
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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New Case Filed Up to September 27, 2005

291-04-BZ B. Q 10-33 Burton Street,
Burton Street, between 12th Avenue and 12th Road, Block
4607, Lot 26, Borough of Queens. Applic. #402171555.
The instant application is filed pursuant to Z.R. §72-21 to
vary §23-141 (floor area); §23-141 (open space ratio); and
§23-45 (front yard).

COMMUNITY BOARD #7Q

292-05-A B. M 538 West 29th Street,
South side of 20th Street approximately 225 feet East of 11th
Avenue, Block 700, Lot 55, Borough of Manhattan.
Applic. #102680813. The BSA resolution referenced by the
applicant is no longer in effect, the post approval
Amendment approved on August 10, 2005 did not include
any amended plans, egress into the rear yard of 535 West
29th Street is unlawful and the revised schedule A was a
false and misleading statement and the application should be
revoked pursuant to §27-197 of the Administrative Code.

**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

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

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

SPECIAL ORDER CALENDAR

595-44-BZ

APPLICANT – Joanne Seminara, Esq., Kurzman Karelsen & Frank, LLP, for Unit Owners of the Central Park South Medical Condominium, owner.

SUBJECT – Application August 3, 2005 - Pursuant to ZR§11-411- Extension of Term of a Variance which expired on July 12, 2005, to permit in a residence use district the change in occupancy of an existing 15 story building from apartment hotel and accessory restaurant, to non-resident doctors' offices and restaurant (cabaret with no dancing). The premise is located in an R-10H zoning district.

PREMISES AFFECTED – 30 Central Park South, southside of Central Park South between Avenue of the Americas and 5th Avenue, Block 1274, Condo Lots 1001-1055, Borough of Manhattan.

COMMUNITY BOARD #5M

212-50-BZ

APPLICANT – Vassalotti Associates Architects, LLP., Cumberland Farms, Inc., owner.

SUBJECT – Application June 29, 2005 - Pursuant to ZR §11-411 to reopen and to extend the term of the variance for an additional ten years for an existing gasoline service station. The premise is located in an R-2 zoning district.

PREMISES AFFECTED – 29-16/44 Francis Lewis Boulevard, Cross Street – 172nd Street, Block 4938, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

289-79-BZ

APPLICANT – David L. Businelli, for Patsy Serra, owner.
SUBJECT – Application April 26, 2005 – Extension of Term/Waiver for the continued use of a commercial vehicle and storage establishment (UG16). The premise is located in an R3-2 zoning district.

PREMISES AFFECTED – 547 Midland Avenue, north side of Midland Avenue, Block 3799, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2SI

886-82-BZ

APPLICANT – Blaise Parascondala, Esq., for Lenox Road Baptist Church, owner.

SUBJECT – Application May 13, 2005 – Reopening for an amendment to a variance ZR§72-21 to increase the floor area for a community use facility which increases the degree of non-compliance into the required rear yard. The premise is located in a C1-3 (R7-1) zoning district.

PREMISES AFFECTED – 1356 Nostrand Avenue, corner of Nostrand Avenue and Lenox Road, Block 5085, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #8BK

146-02-BZ

APPLICANT – Anthony DiProperzio, R.A., R.A.J. Realty Corp., owner.

SUBJECT – Application September 7, 2005 – Extension of time to obtain a Certificate of Occupancy, to permit within a C1-2/R3-2 zoning district, a two-story addition to an existing retail establishment.

PREMISES AFFECTED – 138-27 247th Street, south side, 250'-0" East of 139th Avenue, Block 13621, Lots 9 & 11, Borough of Queens.

COMMUNITY BOARD #8Q

APPEALS CALENDAR

106-05-A

APPLICANT – Department of Buildings
OWNER OF PREMISES: Rob Rose Place, LLC.

SUBJECT - Application filed on May 10, 2005 -for a Modification of Certificate of Occupancy No. 17004 issued on November 11, 1930 on the basis that a non-conforming restaurant use on the first story of the premises was not in operation for a period of more than two years and the first story was being used illegally as residences . Pursuant to ZR Section 52-61 the non-conforming use was discontinued and the use of the premises must now conform to those permitted in an R7-2 district, therefore the current Certificate of Occupancy improperly authorizes an impermissible use of the premises.

PREMISES AFFECTED – 220-222 Sullivan Street, Block 540, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #2M

208-05-A thru 282-05-A

APPLICANT – Stadtmauer Bailkin, LLP, for Natalie Lyn, LLC, owner.

SUBJECT – Application filed September 8, 2005- Appeal pursuant to Article III, Section 36, of the General City law to permit construction of 75 two family detached dwellings that does not front on a legally mapped street.

PREMISES AFFECTED – Richmond Terrace, Nicholas Avenue Estates, southwest corner of Nicholas Avenue and Richmond Terrace, Block 1116, Lots varies, Borough of Staten Island.

COMMUNITY BOARD #1SI

CALENDAR

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

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, November 15, 2005, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, NY 10006, on the following matters:

ZONING CALENDAR

386-04-BZ

APPLICANT – Rothkrug, Rothkrug, Weinberg & Spector, for PSCH, Inc., owner.

SUBJECT – Application November 9, 2004 - under Z.R.§72-21 to permit the proposed enlargement and development of an existing community facility, located in M1-1 zoning district, which does not comply with the zoning requirements for accessory off-street loading berth, waterfront yards, total height and parking, is contrary to Z.R. §44-52, §62-331, §62-34, §62-441 and §44-21.

PREMISES AFFECTED - 22-44 119TH Street, corner of 23rd Avenue, Block 4194, Lot 20, Borough of Queens.

COMMUNITY BOARD #7Q

42-05-BZ

APPLICANT – Sheldon Lobel, P.C., for Power Test Realty Company, LP, owner.

SUBJECT – Application February 24, 2005 - under Z.R.§11-411 of the zoning resolution, to request an extension of term of the previously granted variance, which permitted the maintenance of a gasoline service station with accessory uses located in a R3-2 zoning district. The grant expired on April 26, 2004.

PREMISES AFFECTED - 1982 Bronxdale Avenue, east side of the intersection of Neill and Bronxdale Avenues, Block 4261, Lot 60, Borough of The Bronx.

COMMUNITY BOARD #11BX

52-05-BZ

APPLICANT – Sheldon Lobel, P.C., for Coptic Orthodox Church of St. George, owner.

SUBJECT – Application March 4, 2005 - under Z.R.§72-21 Proposed development of a six-story and cellar building, with community use on floors one through three, residential use on floors three through six, and with parking in the cellar, located in a C1-2 within an R5 zoning district.

PREMISES AFFECTED - 6209 11th Avenue, northeast corner of 63rd Street, Block 5731, Lot 2, Borough of Brooklyn.

REGULAR MEETING

**TUESDAY MORNING, SEPTEMBER 27, 2005
10:00 A.M.**

COMMUNITY BOARD #10BK

84-05-BZ

APPLICANT – Sheldon Lobel, P.C., for Exxon Mobil Corp., owner.

SUBJECT – Application April 6, 2005 - under Z.R.§73-211 to authorize the redevelopment of an existing gasoline service station with an accessory convenience store located in an R5/C2-2 zoning district.

PREMISES AFFECTED - 165-15 Hillside Avenue, northeast corner of 165th Street, Block 9837, Lot 10, Borough of Queens.

COMMUNITY BOARD #8Q

122-05-BZ

APPLICANT - Bryan Cave, LLP (Margery Perlmutter, Esq.), for Clinton Court Development, LLC, Owner.

SUBJECT - Application filed on May 20, 2005 under ZR§73-52 (Modification for Zoning Lots Divided by District Boundaries) to facilitate the development of a 13-story residential building containing 30 dwelling units, community facility space, and 41 accessory parking spaces; zoning lot located in an R6 and M1-1 district.

PREMISES AFFECTED - 525 Clinton Avenue, east side, 205.83' south of Fulton Street and 230.83' north of Atlantic Avenue, Block 2011, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #2BK

156-05-BZ

APPLICANT - Charles Rizzo and Associates (CR&A) for Carmine Partners LLC, owner.

SUBJECT – Application July 5, 2005 - under Z.R.§72-21 to allow a proposed six-story residential building with ground floor retail containing four (4) dwelling units in a C2-6 Zoning District; contrary to ZR 23-145, 23-22, 35-24, and 35-31.

PREMISES AFFECTED – 1 Seventh Avenue South, Block 582, Lot 43, Borough of Manhattan.

COMMUNITY BOARD #2M

Pasquale Pacifico, Executive Director

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

The minutes of the regular meetings of the Board held on

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Tuesday morning and afternoon, July 19, 2005, were approved as printed in the Bulletin of July 28, 2005, Volume 90, No. 30.

SPECIAL ORDER CALENDAR

60-82-BZ

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

SUBJECT – Application July 15, 2005 – Reopening for an amendment to the resolution to extend the time to obtain a Certificate of Occupancy for an automotive service station with accessory uses which expired on July 15, 2005. The PREMISES AFFECTED – 60-11 Queens Boulevard, between 60th Street and 61st Street, Block 1338, Lots 1 and 11, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES –

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a re-opening and an extension of time to obtain a new certificate of occupancy; and

WHEREAS, a public hearing was held on this application on September 27, 2005 after due notice by publication in the *City Record*, and then to closure and decision on this same date; and

WHEREAS, on July 24, 1952, under BSA Cal. No. 570-52-BZ, the Board granted an application to permit, in a business district, the erection and maintenance of a gasoline service station, lubricatorium, car washing, motor vehicle repairs, storage and sale of accessory items, office and parking of motor vehicles waiting to be serviced for a term of fifteen years; and

WHEREAS, on July 7, 1982, under the subject calendar number, the Board granted an application pursuant to Z.R. § 11-412, to permit the reconstruction of the existing service station with accessory uses into a gasoline station without repair service, for a term of fifteen years; such term has been extended since then; and

WHEREAS, on July 15, 2003, the Board amended the resolution to permit a change in signage from a total of 129 sq. ft. of illuminated signage to 66.25 sq. ft. of illuminated signage and non-illuminated signage; and

WHEREAS, as a condition of the initial grant, the applicant was to obtain a certificate of occupancy within two years from the date of the amendment; and

WHEREAS, the time to obtain a certificate of occupancy expired on July 15, 2005, and the applicant represents that it was unable to obtain a certificate of occupancy as of that date; and

WHEREAS, therefore, the Board has determined that the evidence in record supports the grant of the requested extension.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, said resolution having been adopted on July 24, 1952 as amended through July 15, 2003, so that as amended this portion of the resolution shall read: “to permit an extension of the time to obtain a certificate of occupancy for an additional two years from the date of the earlier expiration, to expire on July 15, 2007; *on condition*:

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

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

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

(DOB Application Nos. 401509783, 401408071, 401509765, 401408062, 401408080 and 401509774)

Adopted by the Board of Standards and Appeals, September 27, 2005.

364-82-BZ

APPLICANT – Cozen O’Connor Attorneys, for Little Neck Commons, LLC, owners; Jack Lalanne Fitness Centers, Inc., lessee.

SUBJECT – Application January 14, 2005 – reopening for a Waiver of Rules and an extension of term for a physical culture establishment located in a C1-2(R3-2) zoning district. PREMISES AFFECTED – 245-02/34 Horace Harding Expressway, Block 8276, Lot 100, Douglaston, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Barbara Hair.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a re-opening and an extension of the term of the variance; and

WHEREAS, a public hearing was held on this application on August 23, 2005 after due notice by publication in *The City Record*, with a continued hearing on September 13, 2005, and then to decision on September 27, 2005; and

WHEREAS, Community Board No. 11, Queens, and Council Member David Weprin recommend disapproval of this application, based on certain concerns, discussed below; and

WHEREAS, on January 18, 1983, the Board re-

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established a variance, under the subject calendar number, to permit, in a C1-2 zoning district, the enlargement and maintenance of an extension to an existing physical culture establishment ("PCE"), for a term of ten years; and

WHEREAS, the variance was last extended on June 20, 1995 with certain conditions, including that valet parking shall be provided on-site, and that the premises and the area in the immediate vicinity shall be regularly cleaned and swept; and

WHEREAS, on May 21, 2002, the applicant received an amendment to the variance, to permit the cellar space of the building to be occupied by the PCE; the applicant also agreed to a condition requiring that accessory parking be provided at no cost for the first two hours with a nominal fee charged for any additional time up to five hours; and

WHEREAS, the applicant has not yet commenced work on the extension into the cellar due to a delay caused by negotiations between the applicant and the landlord of the premises; and

WHEREAS, the applicant now seeks an extension of the term of the variance; and

WHEREAS, the Community Board expressed certain concerns related to the operation of the PCE, including the hours of operation of the PCE, the parking lot of the PCE, the condition of the site, open violations on the site, and compliance with previous BSA conditions of the grant;

WHEREAS, at the request of the Board, the applicant addressed the Community Board concerns both at the hearing and in writing, and provided pictures to the Board of the current site conditions; and

WHEREAS, in addition, the applicant posted a sign clarifying that all users of the PCE are entitled to two hours of free parking and a sign cautioning the PCE members not to park illegally, and submitted photographs showing this signage; and

WHEREAS, accordingly, the Board finds that the requested extension of term is appropriate, with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution adopted on January 18, 1983, amended through May 21, 2002, so that as amended this portion of the resolution shall read "to extend the term for ten years from January 18, 2003; *on condition*:

THAT the term of this grant shall be for ten years, to expire on January 18, 2013;

THAT signs shall be posted stating that all users of the PCE are entitled to two hours of free parking and cautioning the PCE members not to park illegally;

THAT the above conditions shall be listed on the certificate of occupancy;

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

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

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

under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted."

(DOB Application No. 402065821)

Adopted by the Board of Standards and Appeals, September 27, 2005.

886-87-BZ

APPLICANT – Stuart Allen Klein, for Rockford R. Chun, owner.

SUBJECT – Application March 22, 2005 – request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of the special permit for a PCE which expired 6/7/2004 and an amendment to allow the hours of operation to extend to 12:00 A.M. The premise is located in C5-2 zoning district.

PREMISES AFFECTED – 11 East 36th Street, a/k/a 10 East 37th Street, 200' east of 5th Avenue, Block 866, Lot 11, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Stuart Klein.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a re-opening to amend the resolution, and an extension of the term of the previously granted special permit that expired on June 7, 2004; and

WHEREAS, a public hearing was held on this application on August 9, 2005, after due notice by publication in *The City Record*, with a continued hearing on September 13, 2005, and then to decision on September 27, 2005; and

WHEREAS, Community Board No. 5, Manhattan, waived comment on this application; and

WHEREAS, the subject premises is located on East 36th Street, north of Fifth Avenue; and

WHEREAS, on June 7, 1988, the Board granted a special permit application pursuant to Z.R. § 73-36, to permit, in a C5-2 zoning district, the use of the cellar of the existing 12-story commercial building as a physical culture establishment ("PCE"); and

WHEREAS, the resolution was amended on January 11, 1994 to permit additional massage rooms to be included as part of the PCE, and the Board also approved an extension of the term of the special permit; and

WHEREAS, the Board permitted a further five-year extension of the term of the special permit; such term expired on June 7, 2004; and

WHEREAS, the instant application seeks to: 1) extend the

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term of the special permit for ten years; and 2) amend the resolution to authorize longer hours of operation, from Monday through Saturday, 10AM to 10PM, to Monday through Sunday, 10AM to 12AM; and

WHEREAS, the Board expressed concern with respect to the history of violations levied upon the PCE for unlicensed masseurs/masseuses; and

WHEREAS, the applicant represents that most of the violations were dismissed or fines were paid for the violations, and that the unlicensed masseurs/masseuses were terminated from employment; the applicant has also provided the Board with copies of licenses for the current masseurs/masseuses; and

WHEREAS, the applicant modified its request to a term of five years; and

WHEREAS, the Board concludes that a three year term, rather than the five year term requested by the applicant, is more appropriate given the history of violations and the need for oversight; and

WHEREAS, likewise, the Board does not find that the extended hours are warranted at this time; and

WHEREAS, therefore, the Board finds that a three-year extension is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and reopens and amends the resolution, so that as amended this portion of the resolution shall read: "to permit an extension of the term of the special permit for a term of three years; *on condition* that the expansion shall substantially conform to drawings as filed with this application, marked 'Received September 20, 2005'-(3) sheets; and *on further condition*:

THAT this grant shall be limited to a term of three years from June 7, 2004, expiring June 7, 2007; and

THAT the hours of operation shall be Monday through Saturday, 10AM to 10PM;

THAT all massages shall be performed by New York State licensed staff members only;

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

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

THAT fire protection measures, including exit signs, emergency lighting, sprinklers and fire extinguishers shall be installed and maintained as indicated on the BSA-approved plans; and

THAT the PCE shall comply with Local Law 58 of 1987, as determined by DOB;

THAT all exits shall be as approved by DOB;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; 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. 104048219)

Adopted by the Board of Standards and Appeals, September 27, 2005.

364-89-BZ

APPLICANT – Carl A. Sulfaro, Esq., for Kellarakos Realty, Inc., owner; Balvinder Bains, lessee.

SUBJECT – Application April 4, 2005 – reopening for Extension of Term of a variance for an automotive service station (UG 16). The premise is located in an R-6 zoning district.

PREMISES AFFECTED – 30-75 21st Street, southeast corner of 30th Drive, Block 551, Lot 15, Borough of Queens.

COMMUNITY BOARD# 1Q

APPEARANCES –

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance and a minor interior reconfiguration; and

WHEREAS, a public hearing was held on this application on July 19, 2005, after due notice by publication in *The City Record*, with a continued hearing on September 13, 2005, and then to decision on September 27, 2005; and

WHEREAS, Community Board No. 1, Queens, recommends approval of this application; and

WHEREAS, the premises is located on the southeast corner of 21st Street and 30th Drive, and is occupied by an automotive service station; and

WHEREAS, in 1961, the Board granted an application, under BSA Calendar No. 296-60-BZ, to permit, in an R6 zoning district, the use of the site as an automotive service station (UG 16), for a term of fifteen years; and

WHEREAS, this variance was extended for a term of ten years in 1976; the variance subsequently lapsed; and

WHEREAS, on March 13, 1990, under the subject calendar number, the Board reestablished the expire variance for a period of five years; the term was extended for 10 years in 1995; and

WHEREAS, in 1992, the Board allowed an amendment to the plans, to reflect the installation of a canopy, among other minor site changes; and

WHEREAS, the most recent term expired on March 13, 2005; and

WHEREAS, in addition to the request for an extension of term, the applicant asked the Board for approval of existing signage that did not comply with C1 zoning district regulations, and also asked for the removal of a previously imposed

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condition requiring concrete planters to be located on the side lot lines; and

WHEREAS, the Board did not consent to such requests, and asked that compliance with the signage regulations and the planter condition be shown; and

WHEREAS, the applicant then modified the submitted plans to show signage that complies with C1 zoning district regulations, and a planter along the side lot line, as well as parking spaces for five cars awaiting service; and

WHEREAS, additionally, the applicant proposes a minor interior reconfiguration of the salesroom and storage space, which is approved herein; and

WHEREAS, accordingly, the Board finds that the requested extension of term and minor modification is appropriate, with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens and amends* the resolution, adopted on March 13, 1990, as extended and modified on various occasions, so that as amended this portion of the resolution shall read: "to extend the term for ten years from March 13, 2005 and to allow a minor interior reconfiguration; *on condition* that all work shall substantially conform to drawings filed with this application marked 'Received April 4, 2005'-(2) sheets and 'August 29, 2007'-(2) sheets; and *on further condition*:

THAT the term of this grant shall be for ten years, to expire on March 13, 2015;

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

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

THAT all planters and landscaping shall be installed and/or maintained as per BSA-approved plans;

THAT all signage shall conform to C1 zoning district regulations;

THAT there shall be no parking of vehicles on the sidewalks;

THAT the above conditions shall be listed on the certificate of occupancy;

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

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

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

(DOB Application No. 402104824)

Adopted by the Board of Standards and Appeals, September 27, 2005.

110-95-BZ

APPLICANT – John W. Russell, Esq., for 1845 Realty, Inc., owner; 1845 Cornaga Avenue, lessee.

SUBJECT – Application March 15, 2004 – reopening for Extension of Term of a variance, which permitted, within a C2/R5 zoning district, the operation of a auto repair facility (UG16), with accessory uses, including parking and minor repairs using handtools.

PREMISES AFFECTED – 1845 Cornaga Avenue, southwest corner of Cornaga Avenue and B19th Street, Block 15563, Lot 1, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term; and

WHEREAS, a public hearing was held on this application on May 10, 2005, after due notice by publication in *The City Record*, with continued hearings on May 10, 2005, June 7, 2005, July 19, 2005, September 13, 2005 and then to decision on September 27, 2005; and

WHEREAS, Community Board No. 14, Queens, recommends approval of this application; and

WHEREAS, the premises is located on the southwest corner of Cornaga Avenue and Beach 19th Street, and is within C2-2(R5) and R5 zoning districts; and

WHEREAS, on February 11, 1958, the Board granted an application, under BSA Calendar No. 684-57, to permit the use of the residential portion of the site as gasoline service station, with accessory uses; and

WHEREAS, on May 27, 1958 the Board granted an amendment to the resolution to permit a new pump arrangement, an accessory building modification, and new curb cut locations; and

WHEREAS, the term of this variance was extended for ten years on December 18, 1973, and again on November 19, 1985; and

WHEREAS, the variance subsequently lapsed; and

WHEREAS, on December 18, 1998, under the subject calendar number, the Board granted an application to reinstate the variance for a term of five years; and

WHEREAS, the term expired on December 18, 2003; and

WHEREAS, the applicant represents that gasoline sales have been discontinued at the site since approximately March of 1982, and that the site is currently used for auto repairs and accessory uses; and

WHEREAS, the Board's review of the application revealed that certain site improvements needed to be made; specifically, the Board observed a trailer on the site, a need for vehicle stops, and a need for the restoration of landscaping in

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certain areas of the premises; and

WHEREAS, subsequently, the Board directed the applicant to have the trailer on the site removed, vehicle stops installed, and landscaping restored at the rear and side of the premises; and

WHEREAS, the applicant submitted photos and plans showing compliance with this direction; and

WHEREAS, accordingly, the Board finds that the requested extension of term is appropriate, with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens and amends* the resolution, adopted on March 13, 1990, as extended and modified on various occasions, so that as amended this portion of the resolution shall read: "to extend the term for ten years from December 18, 2003; *on condition* that all work/site conditions shall substantially conform to drawings filed with this application marked 'Received March 15, 2004'-(2) sheets and 'September 7, 2005'-(1) sheet; and *on further condition*:

THAT the term of this grant shall be for ten years, to expire on December 18, 2003;

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

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

THAT all signage shall conform to C1 zoning district regulations;

THAT there shall be no parking of vehicles on the sidewalks;

THAT all repairs and storage shall occur within the building

THAT the above conditions shall be listed on the certificate of occupancy;

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

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

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

(DOB Application No. 401810395)

Adopted by the Board of Standards and Appeals, September 27, 2005.

323-98-BZ

APPLICANT – Kramer Levin Naftalis & Frankel LLP, for 801 Eleventh Avenue, LLC, owner.

SUBJECT – Application July 27, 2005 – reopening for an amendment to the resolution to extend the time to complete construction of an enlargement of an existing two-story non-

residential building located in an M3-2/Special Clinton zoning district.

PREMISES AFFECTED – 801 Eleventh Avenue, west side of Eleventh Avenue, between West 55th Street and West of 56th Street, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES –

For Applicant: Jeremiah Candena.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for a re-opening and an extension of time to complete construction pursuant to a previously approved special permit by the Board; and

WHEREAS, a public hearing was held on this application on September 27, 2005 after due notice by publication in the *City Record*, and then to closure and decision on this same date; and

WHEREAS, on April 27, 1999, under the subject calendar number, the Board granted a special permit to permit an enlargement of an existing non-residential building in an M2-3 zoning district, pursuant to Z.R. § 73-63; and

WHEREAS, an extension of time to complete construction was granted by the Board on August 12, 2003; and

WHEREAS, the period in which to complete substantial construction pursuant to Z.R. § 72-23 expired on August 12, 2005; and

WHEREAS, the applicant represents that construction has been delayed due to unforeseen structural conditions appurtenant to the existing building, and anticipates that construction can be completed by September 1, 2006; and

WHEREAS, therefore, the Board has determined that the evidence in record supports the grant of the requested extension.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, said resolution having been adopted on July 17, 2001, so that as amended this portion of the resolution shall read: "to permit an extension of the time to complete construction for an additional two years from the date of the earlier expiration, to expire on August 12, 2007; *on condition*:

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

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

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

(DOB Application Nos. 104103890, 104086542)

Adopted by the Board of Standards and Appeals,

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September 27, 2005.

44-99-BZ

APPLICANT – Vito J. Fossella, P.E., for Michael Bottalico, owner.

SUBJECT – Application January 24, 2005 – reopening for Extension of Term of a variance for an automotive repair shop, located in an R3A zoning district.

PREMISES AFFECTED – 194 Brighton Avenue, south side of Brighton Avenue, southwest of the corner formed by the intersection of Summers Place and Brighton Avenue, Block 117, Lot 20, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Sameh El-Meniawy.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term of the variance; and

WHEREAS, a public hearing was held on this application on August 9, 2005, after due notice by publication in *The City Record*, with a continued hearing on September 13, 2005, and then to decision on September 27, 2005; and

WHEREAS, Community Board No. 1, Staten Island, recommends approval of this application subject to conditions, discussed below; and

WHEREAS, the premises is located on the southwest corner of Summers Place and Brighton Avenue, and is within an R3A zoning district; and

WHEREAS, under Calendar No. 455-58-BZ, the Board permitted the subject zoning lot to be used as a gasoline service station and lubricatorium; and

WHEREAS, this variance lapsed on March 30, 1996; and

WHEREAS, on February 1, 2000, under the subject calendar number, the Board granted an application to reinstate this variance for a term of five years; such term expired on February 1, 2005; and

WHEREAS, the Community Board recommended approval of this application upon satisfaction of the following conditions (in addition to the conditions stated in the previous resolution): that there shall be a shrubbery buffer zone placed along the residential side of the property; and that the dumpster shall be hidden at all times; and

WHEREAS, in response, the applicant has agreed to place a shrubbery buffer zone along the residential border at the west side of the property consisting of a 3'-0" wide evergreen planted landscaping strip with a 6" concrete curb; and

WHEREAS, the Board notes that the site has one curb cut

on Summer Place and two curb cuts on Brighton Avenue; and

WHEREAS, the Board requested that the applicant reduce the 40'-0" curb cut on Brighton Avenue to improve access to the service bays, and asked for a further explanation as to the circulation on the site; and

WHEREAS, at the Board's request, the applicant reduced the existing 40'-0" wide curb cut on Brighton Avenue to 30'-0", and provided a parking area for up to five cars waiting to be serviced; and

WHEREAS, accordingly, the Board finds that the requested extension of term is appropriate, with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution, adopted on February 1, 2000, as extended and modified on various occasions, so that as amended this portion of the resolution shall read: "to extend the term for five years from February 1, 2005; *on condition* that all work/site conditions shall substantially conform to drawings filed with this application marked 'Received June 23, 2005'-(1) sheet and 'August 30, 2005'-(1) sheet; and *on further condition*:

THAT the term of this grant shall be for five years, to expire on February 1, 2010;

THAT five (5) parking spaces for cars waiting for service shall be provided;

THAT the dumpster shall be located in a fenced-in area;

THAT there shall be a shrubbery buffer zone placed along the residential border at the west side of the property consisting of a 3'-0" wide evergreen planted landscaping strip with a 6" concrete curb;

THAT the existing 40'-0" wide curb cut at Brighton Avenue shall be reduced to 30'-0";

THAT the above conditions shall be listed on the certificate of occupancy;

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

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

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

(DOB Application No. 500750582)

Adopted by the Board of Standards and Appeals, September 27, 2005.

391-04-BZ

APPLICANT – Moshe M. Friedman, for Meilech Fastag, owner.

SUBJECT – Application August 2, 2005 – Reopening for an amendment to a Special Permit, ZR 73-622, the proposed plans are contrary to the previously approved BSA plans in

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that the proposed alteration for the first floor extends further into the rear yard exceeding the previous 20'-0" grant, the second floor and attic will remain as existing. The premise is located 100' from a corner, as per ZR 23-541 no rear yard is required. The premise is located in an R-2 zoning district. PREMISES AFFECTED – 2610 Avenue L, south side of Avenue L 60' east of intersection of Avenue L and East 26th Street, Block 7644, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Moshe Friedman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for a waiver, a re-opening and an amendment to a previously approved special permit for a home enlargement, granted pursuant to Z.R. § 73-622; and

WHEREAS, a public hearing was held on this application on September 20, 2005 after due notice by publication in *The City Record*, on which date the matter was closed, and then to decision on September 27, 2005; and

WHEREAS, Community Board No. 14, Brooklyn, recommends approval of this application; and

WHEREAS, the premises is located on the south side of Avenue L approximately 60 ft. east of the intersection of Avenue L and East 26th Street, and is within an R2 zoning district; and

WHEREAS, on May 17, 2004, the Board granted a special permit pursuant to Z.R. § 73-622, allowing a proposed single-family home enlargement that did not comply with applicable requirements for floor area ratio and open space ratio; and

WHEREAS, the applicant now seeks an amendment to the plans to allow for additional floor area at the first floor, and a reduction in the approved floor area at the second floor; and

WHEREAS, the total FAR is now 0.94 (versus the 0.98 previously approved) and the total OSR is now 56.46% (versus the 59% previously approved); and

WHEREAS, the Board finds that the requested amendment is appropriate, with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and *reopens and amends* the resolution, adopted on May 17, 2004, so that as amended this portion of the resolution shall read: “to allow amendment to the approved plans; *on condition* that all work shall substantially conform to drawings filed with this application marked ‘Received August 16, 2005’ –(9) sheets and

‘September 20, 2005’-(1) sheet; and *on further condition*:

THAT the attic floor area shall not exceed 818.18 sq. ft., as reviewed by the Department of Buildings;

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

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

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

(DOB Application No. 301874032)

Adopted by the Board of Standards and Appeals, September 27, 2005.

523-58-BZ

APPLICANT – Walter T. Gorman, P.E., for Yehuea, LLC, owner; Farmers Mini Mart Inc., lessee.

SUBJECT – Application March 25, 2005 - Extension of Term/Waiver for a gasoline service station with accessory uses. The premise is located an C1-2/R3-2 and R3-2 zoning district.

PREMISES AFFECTED – 117-30/48 Farmers Boulevard, southwest corner of Baisley Boulevard, Block 12448, Lot 31, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: John Ronan.

ACTION OF THE BOARD – Laid over to November 15, 2005, at 10 A.M., for postponed hearing.

822-87-BZ

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for Hudson Tower Housing Company, Inc., owner; The Fitness Company, lessee.

SUBJECT – Application May 2, 2005 – Extension of Term of a Special Permit to allow the use of a Physical Culture Establishment in the Special Battery Park City zoning district.

PREMISES AFFECTED – 375 South End Avenue, between Liberty and Albany Streets, Block 16, Lot 100, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: James Power.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

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ACTION OF THE BOARD - Laid over to October 25, 2005, at 10 A.M., for decision, hearing closed.

203-92-BZ

APPLICANT – Sullivan, Chester & Gardner, P.C., for Austin-Forest Assoc., owner; Lucille Roberts Org., d/b/a Lucille Roberts Figure Salon, lessee.

SUBJECT – January 26, 2005 Extension of Term/Amendment/Waiver for a physical culture establishment. The premise is located in an R8-2 zoning district.

PREMISES AFFECTED – 70-20 Austin Street, south side, 333’ west of 71st Avenue, Block 3234, Lot 173, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES – None.

ACTION OF THE BOARD - Laid over to November 15, 2005, at 10 A.M., for continued hearing.

212-92-BZ

APPLICANT – Felipe Ventegeat, for Herbert Kantrowitz, owner.

SUBJECT – Application June 13, 2005 – Extension of Term/Waiver of a Variance to continue the commercial use (UG6) located in the basement of a residential building. The premise is located in an R7-1 zoning district.

PREMISES AFFECTED – 871 East 175th Street, Mohegan Avenue and Waterloo Place, Block 2958, Lot 65, Borough of The Bronx.

COMMUNITY BOARD #6BX

APPEARANCES –

For Applicant: Felipe Ventegeat.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to October 25, 2005, at 10 A.M., for decision, hearing closed.

37-93-BZ

APPLICANT – Cozen O’Connor Attorneys, for Vornado Forest Plaza, LLC, owner; Jack Lalanne Fitness Centers, Inc., lessee.

SUBJECT – Application March 8, 2005 – Extension of Term of a Special Permit-Physical Culture Establishment which is not permitted as of right. The premises is located in a C8-1 zoning district.

PREMISES AFFECTED – 2040 Forest Avenue, south side 100’ west of Van Name Avenue, Block 1696, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Barbara Hair.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to October 25, 2005, at 10 A.M., for decision, hearing closed.

126-93-BZ

APPLICANT – Vassalotti Associates Architects, LLP, for Salvatore Purna, owner.

SUBJECT – Application August 23, 2005 – Reopening for an Extension of Term for ten years for a variance of a gasoline service station, located in an R4 zoning district.

PREMISES AFFECTED – 1225 East 233rd Street, north corner lot of East 233rd Street, between Baychester Avenue and Reimer Avenue, Block 4955, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES –

For Applicant: Hiram A. Rothkrug.

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

235-04-A

APPLICANT – Rothkrug, Rothkrug, Weinberg & Spector, LLP for Thomas & Susan Acquafredda, owner.

SUBJECT – Application filed on June 22, 2005 – proposed construction a two story dwelling in the bed of a privately-owned, final mapped street, is contrary to Article 3, Section 35 of the General City Law. Premises is located in R3-1 zoning district.

PREMISES AFFECTED – 3096 Dare Place, north side of Casler Place, 199.6’ east of Pennyfield Avenue, Block 5529, Lot 488, Borough of The Bronx.

COMMUNITY BOARD #10BX

APPEARANCES –

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Bronx Borough Commissioner, dated June 14, 2004, and revised on September 21, 2005 acting on Department of Buildings NB Application Nos. 200852041 and 200852032, reads:

“The Proposed NB construction is located within the bed of a mapped street contrary of section 35 of the General City Law. Therefore, approval from the Board of Standards is required.”; and

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WHEREAS, a public hearing was held on this application on September 13, 2005 after due notice by publication in the *City Record*, and then to closure and decision on September 27, 2005; and

WHEREAS, by letter dated August 4, 2005, the Fire Department states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated June 6, 2005, the Department of Transportation states it has reviewed the above project and indicates that Dare Place is currently within the area covered by Capital Project HWX421AW, for reconstruction of the Pennyfield Avenue Area; this is set for fiscal year 2008 and DOT has suggested that any proposed building fronting on Dare Place should not be located beyond the Right of Way line of Dare Place; and

WHEREAS, by letter dated July 18, 2005, the applicant has stated that there is no proposed construction within the Dare Place Right of Way and that it will consent to a condition in the Board resolution restricting such construction; and

WHEREAS, by letter dated May 11, 2005, the Department of Environmental Protection 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 Bronx Borough Commissioner, dated June 14, 2004 and revised on September 21, 2005, acting on Department of Buildings N.B. Application Nos. 200852041 and 200852032, are 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 September 12, 2005"-(1) one 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 there shall be no construction of any type within the Dare Place Right of Way shown on the BSA-approved site plan;

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

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, September 27, 2005.

236-04-A

APPLICANT – Rothkrug, Rothkrug, Wenig & Spector, LLP for Thomas & Susan Acquafredda, owner.

SUBJECT – Application filed on June 22, 2005 – proposed construction a two story dwelling in the bed of a privately-owned, final mapped street, is contrary to Article 3, Section 35 of the General City Law. Premises is located in R3-1 zoning district.

PREMISES AFFECTED – 3094 Dare Place, north side of Casler Place, 192.48' east of Pennyfield Avenue, Block 5529, Lot 487, Borough of The Bronx.

COMMUNITY BOARD #10BX

APPEARANCES –

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Bronx Borough Commissioner, dated June 14, 2004, and revised on September 21, 2005 acting on Department of Buildings NB Application Nos. 200852041 and 200852032, reads:

“The Proposed NB construction is located within the bed of a mapped street contrary of section 35 of the General City Law. Therefore, approval from the Board of Standards is required.”; and

WHEREAS, a public hearing was held on this application on September 13, 2005 after due notice by publication in the *City Record*, and then to closure and decision on September 27, 2005; and

WHEREAS, by letter dated August 4, 2005, the Fire Department states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated June 6, 2005, the Department of Transportation states it has reviewed the above project and indicates that Dare Place is currently within the area covered by Capital Project HWX421AW, for reconstruction of the Pennyfield Avenue Area; this is set for fiscal year 2008 and DOT has suggested that any proposed building fronting on Dare Place should not be located beyond the Right of Way line of Dare Place; and

WHEREAS, by letter dated July 18, 2005, the applicant has stated that there is no proposed construction within the Dare Place Right of Way and that it will consent to a condition in the Board resolution restricting such construction; and

WHEREAS, by letter dated May 11, 2005, the Department of Environmental Protection 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 Bronx Borough Commissioner, dated June 14, 2004 and revised on September 21, 2005, acting on Department of Buildings N.B.

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Application Nos. 200852041 and 200852032, are 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 September 12, 2005"-(1) one 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 there shall be no construction of any type within the Dare Place Right of Way shown on the BSA-approved site plan;

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

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, September 27, 2005.

291-04-A

APPLICANT – Eric Palatnik, P.C., acting of Counsel to Charles Foy, Esq., for H & L Miller, A New York Partnership, owner.

SUBJECT – Application December 21, 2004 – proposed enlargement of an existing eating and drinking establishment, located within the bed of a mapped street, is contrary of Section 35, Article 3 of the General City Law. The premise is located in a C2-2 zoning district.

PREMISES AFFECTED – 90-19 Metropolitan Avenue, northwest corner of Trotting Course Lane, Block 3177, Lot 34, Borough of Queens.

APPEARANCES –

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated August 12, 2004, acting on Department of Buildings Application No. 401969483, reads:

“Comply with General City Law #35 Proposed enlargement of existing structure into bed of mapped street”; and

WHEREAS, a public hearing was held on this application on July 19, 2005 after due notice by publication in the *City Record*, and then closure and decision on September 27, 2005; and

WHEREAS, this application involves a lot (Lot No. 29) that is subject to a previous GCL § 35 waiver, which is proposed to be combined with other lots (Lots No. 32 and 33) in order to accommodate the as-of-right enlargement of a fast-food restaurant’s accessory parking area and drive-through on an additional lot (Lot No. 34); some of this expanded area will be within the bed of a mapped street (Trotting Course Lane, but not Metropolitan Avenue); and

WHEREAS, the proposed combined lot is within a C2-4 zoning district; and

WHEREAS, certain members of the community appeared in opposition to this project, citing concerns about the ongoing problem related to the restaurant use, particularly, traffic, noise, deliveries and hours of operation; and

WHEREAS, however, the restaurant and its accessory parking and drive-through are as-of-right in the subject zoning district; and

WHEREAS, thus, while cognizant of the community members’ concerns, the Board observes that they are not germane to the Board’s action herein, which is premised on compliance with the underlying zoning; and

WHEREAS, of its own volition, the applicant has submitted into the record a statement indicating that it will install 10 ft. cedar fencing and plant landscaping on the site in order to minimize the impact of the restaurant use thereupon; the applicant will also use sound reducing technology in the drive-through order board, and direct any lighting on the site away from adjacent lots; and

WHEREAS, by letter dated May 3, 2005, the Fire Department states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated February 28, 2005, the Department of Transportation states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated May 23, 2005, the Department of Environmental Protection states that it has reviewed the above project and has determined that there is enough space between the proposed development and the existing City sewers and water mains that construction will not interfere with these structures; thus, DEP has no objections to this project; and

WHEREAS, accordingly, 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, August 12, 2004, acting on Department of Buildings Application No. 401969483, 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 September 19, 2005” - (1) sheet; that the proposal

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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 parking layout and circulation shall be as reviewed and approved by DOB;

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

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

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

Adopted by the Board of Standards and Appeals, September 27, 2005.

91-05-A

APPLICANT – The Agusta Group, for Colin Shaughnessy, owner.

SUBJECT – Application filed on April 14, 2005 – proposed construction of a two family dwelling, which lies partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law. Premises is located within a R3-2 zoning district.

PREMISES AFFECTED – 60-04 172nd Street, west side, 105.5' from Horace Harding Expressway, Block 6880, Lot 23, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Sol Korman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated March 15, 2005, acting on Department of Buildings Application No. 402088129, reads:

“Proposed building located partially within the mapped but unimproved portion of 60th Avenue is contrary to General City Law Section 35 and requires approval at the NYC Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on September 13, 2005 after due notice by publication in the *City Record*, and then to closure and decision on September 20, 2005; and

WHEREAS, by letter dated August 4, 2005, the Fire Department states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated July 27, 2005, the Department of Transportation states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated May 20, 2005, the Department of Environmental Protection has reviewed the above project and states that it 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 March 15, 2005, acting on Department of Buildings Application No. 402088129, 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 September 19, 2005” - (1) one 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, September 27, 2005.

176-05-A

APPLICANT – Joseph Sherry, P.E., for The Breezy Point Cooperative, Inc., owner; George Scanlon, lessee.

SUBJECT – Application file on August 2, 2005 – appeal to Department of Buildings to reconstruct and enlarge an existing single family frame dwelling not fronting on a mapped street contrary to General City Law Article 3, Section 36 and upgrading an existing private disposal system located in the bed of the service road which is contrary to Department of Buildings policy.

PREMISES AFFECTED – 27 Fulton Walk, s/s 35.32 N.O. Breezy Point Boulevard. Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Loretta Papa.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

MINUTES

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated July 25, 2005, acting on Department of Buildings Application No. 402103781, reads:

- “A-1 The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law; also no permit can be issued sine proposed construction does not have at least 8 % of total perimeter of the Building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York
- A-2 The private disposal system is in the bed of a service road which serves as a street which is contrary to Department of Buildings Policy.”; and

WHEREAS, a public hearing was held on this application on September 27, 2005 after due notice by publication in the *City Record*, on which date the matter was closed and granted; and

WHEREAS, by letter dated August 22, 2005, 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 July 25, 2005, acting on Department of Buildings Application No. 402103781, 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 September 27, 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, September 27, 2005.

178-05-A

APPLICANT – Joseph Sherry, P.E., for The Breezy Point Cooperative, Inc., owner; Frank Kelly, lessee.

SUBJECT – Application filed on August 2, 2005 – Appeal to Department of Buildings to reconstruct and enlarge an existing single family frame dwelling not fronting on a mapped street contrary to General City Law Article 3, Section 36.

PREMISES AFFECTED – 952 Bayside Walk, W/S 196.33 N.O. Beach 209th Street. Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Loretta Papa.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT–

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated July 25, 2005, acting on Department of Buildings Application No. 402103772, reads:

- “A-1 The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law; also no permit can be issued sine proposed construction does not have at least 8 % of total perimeter of the Building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York”;

WHEREAS, a public hearing was held on this application on September 27, 2005 after due notice by publication in the *City Record*, and then to closure and decision on this same date, and

WHEREAS, by letter dated August 22, 2005, 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 July 25, 2005, acting on Department of Buildings Application No. 402103772, 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 August 2, 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

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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, September 27, 2005.

25-04-A

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

SUBJECT – Application February 11, 2004 – Proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED – 506 Bradford Avenue, south side, 148' south of Drumgoole Road, Block 6946, Lot 36, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD – Laid over to December 6, 2005, at 10 A.M., for continued hearing.

26-04-A

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

SUBJECT – Application February 11, 2004 – Proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED – 510 Bradford Avenue, south side, 108' south of Drumgoole Road, Block 6946, Lot 38, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD – Laid over to December 6, 2005, at 10 A.M., for continued hearing.

231-04-A

APPLICANT – Joseph P. Morsellino, Esq., for Chri Babatsikos and Andrew Babatsikos, owners.

SUBJECT – Application June 17, 2004 – Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 240-79 Depew Avenue, corner of 243rd Street, Block 8103, Lot 5, Borough of Queens.

COMMUNITY BOARD#11Q

APPEARANCES –

For Applicant: Joseph Morsellino.

ACTION OF THE BOARD – Laid over to October 25, 2005, at 10 A.M., for adjourned hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 10:27 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, SEPTEMBER 27, 2005
1:30 P.M.**

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

ZONING CALENDAR

60-05-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for Aslan Azrak, owner.

SUBJECT – Application March 10, 2005 – under Z.R. §73-622 Special Permit – the enlargement of a semi detached single family home. The proposed enlargement to vary ZR sections 23-141(b) for FAR, open space and lot coverage, 23-47 for less than the required rear yard. The premise is located in an R4 zoning district.

PREMISES AFFECTED – 1024 Lancaster Avenue, Lancaster Avenue between East 12th Street and Coney Island Avenue, Block 7394, Lot 50, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Lyra J. Altman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated February 9, 2005, acting on Department of Buildings Application No. 301898098, reads:

“Proposed FAR residential is contrary to ZR 23-141b.

Proposed open space ratio is contrary to ZR 23-141b.

Proposed lot coverage is contrary to ZR 23-141b.

Proposed rear yard is contrary to ZR 23-47.”; and

WHEREAS, a public hearing was held on this application on September 13, 2005 after due notice by publication in *The City Record*, and then to decision on

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September 27, 2005; and

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

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, this is an application under Z.R. §§ 73-622 and 73-03, to permit, in an R4 zoning district, the proposed enlargement of an existing single-family dwelling, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, and rear yard, contrary to Z.R. §§ 23-141(b) and 23-47; and

WHEREAS, the subject lot is located on Lancaster Avenue between East 12th Street and Coney Island Avenue; and

WHEREAS, the existing dwelling on the lot is currently attached to the dwelling on the adjacent lot; and

WHEREAS, the subject lot has a total lot area of 4,315 sq. ft.; and

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

WHEREAS, the applicant seeks an increase in the floor area from 1,069.6 sq. ft. (0.24 Floor Area Ratio or "FAR") to 5,758.88 sq. ft. (1.3 FAR); the maximum floor area permitted is 3,323.6 sq. ft. (0.75 FAR); and

WHEREAS, the proposed enlargement will increase the lot coverage from 16.01% to 52.92%; the maximum lot coverage permitted is 45%; and

WHEREAS, the proposed enlargement will decrease the open space ratio from 83.99% to 47.08%; the minimum required open space ratio is 55%; and

WHEREAS, the proposed enlargement will reduce the rear yard from 46'-10 3/4" to 20'-0"; the minimum rear yard required is 30'-0"; and

WHEREAS, the enlargement of the building into the rear yard is not located within 20'-0" of the rear lot line; and

WHEREAS, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§ 73-622 and 73-03, to permit, in an R4 zoning district, the proposed enlargement of an existing single-family dwelling,

which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, and rear yard, contrary to Z.R. §§ 23-141(b) and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received August 29, 2005"-(10) sheets; and *on further condition*:

THAT there shall be no habitable room in the cellar;

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

THAT the total FAR on the premises, including the attic, shall not exceed 1.3;

THAT the total attic floor area shall not exceed 1192.91 sq. ft., as confirmed by the Department of Buildings;

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

THAT there shall be no demolition of that part of the existing structure and foundation designated to remain, as illustrated on BSA-approved Plan Sheet A1.1;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objections(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 the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 27, 2005.

156-03-BZ

APPLICANT – Law Offices of Howard Goldman, PLLC, for RKO Plaza LLC & Farrington Street Developers, LLC, owner.

SUBJECT – Application May 20, 2003 – under Z.R. §72-21 – Proposed construction of a eighteen story mixed use building, Use Groups 2, 4 and 6, containing retail, community facility, 200 dwelling units and 200 parking spaces, located in an R6 within a C2-2 overlay zoning district, is contrary to Z.R. §§35-00 and 36-00.

PREMISES AFFECTED – 135-35 Northern Boulevard, northside of Main Street, Block 4958, Lots 48 and 38, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Borough President Helen Marshell, Council Member John Liu, Sandra Vrg; Assembly Member J. Meng's Office, Chames Apeliam – Community Board #7Q, Howard Goldman, Jack Freeman, Jay Valgora and Scott Milsom.

ACTION OF THE BOARD – Laid over to November 2, 2005, at 10 P.M., for special hearing.

MINUTES

175-04-BZ thru 177-04-BZ

APPLICANT – Joseph P. Morsellino, for 130th Street LLC, owner.

SUBJECT – Application April 29, 2004- under Z.R. §72-21- Proposed erection and maintenance of a two family dwelling, Use Group 2, which does not comply with the zoning requirements for floor area, floor area ratio, lot coverage, open space, perimeter wall height and rear yard, is contrary to Z.R. §23-141, §23-631 and §23-47.

PREMISES AFFECTED –

7-05 130th Street, east side, Block 3982, Lot 70, Borough of Queens.

7-09 130th Street, east side, Block 3982, Lot 67, Borough of Queens.

7-13 130th Street, east side, Block 3982, Lot 65, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

234-04-BZ

APPLICANT – Sheldon Lobel, P.C., for Zunick Realty Corp., owner.

SUBJECT – Application June 18, 2004 - under Z.R. §72-21 to permit in a M1-1 and M1-2 district, approval sought to legalize residential occupancy of 73 dwelling units in a four-story and basement industrial building, which was constructed in 1931. The legal use is listed artist loft space for the 73 units. There are proposed 18 parking spaces on the open portion of the lot, which consists of 25,620 SF in its entirety. The use is contrary to district use regulations.

PREMISES AFFECTED – 255 McKibbin Street, between Bushwich Avenue and White Street, Block 3082, Lot 65, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Richard Lobel.

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

245-04-BZ

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

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

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

COMMUNITY BOARD #3BK

APPEARANCES –

For Applicant: Mitchell Ross.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

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

289-04-BZ

APPLICANT – Sheldon Lobel, P.C., for Judo Associates, Inc., lessee.

SUBJECT – Application August 18, 2004 – under Z.R. §72-21 – to permit the proposed construction of a seven story mixed-use building, to contain commercial use on the ground floor, and residential use above, located within an M1-5B zoning district, which does permit residential use, is contrary to Z.R. §42-00 and §42-14.

PREMISES AFFECTED – 341 Canal Street, southeast corner of Greene Street, Block 229, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Richard Lobel.

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

344-04-BZ

APPLICANT – Alfonso Duarte, for NWRE 202 Corp., owner.

SUBJECT – Application October 20, 2004 – under Z.R. §72-21 – proposed use of an open lot for the sale of new and used automobiles, located in a C2-2 within an R3-2 zoning district, is contrary to Z.R. §32-25.

PREMISES AFFECTED – 202-01 Northern Boulevard, northeast corner of 202nd Street, Block 6263, Lot 29, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Alfonso Duarte.

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

355-04-BZ

MINUTES

APPLICANT – Slater & Beckerman, LLP, for Trustees under Irr.Trust, Stanley Gurewitsch, owner.

SUBJECT – Application November 10, 2004 and amended on July 26, 2005 to be a bulk variance – under Z.R.§72-21 to permit the proposed residential conversion of a portion of an existing three-story manufacturing building, and the construction of a four story residential enlargement atop said building, located in an M1-2(R6) zoning district within the special mixed-use MX-8 district, is contrary to Z.R. §§23-633, 23-942 and 123-64.

PREMISES AFFECTED – 302/10 North Seventh Street, aka 289 North Sixth Street, bounded on the southwest side, by north sixth street, southeast side by Meeker Avenue and northeast side by North Seventh Street, Block 2331, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Carole Slater, Robert Pauls, Adam Kushner.

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

375-04-BZ

APPLICANT – Greenberg Traurig LLP, for Designs by FMC, owner.

SUBJECT – Application November 29, 2004 – under Z.R. §72-21 – to permit the proposed expansion of an existing jewelry manufacturer and wholesaler establishment, located in an M1-1 zoning district, which does not comply with zoning requirements for floor area ratio, rear yard, street wall height and adequate parking, is contrary to Z.R. §43-12, §43-302, §43-43 and §44-21.

PREMISES AFFECTED – 1527, 1529 and 1533 60th Street, north side, between 15th and 16th Avenues, Block 5509, Lots 64, 65 and 68, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Jay Segal.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

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

395-04-BZ

APPLICANT – Moshe M. Friedman, P.E., for Congregation Imrei Yehudah, owner.

SUBJECT – Application May 24, 2005 – under Z.R. §72-21 – to permit the proposed synagogue and rectory, Use Group 4, located in an R4 zoning district, which does not comply with the zoning requirements for front wall, sky exposure, side and front yards, also parking, is contrary to Z.R. §24-521; §24-35(a), §24-34 and §25-31.

PREMISES AFFECTED – 1232 54th Street, southwest side, 242’6” southeast of the intersection formed by 54th Street and 12th Avenue, Block 5676, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Moshe Friedman and Joseph Lauto.

THE VOTE TO REOPEN HEARING -

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

Negative:.....0

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

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

83-05-BZ

APPLICANT – Bryan Cave, LLP, for LuRose Realty Corp., owner.

SUBJECT – Application April 6, 2005 – under Z.R. §72-21 to allow construction of a 92-bed, Use Group 3 residential health care facility in an R6 district; contrary to Z.R. §24-11, §24-382, and §24-522.

PREMISES AFFECTED – 214-218 West Houston Street and 50-56 Downing Street, Block 528, Lot 12, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: State Senator Thomas Duane, Judith Gallent, Arthur Webb, Dan Zito, George Janes, Ann Santagata, Liz Green James Rosenthal and Marianne Mataric.

For Opposition: Deborah Zarsky, Melissa Baldock.

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

98-05-BZ

APPLICANT – Friedman & Gotbaum, LLP, for dac bon, LLC, contract vendee.

SUBJECT – Zoning Variance application filed on April 22, 2005 – under Z.R. §72-21 to construct a 12-story residential building with ground floor retail in an M1-5B district, contrary to Z.R. §42-00 and §42-14(D)(2)(b) and Z.R. 43-43.

PREMISES AFFECTED – 46-48 Bond Street, premises located on the north side of Bond Street between Lafayette Street and The Bowery, Block 530, Lot 44 and 32, Borough of Manhattan.

COMMUNITY BOARD #2M

MINUTES

APPEARANCES –

For Applicant: Carlo Gardenalla, Anthony Lauto, Joseph Lauto, Shelly Friedman, Marvin Meltzer, Deborah Berke, Donald Cappoccia, Ellen Stewart and Jordi Arrent.

For Opposition: Zella Janes and Nanci Mullec.

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

104-05-BZ

APPLICANT – Augusta & Ross for Park Avenue Health Club, lessee. Chocolate Factory LLC, owner.

SUBJECT – Application May 6, 2005 – under Z.R. §73-36 – approval sought for a proposed physical cultural establishment located on a portion of the first floor of a mixed-use building. The PCE use will contain 9,700 square feet. The site is located in a M1-2 Zoning District.

PREMISES AFFECTED – 255-275 Park Avenue, northerly side of Park Avenue between Waverly and Washington Avenue, Block 1874, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES –

For Applicant: Mitchell Ross.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to October 25, 2005, at 1:30 P.M., for decision, hearing closed.

118-05-BZ

APPLICANT – Sheldon Lobel, P.C., for Ezra and Alice Tawil, owners.

SUBJECT – Application May 16, 2005 - under Z.R. §73-622 Special Permit – the enlargement of a single family residence to vary Z.R. sections §23-141 (open space and floor area), §23-46 (side yard) and §23-47 (rear yard). The premises is located in an R-5 (OP) zoning district.

PREMISES AFFECTED – 2072 Ocean Parkway, west side of Ocean Parkway between Avenue T and Avenue U, Block 7108, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

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

123-05-BZ

APPLICANT – Bryan Cave, LLP, for Long Island University, owner.

SUBJECT – Application May 20, 2005 – under Z.R. §73-641 (Integration of new buildings or enlargements with existing

buildings) to facilitate the construction of a tennis bubble and open colonnaded parapet on the roof of a proposed 5-story athletic corner center located within an R6 district.

PREMISES AFFECTED – 161 Ashland Place, east side of Ashland Place, 199’ to the north of DeKalb Avenue, Block 2087, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES –

For Applicant: Margery Perlmutter.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to October 25, 2005, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 5:45 P.M.

MINUTES

**SPECIAL HEARING
WEDNESDAY MORNING, SEPTEMBER 28, 2005
10:00 A.M.**

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

2, 2005, at 10 A.M., for continued special hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 1:30 P.M.

38-05-BZ

APPLICANT – Eric Palatnik, P.C., for John Genovese,
contract vendee.

SUBJECT – Application April 8, 2005 – under Z.R. §72-21
to reduce the number of required accessory parking spaces
pursuant to Z.R. §36-21 (38 required, 26 proposed) and to
eliminate the required loading berth pursuant to Z.R. §36-62
for a new Use Group 6 drug store (Walgreen's) located
within an R4/C1-2 district.

PREMISES AFFECTED – 80-01 Eliot Avenue, bound by
80th Street, Eliot Avenue, Caldwell Avenue and 81st Street,
Block 2921, Lot 40, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES –

For Applicant: Eric Palatnik, Hiram Rothkrug, Robert Pauls
and John Genovese.

For Opposition: Manny Caruana, Walter Sanchez, Edward
Kampermann, Bob Holden, Narty Milne and Michael
Summa.

ACTION OF THE BOARD – Laid over November 15,
2005, at 1:30 P.M., for continued hearing.

48-05-BZ

APPLICANT – Wachtel & Macyr, LLP for Bethune West
Associates, LLC, contract vendee.

SUBJECT – Application March 2, 2005 - under Z.R. §72-21
to construct a 16- and 3-story mixed use development with 60
accessory parking spaces in an M1-5 district, contrary to Z.R.
§42-00 and Z.R. §13-12.

PREMISES AFFECTED – 469 West Street, bounded by
Bethune Street and West 12th Street, Block 640, Lot 1,
Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Jesse Masyr, Jerry Johnson, Jack Freeman and
Charles

For Opposition: Chip Thompson, Michelle Herman, I
Gothaum, Arturo Garcia-Costas, Kate Seely Kirk Jonathan
Prosnit, Gregory Brender, Doris Diether, Valerie Ghent,
Matthew Russas, Melissa Baldock, Mary O'Connor, Carol
Feinman, Albert Bonnett, Jesse Msnab, Jonathan Krik,
George Cominszie, John Dowling, Mae Gamble, Robert
Ludwig, Alexander Kapler, Madeline Lee Gilford, Michael
Clancy, Rosanne Kaplan, Anthony Sorce, Rudy Ludwig,
Suzen, Valerie Gent, Michelle Herman, Matthew Russis,
Melisa Bodirk, Jack Dowling and others.

ACTION OF THE BOARD – Laid over to November