
BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 91, Nos. 9-10

March 9, 2006

DIRECTORY

MEENAKSHI SRINIVASAN, *Chair*

SATISH BABBAR, *Vice-Chair*

JAMES CHIN

CHRISTOPHER COLLINS

Commissioners

Jeffrey Mulligan, *Executive Director*

Roy Starrin, *Deputy Director*

John E. Reisinger, *Counsel*

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

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

CONTENTS

DOCKET	145
CALENDAR of April 11, 2006	
Morning	146
Afternoon	147 & 148

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, February 28, 2006**

Morning Calendar149

Affecting Calendar Numbers:

648-42-BZ	28 Quincy Street, Brooklyn
7-57-BZ	2317-27 Ralph Avenue, Brooklyn
111-94-BZ	3543-49 Broadway, a/k/a 601 West 145 th Street, Manhattan
262-99-BZ	230-234 East 124 th Street, Manhattan
54-01-BZ	2508 Avenue J, Brooklyn
617-80-BZ	770/780 McDonald Avenue, Brooklyn
705-81-BZ	1433-37 York Avenue, Manhattan
1-95-BZ	117 Seventh Avenue South, Manhattan
83-00-BZ	87-11/21 Northern Boulevard, Queens
25-04-A and 26-04-A	496/500 Bradford Avenue, Staten Island
200-05-A thru 201-05-A	20-17 and 20-21 Clintonville Street, Queens
1-06-A	404 Bayside, Queens
2-06-A	25 Jane Lane, Queens
3-06-A	439 Hillcrest Walk, Queens
7-05-A	42 Queens Walk, Queens
198-05-A	6 Cornell Lane, a/k/a 43-06 Cornell Lane, Queens

Afternoon Calendar 158

Affecting Calendar Numbers:

164-04-BZ	2241 Westchester Avenue, a/k/a 2101 Glebe Avenue, Bronx
269-04-BZ	37 Bridge Street, Brooklyn
77-05-BZ	132 West 26 th Street, Manhattan
137-05-BZ	198-61 Foothill Avenue, Queens
180-05-BZ	1511 Third Avenue, a/k/a 201 East 85 th Street, Manhattan
329-05-BZ	460 Brielle Avenue, Staten Island
146-04-BZ	191 Edgewater Street, Staten Island
229-04-BZ	202/04 Caton Avenue, Brooklyn
260-04-BZ	222 Wallabout Street, Brooklyn
262-04-BZ	218 Wallabout Street, Brooklyn
373-04-BZ	57-69 69 th Street, Queens
26-05-BZ	1702/28 East 9 th Street, a/k/a 815 Kings Highway, Brooklyn
128-05-BZ	1406 East 21 st Street, Brooklyn
187-05-BZ	78-20 67 th Road, Queens
289-05-BZ	1106-1108 Utica Avenue, Brooklyn
321-05-BZ	245-02 Horace Harding Expressway, Queens

DOCKETS

New Case Filed Up to February 28, 2006

26-06-BZ

145 East Service Road, West side of East Service Road and Wild Avenue, Block 2638, Lot 50, Borough of **Staten Island, Community Board: 2.** (SPECIAL PERMIT)73-03 and 73-36-To permit the operation of a PCE.

27-06-A

23-83 89 Street, 561.67' Northeast, the corner of Astoria boulevard & 89 Street, Block 1101, Lot 7, Borough of **Queens, Community Board: 3.** Appeal-Original loty 8 in block 1101 will be subdivided 3 tax lots in 1 zoning lot. New 2 family dwelling units in each tax lot will be occupied.

28-06-BZ

158 Beaumont Street, West side ,300' north of Oriental Boulevard between Oriental Boulevard & Hampton, Block 8733, Lot 69, Borough of **Brooklyn, Community Board: 15.** (SPECIAL PERMIT)73-622-Proposed to erect a second story over the existing one story building and to enlarge the 1st floor to the front and rear.

30-06-A

50 South Bridge Street, Between Arthur Kill Road and Page Avenue, Block 7584, Lot 122, Borough of **Staten Island, Community Board: 3.** Appeal-Of the D.O.B decision 1-19-06 revoking advertising sign approvals and permits under app.#s 5000684324 and 500684315 in that it allows advertising signs that are not within 1/2 mile of NYC Boundary and as such are in violation of 42-55 of the ZR.

31-06-BZ

102-10 159 Road, South side of 159 Road near the intersection of 102 Street and 159 Road, Block 14182, Lot 88, Borough of **Queens, Community Board: 10.** Under 72-21-For the legalization of an automotive collision repair shop.

32-06-BZ

5935 Broadway, East side of Broadway between 242nd Street and Manhattan College Parkway, Block 5776, Lot 632, Borough of **Bronx, Community Board: 8.** Under 72-21-To permit within an (proposed) R6/C2-3 zoning district the maintenance of an accessory group parking facility with 924 off-street parking spaces.

33-06-BZ

1457 Richmond Road, N/S Richmond Road 0' 0" from the intersection of Delaware Street, Block 869, Lot 359, Borough of **Staten Island, Community Board: 2.**

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

CALENDAR

APRIL 11, 2006, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, April 11, 2006, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

360-49-BZ

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

SUBJECT – Application November 14, 2005 – Pursuant to Z.R.§72-21 for an extension of term of the previously granted variance permitting the use of the site as a gasoline service station with accessory uses which expired on February 25, 2005. The premise is located in an R4 zoning district.

PREMISES AFFECTED – 69-05 Eliot Avenue, northern corner of Eliot Avenue and 69th Street, Block 2838, Lot 38, Borough of Queens.

COMMUNITY BOARD #5Q

414-59-BZ

APPLICANT – Bryan Cave, LLP, for Royal Charter Properties, owner.

SUBJECT – Application December 8, 2005 - Extension of Term of a Variance to allow 77 transient parking spaces at the first and cellar floors of an existing multiple dwelling accessory garage. The premise is located in an R-9 and R-10 zoning district.

PREMISES AFFECTED – 1285 York Avenue, aka 435-445 East 68th Street, Block 1463, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEALS CALENDAR

92-05-A

APPLICANT – Sheldon Lobel, P.C., for Patrick & Susan Kim, owner.

SUBJECT – Application April 15, 2005 - Proposed enlargement of an existing one family dwelling, not fronting on mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED – 43-36 Cornell Lane, westerly side of Cornell Lane, north of Northern Boulevard, Block 8129, Lot 154, Borough of Queens.

COMMUNITY BOARD #11Q

14-06-A

APPLICANT – Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Jeanine & Dan Fitzgerald, lessee.

SUBJECT – Application January 24, 2006 – Proposed reconstruction and enlargement of an existing single family dwelling not fronting a mapped street contrary to GCL §36, Article 3.

PREMISES AFFECTED – 54 Graham Place, south side Graham Place, 158.86' west of Beach 204th Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

20-06-A

APPLICANT – Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Mary Jane & Anthony Fortunato, lessee.

SUBJECT – Application February 7, 2006 – Proposed reconstruction and enlargement of a single family dwelling not fronting a mapped street contrary to GCL §36, Article 3.

Upgrade existing non-conforming private disposal system in the bed of the service road contrary to Building Department policy.

PREMISES AFFECTED – 38 Kildare Walk, west side of Kildare Walk, 92.51' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

24-06-A

APPLICANT – Alan Gaines, Esq. for Deti Land, owner , Fiore Di Mare, lessee

SUBJECT – Application January 3, 2006 - Proposed legalization of four on-site parking spaces for an eating and drinking establishment(Fiore Di Mare) located in the bed of a mapped street, is contrary to Section 35 of the General City Law.

PREMISES AFFECTED – 227 Mansion Avenue, situated on the west side of Mansion Avenue, 94' north of the corner formed by the intersection of Cleveland and Mansion Avenue, Block 5206, Lot 26, Borough of Staten Island.

COMMUNITY BOARD #3SI

30-06-A

APPLICANT - Eric Hecker, Esq. of Emery Celli,

CALENDAR

Brinkcerhoff & Abady, LLP for Lamar Outdoor Advertising, lessee, EG Clemente Bros. owner .

SUBJECT - Application filed on February 21, 2006- For an appeal of the Department of Buildings decision dated January 19, 2006 revoking Advertising sign approvals and permits under Application Nos. 5000684324 and 500684315 in that it allows advertising signs that are not within 1/2 mile of the NYC Boundary and as such are in violation of Section 42-55 of the Zoning Resolution.

PREMISES AFFECTED – 50 South Bridge Street, between Arthur Kill Road and Page Avenue, Block 7584, Lot 122, Borough of Staten Island.

COMMUNITY BOARD #3SI

APRIL 11, 2006, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, April 11, 2006, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

290-02-BZ thru 314-02-BZ

APPLICANT – Rothkrug Rothkrug Weinberg & Spector, for Edgewater Development, Inc., owner. (Taipei Court)

SUBJECT – Application October 24, 2002 – Variance: Z.R. §72-21, to permit the construction of 28 attached, three-story and cellar, two-family dwellings on a vacant site. The subject site is located in an M1-1 zoning district. The proposal would create 56 dwelling units and 56 parking spaces. The 28 proposed dwellings are intended to be part of a larger and substantially complete development which is located within the adjacent C3 zoning district. The proposed project has been designed to conform and comply with the C3 district regulations that govern the remainder of the subject property and which permits residential development in accordance with the C3 district's equivalent R3-2 zoning district regulations (pursuant to Sections 32-11 and 34-112). The development as a whole is the subject of a homeowners' association that will govern maintenance of

the common areas, including the parking area, driveways, planted areas and the proposed park. The proposal is contrary to applicable use regulations pursuant to Z.R. Section 42-10.

PREMISES AFFECTED – 114-01/03/05/07/09/11/13/17/19/15/21/21/23/25/27/29/31/33/35/20/22/24/26/28/30/32/34 Taipei Court, west of 115th Street, Block 4019, Lot 120, Borough of Queens.

COMMUNITY BOARD #7Q

374-03-BZ thru 376-03-BZ

APPLICANT – Rothkrug Rothkrug Weinberg & Spector, for Edgewater Development, Inc., owner.

SUBJECT – Application December 2, 2003 – Variance: Z.R. §72-21, to permit the construction of 28 attached, three-story and cellar, two-family dwellings on a vacant site. The subject site is located in an M1-1 zoning district. The proposal would create 56 dwelling units and 56 parking spaces. The 28 proposed dwellings are intended to be part of a larger and substantially complete development which is located within the adjacent C3 zoning district. The proposed project has been designed to conform and comply with the C3 district regulations that govern the remainder of the subject property and which permits residential development in accordance with the C3 district's equivalent R3-2 zoning district regulations (pursuant to Sections 32-11 and 34-112). The development as a whole is the subject of a homeowners' association that will govern maintenance of the common areas, including the parking area, driveways, planted areas and the proposed park. The proposal is contrary to applicable use regulations pursuant to Z.R. Section 42-10.

PREMISES AFFECTED – 114-17/19/36-A Taipei Court, west of 115th Street, Block 4019, Lot 120, Borough of Queens.

COMMUNITY BOARD #7Q

249-04-BZ

APPLICANT – Harold Weinberg, PE for Prince Parkside LLP, owner.

SUBJECT – Application July 13, 2004 - Zoning Variance (bulk) pursuant to ZR §72-21 to allow an enlargement of an existing non-complying UG 2 residential building in an R7-1 district; contrary to ZR §§ 23-121, 54-31, 23-462, 25-241, 23-22.

PREMISES AFFECTED – 205 Parkside Avenue, Brooklyn; located between Ocean Avenue and Parkside Court (Block 5026, Lot 302), Borough of Brooklyn.

COMMUNITY BOARD #9BK

293-05-BZ

APPLICANT – Sheldon Lobel, P.C., for 342 Realty, LLC, owner.

SUBJECT – Application September 29, 2005 - This application is filed pursuant to Z.R. §73-44 to request a Special Permit to allow a reduction of required parking for an as-of-right commercial building located within a C8-1 zoning district.

PREMISES AFFECTED – 8751 18th Avenue, between 18th Avenue and Bay 19th Street approximately 100 feet East of Bath Avenue, Block 6403, Lot 6, Borough of Brooklyn

CALENDAR

COMMUNITY BOARD #11BK

19-06-BZ

APPLICANT – Sheldon Lobel, P.c., for MiCasa HDFC, owner.

SUBJECT – Application January 27, 2006 – Under §72-21 to permit a proposed eight-story residential building which requires variance of Z.R. §§23-145 (floor area), 23-633 (height and setback) 25-25c (parking), 23-851(court regulations) and 23-861 (legal window), located in an R7-1 zoning district.

PREMISES AFFECTED – 745 Fox Street, entire block front of East 156th Street between Fox Street and Beck Street, Block 2707, Lot 11, Borough of The Bronx.

COMMUNITY BOARD #2BX

Jeff Mulligan, Executive Director

MINUTES

REGULAR MEETING TUESDAY MORNING, FEBRUARY 28, 2006 10:00 A.M.

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, December 13, 2005, as printed in the Bulletin of December 22, 2005, Volume 90, No. 51. If there be no objection, it is so ordered.

SPECIAL ORDER CALENDAR

648-42-BZ

APPLICANT – Sheldon Lobel, P.C., for Abenaa Frempong, owner.

SUBJECT – Application August 11, 2005 - Pursuant to ZR §11-413 this application seeks to change the ground floor use from previously approved manufacture of ferrous and non-ferrous metal products (UG16) to music studio (UG9). The owner also seeks to construct an as-of- right two family residences on two additional floors, thereby making this a proposed three story building. The premise is located in an R-6 zoning district.

PREMISES AFFECTED – 28 Quincy Street, between Classon Avenue and Downing Street, Block 1972, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES –

For Applicant: Jordan Most.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a re-opening, and a change in use pursuant to Z.R. § 11-413, from Use Group 16 warehouse to Use Group 9 music studio; and

WHEREAS, a public hearing was held on this application on January 31, 2006, after due notice by publication in *The City Record*, and then to closure and decision on February 28, 2006; and

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

WHEREAS, Community Board No. 2, Brooklyn, recommends approval of the subject application; and

WHEREAS, the subject site is a 5,747 sq. ft. site located

on Quincy Street between Classon Avenue and Downing Street, and is within a R6 zoning district; and

WHEREAS, the site is currently improved upon with a one-story building, historically occupied as storage, a metal manufacturing plant, and a garage; and

WHEREAS, the Board has exercised jurisdiction over the subject premises since 1916, when, under BSA Calendar No. 55-16-BZ, it granted an application to permit the erection of a garage; and

WHEREAS, on September 22, 1942, under the subject calendar number, the Board granted a special permit allowing the conversion of the garage to a metal manufacturing plant; and

WHEREAS, the applicant represents that the metal manufacturing use has not occupied the building for many years, and that the site was most recently used for storage purposes; and

WHEREAS, the applicant now proposes the conversion of the existing building to a Use Group 9 music studio; said studio will be used by the owner of the premises for private studio activities; and

WHEREAS, the applicant also proposes to add a two unit residential component above the first floor, which will comply with applicable R6 zoning district regulations; and

WHEREAS, the studio will be soundproofed in order to exceed the noise attenuation requirements of the Building Code; and

WHEREAS, interior modifications to the existing building are proposed to accommodate the change in use and residential addition; no structural alterations to the existing foundations or load bearing walls will be undertaken; and

WHEREAS, pursuant to ZR § 11-413, the Board may allow a change in use permitted by a pre-1961 special permit to a non-conforming use, so long as the change is one that would be permitted under the provisions of Article 5 of the Zoning Resolution; and

WHEREAS, Article 5 would permit the proposed change in use; and

WHEREAS, the Board notes that it is not approving the residential component of the proposal; compliance with R6 regulations shall be as reviewed and approved by DOB; and

WHEREAS, based upon the above, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. § 11-413.

Therefore it is Resolved that the Board of Standards and Appeals issues a Type II determination 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 § 11-413, on a site previously before the Board, the change in use from Use Group 16 storage to Use Group 9 music studio; *on condition* that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received February 28, 2006"-(3) sheets; and *on further condition*:

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

MINUTES

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

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

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect, to the extent they are applicable;

THAT no signage shall be permitted on the site except for a single two ft. by three ft. sign identifying the studio by name;

THAT the residential component of the proposal shall be as approved by DOB;

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted. (301894341)

Adopted by the Board of Standards and Appeals, February 28, 2006.

7-57-BZ

APPLICANT – Ruth Peres, Esq., for Kapsin & Dallis Realty Corp., owner; Ruth Peres, lessee.

SUBJECT – Application December 15, 2005 – Pursuant to ZR §11-411 for an Extension of Term of a gasoline service station which expired on September 30, 2005. The premise is located in an R3-2 zoning district.

PREMISES AFFECTED – 2317-27 Ralph Avenue – 1302-1320 East 65th Street, southeast corner of Ralph Avenue and Avenue M, Block 8364, Lot 34, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES –

For Applicant: Ruth Peres.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO REOPEN HEARING –

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

THE VOTE TO CLOSE HEARING –

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

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, this is an application made pursuant to Z.R. §11-411, for an extension of the term of the previously granted variance, permitting a gasoline station; and

WHEREAS, a public hearing was held on this application on January 31, 2006, after due notice by publication in *The City Record*, and then to decision on February 28, 2006; and

WHEREAS, Community Board No. 18, Brooklyn, recommends disapproval of this application, based upon concerns that the site was being used for commercial parking purposes and bus parking, contrary to the Board’s grant; these concerns are discussed below; and

WHEREAS, the premises is a 18,802 sq. ft. site located at the southeast corner of Ralph Avenue and Avenue M; and

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

WHEREAS, the Board has exercised jurisdiction over the subject site since July 23, 1957, when, under the subject calendar number, the Board granted an application to permit the use of the site as a gasoline service station, with accessory lubricatorium, minor repairs, car wash, store room, office, store, parking and storage of motor vehicles; and

WHEREAS, subsequently, the term of this grant has been extended by the Board at various times, most recently on February 27, 1996 under the subject calendar number for a term of 10 years, expiring on September 30, 2005; and

WHEREAS, at hearing, the Board asked the applicant to address the Community Board’s concerns regarding commercial parking; and

WHEREAS, the applicant responded that there is no commercial parking on-site, but that occasionally vans that are serviced at the gas station are stored for pick-up the next day; and

WHEREAS, the applicant stated that vehicles that are kept overnight are left in the service bays; and

WHEREAS, the applicant also stated that the certificate of occupancy for the site allows storage of vehicles, and that all such storage is for vehicles being serviced; and

WHEREAS, finally, the applicant stated that the bus referenced by the Community Board was not owned by him and did not park on his lot, but adjacent to it; and

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

WHEREAS, based upon the submitted evidence, the Board finds the requested extension of term appropriate, with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens and amends* the resolution, as adopted on July 23, 1957, 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 September 30, 2005, to expire on September 30, 2015, *on condition* that the use shall substantially conform to drawings as filed with this application, marked ‘Received December 15, 2005’-(1) sheet, and ‘February 24, 2006’-(1) sheet; and *on further condition*:

THAT the term of this grant shall expire on September 30, 2015;

THAT parking on site shall be for vehicles awaiting service only;

THAT any vehicles stored on-site overnight shall be parked in the service bays;

MINUTES

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

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

THAT all fencing and landscaping shall be installed/maintained as per 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; 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. 1434/64)

Adopted by the Board of Standards and Appeals, February 28, 2006.

111-94-BZ

APPLICANT – Ari Goodman, Esq., for 2502 8th Avenue Corp., owner; Michael Williams, lessee.

SUBJECT – Application May 4, 2005 – Extension of term of a Special Permit for the vacant portion of a lot to be used for accessory parking for the commercial uses on the built portion of the site and as incidental monthly/overnight parking for the residential neighbors. The site is located in a C1-4/R-8 zoning district.

PREMISES AFFECTED – 3543-49 Broadway, a/k/a 601 West 145th Street, northwest corner intersection of Broadway and West 145th Street, Block 2092, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Ari Goodman.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an extension of the term of the previously granted special permit made pursuant to ZR § 73-42, which allowed an as of right retail use in a commercial district to locate its accessory parking in a residential district; and

WHEREAS, a public hearing was held on this application on January 31, 2006, after due notice by publication in *The City Record*, and then to decision on February 28, 2006; and

WHEREAS, Community Board No. 9, Manhattan, recommends approval of this application; and

WHEREAS, the premises is a 5,500 sq. ft. site located at the northwest corner of Broadway and West 145th Street, and is

located partially within an R8 zoning district and partially within an R8(C1-4) zoning district; and

WHEREAS, the parking lot is located entirely within the R8 zoning district, adjacent to a building occupied by commercial uses, located entirely within the C1-4 commercial overlay district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since April 4, 1995, when, under the subject calendar number, the Board granted an application pursuant to ZR § 73-42 to permit the legalization of the parking lot for accessory parking purposes to the adjacent commercial use; and

WHEREAS, subsequently, on January 27, 2005, the term of this grant was been extended by the Board, for a term of five years, expiring on April 4, 2005; and

WHEREAS, the applicant now requests a further extension of term; and

WHEREAS, based upon the submitted evidence, the Board finds the requested extension of term appropriate, with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens and amends* the resolution, as adopted on April 4, 1995, and as subsequently extended, so that as amended this portion of the resolution shall read: “to extend the term for ten years from April 4, 2005, to expire on April 4, 2015, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted filed with this application marked “Received February 15, 2006”– (1) sheet; and *on further condition*:

THAT the term of this grant shall expire April 4, 2015;

THAT there shall be a maximum of 29 parking spaces;

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

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

THAT 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. 100494635)

Adopted by the Board of Standards and Appeals, February 28, 2006.

262-99-BZ

APPLICANT – Sheldon Lobel, P.C., for A.R.E. Group Inc., owner.

SUBJECT – Application October 12, 2005 – Application for

MINUTES

a waiver of Rules of Procedure for an extension of time to complete construction and to obtain a certificate of occupancy which expired September 12, 2004.

PREMISES AFFECTED – 230-234 East 124th Street, south side of 124th Street between Second Avenue and Third Avenue, Block 1788, Lots 35 & 37, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES –

For Applicant: Jordan Most.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION–

WHEREAS, this application is a request for a re-opening and an extension of time to complete construction and obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on February 7, 2006, after due notice by publication in *The City Record*, and then to decision on February 28, 2006; and

WHEREAS, the subject 5,954 sq. ft. site is located on the south side of East 124th Street between Second and Third Avenues, and is within an R7-2 zoning district; and

WHEREAS, on September 12, 2000, the Board granted an application under the subject calendar number pursuant to ZR § 72-21, to permit the proposed legalization and enlargement of a contractor’s establishment and factory located within a three-story building at the site; and

WHEREAS, on May 14, 2002, the Board granted an amendment to the variance, to allow full lot coverage on a portion of the lot for use as an accessory parking lot, as well as an increase in the height of the building; and

WHEREAS, the applicant represents that no construction was commenced after the 2000 grant due to delays related to an inability to find an anchor tenant for a portion of the building; and

WHEREAS, the applicant states that negotiations related to the proposed construction of the Second Avenue subway caused some of the delay, but that the owner now has the means to begin construction; and

WHEREAS, based upon the above, the Board finds it appropriate to grant the requested extension of time.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, said resolution having been adopted on February 8, 2000, so that as amended this portion of the resolution shall read: “to permit an extension of time to obtain a certificate of occupancy, for an additional period of two years from the date of this resolution, to expire on February 28, 2008; on condition:

THAT a new certificate of occupancy shall be obtained within two years from the date 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) and/or configuration(s) not related to the relief granted.”
(DOB Application No. 101741233)

Adopted by the Board of Standards and Appeals, February 28, 2006.

54-01-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Michael Koegel and Francesca Koegel, owners.

SUBJECT – Application December 13, 2005 – request for an extension of time to complete construction and obtain a new certificate of occupancy which expires on January 8, 2006.
PREMISES AFFECTED –2508 Avenue J, between Bedford Avenue and East 26th Street, Block 7607, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lyra Altman.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, this application is a request for a re-opening and an extension of time to complete construction and obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on February 7, 2006, after due notice by publication in *The City Record*, and then to decision on February 28, 2006; and

WHEREAS, the subject 5,000 sq. ft. site is located between Bedford Avenue and East 26th Street, and is within an R2 zoning district; and

WHEREAS, on January 8, 2002, the Board granted an application under the subject calendar number pursuant to ZR § 73-622, to permit the proposed enlargement of a single-family home located at the site; and

WHEREAS, the applicant represents that due to the owner’s financial difficulties, construction did not commence after the grant was made; and

WHEREAS, the applicant represents that the owner now has the means to commence construction; and

WHEREAS, based upon the above, the Board finds it appropriate to grant the requested extension of time.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, said resolution having been adopted on January 8, 2000, so that as amended this portion of the resolution shall read: “to permit an extension of time to obtain a certificate of occupancy, for an additional period of three years from the date of this resolution, to expire on

MINUTES

February 28, 2009; *on condition*:

THAT a new certificate of occupancy shall be obtained within three years from the date 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) and/or configuration(s) not related to the relief granted.”

(DOB Application No. 301120711)

Adopted by the Board of Standards and Appeals, February 28, 2006.

617-80-BZ

APPLICANT – Eric Palatnik, P.C., for J & S Simacha, Inc., owner.

SUBJECT – Application May 12, 2005 – Application for an extension of time to complete construction and obtain a certificate of occupancy.

PREMISES AFFECTED – 770/780 McDonald Avenue, west side 20’ south of Ditmas Avenue, Block 5394, Lots 1 and 11, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

705-81-BZ

APPLICANT – Agusta & Ross, for Fraydon Enterprises, owner; New York Health & Racquet Club, lessee.

SUBJECT – Application May 23, 2005 – Application for an Extension of Term/Amendment/Waiver for a Variance Z.R. 72-21 to continue the operation of a physical culture establishment and to permit the change in hours of operation. The premise is located in an R-10 zoning district.

PREMISES AFFECTED – 1433-37 York Avenue, northwest corner of York Avenue and East 76th Street, Block 1471, Lots 21, 22 and 23, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Mitchell Ross.

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

1-95-BZ

APPLICANT – Francis Angelino, Esq., for 117 Seventh Avenue So. Property, LLP, owner, TSI Sheridan, Inc. dba NY Sports Club, lessee.

SUBJECT – Application October 6, 2006 – Extension of Term/Waiver for a Physical Cultural Establishment located in a C4-5 zoning district.

PREMISES AFFECTED – 117 Seventh Avenue South, corner of West 10th Street and Seventh Avenue South, Block 610, Lot 16, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Francis R. Angelino.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

83-00-BZ

APPLICANT – Eric Palatnik, P.C., for KFC US Properties, Inc., owner.

SUBJECT – Application September 21, 2005 – Reopening for a waiver of the Rules of Practice and Procedure and for an extension of the term of special permit which expired September 26, 2003.

PREMISES AFFECTED – 87-11/21 Northern Boulevard, northern corner of 88th Street, Block 1417, Lot 36, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES –

For Applicant: Eric Palatnik.

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

APPEALS CALENDAR

25-04-A and 26-04-A

APPLICANT – Rothkrug Rothkrug Weinberg & Spector, for Michael Picciallo, owner.

MINUTES

SUBJECT – Application February 11, 2004 – Proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED – 496/500 Bradford Avenue, south side, 148' south of Drumgoole Road, Block 6946, Lot 36, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Staten Island Borough Commissioner dated January 22 2004 and updated on January 27, 2006, acting on Department of Buildings Application Nos. 500818993 and 500819000, reads:

“No permit shall be issued for any buildings or portion of a building in the bed of a any street without a variance from the BSA’, and

WHEREAS, a public hearing was held on this application on September 21, 2004 after due notice by publication in the *City Record*, with continued hearings on December 7, 2004, March 1, 2005, June 14, 2005, September 27, 2005, December 6, 2005, and February 14, 2006, and then to decision on February 28, 2006; and

WHEREAS, by letter dated June 30, 2004, the Department of Transportation states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated August 15, 2005, the Department of Environmental Protection states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated August 31, 2004, the Fire Department states that it has reviewed the above project and has no objections; and

WHEREAS, the two homes that are the subject of this resolution are part of a larger development that is subject to City Planning Certification for compliance with the Lower Density Growth Management Text Amendment, and

WHEREAS, the Board notes that its grant herein only pertains to the ability to build within the bed of a mapped street, and that all construction must conform and comply with applicable zoning regulations; and

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

Therefore it is Resolved that the decision of the Staten Island Borough Commissioner, dated January 22, 2004 and updated on January 27, 2006, acting on Department of Buildings Application No. 500818993 & 500819000, are s modified under the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially

conform to the drawing filed with the application marked “Received January 31, 2006”– (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT no permit shall be issued until the all appropriate certifications are issued by the City Planning Commission;

THAT any further revision to the BSA approved site plan must be submitted to the Board for its approval;

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, February 28, 2006.

200-05-A and 201-05-A

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

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

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

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated July 25, 2005 acting on Department of Buildings Application Nos. 402119097 & 402181134, reads:

“Buildings in the bed of a mapped street are referred to the Board of Standards and Appeals as per Section 35 of the General City Law ”; and

WHEREAS, a public hearing was held on this application on December 6, 2005 after due notice by publication in the *City Record*, with a continued hearing on January 24, 2006, and then to closure and decision on February 28, 2006; and

MINUTES

WHEREAS, by letter dated January 12, 2006, the Fire Department states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated January 20, 2006, the Department of Transportation has reviewed the project and has recommended that the applicant setback the proposed buildings (including the proposed steps) to allow for future street intersection improvements; and

WHEREAS, by letter dated February 14, 2006, in response to the DOT recommendations, the applicant states that it has set the buildings back 15 ft. to 19 ft. at the front; and

WHEREAS, by letter dated October 3, 2005, the Department of Environmental Protection states that it has reviewed the project and has no objections; and

WHEREAS, the Board notes that its grant herein only pertains to the ability to build in the bed of the mapped street and that all construction must conform and comply with applicable zoning regulations; and

WHEREAS, subdivision of the lots is subject to Department of Buildings approval; no Board approval of any subdivision is granted herein; and

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

Therefore it is Resolved that the decisions of the Queens Borough Commissioner, dated July 25, 2005, acting on Department of Buildings Application Nos. 402119097 & 402181134, are modified under the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received February 22, 2006"-(1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT any subdivision shall be as reviewed and approved by DOB;

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

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

THAT the Department of Buildings must ensure compliance with all 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, February 28, 2006.

1-06-A

APPLICANT – Zygmunt Staszewski for Breeze Point Cooperative, owner, Jeanine Kourbage, lessee.

SUBJECT – Application January 4, 2006 – Proposed reconstruction and enlargement of an existing one family

dwelling, not fronting on mapped street, is contrary to Section 36, Article 3 of the General City Law and the upgrade of an existing private disposal system located in the bed of a service lane is contrary to the Buildings Department Policy.

PREMISES AFFECTED – 404 Bayside, North of Palmer Drive, 10.67' feet west of Rockaway Point Boulevard, Block 16350, part of Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Michael Harley.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Commissioner, dated December 28, 2005, acting on Department of Buildings Application No. 402257044, reads:

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

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

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

A2- The proposed upgraded private disposal system is contrary to Department of Buildings policy;" and

WHEREAS, a public hearing was held on this application on February 28, 2006 after due notice by publication in the *City Record*, hearing closed and then to decision on February 28, 2006; and

WHEREAS, by letter dated January 12, 2006, the Fire Department states that it has reviewed the above project and has no objections; and

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

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated December 28, 2005, acting on Department of Buildings Application No. 402257044, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received January 4, 2006"-(1) sheet; that the proposal

MINUTES

shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

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

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

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

Adopted by the Board of Standards and Appeals, February 28, 2006.

2-06-A

APPLICANT – Zygmunt Staszewski for Breezy Point Cooperative, owner, Ken Peter, lessee.

SUBJECT – Application January 4, 2006 – Proposed reconstruction and enlargement of an existing one family dwelling, not fronting on mapped street, is contrary to Section 36, Article 3 of the General City Law and the upgrade of an existing private disposal system located in the bed of a service lane is contrary to the Buildings Department Policy.

PREMISES AFFECTED – 25 Janet Lane, North of Jane Lane 114.88 feet, Block 16350, part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Michael Harley.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO CLOSE HEARING –

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

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated December 29, 2005, acting on Department of Buildings Application No. 402227158, reads:

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

- a) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law.
- b) Existing dwelling to be altered does not have at least 8% of total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to Section 27-

291 of the Administrative Code.

A2- The proposed upgraded private disposal system is contrary to Department of Buildings policy;” and

WHEREAS, a public hearing was held on this application on February 28, 2006 after due notice by publication in the *City Record*, hearing closed, and then to decision on February 28, 2006; and

WHEREAS, by letter dated January 12, 2006, the Fire Department states that it has reviewed the above project and has no objections; and

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

Therefore it is Resolved that the decision of the Queens Borough Commissioner, December 29, 2005, acting on Department of Buildings Application No. 402227158, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received January 4, 2006”–(1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

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

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

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

Adopted by the Board of Standards and Appeals, February 28, 2006.

3-06-A

APPLICANT – Zygmunt Staszewski, for Breezy Point Cooperation, owner, Elizabeht Bianco, Lessee.

SUBJECT – Application January 4, 2006 – Proposed reconstruction and enlargement of an existing one family dwelling, not fronting on mapped street, is contrary to Section 36, Article 3 of the General City Law and the upgrade of an existing private disposal system located in the bed of a service lane is contrary to the Buildings Department Policy.

PREMISES AFFECTED – 439 Hillcrest Walk, West of Hillcrest Walk, 48.68 Feet of Rockaway Point Boulevard, Block 16350, part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Michael Harley.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar,

MINUTES

Commissioner Chin and Commissioner Collins.....4
Negative:.....0

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough
Commissioner, dated December 28, 2005, acting on Department
of Buildings Application No. 402255581, reads:

- “A1- The street giving access to the existing
building to be altered is not duly placed on the
official map of the City of New York.
- a) A Certificate of Occupancy may not be
issued as per Article 3, Section 36 of the
General City Law.
 - b) Existing dwelling to be altered does not have
at least 8% of total perimeter of the building
fronting directly upon a legally mapped street
or frontage space is contrary to Section 27-
291 of the Administrative Code.
- A2- The proposed upgraded private disposal
system is contrary to Department of Buildings
policy;” and

WHEREAS, a public hearing was held on this application
on February 28, 2006 after due notice by publication in the *City
Record*, hearing closed, and then to decision on February 28,
2006; and

WHEREAS, by letter dated January 12, 2006, the Fire
Department states that it has reviewed the above project and has
no objections; and

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

Therefore it is Resolved that the decision of the Queens
Borough Commissioner, dated December 28, 2005, acting on
Department of Buildings Application No. 402255581, is
modified by the power vested in the Board by Section 36 of the
General City Law, and that this appeal is granted, limited to the
decision noted above; *on condition* that construction shall
substantially conform to the drawing filed with the application
marked “Received January 4, 2006” – (1) sheet; that the
proposal shall comply with all applicable zoning district
requirements; and that all other applicable laws, rules, and
regulations shall be complied with; and *on further condition*:

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

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

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

Adopted by the Board of Standards and Appeals,
February 28, 2006.

7-06-A

APPLICANT – Gary Lenhart, for Breezy Point Cooperative,
owner, Patricia & Frank Ulrich, lessee.

SUBJECT – Application January 10, 2006 – Proposed
reconstruction and enlargement of an existing one family
dwelling, not fronting on mapped street, is contrary to
Section 36, Article 3 of the General City Law and the
upgrade of an existing private disposal system located in the
bed of a service lane is contrary to the Building Department
Policy.

PREMISES AFFECTED – 42 Queens Walk, W/S Queens
Walk 165.53’ S/O Oceanside Avenue, Block 16350, part of
Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Gary Lenhart.

ACTION OF THE BOARD – Application granted on
conditions.

THE VOTE TO CLOSE HEARING –

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

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough
Commissioner, dated December 28, 2005, acting on Department
of Buildings Application No. 402240936, reads:

- “A1- The Street giving access to the existing
building to be altered is not duly placed on the
official map of the City of New York.
Therefore:
- a) A Certificate of Occupancy may not be issued
as per Article 3, Section 36 of the General City
Law.
 - b) Existing dwelling to be altered does not have at
least 8% of total perimeter of the building
fronting directly upon a legally mapped street
or frontage space is contrary to Section 27-291
of the Administrative Code.
- A2- The proposed upgraded private disposal system
is in the bed of a service lane contrary to the
Department of Buildings policy;” and

WHEREAS, a public hearing was held on this application
on February 28, 2006 after due notice by publication in the *City
Record*, hearing closed, and then to decision on February 28,
2006; and

WHEREAS, by letter dated January 20, 2006, the Fire
Department states that it has reviewed the above project and has
no objections; and

WHEREAS, the applicant has submitted adequate

MINUTES

evidence to warrant this approval under certain conditions.

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated December 28, 2005, acting on Department of Buildings Application No. 402240936, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; on condition that construction shall substantially conform to the drawing filed with the application marked "Received January 17, 2006" – (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and on further condition:

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

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

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

Adopted by the Board of Standards and Appeals, February 28, 2006.

198-05-A

APPLICANT – Sheldon Lobel, P.C., for Huyian Wu, owner.
SUBJECT – Application August 22, 2005 – Proposed construction and enlargement of an existing one family dwelling, not front on mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED – 6 Cornell Lane, a/k/a 43-06 Cornell Lane, Eastern side of Cornell Lane north of Northern Boulevard, Block 8129, Lot 135, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

Jeffrey Mulligan, Executive Director.

Adjourned: 11:00 A.M.

REGULAR MEETING

TUESDAY AFTERNOON, FEBRUARY 28, 2006

1:30 P.M.

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

ZONING CALENDAR

164-04-BZ

CEQR #04-BSA-170X

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

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

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

COMMUNITY BOARD #10BX

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO REOPEN HEARING –

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

Negative:.....0

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated June 28, 2005, acting on Department of Buildings Application No. 301973559, reads, in pertinent part:

“Proposed Floor Area is contrary to ZR: 23-141
Proposed Open Space Ratio is contrary to ZR: 23-141

Proposed side yard is contrary to ZR: 23-461(a)

Proposed rear yard is contrary to ZR: 23-47”; and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, in an R3-2 zoning district, the proposed enlargement of an existing single-family dwelling, which does not comply with the zoning requirements for Floor Area Ratio (FAR), Open Space Ratio (OSR), and side and rear yards, contrary to ZR §§ 23-141(a), 23-461(a) and 23-47; and

WHEREAS, a public hearing was held on this application on January 24, 2006, after due notice by publication in *The City Record*, and then to decision on February 28, 2006; and

MINUTES

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

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

WHEREAS, the subject lot is located on East 21st Street, between Avenues R and S; and

WHEREAS, the subject lot has a total lot area of 3,000 sq. ft.; and

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

WHEREAS, the applicant seeks an increase in the floor area from 2,382 sq. ft. (0.67 FAR) to 2,979 sq. ft. (0.99 FAR); the maximum floor area permitted is 1,500 sq. ft. (0.50 FAR); and

WHEREAS, the proposed enlargement will decrease the OSR from 66% to 56%; the minimum required OSR is 65%; and

WHEREAS, the proposed enlargement of the existing building will increase the width of one the non-complying side yards from 3'-9" to 4'-2 1/2"; this width is still non-complying; and

WHEREAS, the proposed enlargement building will extend the other 5'-0" non-complying side yard; however, the width of the side yard will be maintained; and

WHEREAS, the enlargement into the side yard does not result in a decrease in the existing minimum width of open area between the building and the side lot line; and

WHEREAS, the proposed enlargement will reduce the rear yard from 39'-0" to 20'-0"; the minimum rear yard required is 30'-0"; and

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

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

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

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under 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 R3-2 zoning district, the proposed enlargement of an existing single-family dwelling, which does not comply with the zoning requirements for Floor Area Ratio, Open Space Ratio, and side and rear yards, contrary to ZR §§ 23-141(a), 23-461(a) and 23-47; *on*

condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received November 23, 2005"- (8) sheets; and "February 27, 2006"- (3) sheets, and *on further condition*:

THAT there shall be no habitable room in the cellar;

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

THAT the total FAR on the premises, including the attic, shall not exceed 0.99;

THAT the total attic floor area shall not exceed 884 sq. ft., as confirmed by the Department of Buildings;

THAT DOB shall review and approve the location of any garage;

THAT the use and layout of the cellar shall be as approved by DOB;

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

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

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

Adopted by the Board of Standards and Appeals, February 28, 2006.

269-04-BZ

CEQR #05-BSA-021K

APPLICANT – Law Office of Howard Goldman, LLC, for 37 Bridge Street Realty, Corp., owner.

SUBJECT – Application August 2, 2004 – under Z.R. §72-21 to permit the conversion of a partially vacant, seven-story industrial building located in a M1-2 and M3-1 zoning district into a 60 unit loft style residential dwelling in the Vinegar Hill/DUMBO section of Brooklyn.

PREMISES AFFECTED – 37 Bridge Street, between Water and Plymouth Streets, Block 32, Lot 4, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Chris Wright.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO REOPEN HEARING –

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

THE VOTE TO CLOSE HEARING –

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

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Babbar,

MINUTES

Commissioner Chin and Commissioner Collins.....4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated July 1, 2004, acting on Department of Buildings Application No. 301783176, reads:

“The proposed residential dwellings in [an] M1-2 and M3-1 district are contrary to Section 42-00 of the Zoning Resolution and require a variance from the Board of Standards and Appeals”; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a lot partially within an M1-2 zoning district and partially within an M1-3 zoning district, the proposed conversion of a three and seven-story manufacturing building to residential use, contrary to Z.R. § 42-00; and

WHEREAS, a public hearing was held on this application on August 9, 2005, after due notice by publication in the *City Record*, with continued hearings on October 18, 2005, November 29, 2005, January 10, 2006, and February 14, 2006, and then to decision on February 28, 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 Chin; and

WHEREAS, Community Board 2, Brooklyn, recommends approval of this application; and

WHEREAS, the subject premises is a 12,500 sq. ft. lot located on Bridge Street between Water and Plymouth Streets in the Vinegar Hill neighborhood of Brooklyn; and

WHEREAS, the subject premises is a contributing resource to the DUMBO National Register Historic District and is therefore a Type I action for purposes of the City Environmental Quality Review; and

WHEREAS, the property is currently improved upon with a three- and seven-story building, with a total existing floor area of approximately 67,500 sq. ft. for a Floor Area Ratio (“FAR”) of 5.4; the seven-story portion rises to a height of 79’-11”, and the three-story portion rises to a height of 46’-7”; and

WHEREAS, the building was formerly occupied by a soap manufacturer, and there are eight existing metal silos that extend five stories in height from the cellar of the seven-story portion; the silos do not have any floors; and

WHEREAS, as originally filed, the applicant proposed the conversion of the two building sections to 53 residential units, with the modification of the rear of the building to create a 1,200 sq. ft. courtyard, which would provide legal light and air to the newly created units; and

WHEREAS, the applicant initially proposed the relocation of the square footage removed for the courtyard to the top of the three-story portion, which would result in two new stories; the converted building as originally proposed has an FAR of 5.4 with 60 total units; and

WHEREAS, as discussed in further detail below, the Board required the applicant to modify the proposal, so that no carved-out floor area was relocated to the top of the three-story portion; the proposal went through various iterations until the

applicant agreed to the current version, including a version with a total FAR of 5.09 and 53 total units; and

WHEREAS, the building as currently proposed has the following parameters: a total FAR of 5.07; floor area of 63,394 sq. ft.; 52 units; and no on-site accessory parking spaces; the existing heights of the two building sections would not change; and

WHEREAS, as discussed below, the applicant will lease and/or obtain 26 parking spaces in parking facilities (garage or lot) or private buildings within a one half mile radius of the site prior to obtaining a temporary or permanent certificate of occupancy; and

WHEREAS, the applicant states that the following are unique physical conditions which create an unnecessary hardship in developing the site with a conforming building: (1) the seven-story portion of the building was formerly used by a soap manufacturer, and contains eight metal silos which encumber the floor plates of all but the top two floors; (2) the building possesses only non-conforming loading docks, only one of which is at grade; (3) the building is divided into two sections, and as a result has disconnected floor plates that are not aligned, which hinders the movement of bulk goods between floors; and (4) the ceilings are 11 ft. high, which is obsolete by modern manufacturing standards; and

WHEREAS, as to the first basis of uniqueness, the applicant contends that the existence of the silos renders the building unmarketable to a typical modern conforming user (either manufacturing or office), which would not have any use for five-story silos in the middle of the floor plates on five of the seven floors; and

WHEREAS, in response to a request of the Board, the applicant submitted photos of the silos, which confirm their existence and their location within the floor plates of the seven-story portion; and

WHEREAS, as to the second basis of uniqueness, the applicant states that the building would require three conforming off-street loading docks, each measuring 12 ft. in width, 14 ft. in height, and 50 ft. in depth; and

WHEREAS, the applicant states the building only has one street level dock, which measures 10 ft. in height and has limited bay capacity; and

WHEREAS, at the request of the Board, the applicant submitted photos of the existing docks, which confirm the above representations; and

WHEREAS, based upon the above, the Board finds that the aforementioned unique physical conditions, when considered in the aggregate, create unnecessary hardship and practical difficulty in developing the site in conformance with the current applicable zoning regulations; and

WHEREAS, the applicant initially submitted a feasibility study which analyzed the following scenarios: (1) a rehabilitation of the building for manufacturing purposes; (2) a rehabilitation of the building for commercial office purposes; and (3) the initially proposed residential conversion; and

WHEREAS, the study concluded that the two rehabilitation options did not provide a reasonable return, due to

MINUTES

the aforementioned site conditions and the expenditures that would be incurred to remedy them; and

WHEREAS, at hearing, the Board requested further analyses from the applicant; specifically, the Board asked for an analysis of a conforming use project with the tanks in place, and for an analysis with the tanks removed and the volume rebuilt as useable floor area; and

WHEREAS, the applicant conducted the requested studies, and concluded that neither alternative was financially viable; specifically, the applicant explained that the costs associated with the removal of the tanks would not be offset by market rate revenues that could be realized through a conforming use; and

WHEREAS, the Board also asked the applicant to provide documentation of marketing efforts in 2005; and

WHEREAS, the applicant responded by submitting a letter from a managing agent and sample advertisements from local newspapers; and

WHEREAS, the applicant stated that none of the advertisements generated a request for a showing, or a lease offer, for any portion of the site; and

WHEREAS, the Board also questioned the applicant about the three-story building section, which is not encumbered by silos and which was recently occupied; the Board suggested that this section could be used by a conforming user in a mixed-use scenario; and

WHEREAS, the applicant stated that the last tenant of the three-story section moved its operations, and that marketing attempts as to this section had also failed; and

WHEREAS, finally, the Board asked the applicant to address the site valuation; specifically, the Board suggested that the site valuation should reflect a reduction based upon the fact that the silos did not contain usable floor space; and

WHEREAS, the applicant responded by submitting a revised feasibility study reflecting a discount for the lack of useable floor area within the silos; and

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

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

WHEREAS, the applicant states that its submitted land use map shows that the subject neighborhood has a mix of uses, including residential uses along Bridge Street, a proposed residential building one block away at 192 Water Street, a residential building at 223 Water Street, and a rezoned site at 87 Jay Street, proposed to be developed residentially; and

WHEREAS, the applicant states that the introduction of 52 dwelling units within this mixed-use context will not affect the character of the neighborhood, nor impact conforming uses; the applicant states that the nearest significant industrial use is a

Con Ed plant located on the waterfront to the north of the subject site; and

WHEREAS, the Board agrees that the proposed use will not change the essential character of the neighborhood; and

WHEREAS, however, the Board expressed significant concerns about the lack of accessory parking in the proposed building, and asked the applicant to explain why a parking garage could not be provided on-site; and

WHEREAS, the applicant responded by providing a study which showed that creation of a parking facility within the building would be difficult and therefore cost-prohibitive to construct, and also would not provide sufficient space to accommodate the 26 spaces that would be required for new ground up residential development; and

WHEREAS, the applicant also states that the garage would be an inefficient use of available floor space; specifically, as shown in a schematic and as discussed in a memo from the project architect, the maximum number of spaces that could be constructed is five; and

WHEREAS, the applicant stated that the costs of constructing a garage with an appropriate ramp system would be significant and impact the return since the number of spaces that could be created is minimal, and insufficient to overcome the added construction costs; and

WHEREAS, the applicant also stated that construction of a garage would result in the elimination of a proposed unit, further diminishing the return of the proposal; and

WHEREAS, in support of the contention that on-site parking was not an absolute necessity, the applicant submitted a parking/mass transit survey, which indicated that there would be a sufficient supply of off-street parking in the immediate area to accommodate the parking demands generated by the proposed conversion; and

WHEREAS, specifically, the study showed that within a one quarter mile radius of the site, there were 46 available parking spaces during the weekday early morning hours, which would be sufficient to address the generated parking demand; and

WHEREAS, the study also cited to two off-street parking facilities in the study area that provide a total of 300 off-street parking spaces; the facilities were found to have low utilization rates; and

WHEREAS, finally, the study cited to two nearby subway stations, and four bus routes, that service the neighborhood; and

WHEREAS, the Board has reviewed the submitted studies and agrees that provision of an on-site parking facility might be infeasible and that the area has some available parking and is served by mass transit; and

WHEREAS, nevertheless, the Board observes that the neighborhood is changing rapidly and that more residential development is planned; consequently, the need for off-street parking for new residential development is an important consideration; and

WHEREAS, accordingly, the Board, through conditions in this resolution, is requiring that prior to the issuance of a certificate of occupancy, the applicant obtain leases with nearby

MINUTES

parking garages or obtain spaces within private buildings, providing at least 26 spaces for the use of the future occupants of the converted building; and

WHEREAS, the applicant has agreed to such conditions, and has provided the Board with the location of nearby garages and proposed residential buildings, including three that the affiliates of the site's owner have control over; and

WHEREAS, in addition, at hearing, the Board expressed concern about an external stairwell located on the roof of the three-story portion, which was visually obtrusive; and

WHEREAS, at the request of the Board, this stairwell was relocated into the envelope of the building, such that the proposal no longer includes any rooftop improvements; and

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

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

WHEREAS, as noted above, the proposed conversion went through earlier versions prior to the final version approved herein; and

WHEREAS, specifically, the applicant initially proposed a two-story addition to the three-story section of the building; and

WHEREAS, after the Board requested the elimination of this enlargement, the applicant submitted a scenario that retained an 800 sq. ft. apartment on top of the three-story portion; and

WHEREAS, the Board suggested to the applicant that this scenario did not represent the minimum variance; and

WHEREAS, at the request of the Board, the applicant reduced the proposal to the current version; and

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

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

WHEREAS, the project is classified as a Type I action pursuant to pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 05BSA021K dated March 17, 2005; and

WHEREAS, the EAS documents show that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; 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: (1) an Environmental Assessment Statement Form, dated March 17, 2005; (2) a Phase I Environmental Site Assessment Report, dated October 18, 2004; (3) Noise and Air Quality documents, dated May 2005; and (4) a Sampling Protocol and Health and Safety Plan, dated March 2005; and

WHEREAS, these submissions specifically examined the proposed action for potential hazardous materials, air quality and noise impacts; and

WHEREAS, a Restrictive Declaration was executed and submitted for proof of recording on September 28, 2005, which 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 Restrictive Declaration 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 Type I Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a lot partially within an M1-2 zoning district and partially within an M1-3 zoning district, the proposed conversion of a three- and seven-story manufacturing building to residential use, contrary to ZR § 42-00; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 31, 2006" - (12) sheets and "Received February 27, 2006" - (1) sheet; and *on further condition*:

THAT the following are the bulk parameters of the proposed building: 52 total dwelling units; a total floor area of 63,394 sq. ft.; a total FAR of 5.07; and a courtyard as reflected on the BSA-approved plans;

THAT prior to the issuance of any temporary or permanent certificate of occupancy, the applicant shall submit to the Department of Buildings (with a copy to the Board) a copy of one or more binding agreements between the applicant or any successor and one or more buildings, lots, or garages located within a one half mile radius of the subject site, indicating that a total of 26 parking spaces are available for the exclusive use by the occupants of the subject premises within such buildings;

THAT this requirement shall be listed as an objection on any DOB-issued objections list for the DOB application number referenced herein (or any successor DOB objection application number), for the proposed conversion approved herein, in order to obtain an initial TCO;

MINUTES

THAT each temporary or permanent certificate of occupancy for the subject premises shall list the location and number of available parking spaces;

THAT the availability of parking spaces in accordance with this Resolution shall be included in any offering plan for the subject site or as a condition of any lease by the occupants of the subject site;

THAT such binding agreement(s), if termed, must be renewed upon expiration;

THAT a copy of any renewal of an existing agreement or of a substituted new agreement with a different building, lot, or garage shall be forward to both DOB and the Board, and that the certificate of occupancy shall be modified to reflect the new information;

THAT these parking space requirements may not be modified, except with the prior approval of the Board;

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, February 28, 2006.

77-05-BZ

CEQR #05-BSA-113M

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

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

PREMISES AFFECTED – 132 West 26th Street, south side, 364.5’ west of Sixth Avenue, Block 801, Lot 60, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Deirdre Carson.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO REOPEN HEARING –

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

THE VOTE TO CLOSE HEARING –

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

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Babbar,

Commissioner Chin and Commissioner Collins.....4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated March 21, 2005, acting on Department of Buildings Application No. 104039728, reads, in pertinent part:

“Proposed residential use (Use Group 2) is not permitted in M1-6 zoning district”; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site within an M1-6 zoning district, the proposed construction of a twelve-story mixed-use residential/retail building, contrary to ZR § 42-00; and

WHEREAS, a public hearing was held on this application on August 23, 2005 after due notice by publication in the *City Record*, with continued hearings on October 25, 2005, November 29, 2005 and January 24, 2006, and then to decision on February 28, 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 Chin; and

WHEREAS, Community Board 4, Manhattan, states that it has no objection to this application; and

WHEREAS, this application was opposed by certain neighbors of the site (hereinafter, the “opposition”); the basis of the opposition was whether the proposal represents the minimum variance in terms of the amount of floor area; and

WHEREAS, the subject premises is located on the south side of West 26th Street (a narrow street), approximately 364 ft. west of the intersection of Sixth Avenue and West 26th Street; and

WHEREAS, the site is narrow, with a width of 18’9”, and a total lot area of 1,851.5 sq. ft.; and

WHEREAS, the site is currently improved upon with a four-story building with a total floor area of 3,375 sq. ft., for a total Floor Area Ratio (“FAR”) of 1.82 (a FAR of 10.0 is permitted in the subject zoning district); and

WHEREAS, the first floor is currently occupied by a temporary retail use; the second floor is vacant, and the second and third floors are occupied by lawful non-conforming residential apartments; and

WHEREAS, the applicant claims that the first floor tenancy is a stop-gap measure and the occupant was allowed to lease the space so that money could be generated to pay real estate taxes during the pendency of this proceeding; and

WHEREAS, the proposal is a 135 ft. high twelve-story building, with a total floor area of 16,218.5 sq. ft., and a FAR of 8.76; and

WHEREAS, the proposed building will contain ten dwelling units on the third through twelfth floors, with retail use on the ground and second floors; no parking will be provided; and

WHEREAS, the ground floor will be fully built out; the second floor will be set back 20 ft. in the rear, and the third through twelfth floors will be set back 30 ft. in the rear; no front setback will be provided; and

MINUTES

WHEREAS, the applicant states that the envelope of the proposed building is consistent with the underlying M1-6 bulk regulations except for the front setback, in that a 20 ft. setback would ordinarily be required at a height of 85 ft. on a narrow street such as West 26th Street; and

WHEREAS, the applicant states that the following is a unique physical condition which creates unnecessary hardship and practical difficulties in developing the site with a conforming use: the lot is very narrow, having a width of only 18'9", which is unusual in the subject zoning district; and

WHEREAS, the applicant states that in an eight-block radius of the site, there are only six lots that are 20 ft. or less in width; the applicant notes that unlike the subject lot, these lots are grouped together with lots of similar size, such that the lots could be merged and a developable site created; and

WHEREAS, at the request of the Board, the applicant submitted a map showing these other lots; and

WHEREAS, the applicant states that the narrowness of the lot does not allow for development of a building with floor plates that could sustain a viable commercial or manufacturing use, while still providing the two required means of egress; and

WHEREAS, based upon the above, the Board finds that the aforementioned unique physical condition creates unnecessary hardship and practical difficulty in developing the site in conformance with the current applicable zoning regulations; and

WHEREAS, the applicant initially submitted a feasibility study which analyzed the following scenarios: (1) a conforming commercial office development, with 18,330 sq. ft. of floor area; (2) the proposed residential/retail development; and (3) an eleven-story mixed-use residential/retail development alternative which would comply with the bulk parameters of an R9A zoning district, with a total FAR of 7.52 (discussed below); and

WHEREAS, the study concluded that the conforming commercial scenario would not realize a reasonable return; and

WHEREAS, the opposition made numerous contentions as to whether the existing four-story building could be retrofitted to accommodate a viable conforming use; and

WHEREAS, however, the Board notes that the existing building is not being credited as part of the uniqueness; thus the Board finds it unnecessary to address these contentions; and

WHEREAS, further, as noted by the applicant, requiring the owner of the site to be limited to the under-built envelope of the existing building would require a significant sacrifice of available development rights such that a reasonable return from the site is impossible; and

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

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

WHEREAS, the applicant states that within a 400 ft. radius of the site, 40 percent of the sites are occupied by residential uses; and

WHEREAS, the applicant notes that large portions of the blocks between Sixth and Seventh Avenues and West 24th and 28th Streets were subject to text amendments in the 1980s to allow existing residential units to be legalized; and

WHEREAS, the applicant states that the building to the east of the site has been converted to residential use, and that two other buildings to the west of the site on the south side of West 26th Street have been converted to residential use; and

WHEREAS, the applicant also states that the height and setback configuration of the building is consistent with the existing buildings on the subject block; and

WHEREAS, the applicant notes that all of the buildings along the south side of West 26th Street rise without setback to their full heights, and that many of the buildings exceed the height of the proposed building by 15 ft.; and

WHEREAS, the Board agrees that the introduction of ten residential units will not affect the character of the community, ~~and the opposition does not~~ contest that the subject lot is unique and present

WHEREAS, additionally, the Board observes that the envelope of the proposed building is comparable to other buildings on the subject block; and

WHEREAS, the opposition does not dispute that the proposed residential use and the proposed height of the building are consonant with the character of the community; and

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

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

WHEREAS, as noted above, the applicant analyzed a lesser variance mixed-use residential/retail scenario, with a lesser FAR, and determined that it would not realize a reasonable return; and

WHEREAS, at hearing, the Board suggested that a higher return from this scenario might be realized if the street wall and rear wall parameters of the proposal were maintained, and the second floor was designated residential instead of retail; and

WHEREAS, the applicant conducted a study of this scenario; and

WHEREAS, the applicant concluded that such a scenario would not realize a reasonable return; specifically, the applicant claims that the ground floor retail use will not have any street presence because of the narrowness of the site and the entrance requirements, thus necessitating second floor retail space to compensate for this disadvantage; and

WHEREAS, the applicant also states that having a residential unit on the second floor reduces available floor area that could be used on higher, more valuable floors, which further diminishes revenue; and

WHEREAS, the Board also notes that the presence of buildings adjacent to the building's lot lines on three sides

MINUTES

creates a dark rear yard, which further contributes to problems in using the second floor for residential; and

WHEREAS, the opposition made the following contentions regarding the feasibility study submitted by the applicant, as they relate to the applicant's contention that the proposal reflected the minimum variance: (1) the comparables used to establish sell-out value are low; and (2) certain construction cost elements appear to be inflated; and

WHEREAS, the applicant responded by noting that no financial evidence or documentation was provided by the opposition as to either of the contentions; and

WHEREAS, nonetheless, the applicant submitted a statement from its feasibility expert that provides supporting information for the comparables that were used to establish sell-out value; and

WHEREAS, the statement also addresses the construction costs issue; specifically, the statement concludes that the costs of the inspections, borings and surveys are appropriate in light of the small size of the site, and that the legal fees are in alignment with costs for similar projects; and

WHEREAS, a further submission from the applicant, dated December 13, 2005, provides: (1) additional information about the costs challenged by the opposition; and (2) additional information in support of the sell-out values; and

WHEREAS, the Board has reviewed the applicant's response and finds it to be a sufficient rebuttal to the claims of the opposition made up to that point in the hearing process; and

WHEREAS, however, the opposition made a submission dated January 3, 2006, which essentially restated many of the above-mentioned claims; and

WHEREAS, specifically, the opposition claimed that the comparables used by the applicant to establish sell-out value were old and should be updated; and

WHEREAS, the opposition also suggested that marketing evidence should be required by the Board; and

WHEREAS, the applicant submitted a response on January 17, 2006, stating that since the construction cost analysis also reflects the time period when the comparables were obtained, it makes no sense to adjust the comparables and not the construction costs as well; the applicant states that it is irrational to require constant updating to financial data, when the result would be that any change to one of the variables would be addressed by a change in another, such that there would not be any impact on the viability of a scenario; and

WHEREAS, additionally, the applicant provided an explanation as to why the feasibility study was the appropriate method for establishing hardship on the site, as opposed to marketing evidence; and

WHEREAS, the Board has reviewed this response and again finds it sufficient; the Board also notes that when it does require financial data to be updated, the applicant is allowed to update all relevant financial information; and

WHEREAS, as to marketing evidence, the Board agrees with the applicant that it is optional supplemental information and not always necessary in the case where hardship is established by the feasibility study; and

WHEREAS, the opposition made a final submission, dated February 6, 2006, alleging that: (1) the comparables used by the applicant were false, in that they did not compare to the new structure in terms of date of construction; (2) \$100,000 was missing from income calculations in the most recent feasibility studies; and (3) the comparables used for the site valuation were overvalued; and

WHEREAS, the applicant responded on February 14, 2006, explaining that the comparables used for sell-out value were appropriate, and that the method of valuing each apartment separately provides the most accurate sell-out value; and

WHEREAS, the Board also finds that the site valuation comparables used by the applicant are appropriate, and notes that the opposition provided no substantive reasons or proof as to why the comparables were in any way invalid; and

WHEREAS, specifically, the Board observes that the subject location is poor compared to some of the comps used, the site is particularly narrow, and that this narrowness and small size only allows for residential floor plates that are compromised in terms of efficiency, resulting in a lower sell-out value; and

WHEREAS, the Board also notes that the applicant appropriately priced the higher floor units at well over \$1,000 per sq. ft.; and

WHEREAS, finally, the Board notes that the deduction of \$100,000 from income calculations would not have a significant effect on the rate of return for the lesser FAR scenario; and

WHEREAS, in sum, the Board has reviewed all of the opposition's arguments as made in submissions and at hearing, and finds that either the applicant has sufficiently responded to all of them, or that they are without merit or impact on the outcome; and

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 05BSA113M dated March 29, 2005; and

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

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact

MINUTES

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 under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a site within an M1-6 zoning district, the proposed construction of a twelve-story mixed-use residential/retail building, contrary to ZR § 42-00; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 23, 2005"- two (2) sheets and marked "Received February 28, 2006"- four (4) sheets; and *on further condition*:

THAT the following are the bulk parameters of the proposed building: 10 total dwelling units; a total FAR of 8.76; a residential FAR of 6.96, a commercial FAR of 1.80, a total height of 135'-2", a 30 ft. rear yard at floors three through 12; and a 20 ft. rear yard at the second floor;

THAT all balconies at the rear of the property shall be as reviewed and approved by DOB for compliance with applicable permitted obstructions provisions;

THAT the shared stairs and egress, as shown on the plans, for the proposed commercial and residential uses in the building are not part of this approval and shall be as reviewed and approved by DOB to ensure compliance with all applicable laws;

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, February 28, 2006.

137-05-BZ

APPLICANT – Gerard J. Caliendo, R.A., AIA, for Danny Dalal, owner.

SUBJECT – Application June 3, 2005 – Under Z.R. §72-21 to construct a one family, two story and attic dwelling which does not comply with the minimum required lot width of 60'-0" as per ZR 23-32. The premise is located in an R1-2 zoning district.

PREMISES AFFECTED – 198-61 Foothill Avenue, north side of Foothill Avenue 230.47' from the corner of Foothill Avenue and Hillside Avenue, Block 10532, Lot 139, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Sandy Anagnostov.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated May 12, 2005, acting on Department of Buildings Application No. 401721277, reads, in pertinent part:

“Lot width does not comply with the minimum required lot width of 60'-0” as per Section 23-32 ZR”; and

WHEREAS, this is an application under ZR § 72-21, to permit the proposed construction of a two-story, single-family residence, located in an R1-2 zoning district, which does not comply with the zoning requirements for minimum lot width, contrary to ZR § 23-32; and

WHEREAS, a public hearing was held on this application on February 7, 2006, after due notice by publication in *The City Record*, and then to decision on February 28, 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 Chin; and

WHEREAS, Community Board 8, Queens, recommends disapproval of this application; and

WHEREAS, the Holliswood Civic Association also recommends disapproval of this application; and

WHEREAS, the record indicates that the subject premises is located on the north side of Foothill Avenue, 230.47 ft. from the corner of Foothill Avenue and Hillside Avenue, and is currently vacant; and

WHEREAS, the subject lot is a trapezoidal-shaped lot, with a non-complying lot width of 25'-0” along the front lot line, expanding to 60'-0” at the rear lot line; and

WHEREAS, while the rear lot line width is 60'-0”, the minimum required lot width is 60'-0” based upon the mean horizontal distance between the side lot lines; because of the lot’s trapezoidal shape, the mean distance requirement is not met; and

WHEREAS, the applicant represents that the subject lot was created in 1980 as a result of a sub-division; and

WHEREAS, the applicant represents that the subject lot was purchased by the applicant on September 28, 2001; a recorded indenture was submitted to the Board evidencing such purchase; and

WHEREAS, at the time the applicant purchased the lot, it was within an R2 zoning district; under R2 zoning, the lot had a complying lot width as the required minimum lot width was 40'-0”; and

WHEREAS, the applicant represents that the mean horizontal distance between the side lot lines complied with

MINUTES

the R2 zoning district minimum lot width requirement; and
WHEREAS, on June 17, 2003, the lot was rezoned to R1-2, which requires a lot width of 60'-0"; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties in developing the subject lot in compliance with underlying district regulations: the site is a narrow, irregularly-shaped and vacant lot; and

WHEREAS, the applicant has submitted a 400'-0" radius diagram that indicates that the subject lot is one of the only vacant lots with a non-complying lot width in the subject zoning district; and

WHEREAS, the Board finds that the aforementioned unique conditions create practical difficulty in developing the site in compliance with the applicable zoning provision; and

WHEREAS, the applicant states that without the requested waiver, no residence could be constructed on the property; and

WHEREAS, the Board has determined that because of the subject lot's unique physical condition, there is no reasonable possibility that development in strict compliance with the applicable zoning requirements will result in any development of the property; and

WHEREAS, the applicant states that the building will comply with all R1-2 zoning regulations in all other respects other than minimum lot width, including floor area ratio, side yards and height requirements; and

WHEREAS, the applicant has submitted photographs of other residences in the area, along with a 400'-0" radius map; such documentation reflects that the surrounding neighborhood is characterized by residences ranging from one to two and one-half stories; and

WHEREAS, further, the Board notes that the adjacent homes to the east of the site are built on 25'-0" wide lots, and other homes in the area are built on lots with frontages of 20'-0" or less; and

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

WHEREAS, the Board notes that the owner's predecessor in title created the subject lot prior to the rezoning in 2003, and at the time of such subdivision (1980), the lot complied with the lot width requirements; and

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

WHEREAS, because the only requested waiver is for minimum lot width, 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.

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 617.13 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 § 72-21, to permit the proposed construction of a two-story, single-family residence, located in an R1-2 zoning district, which does not comply with the zoning requirements for minimum lot width, contrary to ZR § 23-32; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 29, 2005"--(7) sheets; and *on further condition*;

THAT there shall be a maximum F.A.R. of 0.5;

THAT the above-stated condition shall appear on the Certificate of Occupancy;

THAT except for minimum lot width, the subject lot shall comply with all R1-2 zoning district requirements, as reviewed and approved by DOB;

THAT the internal floor layouts on each floor of the proposed building shall be as reviewed and approved by DOB;

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

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

THAT the Department of Buildings must ensure compliance with all 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, February 28, 2005.

MINUTES

180-05-BZ

CEQR #05-BSA-008M

APPLICANT – Wachtel & Masyr for 1511 Third Avenue Association/Related/Equinox, owner.

SUBJECT – Application August 4, 2005 – Special Permit under Z.R. §§73-03 and 73-367 approval sought for the legalization of a physical culture establishment located on the entire second floor portion of the third floor and the entire fourth floor with a total of 34, 125sq.ft. of floor area. The site is located in a C2-8 zoning district.

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

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Ellen Hay.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated August 1, 2005, acting on Department of Buildings Application No. 103869182, reads, in pertinent part:

“Proposed Physical Culture Establishment is not permitted as of right in C2-8A zoning district. This is contrary to section 32-10 ZR”; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit on a site partially within a C2-8A zoning district and partially within an R8B zoning district, the legalization of a physical culture establishment (“PCE”) located on all floors of a four-floor plus mezzanine and basement commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on February 7, 2006, after due notice by publication in *The City Record*, and then to decision on February 28, 2006; and

WHEREAS, Community Board 8, Manhattan, recommends approval of this application; and

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

WHEREAS, the subject tax lot (lot 1) is a corner lot with approximately 77 feet, 6 inches of frontage on Third Avenue and 125 feet of frontage on East 85th Street, with approximately 100 feet of frontage within the C2-8A zoning district and the remainder within the R8B zoning district; and

WHEREAS, lot 1 is part of a newly created larger zoning lot, consisting of lot 1 and the lots to the north of the site, designated lots 4, 48, 47, 46, 45, 43, and 6 (the “ZL”); and

WHEREAS, lot 1 is improved upon with a four-story plus mezzanine and basement commercial building; and

WHEREAS, this building is currently occupied by a retail

clothing store on the first floor and mezzanine, and by the subject PCE (an Equinox Gym), primarily on the second and parts of the third and fourth floors (the PCE entrance is on the first floor); and

WHEREAS, the site and the PCE have been the subject of six prior BSA actions; and

WHEREAS, under Calendar No. 34-96-BZ, an application for a special permit pursuant to ZR § 73-36 was made in order to legalize the subject PCE; this application was converted to a variance and subsequently denied; and

WHEREAS, under Calendar No. 119-99-A, an administrative appeal, the appellant (an adjacent property owner), sought a revocation of Department of Buildings (“DOB”) permit that legalized the construction of a rear yard encroachment on the second, third, and fourth floors of the subject building; this appeal was granted, with the Board finding that the rear yard encroachment could not be considered a permitted rear yard obstruction as defined in ZR § 33-23(b); and

WHEREAS, under Calendar No. 332-01-BZ, which was an second application for a special permit under ZR § 73-36, the applicant proposed to rectify the unlawful enlargement of the PCE on the third and fourth floors through an arrangement that purported to provide separation between a proposed community facility tenant (the “CF”) and the subject PCE; this application was denied by the Board; and

WHEREAS, while the public hearing process of Calendar No. 332-01-BZ was proceeding, the Board also heard an application made under Calendar No. 139-02-A, an administrative appeal of an April 17, 2002 DOB determination declining to seek a revocation or modification of Certificate of Occupancy Number 107549, issued on July 7, 1995 to the subject building; and

WHEREAS, the appellant (again the neighbor) in 139-02-A contended that the presence of the PCE in the subject building constituted a non-conforming use subject to the lapse provisions of ZR § 52-60 et. seq.; and

WHEREAS, upon a review of the record and of the definition of non-conforming use as set forth at ZR § 12-10, the Board found that, with the exception of the 4,400 square feet addition constructed after the 1995 Certificate of Occupancy was issued, the subject building’s excess commercial floor area did not constitute a non-conforming use, but was rather a lawful non-complying condition with regard to the commercial floor area as per ZR § 33-12; and

WHEREAS, after dispensing with the substance of the appeal, the Board also concluded that the Certificate of Occupancy for the building needed modification to provide an adequate representation of permitted uses; and

WHEREAS, in its resolution issued under Calendar No. 139-02-A on December 10, 2002, the Board set forth such a modification; and

WHEREAS, certain conditions in this resolution read as follows: “That commercial usage in the subject building shall be limited to the pre-existing, legally non-complying 30,340 square feet of area; That any additional floor area other than aforementioned 30,340 square feet and in particular, the 4,400

MINUTES

square foot infill addition, shall be built and used in compliance and conformance with all underlying zoning regulations.”; and

WHEREAS, in 2003, an application was made under the subject calendar number for a special permit pursuant to ZR § 73-36; the application again sought approval to legalize the existing PCE; and

WHEREAS, on December 9, 2004, the Board denied the special permit application; and

WHEREAS, in denying the application, the Board found that the proposed egress path for the occupants of the CF was not compliant with the Building Code; and

WHEREAS, because of this potentially dangerous egress path, the Board determined that the finding set forth at ZR § 73-36 (1) - specifically, that there would be no impairment on the use of an adjacent area due to the grant of the special permit - had not been met; and

WHEREAS, also because of this potentially dangerous egress path, the Board determined that one of the general findings applicable to all special permit applications, set forth at ZR § 73-03(a) – specifically, that the hazards or disadvantages of the proposed special permit use are outweighed by the advantages to be derived by the community by the grant of the special permit – had not been met; and

WHEREAS, additionally, the Board noted that the applicant appeared to have engaged in a pattern of misrepresentation in the subject application, insofar as it had: supplied the Board with contradictory information concerning the available legal commercial floor area, failed to remove a rear yard obstruction in its entirety as it promised and as it was ordered to do, and failed to adequately address the concerns of the Board as to the creation of a completely separate community facility space; and

WHEREAS, subsequently, in 2005, an application was made under the subject calendar number pursuant to Section 1-10(e) of the Board’s Rules of Practice and Procedure for a re-hearing of the special permit application previously denied by the Board in 2003, as well as an application for a potential technical amendment to the condition as to maximum commercial floor area imposed by the Board in the previously decided appeals case; and

WHEREAS, a new applicant, unrelated to the applicant in the past cases, contended that the changes to the third and fourth floor plan and the egress path, as well as the discovery of new plans from 1930 showing that the second floor was not a full floor as previously thought, constituted substantial new evidence sufficient to allow the matter to be re-opened; and

WHEREAS, the Board agreed, finding that the material changes to the plans and the new evidence, as noted above, were sufficient to warrant a re-opening of the special permit application for legalization of the subject PCE; and

WHEREAS, the applicant also asked for a re-opening of BSA Cal. No. 139-02-A, for the sole purpose of amending the condition language concerning the amount of available commercial floor area within the building, based upon a new evaluation of said floor area by a new architect; and

WHEREAS, the Board ultimately dismissed this

application as moot, since it was deemed premature; specifically, the Board stated that if the available commercial floor area is confirmed by the Board, then the floor area conditions set forth in the resolution for 139-02-A can be modified in the interest of good record keeping, on the Board’s own authority, at a later date; and

WHEREAS, in the instant case, the applicant maintains that the amount of lawful non-complying commercial floor area ascribed to the subject lot is 34,127 sq. ft., and has submitted revised floor area calculations based upon its new review of the building and the available plans; said calculations are undisputed; and

WHEREAS, additionally, the applicant has provided the Board with a DOB reconsideration that allows the transfer of additional lawful non-complying commercial floor area to the subject lot from lot 45 (which is part of the ZL), which increases the total commercial floor area of the building to 36,461 sq. ft.; and

WHEREAS, 26,666 sq. ft. of this commercial floor area will be occupied by the PCE: 569 sq. ft. on the first floor; 149 sq. ft. on the mezzanine; 9,393 sq. ft. on the second floor; 9,090 on the third floor; and 7,465 on the fourth floor; and

WHEREAS, the applicant states that the subject PCE shares some common areas with the CF (the CF will be located primarily on the fourth floor); the floor area of said common areas was divided between the PCE and the CF; and

WHEREAS, as to the unacceptable egress route for the CF identified in the prior case, the applicant has provided the Board with a sign-off from DOB indicating that the revised egress route now complies with the Building Code; and

WHEREAS, accordingly, for purposes of this application, the Board finds that the applicant has adequately addressed the floor area and egress issues, as well as the procedural history of the application; and

WHEREAS, at hearing, the Board asked the applicant to address the small rear yard extension located on the north side of the building, located partially within the R8B portion of the lot and constructed after 1974; and

WHEREAS, the applicant stated that the extension complied with applicable yard regulations, as it is a permitted obstruction; and

WHEREAS, however, the Board will defer the accuracy of this representation to DOB, through a condition, as set forth below, and should it be determined that it is not a permitted obstruction, it should be removed or modified so that it does comply with the permitted obstruction regulations; and

WHEREAS, having resolved these issues, the applicant asks the Board to legalize the PCE on the basis that the relevant findings set forth at ZR § 73-36 are met; and

WHEREAS, the applicant represents that the PCE will provide gym equipment, aerobics, other classes in physical improvement and massage services by licensed massage professionals; and

WHEREAS, the applicant states that an approved

MINUTES

interior fire alarm system will be installed in the entire PCE space, with the addition of smoke detectors, manual pull stations, local audible and visual alarms, and be connected to a FDNY-approved Central Station; and

WHEREAS, the PCE will have the following hours of operation: Monday through Thursday 5:30AM to 11PM, Friday 5:30AM to 10PM, and Saturday and Sunday 8AM to 9PM; and

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

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

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

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement 06-BSA-008M, dated August 4, 2005; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and

73-03, to permit on a site partially within a C2-8A zoning district and partially within an R8B zoning district, the legalization of a physical culture establishment with a total floor area of 26,666 sq. ft., located on all floors of a four-floor plus mezzanine and basement commercial building, , contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted filed with this application marked "Received February 14, 2006"-(-5) sheets; and *on further condition*:

THAT the term of this grant shall be for ten years, from February 28, 2006 to February 28, 2016;

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

THAT the hours of operation shall be limited to Monday through Thursday 5:30AM to 11PM, Friday 5:30AM to 10PM, and Saturday and Sunday 8AM to 9PM;

THAT all massages shall be performed only by practitioners with valid and current NYS massage licenses;

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

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

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

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

THAT an interior fire alarm system shall be provided as set forth on the BSA-approved plans and approved by DOB;

THAT DOB shall review the rear yard encroachment as shown on the BSA-approved plans and confirm that it is a permitted obstruction in the R8B district portion of the lot;

THAT the owner shall take appropriate remedial action, as directed by DOB, if DOB determines that the encroachment is unlawful;

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

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

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

Adopted by the Board of Standards and Appeals, February 28, 2006.

329-05-BZ
CEQR #06-BSA-031R
APPLICANT – Wireless EDGE Consultants, LLC, for NYC

Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and

MINUTES

Health and Hospital Corporation, owner.

SUBJECT – Application November 15, 2005 – Under Z.R. §73-30 – Proposed Multiple Carrier Monopole is contrary to Z.R. §22-00 and therefore not allowable within the R3-2 district (Special Natural Area – NA1).

PREMISES AFFECTED – 460 Brielle Avenue, between Brielle Avenue and Rockland Avenue, Block 955, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: John Arthur.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Borough Commissioner, dated February 13, 2006, acting on Department of Buildings Application No. 500786955, reads in pertinent part:

“Under ZR Section 73-30 proposed multiple carrier monopole [is] contrary to ZR Section 22-00 and therefore not allowable within an R3-2 district (Special Natural Area-NA1).”; and

WHEREAS, this is an application under ZR §§ 73-30 and 73-03, to permit the proposed construction of a non-accessory radio tower for public utility wireless communications, within an R3-2(NA1) zoning district, which is contrary to ZR §§ 22-00; and

WHEREAS a public hearing was held on this application on February 14, 2006 after due notice by publication in *The City Record*, and then to decision on February 28, 2006; and

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

WHEREAS, Community Board 2, Staten Island, states that it has no objections to the subject application; and

WHEREAS, an area resident appeared in opposition to this application; and

WHEREAS, the proposed monopole will be located on the grounds of the Sea View Hospital Center and Home (a New York City designated landmark), in a remote wooded area at the edge of the grounds; and

WHEREAS, the applicant states that the proposed telecommunications facility will consist of a 145-foot high monopole, which can accommodate up to six wireless service providers simultaneously; and

WHEREAS, the proposed monopole will be a stealth design, painted grey to blend in with the surrounding trees and sky; and

WHEREAS, the monopole was approved by the Landmarks Preservation Commission, through a Binding Report dated July 19, 2005; and

WHEREAS, additionally, the New York State Historic Preservation Office issued a determination of “No Adverse

Effect” as to the proposed monopole on July 11, 2005; and

WHEREAS, finally, the height of the pole and its location within a steep slope area will be approved through authorizations from the City Planning Commission; and

WHEREAS, pursuant to ZR § 73-30, the Board may grant a special permit for a non-accessory radio tower such as the cellular pole proposed, provided it finds “that the proposed location, design, and method of operation of such tower will not have a detrimental effect on the privacy, quiet, light and air of the neighborhood.”; and

WHEREAS, the applicant represents that the pole has been designed and sited to minimize adverse visual effects on the environment and adjacent residents; that the construction and operation of the pole will comply with all applicable laws, that no noise or smoke, odor or dust will be emitted; and that no adverse traffic impacts are anticipated; and

WHEREAS, specifically, the applicant states that the pole will not be visible from the Hospital campus; and

WHEREAS, the applicant also states that related equipment cabinets will be installed within a gated and locked fence enclosure, and notes further that the general public is not allowed on the Hospital grounds; and

WHEREAS, the applicant further represents that the height is the minimum necessary to provide the required wireless coverage, and that the pole will not interfere with radio, television, telephone or other uses; and

WHEREAS, based upon its review of evidence in the record, the Board finds that the proposed pole and related equipment will be located, designed, and operated so that there will be no detrimental effect on the privacy, quiet, light, and air of the neighborhood; and

WHEREAS, therefore, the Board finds that the subject application meets the findings set forth at ZR § 73-30; and

WHEREAS, the Board further finds that the subject use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

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

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

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

WHEREAS, the project is classified as a Type I action pursuant to 6NYCRR, Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No.06-BSA-031R, dated November 14, 2005; and

WHEREAS, the EAS documents show that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions;

MINUTES

Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Type I Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes the required findings and *grants* a special permit under ZR §73-03 and §73-30, to permit the proposed construction of a non-accessory radio tower for public utility wireless communications, within an R3-2(NA1) zoning district, which is contrary to ZR §§ 22-00, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received November 15, 2005"-(4) sheets; and *on further condition*;

THAT any fencing and landscaping will be maintained in accordance with BSA approved plans;

THAT no building permit shall be issued unless authorizations are obtained from the City Planning Commission for the proposed height and location in a slope area;

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; 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 plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, February 28, 2006.

146-04-BZ

APPLICANT – Joseph Margolis for Jon Wong, Owner.
SUBJECT – Application April 5, 2006 – pursuant to Z.R. §72-21 – to allow the residential conversion of an existing

manufacturing building located in an M3-1 district; contrary to Z.R. §42-00.

PREMISES AFFECTED – 191 Edgewater Street, Block 2820, Lot 132, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Joseph Margolis, Raymond Chan, Naima Hasan, John Guzzo and Grace Petrone.

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

229-04-BZ

APPLICANT – Eric Palatnik, P.C., for Absolute Power & Fitness Center, Inc., owner.

SUBJECT – Application June 16, 2004 – under Z.R. §72-21 – the legalization of an existing physical cultural establishment, occupying approximately 8000 square feet of floor area spread over two stories, located in an R-5 (OPSD) zoning district, is contrary to Z.R. §22-00.

PREMISES AFFECTED – 202/04 Caton Avenue, between East 2nd and East 3rd Streets, Block 5325, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Eric Palatnik.

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

260-04-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Leewall Realty by Nathan Indig, owner.

SUBJECT – Application July 20, 2004 – under Z.R. §72-21 to permit the proposed construction of a four story, penthouse and cellar three-family dwelling, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED – 222 Wallabout Street, 64' west of Lee Avenue, Block 2263, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Lyra Altman.

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

262-04-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for Tishrey-38 LLC by Malka Silberstein, owner.

SUBJECT – Application July 22, 2004 – under Z.R. §72-21, to

MINUTES

permit the proposed construction of a four story, penthouse and cellar four-family dwelling, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 218 Wallabout Street, 94' west of Lee Avenue, Block 2263, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Lyra Altman.

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

373-04-BZ

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

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

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

COMMUNITY BOARD #5Q

APPEARANCES –

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING –

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

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

26-05-BZ

APPLICANT – Cozen O'Connor, for Tikvah Realty, LLC, owner.

SUBJECT – Application February 11, 2005 - under Z.R. §72-21 to permit the proposed bulk variance, to facilitate the new construction of an 89 room hotel on floors 4-6, catering facility on floors 1-3, ground floor retail and three levels of underground parking, which creates non-compliance with regards to floor area, rear yard, interior lot, permitted obstructions in the rear yard, setback, sky exposure plane, loading berths and accessory off-street parking spaces, is contrary to Z.R. §33-122, §33-26, §33-432, §36-21, §33-23 and §36-62.

PREMISES AFFECTED - 1702/28 East 9th Street, a/k/a 815 Kings Highway, west side, between Kings Highway and Quentin Road, Block 6665, Lots 7, 12 and 15, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Howard Hornstein, Barbara Hair and Karl Fischer.

For Opposition: Yosef Ozeiry, Eli Sultan, David Ozelrey and Chaim Weinberg.

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

128-05-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Yisroel Y. Leshkowitz & Esther S. Leshkowitz, owner.

SUBJECT – Application May 24, 2005 – under Z.R. §73-622 – to permit the proposed enlargement of an existing single family residence, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space ratio, also side and rear yard, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED – 1406 East 21st Street, between Avenue “L” and “M”, Block 7638, Lot 79, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lyra Altman and David Shteirman.

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

187-05-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Salvatore Porretta and Vincenza Porretto, owners.

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

PREMISES AFFECTED – 78-20 67th Road, Southerly side of 67th Road, 170' easterly of 78th Street, Block 3777, Lot 17, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES –

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD - Laid over to March 28, 2006, at 1:30 P.M., for decision, hearing closed.

289-05-BZ

APPLICANT – Eric Palatnik, P.C., for Tabernacle of Praise, owner.

SUBJECT – Application September 19, 2005 – under Z.R. §73-50 – to waive Z.R. §33-292 – waiving the require 30 foot

MINUTES

open area at the rear of premises.

PREMISES AFFECTED – 1106-1108 Utica Avenue,
between Beverly and Clarendon Roads, Block 4760, Lot 15,
Borough of Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES –

For Applicant: Eric Palatnik, Paul Duke, Bishop Garnes,
Pastor Martin J. DeSivla, Pat Taylor, LeRoy Woods, Deborah
Woods, Emilia Moffatt, Michael A. Norris, Maureen
McDonald, Sharon Zigler, Joyce Nicholas and Delicia
Garnes.

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

321-05-BZ

APPLICANT – Sheldon Lobel, P.C., for Little Neck
Commons, LLC, owner; Dunkin Donuts, lessee.

SUBJECT – Application November 2, 2005 – under Z.R.
§73-243 – requesting a Special Permit in order to legalize an
existing accessory drive-through window in an as-of-right
eating and drinking establishment.

PREMISES AFFECT – 245-02 Horace Harding Expressway,
South side of Horace Harding Expressway, west of the
intersection with Marathon Parkway, Block 8276, Lot 100,
Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Josh Rinesmith and Ayiesha Selwanes.

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

Jeffrey Mulligan, Executive Director.

Adjourned: 5:00 P.M.