
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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March 16, 2006

DIRECTORY

MEENAKSHI SRINIVASAN, *Chair*

SATISH BABBAR, *Vice-Chair*

JAMES CHIN

CHRISTOPHER COLLINS

Commissioners

Jeffrey Mulligan, *Executive Director*

Roy Starrin, *Deputy Director*

John E. Reisinger, *Counsel*

OFFICE -	40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD -	40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

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35-06-A

9 Doris, N/S 261.92 W/O Mapped Beach 201st Street, Block 16350, Lot 400, Borough of **Queens, Community Board: 14**.

36-06-BZ

2125 Utica Avenue, East side of Utica Avenue between Avenue M and Avenue N, Block 7875, Lot 20, Borough of **Brooklyn, Community Board: 18**. (SPECIAL PERMIT)-73-53-To permit the enlargement of a manufacturing use in a residential ZD.

37-06-BZ

180 Lafayette Street, East side of Lafayette Street between Grand and Broome Streets, Block 473, Lot 43, Borough of **Manhattan, Community Board: 2**. (SPECIAL PERMIT)-73-36-To permit the proposed PCE within the first floor and cellar levels of the 7-story building.

38-06-BZ

325 Avenue Y, N/S of Avenue Y, 100 ft. west of intersection ith West 3rd Street, Block 7192, Lot 45, Borough of **Brooklyn, Community Board: 15**. Under 72-21-To permit mixed use building (residential/commercial/community facility) with in ZD, contrary to the applicable (Use) regulations.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

APRIL 25, 2006, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, April 25, 2006, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

265-59-BZ

APPLICANT – Martyn & Don Weston, for 11 College Place, Inc., owner.
SUBJECT – Application December 12, 2005 - Extension of term for a variance to permit an eight car garage located in a residential building. The premise is located in an R7-1/LH-1 zoning district.
PREMISES AFFECTED – 11 College Place, west side 89'-6" north of Love Lane, Block 236, Lot 70, Borough of Brooklyn.
COMMUNITY BOARD #2BK

APRIL 25, 2006, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, April 25, 2006, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

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 45th Road, 150' east of 211th Street, Block 7309, Lots 21 and 23 (Tentative Lot 21), Borough of Queens.
COMMUNITY BOARD #11Q

APPLICANT – Eric Palatnik, P.C., for 908 Clove Road, LLC, owner.

SUBJECT – Application December 22, 2005 - Variance ZR §72-21 to allow a proposed four (4) story multiple dwelling containing thirty (30) dwelling units in an R3-2 (HS) Zoning District; contrary to ZR §§23-141, 23-22, 23-631, 25-622, 25-632.

PREMISES AFFECTED – 908 Clove Road (formerly 904-908 Clove Road) between Bard and Tyler Avenue, Block 323, Lots 42-44, Borough of Staten Island.

COMMUNITY BOARD #1SI

APRIL 26, 2006, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Wednesday morning, April 26, 2006, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL HEARING

334-05-BZ

APPLICANT – Kramer Levin Naftalis & Frank, LLP, for The Whitney Museum of American Art, owner.
SUBJECT – Application November 23, 2005 - Zoning Variance (use & bulk) pursuant to Zoning Resolution Section §72-21 to facilitate the expansion of an existing museum complex including the construction a nine (9) story structure located in C5-1(MP) and R8B (LH-1A) zoning districts. The proposed variance would allow modifications of zoning requirements for street wall height, street wall recess, height and setback, mandatory use, and sidewalk tree regulations; contrary to ZR § § 24-591, 99-03, 99-051, 99-052, 99-054, 99-06.
PREMISES AFFECTED – 933-945 Madison Avenue, 31-33 East 74th Street, East side of Madison Avenue between East 74th and East 75th Streets, Block 1389, Lots 21, 22, 23, 24, 25, 50, Borough of Manhattan.
COMMUNITY BOARD #8M

Jeff Mulligan, Executive Director

369-05-BZ

MINUTES

REGULAR MEETING TUESDAY MORNING, MARCH 7, 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 December 20, 2005, as printed in the bulletin of December 29, 2005, Vol. 90, No. 52. If there be no objection, it is so ordered.

SPECIAL ORDER CALENDAR

645-59-BZ

APPLICANT – Vassalotti Associate Architects, LLP., for Cumberland Farms, Inc., owner.

SUBJECT – Application July 12, 2005 – Extension of Term of a Variance for an additional 10 years for the existing gasoline service station with accessory convenience store which expired on October 7, 2005. The premise is located in a C2-1 in an R5 zoning district.

PREMISES AFFECTED – 10824 Flatlands Avenue, Block 8235, Lot 2, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES –

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to March 28, 2006, at 10 A.M., for decision, hearing closed.

240-90-BZ

APPLICANT – Joseph P. Morsellino, Esq., for Keil Brothers, Inc., owner.

SUBJECT – Application September 20, 2005 – Extension of Term/Amendment of variance of an Agricultural Nursery and Truck Garden which expires on May 14, 2006. It is requested to extend the term from a 10 year term to a 20 year term and to amend to allow overnight parking for 10 vehicles.

PREMISES AFFECTED – 210-12 48th Avenue, 210th Street and 48th Avenue, Block 7369, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to March 28, 2006, at 10 A.M., for decision, hearing closed.

139-92-BZ

APPLICANT – Samuel H. Valencia, for Samuel H. Valencia – Valencia Enterprise, owner

SUBJECT – Application July 20, 2005 – Reopening for an Extension of Term/Waiver for an eating and drinking establishment, with dancing, which expired on March 7, 2004, located on the first floor of a three story mixed use building with residences on the upper floors. The premise is located in a C2-2 in an R-6 zoning district.

PREMISES AFFECTED – 52-15 Roosevelt Avenue, north side of Roosevelt Avenue, 125.53' East of 52nd Street, Block 1315, Lot 76, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES –

For Applicant: Samuel H. Valencia.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to March 28, 2006, at 10 A.M., for decision, hearing closed.

173-94-BZ

APPLICANT – Rothkrug Rothkrug Weinberg Spector, for Richard Shelala, owner; Compass Forwarding Co., Inc., lessee.

SUBJECT – Application July 25, 2005 – Reopening for an amendment of variance to permit the change in hours of operation of a freight transfer facility. The premise is located in a C2-2(R3-2) zoning district.

PREMISES AFFECTED – 159-15 Rockaway Boulevard a/k/a 165-10 144th Road, southeast corner of Rockaway Boulevard and 144th Road, Block 1327, Lot 17, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Adam Rothkrug and Robert Shelala.

ACTION OF THE BOARD – Laid over to April 11, 2006, at 10 A.M., for continued hearing.

136-01-BZ

APPLICANT – Eric Palatnik, P.C., for Cel-Net Holding, Inc., owner.

SUBJECT – Application November 23, 2005 – Reopening for an amendment to the resolution to extend the time to complete construction which expires June 11, 2006.

PREMISES AFFECTED – 11-11 44th Drive, north side between 11th and 21st Street, Block 447, Lot 13, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING –

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

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Negative:.....0
ACTION OF THE BOARD – Laid over to March 28, 2006, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

231-04-A

APPLICANT – Joseph P. Morsellino, Esq., for Chri Babatsikos and Andrew Babatsikos, owners.
SUBJECT – Application June 17, 2004 – Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.
PREMISES AFFECTED - 240-79 Depew Avenue, corner of 243rd Street, Block 8103, Lot 5, Borough of Queens.
COMMUNITY BOARD#11Q

APPEARANCES –
For Applicant: Joseph Morsellino.
ACTION OF THE BOARD – Laid over to April 4, 2006, at 10 A.M., for deferred decision.

144-05-BZY

APPLICANT – Alfonso Duarte, for Bel Homes, LLC, owner.
SUBJECT – Application June 9, 2005 – Proposed extension of time to complete construction pursuant to Z.R. 11-331 for two-two family attached dwellings.
PREMISES AFFECTED – 143-53/55 Poplar Avenue, northwest corner of Parsons Boulevard, and Poplar Avenue, Block 5228, Lots 32 and 34, Flushing, Borough of Queens.
COMMUNITY BOARD #7Q

APPEARANCES – None.
ACTION OF THE BOARD – Laid over to March 28, 2006, at 10 A.M., for adjourned hearing.

Jeffrey Mulligan, Executive Director.

Adjourned: 10:40 A.M.

REGULAR MEETING TUESDAY AFTERNOON, MARCH 7, 2006 1:30 P.M.

Present: Chair Srinivasan, Vice Chair Babbar,

Commissioner Chin and Commissioner Collins.

ZONING CALENDAR

202-04-BZ

APPLICANT – Einbinder & Dunn, LLP, for 202 Meserole, LLC, owner.
SUBJECT – Application May 24, 2004 – under Z.R. §72-21– to permit the proposed conversion of a vacant industrial building, into a 17 unit multiple dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.
PREMISES AFFECTED – 100 Jewel Street, southeast corner of Meserole Street, Block 2626, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #1BK

APPEARANCES – None.
ACTION OF THE BOARD – Application withdrawn.
THE VOTE TO WITHDRAW –
Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Chin and Collins.....4
Negative:.....0
Adopted by the Board of Standards and Appeals, March 7, 2006.

150-05-BZ

CEQR #05-BSA-139K
APPLICANT – Henry & Dooley Architects, P.C., for Doris Porter, owner; Cynthia Small, lessee.
SUBJECT – Application June 16, 2005 – under Z.R. §73-36 approval sought for a proposed physical cultural establishment located on the second and third floor in a mixed-use building. The PCE use will contain 2, 006 square feet. The site is located in a C2-3/R-6 Zoning District.
PREMISES AFFECTED – 1426 Fulton Street, between Kingston and Brooklyn Avenue, Block 1863, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #3BK
APPEARANCES – None.
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Chin and Commissioner Collins.....4
Negative:.....0

THE RESOLUTION –
WHEREAS, the decision of the Brooklyn Borough Commissioner, dated April 4, 2005, acting on Department of Buildings Application No. 301897918, reads, in pertinent part:

“Proposed physical culture establishment is permitted in zoning district C2-3/R6 only by special permit under Section....73-36 of the Zoning Resolution.”; and
WHEREAS, this is an application under ZR §§73-36

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and 73-03, to permit, within a C2-3 (R6) zoning district, a proposed physical culture establishment (“PCE”) to be located on the second and third floors of an existing three-story building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on December 6, 2005, after due notice by publication in *The City Record*, and with a continued hearing on January 31, 2006 and then to decision on March 7, 2006; and

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

WHEREAS, Community Board 3, Brooklyn, recommends approval of this application; and

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

WHEREAS, the subject site is located on the south side of Fulton Street, 40 ft. east of Brooklyn Avenue, and has a lot area of 2,000 sq. ft.; and

WHEREAS, the subject PCE will occupy 1,003 sq. ft. on each of the second and third floors; and

WHEREAS, the applicant represents that the PCE will provide massage services by licensed massage professionals; and

WHEREAS, the applicant states that an approved interior fire alarm system will be installed in the entire PCE space on the second and third floors, with the addition of smoke detectors, manual pull stations, local audible and visual alarms, and be connected to a FDNY-approved Central Station; and

WHEREAS, at hearing, the Board questioned the applicant as to the permissibility of having commercial uses on the second and third floors of the building in the subject zoning district; and

WHEREAS, the architect represented that the commercial floor area in the building is within the allowable FAR for the subject zoning district, and that the entire building could be occupied commercially under the district and pursuant to the certificate of occupancy; and

WHEREAS, the PCE will have the following hours of operation: Monday through Saturday, 10:00 AM to 7:00 PM; and

WHEREAS, the Board finds that this action will neither: 1) alter the essential character of the surrounding neighborhood; 2) impair the use or development of adjacent properties; nor 3) be detrimental to the public welfare; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has determined to be satisfactory; and

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

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

community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement 05-BSA-139K, dated October 28, 2005; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, within a C2-3 (R6) zoning district, a proposed physical culture establishment to be located on the second and third floors of a three-story building; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted filed with this application marked “Received March 6, 2006”-(3) sheets; and *on further condition*:

THAT the term of this grant shall be for ten years from the date of the grant, expiring on March 7, 2016;

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

THAT the hours of operation shall be limited to Monday through Saturday, 10:00AM to 7:00PM;

THAT all massages shall be performed only by New York State licensed massage professionals;

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

THAT DOB shall ensure compliance with total FAR and supplemental use provisions;

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

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

THAT an interior fire alarm system shall be provided as

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set forth on the BSA-approved plans and approved by DOB;

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

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

THAT the Department of Buildings must ensure compliance with all of the 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, March 7, 2006.

322-05-BZ

CEQR #06-BSA-029Q

APPLICANT – Eric Palatnik, P.C., for Queens Jewish Community Council, c/o Warren Hecht, Esq., contract vendee.

SUBJECT – Application November 4, 2005 – Under Z.R. §72-21 to permit the enlargement of an existing single family home and to change the use from residential to community facility. The enlargement is contrary to ZR §24-34 (rear yard) 24-35 (side yard) and 24-521 (sky exposure plane). The premise is located in an R4B zoning district.

PREMISES AFFECTED – 69-69 Main Street, Northeast corner of Main Street and 70th Avenue, Block 6642, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated October 24, 2005, acting on Department of Buildings Application No. 402213993, reads:

- “1. Section 24-34: Two front yards at 15 ft. are required. Only one complies; the other is deficient.
2. Section 24-35: Two side yards at 8 ft. are required. There is only one side yard.
3. Section 24-521: As a result of the deficient front yard, the building is outside of the sky exposure plane envelope.”; and

WHEREAS, this is an application under ZR § 72-21, to permit, within an R4B zoning district, the proposed enlargement of an existing two-story plus cellar single family home, to be used by a community facility center, which requires various bulk waivers related to side yards, front yards, and sky exposure plane, contrary to ZR §§ 24-34, 24-35, and 24-521; and

WHEREAS, a public hearing was held on this application on February 7, 2006, after due notice by publication in *The City Record*, and then to decision on March 7, 2006; and

WHEREAS, this application is brought on behalf of the Queens Jewish Community Council, a not-for-profit entity (hereinafter, the “Council”); and

WHEREAS, Community Board 8, Queens, recommends conditional approval of this application; certain of these conditions are listed below; and

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

WHEREAS, the site is located on the northeast corner of the intersection of Main Street and 70th Avenue, and has a total lot area of 2,525 sq. ft; and

WHEREAS, the site is currently improved upon with a 1,791.07 sq. ft. two-story plus cellar single family home (Use Group 2A), with a synagogue at the cellar level, as well as a detached one-story garage; and

WHEREAS, the building is proposed to be enlarged from 1,791.07 sq. ft. to 2,874.28 sq. ft.; and

WHEREAS, the allowable Floor Area Ratio (“FAR”) for a community facility on the site is 2.0 and the proposed FAR is 1.14; and

WHEREAS, the applicant proposes to enlarge and alter the existing building as follows: relocate entrance and add entrance ramp; add an elevator; and enlarge the existing cellar, first and second floors; and

WHEREAS, the applicant states that the following are the space needs of the Council, which are driven by increased demand for services: (1) cubicle spaces where clients can meet with advisors; (2) a conference room for larger groups or work sessions; (3) an expanded storage area for the food pantry; and (4) a new entrance served by a ramp; and

WHEREAS, construction of the new center as currently proposed will result in the following non-compliances: one front yard of 4’-11 1/2” (front yards of 15’-0” are required); one side yard of 0’ (side yards of 8’-0” are required); and a non-compliant sky exposure plane; and

WHEREAS, the applicant states that the following is a unique physical condition, which create practical difficulties and unnecessary hardship in developing the subject site in compliance with underlying district regulations: the site is a corner lot, with an existing non-compliant front yard and side yard, that does not accommodate a feasible as of right enlargement; and

WHEREAS, the applicant states that the corner location of the lot and the existing non-complying development result in yard requirements that constrain any feasible enlargement; and

WHEREAS, specifically, the applicant states that an enlargement built with complying side yards and front yards on all sides would be just seven feet in width and, therefore, unusable; and

WHEREAS, the applicant further states that the requested variances are necessary in order to utilize allowable floor area to

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accommodate the aforementioned space needs of the Council; and

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

WHEREAS, the applicant need not address ZR §72-21(b) since it is a not-for-profit organization and the enlargement will be in furtherance of its not-for-profit mission; and

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

WHEREAS, the applicant states that the proposed overall height is the same and that a sizeable side yard is adjacent to the site to the north; and

WHEREAS, the applicant states that the site's location on a heavily-trafficked roadway, which is primarily commercial in nature, ensures that the proposed variation of the sky exposure plane will not detrimentally impact surrounding development; and

WHEREAS, the applicant states that the proposed structure will contain 2,874 sq. ft. of floor area, while 5,050 sq. ft. is permitted as of right within the underlying zoning district; and

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

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

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

WHEREAS, thus, 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 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-029Q, dated January 5, 2006; and

WHEREAS, the EAS documents show 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 under ZR § 72-21, to permit, within an R4B zoning district, the proposed enlargement of an existing two-story plus cellar single family home, which requires various bulk waivers related to side yards, front yards, and the sky exposure plane, contrary to ZR §§ 24-34, 24-35, and 24-521; *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 4, 2005" – (3) sheets; "Received February 21, 2006" – (1) sheet and "Received March 3, 2006" – (3) sheets; and *on further condition*:

THAT all garbage containers will be stored in a concealed space;

THAT the aggregate dimensions of all signage related to the use on the premises will not exceed 6 sq. ft.;

THAT any change in ownership or use of the premises is subject to Board approval;

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

THAT LL 58/87 compliance shall be as reviewed and approved by the Department of Buildings;

THAT the parameters of the proposed building shall be as follows: a community facility FAR of 1.14; a community facility floor area of 2,874.28 sq. ft.; lot coverage of 56.92%; side yards of 9'-2 3/4" and 0'; front yards of 19'-11 1/4" and 4'-11 1/2"; and no parking spaces;

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, March 7, 2006.

194-04-BZ thru 199-04-BZ

APPLICANT – Agusta & Ross, for Always Ready Corp., owner.

SUBJECT – Application May 10, 2004 – Under Z.R. §72-21 Proposed construction of a six- two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED –

9029 Krier Place, a/k/a 900 East 92nd Street, 142'

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west of East 92nd Street, Block 8124, Lot 75 (tentative 180), Borough of Brooklyn.

9031 Krier Place, a/k/a 900 East 92nd Street, 113.5' west of East 92nd Street, Block 8124, Lot 75 (tentative 179) Borough of Brooklyn.

9033 Krier Place, a/k/a 900 East 92nd Street, 93' west of East 92nd Street, Block 8124, Lot 75 (tentative 178) Borough of Brooklyn.

9035 Krier Place, a/k/a 900 East 92nd Street, 72.5' west of East 92nd Street, Block 8124, Lot 75 (tentative 177) Borough of Brooklyn.

9037 Krier Place, a/k/a 900 East 92nd Street, 52' west of East 92nd Street, Block 8124, Lot 75 (tentative 176) Borough of Brooklyn.

9039 Krier Place, a/k/a 900 East 92nd Street, corner of East 92nd Street, Block 8124, Lot 75 (tentative 175) Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES – None.

For Applicant: Mitchell Ross, Wayne Kruse, Nathan Roberts, Elizabeth Mondsez, Earl Alleney and Patrick Arene.

ACTION OF THE BOARD - Laid over to April 25, 2006, at 1:30 P.M., for continued hearing.

320-04-BZ

APPLICANT – Harold Weinberg, P.E., for Michael Reznikov, owner.

SUBJECT – Application September 20, 2004 – Proposed legalization of a Special Permit ZR §73-622 for a two-story and rear enlargement, to an existing one family dwelling, Use Group 1, located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, open space and rear yard, is contrary to Z.R. §23-141, §23-47 and §54-31.

PREMISES AFFECTED – 229 Coleridge Street, east side, 220'-0" south of Oriental Boulevard, Block 8741, Lot 72, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES – None.

For Applicant: Harold Weinberg.

For Opposition: Judith Baron, Susan Klapper and Jerry Meyerberg.

ACTION OF THE BOARD – Laid over to April 4, 2006, at 1:30 P.M., for continued hearing.

396-04-BZ

APPLICANT – Stroock & Stroock & Lavan, LLP, by Ross Moskowitz, Esq., for S. Squared, LLC, owner.

SUBJECT – Application December 21, 2004 – under Z.R. §72-21 to permit the Proposed construction of a thirteen story, mixed use building, located in a C6-2A, TMU zoning district, which does not comply with the zoning requirements for floor area, lot coverage, street walls, building height and tree planting, is contrary to Z.R. §111-104, §23-145, §35-24(c)(d) and §28-12.

PREMISES AFFECTED – 180 West Broadway, northwest

corner, between Leonard and Worth Streets, Block 179, Lots 28 and 32, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Ross Moskowitz and Richard Metsky.

For Opposition: Bruce Ehrmann.

THE 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 April 25, 2006, at 1:30 P.M., for decision, hearing closed.

5-05-BZ

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

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

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

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Irving Minkin.

ACTION OF THE BOARD – Laid over to April 4, 2006, at 1:30 P.M., for adjourned hearing.

47-05-BZ

APPLICANT – Fischbein Badillo Wagner Harding, LLP, for AMF Machine, owner.

SUBJECT – Application March 1, 2005 – under Z.R. §72-21 to permit the proposed eight story and penthouse mixed-use building, located in an R6B zoning district, with a C2-3 overlay, which exceeds the permitted floor area, wall and building height requirements, is contrary to Z.R. §23-145 and §23-633.

PREMISES AFFECTED – 90-15 Corona Avenue, northeast corner of 90th Street, Block 1586, Lot 10, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES –

For Applicant: Peter Geis, Howard Hornstein and Jack Freeman.

ACTION OF THE BOARD – Laid over to April 4, 2006, at 1:30 P.M., for continued hearing.

66-05-BZ

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

SUBJECT – Application March 16, 2005 – Special Permit

MINUTES

filed Under Z.R. §§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 C2-4/R7-1 zoning district. PREMISES AFFECTED – 1236 Prospect Avenue, southeast corner of Prospect Avenue and Home Street, Block 2693, Lot 29, Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES –

For Applicant: Josh Rinesmith.

ACTION OF THE BOARD – Laid over to April 11, 2006, at 1:30 P.M., for continued hearing.

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 225th Street, Block 13071, Lot 13, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Adam W. Rothkrug

For Opposition: Judith Clarrington

ACTION OF THE BOARD – Laid over to April 11, 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 225th 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 April 11, 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, and 13-142(a).

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

COMMUNITY BOARD #2M

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to March 28, 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 –

For Applicant: Paul Selver, Richard Cook, Jerome Haims.

THE 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 April 4, 2006, at 1:30 P.M., for decision, hearing closed.

285-05-BZ

APPLICANT – Rothkrug Rothkrug Weinberg Spector, for Robert E. Benson, owner.

SUBJECT – Application September 13, 2005 – Pursuant to Section ZR §72-21 for a variance for the proposed enlargement of an existing one-family dwelling that will not provide the required front yard, ZR §23-45 and rear yard, ZR §23-47. The premise is located in an R1-2 (HS) Hillside Preservation District.

PREMISES AFFECTED – 34 Duncan Road, West side of Duncan Road 163' North of intersection with Theresa Place, Block 591, Lot 52, Borough of Staten Island.

COMMUNITY BOARD #1SI

MINUTES

APPEARANCES –

For Applicant: Adam W. Rothkrug.

THE 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 28,
2006, at 1:30 P.M., for decision, hearing closed.

301-05-BZ

APPLICANT – Sheldon Lobel, P.C., for Jeanette Impaglia,
owner.

SUBJECT – Application October 12, 2005 – Special Permit
Under §73-36 To permit the operation of a Physical Culture
Establishment on the second floor mezzanine of a building
located within a C6-3X.

PREMISES AFFECTED – 410 8th Avenue, located on the
East side of 8th Avenue between 30th and 31st Streets, Block
780, Lot 76, Borough of Manhattan

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Josh Rinesmith.

THE 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 28,
2006, at 1:30 P.M., for decision, hearing closed.

Jeffrey Mulligan, Executive Director

Adjourned: P.M.