiet, light and air of the neighborhood; and

WHEREAS, therefore, the Board finds that the subject application meets the findings set forth at Z.R. § 73-30; 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 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

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 finds that the application meets the general findings required for special permits set forth at Z.R. § 73-03; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings and grants a special permit under Z.R. §§ 73-03 and 73-30, to permit the proposed construction of a non-accessory radio tower and antenna for a radio station within an R7-1 zoning district with a partial C1-3 overlay, which is contrary to Z.R. §§ 22-21 and 22-11, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received October 29, 2004"-(4) sheets; and *on further condition*;

THAT no commercial or retail signage will be posted;

THAT any lighting will be positioned down and away from residential uses;

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

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, March 1, 2005.

APPEARANCES -

For Applicant: Neatta Patrabe.

ACTION OF THE BOARD - Laid over to March 29, 2005, at 1:30 P.M., for continued hearing.

20-04-BZ

APPLICANT - Eric Palatnik, P.C., for Marcia Dachs, owner.

SUBJECT - Application February 9, 2004 - under Z.R. §72-21 to permit the proposed construction of a single family dwelling, Use

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Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for side yards, floor area ratio, open space ratio and open space, is contrary to Z.R. §23-141(a), §23-45 and §23-461.

PREMISES AFFECTED - 5723 17th Avenue, corner of 58th Street, Block 5498, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Eric Palatnik and Marcia Dachs.

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

126-04-BZ

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

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

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

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Eric Palatnik and Albert Marewad.

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.

190-04-BZ

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

SUBJECT - Application May 7, 2004 - under Z.R. §72-21 to permit the proposed conversion of a former lead factory, into a multiple dwelling (45 families), with a ground floor waterfront restaurant, and doctor's office, is contrary to Z.R. §22-12, which states that "residential uses" shall be limited to single, two family or APPEARANCES - None.

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

233-04-BZ

APPLICANT - Kevin McGrath, Esq. c/o Phillips Nizer, for F&T International, owner.

SUBJECT - Application June 18, 2004 - under Z.R. §72-21 to permit the proposed development of a twelve story building, which will contain a mix of retail uses, office space, community facility space and two levels of underground parking, located in a C4-3

semi-detached residences in an R3-1 zoning district.

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

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Mitchell Ross, Gary Silver and Albert Marengo.

For Opposition: Debbie Malone, Council Member Fidler's Office and Sol/Saul Needle.

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

219-04-BZ

APPLICANT - Eric Palatnik, P.C., for Cora Realty Co., LLC, owner.

SUBJECT - Application May 28, 2004 - under Z.R. §72-21 to permit The legalization of a portion of the required open space of the premises, for use as parking spaces (30 spaces), which are to be accessory to the existing 110 unit multiple dwelling, located in an R7-1 zoning district, is contrary to Z.R. §25-64 and §23-142.

PREMISES AFFECTED - 2162/70 University Avenue, aka Dr. Martin Luther King Boulevard, southeast corner of University Avenue and 181st Street, Block 3211, Lots 4 and 9, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Eric Palatnik.

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

225-04-BZ

APPLICANT - Jay A. Segal, Esq., for 201 Berry Street, LLC, c/o Martin Edward, Management, owner.

SUBJECT - Application September 28, 2004 - under Z.R. §72-21 to permit the construction of three four-story residential buildings in an M1-2 zoning district contrary to Z.R. §42-10.

PREMISES AFFECTED - 201 Berry Street (a/k/a 121-157 North 3rd Street; 248-252 Bedford Avenue; 191-205 Berry Street), North 3rd Street from Bedford Avenue to Berry Street (northern part of block bounded by North 4th Street), Block 2351, Lots 1, 28 and 40, Borough of Brooklyn.

COMMUNITY BOARD #1BK

zoning district, which does not comply with the zoning requirements for floor area ratio, accessory off-street parking, off-street loading berths and building height, is contrary to Z.R. §32-423, §33-122, §35-31, §36-20, §36-62, §61-00 and §61-40.

PREMISES AFFECTED - 136-20 38th Avenue, (a/k/a 38-21 Main Street, 136-17 39th Avenue, 38-10 138th Street and 38-25 Main Street), north side of the intersection of Main Street and 39th Avenue, Block 4978, Lot 101, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Kevin B. McGrath.

THE VOTE TO CLOSE HEARING -

MINUTES

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4
Negative:.....0

ACTION OF THE BOARD - Laid over to March 29, 2005, at 1:30 P.M., for decision, hearing closed.

255-04-BZ

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

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

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Kathy Jaworshi, Mores Bougadin, Antoinette Vasile and Edwawrd Jaworski.

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

270-04-BZ

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

PREMISES AFFECTED - 1239 East 22nd Street, east side of East 22nd Street, between Avenue K and Avenue L, Block 7622, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

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

345-04-BZ

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

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

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

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 March 29, 2005, at 1:30 P.M., for decision, hearing closed.

300-04-BZ

APPLICANT - Malcolm Kaye of Aston Associates, for Jimmy Tuohy, Eurostruct, Inc, owner; Diana Zelvin, lessee.

SUBJECT - Application filed September 9, 2004 - under Z.R. Section 73-36 to permit a proposed physical cultural establishment located on the first and second floor of a two story commercial building, within an M1-1 Zoning district.

PREMISES AFFECTED - 66 Huron Street , south of West Street and Franklin Street, Block 2531 , Lot 12 Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Diane Zelvin and Malcolm Kaye.

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 8, 2005, at 1:30 P.M., for decision, hearing closed.

340-04-BZ

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

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

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

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Joseph Morsellino.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Lyra Altman, Rabbi David Ozeirey, Fredrick A. Becker, Samantha Sasson, David Sutton, Michael Jemal, Rachelle Cohen, Elli Bozda, Ronnie Adjmi, Ji Vera and Eli Jemal.

For Opposition: Vincent Desantis, Lisa De Santis, Michael De Santiz and Wilhelm Kraus.

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

Pasquale Pacifico, Executive Director.

Adjourned: 5:40 P.M.

MINUTES
