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# BULLETIN

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

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Volume 91, Nos. 4-5

February 3, 2006

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### DIRECTORY

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**8-06-A**

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**9-06-A**

42-34 149 Place, West side of 149 Place, 255' N/W of Beech Avenue, Block 5380, Lot 50, Borough of **Queens**, **Community Board: 7**. General City Law Section 35-to develop a two family semi-detached residence in the bed of a mapped street.  
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**10-06-BZ**

2251 East 12th Street, Between Avenue V and Gravesend Neck Road, Block 7372, Lot 67, Borough of **Brooklyn**, **Community Board: R4**. (SPECIAL PERMIT)73-622-Enlargement of a single and two family detached and semi-detached residences.  
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**12-06-A**

37-19 Regatta Place, Bounded by Bay Street and the Little Neck Bay, Block 8071, Lot 32, Borough of **Queens**, **Community Board: 11**. Appeal-From decision of the Queens Borough Commissioner, dated December 23, 2005, refusing to revoke permits and approvals for the subject premises based on applicant's assertion of zoning violations.  
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**13-06-BZY**

224 Richmond Terrace, Southeast corner of Richmond Terrace and Nicholas Street, Block 13, Lot 60, Borough of **Staten Island**, **Community Board: 1**. Extension of Time-to complete construction.  
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**14-06-A**

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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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**MARCH 14, 2006, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, March 14, 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**

### **1888-61-BZ**

**APPLICANT** – Alfonso Duarte, for Ali Amanolahi, owner.  
**SUBJECT** – Application June 21, 2005 - Pursuant to ZR 11-412 for an Amendment to an eating and drinking establishment and catering hall for the further increase in floor area and the to legalize the existing increase in floor area, the separate entrance to the catering hall and the drive thru at the front entrance. The premise is located in an R3-2 zoning district.

**PREMISES AFFECTED** – 93-10 23<sup>rd</sup> Avenue, southwest corner of 94<sup>th</sup> Street, Block 1087, Lot 1, Elmhurst, Borough of Queens.

**COMMUNITY BOARD #3Q**

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### **545-78-BZ**

**APPLICANT** – Petraro & Jones, LLP, for Cotaldo Vasapolli, owner.

**SUBJECT** – Application January 15, 2004 – Reopening for an extension of the term of a variance for a commercial vehicle storage establishment in an R4 zoning district. The term expired on March 27, 2002. The application also seeks a waiver of the Board's rules of practice and procedure for an extension of term application filed more than one year, but less than two years, following expiration of the term. The premise is located in an R4 zoning district.

**PREMISES AFFECTED** – 901/903 Pine Street, West side of Pine Street, 250' north of the intersection of Pine Street and Cozine Avenue, Brooklyn

**COMMUNITY BOARD #5BK**

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### **263-98-BZ**

**APPLICANT** – Rothkrug Rothkrug Weinberg Spector, for Joseph Elegudin, owner.

**SUBJECT** – Application November 18, 2005 – Extension of time to complete construction pursuant to Special Permit ZR 73-622 for an enlargement of a single family home which expired on September 9, 2005; and for an amendment to the previously approved plans to add an elevator to the residence. The premise is located in an R3-1 zoning district.

**PREMISES AFFECTED** – 118 Oxford Street, 115' south of intersection with Shore Boulevard, Block 8757, Lot 90, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

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## **APPEALS CALENDAR**

### **317-05-A**

**APPLICANT** – Kevin Shea, applicant. Woodcutters Realty Corp. Owner; Three on Third LLC, lessee.

**SUBJECT** – Application November 1, 2005 – Appeal challenging DOB's interpretation of various provisions of the Zoning Resolution relating to the construction of a 16 story mixed use building in an C6-1/R7-2 Zoning district, which violates Zoning Floor Area exclusions, height and setback, open space and use regulations.

**PREMISES AFFECTED** – 4 East 3<sup>rd</sup> Street, South east corner of East Third and the Bowery, Block 458, Lot 6, Borough of Manhattan.

**COMMUNITY BOARD #1M**

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**MARCH 14, 2006, 1:30 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday afternoon, March 14, 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**

### **359-04-BZ**

**APPLICANT** – Eric Palatnik, P.C., for Alfred Savegh, owner.

**SUBJECT** – Application November 12, 2004 – Under Z.R. §73-622 to permit the legalization of an enlargement to an existing single family residence, located in an R-2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, is contrary to Z.R. §23-141 and §23-47.

**PREMISES AFFECTED** – 1425 East 24th Street, between Avenues "N" and "O", Block 7678, Lot 40, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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# CALENDAR

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**65-05-BZ**

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

SUBJECT – Application March 16, 2005 – Special Permit filed pursuant to sections 11-411 and 11-413 of the zoning resolution to request the reinstatement of an expired, pre-1961, variance, and to request authorization to legalize the change of use from a gasoline service station with accessory automotive repairs, to an automotive repair facility without the sale of gasoline, located in a C1-4/R8 zoning district.

PREMISES AFFECTED – 269-275 East Burnside Avenue, northside of East Burnside Avenue between Ryer Avenue and Anthony Avenue, Block 3156, Lot 85, Borough of Bronx.

**COMMUNITY BOARD #5BX**

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**146-05-BZ**

APPLICANT – Howard Weiss, Esq., Davidoff, Malito & Hatcher,LLP, for Spafumiere Inc., lessee, Manhattan Embassy Co., owner.

SUBJECT – Application June 10, 2005 – approval sought for a proposed physical cultural establishment located on a portion of the first floor of a mixed-use building. The PCE use will contain 2,300 square feet. The site is located in a C1-9 TA Zoning District.

PREMISES AFFECTED – 900 Second Avenue, a/k/a 884-900 Second Avenue, 301-303 East 47<sup>th</sup> Street, 300-306 East 49<sup>th</sup> Street, Block 1340, Lot 1, Borough of Manhattan.

**COMMUNITY BOARD #6M**

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**179-05-BZ**

APPLICANT – Harold Weinberg, P.E., for Steven Goldfarb, owner.

SUBJECT – Application August 3, 2005 – Special Permit pursuant to ZR 73-622 for a two story rear enlargement to a single family semi-detached home to vary ZR §23-14 for floor area and open space, ZR §23-47 for less than the required rear yard, ZR §23-641 for less than the required side yard and ZR §23-631 for total height. The premise is in an R3-1 zoning district.

PREMISES AFFECTED – 139 Langham Street, east side 311’-8 7/8” south of Shore Boulevard, Block 8755, Lot 84, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

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SUBJECT – Application August 16, 2005 – Under Z.R. §72-21- Extending the term of variance which expired on November 6, 1997 to permit in an R3-X the continued use of a one story building for retail sales with accessory parking. (Jurisdictional § 72-21).

PREMISES AFFECTED –5525 Amboy Road, North side 442.44’ West of Huguenot Avenue, Block 6815, Lot 85, Borough of Staten Island,

**COMMUNITY BOARD #3SI**

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*Pasquale Pacifico, Executive Director*

**194-05-BZ**

APPLICANT – David L. Businelli, for Steven Morris, owner.

# MINUTES

## REGULAR MEETING TUESDAY MORNING, JANUARY 24, 2006 10:00 A.M.

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

The motion is to approve the minutes of regular meeting of the Board held on Tuesday morning and afternoon, November 1, 2005 and Wednesday morning November 2, 2005, as printed in the bulletin of November 10, 2005, Vol. 90, Nos. 45-46. If there be no objection, it is so ordered.

### SPECIAL ORDER CALENDAR

#### 77-99-BZ

APPLICANT – The Agusta Group, for Turnpike Auto Laundry, Inc., owner.

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

PREMISES AFFECTED – 255-39 Jamaica Avenue, a/k/a Jericho Turnpike, north side of Jamaica Avenue, 80' west of 256<sup>th</sup> Street, Block 8830, Lot 52, Borough of Queens.

#### COMMUNITY BOARD #13Q

APPEARANCES – None.

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

#### THE VOTE TO GRANT –

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

Negative:.....0

Abstain: Commissioner Collins.....1

#### THE RESOLUTION –

WHEREAS, this application is a request for a re-opening and an extension of term of a previously granted variance pursuant to Z.R. § 11-411, as well as an application for an extension of time to obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on November 22, 2005, after due notice by publication in *The City Record*, and then to decision on January 24, 2006; and

WHEREAS, Community Board No. 13, Queens, and the Queens Borough President recommended conditional approval of this application, as discussed below; and

WHEREAS, the site is a 17,550 sq. ft. lot improved upon with a 5,691 sq. ft. one and two story concrete building occupied as an auto laundry (Use Group 16) and is partially within an R2 zoning district and partially within a C8-1 district; and

WHEREAS, the site is located at the northwest corner of the Jericho Turnpike and 256<sup>th</sup> Street; and

WHEREAS, on February 8, 2000, the Board granted an application pursuant to ZR § 11-412 to permit the proposed

legalization of an enlargement to the existing auto laundry for a term of five years, to expire on February 8, 2005, on condition that a new certificate of occupancy be obtained within two years of the date of the grant; and

WHEREAS, the site was previously the subject of three prior Board actions: BSA Cal. No. 130-29-A, which allowed the construction of a one-story auto repair facility; Cal. No. 128-70-BZ, which permitted the change in occupancy of the building from auto repair to auto laundry, as well as an enlargement in lot area for accessory reservoir space; and Cal. No. 16-90-BZ, which allowed a legalization of an enlargement of the existing building; and

WHEREAS, the applicant now seeks an extension of term for ten additional years, as well as an extension of time in which to obtain a certificate of occupancy; and

WHEREAS, the applicant represents that no certificate of occupancy was obtained after the 2000 grant due to delays in obtaining appropriate sign-offs from the Department of Buildings; and

WHEREAS, the Queens Borough President and the Community Board recommended that traffic coordinators be present at the site to ensure that any traffic impacts are minimized; and

WHEREAS, the applicant declines to provide such coordinators, and the Board agrees that they are not needed provided that operations on the site are conducted in compliance with the conditions of this grant, as well as all relevant conditions of past grants; and

WHEREAS, accordingly, the Board finds it appropriate to grant the requested extension of time and extension of term.

*Therefore it is Resolved* that the Board of Standards and Appeals reopens and amends the resolution, said resolution having been adopted on February 8, 2000, so that as amended this portion of the resolution shall read: “to permit an extension of time to obtain a certificate of occupancy, for an additional period of one (1) year from the date of this resolution, to expire on January 24, 2007, and, pursuant to ZR § 11-411, to permit an extension of the term of the variance for an additional period of ten years from the last expiration; *on condition* that the use shall substantially conform to drawings as filed with this application, marked ‘Received October 5, 2005’-(4) sheets and ‘December 13, 2005’-(1) sheet; and *on further condition*:

THAT this grant is for a term of ten years from the last expiration date, to expire on February 8, 2015;

THAT the hours of operation shall be 8 AM to 6 PM Monday through Saturday and 8 AM to 4 PM Sunday;

THAT there shall be no vehicles standing or parked in the sidewalks or streets adjacent to the site at any time;

THAT the gates on the 256<sup>th</sup> Street side of the site shall be closed and locked from 6:30 PM to 8 AM daily;

THAT all vehicles exiting from the accessory parking lot shall exit the site onto the Jericho Turnpike and appropriate signage indicating this shall be installed by the auto laundry operator;

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

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

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction 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. 401129015)

Adopted by the Board of Standards and Appeals, January 24, 2006.

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## 337-03-BZ, Vol. II

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for 340 Madison Owner, LLC, owner.

SUBJECT – Application September 1, 2005 – Reopening for an amendment to a previously approved variance which permitted the enlargement of the 21-story office, retail and church building. The applicant is requesting a proposed modifications of plans. The site is located in a C5-3 zoning district.

PREMISES AFFECTED – 340 Madison Avenue a/k/a 16 East 44<sup>th</sup> Street, west blockfront of Madison Avenue, between East 43<sup>rd</sup> and 44<sup>th</sup> Streets, Block 1278, Lots 8, 14, 15, 17, 62, 63, 65, Borough of Manhattan.

### COMMUNITY BOARD #5

#### APPEARANCES –

For Applicant: Robert Flahive, Kramer Levin.

#### THE VOTE TO GRANT –

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

Negative:.....0

Abstain: Commissioner Collins.....1

#### THE RESOLUTION –

WHEREAS, this is an application to amend a variance granted on March 23, 2004, under ZR § 72-21, for the proposed enlargement of an existing 21-story office, retail and church building (the “building”), which required variances to modify the Special Street Wall requirements of the Grand Central Subdistrict regulations and to permit the transfer of floor area across a zoning district boundary, contrary to ZR §§ 81-621, 81-211, 77-02, and 33-17; and

WHEREAS, the instant application requests: (1) revisions to the ground floor plan to provide a smaller than required building entrance on East 43<sup>rd</sup> Street, in order to avoid disrupting an existing tenant; and (2) revisions to the plans for floors 17 through 21 to provide more uniform setbacks along East 44<sup>th</sup> Street on these floors; and

WHEREAS, a public hearing was held on this application on December 13, 2005 after due notice by publication in *The City Record*, and then to decision on January 24, 2006; and

WHEREAS, Community Board 5, Manhattan, recommends approval of this application

WHEREAS, the subject zoning lot is 48,265 sq. ft., situated on the west blockfront of Madison Avenue, between East 43<sup>rd</sup> and 44<sup>th</sup> Streets, and is located partially within a C5-3 zoning district (within the Midtown Special District/Grand Central Subdistrict) and partially within a C5-2.5 zoning district (within the Midtown Special District); and

WHEREAS, the subject lot is currently occupied by the building, which has 503,487 sq. ft. of floor area; and

WHEREAS, the previously granted variance provided for the transfer of floor area across a zoning district boundary, in order to allow the enlargement of the building; and

WHEREAS, the previously granted variance also provided for an increase in degree of non-compliance of the streetwall height on the three frontages of the building; specifically, the height of the West 43<sup>rd</sup> Street streetwall was approved at 187.94 feet for a distance of 95 feet from the Madison Avenue intersection, the height of the streetwall along the southern 100.41 feet Madison Avenue was approved at 187.94 feet, and the height of the East 44<sup>th</sup> Street streetwall was approved at 187.94 feet; and

WHEREAS, the applicant now proposes the aforementioned minor amendments; and

WHEREAS, as to the need to amend the ground floor plan, the applicant states that the proposal approved by the Board in 2004 complied with the building lobby entrance requirements of ZR §81-623 (a special requirement of the Grand Central Subdistrict) in that the proper dimensional requirements were met for both the East 43<sup>rd</sup> Street and Madison Avenue entrances; and

WHEREAS, the applicant represents that the East 43<sup>rd</sup> entrance now proposed would not comply with the minimum width of 15 ft. or minimum height of 15 ft. due to unanticipated structural constraints and the concerns of the existing tenant; and

WHEREAS, the applicant states that in order to comply with the required dimensions, approximately 18 ft. of the building's frontage would need to be reconfigured in order to provide sufficient circulation around an existing structural column; and

WHEREAS, the applicant represents that the existing tenant’s mechanical systems are at the exact location where the entry would need to be widened; any relocation of these systems would be disruptive to this tenant’s business operations; and

WHEREAS, in addition, the applicant notes that the minimum height requirement can not be met without demolition of existing stone fascia, relocation of a spandrel beam, offsetting of a floor slab, and installation of a raised slab; and

WHEREAS, the applicant states that in lieu of full compliance, the proposed width of the entrance will be approximately 11.06 ft., and the proposed height will be 12.35 ft., as indicated on submitted plans; and

WHEREAS, the applicant also notes that the minimum entrance depth requirements for the East 43<sup>rd</sup> entrance would be met, and that the combined area of the East 43<sup>rd</sup> and Madison entrances would exceed the pedestrian circulation space

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# MINUTES

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requirement for the proposed enlargement of the building; and

WHEREAS, at hearing, the Board noted that ZR § 81-623 was not before the Board when it made its 2004 grant, and asked the applicant to obtain from DOB a revised objection citing this section; said objection, dated December 7, 2005, was obtained by the applicant and submitted to the Board; and

WHEREAS, the Board finds that the requested deviations from strict compliance with this ZR section are required due to structural difficulties that would result from compliance, and also finds that the deviations are minor in nature and will not present any detriment to the Board's prior determination that the variance proposed under the 2004 grant would not negatively impact the character of the community; and

WHEREAS, therefore, the Board agrees that this modification is appropriate to grant; and

WHEREAS, as to the need to amend the plans for floors 17 through 21, the applicant states that the proposed modification is the infill of the outer court along the East 44<sup>th</sup> Street elevation at the 17<sup>th</sup> and 18<sup>th</sup> floors, and the reduction of the size of the floor plates on the 19<sup>th</sup> through 21<sup>st</sup> floors by shaving off certain irregular portions of the floors near the eastern and western corners along the East 44<sup>th</sup> Street elevation; and

WHEREAS, this would result in the encroachment within the required 10 ft. setback by a depth of 2 ft. for 43 ft. along the East 44<sup>th</sup> Street elevation; and

WHEREAS, the total encroachment would involve a combined area of 172 sq. ft., which the applicant represents is an increase of approximately 2 percent above the combined area of encroachment previously approved; and

WHEREAS, the applicant states that this modification would allow for a more uniform building profile at the upper floors of the building on the East 44<sup>th</sup> Street elevation; and

WHEREAS, the applicant also notes that this modification would result in a building that contains approximately 3,260 sq. ft. less floor area than approved by the Board in the 2004 grant; the Board approved 579,871 sq. ft. of floor area; the building as currently proposed would contain 576,611 sq. ft.; and

WHEREAS, the Board has reviewed this proposed modification and agrees that it is minor and appropriate to grant.

*Therefore it is Resolved* that the Board of Standards and Appeals *reopens and amends* the resolution, as adopted on March 23, 2004, so that as amended this portion of the resolution shall read: "to permit (1) revisions to the ground floor plan to provide a narrower building entrance on East 43<sup>rd</sup> Street and (2) revisions to the plans for floors 17 through 21 to provide more uniform setbacks along East 44<sup>th</sup> Street on these floors, all as illustrated on the BSA-approved plans; *on condition* that all work shall substantially conform to drawings as filed with this application, marked 'Received September 1, 2005' -(11) sheets, 'September 19, 2005'-(1) sheet and 'December 7, 2005'-

(2) sheets; and *on further condition*:

THAT all conditions from prior resolution(s) 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;

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

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

(DOB Application No. 103434240)

Adopted by the Board of Standards and Appeals, January 24, 2006.

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## **364-36-BZ, Vol. II**

APPLICANT – Joseph P. Morsellino, for Dominick Tricarico & Est. of P. Tricarico, owner.

SUBJECT – Application July 13, 2005 – Extension of Term/Waiver of a Variance which expired on February 11, 2005 for an additional 15 year term of an automotive service station. The premise is located in a C1-4 & R6B zoning district.

PREMISES AFFECTED – 31-70 31<sup>st</sup> Street, 31<sup>st</sup> Street and Broadway, Block 589, Lot 67, Borough of Queens.

## **COMMUNITY BOARD #1Q**

APPEARANCES –

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** – Laid over to March 14, 2006, at 10 A.M., for continued hearing.

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# MINUTES

## 469-64-BZ

APPLICANT – Charles Washington, for Heinz Vieluf, owner.

SUBJECT – Application August 19, 2005 - Amendment to a Variance Z.R. §72-21 to propose a second floor office addition in conjunction with existing first floor of food processing plant operation. The premise is located in a C2-4 in an R6 zoning district. The second floor enlargement is fully within the C2-4 portion of the lot.

PREMISES AFFECTED – 630-634 St. Ann’s Avenue, north east corner of Westchester Avenue at St. Ann’s Avenue, Block 2617, Lot 1, Borough of The Bronx.

### COMMUNITY BOARD #8BX

APPEARANCES –

For Applicant: Charles Washington.

VOTE TO CLOSE HEARING –

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

**ACTION OF THE BOARD** - Laid over to February 14, 2006, at 10 A.M., for decision, hearing closed.

## 855-87-BZ

APPLICANT – Glen V. Cutrona, AIA, for Michael Beck, owner; Mueller Distributing, lessee.

SUBJECT – Extension of Term of a Variance for an existing (UG16) warehouse with (UG6) office space on the mezzanine level. The term of variance expired on November 23, 2003. The premise is located in an R3A zoning district.

PREMISES AFFECTED – 15 Irving Place, Block 639, Lot 10, Borough of Staten Island.

### COMMUNITY BOARD #1

APPEARANCES –

For Applicant: Glen V. Cutrona.

VOTE TO CLOSE HEARING –

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

**ACTION OF THE BOARD** - Laid over to February 14, 2006, at 10 A.M., for decision, hearing closed.

## 203-92-BZ

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

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

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

### COMMUNITY BOARD #6Q

APPEARANCES –

For Applicant: Jeffrey Chester.

**ACTION OF THE BOARD** - Laid over to May 9,

2006, at 10 A.M., for continued hearing.

## 4-95-BZ

APPLICANT – Harry Meltzer, R.A., for 21 Hillside LLC/Allan Goldman, owner.

SUBJECT – Application June 27, 2005 - Pursuant to ZR §11-411 for the extension of term of a Use Group 8public parking lot for 48 cars. The premise is located in an R7-2 zoning district.

PREMISES AFFECTED – 21/23 Hillside Avenue, south side of Hillside Avenue, 252’-2” east of Broadway, Block 2170, Lot 110, Borough of Manhattan.

### COMMUNITY BOARD #12

APPEARANCES –

For Applicant: Jonathan Greene.

VOTE TO CLOSE HEARING –

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

**ACTION OF THE BOARD** - Laid over to February 14, 2006, at 10 A.M., for decision, hearing closed.

## APPEALS CALENDAR

### 376-04-A/377-04-A

APPLICANT – Robert A. Caneco, R.A., for Al Sala, owner.  
SUBJECT – Application filed November 29, 2004 – to construct two one family homes with built in two car garage not fronting a legally mapped street is contrary Section 36, Article 3 of the General City Law.

PREMISES AFFECTED – 238 and 240 Billiou Street, s/s Billiou Street, 280.00’ west of Billiou Street and Arbutus Avenue, Block 6559, Lots 130 and 133.

### COMMUNITY BOARD #3SI

APPEARANCES – None.

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

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Chin.....3  
Negative:.....0

Abstain: Commissioner Collins.....1

THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Commissioner, dated November 4, 2004, acting on Department of Buildings Application Nos. 500497802 & 500497811, reads:

“The Street giving access to the proposed building is not duly placed on the official map of the City of New York. Therefore, no Certificate of Occupancy may be issued as per Article 3, Section 36 of the General City Law.

Proposed construction does not have at least 8% of total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary

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to Section 27-291 of the Administrative Code.”; and

WHEREAS, a public hearing was held on this application on January 10, 2006 after due notice by publication in the *City Record*, and then to decision on January 24, 2006; and

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

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

*Therefore it is Resolved* that the decision of the Staten Island Borough Commissioner, dated November 4, 2004 acting on Department of Buildings Application Nos. 500497802 & 500497811 is hereby modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received December 20, 2005”-(1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

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

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

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

Adopted by the Board of Standards and Appeals, January 24, 2006.

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### 319-05-A

APPLICANT – Gary Lenhart for Breezy Point Cooperative, owner Judith & Michael Scotko, lessee.

SUBJECT – Application November 2, 2005 – proposed reconstruction and enlargement of an existing one family dwelling, not fronting on mapped street, is contrary to Section 36, Article 3 of the General City Law and the upgrade of an existing private disposal system located in the bed of a service lane is contrary to the Buildings Department Policy.

PREMISES AFFECTED – 5 Kildare Walk, E/S Kildare Walk 64.67 S/O Oceanside Avenue, Block 16350 part of Lot 400, Borough of Queens.

### COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Gary Lenhart.

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

**THE VOTE TO GRANT** –

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

Negative:.....0

Abstain: Commissioner Collins.....1

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated October 25, 2005, acting on Department of Buildings Application No. 402147823, reads:

“A1- The Street giving access to the existing building to be altered is not duly placed on the official map of the City of New York. Therefore :

a) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law.

b) Existing dwelling to be altered does not have at least 8% of total perimeter of the building fronting directly upon a legally mapped street or frontage space [which] is contrary to Section 27-291 of the Administrative Code.

A2- The proposed upgraded private disposal system is in the bed of a service lane contrary to Department of Buildings policy;” and

WHEREAS, a public hearing was held on this application on January 10, 2006 after due notice by publication in the *City Record*, hearing closed and then to decision on January 10, 2006; and

WHEREAS, by letter dated November 14, 2005, the Fire Department states that it has reviewed the above project and has no objections; and

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

*Therefore it is Resolved* that the decision of the Queens Borough Commissioner, October 25, 2005, acting on Department of Buildings Application No. 402147823, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received November 2, 2005”-(1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other 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, January 24, 2006.

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### 231-04-A

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

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

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

## COMMUNITY BOARD#11Q

APPEARANCES –

For Applicant: Eric Palatnik.

VOTE TO REOPEN HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** - Laid over to February 14, 2006, at 10 A.M., for continued hearing.

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## 200-05-A and 201-05-A

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

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

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

## COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** – Laid over to February 28, 2006, at 10 A.M., for continued hearing.

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## 145-05-BZY

APPLICANT – Krzysztof Rostek, for Belvedere III, LLC, owner.

SUBJECT – Application June 9, 2005 – Proposed extension of time to complete construction to Z.R. §11-331 for a six family house.

PREMISES AFFECTED – 135 North 9<sup>th</sup> Street, north side, 125' from northeast corner of Berry Street, Block 2304, Lot 36, Borough of Brooklyn.

## COMMUNITY BOARD

APPEARANCES –

For Applicant: Krzysztof Rostek and Wiltov Wasilewski.

VOTE TO CLOSE HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** - Laid over to February 14, 2006, at 10 A.M., for decision, hearing closed.

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## 155-05-A

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

SUBJECT – Application filed on June 30, 2005 – for an

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

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

## COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Jack Lester, Richard Kusack, Stuart Z., David McWater, Roland LeGiarni-Laura, Lisa Kaplan for Rose Mandez, Michael Rosen, Steve Herrick and Janet Danson.

For Administration: Felicia Miller, Department of Buildings.

**ACTION OF THE BOARD** – Laid over to March 14, 2006, at 10 A.M., for continued hearing.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 11:30 A.M.

## REGULAR MEETING TUESDAY AFTERNOON, JANUARY 24, 2006 1:30 P.M.

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

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## ZONING CALENDAR

### 38-05-BZ

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

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

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

## COMMUNITY BOARD #5Q

APPEARANCES –

For Applicant: Eric Palatnik.

THE VOTE TO WITHDRAW –

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

Negative:.....0

Abstain: Commissioner Collins.....1

Adopted by the Board of Standards and Appeals, January 24, 2006.

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**127-05-BZ**

APPLICANT – Sheldon Lobel, P.C., for Church Avenue Realty, Inc., owner; Popeyes Chicken and Biscuits, lessee.

SUBJECT – Application May 24, 2005 – under Z.R. §73-243 to permit approval for a special permit to legalize an existing accessory drive through window for an eating and drinking establishment. The site is located in a C1-3/R5 zoning district.

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

**COMMUNITY BOARD #17BK**

APPEARANCES –

For Applicant: Richard Lobel.

VOTE TO CLOSE HEARING –

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

Negative:.....0

THE VOTE TO GRANT –

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

Negative:.....0

Abstain: Commissioner Collins.....1

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated January 26, 2005, acting on Department of Buildings Application No. 301933022, reads:

“The accessory drive through facility as proposed for the eating and drinking establishment which is located in a R5/C1-3 zoning district requires a special permit from the BSA as per section 32-31 and 73-243 of the Zoning Resolution”; and

WHEREAS, this application is for the issuance of a special permit for the legalization of an existing eating and drinking establishment (Use Group 6) with an accessory drive-thru facility in a C1-3(R5) zoning district, which requires a special permit pursuant to Z.R. §§ 73-243 and 73-03; and

WHEREAS, a public hearing was held on this application on November 1, 2005, with a continued hearing on December 6, 2005 and on January 24, 2006, closed and decided; and

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

WHEREAS, Community Board 17, Brooklyn, recommends approval of this application, with the stipulation that it be subject to a “two year review” by the Community Board; and

WHEREAS, the subject site is a 12,000 sq. ft. lot located on the southwest corner of the three-way intersection of Church Avenue, East 93<sup>rd</sup> Street, and Linden Boulevard, on a lot with 140 feet of frontage on East 93<sup>rd</sup> Street and 80 feet of frontage on Church Avenue; and

WHEREAS, the subject lot is improved upon with an existing building, occupied by a Use Group 6 fast food restaurant, which contains 1,975 sq. ft. of floor area; and

WHEREAS, the Board previously considered an application to legalize the drive-through facility at this location under BSA Cal. No. 706-85-BZ; the application was denied and the existing restaurant at that time vacated the premises, but the drive-through window remained; and

WHEREAS, the applicant states that the current restaurant then leased and renovated the building, but was unaware that the drive-thru facility was not legal; and

WHEREAS, the applicant represents that the site and drive-thru facility provides reservoir space for a ten-car queue, as required; and

WHEREAS, after reviewing the site plan submitted at the time of initial application, which indicates circulation, parking and reservoir spaces, the Board questioned whether the site plan could be improved; and

WHEREAS, specifically, the Board expressed concern that the parking layout for the site did not appear feasible and that the reservoir spaces were located such that they could conflict with the usage of certain of the parking spaces; and

WHEREAS, the initial site plan indicated required parking spaces adjacent to the western edge of the site, and the travel lane for the drive-through facility directly to the east of these spaces; and

WHEREAS, the Board observed that cars entering or exiting these spaces could be blocked by cars waiting in the drive-through queue; and

WHEREAS, the Board also expressed concern that the queue of the ten required reservoir spaces began at the pick-up window, rather than the drive-through window; and

WHEREAS, in response, the applicant modified the site plan so that the lane for the drive-through facility is adjacent to the western edge of the lot and curves around the required accessory parking spaces that were relocated to the center of the lot, with a separate access lane, such that there is no potential conflict between cars proceeding to the parking spaces and cars proceeding through the drive-through facility; and

WHEREAS, the applicant also revised its site plan to correctly illustrate the ordering station as the beginning point of the 10-reservoir space queue for the drive-through facility, instead of the pick-up window; and

WHEREAS, however, upon further review of this revised site plan, the Board still had concerns regarding the turning radius for the lanes providing access to the accessory parking, and suggested to the applicant that a different configuration be reviewed; and

WHEREAS, in response to this concern, the applicant submitted a new site plan that again reconfigured the site, so that an appropriate turning radius is provided, a

WHEREAS, the Board has reviewed the revised site plan and finds that it is acceptable; and

WHEREAS, the applicant represents that the facility will cause minimal interference with traffic flow in the immediate vicinity because the existing restaurant does not generate

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significantly greater traffic flow than would be generated by other as of right commercial uses; and

WHEREAS, in support of this representation, the applicant conducted a survey of customer trips during peak hours that shows that between six and 13 visits per hour are generated; and

WHEREAS, the applicant represents that the facility conforms to the character of the commercially zoned street frontage within 500 feet of the subject premises, which reflects substantial orientation toward the motor vehicle; and

WHEREAS, in support of this representation, the applicant states that the subject three-way intersection is a busy, high traffic volume area; and

WHEREAS, the applicant has submitted photographs of the premises and the surrounding streets, which further supports this representation; and

WHEREAS, the applicant represents that the restaurant will not have an undue adverse impact on residences within the immediate vicinity of the subject premises; and

WHEREAS, in support of this representation, the applicant states that the modest volume of customer traffic will not impact nearby residential uses; and

WHEREAS, at hearing, the Board questioned the need for the extended night and early morning hours proposed by the applicant (10 PM to 4 AM); and

WHEREAS, in response, the applicant submitted a letter from the President of the company that owns the restaurant, which states that 306 customer visits per week occur during these hours, which generates approximately \$5,000 in weekly operating capital; and

WHEREAS, the President also states that such income is critical to the continued viability of the restaurant; and

WHEREAS, the Board has reviewed this letter and agrees that the extended hours are necessary to the operation of the restaurant; and

WHEREAS, the Board also observes that the amount of customer visits averages to approximately 40 per day, spread out over a six hour period, which is an amount that should not adversely impact nearby residences; and

WHEREAS, accordingly, the Board has no objection to the proposed late night/early morning hours; and

WHEREAS, the applicant represents that adequate buffering between the drive-through facility and adjacent residential uses is provided; and

WHEREAS, as indicated on the revised site plan, this buffering consists of shrubbery along the western lot line and a portion of the northern lot line; and

WHEREAS, in support of this representation, the applicant states that the drive-through facility is located behind the restaurant building, approximately 100 ft. from the residential building to the south; and

WHEREAS, the applicant also states that none of the adjacent residential or community facility uses have lot line windows looking onto the parking lot, drive-through facility; and

WHEREAS, based upon its review of the submitted

evidence, the Board finds that the applicant has met the specific findings for a special permit set forth at ZR §73-243; and

WHEREAS, the Board finds that under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of such special permit use at the particular site are outweighed by the advantages to be derived by the community by the grant of such special permit; and

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

WHEREAS, therefore, the Board finds that the application meets the general findings required for special permits set forth at ZR § 73-03; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No.06-BSA-017K dated September 14, 2005; and

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

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

*Therefore it is Resolved* that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes the required findings and grants a special permit under Z.R. §§ 73-03 and 73-243 for the legalization of an existing eating and drinking establishment (Use Group 6) with an accessory drive-through facility in a C1-3(R5) zoning district, which requires a special permit pursuant to Z.R. §§73-243 and 73-03; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 20, 2005"- (1) sheet; and *on further condition*:

THAT this permit shall be issued for a term of two years, to expire on January 24, 2008;

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

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

THAT parking and queuing space for the drive-through shall be provided as indicated on the BSA-approved plans;

THAT the hours of operation shall be from 10 AM to 4

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AM daily;

THAT all landscaping and/or buffering shall be maintained as indicated on the BSA-approved plans;

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

THAT all signage shall conform with the underlying C1-3 district regulations;

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

Adopted by the Board of Standards and Appeals, January 24, 2006.

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## 135-05-BZ

APPLICANT – Bryan Cave, LLP (Judith Gallent, Esq.) for L & M Equity Participants Ltd. And Harlem Congregations for Community Improvement, Inc. contract vendees.

SUBJECT – Application June 3, 2005 - under Z.R. §72-21 to allow the residential conversion of an existing non-complying building previously used as a school (former PS 90) located in an R7-2 district. The proposed conversion is contrary to Z.R. §§23-142, 23-533 and 23-633.

PREMISES AFFECTED – 217 West 147<sup>th</sup> Street, located on block bounded by West 147<sup>th</sup> and West 148<sup>th</sup> Streets and Adam Clayton Powell, Jr. and Frederick Douglas Boulevards, Block 2033, Lot 12, Borough of Manhattan.

## COMMUNITY BOARD #10M

APPEARANCES –

For Applicant: Judith Gallent, Esq., Bryan Cave, LLP.

THE VOTE TO GRANT –

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

Negative:.....0

Abstain: Commissioner Collins.....1

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated May 19, 2005, acting on Department of Buildings Application No. 104110392, reads:

- “1. Proposed open space ratio (OSR) is contrary to Section 23-142 ZR.9+
2. Proposed building does not comply with Section 23-142 of the Zoning Resolution in that the F.A.R. exceeds the permitted.
3. Proposed building does not comply with Section 23-633 of the Zoning Resolution in that the building penetrates the initial setback distance along [the] street wall and exceeds the maximum base and building height.
4. Proposed rear yard (through lot) is contrary to Section 23-533 Z.R. (a), (b), and (c).”; and

WHEREAS, this is an application under Z.R. § 72-21, to permit, on a site within an R7-2 zoning district, the proposed conversion of a vacant six-story public school building to a 56-

unit residential building, with 103,062 sq. ft. of residential floor area on the first through sixth stories and 12,309 sq. ft. of community facility space in the cellar, which does not comply with applicable requirements for Open Space Ratio (OSR), Floor Area Ratio (FAR), setback, base and building height, and rear yard, contrary to Z.R. §§ 23-142, 23-633, and 23-533(a), (b)

THAT (c) is approval is limited to the relief granted by the Board in response to s

WHEREAS, a public hearing was held on this application on December 13, 2005, after due notice by publication in the *City Record*, and then to decision on January 24, 2006; and

WHEREAS, Community Board 10, Manhattan, did not take a position as to this application; and

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

WHEREAS, the subject premises is a 29,975 sq. ft. rectangular through lot fronting on West 147<sup>th</sup> and West 148<sup>th</sup> Streets, on a block bounded by said streets and Adam Clayton Powell Jr. Blvd. (Seventh Avenue) and Frederick Douglas Blvd. (Eighth Avenue); and

WHEREAS, the property is currently improved upon with a six-story public school building, constructed in 1905-06, which in 1978, after being abandoned for many years, was declared obsolete for educational purposes by the NYC Board of Education (BOE); and

WHEREAS, fee ownership of this building is currently in the NYC Department of Housing Preservation and Development (HPD), which will dispose of the property through a Uniform Land Use Review Procedure (ULURP) action to be acted upon by the NYC City Planning Commission (CPC) at a later date; and

WHEREAS, this proposal also requires an amendment to the First Amended Bradhurst Urban Renewal Plan, since the site is within the boundaries of said Plan; this will also require a ULURP action at CPC; and

WHEREAS, these two ULURP actions will be pursued by HPD, and no building permits may be issued until they are approved by CPC; and

WHEREAS, the building is designed in an H-shaped configuration, with courtyard space fronting along the main entrance on West 148<sup>th</sup> Street and an elevated courtyard along West 148<sup>th</sup> Street; and

WHEREAS, the applicant states that the building is both architecturally and historically significant due to this design and its use of the Collegiate Gothic style in terms of arch, roofline, towers, and decorative features; and

WHEREAS, the applicant notes that the building is listed on the State and National Register of Historic Places as part of the West 147<sup>th</sup>-149<sup>th</sup> Streets Historic District; and

WHEREAS, in 2004, HPD designated two housing developers (L & M Equity Participants, Ltd. and Harlem Congregations for Community Improvement) as developers of the site, and specifically authorized these developers to rehabilitate the building as market-rate housing; and

WHEREAS, the applicant states that the proposed

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conversion and renovation of the building would preserve the existing H-shaped configuration, and would not involve any changes to the envelope of the building; only minor landscaping in the courtyard areas will be undertaken; and

WHEREAS, the streetwall would remain at approximately 83 ft., and the overall height would remain at 93'-2"; and

WHEREAS, lot coverage would remain at 62%, with 11,450 sq. ft. of open space in the courtyard areas; no rear yard would be provided; and

WHEREAS, no accessory parking spaces are required or will be provided; and

WHEREAS, although residential use is permitted in the subject R7-2 zoning district, because the site is within Community District 10, Manhattan, and not in Community Districts 1 through 6 (where a conversion would be allowed as-of-right pursuant to Article 1, Chapter 5 of the ZR), waivers of certain bulk requirements are needed; and

WHEREAS, specifically, the proposed conversion will result in the following non-compliances: a residential and total FAR of 3.43 (an FAR of 2.88 is the maximum permitted); an OSR of 10.77 (an OSR of 18.0 is the minimum required); a wall height of 83'-2" on West 147<sup>th</sup> Street and a wall height of 83'-11" on West 148<sup>th</sup> Street (60'-0" is the maximum wall height permitted); no rear yard (a rear yard of 60'0" is required); and no setback (a 20'-0" setback is required); and

WHEREAS, the Board observes that the cellar community facility space does not count as FAR because of its cellar location; and

WHEREAS, the applicant states that the following is a unique physical condition which creates unnecessary hardship and practical difficulties in constructing a complying building: the school building is obsolete for its intended purpose as an educational facility, as evidenced by its small size and resulting limited capacity, the H-shape configuration, lack of compliance with present seismic code requirements, as well as by extensive water damage to the walls and ceilings, structural problems that would require extensive repair and reinforcement, outdated mechanical and electrical systems, and the presences of asbestos; and

WHEREAS, as to the building's configuration and limited capacity, the applicant states that the structure could only accommodate a 600 student high school, which is too small to address the BOE's needs; and

WHEREAS, moreover, the H-shaped configuration is an outmoded school building form that no longer comports with modern educational practice; and

WHEREAS, the BOE recognized the deficiencies of the design and size of the building for school purposes when it declared the building obsolete in 1978; and

WHEREAS, the applicant also notes that a rehabilitation of the building that would address the identified wall, ceiling and structural deficiencies and bring the building up to modern seismic codes would cost approximately 57 million dollars; and

WHEREAS, the applicant states that demolishing the building and constructing a new school building is similarly infeasible because such a proposal would cost approximately 78

million dollars; and

WHEREAS, the applicant further states that the building's obsolescence also causes practical difficulties in developing the site with a new complying residential building; and

WHEREAS, specifically, the applicant contends that demolition and asbestos removal costs are so significant that any return from an as-of-right development would be negatively impacted; and

WHEREAS, additionally, the applicant argues that the demolition of the building would constitute an unnecessary waste of a historically and architecturally significant building; and

WHEREAS, while the Board does not view this as an actual hardship, it does acknowledge the significant costs associated with demolition as an actual hardship; and

WHEREAS, accordingly, the Board finds that the aforementioned unique physical condition creates unnecessary hardship and practical difficulties in developing the site in compliance with the current applicable zoning regulations; and

WHEREAS, the applicant submitted a feasibility study analyzing the following three scenarios: (1) a complying residential use alternative; (2) conversion of the building to 46 residential units (a residential FAR of 2.87), with community facility use in the cellar and a portion of the ground floor (a community facility FAR of 0.56); and (3) the proposal; and

WHEREAS, the analysis concluded that the first two scenarios would not realize a reasonable return, due to the costs associated with each; and

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

WHEREAS, the applicant represents that the proposed building 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, the applicant notes that the existing bulk of the building is consistent with buildings in the surrounding area, which is generally characterized by five and six story residential buildings, as well as six 27-story residential buildings to the east of the site; and

WHEREAS, additionally, preservation of the building would preserve its historic characteristics and would contribute to the cohesive character of the neighborhood; and

WHEREAS, the applicant states that the requested variances would not adversely affect adjacent residential uses or the use of the adjacent garage, since the proposed residential and community facility uses are as of right and the proposed density is appropriate to the subject R7-2 zoning district; and

WHEREAS, the applicant notes that the conversion of the building would not have any significant impacts on land use, socioeconomic conditions, traffic or any other area studied in the Environmental Assessment Statement (EAS); and

WHEREAS, additionally, the EAS reviewed a proposal

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with a density of 75 residential units and concluded that said density would not have any foreseeable impacts on the environment; and

WHEREAS, accordingly, should the applicant so desire, the density may be increased up to 75 units, so long as the building envelope does not change and the residential and total FAR remains at 3.43; a condition to this effect is made a part of this resolution; and

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

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

WHEREAS, as noted above, the feasibility analysis studied a lesser variance proposal with a reduced residential FAR and density and concluded that such a proposal would not realize a reasonable return; and

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

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

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

WHEREAS, HPD 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. 06HPD004M dated September 29, 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, HPD has determined that no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the HPD 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 adopts a Negative Declaration issued by the NYC Department of Housing Preservation and Development on December 9, 2005 and the adoption becomes effective on the

date of this grant, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. § 72-21 and grants a variance to permit, on a site within an R7-2 zoning district, the proposed conversion of a vacant six-story public school building to a 56-unit residential building, with 103,062 sq. ft. of residential floor area on the first through sixth stories and 12,309 sq. ft. of community facility space in the cellar, which does not comply with applicable requirements for Open Space Ratio, Floor Area Ratio, setback, base and building height, and rear yard, contrary to Z.R. §§ 23-142, 23-633, and 23-533(a), (b) and (c); *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 January 10, 2006”- seven (6) sheets and “Received January 12, 2006” – one (1) sheet; and *on further condition*:

THAT the bulk parameters of the proposed building following shall be as follows: a total and residential FAR of 3.43; wall heights of 83’-2” on West 147<sup>th</sup> Street and 83’-11” on West 148<sup>th</sup> Street; no rear yard or setback; and an Open Space Ratio of 10.77;

THAT the total amount of residential units may be increased up to 75 without further review or approval of the Board, so long as the existing envelope of the building does not change and the residential FAR remains at 3.43; the applicant shall notify the Board if this change is made;

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, January 24, 2006.

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## 138-05-BZ

APPLICANT – Lewis Garfinkel, for Devorah Fuchs, owner.  
SUBJECT – Application June 6, 2005 – under Z.R. §73-22 to request a special permit to allow the enlargement of a single family residence which exceeds the allowable floor area and open space per Z.R. §23-141(a), the side yard Z.R. §23-461(a) and the rear yard Z.R. §23-47 is less than the minimum required of the Zoning Resolution. The premise is located in an R-2 zoning district.

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

### COMMUNITY BOARD #14BK

APPEARANCES – None.

#### VOTE TO REOPEN HEARING –

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

#### VOTE TO CLOSE HEARING –

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

#### THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Chin.....3  
Negative:.....0

Abstain: Commissioner Collins.....1

#### THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated June 1, 2005, acting on Department of Buildings Application No. 301951136, reads:

1. Plans are contrary to Z.R. 23-141(a) in that the proposed Floor Area Ratio (FAR) exceeds the permitted .5.
2. Plans are contrary to Z.R. 23-141(a) in that the proposed Open Space Ratio (OSR) exceeds the required 1.50.
3. Plans are contrary to Z.R. 23-461(a) in that the proposed side yard at the rear is less than the minimum requirement 12’-5”.
4. Plans are contrary to Z.R. 23-47 in that the existing and proposed rear yard is less than the minimum requirement 30’-0”.”; and

WHEREAS, this is an application under Z.R. §§ 73-622 and 73-03, to permit, in an R2 zoning district, the proposed enlargement of an existing single-family dwelling, which does not comply with the zoning requirements for Floor Area Ratio (FAR), Open Space Ratio (OSR), and side and rear yards, contrary to Z.R. §§ 23-141(a), 23-461(a) and 23-47; and

WHEREAS, a public hearing was held on this application on December 6, 2005, after due notice by publication in *The City Record*, and then to decision on January 24, 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 27<sup>th</sup> Street, between Avenues L and M; and

WHEREAS, the subject lot has a total lot area of 3,750 sq. ft.; and

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

WHEREAS, the applicant seeks an increase in the floor area from 3,116 sq. ft. (0.83 Floor Area Ratio or “FAR”) to 3,329 sq. ft. (0.89 FAR); the maximum floor area permitted is 1,875 sq. ft. (0.50 FAR); and

WHEREAS, the proposed enlargement will decrease the OSR from 73.5% to 61.8%; the minimum required OSR is 150%; and

WHEREAS, the proposed enlargement of the existing building will increase the width of one the non-complying side yards from 2’-0” to 4’-0” at the rear by altering the existing enclosed porch to make it aligned with the rest of the building; however, this width is still non-complying; and

WHEREAS, the proposed enlargement building will extend the other 8’-5” non-complying side yard; however, the width of the side yard will be maintained; and

WHEREAS, the proposed enlargement will reduce the rear yard from 23’-4” to 20’-0”; the minimum rear yard required is 30’-0”; and

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

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

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

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

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

*Therefore it is Resolved*, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§ 73-622 and 73-03, to permit, in an R2 zoning district, the proposed enlargement of an existing single-family dwelling, which does not comply with the zoning requirements for Floor Area Ratio, Open Space Ratio, and side and rear yards, contrary to Z.R. §§ 23-141(a), 23-461(a) and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked “Received September 28, 2005”-(2) sheets, “January 9, 2006”-(5) sheets and “January 20, 2006”-(3) sheets; and *on further condition*:

THAT there shall be no habitable room in the cellar;

THAT the above condition shall be set forth in the

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certificate of occupancy;

THAT the total FAR on the premises, including the attic, shall not exceed 0.89;

THAT the total attic floor area shall not exceed 592 sq. ft., as confirmed by the Department of Buildings;

THAT DOB shall review and approve the location of any garage

THAT the use and layout of the cellar 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, January 24, 2006.

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## 202-04-BZ

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

SUBJECT – Application May 24, 2004 – under Z.R. §72-21 – to permit the proposed conversion of a vacant industrial building, into a 17 unit multiple dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10. PREMISES AFFECTED – 100 Jewel Street, southeast corner of Meserole Street, Block 2626, Lot 1, Borough of Brooklyn.

### COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Jeffrey C and Kamal Bandyopadhyay.

VOTE TO REOPEN HEARING –

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

Negative:.....0

VOTE TO CLOSE HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** - Laid over to March 7, 2006, at 10 A.M., for decision, hearing closed.

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## 245-04-BZ

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

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

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

### COMMUNITY BOARD #3BK

APPEARANCES –

For Applicant: Mitchell Ross.

VOTE TO REOPEN HEARING –

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

Negative:.....0

VOTE TO CLOSE HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** - Laid over to March 7, 2006, at 10 A.M., for decision, hearing closed.

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## 289-04-BZ

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

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

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

### COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Richard Lobel, Jack Freeman and Gene Kaufman.

For Opposition: Barry Mallin, Barbara Simon, Isabel Swift and D. James Dee.

VOTE TO CLOSE HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** - Laid over to March 14, 2006, at 10 A.M., for decision, hearing closed.

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## 351-04-BZ

APPLICANT - The Agusta Group, for Stahva Realty, owner.  
SUBJECT – Application November 1, 2004 - under Z.R.§73-44 – to allow parking reduction for proposed enlargement of existing office building located in an R6B/C2-2.

PREMISES AFFECTED - 210-08/12 Northern Boulevard, thru lot between Northern Boulevard and 45<sup>th</sup> Road, 150' east of 211<sup>th</sup> Street, Block 7309, Lots 21 and 23 (Tentative Lot 21), Borough of Queens.

### COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Mitchell Ross.

**ACTION OF THE BOARD** - Laid over to March 14, 2006, at 10 A.M., for continued hearing.

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## 40-05-BZ

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

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

PREMISES AFFECTED – 1095 Second Avenue, west side of Second Avenue , 60.5 feet south of intersection with East 58<sup>th</sup> Street, Block1331, Lot 25, Borough of Manhattan.

### COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: Patrick W. Jones.

VOTE TO CLOSE HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** - Laid over to March 14, 2006, at 10 A.M., for decision, hearing closed.

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## 52-05-BZ

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

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

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

### COMMUNITY BOARD #10BK

APPEARANCES –

For Applicant: Richard Lobel and Fr. Armia Toufiles.

**ACTION OF THE BOARD** – Laid over to March 14, 2006, at 1:30 P.M., for continued hearing.

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## 77-05-BZ

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

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

PREMISES AFFECTED – 132 West 26<sup>th</sup> Street, south side, 364.5' west of Sixth Avenue, Block 801, Lot 60, Borough of Manhattan.

### COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Deirdre Carson and Jack Freeman.

For Opposition: Stuart Klein.

VOTE TO CLOSE HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** - Laid over to February 28, 2006, at 10 A.M., for decision, hearing closed.

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## 94-05-BZ

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

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

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

### COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** – Laid over to February 14, 2006, at 1:30 P.M., for continued hearing.

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## 108-05-BZ

APPLICANT – Rothkrug Rothkrug, Weinberg & Spector, for Avi Mansher, owner.

SUBJECT – Application May 11, 2005 - under Z.R.§72-21 to permit the construction of a one-family semi attached dwelling that does not provide the required front yard, contrary to section 23-462 of the zoning resolution. The site is located in an R3-2 zoning district. The subject site is Tax Lot #74, the companion case, 109-05-BZ is Tax Lot #76 on the same zoning lot.

PREMISES AFFECTED – 224-22 Prospect Court, northwest corner of Prospect Court and 225<sup>th</sup> Street, Block 13071, Lot 13, Borough of Queens.

### COMMUNITY BOARD #13

APPEARANCES –

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For Applicant: Adam W. Rothkrug

For Opposition: Judith Clarrington

**ACTION OF THE BOARD** – Laid over to March 7, 2006, at 1:30 P.M., for continued hearing.

## 109-05-BZ

APPLICANT - Rothkrug Rothkrug, Weinberg & Spector, for Avi Mansher, owner.

SUBJECT – Application May 11, 2005 – under Z.R. §72-21 to permit the construction of a one-family semi attached dwelling that does not provide the required front yard, contrary to section 23-462 of the zoning resolution. The site is located in an R3-2 zoning district. The subject site is Tax Lot #76, the companion case, 108-05-BZ is Tax Lot #74 on the same zoning lot.

PREMISES AFFECTED – 224-26 Prospect Court, northwest corner of Prospect Court and 225<sup>th</sup> Street, Block 13071, Lot 76, Borough of Queens.

### COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Adam W. Rothkrug.

For Opposition: Judith Clarrington.

**ACTION OF THE BOARD** – Laid over to March 7, 2006, at 1:30 P.M., for continued hearing.

## 124-05-BZ

APPLICANT – Greenberg Traurig LLP/Deirdre A. Carson, Esq., for Red Brick Canal, LLC, Contract Vendee.

SUBJECT – Application May 20, 2005 – under Z.R. §72-21 to allow proposed 11-story residential building with ground floor retail located in a C6-2A district; contrary to ZR §35-00, 23-145, 35-52, 23-82, 13-143, 35-24, & 13-142(a).

PREMISES AFFECTED – 482 Greenwich Street, Block 7309, Lot 21 & 23, Borough of Manhattan.

### COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Deirdre A. Carson, Thomas McKay, Garrett Gourlay, Jack Freeman and Richard Barrett.

For Opposition: David Reck, CB#2, Patrick McDonough, Richard Herschlag, P.E., Geoffrey Hendricks, Victoria Faust, Rolland A. Hollander, Kate Koster, and Eric Liftin.

**ACTION OF THE BOARD** – Laid over to March 7, 2006, at 1:30 P.M., for continued hearing.

## 130-05-BZ

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

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

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

### COMMUNITY BOARD #2M

APPEARANCES – None.

**ACTION OF THE BOARD** – Laid over to March 7, 2006, at 1:30 P.M., for continued hearing.

## 132-05-BZ

APPLICANT – Sheldon Lobel, P.C., for Sami Alboukai, owner.

SUBJECT – Application- under Z.R. §73-622 – to request a special permit to allow the enlargement of a single family residence which exceeds the allowable floor area and lot coverage per ZR 23-141, a rear yard less than the minimum per ZR 23-47 and a perimeter wall height greater than the maximum per ZR23-31. The premise is located in an R3-1 zoning district.

PREMISES AFFECTED – 220 West End Avenue, west side of West End Avenue between Oriental Boulevard and Esplanade, Block 8724, Lot 158, Borough of Brooklyn.

### COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

For Opposition: Annette Jaret, Judith Tsaron, Shari Thaler, and Flori Kostoff.

**ACTION OF THE BOARD** – Laid over to March 14, 2006, at 1:30 P.M., for continued hearing.

## 164-04-BZ

APPLICANT – Moshe M. Friedman, P.E., for 2241 Westchester Avenue Realty Corp., owner; Gotham City Fitness LLC, lessee.

SUBJECT – Application April 22, 2004 – under Z.R. §73-36 to permit the proposed physical culture establishment, located on the second floor of an existing two story commercial building, located in C2-6 within an R6 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 2241 Westchester Avenue, aka 2101 Glebe Avenue, Block 3963, Lot 57, Borough of The Bronx.

### COMMUNITY BOARD #10BX

APPEARANCES –

For Applicant: Eric Palatnik.

VOTE TO CLOSE HEARING –

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

**ACTION OF THE BOARD** - Laid over to February 28, 2006, at 10 A.M., for decision, hearing closed.

## 187-05-BZ

APPLICANT – Law Office of Fredrick A. Becker, for

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Salvatore Porretta and Vincenza Porretto, owners.

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

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

**COMMUNITY BOARD #5Q**

APPEARANCES –

For Applicant: Fredrick A. Becker.

**ACTION OF THE BOARD** – Laid over to February 28, 2006, at 1:30 P.M., for continued hearing.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 7:45 P.M.

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**SPECIAL HEARING  
WEDNESDAY MORNING, JANUARY 25, 2006  
10:00 A.M.**

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

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**174-05-A**

APPLICANT – Norman Siegel on behalf of Neighbors  
Against N.O.I.S.E., GVA Williams for (Hudson Telegraph  
Associates, LP) owner; Multiple lessees.

SUBJECT – Application July 29, 2005 – Neighbors against  
N.O.I.S.E. is appealing the New York City Department of  
Buildings approval of a conditional variance of the New York  
City Administrative Code §27-829(b)(1) requirements for  
fuel oil storage at 60 Hudson Street.

PREMISES AFFECTED – 60 Hudson Street, between Worth  
and Thomas Streets, Block 144, Lot 40, Borough of  
Manhattan.

**COMMUNITY BOARD #1M**

APPEARANCES –

For Applicant: Norman Siegel, Doris Diether, Tim Lannan,  
Luis E. Reyes, Catherine Skopic, Glenn Corbett, Roger  
Byron, Eric Zwerling, Alan J. Gerson, Madelyn Wils, July  
Menin, Alyssa Ziegel, on behalf of Assemblymember  
Deborah J. Glick; Mary Cooley on behalf of Manhattan  
Borough President Scott Stringer; Charles Komanoff, Senator  
Connors, Sally Regenhard, Skyscraper Safety Campaign; Julie  
Nadel, Bruce Ehrmann, Todd Stone, Jean B. Grillo, Azrt  
Dehkan, Deborah Allen and Lori Stone.

For Administration: Phylis Arnold, Department of Buildings.

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

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*Pasquale Pacifico, Executive Director.*