
BULLETIN

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November 23, 2006

DIRECTORY

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294-06-BZ

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295-06-A

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296-06-A

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297-06-BZ

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298-06-A

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299-06-BZ

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300-06-A

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301-06-BZ

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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.

CALENDAR

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

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

SPECIAL ORDER CALENDAR

615-57-BZ

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

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

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

COMMUNITY BOARD #7Q

304-82-BZ

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

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

COMMUNITY BOARD #5M

16-95-BZ

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

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

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

COMMUNITY BOARD #8M

395-04-BZ

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

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

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

COMMUNITY BOARD #12BK

48-05-BZ

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

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

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

COMMUNITY BOARD #2M

APPEALS CALENDAR

139-06-A

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

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

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

COMMUNITY BOARD #14Q

169-06-A

APPLICANT – Timothy Costello, for Breezy Point

CALENDAR

Cooperative, Inc., owner; Raymond Wasson, lessee.
SUBJECT – Application August 10, 2006 – Proposed reconstruction and enlargement of an existing one family dwelling located partially within the bed of mapped street (Oceanside Avenue) contrary to Section 35 of the General City Law. R4 Zoning District.
PREMISES AFFECTED – 175 Oceanside Avenue, Block 16350, Lot 400, Borough of Brooklyn.
COMMUNITY BOARD #14Q

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

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

ZONING CALENDAR

151-04-BZ

APPLICANT– Philips Nizer, LLP, for Fred M. Schildwachter & Son, Inc., c/o Dan Schildwachter, owner; Adriana A. Salamone, lessee.
SUBJECT – Application April 9, 2004 – Special Permit (§73-36) to permit the legalization of an existing physical culture establishment (Star Fitness) in an M3-1 Zoning District.
PREMISES AFFECTED – 1385 Commerce Avenue, southwest corner of Butler Place, Block 1385, Lot 13, Borough of The Bronx.
COMMUNITY BOARD #10BX

378-04-BZ

APPLICANT– Sheldon Lobel, P.C., for Hieronima Rutkowska, owner.
SUBJECT – Application November 29, 2004 – Variance (Section 72-21) to permit the construction of a four-story residential building and a four-car garage. The Premise is located on a vacant lot in an M1-1 zoning district. The proposal is contrary to Section 42-00.
PREMISES AFFECTED – 94 Kingsland Avenue, northeast corner of the intersection between Kingsland Avenue and Richardson Street, Block 2849, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #1BK

56-06-BZ

APPLICANT – Law Office of Fredrick A. Becker, Esq., for Suri Blatt and Steven Blatt, owners.
SUBJECT – Application March 27, 2006 – Pursuant to ZR 73-622 Special Permit for the enlargement of an existing one family residence which exceeds the maximum allowed floor area and decreases the minimum allowed open space as per

ZR 23-141 and has less than the minimum required rear yard as per ZR 23-47.

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

COMMUNITY BOARD #14BK

111-06-BZ

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

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

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

COMMUNITY BOARD #15BK

115-06-BZ

APPLICANT– Harold Weinberg, for Saul Mazor, owner.

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

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

COMMUNITY BOARD #15BK

124-06-BZ

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

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

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

COMMUNITY BOARD #14BK

138-06-BZ

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

SUBJECT – Application July 5, 2006 – Special Permit (§73-622) for the enlargement of a single family residence. This application seeks to vary open space and floor area (23-141(a)) and rear yard (23-47) in an R-2 zoning district.

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

CALENDAR

Brooklyn.

COMMUNITY BOARD #14BK

214-06-BZ

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

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

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

COMMUNITY BOARD #8Q

216-06-BZ

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

SUBJECT – Application August 28, 2006 – Special Permit (§11-411 & §11-412) for the re-establishment and extension of term for an existing automotive service station, which has been in continuous operation since 1961 and legalization of certain minor amendments to previously approved plans. C1-4/R6-A zoning district.

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

COMMUNITY BOARD #4Q

Jeff Mulligan, Executive Director

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**REGULAR MEETING
TUESDAY MORNING, NOVEMBER 14, 2006
10:00 A.M.**

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

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

SPECIAL ORDER CALENDAR

866-49-BZ, Vol. III

APPLICANT – Carl. A. Sulfaro, Esq., for 2912 Realty, LLC, owner.

SUBJECT – Application June 12, 2006 – Pursuant to ZR §11-411 for an Extension of Term for ten years for a gasoline service station (Shell Station) which expired on October 7, 2006, a Waiver of the Rules of Practice and Procedure for filing subsequent to the expiration of term and an Amendment to legalize the change in signage, new storefront and replacement of the wrought iron fencing with white vinyl fencing. The premise is located in an R3-X zoning district. PREMISES AFFECTED – 200-01/07 47th Avenue, northeast corner of 47th Avenue and Francis Lewis Boulevard, Block 5559, Lot 75, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, this application is a request for a waiver of the Rules of Practice and Procedure, a reopening, amendments to the approved plans, and an extension of term for a previously granted variance for a gasoline service station, which expired on October 7, 2005; and

WHEREAS, a public hearing was held on this application on September 12, 2006 after due notice by publication in *The City Record*, with a continued hearing on October 17, 2006, and then to decision on November 14, 2006; and

WHEREAS, Community Board, 11, Queens, recommends approval of the application on condition that the dumpster on the west side of the building be moved closer to the building, that a fence be provided around the open area at the rear of the building, that the certificate of occupancy be updated, and that the sale of beer, wine, or cigarettes not be permitted at the site; and

WHEREAS, the site is located on the northeast corner of 47th Avenue and Francis Lewis Boulevard; and

WHEREAS, the site is located within an R3X (formerly R3-2) zoning district and is improved upon with a gasoline service station; and

WHEREAS, the Board has exercised jurisdiction over the site since March 21, 1950 when, under the subject calendar number, the Board granted a variance for the maintenance of a gasoline service station; and

WHEREAS, subsequently, the grant has been amended and the term extended by the Board at various times; and

WHEREAS, most recently, on April 23, 1996, the grant was amended to permit several site modifications, and extended for a term of ten years from the expiration of the prior grant, to expire on October 7, 2005; and

WHEREAS, the applicant now requests an additional ten-year term; and

WHEREAS, pursuant to ZR § 11-411, the Board may permit an extension of term for a previously granted variance; and

WHEREAS, additionally, the applicant proposes to legalize the conversion of the accessory office to a convenience store, a change in the fencing material along the northern lot line from wrought iron fencing to white vinyl, and a change to the signage; and

WHEREAS, pursuant to ZR § 11-412, the Board may permit an alteration to a site subject to a previously granted variance; and

WHEREAS, at hearing, the Board noted that there appeared to be parking in front of the curb cut on 47th Avenue and asked the applicant to re-examine the parking layout; and

WHEREAS, the applicant subsequently submitted revised plans indicating the parking spaces along the southeastern corner of the lot, nearest to 47th Avenue, would be removed; and

WHEREAS, at the Community Board's suggestion, the applicant relocated the dumpster to the 47th Avenue side of the site, the maximum distance away from residential uses, and installed security flood lights at the front, side, and rear of the building; and

WHEREAS, in response to the Community Board's concern about the sale of cigarettes, beer, or wine at the convenience store, the applicant stated that cigarettes, beer, and wine are not currently sold in the small convenience store; and

WHEREAS, however, the Board notes that it is not within its authority to regulate what is sold at the convenience store and does not believe it is appropriate to impose such restrictions; and

WHEREAS, based upon the above, the Board finds that the requested extension of term and amendments to the approved plans are appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, as adopted on March 21, 1950, and as subsequently extended and amended, so that as amended this portion of the resolution shall read: "to extend the term for ten years from October 7, 2005 to expire on October 7, 2015; to

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legalize the conversion of a portion of the building to an accessory convenience, a change in the fencing material, and a change in the signage; and to permit certain proposed site modifications *on condition* that the use shall substantially conform to drawings as filed with this application, marked 'Received June 12, 2006'-(3) sheets and 'October 2, 2006'-(1) sheet; and *on further condition*:

THAT the term of this grant shall expire on October 7, 2015;

THAT all fencing shall be maintained in good condition;

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

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

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

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

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

(DOB Application No. 402099741)

Adopted by the Board of Standards and Appeals, November 14, 2006.

131-93-BZ

APPLICANT – Eric Palatnik, P.C., for Al & Selwyn, Inc., owner.

SUBJECT – Application April 10, 2006 – Extension of Term/Amendment – pursuant to Z.R. §§11-411 and 11-412 to extend the term of an automotive service station which expired on November 22, 2004. The application seeks an amendment of the previous BSA resolution so as to authorize the enlargement of the existing one story masonry building to include two additional service bays and to expand the auto sales use to accommodate the display of twenty motor vehicles an increase from the previously approved five motor vehicles. The subject premises is located in a C2-2/R5 zoning district.

PREMISES AFFECTED – 3743-3761 Nostrand Avenue, north of the intersection of Avenue "Y", Block 7422, Lot 53, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this application is a request for a reopening,

amendments to the approved plans, and an extension of term for a previously granted variance for a gasoline service station, which expired on November 22, 2004; and

WHEREAS, a public hearing was held on this application on September 19, 2006 after due notice by publication in *The City Record*, with a continued hearing on October 24, 2006, and then to decision on November 14, 2006; and

WHEREAS, Community Board, 15, Brooklyn, recommends approval of this application; and

WHEREAS, the site is located on the east side of Nostrand Avenue, north of Avenue Y; and

WHEREAS, the site is located within a C2-2 (R5) zoning district and is improved upon with a gasoline service station; and

WHEREAS, the Board has exercised jurisdiction over the site since March 10, 1959, when, under BSA Cal. No. 501-58-BZ, the Board granted a variance for the maintenance and construction of a gasoline service station; and

WHEREAS, subsequently, the grant was amended and extended; the most recent term expired on November 6, 1984; and

WHEREAS, on November 22, 1994, the Board made an authorization, pursuant to ZR §§ 11-411, 11-412, and 11-413, to permit the re-establishment of the grant; this grant expired on November 22, 2004; and

WHEREAS, the 1994 grant also permitted modifications to the site and a change in use of a portion of the site to accessory auto sales; and

WHEREAS, the applicant now requests an additional ten-year term and an amendment to permit the enlargement of the existing building to include two additional service bays, the expansion of the auto sales use to accommodate the display of 14 vehicles, and to document the location of the existing underground gas tanks; and

WHEREAS, pursuant to ZR § 11-411, the Board may permit an extension of term for a previously granted variance; and

WHEREAS, pursuant to ZR § 11-412, the Board may permit an alteration to a site subject to a previously granted variance, including the enlargement of an existing pre-1961 building provided that the floor area of the enlargement does not exceed 50 percent of the floor area of the existing building; and

WHEREAS, the applicant represents that the existing structure has a floor area of 1,701 sq. ft. and that it will be enlarged by 850 sq. ft. for a total floor area of 2,551 sq. ft.; and

WHEREAS, the Board notes that the proposed enlargement complies with the provisions of ZR § 11-412; and

WHEREAS, the applicant represents that the auto sale use has existed continuously as an accessory use and that the current proposal is a request to expand the accessory use; and

WHEREAS, the applicant initially proposed to provide spaces for 20 vehicles within the portion of the site dedicated to auto sales; and

WHEREAS, however, at hearing, the Board expressed concerns about the following: (1) the layout and number of vehicles in the sales area; and (2) the material used for the fencing; and

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WHEREAS, specifically, the Board was concerned that the site could not accommodate 20 vehicles within the designated area and directed the applicant to re-design the layout and reduce the number of vehicles; and

WHEREAS, the Board also directed the applicant to remove the outdoor vehicle lift so that all repairs would be performed in an enclosed area; and

WHEREAS, in response, the applicant revised the proposal to provide for the reduction in the number of vehicles for sale to 14; and

WHEREAS, the applicant's revisions included the removal of the outdoor vehicle lift; and

WHEREAS, at hearing, the Board also asked the applicant about what kind of partition was proposed to be used to separate the auto sales area from the remainder of the lot; and

WHEREAS, the applicant responded that both six-ft. high fencing and roll-down gates would be installed around the perimeter of the auto sales area; and

WHEREAS, the Board directed the applicant to consider a sliding gate in place of a roll-down gate; and

WHEREAS, the applicant revised the plans to reflect a six-ft. sliding gate to provide access to the auto sales area; and

WHEREAS, finally, the Board notes that the location of the underground tanks has been noted on the plans; and

WHEREAS, based upon the above, the Board finds that the requested extension of term and amendments to the approved plans are appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, as adopted on November 22, 1994, so that as amended this portion of the resolution shall read: "to extend the term for ten years from November 22, 2004 to expire on November 22, 2014, and to permit the enlargement of the existing building and the expansion of the auto sales use and designated sales area *on condition* that the use shall substantially conform to drawings as filed with this application, marked "Received October 30, 2006"--(1) sheet and "October 10, 2006" -- (4) sheets; and *on further condition*:

THAT the term of this grant shall expire on November 22, 2014;

THAT the accessory auto sales at the site shall be limited to 14 cars;

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

THAT the placement and size of all signs shall be as indicated on the BSA-approved plans;

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

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

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

related to the relief granted."
(NB 1376/58)

Adopted by the Board of Standards and Appeals,
November 14, 2006.

181-38-BZ

APPLICANT – Michael Cosentino, for Michael Innella, owner.

SUBJECT – Application June 28, 2006 – Pursuant to ZR §11-411 for an extension of term to a gasoline service station (Sunoco) for a ten year term which expired on June 3, 2005, and Amendment to convert the existing service repair bays to a convenience store and a waiver to file the application more than 30 days after the expiration of term. The premise is located in an R-3A(CD) zoning district.

PREMISES AFFECTED – 410-412 City Island Avenue, corner of Ditmars Street, Block 5645, Lot 6, Borough of The Bronx.

COMMUNITY BOARD #10BX

APPEARANCES –

For Applicant: Fitzroy Thomas.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to December 5, 2006, at 10 A.M., for decision, hearing closed.

717-60-BZ

APPLICANT – Eric Palatnik, P.C., for Sun Refining & Marketing, owner.

SUBJECT – Application September 25, 2006 – Extension of term/waiver of the rules for a Variance (§72-21) for an existing (UG 16) gasoline service station (Sunoco) in an R3-2/C1-1 zoning district which expired on June 1, 2006.

PREMISES AFFECTED – 2052 Victory Boulevard, southeast corner of Bradley Avenue, Block 724, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to January 9, 2007, at 10 A.M., for continued hearing.

441-65-BZ

APPLICANT – Sheldon Lobel, P.C. for Eleanor Barrett c/o JP Morgan Chase, owner; Hess Amerada Corporation, lessee.

SUBJECT – Application March 20, 2006 – Pursuant to ZR §73-11 and §73-211 an Amendment to a previously granted special permit for the redevelopment of a gasoline service station, to construct an accessory convenience store (Hess

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Express), to construct a new canopy and six pump islands with MPD dispensers and one diesel fuel dispenser. The premise is located in C2-1/R3-2 zoning district.

PREMISES AFFECTED – 2488 Hylan Boulevard, located on the east side of Hylan Boulevard between Jacques Avenue and New Dorp Lane, Block 3900, Lot 12, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Josh Rinesmith, Marc Pilotta and Erwin Andres.

For Administration: Nitin Patel, DDC (DOT).

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

938-82-BZ

APPLICANT – Eric Palatnik, P.C., for A. Brothers Realty, Inc., owner; Eugene Khavenson, lessee.

SUBJECT – Application August 4, 2006 – to re-open the previous BSA resolution granted on May 17, 1983 to extend the term of the variance for twenty (20) years. The application also seeks a waiver of the BSA Rules of Practice and Procedure as the subject renewal request is beyond the permitted filing period. Prior grant allowed a one-story commercial office building (UG 6) in an R4 district; contrary to ZR §22-10.

PREMISES AFFECTED – 2470 East 16th Street, northwest corner of Avenue Y, block 7417, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to December 5, 2006, at 10 A.M., for deferred decision.

574-85-BZ

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

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

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

COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD – Laid over to November 21, 2006, at 10 A.M., for continued hearing.

466-89-BZ

APPLICANT – Eric Palatnik, P.C., for Frank R. Bell Funeral Home Inc., owner.

SUBJECT – Application September 7, 2006 – Amendment to a previously granted Variance (§72-21) for the enlargement of an existing funeral home (UG7) to allow the increase of 1,250 square feet to the existing structure in an R6 zoning district.

PREMISES AFFECTED – 526, 528 and 536 Sterling Place, a/k/a 764 Classon Avenue, southwest corner of Sterling Place and Classon Avenue, Block 1174, Lots 32, 33, 35, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES –

For Applicant: Eric Palatnik.

For Administration: Anthony Scaduto, Fire Department.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

70-97-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for Tenth City, LLC, owner; New York Sports Club, lessee.

SUBJECT – Application September 11, 2006 – Extension of Term of a Special Permit (73-36) to allow a Physical Culture Establishment (New York Sports Club) in a C6-6 and C1-4.5(MID) zoning district which expired on November 1, 2006 and an amendment to legalize the increase of 1,500 square feet on the second floor.

PREMISES AFFECTED – 576 Lexington Avenue, northeast corner of Lexington Avenue and East 51st Street, Block 1306, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to December 5, 2006, at 10 A.M., for decision, hearing closed.

330-98-BZ

APPLICANT – Sheldon Lobel, P.C., for Paula Katz, owner; Anthony Gaudio, lessee.

SUBJECT – Application May 25, 2006 – requesting an extension of term/waiver and an amendment of a Physical Cultural Establishment located within a C1-6A zoning district in the Special Transit Land Use District, commencing on

MINUTES

February 16, 1995 and expiring on February 16, 2005. The amendment sought includes a change in operating control and proposed minor physical alterations to the establishment.
PREMISES AFFECTED – 242 East 14th Street, south side of 14th Street, Block 469, Lot 30, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Ron Mandell.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to December 5, 2006, at 10 A.M., for decision, hearing closed.

23-04-BZ

APPLICANT – Moshe M. Friedman, P.E., for Yossi Kraus, owner.

SUBJECT – Application July 19, 2006 – Pursuant to ZR §73-11 and §73-622 this application is for an amendment to a previously granted Special Permit for the enlargement of a single family home for the proposed increase in floor area from .62 to 1.002 (+1,141.6 sq. ft.). The proposed plans are contrary to ZR §23-141(a) -floor area, open space; §23-48 minimum side yard and 23-47-minimum rear yard. The premise is located in an R2 zoning district.

PREMISES AFFECTED – 1150 East 23rd Street, west side, Block 7622, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Moshe Friedman.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to December 5, 2006, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

331-05-A

APPLICANT – Rothkrug Rothkrug Weinberg Spector, for Rock Development Corp., owner.

SUBJECT – Application November 17, 2005 – to permit the construction of the one family dwelling within the bed of mapped street, 153rd Place, contrary to General City Law Section 35. Premises is located in an R3-1 Zoning District.

PREMISES AFFECTED – 15-59 Clintonville Street a/k/a 15-45 153rd Place, east side of Clintonville Street, bed of mapped 153rd Place, Block 4722, Lot (tentative 19), Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Eric Palantik.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to December 5, 2006, at 10 A.M., for decision, hearing closed.

63-06-A

APPLICANT – Sheldon Lobel, P.C.,

OWNERS: Kevin and Alix O’Mara

SUBJECT – Application April 11, 2006 – Appeal seeking to revoke permits and approvals which allows an enlargement to an existing dwelling which violates various provisions of the Zoning Resolution and Building Code regarding required setbacks and building frontage.

PREMISES AFFECTED – 160 East 83rd Street, Lexington Avenue and Third Avenue, Block 1511, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to December 5, 2006, at 10 A.M., for deferred decision.

81-06-A

APPLICANT – Whitney Schmidt, Esq.

OWNERS: Kevin and Alix O’Mara

SUBJECT – Application May 2, 2006 – Appeal seeking to revoke permits and approvals which allows an enlargement to an existing dwelling which violates various provisions of the Zoning Resolution and Building code regarding required setbacks and building frontage.

PREMISES AFFECTED – 160 East 83rd Street, Lexington Avenue and Third Avenue, Block 1511, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to December 5, 2006, at 10 A.M., for deferred decision.

85-06-BZY

APPLICANT – Sanford Solny, for Menachem Realty, Inc., owner.

SUBJECT – Application May 5, 2006 – Proposed extension of time to complete construction of a minor development pursuant to Z.R. §11-331 for a mixed use building under the prior R6 zoning district. New zoning district is R4-1.

PREMISES AFFECTED – 1623 Avenue “P”, northwest corner of Avenue “P” and East 17th Street, Block 6763, Lot 46, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Eric Palatnik, Sanford Sulny.

For Opposition: Sidney Stern.

For Administration: Narisa Sasitorn, Department of

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Buildings.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

154-06-A

APPLICANT – Cozen O'Connor Attorneys, Flan Realty, LLC, owner.

SUBJECT – Application July 12, 2006 - An appeal seeking a determination that the owner of said premises has acquired a common law vested right to continue development commenced under the prior R6 zoning district. Premises is located in a R6B zoning district.

PREMISES AFFECTED – 357 15th Street, north side of 15th Street, between 7th and 8th Avenues, Block 1102, Lot 70, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to December 5, 2006, at 10 A.M., for adjourned hearing.

155-06-A

APPLICANT – Cozen O'Connor Attorneys, Flan Realty, LLC, owner.

SUBJECT – Application July 12, 2006 – An appeal seeking a determination that the owner of said premises has acquired a common law vested right to continue development commenced under the prior R6 zoning district. Premises is located in a R6B zoning district.

PREMISES AFFECTED – 359 15th Street, north side of 15th Street, between 7th and 8th Avenues, Block 1102, Lot 70, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to December 5, 2006, at 10 A.M., for adjourned hearing.

182-06-A thru 211-06-A

APPLICANT – Stadtmauer Bailkin, LLP, for Beachfront Community, LLC, owner.

SUBJECT – Application August 22, 2006 – An appeals seeking a determination that the owner of said premises has acquired a common law vested right to continue development commenced under the prior R5 Zoning district. Premises is located in an R4-A Zoning district.

PREMISES AFFECTED – Beach 5th Street, Beach 6th Street and Seagirt Avenue, bound of Seagrit Avenue to the north, Beach 5th Street to the east, Beach 6th Street to the west Reynolds Channel to the south, Block 15609, Lots 1, 3, 6, 8, 10, 12, 14, 16, 18, 58, 63, 64, 65, 66, 67 and 68; Block 15608, Lots 1, 40, 42, 45, 51, 52, 53, 57, 58, 61, 63, 65, 67

and 69 Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Mitchell Korbey, Steve Sinacori, Richard Bowers.

For Opposition: Fran Tuccio and Tracy A. Conray.

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

Jeffrey Mulligan, Executive Director

Adjourned: A.M.

REGULAR MEETING

TUESDAY AFTERNOON, NOVEMBER 14, 2006

1:30 P.M.

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

ZONING CALENDAR

47-05-BZ

CEQR #05-BSA-102Q

APPLICANT – Cozin O'Connor, 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: Howard Hornstein and Peter Geis.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated February 17, 2005, acting on Department of Buildings Application No. 402037924, reads, in pertinent part:

“Proposed floor area, wall and building heights are contrary to ZR 23-145, 23-633.”; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site within an R6B(C2-3) zoning district, a proposed five and six-story mixed-use residential/retail building,

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which does not comply with applicable zoning requirements concerning floor area and wall and building height, contrary to ZR §§ 23-145 and 23-633; and

WHEREAS, specifically, the building will have ground floor retail in the five-story portion, 138 residential units on the ground and upper floors of both portions, and a maximum of 160 accessory attended parking spaces in the cellar and partial sub-cellar (the "Proposed Building"); and

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

WHEREAS, the proposed residential floor area is 152,890.90 sq. ft. (124,082.50 sq. ft. is the maximum permitted), the proposed commercial floor area is 11,245.60 sq. ft. (46,154.40 sq. ft. is the maximum permitted), and the total proposed floor area is 164,136.50 sq. ft. (124,082.50 sq. ft. is the maximum permitted); and

WHEREAS, the proposed residential Floor Area Ratio (FAR) is 2.46 (2.0 is the maximum permitted), the proposed commercial FAR within the commercial overlay, is 0.19 (2.0 is the maximum permitted within the commercial overlay) and the total FAR is 2.65 (2.0 is the maximum permitted); and

WHEREAS, the proposed street wall height ranges from 42'-6" to 62'-6" at different locations (40'-0" is the maximum permitted) and the total building height ranges from 52'-6" to 62'-6" at different locations (50'-0" is the maximum permitted); and

WHEREAS, the applicant initially proposed to construct a five and nine-story building, with an FAR of 3.25, a street wall height of 42'-6", a total building height of 92'-6", and 174 dwelling units; and

WHEREAS, the Board expressed concern about this proposal, noting that there did not appear to be any justification for such significant height and FAR waivers, and also that the height and bulk would not be compatible with the character of the community, given the heights of the surrounding buildings; and

WHEREAS, subsequently, the applicant submitted an intermediate proposal, with the following bulk parameters: seven stories, an FAR of 2.9, a maximum total height of 72'-0", and 155 dwelling units; and

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

WHEREAS, the applicant responded to the Board's concerns by submitting the current version, as described above, which the Board finds acceptable in terms of impact and minimum variance; and

WHEREAS, in addition to the above-cited waivers, the Board also expressed concern at hearing that a rear yard waiver might be needed, based on consideration of the northerly lot line, which abuts 91st Place; and

WHEREAS, in a submission dated August 1, 2006, the applicant responds that the northerly lot line is actually a side lot line since its angles are 68 degrees and 112 degrees, and not

within 45 degrees parallel to the street line, as required for a rear lot line; and

WHEREAS, accordingly, the applicant states that no yard relief is needed, and that DOB will require full compliance with all applicable yard requirements; and

WHEREAS, a public hearing was held on this application on October 18, 2005 after due notice by publication in the *City Record*, with continued hearings on December 13, 2005, January 31, 2006, March 7, 2006, April 4, 2006, and May 2, 2006; and

WHEREAS, on August 22, 2006, the decision was deferred to November 14, 2006; and

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

WHEREAS, Community Board 4, Queens, recommended disapproval of the original version of this application, claiming that it would not be compatible with the character of the community in terms of overall height, that not enough parking would be provided, and that development of the site might affect remains related to an African-American cemetery that formerly occupied a portion of the site; and

WHEREAS, certain neighbors to the premises also appeared in opposition to this application (particularly when the proposal was a nine-story building), alleging that such a tall building would not be compatible with the character of the community; and

WHEREAS, the subject premises has a total lot area of 62,041.23 sq. ft., and is situated on Corona Avenue at the northeast corner of Corona and 90th Street, with approximately 265 ft. of frontage on Corona and 104 ft. of frontage on 90th; the site is also adjacent to a Long Island Railroad right of way; and

WHEREAS, as noted above, the premises appears to be the site of a former cemetery; accordingly, during the hearing process, the applicant worked with the City's Landmarks Preservation Commission (LPC) to develop a mechanism by which concerns about the discovery of human remains could be resolved (discussed in more detail below); and

WHEREAS, the site has an irregular flag shape, with approximately 14 lot lines with varying angles; and

WHEREAS, this results in only approximately 23,000 sq. ft. of the site with direct street access; the remainder of the site (approximately 40,000 sq. ft.) is located behind existing homes that front on 90th Street; and

WHEREAS, 23,077 sq. ft. of the total lot area is within the C2-3 commercial overlay, the remainder (38,964 sq. ft.) is solely within the R6B zoning district; and

WHEREAS, the site is improved upon with various one to three-story warehouse/light manufacturing buildings, with an aggregate floor area of 56,632 sq. ft. (0.91 FAR); and

WHEREAS, these warehouse and manufacturing buildings, which are lawful non-conforming uses, are proposed to be demolished and replaced with the Proposed Building; and

WHEREAS, because the Proposed Building is non-compliant as to FAR and wall and total height, the instant

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variance application was filed; and

WHEREAS, the applicant represents that the following are unique physical conditions which, when considered in combination, create an unnecessary hardship in developing the site in compliance with the applicable regulations: (1) the site's irregular shape; (2) the site's proximity to the LIRR tracks; (3) the site's slope; and (4) the presence of the non-conforming, obsolete warehouse/manufacturing structures; and

WHEREAS, as to the site's shape, the applicant states that it has 14 lot lines and 16 different angles, some acute, some obtuse and some 90 degrees; and

WHEREAS, the applicant states that this unusual lot configuration leads to difficulties during development; specifically, the applicant states that due to the lot's depth and shape, non-conventional staged construction methods must be used, in order to address the narrowing of the property from the portion abutting the street towards the interior portion; and

WHEREAS, the applicant states that excavation in the front of the property cannot occur until the superstructure in the rear has been completed, which leads to a lengthier, more costly construction process; and

WHEREAS, the applicant also represents that the unusual shape of the site results in inordinately deep residential corridors, with a long travel distance between the elevator and certain of the units, which depresses the sales value of such units; and

WHEREAS, as to the location of the site adjacent to the railroad cut, the applicant states that the lower residential units would front on this cut, decreasing their sales value; and

WHEREAS, as to the existing buildings, the applicant states that they cannot be readily converted to residential use; and

WHEREAS, however, since the buildings will be demolished, this basis of uniqueness is irrelevant to the Board's consideration; and

WHEREAS, the Board recognizes that the shape of the lot is unusual, but at the first hearing, asked the applicant if there was an ability to compensate for this shape and the problems that it might pose by developing the site with a wider and shorter building; and

WHEREAS, the applicant responded that a deeper building would result in a layout with disproportionately deep living and bedrooms, which would have inferior light and air, and thus be less marketable; and

WHEREAS, the Board also asked the applicant to explain the nexus between the site's irregularity and the specific waivers being requested; and

WHEREAS, the applicant responded that the shape of the site and its proximity to the railroad cut lead to both increased construction costs and diminished revenue for the proposed units, the financial effect of which would be overcome by the requested floor area and height waivers; and

WHEREAS, specifically, the applicant states that the increased construction costs relate to the site's limited frontage and the narrowing of the site at one portion to what the applicant terms a "bottleneck", which necessitates a phased (and more

expensive) construction process; and

WHEREAS, further, the applicant states that the proximity of the railroad cut diminishes the sales value of certain of the proposed units by up to twenty percent; and

WHEREAS, finally, the applicant notes that the slope affecting the site will lead to increased construction costs; and

WHEREAS, the Board has reviewed the applicant's subsequent submissions made in support of these responses, and finds that they are credible and sufficient; and

WHEREAS, based upon the above, the Board finds that certain of the aforementioned unique physical conditions – namely, the site's shape and its proximity to the railroad cut – when considered in the aggregate, create unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, the applicant initially submitted a feasibility study analyzing: (1) a scenario where the existing non-conforming buildings would be renovated and converted to a combination of retail, office, and storage use; and (2) a conforming and complying five-story residential structure, with a retail component in the commercial overlay district; and

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

WHEREAS, the Board reviewed this initial study, and asked for the following refinements: (1) an upwards revision of the sell-out value of the units, since they appeared to be low; (2) revised construction cost estimates; (3) further discussion of the impact of the adjacency to the railroad cut; and

WHEREAS, in response, the applicant submitted a revised study that increased both construction costs and sell-out value, and which explained the diminution in value from the adjacency of the railroad cut, as well as the increased construction costs arising from the slope condition; and

WHEREAS, based upon its review of the subsequent submissions of the applicant, 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 applicable zoning requirements will provide a reasonable return; and

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

WHEREAS, as an initial matter, the Board notes that neither the nine-story nor the seven-story iterations would have been contextual with the surrounding neighborhood, which is characterized by two story buildings adjacent to the site, three to four-story multiple dwellings in the immediate area, and some six-story buildings in the wider vicinity; and

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

WHEREAS, additionally, the applicant notes that the six-story portion of the Proposed Building will be located in

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the interior of the lot, behind existing buildings and the lower portions of Proposed Building, thus minimizing the impact of this portion on the adjacent buildings and street; and

WHEREAS, the Board also notes that the portion of the building most visible along Corona and 90th Street generally complies with the permitted envelope of 40 to 50 ft. in street wall height, and that the slight increase over these parameters allows the proposed retail on the ground floor to meet industry standards as to floor to ceiling heights; and

WHEREAS, finally, the Board notes that the proposed uses are as of right; and

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

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title, but is rather a function of the pre-existing unique physical conditions cited above; and

WHEREAS, as noted above, the applicant originally proposed a nine-story, 3.25 FAR building with 174 units; and

WHEREAS, the Board expressed its dissatisfaction with this proposal at the first hearing, given that it reflected a degree of relief not consonant with the actual hardship on the site; and

WHEREAS, the applicant subsequently submitted the above-referenced seven-story iteration, about which the Board expressed similar concerns; and

WHEREAS, in addition to the actual proposals, the applicant also submitted the following lesser variance scenarios: (1) a 2.5 FAR scenario; and (2) a 2.0 FAR scenario; and

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

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

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

WHEREAS, the project is classified as an Unlisted action pursuant to Sections 617.6(h) and 617.2(h) of 6 NYCRR; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 05BSA102Q, dated June 7, 2004; and

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

WHEREAS, the Office of Environmental Planning and Assessment of the New York City Department of Environmental Protection (DEP) has reviewed the following submissions from the applicant: the June 2004 EAS and December 19, 2003 Phase I Environmental Assessment Report; and

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

WHEREAS, a DEP Restrictive Declaration (the "DEP RD") was executed on November 6, 2006 and submitted for proof of recording on November 8, 2006, and requires that hazardous materials concerns be addressed; and

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

WHEREAS, LPC has reviewed archaeological sensitivity models and historic maps for the subject site that indicate that there is a potential for the recovery of remains from a Colonial and 18th Century cemetery on the project site; LPC recommended in its March 31, 2005 findings that an archaeological documentary study be conducted to clarify these initial findings; and

WHEREAS, accordingly, a LPC Restrictive Declaration (the "LPC RD") was executed to address these archaeological concerns on November 6, 2006 and submitted for proof of recording on November 8, 2006; and

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

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a site within an R6B(C2-3) zoning district, a proposed six-story mixed-use residential/retail building, which does not comply with applicable zoning requirements concerning floor area, wall and building height, contrary to ZR §§ 23-145 and 23-633, *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 August 1, 2006"-(14) sheets; and *on further condition*:

THAT the following are the bulk parameters of the building: five and six-story sections, ground floor retail, 138 residential units on the ground and upper floors, residential floor area is 152,890.90 sq. ft.; a residential FAR of 2.46; commercial

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floor area of 11,245.60 sq. ft.; a commercial FAR of 0.19; total floor area of 164,136.50 sq. ft.; total FAR of 2.65; a perimeter wall height of between 42'-6" and 62'-6" at different locations (as indicated on the BSA-approved plans) and a total building height of between 52'-6" and 62'-6" at different locations (as indicated on the BSA-approved plans);;

THAT a minimum of 107 accessory parking spaces and a maximum of 165 accessory parking spaces be provided, with the layout to be approved by DOB;

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

THAT all requirements as set forth in the DEP RD and LPC RD shall be fully complied with;

THAT prior to the issuance of any building permit that would result in ground disturbance, including any permit issued for the purposes of excavating test pits for environmental soil sampling, the owner shall submit to the Department of Buildings a letter from the New York City Landmarks Preservation Commission stating that it has reviewed and approved as sufficient a memorialized agreement between the owner and the Descendent Church (as defined in the LPC RD), setting forth the procedure for the handling and disposition of any human remains that may be discovered at the Site during construction of the Proposed Development;

THAT should any irreconcilable conflict arise between the owner and the Descendent Church as to the handling and disposition of potential human remains, the owner agrees that such dispute may and shall be resolved through referral of the dispute to the Executive Director of the Board of Standards and Appeals, for resolution through whatever process s/he deems sufficient;

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

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

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

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

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

Adopted by the Board of Standards and Appeals,
November 14, 2006.

288-05-BZ

APPLICANT – Harold Weinberg, P.E., for Maria Musacchio, owner.

SUBJECT – Application September 16, 2005 – Pursuant to ZR §73-622 Special Permit for an In-Part Legalization to a single family home which exceeds the allowable floor area ratio and is less than the allowable open space, §23-141 and exceeds the maximum allowable perimeter wall height, §23-631. The premise is located in an R3-1 zoning district.

PREMISES AFFECTED – 1060 82nd Street, South side, 197'3" west of 11th Avenue, between 10th Avenue, Block 6012, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES –

For Applicant: Harold Weinberg, Maria Musacchio and Philip Musacchio.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Abstain: Commissioner Hinkson.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated July 7, 2006, acting on Department of Buildings Application No. 301859781, reads in pertinent part:

- “1. The proposed enlargement exceeds the allowable floor area ratio and increases the degree of non-compliance contrary to Sections 23-141 and 54-31 of the Zoning Resolution.
2. The open space is less than the allowable open space and is contrary to Section 23-141 of the Zoning Resolution; the lot coverage exceeds the maximum and is contrary to Section 23-141 of the Zoning Resolution.”; and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, in an R3-1 zoning district, the proposed enlargement of a single-family dwelling, which does not comply with the zoning requirements for floor area ratio (FAR), open space, and lot coverage, contrary to ZR §§ 23-141 and 54-31; and

WHEREAS, a public hearing was held on this application on August 22, 2006, after due notice by publication in *The City Record*, with continued hearings on September 26, 2006 and October 24, 2006, and then to decision on October 24, 2006; and

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

WHEREAS, Community Board 10, Brooklyn,

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recommends disapproval of this application, citing concerns about neighborhood character; and

WHEREAS, certain neighbors provided testimony in opposition to the application, citing concerns about illegal work, plan discrepancies, the pitch of the roof, the accuracy of the submitted streetscape, and a proposed downzoning of the area; and

WHEREAS, however, certain neighbors provided testimony in support of the application; and

WHEREAS, the Board notes that the owner of the subject premises enlarged the existing home illegally without the requisite DOB permits; and

WHEREAS, initially, the applicant brought a variance application to legalize the illegal enlargement in its entirety; and

WHEREAS, this application was withdrawn prior to calendaring and the application is now for a home enlargement under the special permit; and

WHEREAS, the existing enlarged building at the site is a three-story single-family home with a perimeter wall height of 23 feet and a total height of 35 feet; and

WHEREAS, the applicant proposes to legalize components of the illegally completed enlargement and to modify other components in order to comply with the parameters of the special permit; and

WHEREAS, the subject lot is located on the west side of 82nd Street, between 10th and 11th Avenues; and

WHEREAS, the subject lot has a total lot area of 2,425 sq. ft., and was occupied by a 1,653.3 sq. ft. (0.68 FAR) single-family home, prior to the noted enlargement; and

WHEREAS, the Board notes that the applicant denies that this is a true characterization of the former building, but the Board has reviewed building plans that support this assertion; 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 1,653.3 sq. ft. (0.68 FAR) to 2,235.29 sq. ft. (0.92 FAR); the maximum floor area permitted is 1,455 sq. ft. (0.60 FAR, with an attic bonus); and

WHEREAS, the proposed enlargement will maintain the existing non-complying open space of 1,518 sq. ft. (1,576.3 sq. ft. is the minimum required) and the existing non-complying lot coverage of 37.4 percent (35 percent is the maximum permitted); and

WHEREAS, the proposed enlargement will be within the footprint of the existing home and will not expand horizontally into any of the yards; and

WHEREAS, specifically, the proposed enlargement will maintain an existing non-complying front yard of 10'-4 1/2", one non-complying side yard of 0'-8 1/2", one complying side yard of 7'-1 1/2", and a complying rear yard of 34'-4 1/2"; and

WHEREAS, the applicant initially proposed to maintain the as-built perimeter wall height of 23 feet (21 feet is the maximum permitted) and total height of 35 feet (35 feet is the maximum permitted); and

WHEREAS, at hearing, the Board expressed concern

about the perimeter wall and total height; and

WHEREAS, specifically, the Board noted that the special permit only allows the perimeter wall to exceed 21 feet if there are neighboring pre-existing buildings that have higher perimeter walls; in such a case, the perimeter wall height may match, but not exceed, that of the adjacent building; and

WHEREAS, further, the Board notes that the illegally-constructed third floor is not the equivalent of a legal pre-existing condition; and

WHEREAS, at the Board's request, the applicant submitted a streetscape reflecting that five homes on the block have a perimeter wall height within the range of 20'-3" to 22'-0", one has a wall height of 27'-0", and one has a wall height of 32'-6"; and

WHEREAS, the Board has reviewed the submitted photographs and streetscape and has determined that the adjacent buildings have perimeter walls well below the purported 23 feet; and

WHEREAS, accordingly, the Board requested that the perimeter wall height be reduced; and

WHEREAS, in response to the Board's concern, the applicant reduced the proposed perimeter wall height from 23 to 21 feet; and

WHEREAS, as to total height, the Board asked the applicant to explore alternatives of reducing the ridge and height, including changing the peak of the roof so that the overall proposed height is compatible with neighboring homes; and

WHEREAS, in response to the Board's request, the applicant lowered the ridge beam, and reduced the total height from 35 feet to 32 feet; and

WHEREAS, the applicant represents that the proposed height cannot be reduced any more and the pitch of the roof cannot be altered because then there would not be eight feet of height on the second floor; and

WHEREAS, additionally, the applicant represents that if the height were decreased or the pitch altered any more there would not be seven feet of stairwell clearance to the third floor and the resulting staircase would not be useable; and

WHEREAS, the applicant submitted an analysis which indicates the minimum head room required for a viable staircase to the attic; and

WHEREAS, the applicant made representations about the requirements for floor to ceiling heights and submitted plans with inconsistent height calculations; and

WHEREAS, the Board asked the applicant to revise the plans to reflect the actual floor to ceiling heights and the required space between floors; and

WHEREAS, in addition to the above, the Board asked the applicant to submit a streetscape, detailing the height and roof conditions of the homes on the street; and

WHEREAS, certain neighbors provided testimony that the buildings across the street have flat roofs and that the proposed ridge beams are out of character; and

WHEREAS, the applicant submitted a streetscape that reflects homes with comparable heights and roof designs; and

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WHEREAS, the Board finds that the modified height and roof's peak are compatible with homes in the immediate vicinity; and

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

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

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-622 and 73-03, to permit, in an R3-1 zoning district, the proposed enlargement of a single-family dwelling, which does not comply with the zoning requirements for FAR, open space, and lot coverage, contrary to ZR §§ 23-141 and 54-31; *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 November 13, 2006"-(12) sheets; and *on further condition*:

THAT there shall be no habitable room in the cellar;

THAT the attic shall contain a maximum of 582 sq. ft.;

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

THAT the following shall be the bulk parameters of the building: a total floor area of 2,235.29 sq. ft., a total FAR of 0.92, a perimeter wall height of 21'-0", and a total height of 32'-0", all as illustrated on the BSA-approved plans;

THAT the following shall be the parameters of the yards and lot coverage: open space of 1,518 sq. ft., lot coverage of 37.4 percent, a front yard of 10'-4 1/2", one side yard of 0'-8 1/2", one side yard of 7'-1 1/2", and a rear yard of 34'-4 1/2";

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objections(s) only; no approval has been given by the Board as to the use and layout of the cellar;

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

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

Adopted by the Board of Standards and Appeals,
November 14, 2006.

41-06-BZ

APPLICANT– Steven Sinacori, Stadtmauer Bailkin, LLP, for New York Hospital Queens, owner.

SUBJECT – Application March 9, 2006 – Variance pursuant to Z.R. §72-21 to allow a predominantly below-grade group parking facility, accessory to New York Hospital Queens, to violate applicable front and side yard requirements. Site is located within R4 and R4/C1-2 districts (proposed as part of a Large Scale Community Facility Plan); contrary to Z.R. §24-33, §24-34, and §24-35. 42-06-BZ: Variance pursuant to Z.R. §72-21 to allow a new five-story hospital building, to be constructed on the existing campus of New York Hospital – Queens, to violate applicable height, setback and rear yard equivalent requirements. Project site is located within an R4 district (proposed as R6 within Large Scale Community Facility Plan); contrary to Z.R. §24-522 and §24-382.

PREMISES AFFECTED – 139-24 Booth Memorial Avenue, south side of Booth Memorial Avenue and West side of 141st Street, Block 6410, Lots 1, 19, 21, 24, 25, 26, 28, Borough of Queens.

COMMUNITY BOARD # 7Q

APPEARANCES –

For Applicant: Steven Sinacori.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated August 17, 2006, acting on Department of Buildings Application No. 402276817, reads, in pertinent part:

1. Proposed bulkheads in required front yards are contrary to Z.R. Section 24-33 and 24-34.
2. Proposed Obstruction in required side yard is contrary to Z.R. Sections 24-33"; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a portion of the Queens campus of the New York Hospital, within an R4/C1-2 zoning district, and as part of a Large Scale Community Facility Plan, the proposed construction of an underground accessory group parking facility (the "Garage"), the bulkheads of which encroach into the required front and side yard, contrary to ZR § 24-33 and 24-34; and

WHEREAS, the proposed Garage is a 122,368 sq. ft. three-level (two below grade, one at grade), 372 space (pursuant to a City Planning Commission ("CPC") special permit, discussed below) accessory parking facility; and

WHEREAS, the applicant states that that the proposed Garage facility is composed of: (a) a 40,603 square foot below-grade cellar level with 94 self-parking spaces; (b) a 40,603 square foot below-grade sub-cellar level with 199

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attended parking spaces; and (c) a 41,162 square foot open on-grade level with 79 self-parking spaces and 19 reservoir spaces; and

WHEREAS, the applicant notes that in response to concerns expressed by the community, the originally proposed four-story, 500-space garage design, which had included two basement parking levels, two above-grade parking levels, and two levels of medical office space on top of the parking structure, was abandoned; the applicant notes that community members desired a smaller, lower and substantially less obtrusive structure; and

WHEREAS, the non-complying condition addressed in this application is as follows: two approximately 10.5-foot to 16.75-foot high stairway bulkheads, with respective footprints of 210 and 480 square feet, located within the required front yard along 141st Street; one of these bulkheads also encroaches into the side yard; and

WHEREAS, since these obstructions are not permitted in the front and side yard, variances are required; and

WHEREAS, a public hearing was held on this application on October 24 after due notice by publication in the *City Record*, and then to decision on November 14, 2006; 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 Collins; and

WHEREAS, Community Board 7, Queens, recommends conditional approval of this application, and appeared at hearing to support it; and

WHEREAS, the Community Board conditions concern traffic control and pedestrian safety, and all have been accepted by the applicant and will be integrated into the broader campus development plan, subject to approval of certain of the proposed conditions by the City's Department of Transportation; and

WHEREAS, the Coalition to Preserve Queenboro Hill and certain neighbors appeared in opposition to this application; the concerns of the opposition are addressed below; and

WHEREAS, this application was brought on behalf of the New York Hospital – Queens (hereinafter, the "Hospital"), a not for profit institution; and

WHEREAS, the Hospital's campus (the "Campus") occupies two separate zoning lots: (1) the majority of Block 5165, encompassing 235,964.35 square feet of lot area and bounded by Main Street to the west, Booth Memorial Avenue to the south, 141st Street to the east, and 56th Avenue to the north; and (2) the majority of the block to the south across Booth Memorial Avenue (Block 6401, the subject block), encompassing 44,199 square feet of lot area, and bounded by Main Street to the west, 58th Avenue to the south, 141st Street to the east and Booth Memorial Avenue to the north; and

WHEREAS, the subject block is currently comprised of various individual tax lots, proposed to be merged into Lot No. 19; and

WHEREAS, the applicant states that other actions relative to development on the Campus are being pursued as well; and

WHEREAS, specifically, the instant application was brought concurrently with another variance application (BSA

Cal. No. 42-06-BZ), also granted the date hereof, for the proposed construction on Block 5165 of a five-story Use Group 4 hospital building, with a new entrance and lobby (the "Hospital Building"), which does not comply with applicable zoning requirements concerning rear yard equivalent and height and setback; and

WHEREAS, additionally, the applicant notes that the Hospital is also seeking the following actions through CPC: (1) a zoning map change, pursuant to New York City Charter § 197(c) rezoning Block 5165 from an R4 zoning district to an R6 zoning district, and permitting increased floor area necessary for the Hospital Building; (2) an authorization for a large-scale community facility development pursuant to ZR § 79-21; (3) an authorization, pursuant to ZR § 79-31, permitting the proposed Garage to be located across Booth Memorial Avenue from the Hospital's main campus but within the proposed large-scale community facility development; and (4) a special permit, pursuant to ZR § 74-53, permitting the Garage to have 222 parking spaces in excess of the 150 parking space maximum for group parking facilities permitted by ZR § 25-12; and

WHEREAS, the specific portion of the subject block to be developed with the Garage is located on the north side of the subject block, and occupies approximately two-thirds of the block's total area (the "Development Site"); and

WHEREAS, the Development Site is currently occupied by five two-story buildings that will be demolished, as well as open parking lots; and

WHEREAS, the applicant notes that all vehicular circulation, entering and exiting the Garage, is limited to Booth Memorial Avenue; parking traffic is thereby diverted from the residential portion of 141st Street.; and

WHEREAS, the applicant further notes that the Garage will be enclosed with decorative fencing comprised of a three-foot high brick base stretching between six-foot high brick piers, with wrought iron fencing filling the space between the piers and extending up to the same six-foot height; and

WHEREAS, the applicant reports that the brick base fence and extensive proposed landscaping will effectively block headlights from shining across 141st Street onto homes, and that all lighting is directed downward to further reduce the intrusion of light; and

WHEREAS, the two one-story brick clad bulkheads are for the exit stairs, elevators and mechanical ventilation along 141st Street, and the corner of 141st Street and Booth Memorial Avenue; and

WHEREAS, the applicant notes that the bulkhead along 141st Street is 12'-0" wide on the street side, 10'-6" high from the sidewalk to the top of its parapet, and 17'-6" deep from the property line, and that the bulkhead at the corner of Booth Memorial Avenue and 141st Street is 14'-6" high from the sidewalk along Booth Memorial Avenue and 16'-9" high along 141st Street; and.

WHEREAS, the applicant states that the two bulkheads must be located in the front yard, and one must be located in a side yard, in order to create a sufficient layout for the

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proposed Garage; and

WHEREAS, the proposed layout is necessary to accommodate the proposed amount of parking spaces, which in turn is necessary due to the contemplated parking demand for the Hospital; and

WHEREAS, at hearing, the applicant amplified upon the above argument; and

WHEREAS, specifically, the applicant noted that bulkheads are located within the front and side yard in order to not conflict with the proposed parking layout on each level of the Garage, and that the location of the bulkheads elsewhere would result in the loss of at least 12 parking spaces (and increased on-street parking demand) and would also lead to increased construction costs; and

WHEREAS, the Board credits the applicant's statements as to the Hospital's programmatic needs and the limitations of a Garage layout that does not allow for the location of the bulkheads in the front and side yard; and

WHEREAS, the Board also notes that the Garage must be constructed at a location within the subject block such that it can integrate with and be proximate to the other Hospital components; the Development Site is the most efficient and logical location for the Garage, given that it will be across the street from the primary Hospital campus; and

WHEREAS, based upon the above, the Board finds that the adjacency of the existing Hospital campus to the Development Site constitutes a unique physical condition, which, when considered in conjunction with the programmatic need of the Hospital to construct the Garage with the proposed amount of spaces, creates unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

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

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

WHEREAS, as noted above, all vehicular circulation, entering and exiting the parking facility, is limited to Booth Memorial Avenue; parking traffic is thereby diverted from the residential portion of 141st Street; and

WHEREAS, the Garage will be enclosed with the above-noted fencing and will be landscaped, which will effectively block headlights from shining across 141st Street onto homes; and

WHEREAS, further, all other lighting is directed downward to further reduce the intrusion of light; and

WHEREAS, the Board notes that the bulkheads will be enclosed in the same brick treatments as the fence and will not affect nearby residential properties, given the limited heights, which are less than the height of an as-of-right structure; and

WHEREAS, the heights of the bulkheads also match the

heights of the boundary walls along 49th Street (in the front yard) and also with the height of the boundary wall between the site and the adjacent residential building (in the side yard); 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, but is the result of the programmatic needs of the Hospital; and

WHEREAS, additionally, the Board finds that this proposal is the minimum necessary to afford the owner relief, since the Garage is designed to address the Hospital's anticipated parking needs; and

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

WHEREAS, at hearing, the opposition made the following arguments: (1) that the Garage building will negatively effect nearby homes; (2) that the instant application does not address traffic impact; (3) that the overall increase in ambulance and pedestrian traffic will negatively effect the neighborhood; and (4) that the applicant initially represented to the community that a sub-surface garage could not be built; and

WHEREAS, as to the first argument, the Board has already concluded that the above-grade aspect of the Garage will be appropriately screened and landscaped, and that the location and size of the bulkheads will not create any negative effects; and

WHEREAS, the Board notes that the Community Board representative stated at hearing that the bulkheads were acceptable because they were enclosed and within the height of the boundary wall; and

WHEREAS, as to the second and third argument, the Board notes that overall traffic impacts of any type are not before it, and have been addressed by CPC as part of its approval of the above-mentioned actions; and

WHEREAS, as to the fourth argument, the Board notes that the applicant explained that the initial representation to the community about the viability of a below-grade garage was based upon an incomplete site analysis; a subsequent analysis revealed that while expensive, such a garage could be constructed; and

WHEREAS, in any event, the Board concludes that the Hospital's willingness to accommodate the concerns of the community by building a more expensive below-grade structure with less parking spaces belies any insinuation that the earlier representation was made in bad faith or should have some bearing on the Board's consideration of this application; and

WHEREAS, accordingly, the Board rejects all of the opposition arguments as meritless; and

WHEREAS, CPC, as Lead Agency, has conducted an environmental review (CEQR No. 05DCP066Q) of the subject actions before the BSA, and of the related actions approved by

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the CPC noted above; and

WHEREAS, CPC issued a Conditional Negative Declaration (CND) for CEQR No. 05DCP066Q, on September 25, 2006.

Therefore it is Resolved, that the Board of Standards and Appeals adopts the CPC CEQR determination and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a portion of the Queens campus of the New York Hospital, within an R4/C1-2 zoning district, and as part of a Large Scale Community Facility Plan, the proposed construction of an underground accessory group parking facility, the bulkheads of which encroach into the required front and side yard, contrary to ZR § 24-33 and 24-34; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received September 12, 2006”–ten (10) sheets; and *on further condition*:

THAT all front and side yard encroachments shall be as indicated on the BSA-approved plans;

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

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

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

Adopted by the Board of Standards and Appeals, November 14, 2006.

42-06-BZ

APPLICANT – Steven Sinacori, Stadtmauer Bailkin, LLP for New York Hospital Queens, owner.

SUBJECT – Application March 9, 2006 – Variance pursuant to Z.R. §72-21 to allow a predominantly below-grade group parking facility, accessory to New York Hospital Queens, to violate applicable front and side yard requirements. Site is located within R4 and R4/C1-2 districts (proposed as part of a Large Scale Community Facility Plan); contrary to Z.R. §24-33, §24-34, and §24-35. 42-06-BZ: Variance pursuant to Z.R. §72-21 to allow a new five-story hospital building, to be constructed on the existing campus of New York Hospital – Queens, to violate applicable height, setback and rear yard equivalent requirements. Project site is located within an R4 district (proposed as R6 within Large Scale Community Facility Plan); contrary to Z.R. §24-522 and §24-382.

PREMISES AFFECTED – 139-24 Booth Memorial Avenue, south side of Booth Memorial Avenue and West side of 141st Street, Block 6410, Lots 1, 19, 21, 24, 25, 26, 28, Borough of Queens.

COMMUNITY BOARD # 7Q

APPEARANCES –

For Applicant: Steven Sinacori.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated September 28, 2006, acting on Department of Buildings Application No. 402270047, reads, in pertinent part:

- “1. Proposed building does not comply with the required rear yard equivalent requirements of Z.R. 24-382.
2. Proposed building does not comply with the height [and] setback requirements of Z.R. 24-522.”; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a portion of the Queens campus of the New York Hospital, within an R6 zoning district, and as part of a Large Scale Community Facility Plan, the proposed construction of a five-story Use Group 4 hospital building, (the “Proposed Building”), which does not comply with applicable zoning requirements concerning rear yard equivalent, and height and setback, contrary to ZR §§ 24-382 and 24-522; and

WHEREAS, the Proposed Building is five stories and has a total height of 73’-5” at its Main Street frontage; it will occupy 97,219 sq. ft.; and

WHEREAS, a new 2,098 sq. ft. entrance and lobby to the Hospital campus will be integrated with the Proposed Building; and

WHEREAS, the non-complying parameters are as follows: (1) a 20’-0” encroachment into the required rear yard equivalent at a height of 14’-6” (a full 30 ft. rear yard equivalent is required for the full height of the building); and (2) a varying encroachment into the required setback of 15’-0” at a height of 60’-0” (a full setback of 15 ft. must be provided at a height of 60 ft. for the length of the building); and

WHEREAS, a public hearing was held on this application on October 24, 2006 after due notice by publication in the *City Record*, and then to decision on November 14, 2006; and

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

WHEREAS, Community Board 7, Queens, recommends conditional approval of this application, and appeared at hearing to support it; and

WHEREAS, the Coalition to Preserve Queenboro Hill and certain neighbors appeared in opposition to this application; and

WHEREAS, as to the instant application, the only stated objection was an unfounded concern about the proximity of the adjacent gas station to oxygen tanks that allegedly will be located within the Proposed Building; and

WHEREAS, however, most of the concerns expressed by

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the opposition at hearing related to a separate variance application (described below) and therefore are discussed in the resolution for that application; and

WHEREAS, this application was brought on behalf of the New York Hospital - Queens (hereinafter, the "Hospital"), a not for profit institution; and

WHEREAS, the Hospital's campus (the "Campus") occupies two separate zoning lots: (1) the majority of the subject block, encompassing 235,964.35 square feet of lot area and bounded by Main Street to the west, Booth Memorial Avenue to the south, 141st Street to the east, and 56th Avenue to the north; and (2) the majority of the block to the south across Booth Memorial Avenue (Block 6401), encompassing 44,199 square feet of lot area, and bounded by Main Street to the west, 58th Avenue to the south, 141st Street to the east and Booth Memorial Avenue to the north; and

WHEREAS, the subject block is currently occupied by the following Hospital components: (1) the eight-story Main Building, which was the original Booth Memorial Hospital; (2) the eight-story North Building; (3) the three-story Ancillary Building; and (4) the two-story East Building; and

WHEREAS, the applicant states that the Hospital occupies almost the entire subject block but for a non-conforming gasoline station located at the northwest corner of the block on a separate tax lot; and

WHEREAS, the applicant states that other actions relative to development on the Campus are being pursued as well; and

WHEREAS, specifically, the instant application was brought concurrently with another variance application (BSA Cal. No. 41-06-BZ), also granted the date hereof, for a construction of a predominantly below-grade parking structure (the "Garage") for the Hospital on an adjacent part of the Hospital campus, which does not comply with applicable front [and side yard] requirements; and

WHEREAS, additionally, the applicant notes that the Hospital is also seeking the following actions through CPC: (1) a zoning map change, pursuant to New York City Charter § 197(c), rezoning the subject block from an R4 zoning district to an R6 zoning district, and permitting increased floor area necessary for Proposed Building; (2) an authorization for a large-scale community facility development pursuant to ZR § 79-21; (3) an authorization, pursuant to ZR § 79-31, permitting the location of the proposed Garage to be located across Booth Memorial Avenue from the subject block but within the proposed large-scale community facility development; and (4) a special permit, pursuant to ZR § 74-53, permitting the Garage to have 222 parking spaces in excess of the 150 parking space maximum for group parking facilities permitted by ZR § 25-12; and

WHEREAS, the zoning map change was approved by the City Council on October 25, 2006; the proposed floor area and other bulk parameters of the Proposed Building (aside from rear yard equivalent and setback) comply with the new R6 zoning requirements; and

WHEREAS, the specific portion of the Hospital campus to be developed with the Proposed Building is located at on the far west side of the subject block, along Main Street, adjacent and

to the south of the above-mentioned gas station (the "Development Site"); and

WHEREAS, the Development Site is currently occupied by a two-level 150 space parking structure that will be demolished; parking will occur within the proposed Garage to be constructed on the adjacent block; and

WHEREAS, the applicant states that the proposed non-complying bulk of the Proposed Building is due to the Hospital's need to enhance its quality of services and to meet the need of increasing community demand for clinical services; and

WHEREAS, more specifically, the waivers are necessary to create a building with floor plates that will meet the programmatic needs of the Hospital; and

WHEREAS, the Proposed Building will allow the Hospital to expand its cardiology and surgery services, increase the number of critical care beds, and consolidate acute care services currently located throughout the Hospital campus to a new and efficient facility; the increase in beds is from 439 to 519; and

WHEREAS, specifically, the applicant states that the Proposed Building will involve the following components: (1) an upgrade to cardiovascular services including the replacement and enlargement of the cardiac catheterization suite; (2) more cardiac related procedure rooms and increased recovery space to meet current and projected needs; (3) a new and enlarged suite for non-invasive cardiology programs will also be constructed as the entire second floor of the Hospital will be devoted to a state-of-the-art cardiology center; (4) upgrades to the ambulatory surgery facilities including the consolidation of operating rooms and cystoscopy rooms into a large modern suite; (5) the number of operating rooms and recovery beds will be increased; (6) a separate endoscopy suite will be established; and (7) two additional inpatient units will be created, providing a total of 80 additional beds; and

WHEREAS, additionally, the applicant notes that the Hospital seeks to develop a new multi-purpose Main Street entrance to the Hospital complex that includes a new off-street, canopied drop-off area for inpatients, visitors and ambulatory outpatients, as well as providing covered access to the Hospital auditorium; and

WHEREAS, the applicant states that the new entrance and off-street drop-off area, located immediately south of the Proposed Building, will serve to eliminate street congestion caused by cars queuing for sidewalk access, will provide shelter from the elements for patients entering and exiting the Hospital, and will further enhance hospital security and efficiency by providing a central entrance to the Hospital complex; and

WHEREAS, the applicant argues that the new Main Street entrance cannot be built and integrated into the Hospital's modernization/expansion plan without the requested rear yard equivalent variance; and

WHEREAS, specifically, in order to provide a complying rear yard equivalent for the Proposed Building, it would be necessary to move it south into the area to be

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occupied by the new Main Street entrance and drop-off area, thereby eliminating a crucial element to the proposed Hospital development and exacerbating current patterns of patient and vehicle congestion that the new entrance is designed to eliminate; and

WHEREAS, as to setback, the applicant notes that the Proposed Building's roof top mechanical room encroaches into the required 15'-0" setback, as indicated above; and

WHEREAS, the applicant states that the mechanical room has been placed at the front of the roof within the setback to optimize mechanical system efficiency and usable interior space; and

WHEREAS, the applicant notes that the design also results in a cost savings of at least two million dollars; and

WHEREAS, the applicant further states that the setback encroachment of the mechanical room will allow a floor plate that permits more efficient use of the Hospital space, more efficient use of Hospital staff, greater patient comfort and substantially reduced construction and operating costs; and

WHEREAS, at hearing, the applicant amplified upon the above arguments; and

WHEREAS, specifically, the applicant noted that a complying building, constructed without the requested waivers, would result in the loss of 18 of the additional hospital beds, three of the proposed treatment rooms, and one-third of the required mechanicals; and

WHEREAS, the applicant explains that the implementation of the required 30 ft. rear yard equivalent and compliance with the required setback would diminish the floor plates and result in these losses; and

WHEREAS, the Board credits the applicant's statements as to the Hospital's programmatic needs and the limitations of a complying development; and

WHEREAS, the Board also notes that the Proposed Building must be constructed at a location within the subject block such that it can integrate with the other Hospital components and the new entrance; the Development Site is the most efficient and logical location; and

WHEREAS, based upon the above, the Board finds that the adjacency of the existing Hospital buildings to the Development Site constitutes a unique physical condition, which, when considered in conjunction with the programmatic need of the Hospital to construct the Proposed Building, creates unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, the applicant need not address ZR § 72-21(b) since the Hospital is a not-for-profit organization and the proposed development will be in furtherance of its mission; 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 the immediate surrounding neighborhood (within a 400-foot radius) is developed with a mix of attached and unattached dwellings and apartments ranging from one to three-stories, one-story

commercial buildings, the Kissena Corridor Park, and the Queens Botanical Gardens; and

WHEREAS, the applicant observes that north of the subject block, the immediate surrounding neighborhood consists primarily of Kissena Corridor Park and the Queens Botanical Gardens; east of the site, the immediate surrounding neighborhood consists of attached and unattached residential brick buildings ranging in height from one to three-stories and three-story brick apartment buildings; west of the site, the immediate surrounding neighborhood consists primarily of one-story commercial buildings and attached and unattached residential brick buildings ranging in height from one to three-stories; and south of the site, the immediate surrounding neighborhood consists of attached and unattached residential brick buildings ranging in height from one to two-stories; and

WHEREAS, the applicant further observes that the surrounding neighborhood within a quarter-mile of the Hospital is developed with a mix of attached and unattached residential buildings ranging from one to three-stories high, three to fifteen-story high apartment buildings, public educational facilities, the Horace Harding Expressway, and the Kissena Corridor Park; and

WHEREAS, the Board notes that the proposed rear yard equivalent waiver only affects the non-conforming gas station adjacent to the north; and

WHEREAS, however, the Board observes that any residential redevelopment of this adjacent site can offset the effect of the rear yard equivalent waiver since the site is on a corner and has two frontages from which sufficient light and air can be drawn; and

WHEREAS, further, the Board notes that the proposed setback encroachment will only be visible from another Hospital building; and

WHEREAS, the Board also notes that the modest increase in street wall height is along Main Street, which is a wide street where such an increase will have minimal impact; 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, but is the result of the existing buildings on the zoning lot and the programmatic needs of the Hospital; and

WHEREAS, additionally, the Board finds that this proposal is the minimum necessary to afford the owner relief, since the Proposed Building is designed to address the Hospital's present programmatic needs; and

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

WHEREAS, CPC, as Lead Agency, has conducted an environmental review (CEQR No. 05DCP066Q) of the subject actions before the BSA and of related actions approved by CPC,

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noted above; and

WHEREAS, CPC issued a Conditional Negative Declaration (CND) for CEQR No. 05DCP066Q, on September 25, 2006;

Therefore it is Resolved, that the Board of Standards and Appeals adopts the CPC CEQR determination and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a portion of the Queens campus of the New York Hospital, within an R6 zoning district, and as part of a Large Scale Community Facility Plan, the proposed construction of a five-story Use Group 4 hospital building, which does not comply with applicable zoning requirements concerning rear yard equivalent and setback, contrary to ZR §§ 24-382 and 24-522; *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 October 12, 2006"- sixteen (16) sheets; and *on further condition*:

THAT rear yard equivalent and height and setback shall be as indicated on the BSA-approved plans;

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

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

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

Adopted by the Board of Standards and Appeals, November 14, 2006.

158-06-BZ

APPLICANT – Lewis E. Garfinkel, R.A., for Debbie Tokayer, owner.

SUBJECT – Application July 18, 2006 – Pursuant to ZR §73-622 for the enlargement of a single family residence which is contrary to ZR §23-141 for open space and floor area, ZR §23-461 for less than the minimum side yards and ZR §23-47 for less than the required rear yard. The premise is located in an R-2 zoning district.

PREMISES AFFECTED – 1410 East 22nd Street, West side of East 22nd Street, 380' south of Avenue M, Block 7657, Lot 66, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Steven Sinacori.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated July 14, 2006, acting on Department of Buildings Application No. 302180324, reads in pertinent part:

- “1. Proposed plans are contrary to Z.R. 23-141(a) in that the proposed Floor Area Ratio (FAR) exceeds the permitted 50%.
 2. Proposed plans are contrary to Z.R. 23-141(a) in that the proposed Open Space Ratio (OSR) is less than the required 150%.
 3. Plans are contrary to Z.R. 23-461(a) in that the existing minimum side yard is less than the required minimum 5’-0”.
 4. Proposed plans are contrary to Z.R. 23-47 in that the proposed rear yard is less than 30’-0.”;
- and

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

WHEREAS, a public hearing was held on this application on October 24, 2006, after due notice by publication in *The City Record*, and then to decision on November 14, 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 west side of East 22nd Street, between Avenue M and Avenue N; and

WHEREAS, the subject lot has a total lot area of 4,000 sq. ft., and is occupied by a 2,568 sq. ft. (0.64 FAR) single-family home; and

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

WHEREAS, the proposed enlargement will be two stories with a cellar and attic, and will be located at the rear of the property; and

WHEREAS, the applicant seeks an increase in the floor area from 2,568 sq. ft. (0.64 FAR) to 3,520 sq. ft. (0.88 FAR); the maximum floor area permitted is 2,000 sq. ft. (0.50 FAR); and

WHEREAS, the applicant proposes to reduce the open space ratio from 80.4 percent to 72.7 percent (150 percent is the minimum required); and

WHEREAS, the applicant proposes to maintain the existing complying side yard of 11’-8” and the existing non-complying side yard of 4’-3” (side yards of 13’-0” are required with a minimum width of 5’-0” for one); and

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

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

WHEREAS, the wall height and total height, which

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comply with zoning district regulations, will not change; and
WHEREAS, the Board notes that the enlargement is confined to the rear of the home; and

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

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

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-622 and 73-03, to permit, in an R2 zoning district, the proposed enlargement of a single-family dwelling, which does not comply with the zoning requirements for floor area, FAR, open space ratio, side yards, and rear yard, contrary to ZR §§ 23-141, 23-461, and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received October 6, 2006"-(6) sheets and "October 30, 2006"-(5) sheets; and *on further condition*:

THAT there shall be no habitable room in the cellar;

THAT the attic shall contain a maximum of 841 sq. ft.;

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

THAT the following shall be the parameters of the building: a total floor area of 3,520 sq. ft. (0.88 FAR), a wall height of 23'-2", a total height of 32'-7", a front yard of 15'-0", one side yard of 4'-3", one side yard of 11'-8", a rear yard of 20'-0", and an open space ratio of 72.7 percent, all as illustrated on the BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objections(s) only; no approval has been given by the Board as to the use and layout of the cellar;

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

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

Adopted by the Board of Standards and Appeals,

November 14, 2006.

290-04-BZ

APPLICANT – Stuart A. Klein, Esq., for Alex Lokshin – Carroll Gardens, LLC, owner.

SUBJECT – Application August 20, 2004 – under Z.R. §72-21 to permit, in an R4 zoning district, the conversion of an existing one-story warehouse building into a six-story and penthouse mixed-use residential/commercial building, which is contrary to Z.R. §§22-00, 23-141(b), 23-631(b), 23-222, 25-23, 23-45, and 23-462(a).

PREMISES AFFECTED – 341-349 Troy Avenue (a/k/a 1515 Carroll Street), Northeast corner of intersection of Troy Avenue and Carroll Street, Block 1407, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES –

For Applicant: Stuart A. Klein.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to December 5, 2006, at 1:30 P.M., for decision, hearing closed.

159-05-BZ

APPLICANT – Vito J. Fossella, P.E., for Antonio Ciccotto, owner.

SUBJECT – Application July 7, 2006 – Variance under ZR §72-21 to allow a three (3) story mixed-use building containing residential use on the upper floors and retail use (UG 6) on the ground and cellar levels on a site zoned R3X and R3X/C2-1; contrary to ZR §22-00.

PREMISES AFFECTED – 880 Annadale Road, located on the west of the corner formed by the intersection of Annadale Road and South Railroad Avenue, Block 6249, Lot 436T, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Samuel M. El-Meniawy.

ACTION OF THE BOARD – Laid over to January 23, 2007, at 1:30 P.M., for continued hearing.

359-05-BZ

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

SUBJECT – Application December 15, 2006 – Special Permit under Z.R. §73-211– to allow an existing gasoline service station with accessory convenience store in an R5/C2-2 zoning district.

PREMISES AFFECTED – 1927-1933 Flatbush Avenue, northeast corner of Flatbush Avenue and Kings Highway, Block 7819, Lots 20 & 25, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES –

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For Applicant: Josh Rinesmith.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

363-05-BZ

APPLICANT – Dominick Salvati and Son Architects, for 108 Dwelling, LLC, owner.

SUBJECT – Application December 16, 2005 – Zoning variance pursuant to Z.R. §72-21 to allow a proposed three (3) story residential building containing six (6) dwelling units and three (3) accessory parking spaces in an R5 district; contrary to Z.R. §§23-141, 23-45(a), 23-462(a), 23-861, and 25-23.

PREMISES AFFECTED – 5717 108th Street, Westside Avenue between Van Doren Street and Waldron Street, Block 1966, Lot 83, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES –

For Applicant: Peter Hirshman.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to December 5, 2006, at 1:30 P.M., for decision, hearing closed.

54-06-BZ

APPLICANT – Eric Palatnik, P.C., for The Cheder, owner.

SUBJECT – Application March 21, 2006 – Variance application pursuant to Z.R. §72-21 to permit the development of a three-story and cellar Use Group 3 Yeshiva for grades 9 through 12 and first, second, and third years of college as well as an accessory dormitory use (Use Group 4) to house a small portion of those college age students. The Premises is located within a R3-1 zoning district. The site is currently occupied by two single-family dwellings which would be demolished as part of the proposal. The proposal seeks to vary ZR §113-51 (Floor Area); §113-55 and §23-631 (Perimeter Wall Height, Total Height and Sky Exposure Plane); §113-542 and §23-45 (Front Yard and Setback); §113-543 and §23-461(a) (Side Yard); §113-544 (Rear Yard); §113-561 and §23-51 (Parking); and §113-22 (Loading Berth).

PREMISES AFFECTED – 401 and 403 Elmwood Avenue, between East 3rd and East 5th Streets, Block 6503, Lot 99, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Eric Palatnik, David Shtierman, Megr. Gutfreund

For Opposition: Stuart Klein, Marin Pope, Michael Gregorio, Alfred Langner, Barry Rosner, David Lederer and Betty

Cohen.

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

130-06-BZ

APPLICANT – Anderson Kill & Olick, P.C., for Amsterdam Nursing Home Corp., owner.

SUBJECT – Application June 22, 2006 – Variance pursuant to Z.R. §72-21 to permit a one-story addition in the rear yard of an existing nursing home. The Premise is located in R8 and R8/C1-4 zoning districts. The proposal is contrary to Z.R. §24-33(b)(3). The rear yard proposed for the addition is currently vacant.

PREMISES AFFECTED – 1060 Amsterdam Avenue, West side of Amsterdam Avenue between 112th and 113th Streets, Block 1884, Lots 29, 36, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES –

For Applicant: Robert Cook.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to December 5, 2006, at 1:30 P.M., for decision, hearing closed.

132-06-BZ

APPLICANT – Fried Frank Harris Shriver & Jacobson, LLP, for 122 Greenwich Owner, LLC, owner.

SUBJECT – Application June 23, 2006 – Variance pursuant to Z.R. §72-21 to allow an eleven (11) story residential building with ground floor retail and community facility uses on a site zoned C6-2A and C1-6. The proposed building would contain 36 dwelling units and would be non-complying with respects to floor area, lot coverage, rear yard, height and setback, inner court, and elevator bulkhead requirements; contrary to Z.R. §§ 23-145, 35-31, 23-47, 35-24, 23-633, 23-851 and 33-42.

PREMISES AFFECTED – 122-136 Greenwich Avenue, northeast corner of Greenwich Avenue and 8th Avenue, Block 618, Lot 1, Borough of Manhattan

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Stephen Lefkowitz, Bob Zuckerman and John Wong.

For Opposition: Doris Diether, CB #2.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

252-06-BZ

APPLICANT – Randolph Croxton, for Mount Hope

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Community Center, owner.

SUBJECT – Application September 15, 2006 – Variance pursuant to Z.R. §72-21 to permit the construction of a four-story Use Group 4 community center facility. The premises is located in an R8 zoning district and is currently a vacant lot. The proposal is seeking waivers of Z.R. §24-36 and §24-393 (proposed portion of the new building located in the rear yard is not a permitted obstruction per Z.R. §24-33 (b) paragraph (3)). A waiver of §24-382 is also requested relating to the proposed portion of the new building on a through lot exceeding 110 feet in depth which requires a rear yard equivalent.

PREMISES AFFECTED – 55 East 175th Street, between Townsend Avenue and Walton Avenues, Lot 2850, Lot 38, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES –

For Applicant: Randolph Croxton, James Rausse/Office of the Bronx Borough President Carrion, Xavier Rodriguez/CB #5 and Gunnar Friderksson.

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

258-06-BZ

APPLICANT– Anderson Kill & Olick, P.E., for Our Lady of the Snows Church, owner.

SUBJECT – Application September 20, 2006 – Variance pursuant to Z.R. §72-21 to permit the proposed one-story church sanctuary which would be built on a portion of the site currently occupied by a parking lot. The applicant proposes to move out of its existing sanctuary on the same site, which was originally built as a gymnasium / auditorium for the parochial school. The Premises is located in an R2 zoning district. The proposal is seeking waivers of Z.R. §24-111 and §23-141 with respect to the proposed one-story addition (additional floor area) exceeding the permitted community facility floor area in an R2 zoning district.

PREMISES AFFECTED – 79-48 259th Street, 258-15 80th Avenue, 79-33 258th Street, entire block bounded by Union Turnpike, 79th Avenue, 259th Street, 80th Avenue, 258th Street, Block 8695, Lots 1, 60, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Robert Cook.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to December 5, 2006, at 1:30 P.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: 4:20 P.M.