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# BULLETIN

## OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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Volume 91, No. 45

November 30, 2006

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### DIRECTORY

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<b>OFFICE -</b>	<b>40 Rector Street, 9th Floor, New York, N.Y. 10006</b>
<b>HEARINGS HELD -</b>	<b>40 Rector Street, 6th Floor, New York, N.Y. 10006</b>
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<b>TELEPHONE - (212) 788-8500</b>
<b>FAX - (212) 788-8769</b>

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17-93-BZ	160 Columbus Avenue, Manhattan
139-05-BZ	250 East 54 <sup>th</sup> Street, Manhattan
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**Affecting Calendar Numbers:**

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181-06-BZ	471 Washington Street, Manhattan

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# DOCKETS

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New Case Filed Up to November 21, 2006  
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**302-06-BZ**

1791 Ocean Parkway, North south of Avenue R between Ocean Parkway and East 7th Street., Block 6663, Lot(s) 46 Borough of **Brooklyn, Community Board: 15**. Under 72-21-Proposed to construct a mezzanine and a two story enlargement over the existing two-story structure in the center of the subject community facility building.  
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**303-06-BZ**

1081 Tompkins Avenue, 220 feet north of the intersection of Tompkins Avenue and Richmond Avenue., Block 3107, Lot(s) 12 Borough of **Staten Island, Community Board: 2**. (SPECIAL PERMIT) 73-30-For a non-accessory radio tower, which is a public utility wireless communications facility and will consist of 75-foot stealth flagpole (77 feet to top of gold ball), together with antennas mounted therein and related equipment.  
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**304-06-BZ**

106-02 Astoria Boulevard, Southeast Corner of Astoria Boulevard and 106th Street, Block 1639, Lot(s) 1 Borough of **Queens, Community Board: 3**. Under 72-21-To permit the construction of a detached single family home on a vacant corner zoning lot, which does not provide the required 10'-0" front-yard.  
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**305-06-A**

9 Roosevelt Walk, Eastside 171.22' south of Oceanside Avenue., Block 16350, Lot(s) p/o 400 Borough of **Queens, Community Board: 14**. General City Law Section 36, Article 3-Propose to enlarge the existing first floor and construct a new second floor on a home.  
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**306-06-BZ**

50 Lawrence Avenue, Located on the southside of Lawrence Avenue approximately 36 feet east of McDonald Avenue, Block 5422, Lot(s) 10 Borough of **Brooklyn, Community Board: 14**. Under 72-21-To permit the construction of a six-story religious school.  
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**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.**

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# CALENDAR

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**DECEMBER 12, 2006, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, December 12, 2006, 10:00 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**SPECIAL ORDER CALENDAR**

**615-57-BZ**

APPLICANT – Sheldon Lobel, P.C., for Cumberland Farms, Inc., owner.

SUBJECT – Application October 10, 2006 – Extension of term for ten years, waiver of the rules for a gasoline service station (Exxon) which expired on June 5, 2003 and an extension of time to obtain a certificate of occupancy in an R-4 zoning district.

PREMISES AFFECTED – 154-11 Horace Harding Expressway, between Kissena Boulevard and 145<sup>th</sup> Place, Block 6731, Lot 1, Borough of Queens.

**COMMUNITY BOARD #7Q**

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**304-82-BZ**

APPLICANT – Bryan Cave, LLP, for Dansar, LLC, owner.

SUBJECT – Application October 6, 2006 – Re-open and amend an existing variance (§72-21) granted in 1984 for the conversion of floors two through nine in a commercial building to residential use with an existing commercial (UG6) on the first and cellar floors in an M1-5M zoning district.

PREMISES AFFECTED – 36 East 22<sup>nd</sup> Street, south side of East 22<sup>nd</sup> Street, 205' west of the corner of Park Avenue, south and East 22<sup>nd</sup>, Block 850, Lot 54, Borough of Manhattan.

**COMMUNITY BOARD #5M**

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**16-95-BZ**

APPLICANT – Stadtmauer Bailkin, LP, for STA Parking Group, owner.

SUBJECT – Application September 29, 2006 – Extension of Time to complete construction, which expired on October 23, 2003, on a previously granted variance for a UG8 parking garage with accessory auto repairs and an amendment to permit the legalization of the ramps within the existing parking garage and the relocation of the accessory office from the first floor to the second floor in an R8B zoning district.

PREMISES AFFECTED – 434 East 77<sup>th</sup> Street, aka 433 East 76<sup>th</sup> Street, located between East 76<sup>th</sup> and 77<sup>th</sup> Street, between York and First Avenue, Block 1471, Lot 31, Borough of Manhattan.

**COMMUNITY BOARD #8M**

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**395-04-BZ**

APPLICANT – Moshe M. Friedman, P.E., for Congregation Imrei Yehudah Contract Vendee, owner; Meyer Unschorfer, lessee.

SUBJECT – Application June 16, 2006 – Request for a re-opening and amendment to a previously-granted variance (§ 72-21) that allowed bulk waivers for a new house of worship in an R5 district. The proposed amendment includes the following: (1) increase in floor area and FAR, (2) increase in perimeter wall height; and (3) minor reduction in front yard provided.

PREMISES AFFECTED – 1232 54<sup>th</sup> Street, southwest side 242'-6" southeast of the intersection formed by 54<sup>th</sup> and 12<sup>th</sup> Avenue, Block 5676, Lot 17, Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

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**48-05-BZ**

APPLICANT – Wachtel & Masyr, LLP, for Bethune West Associates, LLC, owner.

SUBJECT – Application October 30, 2006 – Request for a re-opening and amendment of a previously granted zoning variance that allowed a fifteen- (15) and three- (3) story residential building with ground floor retail use (UG 6), sixty-four (64) dwelling units and sixty (60) accessory parking spaces in C1-7A and C1-6A zoning districts. The proposed amendment includes the following: (1) ground floor level to change from retail to residential use; (2) dwelling units to increase from 64 to 84; (3) minor increase in lot coverage; and (4) modifications to the building's height and setback.

PREMISES AFFECTED – 469 West Street, aka 70 Bethune Street, West Street between Bethune Street and West 12<sup>th</sup> Street, Block 640, Lot 1, Borough of Manhattan.

**COMMUNITY BOARD #2M**

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**APPEALS CALENDAR**

**139-06-A**

APPLICANT – Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Ann Fitzsimmons, lessee.

SUBJECT – Application July 6, 2006 – Proposed reconstruction and enlargement of an existing one family dwelling located within the bed of mapped street (Oceanside Avenue ) and the proposed upgrade of an existing private disposal system is contrary to the Section 35 of the General City Law and the Department of Buildings Policy. R4 Zoning District.

PREMISES AFFECTED – 1 Irving Walk, east side of Irving Walk at intersection of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

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# CALENDAR

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## COMMUNITY BOARD #14Q

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### 169-06-A

APPLICANT – Timothy Costello, for Breezy Point Cooperative, Inc., owner; Raymond Wasson, lessee.

SUBJECT – Application August 10, 2006 – Proposed reconstruction and enlargement of an existing one family dwelling located partially within the bed of mapped street (Oceanside Avenue) contrary to Section 35 of the General City Law. R4 Zoning District.

PREMISES AFFECTED – 175 Oceanside Avenue, Block 16350, Lot 400, Borough of Brooklyn.

## COMMUNITY BOARD #14Q

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**DECEMBER 12, 2006, 1:30 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday afternoon, December 12, 2006, at 1:30 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## ZONING CALENDAR

### 151-04-BZ

APPLICANT– Philips Nizer, LLP, for Fred M. Schildwachter & Son, Inc., c/o Dan Schildwachter, owner; Adriana A. Salamone, lessee.

SUBJECT – Application April 9, 2004 – Special Permit (§73-36) to permit the legalization of an existing physical culture establishment (Star Fitness ) in an M3-1 Zoning District.

PREMISES AFFECTED – 1385 Commerce Avenue, southwest corner of Butler Place, Block 1385, Lot 13, Borough of The Bronx.

## COMMUNITY BOARD #10BX

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### 378-04-BZ

APPLICANT– Sheldon Lobel, P.C., for Hieronima Rutkowska, owner.

SUBJECT – Application November 29, 2004 – Variance (Section 72-21) to permit the construction of a four-story residential building and a four-car garage. The Premise is located on a vacant lot in an M1-1 zoning district. The proposal is contrary to Section 42-00.

PREMISES AFFECTED – 94 Kingsland Avenue, northeast corner of the intersection between Kingsland Avenue and Richardson Street, Block 2849, Lot 1, Borough of Brooklyn.

## COMMUNITY BOARD #1BK

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### 56-06-BZ

APPLICANT – Law Office of Fredrick A. Becker, Esq., for Suri Blatt and Steven Blatt, owners.

SUBJECT – Application March 27, 2006 – Pursuant to ZR 73-622 Special Permit for the enlargement of an existing one family residence which exceeds the maximum allowed floor area and decreases the minimum allowed open space as per ZR 23-141 and has less than the minimum required rear yard as per ZR 23-47.

PREMISES AFFECTED – 1060 East 24<sup>th</sup> Street, East 24<sup>th</sup> Street between Avenue J and Avenue K, Block 7605, Lot 70, Borough of Brooklyn.

## COMMUNITY BOARD #14BK

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### 111-06-BZ

APPLICANT– Sheldon Lobel, P.C., for Alex Lyublinskiy, owner.

SUBJECT – Application June 5, 2005 – Special Permit (73-622) for the in-part legalization of an enlargement to a single family residence. This application seeks to vary open space and floor area (23-141); side yard (23-48) and perimeter wall height (23-631) regulations. R3-1 zoning district.

PREMISES AFFECTED – 136 Norfolk Street, west side of Norfolk Street, between Shore Boulevard and Oriental Boulevard, Block 8756, Lot 14, Borough of Brooklyn.

## COMMUNITY BOARD #15BK

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### 115-06-BZ

APPLICANT– Harold Weinberg, for Saul Mazor, owner.

SUBJECT – Application June 7, 2006 – Special Permit (73-622) for the enlargement of a single family detached residence. This application seeks to vary open space, floor area and lot coverage (23-141); side yard (23-461) and rear yard (23-47) in an R3-2 zoning district.

PREMISES AFFECTED – 1820 East 28<sup>th</sup> Street, west side 140' south of Avenue R, between Avenue R and S, Block 6833, Lot 13, Borough of Brooklyn.

## COMMUNITY BOARD #15BK

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### 124-06-BZ

APPLICANT– Law Office of Fredrick A. Becker, for Nasanel Gold, owner.

SUBJECT –Application June 13, 2004 – Special Permit (73-622) for the enlargement of a single family residence. This application seeks to vary open space and floor area (23-141); side yard (23-48) and rear yard (34-47) regulations. R-2 zoning district.

PREMISES AFFECTED – 1078 East 26<sup>th</sup> Street, East 26<sup>th</sup> Street between Avenue J and Avenue K, Block 7607, Lot 83, Borough of Brooklyn.

## COMMUNITY BOARD #14BK

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# CALENDAR

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**138-06-BZ**

APPLICANT- Law Office of Fredrick A. Becker, for RH Realty LLC NY by Ralph Herzka, owner.

SUBJECT - Application July 5, 2006 - Special Permit (§73-622) for the enlargement of a single family residence.

This application seeks to vary open space and floor area (23-141(a)) and rear yard (23-47) in an R-2 zoning district.

PREMISES AFFECTED - 3447 Bedford Avenue, between Avenue M and N, Block 7661, Lot 31, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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**214-06-BZ**

APPLICANT- Walter T. Gorman, P.E., for Sidney Esikoff & Norman Fieber, owners.

SUBJECT - Application August 24, 2006 - Special Permit (§11-411) for the re-establishment and extension of term for an existing gasoline service station, which has been in continuous operation since 1953. R3-2 zoning district.

PREMISES AFFECTED - 196-25 Hillside Avenue, northwest corner of 197<sup>th</sup> Street, Block 10509, Lot 265, Borough of Queens.

PREMISES AFFECTED - 196-25 Hillside Avenue, northwest corner of 197<sup>th</sup> Street, Block 10509, Lot 265, Borough of Queens.

**COMMUNITY BOARD #8Q**

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**216-06-BZ**

APPLICANT- Sheldon Lobel, P.C., for Leemilt's Petroleum, Inc., owner.

SUBJECT - Application August 28, 2006 - Special Permit (§11-411 & §11-412) for the re-establishment and extension of term for an existing automotive service station

, which has been in continuous operation since 1961 and legalization of certain minor amendments to previously approved plans. C1-4/R6-A zoning district.

PREMISES AFFECTED - 35-17 Junction Boulevard, east side of Junction Boulevard between 35<sup>th</sup> and 37<sup>th</sup> Avenues, Block 1737, Lot 49, Borough of Queens.

PREMISES AFFECTED - 35-17 Junction Boulevard, east side of Junction Boulevard between 35<sup>th</sup> and 37<sup>th</sup> Avenues, Block 1737, Lot 49, Borough of Queens.

**COMMUNITY BOARD #4Q**

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*Jeff Mulligan, Executive Director*

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# MINUTES

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**REGULAR MEETING  
TUESDAY MORNING, NOVEMBER 21, 2006  
10:00 A.M.**

Present: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson.

The motion is to approve the minutes of regular meetings of the Board held on Tuesday morning and afternoon, August 22, 2006 and August 23, 2006 as printed in the bulletin of September 1, 2006, Vol. 91, No. 34. If there be no objection, it is so ordered.

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## SPECIAL ORDER CALENDAR

### 69-95-BZ

APPLICANT – Ellen Hay, Wachtel & Masyr, LLP, for Hudson River Park Trust, owner; Chelsea Piers Management Inc., lessee.

SUBJECT –Application August 31, 2006 – Extension of Term/Amendment/Waiver - Application filed on behalf of the Sports Center at Chelsea Piers to Extend the term of the Special Permit which was granted pursuant to section 73-36 of the zoning resolution to allow the operation of a Physical Cultural Establishment in a M2-3 zoning district and expired on August 8, 2005. The application seeks to amend the resolution to reflect the elimination of the Health Club in the North head house of the Chelsea Piers Sport and Entertainment Complex.

PREMISES AFFECTED – Pier 60, 111B Eleventh Avenue, west side of West Street, between West 19<sup>th</sup> and West 20<sup>th</sup> Streets, Block 662, Lot 16, Borough of Manhattan.

### COMMUNITY BOARD #4M

APPEARANCES – None.

**ACTION OF THE BOARD** – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson....4

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an amendment, and an extension of the term for a previously granted variance for a Physical Culture Establishment (PCE), which expired on August 8, 2005; and

WHEREAS, a public hearing was held on this application on October 31, 2006 after due notice by publication in *The City Record*, and then to decision on November 21, 2006; and

WHEREAS, Community Board 4, Manhattan, recommends approval of this application; and

WHEREAS, the subject premises is located on the west side of West Street, between West 19<sup>th</sup> and West 20<sup>th</sup> Streets; and

WHEREAS, the PCE, operated as the Sports Center at Chelsea Piers, is located at Pier 60, and is within the Chelsea Piers Sports and Entertainment complex, which includes Piers 59 through 62; and

WHEREAS, Pier 60 is occupied by a two-story with mezzanines building and is located within an M2-3 zoning district; and

WHEREAS, the PCE occupies a portion of the first floor, and the entire second floor and second-floor mezzanine, for a total of 115,960 sq. ft. of floor area in the subject building; and

WHEREAS, the Board notes that the other portions of the sports complex are occupied by uses which do not require the special permit and therefore are not under the Board's jurisdiction; and

WHEREAS, on August 8, 1995, the Board granted a special permit pursuant to ZR § 73-36, to permit the operation of the PCE in the subject building and in an additional part of the complex, located between Piers 61 and 62, known as the North Headhouse; and

WHEREAS, the term was for ten years; and

WHEREAS, on March 15, 1994, under BSA Cal. No. 87-93-A, the Board granted an appeal to permit a variance of certain provisions of the Building Code relating to fire safety protection in anticipation of the development of the subject piers; and

WHEREAS, the applicant now requests an additional ten-year term and an amendment to the approved plans to reflect the PCE's actual floor area; and

WHEREAS, the applicant represents that, although the approved plans indicate PCE use at Pier 60 (115,960 sq. ft.) and in the North Headhouse (65,821 sq. ft.), the North Headhouse space is now occupied by non-PCE use; and

WHEREAS, the applicant submitted new drawings and floor area calculations reflecting the as-built conditions, and illustrating that the PCE use is confined to Pier 60; and

WHEREAS, based on the above, the Board finds that the requested extension of term and the amendments to the approved plans are 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, dated August 8, 1995, so that as amended this portion of the resolution shall read: "to grant an extension of the special permit for a term of ten years from the expiration of the last grant and to permit the revision of the approved plans to reflect the elimination of the North Headhouse for PCE use; *on condition* that the use and operation of the PCE shall substantially conform to BSA-approved plans, and that all work and site conditions shall comply with drawings marked 'Received August 31, 2006' – (6) sheets; and *on condition*:

THAT there shall be no change in ownership or operating control of the PCE without prior approval from the Board;

THAT this grant shall be limited to a term of ten years, expiring on August 8, 2015;

# MINUTES

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

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

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

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

(DOB Application No. 100619957)

Adopted by the Board of Standards and Appeals, November 21, 2006.

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## 574-85-BZ

APPLICANT – Law Office of Fredrick A. Becker for 125 East 39<sup>th</sup> Street Realty LLC, owner.

SUBJECT – Application September 21, 2006 – Extension of term for a previously granted Variance (72-21) to permit, in a C1-5(R-10) zoning district, an eating and drinking establishment (UG6) located in the cellar, basement and first floor of a five story building.

PREMISES AFFECTED – 125 East 39<sup>th</sup> Street, Northerly side of East 39<sup>th</sup> Street, 78' east of Lexington Avenue. Block 895, Lot 18, Borough of Manhattan.

### COMMUNITY BOARD #6M

#### APPEARANCES –

For Applicant: Fredrick A. Becker.

**ACTION OF THE BOARD** – Application granted on condition.

#### THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson....4  
Negative:.....0

#### THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson....4  
Negative:.....0

#### THE RESOLUTION:

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of the term for a previously granted variance for an eating and drinking establishment, which expired on June 17, 2006; and

WHEREAS, a public hearing was held on this application on November 14, 2006, after due notice by publication in *The City Record*, and then to closure and decision on November 21, 2006; and

WHEREAS, the subject premises is located on the north side of East 39<sup>th</sup> Street, 78 feet east of Lexington Avenue; and

WHEREAS, the site is occupied by a five-story with mixed-use commercial and residential building with approximately 7,100 sq. ft. of floor area, located within a C1-

5(R10) zoning district; and

WHEREAS, the eating and drinking establishment occupies a portion of the basement and first floor; and

WHEREAS, on June 17, 1986, the Board granted a variance pursuant to ZR § 72-21, to permit the extension of this eating and drinking establishment into the first floor of the existing building for a ten-year term; and

WHEREAS, on April 15, 1997, the Board granted a ten-year extension of term which expired on June 17, 2006; and

WHEREAS, the instant application seeks to extend the term of the variance for an additional ten years; and

WHEREAS, the applicant notes that the restaurant operator has changed since the last grant; and

WHEREAS, at hearing, the Board asked the applicant if the sidewalk canopy at the site had the required permit; and

WHEREAS, the applicant responded that the canopy has the required DOB permit; and

WHEREAS, based on the above, the Board finds that a ten-year extension is appropriate, with the conditions set forth below.

*Therefore it is Resolved* that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated June 17, 1986, so that as amended this portion of the resolution shall read: “to grant an extension of the variance for a term of ten years from the expiration of the last grant; *on condition* that the use and operation of the eating and drinking establishment shall substantially conform to BSA-approved plans, and that all work and site conditions shall comply with drawings marked ‘Received September 21, 2006’–(5) sheets; and *on condition*:

THAT this grant shall be limited to a term of ten years from the expiration of the last grant, expiring June 17, 2016;

THAT the above condition shall appear 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) and/or configuration(s) not related to the relief granted.”

(DOB Application No. 101276138)

Adopted by the Board of Standards and Appeals, November 21, 2006.

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## 363-04-BZ

APPLICANT – Mark A. Levine, Esq., for 6002 Fort Hamilton Parkway Partners, owners.

SUBJECT – Application June 27, 2006 – Amendment to reconfigure internal layout and minor changes to the

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# MINUTES

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structural façade. The premise is located in an M1-1 zoning district.

PREMISES AFFECTED – 6002 Fort Hamilton Parkway, a/k/a 949-959 61<sup>st</sup> Street, a/k/a 940-966 60<sup>th</sup> Street, south of 61<sup>st</sup> Street, east of Fort Hamilton Parkway, Block 5715, Lots 21 & 27, Borough of Brooklyn.

## COMMUNITY BOARD #12BK

### APPEARANCES –

For Applicant: Mitchell Korbey.

**ACTION OF THE BOARD** – Application granted on condition.

### THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson....4  
Negative:.....0

### THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson....4  
Negative:.....0

### THE RESOLUTION:

WHEREAS, this is an application for a reopening and an amendment to a previously granted variance for the conversion of a former factory to residential and commercial use; and

WHEREAS, a public hearing was held on this application on October 31, 2006 after due notice by publication in *The City Record*, and then to decision on November 21, 2006; and

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

WHEREAS, Community Board 12, Brooklyn, recommends approval of this application; and

WHEREAS, the subject premises is located on the east side of Forth Hamilton Parkway, between 60<sup>th</sup> Street and 61<sup>st</sup> Street; and

WHEREAS, the site is occupied by a one- and three-story mostly vacant warehouse/commercial building with approximately 51,474 sq. ft. of floor area, located within an M1-1 zoning district; and

WHEREAS, on July 19, 2005, the Board granted a variance pursuant to ZR § 72-21, to permit the conversion and enlargement of this building to residential and commercial use; and

WHEREAS, the variance permitted 100 dwelling units and first floor commercial space, with accessory parking for residents; and

WHEREAS, the applicant now seeks to modify the BSA-approved plans; and

WHEREAS, the applicant represents that upon the commencement of the project, unforeseen deficiencies in the existing building's structural support system were discovered; and

WHEREAS, the building's steel columns require extensive repair and most of the concrete floor slabs require repair and/or replacement; and

WHEREAS, the applicant now proposes certain modifications to the interior and exterior; and

WHEREAS, specifically, the applicant now proposes to eliminate the proposed mezzanines and the sixth floor, and to reconfigure the dwelling units to provide better access to light and air; and

WHEREAS, the applicant represents that the modified proposal results in a building with the same FAR (2.99) as previously approved, a reduced overall building height (from 50'-3" to 45'-0"), and less lot coverage; and

WHEREAS, the Board notes that the proposed changes resulted in the creation of a unit on the first floor with frontage on the parking lot and under an overhang; and

WHEREAS, at hearing, the Board expressed concern that the dwelling unit would not receive sufficient access to light and air; and

WHEREAS, in response, the applicant reconfigured the commercial and residential space on the first floor so that the noted first-floor dwelling unit would front on Fort Hamilton Parkway; and

WHEREAS, the applicant represents that the proposed modified enlargement does not require any new waivers or modifications to existing waivers; and

WHEREAS, accordingly, the Board finds that the proposed amendments are appropriate, with the conditions set forth below.

*Therefore it is Resolved* that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated July 19, 2005, so that as amended this portion of the resolution shall read: "to permit the removal of the proposed mezzanines, the reconfiguration of the dwelling units, commercial space, and parking lot, and other interior and exterior reconfigurations to the approved plans, *on condition* that all work shall substantially conform to drawings filed with this application and marked 'Received September 26, 2006'-(8) sheets and 'November 2, 2006'-(1) sheet; 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) and/or configuration(s) not related to the relief granted."

(DOB Application No. 301799034)

Adopted by the Board of Standards and Appeals, November 21, 2006.

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**757-89-BZ**

APPLICANT – Cozen O'Connor, Barbara Hair, Esq., for 401 Commercial, L.P., owner; Bally Sports Club, Inc., lessee.

SUBJECT – Application October 5, 2006 – Extension of Term and waiver of the rules for a Special Permit (§73-36) to allow a Physical Cultural Establishment in a C6-4.5 zoning

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district within the Midtown Special District.  
PREMISES AFFECTED – 401 Seventh Avenue, aka 139 West 32<sup>nd</sup> Street, Block 808, Lots 7501, 40, Borough of Manhattan.

## COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Peter Geis.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson....4

Negative:.....0

**ACTION OF THE BOARD** – Laid over to December 5, 2006, at 10 A.M., for decision, hearing closed.  
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## 17-93-BZ

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for Lincoln Square Commercial Holding, owner; MP Sports Club Upper Westside LLC on behalf of Reebok-Sports Club/NY, Ltd., lessee.

SUBJECT – Application October 13, 2006 - Extension of term of a previously granted special permit (73-36) for a physical culture establishment (Reebok Sports Club/NY Ltd.) which expired on June 7, 2004; a waiver to file more than a year after the expiration of the term; extension of time to obtain a permanent certificate of occupancy and an amendment for the change in management/ownership and the hours of operation located in a C4-7(L) zoning district.

PREMISES AFFECTED – 160 Columbus Avenue (a/k/a 1992 Broadway), Block 1139, Lots 24, 30, Borough of Manhattan.

## COMMUNITY BOARD #7M

APPEARANCES –

For Applicant: Paul Selver

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson....4

Negative:.....0

**ACTION OF THE BOARD** – Laid over to December 12, 2006, at 10 A.M., for decision, hearing closed.  
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## 139-05-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for The Mondrian Condominium, owner; Equinox 54<sup>th</sup> Street, Inc., lessee.

SUBJECT – Application June 30, 2006 - Extension of Term for a Special Permit (§73-36) to allow a Physical Cultural Establishment in a C1-9(TA) zoning district.

PREMISES AFFECTED – 250 East 54<sup>th</sup> Street, southwest corner of East 54<sup>th</sup> Street and 2<sup>nd</sup> Avenue, Block 1327, Lot 7502, Borough of Manhattan.

## COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: Eric Palatnik

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins,

Commissioner Ottley-Brown and Commissioner Hinkson....4  
Negative:.....0

**ACTION OF THE BOARD** – Laid over to December 12, 2006, at 10 A.M., for decision, hearing closed.  
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## APPEALS CALENDAR

### 117-06-A

APPLICANT – Eric Palatnik, P.C., for Esther C. Wallerstein, owner.

SUBJECT – Application June 8, 2006 - 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 R6 Zoning District. R4-1 zoning district.

PREMISES AFFECTED – 1373 East 13<sup>th</sup> Street, between Avenue N and Elm Avenue, Block 6742, Lot 58, Borough of Brooklyn.

## COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Eric Palatnik.

For Administration: Angelina Martinez-Rubio, Department of Buildings

**ACTION OF THE BOARD** – Laid over to December 5, 2006, at 10 A.M., for continued hearing.  
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### 166-06-BZY

APPLICANT – Eric Palatnik, P.C., for Mujahid Mian, owner.

SUBJECT – Application July 28, 2006 – Proposed extension of time (§11-331) to complete construction of a minor development for a multi -family building. Prior zoning was R4 zoning district and new zoning is R4-A as of June 29, 2006.

PREMISES AFFECTED – 84-59 162<sup>nd</sup> Street, south of the corner formed by the intersection of 84<sup>th</sup> Drive and 162<sup>nd</sup> Street, Block 9786, Lot 7, Borough of Queens

## COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Eric Palatnik and Zannis Angelidakis.

For Administration: Lisa Orrantia, Department of Buildings.

**ACTION OF THE BOARD** – Laid over to December 12, 2006, at 10 A.M., for continued hearing.  
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### 231-06-BZY

APPLICANT – Rothkrug Rothkrug and Spector, for Medhat M. Hanna, owner.

SUBJECT – Application September 11, 2006 – Extension of time to complete construction and obtain a Certificate of Occupancy for a minor development under (11-332) for a single family home. R3-1 zoning district.

PREMISES AFFECTED – 102 Greaves Avenue, intersection of Greaves and Dewey Avenue, Block 4568, lot 40, Borough of Staten Island.

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## COMMUNITY BOARD #3SI

### APPEARANCES –

For Applicant: Eric Palatnik.

### THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson....4

Negative:.....0

**ACTION OF THE BOARD** – Laid over to December 12, 2006, at 10 A.M., for decision, hearing closed.

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*Jeffrey Mulligan, Executive Director*

Adjourned: 10:40 A.M.

## REGULAR MEETING TUESDAY AFTERNOON, NOVEMBER 21, 2006 1:30 P.M.

Present: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson.

## ZONING CALENDAR

### 328-04-BZ

APPLICANT – Law Offices of Howard Goldman, LLC, for Rockaway Improvements, LLC, owner.

SUBJECT – Application October 5, 2004 – Variance Z.R. §72-21 to permit the proposed construction of a six story residential building, with twelve dwelling units, Use Group 2, located in an M1-1 zoning district, does not comply with zoning requirements for use, bulk and parking provisions, is contrary to Z.R. §42-00, §43-00 and §44-00.

PREMISES AFFECTED – 110 Franklin Avenue, between Park and Myrtle Avenues, Block 1898, Lots 49 and 50, Borough of Brooklyn.

### COMMUNITY BOARD #3BK

#### APPEARANCES –

For Applicant: Chris Wright.

**ACTION OF THE BOARD** – Application granted on condition.

#### THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson....4

Negative:.....0

#### THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated March 24, 2005, acting on Department of Buildings Application No. 301792503, reads, in pertinent part:

“The proposed residential building located in an M1-1 District is contrary to the use provisions of Section 42-00 of the Zoning Resolution.”; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site within an M1-1 zoning district, a proposed four-

story with cellar residential building, which does not comply with the applicable zoning requirement concerning permitted use, contrary to ZR § 42-00; and

WHEREAS, the proposed building includes eight units on the ground, second, third and fourth floors, recreation and storage space in the cellar, 11,224.06 sq. ft. of floor area, a Floor Area Ratio (FAR) of 2.4, a street wall and total building height of 40’-4”, a rear yard of 30’-0”, a front yard of 10’-0”, and no side yards or parking spaces (the “Proposed Building”); and

WHEREAS, the Proposed Building will be constructed pursuant to the Quality Housing regulations set forth at Chapter 8, Article II of the ZR; and

WHEREAS, the applicant initially proposed to construct a six story with cellar building, with 12 units, an FAR of 3.0, a total height of 60’-0”, a rear yard of 32’-10”, and a front yard of 20’-0”; and

WHEREAS, the Board expressed concern about this proposal, noting that there did not appear to be any justification for the height and FAR; and

WHEREAS, specifically, the Board noted that the proposed height and bulk would not be compatible with the character of the community, given the heights of the surrounding buildings and the location of the site on a narrow side street; and

WHEREAS, subsequently, the applicant submitted an intermediate proposal, with the following bulk parameters: five stories, ten dwelling units, an FAR of 2.9, a total height of 50’-0”, a rear yard of 31’-5”, and a front yard of 10’-0”; and

WHEREAS, the Board reviewed this intermediate proposal, and again expressed concerns about the compatibility of the height and FAR with the context of the neighborhood; and

WHEREAS, the applicant submitted a second intermediate proposal, with the following bulk parameters: five stories (a partial fifth story set back 15 ft.), ten dwelling units, an FAR of 2.8, a total height of 50’-0”, a rear yard of 30’-0”, and a front yard of 10’-0”; and

WHEREAS, the Board suggested that the fifth floor be removed and that the FAR be reduced to 2.4, with a corresponding reduction in the amount of units; and

WHEREAS, the applicant responded to the Board’s concerns by submitting the current version, as described above, which the Board finds acceptable in terms of impact and compatibility with the surrounding context; and

WHEREAS, a public hearing was held on this application on May 16, 2006 after due notice by publication in the *City Record*, with continued hearings on July 11, 2006, September 12, 2006 and October 17, 2006, and then to decision on November 21, 2006; and

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

WHEREAS, Community Board 3, Brooklyn, declined to make a recommendation upon the subject application; and

WHEREAS, Council Member James recommended disapproval of the original proposal, suggesting that it was out of scale; and

WHEREAS, additionally, certain neighbors appeared in

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opposition to the original proposal, citing concerns about its excessive height and bulk; and

WHEREAS, the subject premises is comprised of two historical tax lots (Lots 49 and 50) proposed to be merged (into Tentative Lot 49), has a total lot area of approximately 4,700 sq. ft., and is located on the west side of Franklin Avenue between Myrtle and Park Avenues; and

WHEREAS, the site has been vacant since 1981, but was previously residentially occupied; and

WHEREAS, because the Proposed Building will contain Use Group 2 dwelling units, the instant variance application for use was filed; and

WHEREAS, the applicant represents that the following are unique physical conditions which, when considered in combination, create an unnecessary hardship in developing the site in conformance with the applicable regulations: (1) the site's small size and narrowness; (2) the existence of foundation rubble from the prior residential occupancies; and (3) the adjacency of residential use on both sides of the site; and

WHEREAS, as to the site's size and narrowness, the applicant states that these limitations prevent the site from being able to sustain the floor plates necessary for a viable manufacturing or other conforming use; and

WHEREAS, the Board agrees that the site's small size and its narrowness impose a hardship in developing the site with a conforming use; and

WHEREAS, as to the adjacency of the site to two residential uses, the Board also agrees that such a locational difficulty compounds the hardship associated with the site's small size and narrowness; and

WHEREAS, however, at hearing, the Board asked the applicant to establish that these conditions were reasonably unique to the subject site, and to review an expanded study area that includes the nearby blocks, which are zoned M1-1; and

WHEREAS, in response, the applicant studied an area consisting of the subject block and three blocks to the west, as reflected on the submitted land use maps; and

WHEREAS, the applicant claimed that within this study area, seven lots are occupied by active conforming uses; and

WHEREAS, the applicant's analysis shows that only three of these lots are comparable in size to, or smaller than, the subject site; and

WHEREAS, the study also shows that only one of these lots (with 10,250 sq. ft. of lot area) was developed after 1961; and

WHEREAS, the applicant also notes that the land use maps reflect seven other vacant lots; and

WHEREAS, the applicant argues that these vacant lots are distinguishable from the subject site in terms of size, depth, adjacency to residential uses, or adjacency to other non-residential parcels that could be combined with the lot; and

WHEREAS, the Board agrees that the subject site is the only lot in the underlying M1-1 zoning district that is both vacant and small and narrow, and further burdened by adjacency to two residential uses; and

WHEREAS, as to the existence of foundation rubble on

the site, the Board notes that this is often a typical condition on a vacant site and observes that the applicant made no attempt to distinguish this condition as unique; and

WHEREAS, thus, the Board declines to regard the presence of rubble as either unique or a hardship; and

WHEREAS, based upon the above, the Board finds that certain of the aforementioned unique physical conditions – namely, the site's shape and narrowness and its adjacency to residential uses - when considered in the aggregate, create unnecessary hardship and practical difficulty in developing the site in conformance with the applicable use regulation; and

WHEREAS, the applicant initially submitted a feasibility study analyzing the following scenarios: (1) a 4,700 sq. ft. one-story industrial building; and (2) an 11,250 sq. ft. multi-story community facility building; and

WHEREAS, the applicant concluded that neither scenario would realize a reasonable return; and

WHEREAS, the applicant also notes that marketing of the site for conforming uses did not lead to any significant interest; and

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

WHEREAS, the applicant represents that the variance, if granted, will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and

WHEREAS, as an initial matter, the Board notes that none of the above-mentioned earlier iterations would have been contextual with the surrounding neighborhood, which is characterized by three and four-story residential buildings adjacent to the site, and three to four-story residential buildings in the immediate area; and

WHEREAS, the Board notes that the proposal has been significantly reduced in terms of FAR and height, which makes it much more compatible with the surrounding context; and

WHEREAS, as to the proposed use, the applicant notes that the majority of the lots with frontage on Franklin Avenue – including the two adjacent sites – are occupied by residential uses, and that the introduction of eight additional residential units within this context will not alter the essential character of the neighborhood; and

WHEREAS, the Board agrees that the predominant character of the neighborhood is residential, notwithstanding the underlying M1-1 zoning district; and

WHEREAS, accordingly, 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, but is rather a

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function of the pre-existing unique physical conditions cited above; and

WHEREAS, as noted above, the applicant originally proposed a six-story, 3.0 FAR building with 12 units; and

WHEREAS, after this and subsequent intermediate iterations were rejected, the applicant proposed the current version of the building, which the Board finds acceptable; and

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

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

WHEREAS, the project is classified as an Unlisted action pursuant to Sections 617.6(h) and 617.2(h) of 6 NYCRR; 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. 05BSA048K, dated April 26, 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, the Office of Environmental Planning and Assessment of the New York City Department of Environmental Protection (DEP) has reviewed the following submissions from the applicant: the April 26, 2005 EAS and the March 2005 Phase II Workplan and Health and Safety Plan; and

WHEREAS, these submissions specifically examined the proposed action for Hazardous Materials; and

WHEREAS, a DEP Restrictive Declaration (the "DEP RD") was executed and submitted for proof of recording on October 25, 2006 and requires that hazardous materials concerns be addressed; and

WHEREAS, DEP has determined that there would not be any impacts from the subject proposal, based on the implementation of the measures cited in the DEP RD and the applicant's agreement to the conditions noted below; and

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

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

*Therefore it is Resolved* that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City

Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a site within an M1-1 zoning district, a proposed four story with cellar residential building, which does not comply with applicable the zoning requirement concerning use, contrary to ZR § 42-00, *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 8, 2006" - (4) sheets and "Received November 20, 2006" - (1) sheet; and *on further condition*:

THAT prior to the issuance of any DOB permit for any work on the site that would result in soil disturbance (such as site preparation, grading or excavation), the applicant or any successor will perform all of the hazardous materials remedial measures and the construction health and safety measures as delineated in the Remedial Action Plan and the Construction Health and Safety Plan to the satisfaction of DEP and submit a written report that must be approved by DEP;

THAT no temporary or permanent Certificate of Occupancy shall be issued by DOB or accepted by the applicant or successor until the DEP shall have issued a Final Notice of Satisfaction or a Notice of No Objection indicating that the Remedial Action Plan and Health and Safety Plan has been completed to the satisfaction of DEP;

THAT the following are the bulk parameters of the building: four stories, 11,224.06 sq. ft. of floor area, an FAR of 2.4, a total height of 40'-4", a rear yard of 30'-0", a front yard of 10'-0", and no side yards or parking spaces (as indicated on the BSA-approved plans);

THAT all Quality Housing regulations, including deductions, shall be complied with, as reviewed and approved by the Department of Buildings;

THAT DOB shall ensure that the two existing tax lots (Lots 49 and 50) are affirmatively merged prior to the issuance of any building permit;

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, November 21, 2006.

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## **298-05-BZ**

APPLICANT – Rampulla Associates Architects, for Pasquale Pappalardo, owner.

SUBJECT – Application October 4, 2005 – Variance pursuant to Z.R. Section 72-21 to construct a new two-story office building (Use Group 6) with accessory parking for 39

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cars. The premises is located in an R3X zoning district. The site is currently vacant and contains an abandoned greenhouse building from when the site was used as a garden center. The proposal is contrary to the district use regulations pursuant to Z.R. Section 22-00.

PREMISES AFFECTED – 1390 Richmond Avenue, bound by Richmond Avenue, Lamberts Lane and Globe Avenue, Block 1612, Lot 2, Borough of Staten Island.

## COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Phil Rampulla.

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson....4

Negative:.....0

**THE RESOLUTION:**

WHEREAS, the decision of the Staten Island Borough Commissioner, dated September 20, 2005, acting on Department of Buildings Application No. 500794349, reads in pertinent part:

“Proposed basement and two story commercial building within an R3X zoning district is not permitted as of right and is contrary to ZR Section 22-00.”; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site within an R3X zoning district, a proposed two-story commercial office building (Use Group 6) with two levels of accessory parking for 36 cars, which does not comply with applicable zoning requirements concerning use, contrary to ZR § 22-00; and

WHEREAS, a public hearing was held on this application on July 25, 2006 after due notice by publication in the *City Record*, with a continued hearing on October 31, 2006, and then to decision on November 21, 2006; and

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

WHEREAS, Community Board 2, Staten Island, recommends approval of the application on condition that no left turns be permitted into the parking lot from Lamberts Lane and that the curb cut on Globe Avenue be moved 50 feet towards Lamberts Lane; and

WHEREAS, the Borough President recommended disapproval of this application, citing concerns about the potential for increased traffic at the intersection of Richmond Avenue and Lamberts Lane and about the potential disruption of neighborhood character along Globe Avenue; and

WHEREAS, the City’s Fire Department (FDNY) requested a deferral of the decision on this application and requested additional time in order to further consider purchasing the property for potential future FDNY use with the adjacent firehouse on Richmond Avenue; and

WHEREAS, at the October 31 hearing, Battalion Chief Richard A. Posavetz, representing Staten Island Borough Command, expressed a concern that the proposed commercial development would interfere with emergency vehicle response

time; and

WHEREAS, however, the Board was not presented with any compelling evidence in support of this claim; and

WHEREAS, further, FDNY failed to indicate to the Board that it was in fact proceeding with a purchase of the property; and

WHEREAS, the subject premises has a total lot area of 12,419.14 sq. ft., and is situated on a triangular lot formed by Richmond Avenue, Lamberts Lane, and Globe Avenue, with approximately 31.31 ft. of frontage on Richmond Avenue, 193.99 ft. of frontage on Lamberts Lane, and 109.99 ft. of frontage on Globe Avenue; and

WHEREAS, the site is improved upon with a metal storage shed, which will be removed; and

WHEREAS, the proposed building will be occupied by office space on the first and second floors, 18 parking spaces on the lower parking level (partially below grade) and 18 spaces on the upper parking level (at grade and above) (the “Proposed Building”); and

WHEREAS, the Proposed Building will have entrances on Richmond Avenue and Lamberts Lane, and a single curb cut on Globe Avenue will provide access to the parking structure; and

WHEREAS, the Proposed Building will comply with all the bulk regulations for the R3X zoning district; and

WHEREAS, specifically, the Proposed Building will have 3,034.9 sq. ft. of floor area on the first floor and 2,978 sq. ft. of floor area on the second floor for a total floor area of 6,012 sq. ft. (0.48 FAR) (6,209 sq. ft. and 0.50 FAR are the maximum permitted for residential development in the subject zoning district) ; and

WHEREAS, additionally, the proposed street wall height is 24’-5” (26’-0” is the maximum permitted) and the total building height is 29’-0” (35’-0” is the maximum permitted); and

WHEREAS, because the Proposed Building is non-conforming as to use, the instant variance application was filed; and

WHEREAS, the applicant represents that the following are unique physical conditions which, when considered in combination, create an unnecessary hardship in developing the site in conformance with the applicable regulation: (1) the frontage on a main arterial (Richmond Avenue) and a service road for the Staten Island Expressway (Lamberts Lane), (2) the adjacency of the site to commercial districts, (3) the site’s irregular shape and (4) the site’s slope; and

WHEREAS, as to the location of the site, the applicant states that the site has frontage on Richmond Avenue, a four-lane main arterial; and

WHEREAS, additionally, the applicant states that Lamberts Lane is considered a service road of the SIE; and

WHEREAS, the applicant notes that to the west of the site there is an on- and off-ramp to the SIE; vehicles traveling east on the SIE that exit at Richmond Avenue enter onto Lamberts Lane and pass the site; and

WHEREAS, the applicant represents that the site’s direct frontage on Richmond Avenue and Lamberts Lane creates a

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practical difficulty in constructing residential development, in that the proximity diminishes residential sell out value; and

WHEREAS, as to the adjacency to commercial zoning districts, the applicant states there is a C2-1 zoning district across from the site, which includes a shopping center and a hotel; and

WHEREAS, there is also a C2-1 zoning district on the next block and a C1-1 zoning district directly to the south, with many retail and commercial office uses; and

WHEREAS, the applicant also asserts that the siren, horn, and other sounds associated with the adjacent firehouse further compromise the viability of residential use; and

WHEREAS, as to the site's shape, the applicant states that it is predominantly triangular in shape with a small fourth side located at the Richmond Avenue frontage; and

WHEREAS, the applicant states that this unusual lot configuration leads to difficulties in developing the site residentially; specifically, the applicant states that the narrow 31.31 ft. frontage on Richmond Avenue parallel to the much deeper Globe Avenue frontage of 109.99 feet compromises the viability of residential development; and

WHEREAS, the applicant submitted a 400-ft. radius diagram which shows that there are not any other irregularly shaped sites within the area with as large of a disparity in depth at different points of the lot; and

WHEREAS, as to the lot's shape, the Board notes that it compromises the various conforming development scenarios studied by the applicant; and

WHEREAS, specifically, the Board notes that since a significant portion of the site is oriented towards Lamberts Lane, that scenario contemplating three single-family homes requires their orientation towards Lamberts Lane, which is less conducive to residential development; and

WHEREAS, the Board also notes that an alternative conforming scenario would result in one home would be oriented towards Lamberts Lane, one towards Lamberts Lane and Richmond Avenue, and only one towards the residential Globe Avenue, which is also less conducive to residential development; and

WHEREAS, the Board finds that the three above-mentioned conditions are unique to the site and impose a hardship in developing it with a conforming use; and

WHEREAS, as to the slope of the lot, the applicant notes that the slope affecting the site leads to increased construction costs; and

WHEREAS, however, the Board does not find that the slope is significant enough to add considerable development costs, since it is only approximately five percent across the site; and

WHEREAS, based upon the above, the Board finds that certain of the aforementioned unique physical conditions – namely, the site's location on the SIE service road and a main arterial within a busy commercial corridor, its adjacency to commercial zoning districts, and its shape - when considered in the aggregate, create unnecessary hardship and practical difficulty in developing the site in conformance with the

applicable zoning regulation; and

WHEREAS, the applicant submitted a feasibility study analyzing the following conforming scenarios: (1) three single-family detached homes – one each with frontage on Richmond Avenue, Lamberts Lane, and Globe Avenue; (2) three single-family detached homes – one with frontage on Richmond Avenue and two with frontage on Globe Avenue; (3) two single-family homes; and (4) a community facility; and

WHEREAS, the applicant concluded that none of the conforming scenarios would realize a reasonable return; and

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

WHEREAS, the applicant represents that the variance, if granted, will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and

WHEREAS, as to use, the applicant has proposed a number of measures to lessen the impact of a commercial building and parking structure on the residential uses along Globe Avenue; and

WHEREAS, specifically, the applicant proposes to screen the parking structure with decorative metal fencing and densely planted shrubbery so as to lessen any visual impact on adjacent residences; and

WHEREAS, the applicant also revised the plans to provide for a 4 ft. planting strip along the length of the building on the Globe Avenue frontage; and

WHEREAS, further, the applicant proposes to direct any lighting away from residences and to provide a four ft. high opaque fence along the portion of the parking structure that abuts residential uses; and

WHEREAS, additionally, the hours of operation of the building and parking lot will be confined to 7 a.m. to 7 p.m., Monday through Friday and 9 a.m. to 5 p.m., Saturday and Sunday; and

WHEREAS, the Board also notes that the site is proximate to commercial zoning districts and commercial uses; and

WHEREAS, as to bulk, the applicant notes that the parking structure occupies the sloped portion of the site; because the grade is higher on the Globe Avenue side than on the Lamberts Lane side, the lower level of the parking lot on Globe Avenue will be predominantly below grade; and

WHEREAS, further, because of the slope, the massing of the parking structure on the residential street is minimized; and

WHEREAS, the Board also observes that the height and FAR comply with R3X district parameters; and

WHEREAS, as to traffic, the Board notes that the applicant initially proposed to provide curb cuts and access to the parking structure from both Lamberts Lane and Globe Avenue; and

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WHEREAS, the applicant had concluded that there would be less impact to the residences on Globe Avenue if there was also ingress and egress on Lamberts Avenue; and

WHEREAS, in response to the Community Board's concern about adding to the traffic on Lamberts Lane, the applicant revised the plans to reflect the elimination of the curb cut on Lamberts Lane; and

WHEREAS, the applicant also relocated the curb cut on Globe Avenue towards Lamberts Lane while maintaining the required 50 ft. from the intersection; and

WHEREAS, the applicant also provided a traffic study which compared the Proposed Building (0.48 FAR) with two as of right community facility buildings (1.0 FAR) and determined that the net difference in trips is approximately 15 trips during peak periods; and

WHEREAS, as to the amount of parking provided, the applicant states that only 20 spaces are required, but that 36 will accommodate demand better and lessen the likelihood of back-ups onto Globe Avenue; and

WHEREAS, accordingly, 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, but is rather a function of the pre-existing unique physical conditions cited above; and

WHEREAS, as noted above, the applicant originally proposed to have a 39-space parking structure with an additional curb cut on Lamberts Lane; and

WHEREAS, the applicant subsequently submitted revised plans showing the elimination of this curb cut to help minimize the traffic impact on nearby residents; and

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

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

WHEREAS, the project is classified as an Unlisted action pursuant to Sections 617.6(h) and 617.2(h) of 6 NYCRR; 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. 06BSA021R, dated July 10, 2006; 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 proposed action is located within the City's Waterfront Revitalization Program (WRP) boundaries and is consistent with the policies and provisions of the WRP; and

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

*Therefore it is Resolved* that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance on a site within an R3X zoning district, a proposed two-story commercial office building (Use Group 6) with two levels of accessory parking for 36 cars, which does not comply with applicable zoning requirements concerning use, contrary to ZR § 22-00, *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 21, 2006" - (8) sheets; and *on further condition*:

THAT the following are the bulk parameters of the building: two stories, a floor area of 6,012.9 sq. ft.; an FAR of 0.48; a perimeter wall height of 24'-5", and a total building height of 29'-0", as indicated on the BSA-approved plans);

THAT a maximum of 36 accessory parking spaces shall be provided, with the layout to be approved by DOB;

THAT all lighting shall be directed downward and away from adjacent residences;

THAT the hours of operation for the parking lot shall be limited to 7 a.m. to 7 p.m., Monday through Friday and 9 a.m. to 5 p.m., Saturday and Sunday;

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, November 21, 2006.

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## 234-06-BZ

APPLICANT-- Law Office of Fredrick A. Becker, for Martin Gross and Batsheva Gross, owners.

SUBJECT -- Application September 11, 2006 -- Pursuant to

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# MINUTES

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ZR 73-622 for the enlargement of single family residence. This application seeks to vary ZR 23-141(a) for open space and floor area, ZR 23-47 for less than the minimum rear yard and ZR 23-461 for less than the minimum side yard. The premise is located in an R-2 zoning district.

PREMISES AFFECTED – 1085 East 22<sup>nd</sup> Street, east side, between Avenue J and K, Block 7604, Lot 38, Borough of Brooklyn.

## COMMUNITY BOARD #14BK

### APPEARANCES –

For Applicant: Lyra Altman.

**ACTION OF THE BOARD** – Application granted on condition.

### THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson....4

Negative:.....0

### THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated August 11, 2006, acting on Department of Buildings Application No. 302205290, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141 in that the proposed building exceeds the maximum permitted floor area ratio of 0.50.
2. Proposed plans are contrary to ZR 23-141 in that the proposed open space ratio is less than the minimum required open space ratio of 150.
3. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than the minimum required rear yard of 30'-0".
4. Proposed plans are contrary to ZR 23-461 in that the proposed side yard is less than the minimum required side yard of 5'-0".; and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, in an R2 zoning district, the proposed enlargement of a single-family dwelling, which does not comply with the zoning requirements for floor area, floor area ratio (FAR), open space ratio, side yards, and rear yard, contrary to ZR §§ 23-141, 23-461, and 23-47; and

WHEREAS, a public hearing was held on this application on October 31, 2006, after due notice by publication in *The City Record*, and then to decision on November 21, 2006; and

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

WHEREAS, Community Board 14, Brooklyn, recommends approval of this application; and

WHEREAS, the subject lot is located on the east side of East 22<sup>nd</sup> Street, between Avenue J and Avenue K; and

WHEREAS, the subject lot has a total lot area of 4,000 sq. ft., and is occupied by a 3,080.56 sq. ft. (0.77 FAR) single-family home; and

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

available; and

WHEREAS, the applicant seeks an increase in the floor area from 3,080.56 sq. ft. (0.77 FAR) to 3,957.32 sq. ft. (.99 FAR); the maximum floor area permitted is 2,000 sq. ft. (0.50 FAR); and

WHEREAS, the applicant proposes to reduce the open space ratio from 85 percent to 58.4 percent (150 percent is the minimum required); and

WHEREAS, the applicant proposes to increase the existing non-complying side yard of 1'-11" to 4'-0" and reduce the complying side yard to 9'-0" (side yards of 13'-0" are required with a minimum width of 5'-0" for one); and

WHEREAS, the applicant proposes to provide a rear yard of 20'-0" (30'-0" is the minimum required); and

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

WHEREAS, the wall height and total height comply with applicable R2 district regulations; and

WHEREAS, initially, the applicant proposed to maintain the existing non-complying 1'-11" side yard while reducing the complying side yard from 11'-6" to 9'-0"; and

WHEREAS, at hearing, the Board expressed concern that the total width of the side yards did not meet the required 13 feet; and

WHEREAS, the applicant subsequently revised the plans to reflect the removal of the one-story portion of the house which projected into the smaller side yard; the revised plans provide for side yards totaling 13 feet; and

WHEREAS, further, the Board asked the applicant if the remaining foundation walls would actually serve to support the building; and

WHEREAS, the applicant responded that the remaining foundation walls will continue to serve as foundation walls and provide structural support to the enlarged home; and

WHEREAS, the Board also asked the applicant to identify which portions of the attic have a ceiling height of between five and eight feet and are therefore counted as floor area; and

WHEREAS, the applicant submitted revised plans indicating which portions of the attic have a ceiling height of between five and eight feet and noting that the attic floor area would be as approved by DOB; and

WHEREAS, finally, the Board directed the applicant to remove the garage from the proposed plans and to note that any garage would be as approved by DOB; and

WHEREAS, the Board notes that the FAR increase is comparable to other FAR increases that the Board has granted through the subject special permit in the subject zoning district; and

WHEREAS, accordingly, 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

# MINUTES

WHEREAS, the Board finds that 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 ZR §§ 73-622 and 73-03.

*Therefore it is Resolved*, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-622 and 73-03, to permit, in an R2 zoning district, the proposed enlargement of a single-family dwelling, which does not comply with the zoning requirements for floor area, floor area ratio (FAR), open space ratio, side yards, and rear yard, contrary to ZR §§ 23-141, 23-461, and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "November 8, 2006"–(11) sheets and *on further condition*:

THAT there shall be no habitable room in the cellar;

THAT the attic shall contain a maximum of 644.86 sq. ft.;

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

THAT the following shall be the parameters of the building: a total floor area of 3,957.32 sq. ft. (0.99 FAR), a wall height of 22'-10", a total height of 36'-10", a front yard of 15'-0", one side yard of 4'-0", one side yard of 9'-0", a rear yard of 20'-0", and an open space ratio of 58.4 percent, all as illustrated on the BSA-approved plans;

THAT the garage 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 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, November 21, 2006.

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235-06-BZ

APPLICANT– Law Office of Fredrick A. Becker, for Susan Rosenberg, owner.

SUBJECT – Application September 11, 2006 – Pursuant to ZR 73-622 for the enlargement of a single family residence. This application seeks to vary ZR 23-141 for open space and floor area and ZR 23-47 for less than the minimum rear yard. The premise is located in an R-2 zoning district.

PREMISES AFFECTED – 3155 Bedford Avenue, east side of Bedford Avenue, between Avenue J and Avenue K, Block 7607, Lot 33, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

APPEARANCES –

For Applicant: Lyra Altman.

**ACTION OF THE BOARD** – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson....4

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated August 11, 2006, acting on Department of Buildings Application No. 302205307, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141 in that the proposed building exceeds the maximum permitted floor area ratio of 0.50.
2. Proposed plans are contrary to ZR 23-141 in that the proposed open space ratio is less than the minimum required open space ratio of 150.
3. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than the minimum required rear yard of 30'-0".

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, in an R2 zoning district, the proposed enlargement of a single-family dwelling, which does not comply with the zoning requirements for floor area, floor area ratio (FAR), open space ratio, and rear yard, contrary to ZR §§ 23-141 and 23-47; and

WHEREAS, a public hearing was held on this application on October 31, 2006, after due notice by publication in *The City Record*, and then to decision on November 21, 2006; and

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

WHEREAS, Community Board 14, Brooklyn, recommends approval of this application; and

WHEREAS, the subject lot is located on the east side of Bedford Avenue, between Avenue J and Avenue K; and

WHEREAS, the subject lot has a total lot area of 4,000 sq. ft., and is occupied by a 1,980.30 sq. ft. (0.50 FAR) single-family home; and

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

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# MINUTES

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WHEREAS, the applicant seeks an increase in the floor area from 1,980.30 sq. ft. (0.50 FAR) to 3,983.97 sq. ft. (1.0 FAR); the maximum floor area permitted is 2,000 sq. ft. (0.50 FAR); and

WHEREAS, the applicant proposes to reduce the open space ratio from 147 percent to 58.1 percent (150 percent is the minimum required); and

WHEREAS, the applicant proposes to provide a rear yard of 20'-0" (30'-0" is the minimum required); and

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

WHEREAS, the wall height and total height comply with applicable R2 district regulations; and

WHEREAS, at hearing, the Board asked the applicant if the remaining foundation walls would actually serve to support the building; and

WHEREAS, the applicant responded that the remaining foundation walls will continue to serve as foundation walls and provide structural support to the enlarged home; and

WHEREAS, the Board also asked the applicant to identify which portions of the attic have a ceiling height of between five and eight feet and are therefore counted as floor area; and

WHEREAS, the applicant submitted revised plans indicating which portions of the attic have a ceiling height of between five and eight feet and noting that the attic floor area would be as approved by DOB; and

WHEREAS, further, the Board directed the applicant to remove the garage from the proposed plans and to note that any garage would be as approved by DOB; and

WHEREAS, the Board notes that the FAR increase is comparable to other FAR increases that the Board has granted through the subject special permit in the subject zoning district; and

WHEREAS, accordingly, 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 Board finds that 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 ZR §§ 73-622 and 73-03.

*Therefore it is Resolved*, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required

findings under ZR §§ 73-622 and 73-03, to permit, in an R2 zoning district, the proposed enlargement of a single-family dwelling, which does not comply with the zoning requirements for floor area, floor area ratio (FAR), open space ratio, and rear yard, contrary to ZR §§ 23-141 and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "November 8, 2006"-(12) sheets and *on further condition*:

THAT there shall be no habitable room in the cellar;

THAT the attic shall contain a maximum of 579 sq. ft.;

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

THAT the following shall be the parameters of the building: a total floor area of 3983.97 sq. ft. (1.0 FAR), a wall height of 21'-10", a total height of 35'-4", a front yard of 15'-0", one side yard of 5'-0", one side yard of 8'-4", a rear yard of 20'-0", and an open space ratio of 58.1 percent, all as illustrated on the BSA-approved plans;

THAT the garage 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 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, November 21, 2006.

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## 175-05-BZ

APPLICANT – Eric Palatnik, P.C. for 18-24 Luquer Street Realty LLC, owner.

SUBJECT – Application July 28, 2005 – Zoning variance pursuant to Z.R. §72-21 to allow the construction of a proposed four (4) story multi-family dwelling containing sixteen (16) dwelling units and eight (8) accessory parking spaces. Project site is located in an M1-1 zoning district and is contrary to Z.R. §42-00.

PREMISES AFFECTED – 18-24 Luquer Street, Between Hicks Street and Columbia Street, Block 520, Lot 13,16, Borough of Brooklyn.

## COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson....4

Negative:.....0

# MINUTES

**ACTION OF THE BOARD** – Laid over to December 12, 2006, at 1:30 P.M., for decision, hearing closed.

**290-05-BZ**

APPLICANT – Stuart A. Klein, for Yeshiva Imrei Chaim Viznitz, owner.

SUBJECT – Application September 19, 2005 and updated April 19, 2006 – Variance pursuant to Z.R. §72-21 to permit a catering hall (Use Group 9) accessory to a synagogue and yeshiva (Use Groups 4 & 3). The site is located in an R5 zoning district.

PREMISES AFFECTED – 1824 53<sup>rd</sup> Street, south side, 127.95’ east of the intersection of 53<sup>rd</sup> and 18<sup>th</sup> Avenue, Block 5480, Lot 14, Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

APPEARANCES –

For Applicant: Stuart A. Klein.

For Opposition: Joel Steinberg.

For Administration: Angelina Martinez-Rubio, Department of Buildings.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins and Commissioner Ottley-Brown.....3

Negative:.....0

Abstain: Commissioner Hinkson.....1

**ACTION OF THE BOARD** – Laid over to January 9, 2007, at 1:30 P.M., for decision, hearing closed.

**60-06-A**

APPLICANT – Stuart A. Klein, for Yeshiva Imrei Chaim Viznitz, owner.

SUBJECT – Application April 5, 2006 – Request pursuant to Section 666 of the New York City Charter for a reversal of DOB’s denial of a reconsideration request to allow a catering use as an accessory use to a synagogue and yeshiva in an R5 zoning district.

PREMISES AFFECTED – 1824 53<sup>rd</sup> Street, south side, 127.95’ east of the intersection of 53<sup>rd</sup> and 18<sup>th</sup> Avenue, Block 5480, Lot 14, Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

APPEARANCES –

For Applicant: Stuart A. Klein.

For Opposition: Joel Steinberg.

For Administration: Angelina Martinez-Rubio, Department of Buildings.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins and Commissioner Ottley-Brown.....3

Negative:.....0

Abstain: Commissioner Hinkson.....1

**ACTION OF THE BOARD** – Laid over to January 9, 2007, at 1:30 P.M., for decision, hearing closed.

**49-06-BZ**

APPLICANT – Sheldon Lobel, P.C., for Brigitte Zabbatino,

owner.

SUBJECT – Application March 17, 2006 – Variance under §72-21. In the Flatlands section of Brooklyn, and in a C1-2/R3-2 district on a lot consisting of 5,181 SF, permission sought to permit the construction of a three-story commercial building, with ground floor retail and office space on the second and third floors. The development is contrary to FAR, height and setback, and minimum parking. Parking for 12 vehicles in the cellar is proposed. The existing one-story structure consisting of approximately 2,600 SF will be demolished.

PREMISES AFFECTED – 2041 Flatbush Avenue, at the intersection of Flatbush Avenue and the eastern side of Baughman Place. Block 7868, Lot 18, Borough of Brooklyn.

**COMMUNITY BOARD #18BK**

APPEARANCES –

For Applicant: Ron Mandel.

**ACTION OF THE BOARD** – Laid over to January 9, 2007, at 1:30 P.M., for continued hearing.

**51-06-BZ**

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

SUBJECT – Application March 31, 2006 – Variance under Z.R (§72-21) on a lot consisting of 20,100 SF, and improved with a 13,384 SF one-story commercial structure, in a C1-2/R2 district, permission sought to legalize dance studio and to permit the operation of a physical culture establishment in a portion of the cellar. No parking provided on the premises. Sections: 32-18 dance studio (UG 9); and 32-00 PCE.

PREMISES AFFECTED – 188-02/22 Union Turnpike, south side of Union Turnpike of 188<sup>th</sup> and 189<sup>th</sup> Streets, Block 7266, Lot 1, Borough of Queens.

**COMMUNITY BOARD #8Q**

APPEARANCES –

For Applicant: Richard Lobel and Robert Pauls

For Administration: Anthony Scaduto, Fire Department..

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson....4

Negative:.....0

**ACTION OF THE BOARD** – Laid over to December 12, 2006, at 1:30 P.M., for decision, hearing closed.

**64-06-BZ**

APPLICANT – Greenberg Traurig LLP/Jay A. Segal, for 363 Lafayette LLC, owner.

SUBJECT – Application April 11, 2006 – Zoning variance pursuant to Z.R. §72-21 to allow a seven (7) story multi-family residential building with ground floor retail containing fourteen (14) dwelling units. The site is located within an M1-5B district; contrary to Z.R. 42-10.

PREMISES AFFECTED – 363-371 Lafayette Street, between Great Jones and Bond Streets, Block 530, Lot 17, Borough of Manhattan.

# MINUTES

## COMMUNITY BOARD #2M

### APPEARANCES –

Jay Segal, Harry Kendall, Joan Krevlin, Doris Diether and Caroline Harris.

**ACTION OF THE BOARD** – Laid over to January 9, 2007, at 1:30 P.M., for continued hearing.

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## 75-06-BZ

**APPLICANT**– Joseph P. Morsellino, Esq., for Cord Meyer Development, owner.

**SUBJECT** – Application April 25, 2006 – Zoning variance pursuant to § 72-21 to allow a proposed twenty-one (21) story residential building with ground floor retail and community facility uses to violate applicable FAR (§ 23-142 and § 35-22), open space ratio (§ 23-142, § 35-22, and § 35-33) and sky exposure plane (§ 23-632) regulations. The proposed building would include 136 dwelling units and 146 parking spaces. The project site is located within an R7-1/C1-2 zoning district.

**PREMISES AFFECTED** – 108-20 71<sup>st</sup> Avenue, northeast corner of Queens Boulevard and 71<sup>st</sup> Avenue, Block 2224, Lot 1, Borough of Queens.

## COMMUNITY BOARD #6Q

### APPEARANCES –

Joseph P. Morsellino, Peter Galletta, Joseph C. Hennessy. For Administration: T. Rogers, Abraham B. Krieger, C. Louis Putallaz, Lane Steinberg, Allan Steinberg, Lori Mark, Walter Lauchheimer, and Margot Lauchheimer.

**ACTION OF THE BOARD** – Laid over to January 9, 2007, at 1:30 P.M., for continued hearing.

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## 82-06-BZ

**APPLICANT**– Eric Palatnik, P.C., for Utopia Associates, owner; Yum Brands, Inc., lessee.

**SUBJECT** – Application May 2, 2006 – pursuant to Z.R. §72-21 to request a variance to permit the re-development of an existing non-conforming eating and drinking establishment (Use Group 6) with an accessory drive-thru located in an R3-2 zoning district and contrary to Z.R. Section 22-00. The existing accessory drive-thru was authorized through a prior BSA approval (168-92-BZ). The proposal would create a new eating and drinking establishment (Use Group 6) with accessory drive-thru.

**PREMISES AFFECTED** – 172-12 Northern Boulevard, between 172<sup>nd</sup> Street and Utopia Parkway, Block 5511, Lot 1, Borough of Queens.

## COMMUNITY BOARD # 7Q

### APPEARANCES –

For Applicant: Eric Palatnik, Eugene T. Ketly and Robert Pauls.

**ACTION OF THE BOARD** – Laid over to January 9, 2007, at 1:30 P.M., for continued hearing.

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## 83-06-BZ

**APPLICANT**– Eric Palatnik, P.C., for Simon Blitz, owner.

**SUBJECT** – Application May 2, 2006 – Variance (§72-21) to allow the conversion and two (2) story enlargement of an existing four story industrial building. The proposed multi-family building will contain six (6) floors, ground floor retail use, and fourteen (14) dwelling units. No parking spaces are proposed. The proposal would exceed the maximum floor area ratio (123-64 (a)) and applicable height and setback requirements (123-662). The project site is located within the Hunters Point Subdistrict of the Special Long Island City Mixed Use District and is zoned M1-4/R6A (LIC).

**PREMISES AFFECTED** – 47-33 Fifth Street, north side of 5<sup>th</sup> Street, between 48<sup>th</sup> Avenue and 47<sup>th</sup> Road, Block 30, Lo 26, Borough of Queens.

## COMMUNITY BOARD #2Q

### APPEARANCES –

For Applicant: Eric Palatnik and Gita Nandan.

For Opposition: Gary S, S.

**ACTION OF THE BOARD** – Laid over to January 30, 2007, at 1:30 P.M., for continued hearing.

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## 104-06-BZ

**APPLICANT**– Eric Palatnik, P.C., for Martin Menashe, owner.

**SUBJECT** – Application May 23, 2006 – Pursuant to ZR §73-622 Special Permit to partially legalize and partially alter a long standing enlargement to an existing single family residence which is contrary to ZR 23-141 for floor area and open space and ZR 23-46 for side yard requirement. The premise is located in an R-2 zoning district. This current application filing has a previous BSA Ca. #802-87-BZ.

**PREMISES AFFECTED** – 3584 Bedford Avenue, north of Avenue “O”, Block 7678, Lot 84, Borough of Brooklyn.

## COMMUNITY BOARD # 14BK

### APPEARANCES –

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** – Laid over to November 21, 2006, at 1:30 P.M., for continued hearing.

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## 121-06-BZ

**APPLICANT** – Sheldon Lobel, P.C., for Leemilt’s Petroleum, Inc., owner.

**SUBJECT** – Application June 12, 2006 – Application filed pursuant to sections 11-411 & 11-12 of the zoning resolution to request the re-establishment of the previously granted variance permitting the operation of an automotive service station in a R7-1 zoning district and to legalize certain minor amendments made to the previously approved plans.

**PREMISES AFFECTED** – 495 East 180<sup>th</sup> Street, northwest corner of the intersection formed between 180<sup>th</sup> Street and Bathgate Avenue, Block 3047, Lot 21, Borough of The Bronx.

## COMMUNITY BOARD #6BX

### APPEARANCES –

For Applicant: Josh Rinesmith.

**THE VOTE TO CLOSE HEARING** –

Affirmative: Chair Srinivasan, Vice-Chair Collins,

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# MINUTES

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Commissioner Ottley-Brown and Commissioner Hinkson....4  
Negative:.....0

**ACTION OF THE BOARD** – Laid over to December 12, 2006, at 1:30 P.M., for decision, hearing closed.

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**140-06-BZ**

APPLICANT – Sheldon Lobel, P.C., for 21-29 Belvidere Realty, LLC, owner.

SUBJECT –Application July 6, 2006 - Special Permit pursuant to Z.R. §73-53 to allow the proposed four-story enlargement of a legal and existing, conforming four-story manufacturing building. The premise is located in an M1-1 zoning district. The proposal is seeking waivers of Z. R. Sections 43-12 (FAR); 43-43 (Wall height, total height, number of stories, setbacks, and sky exposure plane); and 43-26 (Rear yard).

PREMISES AFFECTED – 25-29 Belvidere Street, located on the east side of Belvidere Street between Broadway and Beaver Street, Block 3135, Lot 36, Borough of Brooklyn.

**COMMUNITY BOARD #4BK**

APPEARANCES –

For Applicant: Richard Lobel and Ronnie Franks.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson....4

Negative:.....0

**ACTION OF THE BOARD** – Laid over to December 12, 2006, at 1:30 P.M., for decision, hearing closed.

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**141-06-BZ**

APPLICANT– Eric Palatnik, P.C., for Congregation Tehilo Ledovid, owner.

SUBJECT – Application July 6, 2006 - Variance pursuant to Section 72-21 to permit the proposed three-story synagogue. The Premise is located in an R5 zoning district. The proposal includes waivers relating to floor area and lot coverage (24-11); front yards (Z.R. 24-34); side yard (24-35); wall height and sky exposure plane (24-521); and parking (25-31).

PREMISES AFFECTED – 2084 60<sup>th</sup> Street, southwest corner of 21<sup>st</sup> Avenue and 60<sup>th</sup> Street, Block 5521, Lot 42, Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

APPEARANCES –

For Applicant: Eric Palatnik, Martin Katz, Mayer Weinberger.

For Opposition: Leo Weinberger, Esq.; Sal Cali, Vito Pictanza, William Finn and Rebecca Grey.

**ACTION OF THE BOARD** – Laid over to January 9, 2006, at 1:30 P.M., for continued hearing.

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**181-06-BZ**

APPLICANT – Greenberg Trarurig, LLP, by Jay Segal/Deirdre Carson, for 471 Washington Street Partners, owners.

SUBJECT – Application August 21, 2006 - Zoning variance

pursuant to (§72-21) to allow a nine (9) story residential building containing seven (7) dwelling units and ground floor retail use in an M1-5 district (Area B-2 of the Special Tribeca Mixed Use District). The proposal is contrary to use regulations (§ 42-10 and § 111-104(d)).

PREMISES AFFECTED – 471 Washington Street (aka 510-520 Canal Street), Block 595, Lot 33, Borough of Manhattan.

**COMMUNITY BOARD #1M**

APPEARANCES –

For Applicant: Jay Segal, Peter Moore, Jane Heimsohn.

For Opposition: Sarah Schmidt.

**ACTION OF THE BOARD** – Laid over to January 9, 2006, at 1:30 P.M., for continued hearing.

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*Jeff Mulligan, Executive Director*

Adjourned: 4:20 P.M.