
BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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September 29, 2005

DIRECTORY

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SATISH BABBAR, *Vice-Chair*

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MINUTES of Regular Meetings,

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Affecting Calendar Numbers:

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287-05-A B. Q 32-42 33rd Street, located between Broadway and 34th Avenue, Block 612, Lot 53, Borough of Queens, Applic. # 401572712. Appealing the issuing of a permit by DOB for the installation of cellular equipment without a Special Permit from the BSA.

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COMMUNITY BOARD #12

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

OCTOBER 25, 2005, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, October 25, 2005, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, NY 10006, on the following matters:

SPECIAL ORDER CALENDAR

1058-46-BZ

APPLICANT – Petraro & Jones, L. L. P., 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 ZR 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, Borough of Queens.

Block 8401, 8490, 8492, 8496, Lots 2 and 96.

COMMUNITY BOARD #13Q

929-47-BZ

APPLICANT – Petraro & Jones, L. L. P., 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 ZR 23-631 for minimum perimeter wall height and setback. The premises are located in an R3-2 zoning district.

PREMISES AFFECTED – 255-09 & 260-66 73rd Avenue, Queens

74-21&74-66269th Street, Queens

Block 8441, 8446, 8515, 8517, Lot 1 & 2.

COMMUNITY BOARD #13Q

185-48-BZ

APPLICANT – Petraro & Jones, L. L. P., 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 ZR 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, Queens
254-07 74th Avenue, Queens & 254-18, 254-25, 255-14 & 260-28 75th Avenue, Queens

260-46, 264-27 & 264-52 Langston Avenue, Queens
Block 8535, 8513, 8510, 8511, 8440, 8442, 8450, 8449,

8447, Lots 1, 20, 31, 1,

COMMUNITY BOARD #13Q

16-49-BZ

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

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

PREMISES AFFECTED – 260-43 & 261-15 Langston Avenue, Queens

Block 8448, 8443, Lot 1.

COMMUNITY BOARD #13Q

109-93-BZ

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

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

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

COMMUNITY BOARD #11Q

APPEALS CALENDAR

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 Borough of Queens Block 7445, Lot 47

COMMUNITY BOARD #11Q

120-05-A

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

SUBJECT – Application May 18, 2005 - Proposed reconstruction and enlargement of an existing one family dwelling, located within the bed of a mapped street, is

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contrary to Section 35, Article 3 of the General City Law.
PREMISES AFFECTED – 104-41 103RD Street, between
Rockaway Boulevard and Liberty Avenue, Block 9524, Lot
75, Borough of Queens.

COMMUNITY BOARD #10Q

143-05-A

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

SUBJECT – Application June 7, 2005 - An appeal seeking
a determination that 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

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 that the owner of said premises
has aquired a common -law vested right to continue
development 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

OCTOBER 25 2005, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing,
Tuesday afternoon, October 25, 2005, at 1:30 P.M., at 40
Rector Street, 6th Floor, New York, NY 10006, on the
following matters:

ZONING CALENDAR

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

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

180-05-BZ

APPLICANT – Wachtel & 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, 125sq. ft. of floor area.

The site is located in a C2-8 zoning district.

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

COMMUNITY BOARD #8M

Pasquale Pacifico, Executive Director

NOVEMBER 1, 2005, 10:00 A.M.

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

723-84-BZ

APPLICANT – Sheldon Lobel, P.C., for Alameda Project
Partners, owner.

SUBJECT – Application May 18, 2005 - Amendment of a
variance ZR 72-21 of the use restriction conditioned in a
prior grant to permit a gastroenterologist's office in a portion
of the ground floor of the existing building. The premise is
located in a R1-2 zoning district.

PREMISES AFFECTED – 241-02 Northern Boulevard,
southeast corner of the intersection between Northern

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Boulevard and Alameda Avenue, Block 8178, Lot 1,
Borough of Queens
COMMUNITY BOARD #11Q

926-86-BZ

APPLICANT – Sheldon Lobel, P.C., for Estate of Morton Manes c/o Steven Rosenblatt, owner; Fred Gangs BMW Dealership, lessee.

SUBJECT – Application June 8, 2005 - Extension of Term of Variance for the continued use of the existing automotive dealership for the sale and service of automobiles with repairs. The premise is located in R6B/C2-2 & R3X zoning districts.

PREMISES AFFECTED – 217-07 Northern Boulevard, north side of Northern Boulevard between 217th Street and 218th Street, Block 6320, Lot 18, Borough of Queens.

COMMUNITY BOARD #11Q

19-94-BZ

APPLICANT – Andrew Schwarwsin, Esq., for Walter R. Schwarwsin, owner.

SUBJECT – Application September 15, 2005 - Extension of Term/Waiver for a Use Group 8 public parking lot of which a portion of the lot lies in a residential zoning district. The premise is located in a C4-3/R-5 zoning district.

PREMISES AFFECTED – 37-18 75th Street, Block 1285, Lot 47, Borough of Queens

COMMUNITY BOARD #3Q

62-96-BZ

APPLICANT – Law Office of Fredrick A. Becker, for 200 Madison Associates, LP, owner; New York Sports Club Inc., lessee.

SUBJECT – Application March 31, 2005 - Amendment to legalize on the first floor the enlargement of a physical culture establishment and to allow the change in ownership. The premise is located in C5-2 zoning district.

PREMISES AFFECTED – 200 Madison Avenue, westerly block of Madison Avenue, between East 35th and East 36th Streets, Block 865, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #5M

213-96-BZIII

APPLICANT – Slater & Beckerman, LLP, for 51 LLC, owner; Cheers of Manhattan, Inc., lessee.

SUBJECT – Application April 18, 2005 - Extension of Term/Waiver for an eating and drinking establishment with entertainment and dancing. The premise is located in an C4-5 zoning district.

PREMISES AFFECTED – 51-53 Christopher Street (a/k/a 113 Seventh Avenue South) Block 610, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEALS CALENDAR

43-04-A

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Joseph C. D'Alessio.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 39-04 Stuart Lane Douglaston, north side of Depew Avenue, 142' West of 243rd Street, Block 8103, Lot 7, Borough of Queens.

COMMUNITY BOARD #11Q

283-05-A

APPLICANT – Zygmunt Staszewski, for Breezy Point Cooperative, Inc., owner.

SUBJECT – Application filed on September 8, 2005 – Street giving access to the existing building to be replaced is not duly placed on the map of the City of NY. The existing building to be replaced does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to §27-291 of the Administrative Code. The proposed upgrade of the private disposal system is contrary to the DOB policy.

PREMISES AFFECTED – 22 Pelham Walk, West of Pelham Walk, 244.78' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14BK

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

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

ZONING CALENDAR

373-04-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for Brendan McCartan, owner.

SUBJECT – Application November 26, 2004 - under Z.R. §72-21 in an R4 district, permission sought to allow the construction of a two-story one-family dwelling on a 25' x 53.55' lot consisting of 1,338 SF. The structure does not comply with floor area allowed, open space, lot area, front yard.

PREMISES AFFECTED – 57-69 69th Street, north side of 69th Street 24' west of 60th Avenue, Block 2830, Lot 33, Borough of Queens.

CALENDAR

COMMUNITY BOARD #5Q

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

COMMUNITY BOARD #14BK

72-05-BZ

APPLICANT – Harold Weinberg, P.E., for Cong. Shomlou by Rabbi Marton Ehrenreich, owner.

SUBJECT – Application March 23, 2005 - under Z.R.§72-21 to permit the proposed erection of a synagogue and yeshiva, with accessory residences, Use Groups 2 and 4, located in an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard and open space ratio, is contrary to Z.R. §§24-11, 23-142, 24-36 and 24-12.

PREMISES AFFECTED - 245 Hooper Street, north side, 205' east of Marcy Avenue, between Marcy and Harrison Avenues, Block 2201, Lot 61, Borough of Brooklyn.

COMMUNITY BOARD #1BK

81-05-BZ

APPLICANT – Bryan Cave LLP (Margery Perlmutter, Esq.) for the Lyon Group, LLC, owner.

SUBJECT – Application April 5, 2005 - under Z.R.§72-21 to construct a 7-story plus mezzanine residential building containing 39 dwelling units and 10 accessory parking spaces in an R6 district, contrary to ZR§§23-145, 23-632, 23-633, 25-23.

PREMISES AFFECTED -1061/71 52nd Street, north side, 229' east of Fort Hamilton Parkway, Block 5653, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #12BK

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

127-05-BZ

APPLICANT – Sheldon Lobel, P.C., for Church Avenue Realty, Inc., owner; Popeyes Chicken and Biscuits, lessee. SUBJECT – Application May 24, 2005 - under Z.R.§73-243 to permit approval for a special permit to legalize an existing accessory drive through window for an eating and drinking establishment. The site is located in a C1-3/R5 zoning district.

PREMISES AFFECTED – 9216 Church Avenue, aka 9220 Church Avenue, southwest corner of the intersection between Church Avenue, East 93rd Street, and Linden Boulevard, Block 4713, Lot 42, Borough of Brooklyn.

COMMUNITY BOARD #17BK

130-05-BZ

APPLICANT – Elise Wagner, Esq., Kramer Levin, for Hudson Island, LLC, owner.

SUBJECT – Application May 25, 2005 - under Z.R.§72-21 to permit the development of a mixed-use, nine-story building with ground level retail, and a small amount of community facility space, and approximately 25 residential units on the upper floors within an M1-5B zoning district.

PREMISES AFFECTED – 74-88 Avenue of the Americas, aka 11-15 Thompson Street and 27-31 Grand Street, east side of Avenue of the Americas, between Grand and Canal Streets, Block 227, Lots 50, 52 and 56, Borough of Manhattan.

COMMUNITY BOARD #2M

185-05-BZ

APPLICANT – Manatt, Phelps & Phillips, LLP (Carol E. Rosenthal, Esq.) for 62-02 Roosevelt Avenue Corporation, owner.

SUBJECT – Application August 5, 2005 - under Z.R.§72-21 to allow a dance floor (Use Group 12) to be constructed in an existing eating and drinking establishment located in an R6/C1-2 zoning district, which is contrary to ZR§32-15.

PREMISES AFFECTED - 62-02 Roosevelt Avenue, South side of Roosevelt Ave. 101ft from the corner formed by the intersection of the LIRR tracks with Roosevelt Ave. and 192' 59" from the corner formed by the intersection of Roosevelt Ave. & 63rd Street, Block 1294, Lot 58, Borough of Queens

CALENDAR

COMMUNITY BOARD #2Q

207-05-BZ

APPLICANT – Eric Palatnik, P.C., for Aaron and Lisa Heskins, owner.

SUBJECT – Application September 19, 2005 - under Z.R.§73-622 to legalize the existing enlargement to a single family, semi-detached home which seeks to vary ZR section 23-141 for floor area and lot coverage and ZR section 23-461 for side yard and ZR section 23-47 for less than the minimum rear yard. The premise is located in an R4 zoning district.

PREMISES AFFECTED – 407 Allen Avenue, between Knapp and Plumb 1st Streets, Block 8830, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #5BK

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, SEPTEMBER 20, 2005
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, July 12, 2005, were approved as printed in the Bulletin of July 21, 2005, Volume 90, Nos. 28 & 29.

SPECIAL ORDER CALENDAR

163-63-BZ

APPLICANT - Steve Sinacori / Stadtmauer Bailkin, LLP, for 116 Central Park South Condominium, owner.

SUBJECT - Application August 11, 2005 - Extension of Term/Waiver of a variance for the continued use of transient parking of unused spaces located in the garage of a multiple dwelling. The premise is located in a R-10/C5-1 zoning district.

PREMISES AFFECTED - 125/131 West 58th Street, south side of Central Park South and north side of West 58th Street, between 6th and 7th Avenue, Block 1011, Lot 7503, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Steve Sinacori.

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 waiver; 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 decided; and

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

WHEREAS, the premises is situated on the south side of Central Park South and the north side of West 58th Street, between Sixth and Seventh Avenues, and is within R10 and C5-1 zoning districts; and

WHEREAS, the site is improved upon with an 11-story plus penthouse multiple dwelling, with a two-level parking garage with a total of 58 parking spaces; and

WHEREAS, on May 14, 1963, the Board granted an application permitting the transient use of unused and surplus

tenant parking spaces in the accessory garage of the subject multiple dwelling, for a term of 20 years; and

WHEREAS, at various times since the date of the original grant, the Board has extended the term of this grant; and

WHEREAS, the most recent term of the grant expired on May 14, 2004; and

WHEREAS, the applicant now seeks to extend the term of the grant for another ten years; and

WHEREAS, the Board has reviewed the subject application and 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 May 14, 1963, so that as amended this portion of the resolution shall read: "to extend the term for ten years from May 14, 2004; *on condition* that all work and site conditions shall substantially conform to drawings filed with this application marked 'August 11, 2005'-(2) sheets; and *on further condition*;

THAT the term of this grant shall be for ten years, to expire on May 14, 2014;

THAT the tenants of the multiple dwelling may recapture any of the spaces devoted to transient parking upon 30 days notice to the owner;

THAT a sign setting forth the tenants' recapture rights shall be located in a visible location within the garage;

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 all parking layouts and 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)/configuration(s) not related to the relief granted."

(DOB Application No. 104043295)

Adopted by the Board of Standards and Appeals, September 20, 2005.

990-77-BZ

APPLICANT - Greenberg Traurig, LLP, for 260 Broadway Condo, Assoc., owner.

SUBJECT - Application May 6, 2005 - reopening for an amendment to an existing variance within the Special Tribeca Mixed Use District that allowed in an M1-5 district, floors 3 through 11 of the Building to be converted to residential use. The amendment seeks to allow a portion of the first floor to be converted to residential use and to legalize the conversion of the entire second floor to residential use.

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PREMISES AFFECTED – 260 Broadway, property bounded West Broadway, Beach Street and St. John’s Lane, Block 212, Lots 1001-1058 (7501), Borough of Manhattan.

COMMUNITY BOARD #1M

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 reopening and an amendment to a previous variance; and

WHEREAS, a public hearing was held on this application on August 23, 2005 after due notice by publication in the *City Record*, and then to decision on September 20, 2005; and

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

WHEREAS, on July 18, 1978, the Board adopted a resolution under the subject calendar number, authorizing, within an M1-5 zoning district within the Lower Manhattan Mixed Use District, the conversion of the third through eleventh floors of an existing eleven-story building from commercial use to loft dwelling and joint living work quarters; and

WHEREAS, the current application seeks approval to convert a portion of the first floor to residential space and legalize the entire second floor to permit residential use; and

WHEREAS, the proposal contemplates the following changes from the prior BSA resolution: an increase in residential floor area from 101,560 s.f. to 113,630 s.f.; an increase in residential floor area ratio (“FAR”) from 7.84 to 8.77; a decrease in commercial floor area from 21,090 s.f. to 9,020 s.f.; a decrease in commercial FAR from 1.63 to 0.70; and an increase in the number of residential dwelling units from 50 to 51; and

WHEREAS, the portion of the first floor to be converted has a floor area of 2,680 s.f., and the second floor has a floor area of 8,150 s.f. (total of 10,830 s.f.); and

WHEREAS, the applicant represents that the proposed new residential space on the first floor was formerly used by a series of restaurants and catering establishments, and has been mostly vacant since 1996; and

WHEREAS, the applicant states that the portion of the first floor that is the subject of this application is not conducive to commercial use because it is accessed through a small interior vestibule which is adjacent to the main residential vestibule, and is concealed behind a gated enclosure; and

WHEREAS, in addition, the applicant represents that the second floor is not conducive to commercial use because it can only be accessed through a residential lobby with shared elevators; and

WHEREAS, the applicant further represents that the second floor has already been converted into lower portions of residential duplex apartments; and

WHEREAS, the applicant has submitted a feasibility study that reflects that commercial use of the portion of the first floor and the entire second floor has not and will not yield the

owners a reasonable rate of return, and therefore can not provide the minimum variance to which the applicant was entitled based upon the original grant; and

WHEREAS, based upon the above, the Board has determined that the evidence in record supports the grant of the requested amendment, with conditions as reflected 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, said resolution having been adopted on July 18, 1978, so that as amended this portion of the resolution shall read: “to permit the conversion of 2,680 s.f. of the first floor and the entire second floor from commercial use to residential use; *on condition* that all work shall substantially conform to drawings as filed with this application, marked ‘Received September 19, 2005’- 3 sheets; and *on further 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 No. 103824499)

Adopted by the Board of Standards and Appeals, September 20, 2005.

272-03-BZ

APPLICANT - Rampulla Associates Architects, for 4102 Hylan Realty, LLC, owner.

SUBJECT - Application June 28, 2005 - Reopening for an amendment to a variance to modify the design of the building and to add a bank teller drive through window. The premise is located in an R3-1 SRD zoning district.

PREMISES AFFECTED - 4106 Hylan Boulevard, south side of Hylan Boulevard and Goodall Street, Block 5307, Lot 6, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Phil Rampulla.

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 18, 2005, at 10 A.M., for decision, hearing closed.

391-04-BZ

Moshe M. Friedman, for Meilech Fastag, owner.

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 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

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100' from a corner, as per ZR 23-541 no rear yard is required. The premise is located in an R-2 zoning district. 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.

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 September 27, 2005, at 10 A.M., for decision, hearing closed.

166-05-BZY

APPLICANT – Greenberg & Traurig, LLP for Quetin Condos II, LLC, owner.

SUBJECT – Application July 25, 2005 - Proposed extension of time to complete construction pursuant to Z.R. 11-331 for a 5 story building with commercial, community facility and 12 residential units uses under the prior Zoning R6/C1-3. New Zoning District is R5B/C2-3 as June 23, 2005.

PREMISES AFFECTED – 1669-1671 West 10th Street, Brooklyn, east side of West 10th Street , 100' north of intersection of West 10th Street & Quentin Road, Block 6622, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD # 11BK

APPEARANCES –

For Applicant: Deidre A. Carson.

For Opposition: Howard Feuer, Lorraine Lapetina and Assemblyman William Colton.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 18, 2005, at 10 A.M., for continued hearing.

167-05-BZY

APPLICANT – Greenberg & Traurig, LLP for Quetin Condos II, LLC, owner.

SUBJECT – Application July 25, 2005 - Proposed extension of time to complete construction of a minor development pursuant to Z.R. 11-331 for a 7 story building containing commercial ,community facility & 20 residential units use with 10 parking spaces at cellar level under the prior Zoning R6/C1-3. New Zoning District is R7A/C2-3 as of June 23, 2005.

PREMISES AFFECTED – 103 Quentin Road, Brooklyn, north side of Quentin Road, 20' east of intersection of Quentin road & West 10th Street, Block 6622 , Lot 45, Borough of Brooklyn.

COMMUNITY BOARD # 11BK

APPEARANCES –

For Applicant: Deirdre Carson.

For Opposition: Assemblyman William Colton and Howard Feuer.

ACTION OF THE BOARD - Laid over to October 18, 2005, at 10 A.M., for continued hearing.

168-05-BZY

APPLICANT – Sheldon Lobel, Esq., for 6422 Holding Corp., owner.

SUBJECT – Application July 26, 2005 - Proposed extension of time to complete construction of a minor development pursuant to Z.R.11-331 for a 6 story-mezzanine building with commercial, community facility and 8 residential units uses under the prior Zoning R6/C1-1. New Zoning District is R6A/C2-3 as of June 23, 2005.

PREMISES AFFECTED – 6422 Bay Parkway, Brooklyn, northwest side of Bay Parkway between 65th & 64 th Streets, Block 5550, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD # 11BK

APPEARANCES –

For Applicant: Jordan Most and Chris Andreani.

For Opposition: Lorraine Lapetina of Quality of Life, Howard Feuer and Assemblyman William Colton.

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 18, 2005, at 10 A.M., for decision, hearing closed.

169-05-BZY

APPLICANT – Sheldon Lobel , Esq., for PGLL, LLC., owner.

SUBJECT – Application July 26, 2005 - Proposed extension of time to complete construction of a minor development pursuant to Z.R. 11-331 for a 5 Story building with 20 units and 23 cellar parking under the prior Zoning R6 . New Zoning District is R4-1 as of June 23, 2005.

PREMISES AFFECTED – 6210-6218 24th Avenue, Brooklyn, north side of 24th Avenue between 62th & 63 th Streets, Block 6557, Lot 40, Borough of Brooklyn.

COMMUNITY BOARD # 11BK

APPEARANCES –

For Applicant: Jordan Most.

For Opposition: Assemblyman William Colton, Lorraine Lapetina of Quality of Life, Howard Feuer and Donna Coni.

ACTION OF THE BOARD - Laid over to October 18, 2005, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:00 A.M.

REGULAR MEETING

**TUESDAY AFTERNOON, SEPTEMBER 20, 2005
1:30 P.M.**

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

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ZONING CALENDAR

272-04-BZ

CEQR #05-BSA-023Q

APPLICANT - Sullivan Chester & Gardner, for Chickie, LLC, owner.

SUBJECT - Application August 5, 2004 – under Z.R. §72-21 to permit the construction of a four-story multiple dwelling with 16 dwelling units. There are proposed 14 parking spaces. The proposed development is non-compliant to FAR, open space, density and yard requirements.

PREMISES AFFECTED - 14-38/40 31st Drive, East side, between 14th and 21st Streets, Block 531, Lots 50 and 51, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: Jeffrey Chester.

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 15, 2004, acting on Department of Buildings Application No. 401688214, reads, in pertinent part:

- “2. Floor area ratio (FAR) exceeds that permitted by Section 23-141 ZR . . .
4. Density (rooms or dwelling units) contrary to Section 23-22 ZR . . .
5. Proposed yard (side, front) is contrary to 23-45a, 23-461a,b, 23-462 . . .”; and

WHEREAS, a public hearing was held on this application on April 19, 2005 after due publication in *The City Record*, with continued hearings on June 7, 2005, July 19, 2005, August 23, 2005, and then to decision on September 20, 2005; and

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

WHEREAS, this is an application under Z.R. § 72-21, to permit, on a lot within an R5 zoning district, the construction of a four-story residential apartment building, with 15,005 sq. ft. of floor area (2.0 FAR), 16 dwelling units, and non-complying side yards, contrary to Z.R. §§ 23-141, 23-22, 23-45(a), 23-461(a) & (b) and 23-462; and

WHEREAS, in a prior version of this application, the applicant proposed a five-story, 50 ft. high, 20-unit building, with 18,028 sq. ft. of floor area, which needed open space, height, setback and parking waivers as well as FAR and yard waivers; this version was rejected by the community as excessive and the proposal was modified to the current

version; and

WHEREAS, both the Queens Borough President and Community Board No. 1, Queens recommend disapproval of this application; and

WHEREAS, Councilmembers Vallone and Avella also made submissions in opposition to this application; and

WHEREAS, in addition, various individual neighbors opposed the application; and

WHEREAS, the subject premises consists of two adjoining tax lots (Lot Nos. 50 and 51), with a total lot area of 7,525 sq. ft.; the site is situated on the south side of 31st Drive between 14th and 21st Streets; and

WHEREAS, each tax lot is developed with a two-family residential building: Lot 50 is developed with a two-story 2,182 sq. ft. structure with a three ft. side yard and one off-street accessory parking space, and Lot 51 is developed with a two-story 2,636 sq. ft. structure with no side yards and one accessory parking space in the rear of the lot; and

WHEREAS, the applicant proposes to demolish the existing buildings and replace them with the proposed building; and

WHEREAS, the proposed building is a four-story multiple dwelling, with a non-complying total FAR of 2.0 (15,005 sq. ft. of floor area), a non-complying number of dwelling units (16), a non-complying front yard of 3 ft., and one non-complying side yard of 3 ft.; and

WHEREAS, 14 off-street accessory parking spaces are also proposed; and

WHEREAS, the Board also notes that the applicant initially represented that the site was within a Predominantly Built-up Area (“PBA”) and that, consequently, the as of right FAR was 1.65; however, this representation was erroneous, as the site is not within a PBA; the as of right FAR is actually 1.25; and

WHEREAS, when it was ascertained that the site was not within a PBA, the applicant nevertheless continued to propose a 2.0 FAR building, with the same amount of units; and

WHEREAS, the applicant initially alleged that the following was a unique physical condition that leads to practical difficulties and unnecessary hardship in developing the subject lot in strict compliance with underlying district regulations: the existing structures are functionally obsolete, given that the internal configurations do not conform to “modern layout and design”; and

WHEREAS, in support of this allegation, the applicant submitted appraisal reports of both structures, which noted that modern layout and design practice place the private living areas (bedrooms and bathrooms) separate from the social living areas (kitchen and living rooms); and

WHEREAS, the applicant concluded that the structures were obsolete because the existing structures did not provide such a modern layout, but instead provided access to the private bathroom area only through the living room, dining room and kitchen; and

WHEREAS, the Board does not find this argument convincing: no showing has been made by the applicant that the structures may not be used for their intended purpose; and

WHEREAS, the Board observes that a residential

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building may still constitute a viable and livable residence even if it does not possess the optimum interior layout; and

WHEREAS, based upon the Board's review of the submitted existing condition plans and its own site inspection, it is apparent that the structures at hand, while old and perhaps smaller than average, may be suitably used for residential purposes; and

WHEREAS, the applicant also suggests that the structures are uniquely deficient because they have not been upgraded since constructed, and because they have suffered structural damage due to an alleged history of flooding in the basement; and

WHEREAS, the Board does not find this argument convincing either: under most circumstances, a failure to maintain or upgrade a structure, or to address any repairable damage thereto, does not constitute a unique physical condition sufficient to sustain any type of variance; and

WHEREAS, the Board also observes that the submitted appraisal reports of the buildings states that they are in "fair" and "average" condition; and

WHEREAS, finally, the Board notes that the structures may not properly be considered a hardship given that they are proposed to be demolished; and

WHEREAS, Z.R. § 72-21(a) provides that the alleged unique physical conditions must result in practical difficulties or unnecessary hardship in strictly complying with applicable zoning provisions; and

WHEREAS, here, once the buildings are demolished at minimal cost, the applicant is left with a regular site that does not appear to be constrained in any respect; and

WHEREAS, thus, the applicant has not provided sufficient evidence as to the nexus between the alleged physical condition of obsolescence and actual and verifiable financial hardship related to complying residential development, as no premium development costs arise from the condition sufficient to warrant the requested bulk waivers; and

WHEREAS, at hearing, the Board explained the above to the applicant; and

WHEREAS, in response, the applicant modified the application, and claimed a new basis for unique physical conditions and resulting hardship; and

WHEREAS, specifically, the applicant now claims that the site is afflicted with a combination of a high water table depth and poor soil conditions that compromises as of right development; and

WHEREAS, in support of this claim, the applicant submitted boring tests that purported to show that the soil on the site is in the worst soil classification for construction, and that the water table is at a depth of seven ft.; and

WHEREAS, the applicant also submitted a table of the soil classifications and water table depths of seven other residentially developed sites within a 400 ft. radius of the subject site; the table shows that none of these other sites suffer from both poor soil conditions and a high water table depth to the degree that the subject site does; and

WHEREAS, the applicant cites to this table as proof of the uniqueness of the alleged conditions on the site; and

WHEREAS, the applicant claims that any proposed

residential development will now have to be constructed using a piles foundation system; and

WHEREAS, the applicant submitted a letter from an engineering consultant, which states that because of the need to construct the proposed building on piles, an extra \$150,000 to \$200,000 in construction costs would be incurred; and

WHEREAS, the applicant then adjusted its financial report to reflect the alleged extraordinary foundation construction costs of \$200,000; and

WHEREAS, however, the possibility that the site may uniquely suffer from a combination of soil conditions and water table depth was disputed by the testimony of neighbors, who alleged that most of the properties in the area have comparable problems; and

WHEREAS, the Board notes that uniqueness is not established merely by showing that a site is different from only seven other sites within a 400 ft. radius, where such radius includes approximately 60 residentially developed sites; and

WHEREAS, moreover, even assuming again that these alleged physical conditions are unique, the Board finds that the claimed hardship costs do not rise to the level of unnecessary hardship or practical difficulties sufficient to support the requested FAR waiver; and

WHEREAS, the Board observes that total development costs are, by the applicant's own admission, over 2.1 million dollars; and

WHEREAS, the Board does not agree that an additional one-time cost of \$150,000 to \$200,000 in light of this total development cost is so significant that unnecessary hardship or practically difficulties arise; and

WHEREAS, the Board observes that the applicant is asking for an additional 6,144 sq. ft. of floor area over the 9,406 sq. ft. that is permitted, which represents a 65 percent increase in rentable floor area (from 1.25 FAR to 2.0 FAR); and

WHEREAS, the applicant claims that the FAR waiver will allow 13,505 sq. ft. of rentable floor area, which can be leased at \$26.00 per sq. ft.; and

WHEREAS, without the waiver, the applicant claims that 8,466 sq. ft. of rentable floor area could be developed, leasable at the same rate of \$26.00 per sq. ft.; and

WHEREAS, for a one year period, the difference in income between the proposal and as of right development is approximately \$130,000 (or approximately \$101,000 when expenses are considered); and

WHEREAS, therefore, the claimed financial hardship costs would be reclaimed in about two years; and

WHEREAS, the Board observes that any newly constructed building would have a life expectancy of 30 to 40 years; thus, the actual return arising from the amount of floor area requested over what is permitted is significantly disproportionate to the alleged hardship costs; and

WHEREAS, the Board concludes that the extreme amount of floor area waiver proposed by the applicant is not justified by the alleged premium foundation construction costs; and

WHEREAS, accordingly, the Board finds that even if the water table and soil problems are assumed to be unique

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physical conditions, no showing has been made that such problems lead to unnecessary hardship or practical difficulties; and

WHEREAS, for the reasons set forth above, the Board finds that the applicant has failed to meet the finding set forth at Z.R. § 72-21(a); and

WHEREAS, because the finding set forth at Z.R. § 72-21(a) has not been met, it follows that the finding at Z.R. § 72-21 (b) can not be met; and

WHEREAS, even assuming *arguendo* that the soil and water table conditions, and the existing structures, should be considered unique and unnecessary hardships such that the finding set forth at Z.R. § 72-21(a) is met, the applicant has failed to submit credible financial data – specifically, the proffered site valuation – in support of its claim that complying residential development on the site will not realize a reasonable return; and

WHEREAS, the Board observes that the applicant has valued the site at \$890,000; and

WHEREAS, the Board questions this valuation, and observes that of the five vacant land comparables provided by the applicant upon which the valuation is based, the price per sq. ft. averages \$72 for the two sites that are larger than the subject site and the one site that is closest in size to the subject site; and

WHEREAS, the Board notes that these three comparables are the most like the subject site, in that the lot size would support a comparably sized multiple dwelling; the other two comparables, which skew the site valuation, are not analogous to the subject site in that they are significantly smaller and thus reflect a higher unit pricing but lesser development potential; and

WHEREAS, utilizing the three site comparables most like the subject site, the Board concludes that the value of the site can reasonably be estimated at \$725,000, as opposed to the \$890,000 set forth in the applicant's financial report; and

WHEREAS, using this lower site valuation but maintaining all of the other financial assumptions made by an applicant, including the alleged hardship costs, the Board finds that an as of right development, without any additional floor area, would result in an overall rate of return of 7.5 percent; and

WHEREAS, the Board concludes that this is a reasonable rate of return; and

WHEREAS, in sum, the Board finds that the applicant has not shown that any costs associated with the alleged unique features of the site would prevent feasible complying development; and

WHEREAS, for the reasons set forth above, the Board finds that the applicant has failed to meet the finding set forth at Z.R. § 72-21(b); and

WHEREAS, since the application has failed to meet the findings set forth at Z.R. § 72-21 (a) and (b), it must be denied; and

WHEREAS, because the Board finds that the application fails to meet the findings set forth at Z.R. § 72-21(a) and (b), which are the threshold findings that must be met for a grant of a variance, the Board declines to address the remaining findings.

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated July 15, 2004, acting on Department of Buildings Application No. 401688214, is sustained and the subject application is hereby denied.

Adopted by the Board of Standards and Appeals, September 20, 2005.

362-04-BZ

APPLICANT – The Agusta Group for South Long Island Realty Management, Owner.

SUBJECT – Application November 18, 2004 – under Z.R. §72-21 – To permit the proposed conversion of a vacant three story building, into commercial use, is contrary to Z.R. §32-421, which limits commercial development to only two stories in R6/C2-4 zoning district.

PREMISES AFFECTED – 25-84 31st Street, west side, 339' north of Newtown Avenue, Block 598, Lot 60, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES – None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Adopted by the Board of Standards and Appeals, September 20, 2005.

388-04-BZ

CEQR #05-BSA-071Q

APPLICANT – H. Irving Sigman, for D.R.D. Development Inc., owner.

SUBJECT – Application December 13, 2004 – under Z.R. §72-21 - to permit the proposed construction of a one story and cellar commercial building, comprising of four stores, and accessory parking, Use Group 6, located in an R2 and C8-1 zoning district, is contrary to Z.R. §22-00.

PREMISES AFFECTED – 133-16 Springfield Boulevard, west side, 114.44' north of Merrick Boulevard and 277' south of Lucas Street, Block 12723, Lot 9, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: H. Irving Sigman.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated November 12, 2004, acting on Department of Buildings Application No. 401867119, reads, in pertinent part:

- “1. The use of the proposed building for retail stores (U.G. 6) with accessory parking in the R2

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portion of the lot is contrary to Section 22-00 of the Zoning Resolution.”; and

WHEREAS, a public hearing was held on this application on July 12, 2005 after due notice by publication in the *City Record*, with a continued hearing on August 23, 2005, and then to decision on September 20, 2005; and

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

WHEREAS, Community Board 12, Queens, and the Queens Borough President recommend approval of this application; and

WHEREAS, this is an application under Z.R. §72-21, to permit, within a split R2 and C8-1 zoning district, the proposed construction of a one-story and cellar commercial building with accessory parking, which does not comply with the use restrictions on the R2 portion of the zoning lot, contrary to Z.R. § 22-00; and

WHEREAS, the premises is located on Springfield Boulevard north of Merrick Blvd, and has approximately 232'-0" of frontage on Springfield Blvd, with a range in depth from approximately 80'-0" on the north side of the premises to 45'-0" on the south side; and

WHEREAS, the lot has a total area of 14,113 s.f.; 12,796 s.f. is located in the R2 zoning district and 1,316 s.f. is located in the C8-1 zoning district; and

WHEREAS, the subject lot and the adjoining lot were recently sub-divided from the former Lot 1; the adjoining lot (designated Lot 1) is developed with a one-story plus cellar retail building; and

WHEREAS, the site is currently vacant; and

WHEREAS, the applicant proposes to construct a one-story building with 6,655 s.f. of floor area and 19 accessory parking spaces; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject lot in compliance with underlying district regulations: (1) it is trapezoidal in shape and shallow; (2) it is located next to a major commercial artery; and (3) the lot is split by zoning district boundaries; and

WHEREAS, the applicant represents that at its shallowest point, the site is 45'-0" in length; if the site were to comply with the rear yard requirement of 30'-0" and front yard requirement of 15'-0", there would be insufficient lot depth at certain portions of the site to develop a viable residential building; and

WHEREAS, the applicant represents that the creation of a conforming development, such as three single-family homes, would lead to a site that is significantly underdeveloped as a result of compliance with yard, height and setback regulations; and

WHEREAS, the applicant also states that if the development complied with all yard, height and setback requirements, the resulting development would be undesirable to buyers because of the awkward layout of the residences on the site; and

WHEREAS, the applicant notes that Springfield Boulevard and Merrick Boulevard are both heavily-trafficked retail corridors; and

WHEREAS, the applicant further represents that a conforming development would have reduced marketability because of the commercial location of the surrounding area; and

WHEREAS, accordingly, the Board finds that the unique conditions mentioned above create practical difficulties and unnecessary hardship in developing the site in strict conformance with the applicable zoning regulations; and

WHEREAS, the applicant submitted an initial feasibility study that analyzed an as-of-right complying residential scenario of three one-family dwellings, and a lesser non-complying residential scenario of three two-family dwellings, and concluded that neither would result in a reasonable rate of return; and

WHEREAS, based upon the above, 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 provisions applicable in the subject zoning district will provide a reasonable return; and

WHEREAS, the applicant states that the proposed building's use and envelope will not negatively affect the character of the neighborhood nor impact adjacent uses; and

WHEREAS, the site is partially located within a C8 zoning district that extends along Springfield Blvd. and Merrick Blvd, and is developed with commercial uses; and

WHEREAS, the Board recognizes the commercial nature of the area; and

WHEREAS, directly north of the site is a school that maintains a 50'-0" separation from the subject lot; and

WHEREAS, to the west of the site are two-story residential dwellings; the applicant represents that there will be a minimum of 57'-0" between the proposed building and the residential dwellings; and

WHEREAS, the applicant will maintain a 5'-0" yard along the western side of the property, next to the residential dwellings; and

WHEREAS, the applicant proposes to install a 6'-0" high cyclone fence with 100% opaque perma-hedge infill along the side and rear lot lines; and

WHEREAS, the applicant represents it will have a 6'-0" by 13'-6" refuse area within the enclosure of the building, accessible through the parking lot, with pick-up three times a week between the hours of 9AM and 9PM; and

WHEREAS, the applicant represents that all store hours of operation will be 7AM to 1AM, and all deliveries will be made from Springfield Blvd between the hours of 8AM and 9PM; and

WHEREAS, the applicant states that the gate to the parking lot will be closed and locked after the business hours of the stores; and

WHEREAS, the applicant further represents that all exterior lighting will be directed away from residential windows; and

WHEREAS, the Board expressed concerns related to the parking layout proposed by the applicant, including whether the site could accommodate the number of proposed spaces, and

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whether such layout led to adequate on-site circulation; and

WHEREAS, in response, the applicant moved the proposed building further south and created two parking lots on-site; the Board finds that this layout is more efficient than the initial proposal; and

WHEREAS, in response to the Board's questions regarding consolidating parking on one side of the site, the applicant explained that the entire building could not be shifted even further to the southern portion of the site because the applicant would lose valuable retail space necessary to achieve the appropriate minimum variance; and

WHEREAS, the applicant also conducted a parking survey during business hours and determined that there is adequate off-street parking because there are 34 on-street parking spaces within a 400'-0" radius of the site, and most of the nearby commercial uses have their own parking lots, many of which are under-utilized; and

WHEREAS, the applicant represents that in a C1-2 zoning district, the applicant would be required to provide 22 parking spaces based upon the floor area of the proposed building; therefore, the proposed parking is deficient by only three spaces; 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 recent sub-division does not affect the uniqueness of the lot or the other findings made by the Board herein because the irregular trapezoidal shape constrained the lot both prior to and after the sub-division; and

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

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 05-BSA-071 Q, dated December 13, 2004; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes the required findings under Z.R. § 72-21, to permit, within a split R2 and C8-1 zoning district, the proposed construction of a one-story and cellar commercial building with accessory parking, which does not comply with the use restrictions on the R2 portion of the zoning lot, contrary to Z.R. § 22-00; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received August 5, 2005"-(3) sheets; and *on further condition*:

THAT there shall be a 6'-0" by 13'-6" refuse area within the enclosure of the building, accessible through the parking lot, with pick-up three times a week between the hours of 9AM and 9PM;

THAT the retail hours of operation shall be no earlier than 7AM and no later than 1AM, and all deliveries will be made from Springfield Blvd. between the hours of 8AM and 9PM;

THAT the gates to the parking lots will be closed and locked after business hours;

THAT all exterior lighting will be directed away from residential windows;

THAT the above-stated conditions shall be listed on the Certificate of Occupancy;

THAT the applicant shall install a 6'-0" high fence with 100% opaque perma-hedge infill along the side and rear lot lines as indicated on the BSA-approved plans;

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

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

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

Adopted by the Board of Standards and Appeals, September 20, 2005.

46-05-BZ
CEQR #05-BSA-101K

APPLICANT – Boris Saks, Esq., for 1795 Coney Island, LLC, owner; Women's Kosher Gym of Brooklyn, Inc., lessee.

SUBJECT – Application February 28, 2005 – under Z.R. §73-36 –To permit the proposed physical culture establishment, located in a C8-2 zoning district.

PREMISES AFFECTED – 1797 Coney Island Avenue,

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eastside, 305' north of Avenue "O", Block 6749, Lot 69, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Boris Saks.

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 3, 2005, acting on Department of Buildings Application No. 301567588, reads:

“Proposed use as a physical culture establishment is contrary to Zoning Resolution Section 32-31. Must obtain a Special Permit from Board of Standards and Appeals pursuant to Section 32-31.”; and

WHEREAS, a public hearing was held on this application on August 16, 2005, after due notice by publication in *The City Record*, and then to decision on September 20, 2005; and

WHEREAS, Community Board 14, 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 C8-2 zoning district, the proposed physical culture establishment (“PCE”) located in a three-story plus cellar building, contrary to Z.R. § 32-00; and

WHEREAS, the subject site is located on the east side of Coney Island Avenue, north of Avenue O, and has a lot area of 5,000 s.f.; and

WHEREAS, the subject lot was recently sub-divided from former Lot 69, a parcel that consisted of 8,000 s.f. of lot area; and

WHEREAS, the subject PCE will occupy 9,555 sq. ft. of floor area with 3,494 s.f. on each of the second and third floors and 2,806 s.f. on the first floor; and

WHEREAS, the applicant represents that the PCE will be open to women only, and will provide weight machines and free weights along with classes in yoga, pilates, cardio dance, and aerobics; and

WHEREAS, the applicant states that an automatic wet sprinkler system will be installed throughout the cellar, 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 10:30PM Sunday through Thursday, 6 AM to 1PM Friday and two hours after sunset to 12 AM on Saturday; 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 February 28, 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 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 C8-2 zoning district, the proposed physical culture establishment located in a three-story plus cellar building, contrary to Z.R. §32-00; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted filed with this application marked “Received August 3, 2005”- (5) sheets and “September 1, 2005”-(1) sheet and *on further condition*:

THAT this grant shall be limited to a term of ten years from September 20, 2005, expiring September 20, 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 10:30PM Sunday through Thursday, 6 AM to 1PM Friday and two hours after sunset to 12 AM on Saturday;

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

THAT Local Law 58/87 compliance shall be as

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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 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, September 20, 2005.

78-05-BZ

CEQR #05-BSA-114Q

APPLICANT – Sheldon Lobel, P.C., for Young Israel of New York Hyde Park, owner.

SUBJECT – Application March 31, 2005 – under Z.R. §72-21 – proposed expansion of an existing one story synagogue building, located in an R2 zoning district, which does not comply with the zoning requirements for lot coverage, also front and side yards, is contrary to Z.R. §24-11, §24-24 and §24-35.

PREMISES AFFECTED – 264-15 77th Avenue, southwest corner of 256th Street, Block 8538, Lots 29 and 31, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Richard Lobel.

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 March 1, 2005, acting on Department of Buildings Application No. 402086372, reads:

“Proposed addition is contrary to ZR 24-111, ZR 24-34 and ZR 24-35 and must be referred to the Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on August 9, 2005 after due notice by publication in *The City Record* and then to closure and decision on September 20, 2005; and

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

WHEREAS, both Community Board 13, Queens and the

Queens Borough President recommend approval of this application; and

WHEREAS, this is an application under Z.R. §72-21, to permit, within an R2 zoning district, the proposed enlargement of an existing one-story synagogue, which does not comply with applicable lot coverage ratio and front and side yard requirements, contrary to Z.R. §§24-111, 24-34 and 24-35; and

WHEREAS, this application is brought on behalf of Young Israel of New Hyde Park, a not-for-profit entity (hereinafter, the “Synagogue.”); and

WHEREAS, the site is a rectangular shaped corner lot located at the southwestern corner of 265th Street and 77th Avenue, has a total lot area of 14,000 sq. ft., and is comprised of two individual tax lots (Lots 29 and 31); and

WHEREAS, the subject site is currently improved upon with a 5,490 sq. ft. one-story building occupied by the Synagogue and a 1,420 sq. ft. one-and-one-half-story residence occupied by the rabbi; and

WHEREAS, the applicant states that the Synagogue has a congregation of approximately 140 individuals, and that there is a need for a mikveh (a religious bath), with waiting, changing and rest rooms; and

WHEREAS, in order to accommodate the mikveh, the applicant proposes to enlarge the Synagogue building by 1,148 sq. ft. in a one-story addition fronting on 77th Avenue; and

WHEREAS, construction of the enlargement as currently proposed will result in the following non-compliances: a front yard of 5.6 ft. (15 ft. is the minimum required); one non-complying side yard of 8 inches (a 15 ft. side yard is required); and a lot coverage ratio of 65% (60% is the maximum); and

WHEREAS, the floor area of the proposed building will comply with applicable requirements; and

WHEREAS, the applicant states that the following is a unique physical condition, which creates practical difficulties and unnecessary hardship in developing the subject site in compliance with underlying district regulations: the existing building has insufficient space to accommodate the current congregation and its needed mikveh, and the proposed building, which contemplates a floor area below the floor area permitted by the zoning resolution, could not be built in compliance with the existing side yard, front yard, and lot coverage requirements while still fulfilling the basic programmatic needs of the Synagogue; and

WHEREAS, the applicant states that the mikveh is an important part of customary practice for religious Jews, and that currently the members of the Synagogue must visit other synagogues further from their homes in order to use a mikveh; and

WHEREAS, the applicant states that the placement of the enlargement such that it encroaches into required yards is necessary, due to the need to locate the mikveh so that it is safely accessible by its proposed female users; location directly on the street provides this safe accessibility; and

WHEREAS, placement of the enlargement at the rear of the Synagogue building would pose a security problem, since the female users of the mikveh would have to walk in the rear yard, which is unmonitored; and

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WHEREAS, the applicant also states that extension of a roof canopy into the side yard would afford the congregants a sheltered entry area, while also providing for privacy for the religious use of the mikveh; and

WHEREAS, finally, the applicant states that the mikveh must be housed in a separate structure; and

WHEREAS, the applicant cites to all of these factors as the reason for the proposed location of the enlargement; and

WHEREAS, the Board agrees that, based upon the submitted evidence, the enlargement at the proposed location is necessary in order to meet the programmatic needs of the Synagogue; and

WHEREAS, therefore, the Board finds that the cited unique physical condition, when considered in conjunction with the programmatic needs of the Synagogue, creates practical difficulties and unnecessary hardship in developing the site in strict compliance with the applicable zoning regulations; and

WHEREAS, the Board finds that the applicant need not address Z.R. § 72-21(b) since the applicant is a not-for-profit organization and the enlargement will be in furtherance of its not-for-profit mission; and

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

WHEREAS, the applicant states that the existing Synagogue building is located in a neighborhood occupied by residences, other community facilities, and some retail stores; and

WHEREAS, the Board observes that the proposed enlargement to the Synagogue building will be located on the 77th Avenue side of the site, fronting on the street, such that any impact on adjacent uses will be negligible; and

WHEREAS, additionally, landscaping will be planted to limit the visual impact of the enlargement; and

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

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

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 05-BSA-114Q dated March 30, 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; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended and makes the required findings under Z.R. § 72-21, to permit, within an R2 zoning district, the proposed enlargement of an existing one-story synagogue, which does not comply with applicable lot coverage and front and side yard requirements, contrary to Z.R. §§ 24-111, 24-34 and 24-35; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 19, 2005"–(5) sheets; and *on further condition*:

THAT the bulk parameters of the proposed building shall be as reflected on the BSA-approved plans;

THAT all landscaping shall be planted and maintained as illustrated on the BSA-approved plans;

THAT compliance with exiting, occupancy, and Local Law 58/87 requirements is subject to the review and approval of 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 20, 2005.

380-04-BZ

APPLICANT – Sheldon Lobel, P.C., for BK Corporation, owner.

SUBJECT - Application November 29, 2004 – under Z.R. §72-21 to permit the legalization of the conversion of one dwelling unit, in a new building approved exclusively for residential use, to a community facility use, in an R5 zoning district, without two side yards, is contrary to Z.R. §24-35.

PREMISES AFFECTED – 32-12 23rd Street, bounded by 33rd Avenue and Broadway, Block 555, Lot 36, Borough of Queens.

COMMUNITY BOARD #1Q

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APPEARANCES – None.

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
22, 2005, at 1:30 P.M., for decision, hearing closed.

5-05-BZ

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

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

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

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Irving Minkin.

For Opposition: Mary Halikiopoulos.

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

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 Korma and Jong Sohn.

For Opposition: Kurt E. Hoppe and Lance Evans.

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.

29-05-BZ

APPLICANT – Stephen Rizzo (CR&A), for 350 West
Broadway, L.P., owner; Lighthouse Rizzo 350, LLC, lessee.

SUBJECT – Application February 17, 2005 - under Z.R. §72-
21 to permit the proposed enlargement and renovation to an

existing vacant fifteen story, to contain retail use in the cellar,
first and second floor, and residential use on the third through
fifteen floors, located in an M1-5A zoning district, is contrary
to Z.R. §42-14, §42-00 and §42-10.

PREMISES AFFECTED – 350 West Broadway, 60' north of
Grand Street, Block 476, Lot 75, Borough of Manhattan,

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Stephen Rizzo.

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
18, 2005, at 1:30 P.M., for decision, hearing closed.

68-05-BZ

APPLICANT – Sheldon Lobel, P.C., for Congregation Bais
Chaim Joshua, owner.

SUBJECT – Application March 18, 2005 – under Z.R. §72-
21 – to permit the proposed enlargement of a three story plus
attic building, currently housing a synagogue, with accessory
residential on the second, third, and attic floors, which does
comply with the zoning requirements for floor area ratio, side
and front yards, is contrary to Z.R. §24-11, §24-162, §24-35,
§24-34 and §23-141.

PREMISES AFFECTED – 4911 17th Avenue, east side,
between 49th and 50th Streets, Block 5455, Lot 5, Borough of
Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Richard Lobel.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD – Laid over to November
1, 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
Street, Block 7647, Lot 8, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Eric Palatnik.

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

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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 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 –

For Applicant: Mark Levine, George Leventis, Bob Pauls and Peter Schubert.

For Opposition: Bill Perkins, City Councilmember; Diane Richards, Deirdre Hamlin, Daniel Perez, Valerie Wst, Cynthia Doty, Alicia Koons, Marior Peng, Arlene M. Wilcox, and Courtney O’Melloy ?

ACTION OF THE BOARD – Laid over to October 25, 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: Eric Palatnik, Georgiana Ervin and Ed Erwin.

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

Pasquale Pacifico, Executive Director.

Adjourned: 5:30 P.M.