
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

Volume 90, Nos. 4-5

February 3, 2005

DIRECTORY

MEENAKSHI SRINIVASAN, *Chair*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

JAMES CHIN

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

John E. Reisinger, *Counsel*

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

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

CONTENTS

DOCKET	48
CALENDAR of March 1, 2005	
Morning	49
Afternoon	50

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, January 25, 2005**

Morning Calendar 51

Affecting Calendar Numbers:

67-79-BZ	80 Varick Street, Manhattan
283-82-A	108-58 68 th Road, Queens
150-00-BZ	802 Hicksville Road, Queens
135-46-BZ	3802 Avenue "U", Brooklyn
803-61-BZ	1416 Hylan Boulevard, Staten Island
785-67-BZ	577/89 Marcy Avenue, Brooklyn
100-71-BZ	61-03 Northern Boulevard, Queens
300-73-BZ	101-08 97 th Avenue, Queens
53-86-BZ	350 Wadsworth Avenue, Manhattan
178-03-BZ	114-02 Van Wyck Expressway, Queens
278-04-A	21 State Road, a/k/a Rockaway Point Boulevard, Queens
279-04-A	29 Suffolk Walk, Queens
341-04-A	115 Beach 215 th Street, Queens
342-04-A	124 Reid Avenue, Queens
343-04-A	35 Beach 220 th Street, Queens
45-04-A thru 49-04-A	4/8/12/16/20 Tompkins Place, Staten Island
273-04-A	128/32 East 78 th Street, and 121/23 East 77 th Street, Manhattan

CONTENTS

Afternoon Calendar58

Affecting Calendar Numbers:

391-03-BZ	1288 East 19 th Street, Brooklyn
136-04-BZ	3132 Fort Hamilton Parkway, Brooklyn
147-04-BZ	459 Carroll Street, Brooklyn
238-04-BZ	62 Cooper Square, Manhattan
263-04-BZ	150 Girard Street, Brooklyn
102-03-BZ	291 Kent Avenue, 35/37 S. 2 nd Street and 29/33 S. 3 rd Street, Brooklyn
218-03-BZ	19-73 38 th Street, Queens
291-03-BZ	1380 62 nd Street, Brooklyn
348-03-BZ	66-18 74 th Street, Queens
355-03-BZ	64-01/07 Grand Avenue, Queens
369-03-BZ	99-01/23 Queens Boulevard, Queens
385-03-BZ	85-15 and 85-17 120 th Street, Queens
6-04-BZ	7118-7124 Third Avenue, Brooklyn
20-04-BZ	5723 17 th Avenue, Brooklyn
22-04-BZ	2556 Briggs Avenue, Bronx
168-04-BZ	500 Canal Street, a/k/a 471 Greenwich Street, Manhattan
225-04-BZ	201 Berry Street, a/k/a 121-157 N. 3 rd Street, 248-252 Bedford Avenue, and 191-205 N. 3 rd Street, Brooklyn
228-04-BZ	1400 East 22 nd Street, Brooklyn
252-04-BZ	170 North 11 th Street, Brooklyn
264-04-BZ	977 Victory Boulevard, Staten Island
295-04-BZ	3250 Richmond Avenue, Staten Island
363-04-BZ	6002 Fort Hamilton Parkway, Brooklyn

MINUTES of Special Hearing,
Wednesday, January 26, 2005

Morning Calendar69

Affecting Calendar Numbers:

233-04-BZ	136-20 38 th Avenue, Queens
-----------	--

DOCKETS

New Case Filed Up to January 25, 2005

2-05-A **B.Q.** **37 Marion Walk,**
east side, 102.98' south of Oceanside Avenue, Block 16350,
Lot 400, Borough of Queens. Alt. #402017367. Proposed
enlargement of an existing one family dwelling, not fronting
on a legally mapped street, and has a private disposal
system which is being upgraded in the bed of a private
service road, is contrary to Section 36, Article 3 of the
General City Law, and Department of Buildings Policy.

3-05-A **B.Q.** **10 Doris Lane,**
south side, 42.02' west of Reid Avenue, Block 16350, Lot
400, Borough of Queens. Alt. #1-402015369. Proposed
enlargement of an existing one family dwelling, not fronting
on a legally mapped street, and has a private disposal
system which is being upgraded in the bed of a private
service road, is contrary to Section 36, Article 3 of the
General City Law, and Department of Buildings Policy.

4-05-BZ **B.Q.** **69-02 Garfield Avenue,**
south side, between 69th Street and 69th Place, Block 2438,
Lot 20, Borough of Queens. Alt.1 #402065224. Proposed
accessory parking on the roof, of an as-of-right commercial
building (catering facility), located in an M1-1 zoning district,
requires a special permit from the Board as per §73-49.
COMMUNITY BOARD #2Q

5-05-BZ **B.Q.** **59-25 Fresh Meadow Lane,**
east side, between Horace Harding Expressway and 59th
Avenue, Block 6887, Lot 24, Borough of Queens. Applic.
#402067712. Proposed enlargement of an existing
contractor's establishment, with accessory wholesale, Use
Group 16, located in an R3-2 zoning district, requires a
special permit from the Board as per
Z.R. §73-53.
COMMUNITY BOARD #11Q

6-05-BZ **B.BK.** **3046 Bedford Avenue,**
between Avenues "I and J", Block 7588, Lot 52, Borough of
Brooklyn. Applic. #301881961. Proposed enlargement to an
existing one family dwelling, Use Group 1, located in an R-2
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, §23-46 and §23-47.
COMMUNITY BOARD #14BK

7-05-BZ **B.M.** **715 Ninth Avenue**
and 410 West 49th Street, 50' south of West 49th Street and
Ninth Avenue, Block 1058, Lots 34 and 38, Borough of
Manhattan. Applic. #103308804. Proposed construction of a
six-story, residential and community facility enlargement, to
an existing five-story residential and retail building, located
in an R8, C1-5 Clinton Special District, which does not
comply with the zoning requirements for rear yard, inner
court dimension and lot coverage, is contrary to Z.R. §96-
103, §23-85 and §96-102.
COMMUNITY BOARD #4M

8-05-BZ **B.Q.** **85-15 Queens Boulevard**
(aka 51-35 Reeder Street), entire frontage between Reeder
Street and Broadway, Block 1549, Lot 41(aka 41 and 28),
Borough of Queens. N.B.#401400239. Proposed construction
of a seventeen-story mixed-use building, split by R5 and
R6/C1-2 zoning districts, which does not comply with the
zoning requirements for floor area, floor area ratio, open
space, open space ratio, front yard, also the commercial use
and side yard for portion of Lot 41, that is the R5 district, is
contrary to Z.R. §23-14, §23-45, §22-00 and §23-46.
COMMUNITY BOARD #4Q

9-05-BZ **B.Q.** **86-15 Broadway**
(a/k/a 86-05 Queens Boulevard), between Broadway and 55th
Avenue, Block 1842, Lot 1 (aka 1,9 and 97), Borough of
Queens. Alt.1 #401033243. Proposed construction of a
sixteen story, mixed use building, located in a C1-2/R6
zoning district, which does not comply with the zoning
requirements for residential floor area, floor area ratio,
open space and open space ratio, is contrary to Z.R. §23-14.
COMMUNITY BOARD #4Q

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 1, 2005, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, March 1, 2005, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

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, aka 5757 Broadway, southwest corner of Broadway and West 236th Street, Block 5760, Lot 150, Borough of The Bronx.

COMMUNITY BOARD #8BX

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

APPEALS CALENDAR

384-04-A

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

300-04-BZ

APPLICANT - Malcolm Kaye of Aston Associates, for Jimmy

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

COMMUNITY BOARD #14Q

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

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

ZONING CALENDAR

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

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

Tuohy, Eurostruct, Inc, owner; Diana Zelvin, lessee.

SUBJECT - Application filed September 9, 2004 - under Z.R.

CALENDAR

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

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

345-04-BZ

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

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

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

COMMUNITY BOARD #12BK

Pasquale Pacifico, Executive Director

MINUTES

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, November 9, 2004, were approved as printed in the Bulletin of November 18, 2004, Volume 89, Nos. 45 & 46.

SPECIAL ORDER CALENDAR

67-79-BZ

APPLICANT - Sheldon Lobel, P.C., for 80 Varick Street Group L.P., owner.

SUBJECT - Application February 9, 2004 - reopening for an amendment to the resolution to permit residential use on the second and third floors of the premises.

PREMISES AFFECTED - 80 Varick Street, 4 Grand Street, northeast corner, Block 477, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: W. Tyler Fairbairn.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

Adopted by the Board of Standards and Appeals, January 25, 2005.

283-82-A

APPLICANT - Francis R. Angelino, Esq. for Jewish Child Care Association, owner.

SUBJECT - Application July 20, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance to permit use of the first and second floor as a Day Care Center.

PREMISES AFFECTED - 108-58 68th Road, 108th Street, Block 2179, Lot 1, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: Francis Angelino and Stephen H. Katz.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Therefore it is Resolved that the Board of Standards and Appeals waives its rules and *reopens and amends* the resolution, said resolution having been adopted on August 10, 1982, and amended on August 8, 1995, so that as amended this portion of the resolution shall read: “to extend the term of the waiver for a period of twenty years from the last expiration date, to expire on August 10, 2022; *on condition* that all work shall substantially conform to drawings filed with

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele, Commissioner Caliendo and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for a waiver of the Board’s Rules of Practice and Procedure, a reopening, and an extension of term of the waiver of Section C26-254.0 of the Administrative Code of the City of New York (“A.C.”), previously granted to a day care center located at the subject premises (the “Daycare”), which expired on August 10, 2002; and

WHEREAS, a public hearing was held on this application on December 14, 2004, after due notice by publication in *The City Record*, and then to decision on January 25, 2005; and

WHEREAS, this application was brought on behalf of the Jewish Child Care Association, the owner of the lot and the operating entity of the Daycare; and

WHEREAS, on August 10, 1982, under the subject calendar number, the Board granted a waiver of A.C. § C26-254.0, permitting the occupancy by the Daycare of the two-story, class 4 building existing on the site; the Daycare is categorized as a school and is therefore not allowed to occupy a class 4 structure as-of-right; and

WHEREAS, on August 8, 1995, the Board granted an extension of term for this waiver for a period of ten years, to expire on August 10, 2002; and

WHEREAS, the applicant states that the Daycare’s program and facilities director was unaware of the need to renew the grant, and was only made aware of this need upon due diligence by the Daycare’s architect; and

WHEREAS, the applicant states that in addition to the application for the extension of term, the Daycare also seeks to construct an as-of-right addition to the existing building, as indicated in dashed-line form on the plans approved hereunder; and

WHEREAS, the Board notes that its approval of the application for an extension of term does not include approval of this enlargement; and

WHEREAS, however, the Board has no objection to any proposed as-of-right enlargement, provided that the Department of Buildings reviews and approves of it; should DOB confirm that the proposed enlargement is as-of-right as to applicable Building Code and Zoning Resolution requirements, then no further BSA action, including issuance of a Letter of No Objection, is required; and

WHEREAS, the Board has determined that the evidence in the record supports the grant of this application. this application marked “Received November 1, 2004”-(3) sheets and “Received January 11, 2005”-(1) sheet; and *on further condition:*

THAT this waiver shall expire on August 10, 2022;

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

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

MINUTES

THAT the as-of-right addition, as shown on the BSA-approved plans in dashed-line form, shall be reviewed and approved by DOB; no further approval from the BSA for such addition is required;

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

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

(DOB Application No. 401962006).

Adopted by the Board of Standards and Appeals, January 25, 2005.

150-00-BZ

APPLICANT - Eric Palatnik, P.C., for Yeshiva of Far Rockaway, owner.

SUBJECT - Application May 17, 2004 - reopening for an amendment to the resolution for modification of an existing Yeshiva previously approved by the Board.

PREMISES AFFECTED - 802 Hicksville Road, corner of Beach 9th Street, Block 15583, Lot 16, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele, Commissioner Caliendo and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for a waiver of the Board’s Rules of Practice and Procedure, a reopening, an amendment, and an extension of time to complete construction and obtain a certificate of occupancy, all related to an enlargement of a building occupied by a religious school, previously approved by the Board through the grant of a variance; and

WHEREAS, a public hearing was held on this application on November 9, 2004, after due notice by publication in The City Record, with continued hearings on December 7, 2004 and January 11, 2004, and then to decision on January 25, 2005; and

WHEREAS, this application was brought on behalf of the Yeshiva of Far Rockaway, the owner of the lot and the operating entity of the religious school; and

WHEREAS, the Board agrees that there is adequate availability of on street parking in the vicinity of the Yeshiva, and notes that the requested waiver as to parking is modest; and

WHEREAS, the Board has determined that the evidence

WHEREAS, on January 9, 2000, under the subject calendar number, the Board granted a variance, permitting the enlargement of the Yeshiva and authorizing waivers of Z.R. provisions regulating floor area, perimeter wall height, sky exposure, and off-street parking; and

WHEREAS, the applicant states that since the approval, a new architect hired by the Yeshiva determined that the previous plans were not as efficient as they could have been, and that minor amendments were necessary in order to accommodate a redesigned enclosed gymnasium and rooftop play area; and

WHEREAS, specifically, the applicant represents that the lack of a cellar at the side of the previously approved gymnasium eliminated valuable space that could otherwise be put to use to service the Yeshiva’s programmatic needs; and

WHEREAS, the revised plans approved hereunder call for the total demolition of the existing one-story portion of the building and its proposed replacement with a small portion consisting of two stories to match the existing two-story portion; and

WHEREAS, the applicant states that the revised plans create a better layout that is more conducive to the programmatic needs of the Yeshiva; and

WHEREAS, proposed plan revisions reflect the following non-compliances: (1) floor area of 29,586.25 sq. ft. (30,885.5 sq. ft. was previously approved; the maximum permitted is 17,287.5 sq. ft.); (2) a sky exposure plane of 31.5 ft. (same as previously approved; the maximum permitted in 25 ft.); (3) 14 spaces of off-street parking (17 were previously approved; 24 is the minimum amount required); and (4) a perimeter wall height of 17.5 ft. at the one-story portion and 30 ft. at the newly proposed partial two-story portion (a perimeter wall height of 30 ft. was previously approved for the one-story enlargement portion; 25 ft. is the maximum permitted); and

WHEREAS, the applicant represents that the proposed plan revisions also trigger a new DOB objection as to Z.R. §24-382 (rear yard equivalent); the non-compliance as to this section occurs on the Beach 9th Street side of the premises; and

WHEREAS, specifically, the revised plans provide a 20 ft. rear yard equivalent; a 30 ft. rear yard equivalent is required; and

WHEREAS, the applicant states that this waiver is necessary to facilitate a more efficient design for the proposed enlargement; and

WHEREAS, in response to Board concerns about the availability of on-street parking in the vicinity of the Yeshiva, the applicant has submitted: (1) photos purporting to demonstrate the availability of on-street parking; and (2) an affidavit regarding the availability of on-street parking from the executive director of the Yeshiva; and in the record supports the grant of this application.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, said resolution having been adopted on August 10, 1982, and subsequently extended and amended, so that as amended this portion of the

MINUTES

resolution shall read: “to extend the term of the waiver for a period of twenty years from the last expiration date, to expire on August 10, 2022; on condition that all work shall substantially conform to drawings filed with this application marked “Received November 23, 2004”-(11) sheets and “Received December 27, 2004”-(1) sheet; and on further condition:

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

THAT construction be completed and a new certificate of occupancy be obtained within two years from the date of this grant;

THAT the gymnasium area, as shown on the BSA-approved plans, shall be counted as zoning floor area;

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

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

(DOB Application No. 401962006).

Adopted by the Board of Standards and Appeals, January 25, 2005.

135-46-BZ

APPLICANT - Harold Weinberg, P.E., for Leon Rubinfeld, owner.

SUBJECT - Application January 7, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 29, 2002.

PREMISES AFFECTED - 3802 Avenue U, southeast corner of East 38th Street, between Ryder Avenue and East 38th Street, Block 8755, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Harold Weinberg, P.E.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

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

803-61-BZ

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

100-71-BZ

APPLICANT - The Agusta Group, for Maurice Cohen/1065 Eagle, LLC, owner.

SUBJECT - Application July 21, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of

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

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

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to February 8, 2005, at 10 A.M., for decision, hearing closed.

785-67-BZ

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

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

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

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to February 8, 2005, at 10 A.M., for decision, hearing closed.

term of variance to permit the use of an open area for the sale of used cars (U.G. 16) and accessory parking on a lot containing an existing automobile repair shop, located in an R5 zoning district.

PREMISES AFFECTED - 61-03 Northern Boulevard, northeast corner of Northern Boulevard, and 61st Street, Block 1162, lot 53,

MINUTES

Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to March 8, 2005, at 10 A.M., for continued hearing.

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: Eric Palatnik.

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

53-86-BZ

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

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

PREMISES AFFECTED - 350 Wadsworth Avenue, west side of Wadsworth Avenue, 72.3' north of West 190th Street, Block 2170, Lot 281, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: W. Tyler Fairbairn.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

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

178-03-BZ

APPLICANT - Eric Palatnik, P.C., for King Carmichael, owner; BP Products North America, lessee.

WHEREAS, by letter dated November 10, 2004, the Department of Transportation states that it has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated July 30, 2004, acting on Department of Buildings Application No. 401953374 is modified under the power vested in the Board by Section 35 of

SUBJECT - Application December 19, 2003 - reopening for an extension of term of variance which expires April 28, 2004.

PREMISES AFFECTED - 114-02 Van Wyck Expressway, for southwest corner of Linden Boulevard and Van Wyck Expressway, Block 11661, Lot 7, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to January 25, 2005, at 10 A.M., for continued hearing.

278-04-A

APPLICANT - Gary Lenhart, R.A., for One Breezy Point Cooperative, Inc., owner; Ann-Marie & Edward Reilly, lessees.

SUBJECT - Application August 10, 2004 - Proposed reconstruction and enlargement of an existing one family dwelling, located within the bed of a mapped street, is contrary to Section 35 of the General City Law.

PREMISES AFFECTED - 21 State Road, a/k/a Rockaway Point Boulevard, north side, 83.42' east of Beach 178th Street, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele, Commissioner Caliendo and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated July 30, 2004, acting on Department of Buildings Application No. 401953374, reads in pertinent part:

“The existing building to be altered lies within the bed of a mapped street contrary to General City Law Article 3, Section 35”; and

WHEREAS, a public hearing was held on this application on January 11, 2005, after due notice by publication in the *City Record*, and then to decision on January 25, 2005; and

WHEREAS, by letter dated August 23, 2004, the Fire Department states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated October 19, 2004, the Department of Environmental Protection states that it has reviewed the above project and has no objections; and the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked, “Received January 14, 2005” - (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition:*

THAT this approval is limited to the relief granted by the

MINUTES

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, January 25, 2005.

279-04-A

APPLICANT - Gary Lenhart, R.A., for One Breezy Point Cooperative, Inc., owner; Karen & Walter Zunic, lessees.

SUBJECT - Application August 10, 2004 -Proposed enlargement of an existing one family dwelling, located within the bed of a mapped street, and has a private disposal system situated in the bed of the service lane, is contrary to Section 35, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED - 29 Suffolk Walk, east side, 240.37' south of Sixth Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele, Commissioner Caliendo and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated July 30, 2004 acting on Department of Buildings Application No. 401867388 which reads in pertinent part:

“A-1 The existing building to be altered lies within the bed of a mapped street contrary to General City Law Article 3, Section 35;

A-2 The proposed upgraded private disposal system is in the bed of the service lane contrary to Department of Buildings Policy.”;

WHEREAS, a public hearing was held on this application on January 11, 2005 after due notice by publication in the City
PREMISES AFFECTED - 115 Beach 215th Street, east side, 280' south of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD - Appeal granted on condition

THE VOTE TO GRANT -

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

Record, and then to decision on January 25, 2005; and

WHEREAS, by letter dated August 23, 2004, the Fire Department states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated October 19, 2004, the Department of Environmental Protection states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated November 10, 2004, the Department of Transportation states that it has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated July 30, 2004, acting on Department of Buildings Application No. 401867388 is modified under the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; on condition that construction shall substantially conform to the drawing filed with the application marked, “Received January 14, 2005”- (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and on further condition:

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

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

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

Adopted by the Board of Standards and Appeals, January 25, 2005.

341-04-A

APPLICANT - Gary Lenhart, R.A., for One Breezy Point Cooperative, Inc., owner; Jacqueline Amari, lessee.

SUBJECT - Application October 20, 2004 - Proposed alteration and enlargement of an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated October 4, 2004 acting on Department of Buildings Application No. 401946034 which reads in pertinent part:

“A-1 The street giving access to the existing dwelling to be altered is not duly placed on the Official map of the City of New York,

MINUTES

therefore a Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law;

Existing dwelling to be altered does not have at least 8% of total perimeter of the building fronting directly upon a legally mapped street or frontage space and is contrary to Section 27-291 of the Administrative Code of the City of New York.”; and

WHEREAS, a public hearing was held on this application on January 11, 2005 after due notice by publication in the *City Record*, and then to decision on January 25, 2005; and

WHEREAS, by letter dated November 5, 2004, the Fire Department states that it has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated October 4, 2004, acting on Department of Buildings Application No. 401946034 is modified under the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; on condition that construction shall substantially conform to the drawing filed with the application marked, “Received October 20, 2004”- (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and on further condition:

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

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

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

Adopted by the Board of Standards and Appeals, January 25, 2005.

342-04-A

APPLICANT - Gary Lenhart, R.A., for One Breezy Point Cooperative, Inc., owner; Patricia & John Martin, lessees.

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated October 8, 2004, acting on Department of Buildings Application No. 401946025 is modified under the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; on condition that construction shall substantially conform to the drawing filed with the application marked, “Received January 14, 2005”- (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules,

SUBJECT - Application October 20, 2004 - Proposed reconstruction and enlargement of an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 124 Reid Avenue, west side, 230' south of Rockaway Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

**ACTION OF THE BOARD - Appeal granted on condition
THE VOTE TO GRANT -**

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele, Commissioner Caliendo and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated October 8, 2004 acting on Department of Buildings Application No. 401946025 which reads in pertinent part:

“A-1 The street giving access to the existing dwelling to be altered is not duly placed on the Official map of the City of New York, therefore a Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law;

Existing dwelling to be altered does not have at least 8% of total perimeter of the building fronting directly upon a legally mapped street or frontage space and is contrary to Section 27-291 of the Administrative Code of the City of New York; and

A-2 The proposed upgraded private disposal system is in the bed of a service lane contrary to Department of Buildings Policy.”; and

WHEREAS, a public hearing was held on this application on January 11, 2005 after due notice by publication in the *City Record*, and then to decision on January 25, 2005; and

WHEREAS, by letter dated November 5, 2004, the Fire Department states that it has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

and regulations shall be complied with; and on further condition:

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant

MINUTES

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, January 25, 2005.

343-04-A

APPLICANT - Gary Lenhart, R.A., for One Breezy Point Cooperative, Inc., owner; Mary & Michael Cotter, lessees.

SUBJECT - Application October 20, 2004 - Proposed alteration and enlargement of an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 35 Beach 220th Street, east side, 260.92' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD - Appeal granted on condition

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele, Commissioner Caliendo and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated October 8, 2004 acting on Department of Buildings Application No. 401990976, which reads in pertinent part:

“A-1 The street giving access to the existing dwelling to be altered is not duly placed on the Official map of the City of New York, therefore a Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law; Existing dwelling to be altered does not have at least 8% of total perimeter of the building fronting directly upon a legally mapped street or frontage space and is contrary to Section 27-291 of the Administrative Code of the City of New York.”; and

WHEREAS, a public hearing was held on this application on January 11, 2005 after due notice by publication in the *City Record*, and then to decision on January 25, 2005; and

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.

For Opposition: Michael Arvanites.

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

273-04-A

WHEREAS, by letter dated November 5, 2004, the Fire Department states that it has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated October 8, 2004, acting on Department of Buildings Application No. 401990976 is modified under the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; on condition that construction shall substantially conform to the drawing filed with the application marked, “Received October 20, 2004”- (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and on further condition:

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

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

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

Adopted by the Board of Standards and Appeals, January 25, 2005.

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.

APPLICANT - Michael S. Gruen, Esq. for Katrina Maxtone Graham, Felix C. Ziffer, Michelle R. Yogada, Stanley Ely. adjacent neighbors.

OWNER - Allen Stevenson School.

SUBJECT - Application August 5, 2004 - An Administrative Appeal challenging the Department of Building's final determination dated August 3, 2004 in which the Department refused to revoke approvals and permits which allow an enlargement of a school that violates the rear yard requirements under ZR Sections 33-26 and 33-301.

PREMISES AFFECTED - 128/32 East 78th Street and 121/23

MINUTES

East 77th Street, between (but not abutting) Park and Lexington Avenues, Block 1412, Lot 58, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Michael Gruen and Stanley Ely.

For Opposition: Marvin Mitzner.

For Administration: Janine Gayland, Department of Buildings.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to March 8, 2005, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:10 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, JANUARY 25, 2005
2:00 P.M.**

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

ZONING CALENDAR

391-03-BZ

CEQR #04-BSA-110K

APPLICANT - Sheldon Lobel, P.C., for Midwood Realty LLC, owner.

SUBJECT - Application December 22, 2003 - under Z.R. §72-21 to permit the proposed construction of an eight-story plus basement

WHEREAS, the decision of the Borough Commissioner, dated March 10, 2005, acting on Department of Buildings Application No. 103080336, reads:

“Proposed construction of a new building to be operated as a gasoline filling station with an accessory convenience store (Use Group No. 16) located in a C2-3 within an R5 Zoning District [is not permitted] per NYC Zoning Code Section 32-00 [and] therefore must be referred to the BSA.” and

WHEREAS, a public hearing was held on this application on September 14, 2004 after due notice by publication in The City Record, with continued hearings on October 19, 2004 and December 14, 2004, and then to decision on January 25, 2005;

residential building, Use Group 2, located in an R6 zoning district, which does not comply with the zoning requirements for maximum building height and floor area, is contrary to Z.R. §23-633 and §23-145.

PREMISES AFFECTED - 1288 East 19th Street, between Avenues "L and M", Block 6738, Lots 36, 38, 137 and part of 136, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

Adopted by the Board of Standards and Appeals, January 25, 2005.

136-04-BZ

CEQR #04-BSA-147K

APPLICANT - Sheldon Lobel, P.C., for Exxon Mobil Oil Corporation, owner.

SUBJECT - Application March 22, 2004 - under Z.R. §73-21 to permit the proposed redevelopment of gasoline service station, with an accessory convenience store, located in an C2-3 within an R-5 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 3132 Fort Hamilton Parkway, between McDonald Avenue and East Second Street, Block 5315, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

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, Commissioner Caliendo and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

and

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

WHEREAS, Community Board 7, Brooklyn, recommended conditional approval of the subject application; and

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211 and 73-03, on a site previously the subject of various applications before the Board, to permit, in an R5/C2-3 zoning district within the Ocean Parkway Special District, the redevelopment of an existing gasoline service

MINUTES

station, contrary to Z.R. §32-00; and

WHEREAS, on May 15, 1962, under BSA Cal. No. 617-47-BZ (Vol. II), the Board granted an application for the reconstruction of a gasoline service station, with various accessory uses; and

WHEREAS, this grant has subsequently been amended at various times, most recently on February 28, 1995, when the Board granted an application to permit construction of a retail convenience store in addition to other structural alterations; and

WHEREAS, due to a fire that destroyed most of the existing building on the site, the applicant now seeks the total redevelopment of site through the subject special permit application; and

WHEREAS, the site contains approximately 28,256 sq. ft. of lot area, and has frontages of 264 feet along Fort Hamilton Parkway, 155 feet along East Second Street, 250 feet along Caton Avenue, and 70 feet along McDonald Avenue; and

WHEREAS, the applicant represents that the proposed redevelopment includes the demolition of the existing fire-damaged service station and the construction of a 3,817 sq. ft. gasoline service station with accessory convenience store to contain 1,748 sq. ft. of sales area, as well as the alteration of the existing signage, installation of a new canopy, installation of one new underground storage tank, relocation of the existing pump islands, the addition of two new pump islands, and the creation of two new curb cuts on Fort Hamilton Parkway and one new curb cut on McDonald Avenue for safer vehicular egress and ingress; and

WHEREAS, the applicant further represents that gasoline sales alone will not provide the service station with enough profit to make the use of the site by the station viable, and that the convenience store use is therefore necessary; and

WHEREAS, Z.R. §73-211(a) requires that a site contain a minimum lot area of 7,500 square feet; the subject development proposal complies with this requirement as the site has a lot area of 28,256 sq. ft.; and

WHEREAS, Z.R. §73-211(b) limits the proposed use to 15,000 square feet for sites not located on an arterial highway or major street; and

WHEREAS, the applicant states, and the Board agrees,

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 New York State Department of Environmental Conservation ("NYSDEC") has approved, through a letter dated November 12, 2004, the Remedial

that Fort Hamilton Parkway and McDonald Avenue are major streets; thus, this limitation is not applicable; and

WHEREAS, at hearing, the Board expressed concern that the site access layout would compromise the safe egress and ingress from the site; in particular, the Board was concerned that the traffic controls on McDonald Avenue would not allow for safe egress from the site; and

WHEREAS, accordingly, the Board asked the applicant's traffic engineer for further explication of the traffic controls near the site; and

WHEREAS, the traffic engineer, in a written submission dated December 15, 2004, stated that the projected traffic volume entering and exiting the McDonald Avenue driveway was considered and that traffic signal operation and phasing along McDonald Avenue will provide for the safe operation of the proposed site access design, including this driveway; and

WHEREAS, based upon this submission, the Board has determined that the entrances and exits are planned so that at maximum operation, vehicular traffic into or from the premises will cause a minimum obstruction on the streets or sidewalks; and

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

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

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-211 and 73-03.

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-147K dated June 29, 2004; and

Action Plan ("RAP") described in a report dated November 4, 2004 prepared by Geologic Services Corporation ("GSC"); 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 stipulated on the conditions noted below under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality

MINUTES

Review and makes each and every one of the required findings under Z.R. §§73-211 and 73-03, on a site previously the subject of various applications before the Board, to permit, in a R5/C2-3 zoning district within the Ocean Parkway Special District, the redevelopment of an existing gasoline service station, contrary to Z.R. §32-00; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 5, 2004"-(6) 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 reservoir space for five waiting vehicles shall be provided;

THAT all signage shall comply with applicable C2-3 zoning district regulations;

THAT all fencing and landscaping as shown on the BSA-approved plans shall be installed and maintained in good condition;

THAT the above conditions shall be noted on the Certificate of Occupancy;

THAT, the Applicant shall comply with all remedial activities stated in the RAP and shall consult with the NYSDEC with any substantive changes that may affect the RAP; and

THAT, the Applicant shall conduct a review of FDNY Underground Storage Tanks ("USTs") records to determine if there is additional information related to former UST locations. GSC will complete the investigative activities proposed in the RAP during Site redevelopment; and

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, January 25, 2004.

WHEREAS, Community Board 6, Brooklyn, recommended conditional approval of this application; and

WHEREAS, the subject site is located on the north side of Carroll Street between Nevins Street and Third Avenue, with a total lot area of 2,500 sq. ft., and is improved upon with an existing four-story building; and

WHEREAS, the applicant states that the existing building was occupied for several decades by a manufacturer of precision-machined components, but then this use was discontinued in 2003 and the building has subsequently been vacant; and

WHEREAS, the applicant originally proposed the

147-04-BZ

CEQR #04-BSA-157K

APPLICANT - Sullivan, Cheser & Gardner, P.C., for Ben Schrank, owner.

SUBJECT - Application April 8, 2004 - under Z.R. §72-21 to permit the proposed conversion of a light manufacturing building, to residential use, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED - 459 Carroll Street, 175' west of the corner of Carroll Street and Third Avenue, Block 447, Lot 46, Borough of Brooklyn.

COMMUNITY BOARD #6BK

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, Commissioner Caliendo and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 30, 2004 acting on Department of Buildings Application No. 301691364, reads:

"Change of use from manufacturing to residential contrary to zoning, refer to Board of Standards and Appeals."; and

WHEREAS, a public hearing was held on this application on September 21, 2004 after due notice by publication in The City Record, with continued hearings on October 26, 2004, and then to decision on November 23, 2004, on which date the decision was deferred to January 25, 2005; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, within an M1-2 zoning district, the conversion of an existing four-story industrial building into a two-family residential building, contrary to Z.R. §42-00; and

addition of a partial fifth floor to the existing building, but, in response to Board concerns, the proposal was modified to reflect a conversion within the envelope of the existing building; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject lot in conformity with underlying district regulations: (1) the existing building has narrow and irregularly shaped floors which make it difficult to locate and position manufacturing equipment; (2) the lack of storage space makes it necessary to store items offsite; and (3) due to the narrow wooden staircase and the

MINUTES

limited-capacity freight elevator, it is difficult to move machines, parts and goods from floor to floor; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, when considered in the aggregate, create unnecessary hardship and practical difficulties in developing the site in conformity with the current zoning; and

WHEREAS, the applicant submitted a feasibility study demonstrating that a conforming manufacturing use would not yield a reasonable return; and

WHEREAS, the applicant also submitted evidence of failed marketing attempts for a conforming use; and

WHEREAS, at the request of the Board, the applicant evaluated a scenario with conforming retail use on the first floor of the existing building; and

WHEREAS, as part of this evaluation, the applicant conducted a survey of ground floor uses in the vicinity; and

WHEREAS, the applicant conducted such a survey, and concluded that because Carroll Street is a residential cross street, there is no critical foot traffic that would create a market for a ground-floor retail space, unlike nearby Fifth Avenue; and

WHEREAS, the applicant submitted documentation that in the two blocks along Carroll Street immediately adjacent to the property, there is only one existing ground floor retail space, which the applicant states is currently for sale; and

WHEREAS, the applicant also submitted a letter from a broker confirming that the ground floor space would not be able to support a retail use; and

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

WHEREAS, the applicant represents that the proposed variance will not negatively affect the character of the neighborhood; and

WHEREAS, the applicant states that the buildings surrounding the property are predominantly residential, and that while the property is within an M1-2 district, it is adjacent to R6, R6B and R7B zoning districts; and

WHEREAS, the applicant states that 34 out of the 47 lots surrounding the property on tax block 447, as well as 25 of the 36 lots facing Carroll Street between Nevins and Third

WHEREAS, the Office of Environmental Planning and Assessment of the New York City Department of Environmental Protection ("DEP") has reviewed the October 7, 2003 Phase I Environmental Site Assessment Report, the January 17, 2005 letter from Sullivan, Chester & Gardner P.C., and the December 23, 2004 and January 14, 2005 letters from Environmental Risk and Loss Control, Inc.; and

WHEREAS, these submissions specifically examined the proposed action for potential hazardous materials impacts and provided remediation proposals; and

WHEREAS, DEP concurs with the remediation proposals included in the December 23, 2004 letter and recommends that each proposal be implemented; and

WHEREAS, the applicant agrees as a condition to the

Avenue, are occupied by residential uses; and

WHEREAS, the Board has conducted a site visit and concludes that residential use of the site is appropriate given the predominance of residential use in the immediate area; and

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

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

WHEREAS, after accepting guidance from the Board as to the proper amount of relief necessary to alleviate the hardship associated with the site, the applicant eliminated the proposed addition of a fifth floor; 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-157K dated April 5, 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; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, the action is located within New York City's Coastal Zone Boundary, and has been determined to be consistent with the New York City Waterfront Revitalization Program; and

grant herein that a written remediation schedule setting forth all remediation proposals and the estimated start and completion dates shall be submitted to DEP (with a copy to the BSA) prior to commencement of any remediation work; and

WHEREAS, the applicant agrees as a further condition to the grant herein that, upon completion of all remedial actions, a final written report should be prepared and signed by Environmental Risk and Loss Control, Inc., and provided to DEP (with a copy to the BSA) for review and approval; and

WHEREAS, DEP has determined that there would not be any impacts from the subject proposal so long as the remediation proposals are implemented and completed; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact

MINUTES

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 each and every one of the required findings under Z.R. §72-21 and grants a variance to permit, within an M1-2 zoning district, the conversion of an existing four-story industrial building into a two-family residential building, contrary to Z.R. §42-00; 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 November 12, 2004"- (9) sheets; and on further condition:

THAT prior to commencement of any remediation work or issuance of any building or other permit, the applicant shall submit a written remediation schedule setting forth all remediation proposals and the estimated start and completion dates to DEP (with a copy to the BSA);

THAT prior to issuance of any Certificate of Occupancy, either permanent or temporary, the applicant shall ensure that all remediation measures identified in the December 23, 2004 letter from Environmental Risk and Loss Control, Inc. have been implemented and completed; satisfaction of this condition shall occur only when the applicant provides a final written report to DEP (with a copy to the BSA), and DEP formally determines that the remediation proposals have been satisfactorily implemented and completed;

THAT if, at any point prior to issuance of a permanent Certificate of Occupancy, DEP determines that further remediation proposals are necessary, the applicant shall implement and complete such measures at the direction of DEP; all such additional measures shall be reflected on a revised written remediation schedule, which shall be forwarded to both DEP and the BSA;

THAT this approval is limited to the relief granted by the WHEREAS, a public hearing was held on this application on December 14, 2004 after due notice by publication in *The City Record*, and then to decision on January 25, 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, Manhattan, recommended approval of this application; and

WHEREAS, this is an application under Z.R. §§ 73-36 and 73-03, to permit a proposed physical culture establishment on the cellar, first floor and mezzanine of an existing mixed-use building, located within a M1-5B zoning district, contrary to Z.R. § 42-10; and

WHEREAS, the subject premises is occupied by a twelve-story, mixed-use residential and commercial building

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, January 25, 2005.

238-04-BZ

CEQR #04-BSA-220M

APPLICANT - Agusta & Ross, for C - Squarewood, LLC, owner; New York Health & Racquet Club, lessee.

SUBJECT - Application June 23, 2004 - under Z.R. §73-36 to permit the proposed physical culture establishment, to be located in the cellar, also on the first and mezzanine floors, of an existing twelve story mixed-use building, located in an M1-5B zoning district.

PREMISES AFFECTED - 62 Cooper Square, west side, 159.05' south of Astor Place, Block 544, Lot 7501 (condo), Zoning Lots 32, 33 and 34, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele, Commissioner Caliendo and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated June 2, 2004, acting on Department of Buildings Application No. 103728325, reads:

"The Proposed Health Establishment is not permitted use as of right in an M1-5B zoning district and is therefore contrary to Section 42-10 Z.R."; and containing 27 apartments and commercial condominiums, located on the westerly side of Cooper Square, south of Astor Place; and

WHEREAS, the applicant represents that the PCE will have a total area of 16,847 sq. ft., with 5,990 sq. ft. in the cellar, 7,108 sq. ft. on the first floor and 3,749 sq. ft. on the mezzanine floor; and

WHEREAS, the applicant states that the PCE will have facilities for classes, instruction and programs for physical improvement, such as strength and resistance training, yoga, weight training and aerobic training, as well as the practice of massage performed by New York State licensed masseurs or masseuses; and

WHEREAS, the applicant will install sound attenuation measures, as outlined in a report from the acoustical

MINUTES

consultant, dated January 7, 2005; and

WHEREAS, additionally, the applicant has agreed to install certain fire safety measures as requested by the Fire Department; 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 Type I action pursuant to 6 NYCRR Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 04-BSA- 220M, dated July 13, 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

THAT the following sound attenuation measures shall be installed and maintained:

1. Installation of locked sound limiters for each zone.
2. A distributed sound system consisting of numerous small speakers will be used for all music playback systems, both in the main space and in the spin room; no large speakers (woofer larger than 8" diameter) shall be used.
3. The speakers will be mounted using resilient mounts.
4. The treadmill area on the mezzanine will contain resilient isolation under each machine.
5. The weight and machines area on the first floor will be isolated using a spring isolator system.
6. To contain the loud music in the "spin" area in

WHEREAS, per the Landmarks Preservation Commission's comments of September 13, 2004, as the site is located in the NOHO Historic District, a permit from LPC is required for all work prior to construction; said permit should be appended to the EAS; 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 Type I Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617.4 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 the proposed physical culture establishment use on the cellar floor, first floor and mezzanine of an existing mixed-use building, located within a M1-5B zoning district, contrary to Z.R. §42-10; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 14, 2005" - (1) one sheet and "January 21, 2005" - (3) three sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten years from January 25, 2005, expiring January 25, 2015;

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

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 Sunday 6 AM to 11 PM;

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

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

the rear of the first floor, a double wall around the "spin" area shall be built, and a soundlock with solid core doors shall be installed.

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

THAT no building permit shall be issued until the Landmarks Preservation Commission issues a certificate of appropriateness or no effect, or otherwise indicates its formal consent to the proposed use;

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

MINUTES

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, January 25, 2005.

263-04-BZ

CEQR #05-BSA-015K

APPLICANT - The Law Office of Fredrick A. Becker, for Jack Zarif and Randy Zarif, owners.

SUBJECT - Application July 22, 2004 - under Z.R. §73-622 to permit the proposed enlargement of a single family residence in an R3-1 zoning district, which exceeds the allowable floor area, causes an increase in lot coverage, has a non-complying rear yard, and a perimeter wall that exceeds the maximum permitted, is contrary to §23-141, §23-631, and §23-47.

PREMISES AFFECTED - 150 Girard Street, between Hampton Avenue and Oriental Boulevard, 360' south of Hampton Avenue, Block 8749, Lot 262, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele, Commissioner Caliendo and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 13, 2005, acting on Department of Buildings Application No. 301759194, reads, in pertinent part:

“The proposed enlargement of the existing one family residence in an R3-1 zoning district.:

1. Causes an increase in the floor area exceeding the allowable floor area ratio and is contrary to the allowable floor area ratio allowed by section

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

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

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

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

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

WHEREAS, therefore the Board has determined that the

23-141 of the Zoning Resolution

2. Causes an increase in the lot coverage exceeding the allowable lot coverage allowed by section 23-141 of the Zoning Resolution.

3. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than the 30'-0" that is required.”; and

WHEREAS a public hearing was held on this application on December 7, 2004 after due notice by publication in *The City Record*, and then to January 11, 2005 for decision, on which date the decision was adjourned to January 25, 2004; 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 under Z.R. §§ 73-622 and 73-03, to permit the proposed enlargement of an existing single family residence (Use Group 1), located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area, lot coverage, and rear yard, contrary to Z.R. §§ 23-141 and 23-47; and

WHEREAS, the subject lot is located on the west side of Girard Street, between Hampton Avenue and Oriental Boulevard, with a total lot area of 6,000 square feet, and is improved upon with an existing two-story, attic and cellar residential structure; and

WHEREAS, the applicant seeks to enlarge the existing structure through the construction of an addition to the second floor and attic levels; and

WHEREAS, the applicant seeks an increase in the floor area from 3,958 sq. ft. (0.66 Floor Area Ratio or “FAR”) to 5,300 sq. ft. (0.88 FAR) – the maximum floor area permitted is 3,000 sq. ft. (0.50 FAR); and

WHEREAS, the applicant seeks to increase the lot coverage from 32% to 37% - the maximum permitted is 35%; and

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

evidence in the record supports the findings required to be made under Z.R. §§ 73-622 and 73-03.

Therefore it is Resolved that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.13 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§ 73-622 and 73-03, to permit the proposed enlargement of an existing single family residence (Use Group 1), located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area, lot coverage, and rear yard, contrary to Z.R. §§ 23-141 and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application and marked “Received July 22, 2004”– (8) sheets, “Received October 18, 2004”– (1) sheet; and “Received December 27, 2004”– (1) sheet and *on further condition*;

MINUTES

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

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

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

THAT the 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, January 25, 2005.

102-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Southside Realty Holdings, LLC, owner.

SUBJECT - Application April 3, 2003 - under Z.R. §72-21 to permit the proposed development of two residential buildings with underground accessory parking and an open recreation space between the two buildings, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 291 Kent Avenue, 35/37 South Second Street and 29/33 South Third Street, east side of Kent Avenue, between South Second and Third Streets, Block 2415, Lots 10, 14, 15, 41-43, 114 and 116, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jordan Most.

For Opposition: Brandon Cole, Steven Frankel and Janyce Stefan.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar,

Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to February 8, 2005, at 1:30 P.M., for deferred decision.

348-03-BZ

APPLICANT - The Agusta Group, for Sebastiano Manciameli, owner.

SUBJECT - Application November 14, 2003 - under Z.R. §72-21 to permit the proposed construction of a three story, one family semi-detached dwelling, which does not comply with the minimum eight foot side yard, is contrary to Z.R. §23-461(a).

PREMISES AFFECTED - 66-18 74th Street, west side, 169' south of Juniper Valley Road, Block 3058, Lot 35, Borough of Queens.

COMMUNITY BOARD #5Q

Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

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

218-03-BZ

APPLICANT - Gerald J. Caliendo, R.A., for TTW Realty LLC, owner.

SUBJECT - Application June 25, 2003 - under Z.R. §72-21 to permit the proposed nine-story mixed use building with residential, commercial and community facility uses, located in an M1-1 zoning district, which does not comply with the zoning requirements for the uses, permitted floor area, total height and perimeter wall, is contrary to Z.R. §42-00, §23-141 and §23-631.

PREMISES AFFECTED - 19-73 38th Street, corner of 20th Avenue, Steinway Street and 38th Street, Block 811, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

for Applicant: Sandy Anagnostou.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar,

Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

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

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.

APPEARANCES -

For Applicant: Nelly Minella.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar,

Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

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

355-03-BZ

APPLICANT - Agusta & Ross, for D'Angelo Properties, Inc., owner.

SUBJECT - Application September 27, 2004 - under Z.R. §72-21 to permit the proposed four story and penthouse mixed-use multiple dwelling, Use Groups 2 and 6, in a C2-2/R4 zoning district, which does not comply with the zoning requirements for residential floor

MINUTES

area, building height, number of dwelling units and residential front yard, is contrary to Z.R. §23-141, §23-60, §35-20, §23-22 and §23-45.

PREMISES AFFECTED - 64-01/07 Grand Avenue, northeast corner of 64th Street, Block 2716, Lot 1, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Mitchell Ross, Mildred Brown, Patrick Benenati, John D. Gangi, Christina Lowes, Roberto Amwi and Jan Curcid.

For Opposition: Manny Carvana, Robert Holden, Christine Jobocienska, Rosemary Felle, Warren Chow, Anthony Nunziato Sr., Edward Kamperman, Anthony Nunziato Jr., Vytas Volertas, M. Zero and Beth Kempista.

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

369-03-BZ

APPLICANT - Sheldon Lobel, Esq. for Queens Boulevard Spa Corp. dba Sky Athletic, lessee.

SUBJECT - Application December 2, 2003 - under Z.R. §72-21 to permit part of the cellar and ground level of an existing two story building within an R7-1/C1-2 district to be occupied as physical cultural establishment.

PREMISES AFFECTED - 99-01/23 Queens Boulevard, between 66th Road and 67th Avenue, Block 2118, Lot 1, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: Janice Cahalane and Dr. Albert Marango.

ACTION OF THE BOARD - Laid over to February 15, 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 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, Steve Wygoda and Mrs. Rottenberg.

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

22-04-BZ

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

385-03-BZ

APPLICANT - Joseph P. Morsellino, for Fabian Organization II, LLC, owner.

SUBJECT - Application December 12, 2003 - under Z.R. §72-21 to permit the proposed erection of a six-story multiple dwelling with 46 Units, located in an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, dwelling units, and height and setback, is contrary to Z.R. §23-141(c), §23-22 and §23-631(b).

PREMISES AFFECTED - 85-15 & 85-17 120th Street, southeast corner of 85th Avenue, Block 9266, Lots 48 and 53, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

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

6-04-BZ

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

SUBJECT - Application January 7, 2004 - under Z.R. §72-21 to legalize an existing physical cultural establishment in a three story building within a R-6/C1-3/R-6 zoning district.

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

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Veronica Pawon, John Pawson, Michael Riccio Jr., Mary Riccio.

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

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 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.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

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

MINUTES

168-04-BZ

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: Jay Segal.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

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

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

APPLICANT - Jay A. Segal, Esq., Greenberg Traurig, LLP, for MKD Group, LLC, owner.

SUBJECT - Application July 15, 2004 - under Z.R. §72-21 to permit the conversion and enlargement of an existing two-story, vacant industrial building in an M1-2 zoning district contrary to Z.R. §42-10.

PREMISES AFFECTED - 170 North 11th Street. South side of North 11th Street between Bedford Avenue and Driggs Avenue, Block 2298, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jay Segal.

For Opposition: Michael Freedman Schnapp and Dawn Ladd.

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

264-04-BZ

APPLICANT - Eric Palatnik, P.C., for Glak Operating Corp., owner.

SUBJECT - Application July 27, 2004 - under Z.R. §§11-412 and 11-413 to permit the legalization of the change in use from motor vehicle repair shop and gasoline service station, Use Group 16, to retail use, Use Group 6, also proposed alterations to the site to

part of block bounded by North 4th Street), Block 2351, Los 1, 28 and 40, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jay Segal.

For Opposition: Richard Drake.

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

228-04-BZ

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

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

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

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lewis Garfinkel.

THE VOTE TO REOPEN HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to February 8, 2005, at 10 A.M., for continued hearing.

252-04-BZ

effectuate the desired change in use, which requires a special permit.

PREMISES AFFECTED - 977 Victory Boulevard, northeast corner of Cheshire Place, Block 240, 26, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

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

295-04-BZ

APPLICANT - Amato & Associates, P.C., by Alfred L. Amato, for Benevolent and Protective Order of Elks, Staten Island Lodge No. 841, owners.

SUBJECT - Application August 27, 2004 - under Z.R. §§73-30 & 22-21 to permit approval sought from Verizon Wireless to erect a 100 foot monopole in an R3-2 and Special South Richmond Development District. The proposed tower will be located on a portion of a site currently occupied by a community facility. There is

MINUTES

also proposed an accessory 360 SF communications shelter. The proposal also requires CPC Special Permit approval pursuant to Section 107-73, which allows the placement of a structure higher than 50 feet in the Special South Richmond Development District.

PREMISES AFFECTED - 3250 Richmond Avenue, corner of Richmond and Wainwright Avenues, Block 5613, Part of Lot 400, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Ginny Watral and Al Amato.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

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

363-04-BZ

APPLICANT - Herrick Feinstein, LLP, for 6002 Fort Hamilton Parkway Partners, owners.

SUBJECT - Application November 18, 2004 - under Z.R. §§72-01(b) and 72-21 to permit in an M1-1 district, approval sought to convert an existing industrial building to residential use. The proposed development will contain 115,244 SF of residential space containing 90 dwelling units, as well as 9,630 SF of retail space. There will be 90 parking spaces. The development is contrary to district use regulations per Section 42-00.

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

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 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, Phillip Nizer and Jack Freeman.

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

PREMISES AFFECTED - 6002 Fort Hamilton Parkway, a/k/a 949/59 61st Street, a/k/a 940/66 60th Street, south side of 61st Street, east side, of Fort Hamilton Parkway and north side of 60th Street, Block 5715, Lots 21 and 27, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Joe Lombardi.

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

Pasquale Pacifico, Executive Director.

Adjourned: 7:30 P.M.

**SPECIAL HEARING
WEDNESDAY MORNING, JANUARY 26, 2005
10:00 A.M.**