
BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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

Volume 90, No. 44

November 3, 2005

DIRECTORY

MEENAKSHI SRINIVASAN, *Chair*

SATISH BABBAR, *Vice-Chair*

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	731
CALENDAR of December 6, 2005	
Morning	732-733
Afternoon	734

CONTENTS

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

Morning Calendar735

Affecting Calendar Numbers:

822-87-BZ	375 South End Avenue, Manhattan
212-92-BZ	871 East 175 th Street, Bronx
37-93-BZ	2040 Forest Avenue, Staten Island
126-93-BZ	1225 East 233 rd Street, Bronx
1058-46-BZ	254-07 74 th Avenue, Queens
929-47-BZ	255-09 and 260-66 73 rd Avenue, Queens
185-48-BZ	255-17 73 rd Avenue, 254-07 74 th Avenue, 254-18, 254-25, 255-14 and 260-28 75 th Avenue and 260-46, 264-27 and 264-52 Langston Avenue, Queens
16-49-BZ	260-43 and 261-15 Langston Avenue, Queens
109-93-BZ	189-11 Northern Boulevard, Queens
110-05-BZY	56-31 Bell Boulevard, Queens
120-05-A	104-41 103 rd Street, Queens
231-04-A	240-79 Depew Avenue, Queens
143-05-A	47-05 Bell Boulevard, Queens
149-05-A	32-29 211 th Street, Queens

Afternoon Calendar 741

Affecting Calendar Numbers:

18-05-BZ	87-25 Clover Place, Queens
79-05-BZ	101/21 Central Park North, Manhattan
104-05-BZ	255-275 Park Avenue, Brooklyn
123-05-BZ	161 Ashland Place, Brooklyn
202-04-BZ	100 Jewel Street, Brooklyn
357-04-BZ	707 Cross Bay Boulevard, Queens
358-04-BZ	728 Cross Bay Boulevard, Queens
27-05-BZ	91-11 Roosevelt Avenue, Queens
70-05-BZ	2905 Avenue M, Brooklyn
77-05-BZ	132 West 26 th Street, Manhattan
102-05-BZ	259 Vermont Street, a/k/a 438 Glenmore Avenue, Brooklyn
180-05-BZ	1511 Third Avenue, a/k/a 201 East 85 th Street, Manhattan

DOCKETS

New Case Filed Up to October 25, 2005

310-05-A B. Q 165-18/28 Hillside Avenue,
Northeast corner Hillside Avenue and Merrick Boulevard,
Block 9816, Lot 41, Borough of Queens, Application #
402082376. The Board of Standards and Appeals previously
granted this application under Calendar # 232-52-A for the
proposed change in use from dwelling to Funeral Parlor for
a term which was granted periodically until it expired
January 6, 1978.

311-05-BZ B. Q 165-18/28 Hillside Avenue,
Northeast corner Hillside Avenue and Merrick Boulevard,
Block 9816, Lot 41, Borough of Queens, Application #
402082376. To legalize a portion of the 2nd floor for use in
connection with the existing funeral parlor.

COMMUNITY BOARD #12Q

312-05-BZ B. Q 82-24 Northern Boulevard,
located on the southern side of Northern Boulevard in
between 82nd and 83rd Streets, Block 1430, Lot 6, Borough
of Queens, Application # 401583087. To legalize the use of
a Physical Culture Establishment which is not permitted “as
of right” and is not permitted by obtaining a special permit
in a C1-2 district.

COMMUNITY BOARD #7Q

313-05-BZ B. M 26 East 2nd Street,
North side of East 2nd Street between 2nd Avenue and
Bowery, Block 458, Lot 36, Borough of Manhattan,
Application # 102185993. This application is filed pursuant
to §72-21 of the ZR, as amended for a variance to permit the
enlargement of a residential building in a C6-1/R7-2 zone
which proposes a rear yard less than the minimum as per
§23-47.

COMMUNITY BOARD #3M

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

DECEMBER 6, 2005, 10:00 A.M.

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

SPECIAL ORDER CALENDAR

364-36-BZ, Vol. II

APPLICANT – Joseph P. Morsellino, for Dominick Tricarico & Est. of P. Tricarico, owner.
SUBJECT – July 13, 2005 - Extension of Term/Waiver of a Variance which expired on February 11, 2005 for an additional 15 year term of an automotive service station. The premise is located in a C1-4 & R6B zoning district.
PREMISES AFFECTED – 31-70 31st Street, 31st Street and Broadway, Block 589, Lot 67, Borough of Queens.
COMMUNITY BOARD #1Q

871-46-BZ

APPLICANT – Joseph P. Morsellino, Esq, for Boulevard Leasing, LLC, owner.
SUBJECT - Application September 9, 2005 - Extension of Time/Waiver to obtain a Certificate of Occupancy which expired December 11, 2002. The premise is located in a C4-2 zoning district.
PREMISES AFFECTED – 97-45 Queens Boulevard, northwest corner of 64th Road, Block 2091, Lot 1, Borough of Queens.
COMMUNITY BOARD #6Q

7-51-BZ

APPLICANT – Eric Palatnik, P.C., for 6717 4th Avenue, LLC, owner.
SUBJECT – Application December 29, 2004 -Extension of Term/Waiver permitting in a business use district, Use Group 6, using more than the permitted area and to permit the parking of patron's motor vehicles in a residence use portion of the lot. The subject premises is located in an R-6/R7-1(C1-3) zoning districts.
PREMISES AFFECTED – 6717/35 Fourth Avenue, northeast corner of Senator Street, Block 5851, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #8BK

643-60-BZ

APPLICANT – Kenneth H. Koons, for Poplar Street Parking, Inc., owner.

SUBJECT – Application May 24, 2005 – Extension of Term of a variance for an existing public parking lot. The premise is located in an R4 zoning district.

PREMISES AFFECTED – 2443 Poplar Street, aka 2443-49 Poplar Street, north side of Poplar Street, 165' west of Paulding Avenue, The Bronx.

COMMUNITY BOARD #11BX

384-74-BZ

APPLICANT – Sheldon Lobel, P.C., for R. M. Property Management, Inc., owner.

SUBJECT – Application May 18, 2005 - Extension of Term of a public parking lot and an Amendment of a Variance ZR72-21to increase the number of parking spaces and to change the parking layout on site. The premise is located in an R4A zoning district.

PREMISES AFFECTED –3120 Heath Avenue, southwest corner of Shrady Place, Block 3257, Lot 39, Borough of The Bronx.

COMMUNITY BOARD #8BX

386-74-BZ

APPLICANT – Stadtmauer Bailkin/Steve Sinacori, for Riverside Radio Dispatcher, Inc., owner.

SUBJECT - Application October 19, 2005 - Reopening for an amendment to ZR 72-21 a Variance application to permit the erection of a one story building for use as an automobile repair shop which is not a permitted use. The proposed amendment pursuant to ZR 52-35 for the change of use from one non-conforming use (Automotive Repair Shop UG16) to another non-conforming use (Auto Laundry UG16) is contrary to the previously approved plans. The premise is located in C4-4 zoning district.

PREMISES AFFECTED – 4184/4186 Park Avenue, east side of Park Avenue, between East Tremont Avenue and 176th Street, Block 2909, Lot 8, Borough of The Bronx.

COMMUNITY BOARD #6BX

122-93-BZ

APPLICANT – Adam Rothkrug, Esq., for Equinox Fitness Club, lessee; 895 Broadway LLC, owner.

SUBJECT - Application - March 31, 2005- Waiver of the rules, extension of term and amendment for a legalization of an enlargement to a physical cultural establishment that added 7, 605 square feet on the second floor and an addition of 743sq.ft on the first floor mezzanine.

PREMISES AFFECTED - 895/99 Broadway, W/S Broadway, 27'6" souht of corner of East 20th Street, Block 648, Lot 15, Borough of Manhattan.

COMMUNITY BOARD #5M

77-99-BZ

APPLICANT – The Agusta Group, for Turnpike Auto

CALENDAR

Laundry, Inc., owner.

SUBJECT - Application March 8, 2005 - Extension of Term of the Special Permit for the operation of an existing auto laundry which expired on February 8, 2005 and an extension of time to obtain a Certificate of Occupancy which expired on July 22, 2005. The premise is located in C8-1 & R-2 zoning district.

PREMISES AFFECTED - 255-39 Jamaica Avenue, aka Jericho Turnpike, north side of Jamaica Avenue, 80' west of 256th Street, Block 8830, Lot 52, Borough of Queens.

COMMUNITY BOARD #13Q

APPEALS CALENDAR

155-05-A

APPLICANT – Richard Kusack, neighbor; 81 East Third Street Realty, LLC., owner.

SUBJECT – Application filed on June 30, 2005 – for an appeal of the Department of Buildings decision dated May 27, 2005 rescinding its Notice of Intent to revoke the approvals and permit for Application No. 102579354 for a community facility (New York Law School) in that it allows violations of the Zoning Resolution and Building Code regarding bulk, light, air, and unpermitted obstructions in rear yards.

PREMISES AFFECTED – 81 East 3rd Street, Manhattan, Block 445, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #8M

162-05-A

APPLICANT – Jay Segal, Esq., Greenberg & Traurig, LLP, for William R. Rupp, owner.

SUBJECT - Application filed July 15, 2005 - to appeal a final determination from the Department of Buildings dated June 15, 2005 in which they contend that the a privacy wall must be demolished because it exceeds the height limitation set by the Building Code and that the project engineer has failed to show that the Wall has been engineered and built according to code.

PREMISES AFFECTED - 19-21 Beekman Place, a/k/a 461 East 50th Street, located at east side of Beekman Place between East 50th Street and East 51st Street, Block 1361, Lot 117, Borough of Manhattan.

COMMUNITY BOARD #6BK

191-05-A/192-05-A

APPLICANT – Eric Palatnik, P.C., for Juliana Forbes, owner.

SUBJECT - Application filed on August 15, 2005 - Proposed construction of a two - two story , two family dwellings, which lies partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General

City Law.

PREMISES AFFECTED - 12-09 116th Street, and 12-11 116th Street, at the intersection of 116th Street and 12th Avenue, Block 4023, Lots 44 & 45, Borough of Queens.

COMMUNITY BOARD #7Q

200-05-A & 201-05-A

APPLICANT – Joseph P. Morsellino, for Randolph Mastronardi, et al, owners.

SUBJECT – Application August 23, 2005 – to permit the building of two conforming dwellings in the bed of mapped 157th Street as per GCL Section 35.

PREMISES AFFECTED – 20-17 and 20-21 Clintonville Street, Clintonville Street between 20th Avenue and 20th Road, Block 4750, Lots 3 and Tent. 6. Borough of Queens.

COMMUNITY BOARD #8Q

203-05-A

APPLICANT – Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Donna Gallagher, lessee.

SUBJECT – Application August 26, 2005 – Appeal to Department of Buildings to enlarge an existing single family frame dwelling not fronting on a mapped street contrary to General City Law Article 3, Section 36. Premises is located within an R4 zoning district.

PREMISES AFFECTED – 39 Ocean Avenue, east/south 294.86 N/O Rockaway Point Boulevard, Block 16350, Part of Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

DECEMBER 6, 2005, 1:30 P.M.

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

ZONING CALENDAR

40-05-BZ

APPLICANT – Petraro & Jones for Rafael Sassouni, owner; Graceful Services, Inc., lessee.

SUBJECT - Application April 21, 2005 - under Z.R. §73-36 to permit a legalization of a physical cultural establishment to be located on the second floor of four story mixed use building. The PCE use will contain 285 square feet to be used in conjunction with an existing physical cultural establishment on the second floor (988 Square feet)located at 1097 Second Avenue, Manhattan.

PREMISES AFFECTED – 1095 Second Avenue, west side of Second Avenue , 60.5 feet south of intersection with East 58th Street, Block 1331, Lot 25, Borough of Manhattan.

CALENDAR

COMMUNITY BOARD #6M

94-05-BZ

APPLICANT – Eric Palatnik, P.C., for Abraham Bergman, owner.

SUBJECT – Application April 20, 2005 - under Special Permit ZR §73-622 to permit the enlargement of a single family residence to vary ZR sections 23-141 for the increase in floor area and open space, 23-461 for less than the required side yards and 23-47 for less than the required rear yard. The premise is located in an R-2 zoning district.

PREMISES AFFECTED – 1283 East 29th Street, East 29th Street, north of Avenue M, Block 7647, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #14BK

96-05-BZ

APPLICANT – Petraro & Jones for Graceful Spa, lessee, 205 LLC, owner.

SUBJECT - Application April 21, 2005 - under Z.R. §73-36 to permit a legalization of physical cultural establishment located on the second floor of a five story mixed-use building. The PCE use will contain 1,465 square feet . The site is located in a C6-3-A Zoning District.

PREMISES AFFECTED – 205 West 14th Street, north side of West 14th Street, 50’ west on intersection with 7th Avenue, Block 764, Lot 35, Borough of Manhattan.

COMMUNITY BOARD #4M

119-05-BZ

APPLICANT – Sheldon Lobel, P.C., for Sam Malamud, owner.

SUBJECT – Application May 16, 2005 - under Z.R. §72-21 to permit the proposed enlargement to an existing one and two story warehouse building, with an accessory office, Use Group 16, located in a C4-3 and R6 zoning district, which does not comply with the zoning requirements for floor area, floor area ratio, perimeter wall height, parking and loading berths, is contrary to Z.R. §52-41, §33-122, §33-432, §36-21 and §36-62.

PREMISES AFFECTED - 834 Sterling Place, south side, 80’ west of Nostrand Avenue, Block 1247, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #8BK

138-05-BZ

APPLICANT – Lewis Garfinkel, for Devorah Fuchs, owner.

SUBJECT – Application June 6, 2005 - under Z.R. § 73-22 to request a special permit to allow the enlargement of a single family residence which exceeds the allowable floor area and open space per ZR23-141(a), the side yard ZR23-461(a) and the rear yard ZR 23-47 is less than the minimum required of the Zoning Resolution. The premise is located in

an R-2 zoning district.

PREMISES AFFECTED – 1227 East 27th Street, east side of 27th Street, Block 7645, Lot 34, Borough of Brooklyn.

COMMUNITY BOARD #14BK

150-05-BZ

APPLICANT – Henry & Dooley Architects, P.C., for Doris Porter, owner; Cynthia Small, lessee.

SUBJECT – Application June 16, 2005 - under Z.R. §73-36 approval sought for a proposed physical cultural establishment located on the second and third floor in a mixed- use building. The PCE use will contain 2, 006 square feet. The site is located in a C2-3 /R-6 Zoning District.

PREMISES AFFECTED - 1426 Fulton Street, Between Kingston & Brooklyn Avenue, Block 1863, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #3BK

187-05-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Salvatore Porretta and Vincenza Porretto, owners.

SUBJECT – Application August 9, 2005 - under Z.R. §72-21 - Propose to build a two family dwelling that will comply with all zoning requirements with the exception of two non-complying side yards and undersized lot area due to a pre-existing condition.

PREMISES AFFECTED - 78-20 67th Road, Southerly side of 67th Road, 170’ easterly of 78th Street, Block 3777, Lot 17, Borough of Queens.

COMMUNITY BOARD #5Q

Pasquale Pacifico, Executive Director

MINUTES

REGULAR MEETING TUESDAY MORNING, OCTOBER 25, 2005 10:00 A.M.

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, August 9, 2005, were approved as printed in the Bulletin of August 18, 2005, Volume 90, Nos. 33 and 34.

SPECIAL ORDER CALENDAR

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.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan Vice-Chair Babbar and Commissioner Chin.....3

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a re-opening, an amendment, and an extension of the term of the special permit; 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 decision on October 25, 2005; and

WHEREAS, Community Board No. 1, Manhattan, recommends approval of this application with certain conditions as discussed further below; and

WHEREAS, this is an application filed pursuant to Z.R. § 73-11 to permit an extension of term of a special permit for a previously approved physical culture establishment (“PCE”), and an amendment to a condition of such permit related to access by non-resident members; and

WHEREAS, the premises is located at South End Avenue between Liberty and Albany Streets; and

WHEREAS, on October 11, 1988, the Board granted an application for a special permit pursuant to Z.R. § 73-36, under

BSA Calendar No. 822-87-BZ, to permit the use of the site as a PCE for a term of five years; and

WHEREAS, this special permit was extended for a term of five years on June 7, 1994; and

WHEREAS, on May 20, 1997, the Board amended the resolution to require that non-residents shall access the club from the new entrance adjacent to the pool and that the new management of the club shall issue security access cards to the new entrance patrons who are non-residents of Gateway Plaza Limited; and

WHEREAS, on January 12, 1999, under the subject calendar number, the Board reestablished the expired variance for a period of five years; and

WHEREAS, the most recent term expired on January 12, 2004; and

WHEREAS, the applicant now seeks an extension of the term of the special permit for a period of ten years; and

WHEREAS, in addition to the request for an extension of term, the applicant seeks to revise the condition regarding entry to the center by non-residents to state that “non-resident members shall enter the Center by way of the entrance courtyard, as shown on drawing R-2, using an intercom/buzzer system with remote camera control;” and

WHEREAS, the Board finds such request reasonable; and

WHEREAS, the Community Board requests that the applicant only be granted a three year term to ensure that the landlord make certain repairs to the PCE and resolve certain maintenance and cleanliness issues discussed at the Community Board meeting; and

WHEREAS, the applicant represents that the owner has several capital upgrade projects underway and/or planned for the PCE, including, among other things, upgrade of the air conditioner, replacement of the roof enclosure in the pool area, and sandblasting and resurfacing of the pool interior; the applicant represents that upgrade of the air conditioner is underway and the renovations to the pool are scheduled to take place in the spring of 2006; and

WHEREAS, the Board believes that a ten year extension is reasonable as the PCE is an independent, small health club that serves primarily as an amenity to residents of Gateway Plaza, and has few non-resident members; 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 October 11, 1988, as extended and last modified on January 12, 1999, so that as amended this portion of the resolution shall read: “to extend the term for ten years from October 11, 2003, to expire on October 11, 2013, and to modify the previous condition related to access by non-resident members as set forth below; *on condition* that all work/site conditions shall substantially conform to drawings as filed with this application, marked “Received August 19, 2005”- three (3) sheets; and *on further condition*:

THAT the term of this grant shall be for ten years, to

MINUTES

expire on October 11, 2013;

THAT non-resident members shall enter the PCE by way of the entrance courtyard, as shown on drawing R-2, using an intercom/buzzer system with remote camera control;

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. 101816420)

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

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.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan Vice-Chair Babbar and Commissioner Chin.....3

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 previously granted variance pursuant to Z.R. § 11-411; 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 decision on October 25, 2005; and

WHEREAS, Community Board No. 6, Bronx, recommends approval of this application with certain conditions as discussed further below; and

WHEREAS, the premises is located on East 175th Street east of Mohegan Street; and

WHEREAS, the site is located in an R7-1 zoning district, on a site previously before the Board; and

WHEREAS, on December 11, 1923, under Cal. No. 445-23-BZ, the Board granted an application to convert the basement of the premises from residence use to business use for a two-year term; and

WHEREAS, an application to renew such variance was denied on June 8, 1926; and

WHEREAS, on October 14, 1941, the Board granted an application to permit the continued occupancy of the basement of the premises as a tailor shop for a term of two years; and

WHEREAS, the term was subsequently extended through 1979, and the use was re-established under the subject calendar number on November 23, 1993; and

WHEREAS, the term of the variance expired on November 23, 2003; 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 November 23, 1993, so that as amended this portion of the resolution shall read: “to extend the term for ten years from November 23, 2003, to expire on November 23, 2013; *on condition* that all work/site conditions shall substantially conform to drawings as filed with this application, marked “Received October 11, 2005”- one (1) sheet; and *on further condition*:

THAT the term of this grant shall be for ten years, to expire on November 23, 2013;

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

THAT all interior partitions and exits shall be as approved by the Department of Buildings;

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. 200222730)

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

37-93-BZ

APPLICANT – Cozen O’Connor Attorneys, for Vornado

MINUTES

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.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan Vice-Chair Babbar and Commissioner Chin.....3

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for waiver of the Rules of Practice and Procedure, a re-opening and an extension of the term of the special permit; 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 27, 2005, and then to decision on October 25, 2005; and

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

WHEREAS, this is an application filed pursuant to Z.R. §73-11 to permit an extension of term of a special permit for a previously approved physical culture establishment; and

WHEREAS, the premises is located on the south side of Forest Avenue west of Van Name Avenue; and

WHEREAS, on November 9, 1993, the Board granted an application under BSA Calendar No. 37-93-BZ, to permit the use of the site as a physical culture establishment (UG 9) in a C8-1 zoning district, for a term of ten years; and

WHEREAS, the term of the special permit expired on November 9, 2003; and

WHEREAS, the instant application seeks to extend the term of the special permit for an additional ten years, and make certain modifications to the plans, including a change in signage from “Bally’s Jack Lalanne” to Bally’s Totally Fitness” and minor layout changes; 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 *reopens and amends* the resolution, adopted on November 9, 1993, so that as amended this portion of the resolution shall read: “to extend the term for ten years from November 9, 2003, to expire on November 9, 2013; on condition that all work/site conditions shall substantially conform to drawings as filed with this application, marked ‘Received October 11, 2005’-3 sheets; and *on further condition*:

THAT the term of this grant shall be for ten years, to

expire on November 9, 2013;

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. 500751876)

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

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 - Application granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan Vice-Chair Babbar and Commissioner Chin.....3

Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan Vice-Chair Babbar and Commissioner Chin.....3

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for a re-opening, an extension of time to obtain a certificate of occupancy, and an extension of the term of the variance pursuant to Z.R. § 11-411; 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 decision on October 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 12, Bronx, recommends approval of this application with certain conditions as discussed below; and

WHEREAS, on June 13, 1933, under BSA Calendar No.

MINUTES

67-33-BZ, the Board granted a variance application to permit a gasoline service station on the site; and

WHEREAS, at various times since 1933, the Board has reopened this matter to allow amendments and other extensions of term; and

WHEREAS, however, this grant subsequently expired; and

WHEREAS, on January 18, 1995, under the subject calendar number, the Board granted the re-establishment of this expired grant for a ten year term; and

WHEREAS, the term expired on January 18, 2005, along with the Certificate of Occupancy for the site; and

WHEREAS, the applicant now seeks a ten-year extension of term of the variance pursuant to Z.R. § 11-411, and an extension of time to obtain the Certificate of Occupancy; and

WHEREAS, in addition, the applicant represents that there have been certain changes to the layout of the site since the Board's last action, including removal of the pump island along the Baychester Avenue frontage, and the replacement of the long pump island with four gasoline dispensers with three short pump islands and one dispenser on each island; and

WHEREAS, the Community Board has requested that the applicant erect appropriate fencing along the eastern and northern property lines of the site to reduce noise impacts on adjacent residents and to erect appropriate signage as suggested by the 47th Precinct of the City of New York Police Department to reduce the congregation of youth at the site; and

WHEREAS, the applicant has agreed install a 5'-0" high chain link fence with 100% slats on the portion of the property adjacent to the three-story dwelling, and to install a 5'-0" high white fence on the retaining wall adjacent to the two-story brick dwelling; and

WHEREAS, the applicant represents that it has posted the requested signage; and

WHEREAS, the applicant initially requested two curb cuts on East 233rd Street instead of one, since this would eliminate some on-street parking spaces and increase visibility to and from the site; and

WHEREAS, the Board was not convinced by the applicant's explanation, and accordingly the applicant modified the proposal to one curb cut; and

WHEREAS, the Board has determined that the evidence in the record supports a grant of an extension of term with the conditions listed 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 January 18, 1995, so that as amended this portion of the resolution shall read: "to extend the term of the variance for 10 years from January 18, 2005 to January 18, 2015, and to permit an extension of the time to obtain a certificate of occupancy for an additional period of one year from the date of this resolution, to expire on October 25, 2006; *on condition* that all work shall substantially conform to drawings as filed with this application, marked 'October 18, 2005' – 2 sheets; *on further condition*:

THAT the term of this grant shall be for 10 years, to expire on January 18, 2005;

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

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

THAT the applicant shall install a 5'-0" high fence as indicated on the BSA-approved plans;

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

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

THAT a new certificate of occupancy be obtained within one year from the date of this grant;

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; 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. 200925552)

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

1058-46-BZ

APPLICANT – Petraro & Jones, LLP, for Glen Oaks Village Owners, Inc.

SUBJECT – Application May 9, 2005 – Amendment to construct a third floor to multiple existing two family dwellings which is contrary to the Z.R. §23-631 for minimum perimeter wall height and setback. The premises are located in an R3-2 zoning district.

PREMISES AFFECTED – 254-07 74th Avenue, Blocks 8401, 8490, 8492, Lots 2 and 96, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Patrick Jones, Tom Curro and Robert Friedrich.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and Commissioner Chin.....3

Negative:.....0

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

929-47-BZ

APPLICANT – Petraro & Jones, LLP, for Glen Oaks Village Owners, Inc.

SUBJECT – Application May 9, 2005 – Amendment to construct a third floor to multiple existing two family

MINUTES

dwellings which is contrary to Z.R. §23-631 for minimum perimeter wall height and setback. The premises are located in an R3-2 zoning district.

PREMISES AFFECTED – 255-09 and 260-66 73rd Avenue, Blocks 8441, 8446, 8515, 8517, Lots 1 and 2.

COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Patrick Jones, Tom Curro and Robert Friedrich.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and Commissioner Chin.....3

Negative:.....0

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

185-48-BZ

APPLICANT – Petraro & Jones, LLP, for Glen Oaks Village Owners, Inc.

SUBJECT – Application May 9, 2005 – Amendment to construct a third floor to multiple existing two family dwellings which is contrary to the Z.R. §23-631 for minimum perimeter wall height and setback. The premises are located in an R3-2 zoning district.

PREMISES AFFECTED – 255-17 73rd Avenue, 254-07 74th Avenue, 254-18, 254-25, 255-14 and 260-28 75th Avenue, and 260-46, 264-27 and 264-52 Langston Avenue, Blocks 8535, 8513, 8510, 8511, 8440, 8450, 8449, 8447, Lots 1, 20 and 31, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Patrick Jones, Tom Curro and Robert Friedrich.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and Commissioner Chin.....3

Negative:.....0

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

16-49-BZ

APPLICANT – Petraro & Jones, LLP, for Glen Oaks Village Owners, Inc.

SUBJECT – Application May 9, 2005 – Amendment to construct a third floor to multiple existing two family dwellings which is contrary to the Z.R. §23-631 for minimum perimeter wall height and setback. The premises are located in an R3-2 zoning district.

PREMISES AFFECTED – 260-43 and 261-15 Langston Avenue, Block 8448, 8443, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Patrick Jones, Tom Curro and Robert Friedrich.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and

Commissioner Chin.....3

Negative:.....0

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

109-93-BZ

APPLICANT – H. Irving Sigman, Barone Properties, Inc., owner.

SUBJECT – Application April 18, 2005 – Extension of Term/Amendment/Wavier for the continued UG 6 use on the first floor of residential building, Amendment to change the use on the first floor from UG 6 (Offices) to UG6 eating and drinking establishment with accessory food preparation and storage in the basement. The premises is located in an R3-2 zoning district.

PREMISES AFFECTED – 189-11 Northern Boulevard, Block 5365, Lot 5, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: H.I. Sigman and John Milonas.

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

110-05-BZY

APPLICANT – Shing Kong Lam – Owner

SUBJECT – Application May 12, 2005 – Proposed extension of time to complete construction for a minor development (erect extension at first floor rear with minor partition works, one family home for a period of three months pursuant to Z.R. 11-332.

PREMISES AFFECTED – 56-31 Bell Boulevard, east side of Bell Boulevard, 276.12' south of corner formed by the intersection of 56th Avenue and Bell Boulevard, Block 7445, Lot 47, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES – None.

ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and Commissioner Chin.....3

Negative:.....0

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

120-05-A

APPLICANT – Bickram Singh/Dronmati Singh, for Bickram Singh/Dronmati Singh, owner.

SUBJECT – Application May 18, 2005 – Proposed reconstruction and enlargement of an existing one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

MINUTES

PREMISES AFFECTED – 104-41 103rd Street, between Rockaway Boulevard and Liberty Avenue, Block 9524, Lot 75, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES –

For Applicant: Dronmati Singh.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan Vice-Chair Babbar and Commissioner Chin.....3

Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan Vice-Chair Babbar and Commissioner Chin.....3

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated May 3, 2005, acting on Department of Buildings Application No. 401769209, reads:

“Building Contrary to GCL 35 – Bed of Mapped Street “; and

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

WHEREAS, by letter dated September 6, 2005, the Fire Department states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated September 13, 2005, the Department of Transportation states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated August 22, 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 May 3, 2005, acting on Department of Buildings Application No. 401769209, 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 May 18, 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, October 25, 2005.

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.

For Opposition: Peter Segal, Walter Mugdan, Lyda Zissimatos, Ntelie Packer.

APPEARANCES –

For Applicant: Patrick Jones, Tom Curro and Robert Friedrich.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and Commissioner Chin.....3

Negative:.....0

ACTION OF THE BOARD - Laid over to December 6, 2005, at 10 A.M., for decision, hearing closed.

143-05-A

APPLICANT – Eric Palatnik, P.C., for Andrew & Peter Latos, owner.

SUBJECT – Application June 7, 2005 – An appeal seeking a determination that the owner of said premises has acquired a common-law vested right to continue development commenced under the prior R3-2 zoning district. Current Zoning District is R2A.

PREMISES AFFECTED – 47-05 Bell Boulevard, located between 47th and 48th Avenue, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Eric Palatnik and Emanuel Kambanis.

ACTION OF THE BOARD – Laid over to November 22, 2005, at 10 A.M., for continued hearing.

149-05-A

APPLICANT – Eric Palatnik, P.C., for Gregory Broutzas, owner.

SUBJECT – Application filed on June 14, 2005 – An appeal seeking a determination that the owner of said premises has acquired a common-law vested right to continue development

MINUTES

commenced under the prior R2 zoning district. Current Zoning District is R2A.

PREMISES AFFECTED – 32-29 211th Street, located at the east side, of 211th Street, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Eric Palatnik and Anna Kril.

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

Pasquale Pacifico, Executive Director.

Adjourned: 12:00P.M.

**REGULAR MEETING
TUESDAY AFTERNOON, OCTOBER 25, 2005
1:30 P.M.**

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

ZONING CALENDAR

18-05-BZ

APPLICANT – The Agusta Group, for Monirul Islam & Jong Sohn, owner.

SUBJECT – Application January 28, 2005 – under Z.R. §72-21 to permit the proposed reduction in the requirements for side yard footage and the minimum distance between windows, for a proposed one family dwelling with an accessory garage, is contrary to Z.R. §23-461 and §23-44.

PREMISES AFFECTED – 87-25 Clover Place, east side, between Foothill Avenue and Clover Hill Road, Block 10509, Lot 31, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Sol Korman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chair Srinivasan Vice-Chair Babbar and Commissioner Chin.....3

Negative:.....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan Vice-Chair Babbar and Commissioner Chin.....3

Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan Vice-Chair Babbar and Commissioner Chin.....3

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated June 3, 2005, acting on Department of Buildings Application No. 401754482, reads, in pertinent part:

“A 45 feet lot width in an R1-2 Zone does not comply with section 23-32.” and

WHEREAS, a public hearing was held on this application on September 20, 2005, after due notice by publication in *The City Record*, and then to decision on October 25, 2005; and

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

WHEREAS, Community Board 8, Queens, recommends disapproval of this application; and

WHEREAS, the Queens Borough President recommends disapproval of this application and requests that the applicant comply with all R1-2 zoning district requirements to help preserve the character of the neighborhood; and

WHEREAS, this is an application under Z.R. § 72-21, to permit the proposed construction of a single-family residence with a garage, located in an R1-2 zoning district, which does not comply with the zoning requirements for minimum lot width, contrary to Z.R. § 23-32; and

WHEREAS, initially, the applicant also requested waiver of the side yard requirements, specifically, to reduce the side yards from a combined 20’-0” to 13’-6”; in addition, the applicant requested a reduction in the distance between the garage and side lot line from the required 5’-0” to 3’-0”; and

WHEREAS, after direction from the Board, the applicant amended the initial proposal to the current proposal; and

WHEREAS, the record indicates that the subject premises is located on the east side of Clover Place Avenue between Foothill Avenue and Clover Hill Road, and is currently vacant; and

WHEREAS, the subject lot has a non-complying lot width of 45’-0” (minimum required lot width is 60’-0”); and

WHEREAS, the applicant represents that the subject lot was created on November 13, 2001 as a result of a subdivision followed by a partial merger between former Lot 31 and former Lot 32 (resulting in tentative lot 131); and

WHEREAS, in support of the merger approval, the applicant submitted a plan reflecting the current configuration as approved by the Department of Buildings on November 13, 2001; and

WHEREAS, the applicant represents that the subject lot was purchased by the applicant on April 17, 2002; a recorded indenture was submitted to the Board evidencing such purchase; and

WHEREAS, at the time the applicant purchased the lot, the lot was zoned R2; under R2 zoning, the lot had a complying lot width as the required minimum lot width is 40’-0”; and

WHEREAS, on June 17, 2003, the lot was rezoned to

MINUTES

R1-2, which requires a lot width of 60'-0"; and

WHEREAS, the applicant represents that the zoning lot is an irregularly-shaped lot, with one side lot line measuring 146'-0" and the other side lot line measuring 106'-0" with an additional indentation measuring 29'-0"; and

WHEREAS, the applicant further represents that the rear portion of the lot is wedge shaped, and only 31'-6" feet wide; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties in developing the subject lot in compliance with underlying district regulations: the site is a narrow, irregularly-shaped and vacant lot; and

WHEREAS, the applicant has submitted a 200'-0" radius diagram that indicates that the subject lot is the only vacant lot in the surrounding area; and

WHEREAS, the Board finds that the aforementioned unique conditions create practical difficulty in developing the site in compliance with the applicable zoning provision; and

WHEREAS, the applicant states that without the requested waiver, no residence could be constructed on the property; and

WHEREAS, the Board has determined that because of the subject lot's unique physical condition, there is no reasonable possibility that development in strict compliance with the applicable zoning requirements will result in any development of the property; and

WHEREAS, the applicant states that the building will comply with all R1-2 zoning regulations in all other respects other than minimum lot width, including floor area ratio, side yards and height requirements; and

WHEREAS, the applicant has submitted photographs of other residences in the area, along with a 200'-0" radius map; such documentation reflects that the surrounding neighborhood is characterized by residences ranging from one to two and one-half stories; and

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

WHEREAS, the Board notes that the owner's predecessor created the subject lot prior to the rezoning in 2003, and at the time of such subdivision, the lot complied with the lot width requirements; and

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

WHEREAS, the initial application included requests for waivers of the R1-2 side yard requirements and the minimum distance between the garage and side lot line; and

WHEREAS, the Board notes that the applicant submitted a proposal with its initial application that reflected compliance with the side yard requirements, and that such proposal resulted in a feasible residence with a 25'-0" wide floor plate; and

WHEREAS, the Board also noted that the applicant could comply with the minimum distance between the garage

and side lot line requirement and still maintain the garage; and

WHEREAS, the applicant subsequently amended its application and removed the request for the side yards waiver and the garage waiver, thereby complying with all R1-2 zoning district requirements other than minimum lot width; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Type II determination under 6N.Y.C.R.R. Part 617.5 and 617.13 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. § 72-21, to permit the proposed construction of a single-family residence with a garage, located in an R1-2 zoning district, which does not comply with the zoning requirements for minimum lot width, contrary to Z.R. § 23-32; *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 19, 2005" - 12 sheets; and *on further condition*;

THAT there shall be a maximum F.A.R. of 0.5;

THAT the above-stated condition shall appear on the Certificate of Occupancy;

THAT except for minimum lot width, the subject lot shall comply with all R1-2 zoning district requirements, as reviewed and approved by DOB;

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

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

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

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

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

79-05-BZ

APPLICANT – Herrick, Feinstein LLP, owner; The Athena Group, LLC, owner.

SUBJECT – Applicant April 5, 2005 – under Z.R. §72-21 – to permit the proposed 20-story mixed use building, with below grade parking spaces, located in an R8/C1-4 and R7-2/C1-4 zoning district, which does not comply with the zoning requirements for floor area, height and setback, is

MINUTES

contrary to Z.R. §23-011, §23-145, §35-22, §35-31, §23-633 and §35-24.

PREMISES AFFECTED – 101/21 Central Park North, west side of Lenox Avenue, between Central Park North and West 111th Street, Block 1820, Lot 30, Borough of Manhattan.

COMMUNITY BOARD #10M

APPEARANCES – None.

ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW –

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and Commissioner Chin.....3

Negative:.....0

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

104-05-BZ

CEQR #05-BSA-126K

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: Sol Korman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan Vice-Chair Babbar and Commissioner Chin.....3

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated August 6, 2005, acting on Department of Buildings Application No. 301797223, reads:

“Proposed physical culture establishment requires BSA Special Permit”; 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 decision on October 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 2, Brooklyn, recommends approval of this application; and

WHEREAS, the New York City Fire Department has stated that it has no objection to this application; and

WHEREAS, this is an application under Z.R. §§ 73-36 and 73-03, to permit, within a M1-2 zoning district, the

proposed physical culture establishment (“PCE”), to be located in a residential building subject to a prior Board grant; and

WHEREAS, the subject site is located on the northerly side of Park Avenue, between Waverly and Washington Avenues, and has a total lot area of approximately 36,720 sq. ft.; and

WHEREAS, the subject lot is occupied by a seven-story mixed-use residential/commercial building, converted from manufacturing pursuant to a Board grant made in 1983 under Cal. No. 482-02-BZ; and

WHEREAS, the subject PCE will occupy 9,700 sq. ft. of floor area, to be located on the first floor of the subject building; and

WHEREAS, the applicant represents that the PCE has not opened yet, but will be an eastern style health spa and club, with exercise training, hot and cold tubs, hydrotherapy, and massage; and

WHEREAS, the applicant states that an automatic wet sprinkler system will be installed throughout the first floor area occupied by the PCE, and an individually coded fire alarm system will be installed throughout the premises; and

WHEREAS, the PCE will have the following hours of operation: 6AM to Midnight, seven days a week; and

WHEREAS, the Board finds that this action will neither: 1) alter the essential character of the surrounding neighborhood; 2) impair the use or development of adjacent properties; nor 3) 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 requisite findings pursuant to Z.R. §§ 73-36 and 73-03; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement 05-BSA-126K, dated May 6, 2005; 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

MINUTES

Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under Z.R. §§73-36 and 73-03, to permit, within a M1-2 zoning district, the proposed physical culture establishment ("PCE"), to be located in a residential building subject to a prior Board grant; *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 12, 2005"- (5) sheets; and *on further condition*:

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

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

THAT the hours of operation shall be limited to 6AM to Midnight, seven days a week;

THAT all massages shall be performed only by New York State licensed masseurs/masseuses;

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

THAT Local Law 58/87 compliance shall be as reviewed and approved by DOB;

THAT fire safety measures, including a sprinkler system, shall be as installed and maintained on the Board-approved plans;

THAT an interior fire alarm system shall be provided as set forth on the BSA-approved plans and 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 of 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, October 25, 2005.

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 – None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan Vice-Chair Babbar and Commissioner Chin.....3

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated May 16, 2005, acting on Department of Buildings Application No. 301678940, reads:

"Respectfully request acceptance of colonnade parapet and fabric enclosure for rooftop tennis courts/athletic area. Please note that said items encroach upon permitted height, setback and sky exposure plane requirements as prescribed in section 24-522 of the NYC Zoning Resolution. Denied for appeal to the Board of Standards and Appeals."; 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 decision on October 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 2, Brooklyn, recommends approval of this application; and

WHEREAS, this is an application under Z.R. §§ 73-641 and 73-03, to permit, on a site split by an R6 and C6-4 district boundary and within the Special Downtown Brooklyn District, the proposed construction of a tennis bubble and surrounding colonnading parapet atop a five-story building currently under construction, which does not comply with the zoning requirements for height, setback and sky exposure plane, contrary to Z.R. § 24-522; and

WHEREAS, the owner of the property is Long Island University ("LIU"), a non-profit entity; and

WHEREAS, the subject lot is part of a 420,000 sq. ft. "superblock" zoning lot that houses the Long Island University Campus ("LIU Superblock"); and

WHEREAS, the lot is located on the southeast portion of the LIU Superblock and fronts on Ashland Place, and has an area of 43,694 sq. ft.; and

WHEREAS, the applicant filed plans with the Department of Buildings in 2004 and received approval to construct an as-of-right five story building on the site that will include a swimming pool, basketball gymnasium, tennis courts and a running track; and

MINUTES

WHEREAS, the applicant represents that construction on the building is 40% complete; and

WHEREAS, the applicant proposes to construct an 18,199 sq. ft. tennis bubble and surrounding colonnaded parapet above the DOB approved as-of-right building; and

WHEREAS, as a result of the addition of the tennis bubble and parapet to the building, the applicant requests the following waivers: streetwall height of 74'-0" (60'-0" is the maximum permitted); no setback (a setback of 15'-0" required at 60'-0"); and penetration of the sky exposure plane; and

WHEREAS, the applicant represents that it has owned the LIU superblock since 1959; and

WHEREAS, in support of the above representation, the applicant has submitted a copy of an agreement between LIU and Consolidated Edison, dated July 30, 1949, which refers to a prior approval by the City of New York to establish the LIU Superblock; and

WHEREAS, the applicant represents that LIU purchased the subject lot in 1995 from the City of New York, and has merged the site into the LIU Superblock; and

WHEREAS, the Board finds that since the applicant has owned a portion of the zoning lot, and continuously occupied and used one or more buildings located thereon for a specified community facility use from December 15, 1961 until the time of application, the applicant meets the threshold finding under Z.R. §73-641; and

WHEREAS, the applicant represents that the proposed waivers are required in order to allow for the above-mentioned recreational uses, which are an essential service to the community, as per Z.R. §73-641(a); and

WHEREAS, the applicant states that the proposed development is designed to give the students and faculty of LIU and neighborhood residents the finest facilities for competitive and recreational sports and fitness; and

WHEREAS, specifically, the applicant represents that the tennis bubble is necessary so that members can utilize the tennis courts year-round, and the parapet is necessary to support building lighting and to conceal the tennis bubble; and

WHEREAS, the applicant further represents that the programmatic requirements of the swimming pool, basketball court, tennis bubble and parapet dictate the overall height of the building: a height of 23'-7" is required to accommodate the pool; a height of 25'-0" is required to accommodate the basketball court; a height of 39'-2" is required to accommodate the basketball court; and the parapet requires an additional 14'-0"; and

WHEREAS, the applicant states that as a result of these required minimum heights, the building will rise to a total height of 74'-0", and will not setback at 60'-0"; and

WHEREAS, the applicant states that because of subsurface conditions, including ground water at depths of 28 feet to 31 feet below curb level, the applicant is unable to lower the building any further without requiring extensive waterproofing and installing a pump system; and

WHEREAS, the applicant further represents that waterproofing and installing a pump below grade will

compromise the mechanical plant space and equipment of the building and will be cost-prohibitive; and

WHEREAS, the applicant has provided the Board with a letter from the project architect that documents the results of the subsurface investigation; and

WHEREAS, the applicant states that although the finding under Z.R. § 73-641(b) is not applicable to the subject application because the applicant is only seeking modification of the height and setback requirements, without the requested modification there is no way to design and construct the new building; and

WHEREAS, the applicant represents that such modification is the minimum modification necessary to permit the proposed development as required by Z.R. § 73-641(c) because of the sub-surface conditions and programmatic needs of the facility; and

WHEREAS, the applicant further represents that the colonnade is largely open to the sky and that the tennis bubble slopes back from the front façade, so that it is concealed from most surrounding views; therefore, the project creates the least detriment to the character of the neighborhood; and

WHEREAS, in addition, the applicant states that the additional height will have no adverse effects on the surrounding neighborhood because it is surrounded on all sides by LIU buildings ranging in height from three to 16 stories, athletic fields, a parking lot, and large buildings owned by the Brooklyn Hospital Center ranging in height from three to 20 stories; 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. §§ 73-641 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. §§ 73-641 and 73-03, to permit, in an R6 and C6-4 zoning district within the Special Downtown Brooklyn District, the proposed construction of a tennis bubble and surrounding colonnading parapet atop a five-story building currently under construction, which does not comply with the zoning requirements for height, setback and sky exposure plane, contrary to Z.R. § 24-522; *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application and marked "Received May 20, 2005"-(5) sheets; and *on further*

MINUTES

condition

THAT the bulk parameters of the building shall be as follows: streetwall height of 74'-0"; and no setback of 15'-0" at 60'-0"; and

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, October 25, 2005.

202-04-BZ

APPLICANT – Einbinder & Dunn, LLP, for 202 Meserole, LLC, owner.

SUBJECT – Application May 24, 2004 – under Z.R. §72-21 to permit the proposed conversion of a vacant industrial building, into a 17 unit multiple dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED – 100 Jewel Street, southeast corner of Meserole Street, Block 2626, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Jeffrey Chester and other.

ACTION OF THE BOARD – Laid over to December 6, 2005, at 1:30 P.M., for continued hearing.

357-04-BZ

APPLICANT – Alfonso Duarte, for Charles Howard, owner.

SUBJECT – Application November 12, 2004 - under Z.R. §72-21 to permit the proposed erection of a two story medical facility, located in an R3-2 zoning district, which does not comply with the zoning requirements for second floor occupancy, lot coverage, front yards, side yard, off-street parking spaces and penetration of the exposure plane, is contrary to Z.R. §22-14, §24-11, §24-33, §24-34, §24-35, §25-31 and §24-521; and the proposed use of the site, for off-site accessory parking, for a proposed medical facility across the street, is contrary to §25-51.

PREMISES AFFECTED - 707 Cross Bay Boulevard, southwest corner of 98th Street, Block 15311, Lot 11, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Alfonso Duarte, P.E. and Louis R. Colalillo.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and Commissioner Chin.....3

Negative:.....0

ACTION OF THE BOARD – Laid over to November 22, 2005, at 1:30 P.M., for decision, hearing closed.

358-04-BZ

APPLICANT – Alfonso Duarte, for Charles Howard, owner.
SUBJECT – Application November 12, 2004 – under Z.R. §72-21 to permit the proposed use of the site, for off-site accessory parking, for a proposed medical facility across the street, is contrary to §25-31.

PREMISES AFFECTED – 728 Cross Bay Boulevard, southeast corner of 194th Avenue, Block 15453, Lot 8, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Alfonso Duarte, P.E. and Louis R. Colalillo.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and Commissioner Chin.....3

Negative:.....0

ACTION OF THE BOARD – Laid over to November 22, 2005, at 1:30 P.M., for decision, hearing closed.

27-05-BZ

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

SUBJECT – Application February 16, 2005 – Special Permit under Z.R. §11-411 for the re-establishment and extension of term for an existing gasoline service station, located in an C1-2/R6 zoning district, which was granted under BSA Calendar 361-37-BZ and the term lapsed on December 1, 2001.

PREMISES AFFECTED – 91-11 Roosevelt Avenue, Block 1479, Lot 38, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES –

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and Commissioner Chin.....3

Negative:.....0

ACTION OF THE BOARD – Laid over to November 22, 2005, at 1:30 P.M., for decision, hearing closed.

70-05-BZ

APPLICANT – Lewis E. Garfinkel, R.A., for Yaakov Adler, owner.

SUBJECT – Application March 23, 2005 - under Z.R. §73-622 to permit an enlargement of a single family home to vary sections ZR 23-141(a) for open space ratio & floor area, ZR 23-461 for minimum side yard requirement. The premise is located in a R-2 zoning district.

PREMISES AFFECTED – 2905 Avenue M, northside of Avenue M, 25' easterly of intersection of Avenue M and 29th

MINUTES

Street, Block 7647, Lot 8, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES – None.

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

77-05-BZ

APPLICANT – Greenberg Traurig, LLP by Deirdre Carson, for Jack Ancona, owner.

SUBJECT – Application March 29, 2005 – under Z.R. §72-21 – to permit the proposed construction of a twelve-story mixed building, containing residential and retail uses, located within an M1-6 zoning district, in which residential use is not permitted as of right, is contrary to Z.R. §42-00.

PREMISES AFFECTED – 132 West 26th Street, south side, 364.5’ west of Sixth Avenue, Block 801, Lot 60, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Deirdre Carson.

For Opposition: Stuart Klein.

ACTION OF THE BOARD – Laid over to November 22, 2005, at 1:30 P.M., for continued hearing.

102-05-BZ

APPLICANT – Rothkrug Rothkrug Weinberg Spector, for Cornerstone Residence, LLC, owner.

SUBJECT – Application May 4, 2005 - under Z.R. §72-21 to permit the proposed construction of a two family dwelling on a corner lot that does not provide one of the required front yards, to vary section ZR 23-45. The vacant lot is located in an R-5 zoning district.

PREMISES AFFECTED – 259 Vermont Street aka 438 Glenmore Avenue, southeast corner of Vermont Street and Glenmore Avenue, Block 3723, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES –

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD – Laid over to November 22, 2005, at 1:30 P.M., for continued hearing.

180-05-BZ

APPLICANT – Wachuset & Masyr for 1511 Third Avenue Association/Related/Equinox, owner.

SUBJECT – Application August 4, 2005 – Special Permit under Z.R. §§73-03 and 73-367 – approval sought for the legalization of a physical cultural establishment located on the entire second floor portion of the third floor and the entire fourth floor with a total of 34,125 sq. ft. of floor area. The site is located in a C2-8 zoning district.

PREMISES AFFECTED – 1511 Third Avenue, a/k/a 201 East 85th Street, northeast corner of 85th Street and Third Avenue, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Ellen Hay.

ACTION OF THE BOARD – Laid over to January 10, 2006, at 1:30 P.M., for adjourned hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 2:45 P.M.