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59-07-A

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60-07-BZ

150 Delancey Street, East of north east corner of Delancey & Suffolk Streets., Block 348, Lot(s) 36 Borough of **Manhattan, Community Board: 3**. Under 72-21-To vary lot coverage requirements for three floors of the residential portion of a mixed commercial/residential building from the required 65% lot coverage to the proposed 92% lot coverage.

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 17, 2007, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, April 17, 2007, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

878-62-BZ & 879-62-BZ

APPLICANT – Sheldon Lobel, P.C., for Sutton House, Inc., owner.

SUBJECT – Application February 20, 2007 – Extension of Term of a Variance for the use of transient parking for the unused and surplus car spaces in an existing multiple dwelling accessory garage which will expire on July 5, 2007; Extension of Time to obtain a Certificate of Occupancy which expired on June 23, 1999 in an R10/C1-5 zoning district.

PREMISES AFFECTED – 399-423 East 52nd Street; 404-20 East 53rd Street, north side of 52nd Street, between 1st Avenue and FDR Drive, Block 1364, Lot 5, Borough of Manhattan.

COMMUNITY BOARD #6M

1059-84-BZII

APPLICANT – Cozen O’Connor by Barbara Hair, Esq., for BMS Realty Co., LLC, owner; Bally Total Fitness Corp., lessee.

SUBJECT – Application December 22, 2006 – Extension of term of a special permit for the operation of a physical culture establishment (PCE) in a C4-2 zoning district within the Special Ocean Parkway District.

PREMISES AFFECTED – 943/61 Kings Highway, a/k/a 2032 Coney Island Avenue, northwest corner of intersection Kings Highway and Coney Island Avenue, Block 6666, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #15BK

21-91-BZ

APPLICANT – Kenwyn A. Sandy, R.A., for Hardath Latchminarain, owner.

SUBJECT – Application March 12, 2007 – Extension of Term/Waiver of the rules of practice and procedures for a previously granted Variance (72-21) to operate an automobile glass and minor establishment (UG7) with sales of used cars (UG16) and an Extension of Time to obtain a Certificate of Occupancy in an R-5 zoning district.

PREMISES AFFECTED – 2407-2417 Linden Boulevard, Block 4478, Lot 24, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEALS CALENDAR

332-06-A

APPLICANT – Valentino Pompeo, for Breezy Point Cooperative, Inc., owner; Keith Matone, lessee.

SUBJECT – Application December 28, 2006 – Proposed reconstruction and enlargement of an existing one family home located and the upgrade of an existing private disposal system within the bed of mapped street which is contrary to General City Law Section 35 and the Department of Buildings Policy. R4 Zoning district.

PREMISES AFFECTED – 636 Bayside Avenue, north of Bayside Avenue, east of Bayside Drive, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APRIL 17, 2007, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, April 17, 2007, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

161-06-BZ

APPLICANT – Eric Palatnik, P.C., for Webster Affordable Solutions, LLC, owner.

SUBJECT – Application July 24, 2006 – Variance (§72-21) on behalf of the Doe Fund to permit the creation of two (2), eight (8)-story structures at the Premises located in a C8-2 zoning district. The proposal is contrary to Section 32-10.

PREMISES AFFECTED – 3349 and 3365 Webster Avenue, Webster Avenue South of Gun Hill Road, Block 3355, Lot 121, Borough of Bronx.

COMMUNITY BOARD #7BX

259-06-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Ahi Ezer Congregation, owner.

SUBJECT – Application September 22, 2006 – Variance (§72-21) to permit the enlargement of an existing synagogue located in an R5 (OP) zoning district. The proposal is contrary to open space coverage (24-11), side yards (24-35), front yards (24-34), height and setback (24-50 and 24-521), parking (25-18 and 25-31), and front yard not fully landscaped (113-30).

PREMISES AFFECTED – 1885-1891 Ocean Parkway aka 601 Avenue S, Block 6682, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #15BK

265-06-BZ

APPLICANT – Sheldon Lobel, P.C., for Rev. Heung C. Rha,

CALENDAR

owner.

SUBJECT – Application September 28, 2006 – Variance (§ 72-21) to allow accessory use to U.G. 2 (multiple dwellings) on an R2 portion of a zoning lot split by district boundaries (R2 and R6); R6 portion of the lot will be developed with an as-of-right multiple dwelling and house of worship; contrary to use regulations (§ 22-00 and § 22-12).

PREMISES AFFECTED – 141-48 33rd Avenue, south side of 33rd Avenue between Parsons Boulevard and Union Street, Block 4981, Lot 37, Borough of Queens.

COMMUNITY BOARD #7Q

Jeff Mulligan, Executive Director

279-06-BZ

APPLICANT– Gerald J. Caliendo, R.A., AIA, for Richard N. Seemungal, owner.

SUBJECT – Application October 17, 2006 – Variance (§72-21) to construct a two story, two family residential building on a corner lot that does not comply with the front yard requirement (23-45) and is less than the minimum required side yard (23-461(b)) in an R4 zoning district.

PREMISES AFFECTED – 144-29 South Road, corner formed by the southeast side of South Road and Inwood Street, Block 10045, Lot 18, Borough of Queens.

COMMUNITY BOARD #12Q

286-06-BZ

APPLICANT – Eric Palatnik, P.C., for Avrohom Horowitz, owner; Congregation Darkel Chaim, Inc., lessee.

SUBJECT – Application October 20, 2006 – Variance (§72-21) to permit the proposed two-story addition to the rear of the three-story structure which is currently under construction and to allow for the inclusion of a Use Group 4 synagogue at the premises. The premises is located in an R5 (Borough Park) zoning district. The proposal is contrary to floor area (Section 24-162a), side yards (Section 24-35), and the number of stories (Section 24-33).

PREMISES AFFECTED – 1847 60th Street, north side of 60th Street, between 18th Avenue and 19th Avenue, Block 5512, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #12BK

315-06-BZ

APPLICANT– Eric Palatnik, P.C., for Merkaz, The Center, Inc., owner.

SUBJECT – Application December 6, 2006 – Variance (§72-21) to permit the proposed three-story religious-based pre-school, which will include an accessory synagogue. The premises is located within two zoning districts, an R5B and R2, with the vast majority (95%) resting within the R5B district. The proposal is contrary to Sections 24-11, 24-34, 24-35, 24-36, and 24-521.

PREMISES AFFECTED – 1739 Ocean Avenue, between Avenues L and M, Block 7638, Lot 24, Borough of Brooklyn.

COMMUNITY BOARD #14BK

MINUTES

**REGULAR MEETING
TUESDAY MORNING, MARCH 13, 2007
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

60-82-BZ

APPLICANT – Eric Palatnik, P.C., for BP Products North America, owner.

SUBJECT – Application August 1, 2006 – Extension of Term Filed pursuant to §11-411 of the zoning resolution for an automotive service station (Use Group 16) with accessory uses located within a C2-3/R7X zoning district. The term expired on July 7, 2006.

PREMISES AFFECTED – 60-11 Queens Boulevard, between 60th Street and 61st Street, Block 1338, Lot 1, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES –

For Applicant: Trevis Savage.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a reopening, an extension of time to obtain a certificate of occupancy, and an extension of term for a previously granted variance for a gasoline service station, which expired on July 7, 2006; and

WHEREAS, a public hearing was held on this application on October 24, 2006 after due notice by publication in *The City Record*, with continued hearings on January 9, 2007 and February 27, 2007, and then to decision on March 13, 2007; and

WHEREAS, Community Board 2, Queens, recommends approval of this application on the condition that the chain link fence be repaired and additional shrubs be planted; and

WHEREAS, the site is located on the block bounded by 60th Street, 61st Street, 44th Avenue, and Queens Boulevard; and

WHEREAS, the site is located in a C2-3 (R7X) zoning district and is improved upon with a gasoline service station; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 24, 1952 when, under BSA Cal. No. 570-52-BZ, the Board granted a variance for the alteration of an existing gasoline service station with accessory uses; and

WHEREAS, on July 7, 1982, under the subject calendar number, the Board amended the grant to permit the reconstruction of the service station and the elimination of

automotive repairs at the site; and

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

WHEREAS, most recently, on September 27, 2005, the grant was amended to permit an extension of time to obtain a certificate of occupancy; and

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

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

WHEREAAS, additionally, the applicant requests an extension of time to obtain a new certificate of occupancy; and

WHEREAS, in response to the Community Board's requests, the applicant agreed to repair the fence and plant additional shrubs at the site; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of term and extension of time to obtain a certificate of occupancy 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 7, 1982, 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 July 7, 2006, to expire on July 7, 2016, and to permit an extension of time to obtain a certificate of occupancy, to expire on December 13, 2007, *on condition* that the use shall substantially conform to drawings as filed with this application, marked 'Received August 1, 2006' –(6) sheets; and *on further condition*:

THAT the term of this grant shall expire on July 7, 2016;

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

THAT the fence around the site be repaired and maintained;

THAT shrubs be planted and maintained at the site;

THAT a certificate of occupancy shall be obtained within nine months of 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)/configuration(s) not related to the relief granted." (DOB Application No. 402380071)

Adopted by the Board of Standards and Appeals, March 13, 2007.

244-01-BZ

MINUTES

APPLICANT– Sheldon Lobel, P.C., for Gregory Pasternak, owner.

SUBJECT – Application October 24, 2006 – Extension of Time to complete construction which expired on September 24, 2006 for the legalization of residential units in an existing building located in an M1-2/R6A zoning district.

PREMISES AFFECTED – 325 South 1st Street, a/k/a 398/404 Rodney Street, northeast corner of intersection formed by Rodney Street and South First Street, Block 2398, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Josh Rinesmith.

ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW –

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

Negative:.....0

Adopted by the Board of Standards and Appeals, March 13, 2007.

200-01-BZ

APPLICANT – Davidoff Malito & Hutcher by Howard S. Weiss, Esq., for Browne Associates, owner; Hillside Manor Rehabilitation and Extended Care Center, lessee.

SUBJECT – Application January 9, 2007 – Extension of Time to complete construction and to obtain a Certificate of Occupancy for the enlargement of a community use facility (Hillside Manor) in a C2-2/R-5 zoning district which expired on January 11, 2007.

PREMISES AFFECTED – 182-15 Hillside Avenue, northeast corner of Hillside Avenue and Avon Street, Block 9950, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a reopening, and an extension of the time to complete construction and obtain a certificate of occupancy for the enlargement of a community facility, which expired on January 11, 2007; and

WHEREAS, a public hearing was held on this application on February 27, 2007 after due notice by publication in *The City Record*, and then to decision on March 13, 2007; and

WHEREAS, Community Board 8, Queens, does not object to this application; and

WHEREAS, the subject premises is located on the northeast corner of Hillside Avenue and Avon Street; and

WHEREAS, the site is occupied by a 12-story community facility building, located within a C2-2 (R5) zoning

district; and

WHEREAS, on April 16, 2002, under the subject calendar, the Board granted a variance, pursuant to ZR § 72-21, to permit the enlargement of the twelfth floor of the community facility building; and

WHEREAS, on January 11, 2005, the Board granted an extension of time to obtain a certificate of occupancy for an additional two-year term; and

WHEREAS, the instant application seeks a two-year extension of time to complete construction and obtain a certificate of occupancy; and

WHEREAS, the applicant represents that the enlargement was not completed due to a funding delay; and

WHEREAS, the Board finds that a two-year extension is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated April 16, 2002, so that as amended this portion of the resolution shall read: “to grant an extension of the time to complete construction for a term of two years from the expiration of the last grant; *on condition:*

THAT substantial construction shall be completed and a certificate of occupancy be obtained by January 11, 2009;

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. 401196031)

Adopted by the Board of Standards and Appeals, March 13, 2007.

124-02-BZ

APPLICANT – Law Office of Howard Goldman, for St. John’s University, owner.

SUBJECT – Application January 9, 2007 – Reopening of a previously approved variance to grant an extension of time to complete substantial construction of two parking facilities for St. John’s University. R4 zoning district.

PREMISES AFFECTED – 8000 Utopia Parkway, bounded by Union Turnpike, 82nd Street and 180th Street, Block 7021, Lots 1 and 50, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Chris Wright.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

MINUTES

THE RESOLUTION:

WHEREAS, this is an application for a reopening and an extension of time to complete construction of two parking facilities, which expired on December 17, 2006; and

WHEREAS, a public hearing was held on this application on February 27, 2007 after due notice by publication in *The City Record*, and then to decision on March 13, 2007; and

WHEREAS, the applicant is brought on behalf of St. John's University (the "University"); and

WHEREAS, the subject premises is located on the block bounded by Union Turnpike, Utopia Parkway, 82nd Street, and 170th Street; and

WHEREAS, the site is occupied by three parking facilities, accessory to the University, with approximately 675 parking spaces, located within an R4 zoning district; and

WHEREAS, on December 17, 2002, under the subject calendar number, the Board granted a variance pursuant to ZR § 72-21, to permit the combination of these three accessory parking facilities into one facility with rooftop parking, and the construction of a new accessory garage with rooftop parking; and

WHEREAS, the applicant represents that due to funding constraints, the proposed project has not been constructed; and

WHEREAS, the instant application seeks a four-year extension of time to complete construction; and

WHEREAS, the Board finds that a four-year extension is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens*, and *amends* the resolution, dated December 17, 2002, so that as amended this portion of the resolution shall read: "to grant an extension of time to complete construction for a term of four years from the expiration of the last grant; *on condition* that the use and operation of the parking garage shall substantially conform to BSA-approved plans; and *on condition*:

THAT substantial construction shall be completed by December 17, 2010;

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. 401425/50)

Adopted by the Board of Standards and Appeals, March 13, 2007.

597-39-BZ

APPLICANT – Walter T. Gorman, P.E., P.C., for Exxon

Mobil Corporation, owner; Kings Parsons Car Care Inc., lessee.

SUBJECT – Application December 11, 2006 – 11-412 Amendment to a gasoline service station (Exxon Mobil) for the erection of a new steel canopy and to legalize the conversion from one pump island to two pump islands, conversion of a portion of the service building to a convenience store, the installation of a car vacuum and public telephone on site, four curb cuts and wood planters in a C1-4/R5D zoning district.

PREMISES AFFECTED – 84-04 Parsons Boulevard, aka 152-16 84th Avenue, southwest corner of 84th Avenue, Block 9751, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

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

ACTION OF THE BOARD – Laid over to April 10, 2007, at 10 A.M., for decision, hearing closed.

52-55-BZ

APPLICANT – Carl A. Sulfaro, Esq., for Bouck Oil Corp., owner.

SUBJECT – Application November 28, 2006 – Amendment, filed pursuant to §11-412 of the zoning resolution, of previously approved automotive service station with accessory uses located in a C1-2/R5 zoning district. Application seeks to permit the erection of a one story enlargement to an existing building to be used as an accessory convenience store.

PREMISES AFFECTED – 1255 East Gun Hill Road, northwest corner of Bouck Avenue, Block 4733, Lot 72, Borough of Bronx.

COMMUNITY BOARD #12BX

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to May 15, 2007, at 10 A.M., for continued hearing.

717-60-BZ, Vol. III

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

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

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

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Trevis Savage.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Collins,

MINUTES

Commissioner Ottley-Brown and Commissioner Hinkson...4
Negative:.....0
ACTION OF THE BOARD – Laid over to April 10,
2007, at 10 A.M., for decision, hearing closed.

854-60-BZ

APPLICANT – Eric Palatnik, P.C., for Sun Company, Inc.
R & M, owner.

SUBJECT – Application January 22, 2007 – Extension of
Time to obtain a Certificate of Occupancy and waiver of the
Rules of Practice and Procedure which expired on
September 21, 2000 in a C2-2/R3-2 zoning district.

PREMISES AFFECTED – 188-02 to 188-10 Hillside
Avenue, 88-01 to 88-09 188th Street, Block 10453, Lot 19,
Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Trevis Savage.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to April 10,
2007, at 10 A.M., for decision, hearing closed.

58-96-BZ

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for
277 Park Avenue, LLC, owner; Manhattan Athletic Club,
LLC, lessee.

SUBJECT – Application December 8, 2006 – Extension of
Term/Amendment-For the operation of a Physical Culture or
Health Establishment for an additional ten (10) years, and to
add 479 square feet to the club for the purposes of a boxing
room. The site is located in a C5-3(SMD) &C6-6 zoning
district.

PREMISES AFFECTED – 277 Park Avenue, east side of
Park Avenue and 47th Street, Block 1302, Lot 1, Borough of
Manhattan.

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Elisabeth Larsen.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to April 10,
2007, at 10 A.M., for decision, hearing closed.

97-97-BZII

APPLICANT – Eric Palatnik, P.C., for BP Products North
America, owner.

SUBJECT – Application February 12, 2007 – Extension of

Time and a waiver of the rules, to obtain a Certificate of
Occupancy for a previously granted variance to allow in an
R-5 zoning district; the construction and maintenance of a
gasoline service station with an accessory convenience store
which expired April 19, 2006.

PREMISES AFFECTED – 1730 Cross Bronx Expressway,
aka 1419/21 Rosedale Avenue, Block 3894, Lot 28,
Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES –

For Applicant: Trevis Savage.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to April 10,
2007, at 10 A.M., for decision, hearing closed.

346-98-BZ

APPLICANT – Vito J. Fossella, P.E., for Amboy Service
Station, Inc., owner.

SUBJECT – Application June 26, 2006 – To reinstate an
expired amendment granted on October 12, 1999 to permit
the proposed conversion of an existing building accessory to
a gasoline service station, into a convenience store, by
enlarging the existing building and eliminating the use of the
lubritorium, car wash, motor adjustments and minor repairs,
as well as the relocation and increase in the number of pump
islands from two to four, with a metal canopy over the new
pump islands; an extension of Time to obtain a Certificate of
Occupancy and a waiver of the rules in an R3-2 (South
Richmond) zoning district.

PREMISES AFFECTED – 3701 Amboy Road, Block 4645,
Lot 140, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Sameh M. El-Meniawy.

ACTION OF THE BOARD – Laid over to April 24,
2007, at 10 A.M., for continued hearing.

150-00-BZ, Vol. III

APPLICANT – Eric Palatnik, P.C., for Yeshiva of Far
Rockaway, owner.

SUBJECT – Application February 15, 2007 – Extension of
Time to complete construction and obtain a certificate of
occupancy for a variance for additional floor area on the
second floor to an existing two story synagogue and yeshiva
which expired January 25, 2007 in an R-2 zoning district.

PREMISES AFFECTED – 802 Hicksville Road, corner of
Beach 9th Street, Block 15583, Lot 16, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Trevis Savage.

THE VOTE TO CLOSE HEARING –

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

MINUTES

Negative:.....0
ACTION OF THE BOARD – Laid over to April 10, 2007, at 10 A.M., for decision, hearing closed.

150-06-A & 151-06-A

APPLICANT – Kathleen R. Bradshaw, for Frank Gallo, owner.

SUBJECT – Application July 7, 2006 – Proposed construction of two, two – family dwellings located within the bed of a mapped street contrary to General City Law Section 35. R4A Zoning District.

PREMISES AFFECTED – 2550 & 2552 Kingsland Avenue, between Mace Avenue and Allerton Avenue, Block 4488, Lots 30 & 32, Borough of Bronx.

COMMUNITY BOARD #11BX

APPEARANCES –

For Applicant: Kathleen Bradshaw.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to April 10, 2007, at 10 A.M., for decision, hearing closed.

6-07-A thru 9-07-A

APPLICANT – Sheldon Lobel, P.C., for College Point Holding, LLC, owner.

SUBJECT – Application January 8, 2007 – Proposed construction of four two family homes not fronting on mapped street which is contrary to Article 3, Section 36 of the General City Law. R4A Zoning District.

PREMISES AFFECTED – 127-09, 127-11, 127-15 and 127-17 Gurino Drive, (*Former 25th Road*) between 127th Street and Ulmer Street, Block 4269, Lots 1 & 27 (*to be known as New Tax Lots 1, 2, 3 & 4*), Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Zara F. Fernandes.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to April 10, 2007, at 10 A.M., for decision, hearing closed.

Jeffrey Mulligan, Executive Director

Adjourned: 12:00 P.M.

REGULAR MEETING
TUESDAY AFTERNOON, MARCH 13, 2007
1:30 P.M.

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

ZONING CALENDAR

64-06-BZ

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

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

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

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Jay Segal and Doris Diether, CB#2.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Manhattan Borough Commissioner, dated April 3, 2006, acting on Department of Buildings Application No. 104339039, reads, in pertinent part:

- “1 – Proposed Use Group 2 (Residential use) is not permitted as-of-right in an M1-5B as per 42-10. (There are no bulk regulations for a M1-5B.)
- 2 – Proposed Use Group 6 below the second story in an M1-5B is not permitted as per Section 42-14(d)(2)(b) ZR.”; and

WHEREAS, this is an application under ZR § 72-21, to permit, within an M1-5B zoning district, the construction of an eight-story, 17-unit residential building with ground floor retail, which is contrary to ZR §§ 42-10 and 42-14; and

WHEREAS, a public hearing was held on this application on November 21, 2006, after due notice by publication in the *City Record*, with a continued hearing on February 27, 2007, and then to decision on March 13, 2007; 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 Collins, and Commissioner Hinkson; and

WHEREAS, Community Board 2, Manhattan, provided testimony in support of the application on condition that the upper floors be used for Joint Live/Work Quarters for Artists (JLWQA) space; and

WHEREAS, certain residents of the adjacent building at 20 Bond Street and their counsel submitted testimony and appeared in opposition to the variance in its earlier iteration; and

WHEREAS, representatives from a number of civic organizations and art institutions, as well as several individual

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artists and community members, provided written testimony and appeared in opposition to the variance in its earlier iteration; and

WHEREAS, after the plan was revised to the current proposal, as discussed below, the opposition did not submit any objections; and

WHEREAS, the site is the subject of a prior Board grant, under BSA Cal. No. 301-01-BZ, which permitted the construction of a three-story building with an eating and drinking establishment on the first two floors and private function space above; the proposal required waivers for an eating and drinking establishment with a floor area of more than 5,000 sq. ft. and its proposed occupancy on the first floor; and

WHEREAS, this building was never constructed; and

WHEREAS, the site is located on the eastern blockfront of Lafayette Street between Great Jones Street and Bond Street, within an M1-5B zoning district; and

WHEREAS, the lot has an area of 5,549 sq. ft.; and

WHEREAS, the current Lot 17 is the result of the merger of historic lot 17, which was a long, narrow lot along Lafayette Street, and historic lot 18, the approximately 26-foot wide adjacent interior lot to the east, fronting on Great Jones Street; and

WHEREAS, accordingly, the site has 201 feet of frontage on Lafayette Street, extending from Great Jones Street to Bond Street; 49 feet of frontage on Great Jones Street; and 6.5 feet of frontage on Bond Street; and

WHEREAS, the site has the shape of an irregular rectangle with frontage on Great Jones Street and Lafayette Street, with a long, narrow "tail" that extends south along Lafayette Street to Bond Street; and

WHEREAS, because Lafayette Street runs at an angle to Great Jones Street and Bond Street, the lot is somewhat wedge-shaped; and

WHEREAS, the proposed building will have a total floor area of 30,519 sq. ft. (5.5 FAR), a residential floor area of 26,054.5 sq. ft. (4.72 FAR), a commercial floor area of 4,465 sq. ft. (.78 FAR), a street wall height of 79 feet, a total height of 103 feet, without bulkheads, a maximum total height of 117'-4", with bulkheads; and

WHEREAS, the 4,990 sq. ft. cellar will be occupied with mechanicals and storage space; and

WHEREAS, the 5,414 sq. ft. first floor will be occupied by 4,255 sq. ft. of retail space, the residential lobby, and a sky light in the "tail" portion of the lot adjacent to 20 Bond Street in order to provide light to the ground floor windows in that building; and

WHEREAS, the residential entrance will be located at the eastern edge of the Great Jones Street frontage; and

WHEREAS, the second and third floors will set back approximately 21 feet from the southern lot line on the interior portion of the lot and will each have a floorplate of 3,823 sq. ft. with two residential units per floor; and

WHEREAS, the fourth through sixth floors will cantilever over a portion of the ground floor "tail" of the

building; each floor will have approximately 4,438 sq. ft. of floor area with three units per floor; and

WHEREAS, the seventh and eighth floors, which will have each have two residential units, will set back approximately 9'-4 3/4" from Great Jones Street and 5'-0" from Lafayette Street at the seventh floor and 16'-3 1/2" from Great Jones Street and 10'-0" from Lafayette Street at the eighth floor; and

WHEREAS, the applicant initially proposed a seven-story building with an FAR of 5.0; and

WHEREAS, after meeting with residents of the adjacent building at 20 Bond Street, the applicant revised the proposal to include design elements such as a cutout and setback on the Lafayette Street façade, and a skylight to help minimize impact on the adjacent building's access to light and air; and

WHEREAS, the initial plan provided for twelve windows at 20 Bond Street to be blocked by the new building; the revised plan provides for only three to be blocked, three to be covered with opaque glass panels, and two ground floor windows to be provided light through a new skylight; and

WHEREAS, the Board notes that there is no prohibition on blocking the lot line windows of the adjacent building; and

WHEREAS, however, the Board notes that the re-design of the building, including the noted cutout and setback, minimizes the impact on the adjacent building, which is occupied as JLWQA; and

WHEREAS, the applicant represents that the complicated design components, including the cantilevering of the fourth through sixth floors above the ground floor, required that an additional floor be added on top of the building to help recover the significant additional construction costs associated with the current proposal; and

WHEREAS, the applicant states that the following are unique physical conditions which create an unnecessary hardship in developing the site in conformance with applicable regulations: (1) the site is irregularly-shaped; (2) the site is small; (3) the site is adjacent to the Lexington Avenue subway line, and (4) the historic use of the site as an automotive repair shop has likely resulted in soil contamination; and

WHEREAS, as to the site's shape, the applicant states that the larger portion of the lot has an irregular wedge-shape; and

WHEREAS, additionally, a large portion of the site consists of a very narrow irregularly-shaped "tail" that tapers to a width of only 6.5 feet on Bond Street, making it significantly wider on Great Jones Street than on Bond Street; and

WHEREAS, the applicant represents that the irregular shape creates difficulties in developing the site because it is difficult to use the full depth of the lot, particularly on the upper floors; and

WHEREAS, further, there is a high ratio of exterior walls to usable interior space for such a long and narrow site; and

WHEREAS, the applicant documented additional construction costs associated with the need for such a high proportion of exterior walls; and

WHEREAS, as to size, the applicant represents that the

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size is small, which results in a disproportionate share of it being devoted to the building core, which includes elevators, stairways, and bathrooms and which is comparable in size to a core that could serve a building twice the size; and

WHEREAS, the applicant represents that this condition results in a higher percentage of lost floor space than for a larger building with the same core; and

WHEREAS, the applicant represents that the small size of the site and its irregular configuration would not provide efficient floorplates for conforming development at the site; and

WHEREAS, the applicant submitted a 400-ft. and 800-ft. radius diagram and land use map which illustrate that the site is the only vacant lot, not currently being developed, within either radius with such an unusual shape and small size; and

WHEREAS, as to the adjacency to the subway, the applicant represents that additional measures must be taken to protect the subway during construction; and

WHEREAS, these measures include: additional underpinning, sheeting, and shoring along the boundary with the subway walls; drilling, rather than driving piles; isolation of construction equipment from the tunnel ceiling (which may prohibit cranes on Lafayette Street); and significant inspection and monitoring measures; and

WHEREAS, the applicant submitted a subway diagram prepared by an engineer and a memo from the MTA in support of these assertions; and

WHEREAS, as to the subsurface conditions, the applicant represents that it is likely that there will be significant costs associated with the clean up of the site due to the historic use of a portion of the site as a gasoline service station; 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 applicable zoning regulations; and

WHEREAS, the applicant submitted a feasibility study analyzing an as of right retail/office building; and

WHEREAS, the applicant concluded that such a scenario would result in a loss, due to the size of the lot, as well as premium construction costs associated with the irregular lot conditions; and

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

WHEREAS, the applicant represents that the 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 the immediate area is a mix of residential and commercial uses, with some remaining manufacturing/industrial uses; and

WHEREAS, the applicant notes that the proposed residential use, with ground floor retail, is consistent with the character of the area, which includes many other such uses, some of which occupy the subject block; and

WHEREAS, the applicant also notes that there are several residential buildings larger and of comparable size being constructed in the vicinity; and

WHEREAS, in support of the above statements, the applicant submitted a land use map, showing the various uses in the immediate vicinity of the site; and

WHEREAS, the Board agrees that the character of the area is mixed-use, and finds that the introduction of 17 dwelling units and ground floor retail will not impact nearby conforming uses; and

WHEREAS, the applicant represents that the building's height is comparable to building heights in the immediate vicinity; and

WHEREAS, additionally, the applicant represents that the façade materials will be chosen to be compatible with the area's historic masonry buildings; and

WHEREAS, the applicant represents that 20 Bond Street is one of the last remaining true JLWQA buildings in the area and that the redesign of the subject building, as discussed above, supports the continued use and occupancy of 20 Bond Street by artists; and

WHEREAS, the Board notes that the considerable design changes help mitigate any impact on the adjacent building; and

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

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

WHEREAS, the Board observes that the proposed building of 17 dwelling units is limited in scope and compatible with nearby development; and

WHEREAS, the Board also notes that the proposed FAR is the minimum necessary to compensate for the additional construction costs associated with the uniqueness of the lot and of the building envelope, which has been modified to minimize impact on the adjacent conforming use; and

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

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

WHEREAS, the project is classified as an Unlisted action pursuant to 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 (EAS) CEQR No. 06BSA073M, dated April 11, 2006; and

WHEREAS, the EAS documents show that the project as proposed would not have significant adverse impacts on Land

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

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §72-21 and grants a variance, to permit, within an M1-5B zoning district, the construction of an eight-story, 17-unit residential building with ground floor retail, which is contrary to ZR §§ 42-10 and 42-14, *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 16, 2007"–(12) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the proposed building: eight stories, 17 residential units, a total floor area of 30,519.5 sq. ft. (5.5 FAR), a residential FAR of 4.72, a commercial FAR of .78, a streetwall height of 79 feet, a total height of 103 feet, without bulkheads, a maximum total height of 117'-4", with bulkheads;

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

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

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

Adopted by the Board of Standards and Appeals, March 13, 2007.

110-06-BZ

APPLICANT – Moshe M. Friedman, for Rochelle Grossman, owner.

SUBJECT – Application June 5, 2006 – Special Permit (§73-622) for the enlargement of a single family residence. This application seeks to vary open space and floor area (§23-141); side yard (§23-461) and rear yard (§23-47) in an R-2 zoning district. This application also proposes to convert

from a two family to a one family residence.

PREMISES AFFECTED – 1473 East 21st Street, a/k/a Kenmore Place, 325' north of intersection formed by East 21st Street and Avenue N, Block 7657, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Yosef Gottdienv.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated August 10, 2006, acting on Department of Buildings Application No. 302163637, reads in pertinent part:

“Proposed extension of existing one-family dwelling is contrary to:
ZR Sec 23-141 Floor Area Ratio
ZR Sec 23-141 Open Space Ratio
ZR Sec 23-461 Side Yard
ZR Sec 23-47 Rear Yard.”;

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

WHEREAS, the Board notes that the home has been occupied illegally as a two-family dwelling, but that the application reflects plans for a single-family dwelling and the applicant represents that it will be returned to the conforming use; and

WHEREAS, a public hearing was held on this application on February 27, 2007, after due notice by publication in *The City Record*, and then to decision on March 13, 2007; and

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

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

WHEREAS, the subject lot is located on the east side of East 21st Street (aka Kenmore Place), between Avenue M and Avenue N; and

WHEREAS, the subject lot has a total lot area of 3,750 sq. ft., and is occupied by a 2,519.89 sq. ft. (.67 FAR) legal single-family home; and

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

WHEREAS, the applicant seeks an increase in the floor area from 2,519.89 sq. ft. (.67 FAR) to 3,693.17 sq. ft. (.98 FAR); the maximum floor area permitted is 1,875 sq. ft.

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(.50 FAR); and

WHEREAS, the proposed enlargement will reduce the open space ratio from 94 percent to 59 percent (150 percent is the minimum permitted); and

WHEREAS, the proposed enlargement will maintain the existing non-complying side yard of 4'-11" and the complying side yard of 8'-0" (side yards totaling 13'-0" are required with a minimum width of 5'-0" for each); and

WHEREAS, the proposed enlargement will reduce the rear yard from 29'-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 notes that the driveway and all porches shall be as approved by DOB; and

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

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

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-622 and 73-03, to permit, in an R2 zoning district, the proposed enlargement of a legal single-family dwelling, which does not comply with the zoning requirements for floor area, FAR, open space ratio, and rear and side yards, contrary to ZR §§ 23-141, 23-461, and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received January 16, 2007" -(7) sheets and "February 28, 2007"-(3) sheets; and *on further condition*:

THAT there shall be no habitable room in the cellar;

THAT the floor area in the attic shall be limited to 557.17 sq. ft.;

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

THAT the following shall be the parameters of the building: a total floor area of 3,693.17 sq. ft., a total FAR of 0.98, one side yard of 8'-0", one side yard of 4'-11", a rear yard of 20'-0", and an open space ratio of 59 percent, as

illustrated on the BSA-approved plans;

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

THAT the driveway and all porches 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, March 13, 2007.

128-06-BZ

APPLICANT- Juan D. Reyes III, Esq., for Atlantic Walk, LLC, owner.

SUBJECT - Application June 16, 2006 - Zoning variance pursuant to ZR §72-21 to allow a nine-story residential building in an M1-5 district (Area B-2 of Special Tribeca Mixed Use District). Twenty Six (26) dwelling units and twenty six (26) parking spaces are proposed. The development would be contrary to use (Z.R. §111-104(d) and §42-10), height and setback (Z.R. §43-43), and floor area ratio regulations (Z.R. §111-104(d) and §43-12). The number of parking spaces exceeds the maximum allowed is contrary to Z.R. §13-12.

PREMISES AFFECTED - 415 Washington Street, west side of Washington Street, corner formed by Vestry Street and Washington Street, Block 218, Lot 6, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Juan Reyes.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Manhattan Borough Commissioner, dated June 6, 2006, acting on Department of Buildings Application No. 104147317, reads in pertinent part:

"1. The proposed number of stories within the front wall is contrary to ZR 111-104(d)1 and ZR 43-

1 The Board notes that ZR § 111-104(d) has been re-

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43.

3. The proposed residential use (UG2) M1-5 in TMU, area B2 is contrary to ZR 111-104(d) and ZR 42-10; and

WHEREAS, this is an application under ZR § 72-21, to permit, within an M1-5 zoning district within Area B-2 of the Special Tribeca Mixed Use District, the construction of a nine-story with cellar, 22-unit residential condominium building, which is contrary to ZR §§ 111-104(d), 43-43 and 42-10; and

WHEREAS, at the conclusion of the hearing process, the applicant proposed a building that would have a residential floor area of 51,172 sq. ft., a Floor Area Ratio (FAR) of 5.5, a height of 105 ft., a street wall height of 85 ft., complying setbacks, lot coverage of 80 percent, and a 30 ft. rear yard; and

WHEREAS, the applicant originally proposed a nine-story building with a cellar and sub-cellar, an FAR of 6.02, a lot coverage of 85.97 percent, and 26 parking spaces (located in the cellars), and

WHEREAS, this proposal would have required additional waivers for maximum FAR and maximum number of parking spaces, and also would have had non-complying lot coverage and a non-complying rear yard; and

WHEREAS, in response to concerns of the Board about the proposed FAR not being consistent with the degree of hardship present on the site, the construction costs associated with the proposed parking in the sub-cellar, and the lack of a complying rear yard, the applicant revised the proposal to the current version; and

WHEREAS, however, as reflected below, the Board disagrees that an FAR of 5.5 devoted to residential use (which does not comply with the underlying zoning district maximum), reflects the minimum variance necessary for the owner to obtain relief; and

WHEREAS, the Board notes that the applicant provided a revised 5.0 FAR scenario, the plans of which reflect a reasonable unit layout; and

WHEREAS, the Board has reviewed this scenario, and as further explained below, it concludes that it will realize a reasonable return and is therefore the minimum variance necessary; and

WHEREAS, accordingly, the Board approves a building with the following parameters: 22 units, nine stories, a maximum residential and total FAR of 5.0, zoning floor area of 46,520 sq. ft., a total height of 105'-6", a street wall height of 85'-0", a setback of 20'-0", and a rear yard of 30 feet; and

WHEREAS, a public hearing was held on this application on October 31, 2006, after due notice by publication in the *City Record*, with continued hearings on December 12, 2006 and January 23, 2007, and then to decision on March 13, 2007; and

WHEREAS, the premises and surrounding area had a site

designated ZR § 111-104(e) in a recent text amendment; however, the text of the provision remains the same and this has no bearing on the Board's waiver of the provision.

and neighborhood examination by a committee of the Board, consisting of Chair Srinivasan, Vice-Chair Collins, and Commissioner Hinkson and Ottley-Brown; and

WHEREAS, Community Board 1, Manhattan, recommends approval of the proposed use change, but only for a building with an FAR of 5.0, not the initially proposed FAR of 6.02; and

WHEREAS, certain neighbors and civic associations provided testimony in opposition to this application, citing concerns about the suggested findings and construction-related issues; the relevant concerns are discussed below; and

WHEREAS, the site is approximately 9,304 sq. ft., and is located at the corner of Washington Street and Vestry Street; and

WHEREAS, the site is located in the Tribeca North Historic District (the "TNHD"); and

WHEREAS, the applicant notes that on August 23, 2006, the City's Landmarks Preservation Commission ("LPC") issued a Certificate of Appropriateness (the "CA") for the originally proposed building; and

WHEREAS, the site has most recently been used as a parking lot, but was historically developed with seven-story manufacturing buildings (from approximately 1900 to 1950) and then a gas station (from 1950 to approximately 1976); and

WHEREAS, the applicant represents that the foundations of the prior manufacturing buildings, including below-grade party walls, remain on the site; and

WHEREAS, additionally, the site is currently undergoing remediation under the supervision of the State's Department of Environmental Conservation; and

WHEREAS, because the proposed residential development does not conform to permitted uses in the subject zoning district, and because the street wall height is non-complying, the above-noted waiver requests are necessitated; and

WHEREAS, the applicant states that the following are unique physical conditions which create an unnecessary hardship in developing the site in compliance and conformance with applicable regulations: (1) costs related to poor soil conditions on the site; (2) costs associated with addressing the existing foundations from the prior buildings; (3) foundation construction costs related to the presence of the site within the 100 and 500-year flood plains; and (4) environmental remediation costs; and

WHEREAS, as to the poor soil conditions, the applicant notes that the site's soil consists of loose fill material underlain by loose to medium dense sand at depths below the groundwater level; and

WHEREAS, the applicant claims that this condition afflicts less than 20 percent of the properties within the TNHD, as evidenced by a graph submitted with the applicant's engineering report (the "Report"); and

WHEREAS, the applicant claims that because of this condition, shallow footings, which are less expensive, cannot be used; instead, a deep foundation system using piles must be installed; and

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WHEREAS, as to the pre-existing party walls, the applicant notes that they must remain in place as they support adjacent buildings; and

WHEREAS, the applicant claims that the existing party walls will require special structural details to allow the proposed building's foundation system to cantilever over the party walls above surface grade; and

WHEREAS, further, at hearing, the project engineer stated that the buildings to the east and west are on shallow foundation systems, which must be protected through the use of drilled piles at this location; and

WHEREAS, the engineer also stated that underpinning is more difficult and expensive since its double-width in depth due to the shared foundation walls; and

WHEREAS, as to the location of the site within the flood zone, the applicant states that 10 percent of sites within the TNHD are part of the 100 year flood plain and 15 percent are part of the 500 year flood plain; and

WHEREAS, the applicant states that the 100-year flood level is more than 4 to 5 feet above the design groundwater level for the upland buildings, and, at the subject site, this will require resistance in the form of dead weight or uplift anchors; and

WHEREAS, as to environmental contamination, the applicant notes that a large portion of the soil mass is contaminated with volatile organic compounds that must be removed prior to residential development; and

WHEREAS, the applicant also notes that the presence of contaminated soil is relatively uncommon in the TNHD; and

WHEREAS, the Board agrees that the site is burdened by a convergence of sub-surface factors that increase construction and site preparation costs; and

WHEREAS, the Board observes that the Report provides a cost comparison between a site not similarly burdened based on factors such as dewatering, excavation and disposal of contaminated soil, underpinning, piles, pressure slab, waterproofing, and engineering support; and

WHEREAS, the applicant established that the premium costs related to the cited physical conditions are approximately 1.9 million dollars; and

WHEREAS, the Board agrees that these costs compromise the viability of a conforming development on the site; and

WHEREAS, the Board notes that the cited unique conditions and the costs associated with them were questioned by an engineer hired by those in opposition to the application; and

WHEREAS, however, the Board finds that these concerns were satisfactorily answered in a response from the project engineer, submitted as an attachment to the applicant's November 21, 2006 submission; and

WHEREAS, the Board further notes that counsel to the opposition suggests that the Board should not credit the presence of environmental contamination as a unique physical condition; and

WHEREAS, the Board agrees that not every instance of

environmental contamination should form the basis, or a part thereof, of a variance application; and

WHEREAS, nevertheless, where the contamination was the result of a lawful commercial operation, was not intentional but merely a cumulative by-product of such operation, and occurred in an era that predates extensive environmental protection regimes, the Board has considered such contamination to be a legitimate hardship; and

WHEREAS, further, the Board notes that even without consideration of the environmental contamination, the other cited unique physical conditions would still prevent a viable conforming development; and

WHEREAS, accordingly, 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 compliance with the applicable zoning regulations; and

WHEREAS, initially, the applicant submitted a feasibility study that analyzed an as of right 5.0 FAR commercial building; and

WHEREAS, the applicant concluded that such a scenario would result in a negative return, due to the above-cited physical conditions; and

WHEREAS, however, the Board had concerns about the claimed site valuation; and

WHEREAS, specifically, the Board felt that the site valuation was inflated due to the use of certain recent sale comparables that skewed the valuation; and

WHEREAS, the Board also notes that the site valuation was high relative to other recent variance cases in the vicinity; and

WHEREAS, the Board suggested that the applicant review comparable sales with the Area B-2 of the Special Tribeca Mixed Use District for undeveloped or underdeveloped sites, and not include variance-affected sites; and

WHEREAS, in a subsequent submission, the applicant reduced the site valuation based on comparables that the Board finds acceptable; and

WHEREAS, thus, based upon its review of the subsequent submission of the applicant, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict conformance and compliance with applicable zoning requirements 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, as to use, the Board observes that the site is on a block with buildings that contain Joint Work/Living Quarters for Artists; and

WHEREAS, the Board also observes that there are residential buildings across Greenwich Street directly to the east and northeast, and a new residential building under construction across Washington Street; and

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WHEREAS, the Board finds that the introduction of 22 residential units in this location will not negatively affect the mixed-use character of the immediate neighborhood; and

WHEREAS, further, the Board notes that the proposed residential use of the site will not negatively affect any conforming uses in the neighborhood, which are already accustomed to a considerable residential presence; and

WHEREAS, as to bulk, the Board notes at the outset that the building approved herein reflects a reduced FAR and lot coverage and an increased rear yard from the original proposal, which makes it more compatible with the character of the neighborhood; and

WHEREAS, the Board also observes that the design of the originally proposed building was approved by LPC, as reflected by the C of A; and

WHEREAS, the applicant also states that the proposed building would be compatible in terms of height with existing buildings adjacent or very close to the site; and

WHEREAS, specifically, on the subject block, the applicant cites to a 99'-11" tall building to the east, a 116'-0" tall story building to the south, and an 83'-10" tall building on the corner of Laight and Greenwich Streets; and

WHEREAS, the applicant also cites to new nine and twelve-story buildings located to the west of the site, also on the same block; and

WHEREAS, the Board agrees that the proposed height and street wall height of the building will be compatible with existing buildings in the vicinity; 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, during the course of the hearing process, the opposition suggested that the site conditions should have been known to the developer prior to purchase of the site, and that any hardship subsequently discovered should be characterized as self-created; and

WHEREAS, the Board disagrees, noting that the finding set forth at ZR § 72-21(d) specifically provides that purchase with knowledge of a site's hardships does not preclude the grant of a variance; and

WHEREAS, in any event, the opposition did not provide conclusive proof that the developer knew of all hardships related to the site prior to purchase; and

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

WHEREAS, as noted above, the Board is granting a residential variance to the applicant at a lesser FAR than is proposed; and

WHEREAS, this is due to serious concerns the Board has regarding the sell-out value per square foot of the proposed condominium units (the applicant claims that for a 5.0 FAR residential building, the sell out value would be approximately

\$1,080 per sq. ft.); and

WHEREAS, at the outset of the hearing process, the Board observed that the claimed sell-out value is low relative to the sell-out value cited in other recent variance applications in the vicinity; and

WHEREAS, for instance, in BSA Cal. No. 297-05-BZ, granted on July 11, 2006, which was a variance application for a residential building at 31-33 Vestry Street (also in Area B2 of the Special Tribeca Mixed Use District), the claimed sell-out value per square foot was \$1,137; and

WHEREAS, likewise, in BSA Cal. No. 181-06-BZ, granted on February 13, 2007, which was a variance application for a residential building at 471 Washington Street (again, in Area B2), the claimed sell-out value per square foot was \$1,246; and

WHEREAS, both of these applications were for buildings with a total FAR of 5.0; and

WHEREAS, further, the Board questioned the comparables of recent sales used by the applicant to arrive at the claimed sell-out value; and

WHEREAS, the initial set of comparables submitted by the applicant consisted of many properties that were geographically distant from the subject site, and thus were not appropriate comparables; and

WHEREAS, accordingly, the Board directed the applicant to submit a set of comparables that are similar to the proposed units in terms of date of construction, views, location, and other pertinent factors, or to justify why the existing set of comparables were in fact similar; and

WHEREAS, after the Board brought this to the applicant's attention, a second set of comparables was submitted that reflected more geographically comparable recent sales; and

WHEREAS, these comparables ranged from 813 dollars to 1,538 dollars per square foot, which is a significantly broad range; and

WHEREAS, in addition to this second set of comparables, the Board received a submission from a marketing executive familiar with the Tribeca residential market in support of the opposition (the "Opposition Report"), which provided a list of recent condominium sales in the area; and

WHEREAS, the Opposition Report indicated that the average per sq. ft. price of units recently sold primarily in the immediate vicinity of the subject site was significantly higher per sq. ft. than that proposed by the applicant; and

WHEREAS, the Board asked the applicant to address the comparables cited by the opposition; and

WHEREAS, the applicant, in a submission dated February 6, 2007, states that the majority of the comparables used by the opposition are not truly comparable in that they are either on higher floors than the proposed units and have views or are appointed with high-end finishes that increase the sell-out value; and

WHEREAS, the applicant suggests that the claimed sell-out value for the proposed units reflects that they are

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predominantly at lower floors and don't have views and that high-end finishes have not been added to the proposed valuation; and

WHEREAS, however, the Board notes that the applicant's response fails to refute with any specificity each and every comparable cited in the Opposition Report; and

WHEREAS, consequently, the applicant's blanket refutation of all the comparables is without any basis; and

WHEREAS, further, the Board has reviewed the Opposition Report and notes that most of the cited units, with the exception of those located at 145 Hudson Street, are at the 9th floor or lower, which calls into question the argument that they are all superior to the proposed units in terms of height and views; and

WHEREAS, even when excluding the 145 Hudson Street comparables, the average sell-out value reflected in the Opposition Report is still significantly higher than the applicant's; and

WHEREAS, based upon its personal knowledge of the claimed sell-out value in other recent matters, as well as upon its review of the Opposition Report and the applicant's response, the Board finds that the claimed sell-out value for the 5.0 FAR residential building was underestimated; and

WHEREAS, the Board concludes that with more reasonable sell-out values ascribed to the proposed units, a 5.0 FAR building will realize a reasonable return; and

WHEREAS, in addition to the serious concerns about the proposed sell-out value, the Board also notes that the applicant's submissions reflected inconsistency as to sellable residential floor space and the development costs related to the 5.0 FAR scenario; and

WHEREAS, specifically, as reflected in the various submissions, in November 2006, the construction costs for this scenario decreased from the September 2006 submission, but then increased again in the December 2006 submission; and

WHEREAS, the Board also notes that that there was a similar disparity as to the amount of residential floor space; and

WHEREAS, the Board observes that no adequate explanation for the disparity between submissions exists in the record; and

WHEREAS, the Board observes that the lower construction costs estimate would support the conclusion that a 5.0 FAR scenario could be viable; and

WHEREAS, while the applicant has contended that a 5.0 FAR building would not realize a reasonable return since that amount of floor area would not fill up the building envelope approved by LPC, the Board notes that double height spaces could be created within individual units that would enhance the value of the units; and

WHEREAS, further, the Board observes that the reduced FAR could be achieved by eliminating a less viable unit proposed at the rear of the building; and

WHEREAS, in sum, the Board finds that a 5.0 FAR building is the minimum variance necessary for the owner to obtain relief; and

WHEREAS, the Board notes that the finding set forth at

ZR § 72-21(e) provides that it may permit a lesser variance than that applied for by the applicant; and

WHEREAS, the Board also notes that though it finds it appropriate to approve only an FAR of 5.0, the applicant is receiving a significant use waiver as well as a street wall waiver; and

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

WHEREAS, the project is classified as a Type I action pursuant to Sections 617.4(b)(10) of 6NYCRR; 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. 06BSA100M, dated June 16, 2006; and

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

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

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, within an M1-5 zoning district within Area B-2 of the Special Tribeca Mixed Use District, the construction of a nine-story with cellar, 22-unit residential condominium 5.0 FAR building, which is contrary to ZR §§ 111-104(d), 43-43 and 42-10, *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 December 26, 2006"—ten (10) sheets; and *on further condition*:

THAT the following shall be the parameters of the building: 22 units, nine stories, a maximum residential and total FAR of 5.0, zoning floor area of 46,520 sq. ft., a total height of 105'-6", a street wall height of 85'-0", setbacks as indicated on the BSA-approved plans, and a rear yard of 30 feet;

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THAT all construction shall be performed in compliance with Building Code and LPC and DOB-imposed requirements concerning the protection of adjacent buildings;

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

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

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

Adopted by the Board of Standards and Appeals, March 13, 2007.

138-06-BZ

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

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

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

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lyra Altman and David Shteirman.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated June 6, 2006, acting on Department of Buildings Application No. 302085204, reads in pertinent part:

- “1 - Proposed floor area contrary to ZR 23-141(a).
 - 2 - Proposed open space ratio contrary to ZR 23-141(a).
 - 3 - Proposed rear yard contrary to ZR 23-47.”;
- and

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

WHEREAS, a public hearing was held on this application on December 12, 2006, after due notice by publication in *The City Record*, with continued hearings on January 30, 2007 and February 27, 2007, and then to

decision on March 13, 2007; 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 Collins, and Commissioner Hinkson; and

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

WHEREAS, Council Member Michael C. Nelson provided a letter in support of this application; and

WHEREAS, several neighbors within a 200-ft. radius of the site have provided consent forms in support of this application; and

WHEREAS, however, one neighbor provided a rejection form in opposition to this application; and

WHEREAS, the subject site is located on the east side of Bedford Avenue, between Avenue M and Avenue N; and

WHEREAS, the subject site has a total lot area of 12,000 sq. ft., and is occupied by two single-family homes with a total floor area of 6,448.12 sq. ft. (.54 FAR); and

WHEREAS, the subject site consists of two tax lots (Lots 31 and 32), which are proposed to be merged into a single Lot 31; 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 6,448.12 sq. ft. (0.54 FAR) to 11,997.01 sq. ft. (1.0 FAR); the maximum floor area permitted is 6,000 sq. ft. (0.50 FAR); and

WHEREAS, the proposed enlargement will reduce the open space ratio from 115.72 percent to 56.01 percent (150 percent is the minimum required); and

WHEREAS, the proposed enlargement will reduce the rear yard from 21’-7 ¼” 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, at hearing, the Board expressed concerns that because the merged lot is so large, the proposed home, although within the FAR parameter often granted under the special permit, would be uncommonly large in the context of the neighborhood; and

WHEREAS, accordingly, the Board asked the applicant to respond to questions about neighborhood character and to establish a context for such a large home; and

WHEREAS, specifically, the Board asked the applicant to provide an analysis of floor area, building widths, and total heights of homes in the immediate vicinity; and

WHEREAS, as to floor area, the applicant submitted a chart identifying sixteen homes in the immediate vicinity, which have a comparable bulk to lot size ratio; and

WHEREAS, as to building width, the applicant submitted an analysis of building widths proportionate to lot width, which reflects that the majority of the proposed building width, with a coverage of 70 percent of the lot width, is compatible with other homes in the vicinity (89

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percent coverage of lot width is permitted if the minimum side yards are provided); and

WHEREAS, as to height, the applicant initially submitted plans reflecting a total height of 42'-10"; and

WHEREAS, at hearing, the Board asked the applicant to establish a context for this height; and

WHEREAS, in response, the applicant submitted a chart identifying the total heights of eight homes in the immediate vicinity with a range in height from 25'-0" to 42'-1 1/2"; and

WHEREAS, notwithstanding the fact that a height of 42'-10" is permitted within the R2 zoning district, the Board asked the applicant to reduce the height to make it more compatible with other homes in the vicinity; and

WHEREAS, in response, the applicant reduced the total height to 39'-10"; and

WHEREAS, further, the applicant submitted photographs of homes in the area, which establish a context for large homes; and

WHEREAS, at hearing, the Board asked the applicant to explain which elements of the existing buildings would be retained; and

WHEREAS, in response, the applicant stated that some cellar walls and several above-grade walls, including the rear walls, will not be demolished; and

WHEREAS, the Board asked the applicant to submit plans which clearly indicate which parts of the foundation, walls and floors will be retained; said plans were subsequently submitted; and

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

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-622 and 73-03, to permit, in an R2 zoning district, the proposed enlargement of two single-family dwellings and their merger into one single-family dwelling, which does not comply with the zoning requirements for FAR, floor area, open space ratio, and rear yard, contrary to ZR §§ 23-141 and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received February 13, 2007"-(13) 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 following shall be the bulk parameters of the building: a total floor area of 11,997.01 sq. ft., a total FAR of 1.0, a perimeter wall height of 24'-6", a total height of 39'-10", one side yard of 7'-6 1/2", one side yard of 5'-5 1/2", a front yard of 15'-0", a rear yard of 20'-0", and an open space ratio of 56.01 percent, as illustrated on the BSA-approved plans;

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, March 13, 2007.

175-06-BZ

APPLICANT– Rothkrug Rothkrug & Spector, for Sal Calcagno & Family Realty, LLC, owner.

SUBJECT – Application August 14, 2006 – Special Permits (§73-243 and §73-44) to allow, within C1-1 (R1-2) (NA-1) zoning districts, the development of an eating and drinking establishment (UG 6) with an accessory drive-through facility and to permit a reduction in the amount of required off-street parking for UG 6 parking category B-1 uses. The proposal is contrary to §32-15 and §36-21 respectively.

PREMISES AFFECTED – 1653/9 Richmond Road, west side of Richmond Road, 417.06' south of intersection with Four Corners Road, Block 883, Lot Tentative 27, Borough of Staten Island.

COMMUNITY BOARD # 2SI

APPEARANCES –

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW –

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

Negative:.....0

Adopted by the Board of Standards and Appeals, March 13, 2007.

237-06-BZ

APPLICANT – Moshe M. Friedman, for Jonathan M. Schwartz, owner.

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SUBJECT – Application September 12, 2006 – Special Permit (§73-622) for the enlargement of a single family semi-detached residence. This application seeks to vary open space and floor area (§23-141(a)); side yard (§23-461) and rear yard (§23-47) in an R-2 zoning district.

PREMISES AFFECTED – 1462 East 26th Street, west side 333’-7” north of the intersection formed by East 26th Street and Avenue O, Block 7679, Lot 79, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Yosef Gottdiener.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated March 12, 2007, acting on Department of Buildings Application No. 302216395, reads in pertinent part:

“Proposed extension of existing one-family dwelling is contrary to:

- ZR Sec 23-141(a) Floor Area Ratio
- ZR Sec 23-141 (a) Open Space Ratio
- ZR Sec 23-461 Side Yard
- ZR Sec 23-47 Rear Yard.”;

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

WHEREAS, a public hearing was held on this application on February 6, 2007 after due notice by publication in *The City Record*, with a continued hearing on February 27, 2007, and then to decision on March 13, 2007; and

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

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

WHEREAS, three neighbors, including the adjacent neighbor, submitted forms of consent in support of this application; and

WHEREAS, the subject lot is located on the west side of East 26th Street, between Avenue N and Avenue O; and

WHEREAS, the subject lot has a total lot area of 2,120.83 sq. ft., and is occupied by a 1,240.12 sq. ft. (.58 FAR) single-family home; and

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

WHEREAS, the applicant seeks an increase in the

floor area from 1,240.12 sq. ft. (.58 FAR) to 2,146.87 sq. ft. (1.01 FAR); the maximum floor area permitted is 1,060.42 sq. ft. (.50 FAR); and

WHEREAS, the proposed enlargement will decrease the open space ratio from 117 percent to 53 percent (a minimum open space ratio of 150 percent is required); and

WHEREAS, the proposed enlargement will maintain the existing 5’-0” and 0’-0” side yards (side yards with a minimum total width of 13’-0” and a minimum width of 5’-0” for one are required); and

WHEREAS, the Board notes that the semi-detached home, with a single 5’-0” side yard, was constructed in 1925 and is therefore an existing legal non-conforming building; semi-detached homes are not permitted in R2 zoning districts; and

WHEREAS, the proposed enlargement will reduce the rear yard from 43’-3” to 24’-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 proposed enlargement will be two stories and an attic and will be located at the rear of the existing home and above the existing second floor; and

WHEREAS, initially, the applicant proposed a front ridge height of 53.04 feet and a total height of 56.79 feet; and

WHEREAS, at hearing, the Board asked the applicant to reduce the height and re-design the slope of the roof above the second floor so as to be more compatible with adjacent homes; and

WHEREAS, in response, the applicant reduced the front ridge height to 50.89 feet and the total height to 56.67 feet; and

WHEREAS, additionally, the applicant re-designed the slope of the roof above the second floor so that it matches the adjacent homes; and

WHEREAS, the applicant submitted a streetscape which reflects that the revised roof plan is compatible with adjacent homes; and

WHEREAS, at hearing, the Board asked the applicant if the rear of the home could have a more efficient layout; and

WHEREAS, the applicant responded that the narrow width of the lot results in layout constraints; and

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

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

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

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

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outweighed by the advantages to be derived by the community; and

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-622 and 73-03, to permit, in an R2 zoning district, the proposed enlargement of a single-family semi-detached dwelling, which does not comply with the zoning requirements for FAR, floor area, open space ratio, and side and rear yards, contrary to ZR §§ 23-141, 23-461, and 23-47; on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received December 11, 2006"-(4) sheets, "February 5, 2007"-(2) sheets and "February 13, 2007"-(4) sheets; and on further condition:

THAT there shall be no habitable room in the cellar;

THAT the floor area in the attic shall be limited to 282.73 sq. ft.;

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

THAT the following shall be the bulk parameters of the building: a total floor area of 2,146.87 sq. ft., a total FAR of 1.01, a total height of one side yard of 5'-0", a rear yard of 24'-0", a total height of 56.67, a front ridge height of 50.89, and an open space ratio of 53 percent, as illustrated on the BSA-approved plans;

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, March 13, 2007.

272-06-BZ

APPLICANT – Joseph P. Morsellino, Esq., for The Media Realty Group, owner; Evolution Sports Club, LLC, lessee.
SUBJECT – Application October 10, 2006 – Special permit (§73-36) to legalize a Physical Culture Establishment on the second floor in a three-story building. The proposal is contrary to Section 42-31. M1-5 zoning district.
PREMISES AFFECTED – 37-11 35th Avenue, between 37th

and 38th Streets, Block 645, Lot 1, Borough of Queens.

COMMUNITY BOARD # 1Q

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Commissioner, dated September 25, 2006, acting on Department of Buildings Application No. 401136070, reads in pertinent part:

"Obtain special permit by the Board of Standards and Appeals for a 'physical culture or health establishment' as per section 42-31."; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within an M1-5 zoning district, the establishment of a physical culture establishment (PCE) on the second floor of an existing three-story commercial building, contrary to ZR § 42-00; and

WHEREAS, a public hearing was held on this application on February 27, 2007 after due notice by publication in *The City Record*, and then to decision on March 13, 2007; and

WHEREAS, Community Board 1, Queens, recommends approval of this application; and

WHEREAS, the subject site is located on the east side of 35th Avenue, between 37th Street and 38th Street; and

WHEREAS, the site is occupied by a three-story commercial building, with offices and retail use; and

WHEREAS, the PCE will occupy a total of 14,536 sq. ft. of floor area on the second floor; and

WHEREAS, the PCE will be operated as Evolution Sports Club; and

WHEREAS, the applicant represents that the PCE will offer facilities for physical improvement including group fitness classes and boxing; and

WHEREAS, the proposed hours of operation are: continuous 24-hour operation from Monday 7:00 a.m. through Friday midnight; and Saturday and Sunday, 7:00 a.m. to 10:00 p.m.; 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 PCE 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

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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, CEQR No. 07-BSA-027Q dated January 2, 2007; and

WHEREAS, the EAS documents show that the operation of the PCE 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 operation of the PCE will not have a significant adverse impact on the environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site within an M1-5 zoning district, the establishment of a physical culture establishment on the second floor of an existing three-story commercial building, contrary to ZR § 42-00; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received January 10, 2007"- (3) sheets and *on further condition*:

THAT the term of this grant shall expire on March 13, 2017;

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: continuous 24-hour operation from Monday 7:00 a.m. through Friday midnight; and Saturday and Sunday, 7:00 a.m. to 10:00 p.m.;

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

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

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

THAT fire safety measures shall be installed and/or maintained as shown on the Board-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);

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

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

Adopted by the Board of Standards and Appeals, March 13, 2007.

425-05-BZ

APPLICANT– Steven Sinacori of Stadtmauer & Bailkin, for Essol Realty, LLC, owner.

SUBJECT – Application December 28, 2005 – Variance (§72-21) to allow a proposed three-story residential building with ground floor community facility use to violate applicable requirements for floor area and FAR (§23-141c and §24-162), front yard (§24-34), side yards (§24-35), lot coverage (§23-141 and §24-111) and minimum distance between legally required windows and lot lines (§23-86(a)). Proposed development will contain five (5) dwelling units and three (3) parking spaces and is located within an R4 zoning district.

PREMISES AFFECTED – 2409 Avenue Z, north side of Avenue Z, Bedford Avenue to the east, East 24th to the west, Block 7441, Lots 1 and 104, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to March 6, 2007, at 1:30 P.M., for continued hearing.

73-06-BZ

APPLICANT – Eric Palatnik, P.C., for John J. Freeda, owner; Elite Fitness, lessee.

SUBJECT – Application April 21, 2006 – Special Permit (§73-36) to allow the legalization of a PCE in a portion of the cellar and a portion of the first floor in a three-story building in a C2-3/R6 zoning district.

PREMISES AFFECTED – 111 Union Street, northwest corner of Union Street and Columbia Street, Block 335, Lot 7501, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Eric Palatnik and Robert Scarano.

ACTION OF THE BOARD – Laid over to April 24, 2007, at 1:30 P.M., for continued hearing.

79-06-BZ

APPLICANT – Patrick W. Jones, P.C., for Bergen R.E. Corp., owner.

SUBJECT – Application April 28, 2006 – Variance (§72-21) to permit the construction of a five-story residential building

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on a vacant site located in an M1-1 zoning district. The proposal is contrary to §42-00.

PREMISES AFFECTED – 887 Bergen Street, north side of Bergen Street, 246' east of the intersection of Bergen Street and Classon Avenue, Block 1142, Lot 85, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES –

For Applicant: Patrick W. Jones, Joel A. Miele.

For Opposition: Councilmember Letitia James for Ray Martin.

ACTION OF THE BOARD – Laid over to April 10, 2007, at 1:30 P.M., for continued hearing.

103-06-BZ

APPLICANT– Eric Palatnik, P.C., for Charles Mandlebaum, owner.

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

PREMISES AFFECTED – 1324 East 23rd Street, East 23rd Street between Avenues M and N, Block 7658, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to April 24, 2007, at 1:30 P.M., for continued hearing.

111-06-BZ

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

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

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

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to April 24, 2007, at 1:30 P.M., for decision, hearing closed.

141-06-BZ

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

Ledovid, owner.

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

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

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Eric Palatnik.

For Opposition: Leo Weinberger, Joseph Olivio, Natalie DeNicola, Anmna Cali, Vito Marinelli, Jr., Amadeo Zelferino, Jean Finn and Vito Pietanza.

ACTION OF THE BOARD – Laid over to April 17, 2007, at 1:30 P.M., for continued hearing.

262-06-BZ

APPLICANT – Law Offices of Howard Goldman, LLC for Ridgewood Equities, LLC, owner.

SUBJECT – Application September 26, 2006 – Variance (§72-21) to allow the residential conversion of an existing four (4) story industrial building. The proposed project would include fifty-five (55) dwelling units and twenty-seven (27) accessory parking spaces and is contrary to requirements for minimum distance between legally required windows and walls or lot lines (§23-861). R6B district.

PREMISES AFFECTED – 71-13 60th Lane, between 71st Avenue and Myrtle Avenue, Block 3538, Lot 67, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES –

For Applicant: Chris Wright and Elena Kalman.

For Opposition: Walter H. Sanchez and Gary Giordano, CB#5.

ACTION OF THE BOARD – Laid over to April 24 2007, at 1:30 P.M., for continued hearing.

59-07-A

APPLICANT – Law Offices of Howard Goldman, LLC for Ridgewood Equities, LLC, owner.

SUBJECT – Application March 8, 2007 – Proposed building frontage is contrary to BC 27-291 Article 2. Provide Fire Department Approval. R6B Zoning District.

PREMISES AFFECTED – 71-13 60th Lane, between 71st Avenue and Myrtle Avenue, Borough of 3538, Lot 67, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES –

For Applicant: Chris Wright and Elena Kalman.

For Opposition: Walter H. Sanchez and Gary Giordano, CB#5.

ACTION OF THE BOARD – Laid over to April 24 2007, at 1:30 P.M., for continued hearing.

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ACTION OF THE BOARD – Laid over to April 10, 2007, at 1:30 P.M., for decision, hearing closed.

163-06-BZ

APPLICANT– Sheldon Lobel, P.C., for Rokeva Begum, owner.

SUBJECT – Application July 25, 2006 – Variance (§72-21) to permit the proposed construction of two (2), three (3) story, three (3) family buildings on one zoning lot. The proposal is requesting waivers with respect to the open space ratio (23-141c), front yard (23-45), side yards (23-462), and off-street parking (25-22). R5 zoning district.

PREMISES AFFECTED – 72-36 and 72-38 43rd Avenue, Block 1354, Lots 25 and 27, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES –

For Applicant: Jordan Most.

ACTION OF THE BOARD – Laid over to May 8, 2007, at 1:30 P.M., for continued hearing.

278-06-BZ

APPLICANT– Law Offices of Howard Goldman, LLC, for 871 Bergen Street, LLC, owner.

SUBJECT – Application October 17, 2006 – Variance (§72-21) to permit a four-story residential building on a vacant lot in an M1-1/R6 zoning district. The proposal is contrary to Section 42-00.

PREMISES AFFECTED – 871 Bergen Street, between Classon and Franklin Avenues, Block 1142, Lot 92, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES –

For Applicant: Christopher Wright.

For Opposition: CM James Office ray Martin and CB#8 Staten, M.H.

ACTION OF THE BOARD – Laid over to April 10, 2007, at 1:30 P.M., for continued hearing.

294-06-BZ

APPLICANT– Law Offices of Howard Goldman, LLC, for John and Steven, Inc., owner; Club Fitness NY, lessee.

SUBJECT – Application November 8, 2006 – Special Permit (§73-36) to allow the proposed PCE on the second and third floors in a three-story building. The Premises is located in a C2-2 zoning district. The proposal is contrary to Section 32-31.

PREMISES AFFECTED – 31-11 Broadway, between 31st and 32nd Street, Block 613, Lots 1 and 4, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: Christopher Wright.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

303-06-BZ

APPLICANT – Snyder & Snyder, LLP/Omnipoint Communications, Inc., for Verrazano Garden Apartments, Inc., owner.

SUBJECT – Application November 14, 2006 – Special Permit 73-30: Install non-accessory 75' radio tower, with related equipment, on a portion of the property (Block 3107, Lot 12), a lot consisting of 51,458 SF, located in an R3-2 zoning district.

PREMISES AFFECTED – 1081 Tompkins Avenue, 220' north of Tompkins Avenue and Richmond Avenue, Block 3107, Lot 12, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Robert ?.

For Opposition: RoseAnne Gillen, Joann Callan, Kathleen Klein, Rita Kornfeld, Mieki Giller and Thomas Chapocas.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to April 17, 2007, at 1:30 P.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: 6:20 P.M.