
BULLETIN

OF THE
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AND APPEALS

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June 14, 2007

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138-07-A

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139-07-BZ

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140-07-A

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141-07-A

129-48 Hookcreek Boulevard, Premises is situated on the west side of Hookcreek Boulevard., Block 12891, Lot(s) 10, Borough of **Queens, Community Board: 13**. Proposed construction of a one family home in the bed of mapped street contrary to General City Law §35.

142-07-BZ

2216 Avenue R, 56'-0" west of intersection formed by Avenue R and East 23rd Street., Block 6828, Lot(s) 7, Borough of **Brooklyn, Community Board: 15**. Special Permit (§73-622) – Proposed extension for dwelling.

143-07-BZ

6404 Strickland Avenue, South east corner of Strickland Avenue and East 64th Street., Block 8633, Lot(s) 1, Borough of **Brooklyn, Community Board: 18**. Under §72-21 – Proposed extension to one family dwelling.

144-07-BZ

3810 Bedford Avenue, Located approximately 50 feet south of southwest corner of Bedford Avenue and Quentin Road., Block 6807, Lot(s) 11, Borough of **Brooklyn, Community Board: 15**. Special Permit (§73-622) – To allow the enlargement of a one-family residence.

145-07-BZ

1005 46th Street, Northeast corner of 46th Street and 10th Avenue., Block 5614, Lot(s) 1, Borough of **Brooklyn, Community Board: 12**. Under §72-21 – To permit the infill of an interior courtyard for a proposed community facility use (medical).

146-07-BZ

439 East 77th Street, North side of East 77th Street, Between First and York Avenues., Block 1472, Lot(s) 17, Borough of **Manhattan, Community Board: 8**. Special Permit (§11-41, §11-412) – For the structural alteration and enlargement of a pre-existing non-conforming (UG8) garage.

147-07-BZY

144 North 8th Street, South side of North 8th Street, 100' east of Berry Street., Block 2319, Lot(s) 11, Borough of **Brooklyn, Community Board: 1**. Extension of time to complete construction (§11-332) of a minor development commenced under the prior R6(M1-2) district regulations . R6B Zoning Distirct.

148-07-BZ

462 Greenwich Street, 49 feet 8.5 inches south from the corner of Greenwich and Watts Streets., Block 224, Lot(s) 028, Borough of **Manhattan, Community Board: 1**. Special Permit (§73-36) – To permit, in a mixed use special district, the legalization of a Health and Physical Culture Establishment.

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

JULY 10, 2007, 10:00 A.M.

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

SPECIAL ORDER CALENDAR

196-58-BZ

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

SUBJECT – Application April 11, 2007 – Extension of Term/Time pursuant to (§11-411) to extend the term of the previously granted variance permitting the operation of an automotive service station in an R6 zoning district. The application seeks an extension of time to obtain a certificate of occupancy and a waiver of the rules of practice and procedure to permit the filing of the application over one year prior to the expiration of term.

PREMISES AFFECTED – 2590 Bailey Avenue, located on the northeast corner of the intersection of Bailey Avenue and Heath Avenue, Block 3239, Lot 1, Borough of Bronx.

COMMUNITY BOARD #7BX

297-99-BZII

APPLICANT – Walter T. Gorman, P.E., for Bell & Northern Bayside Co., LLC, owner; Exxon Mobil Corp., lessee.

SUBJECT – Application May 29, 2007 – Extension of Time to obtain a Certificate of Occupancy/Waiver of the rules for an existing gasoline service station (Mobil Station) which expired on September 19, 2004 in a C2-2/R6B zoning district.

PREMISES AFFECTED – 45-05 Bell Boulevard, east side blockfront between Northern Boulevard and 45th Road, Block 7333, Lot 201, Borough of Queens.

COMMUNITY BOARD #11Q

242-02-BZ

APPLICANT – Joseph Fullam, for Helen Fullam, owner.

SUBJECT – Application June 4, 2007 – Extension of Time to complete construction of a previously granted Variance (§72-21) in July 22, 2003 to construct a two family residence in an R3X/SR zoning district which expires on July 27, 2007.

PREMISES AFFECTED – 1 North Railroad Street, Annadale, west side of North Railroad, between Belfield Avenue and Burchard Court, Block 6274, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3SI

41-05-A

APPLICANT – New York City Board of Standards and Appeals.

OWNER: United Homes (contract vendee).

SUBJECT – Application February 24, 2005 – To consider dismissal for lack of prosecution.

PREMISES AFFECTED – 140 Beach 25th Street, to be known as 120 Beach 25th Street, Block 15815, Lot 1, Borough of Queens.

COMMUNITY BOARD #14Q

APPEALS CALENDAR

87-06-A & 88-06-A

APPLICANT – Patrick W. Jones, P.C. for Zhen Hu, owner.

SUBJECT – Application May 8, 2006 – Proposal to permit construction of two, four story mixed use building within the bed of the mapped, unimproved Delong Street contrary to General City Law Section 35. Premise is located within a C4-2 Zoning District.

PREMISES AFFECTED – 131-04 & 131-06 40th Road, south side of 40th Road, 430' west of intersection with College Point Boulevard, Block 5060, Lot 70 & 71, Borough of Queens.

COMMUNITY BOARD #7Q

50-07-A

APPLICANT – Gerald J. Caliendo, R.A., A.I.A., for Yosi Shem-tov, owner.

SUBJECT – Application February 22, 2007 – Construction of a five story three family dwelling (UG2) with ground floor community facility use (UG4) located within the bed of a mapped street (101st Street) contrary to General City Law Section 35. R6B Zoning District.

PREMISES AFFECTED – 100-21 39th Avenue, northside of 39th Avenue, Block 1767, Lot 61, Borough of Queens.

COMMUNITY BOARD #3Q

CALENDAR

JULY 10, 2007, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, July 10, 2007, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

48-06-BZ

APPLICANT – Jack A. Adesso, PLLC, for 420 Morris Park Avenue, LLC, owner.

SUBJECT – Application March 17, 2006 – Zoning variance under § 72-21 to allow an eight (8) story residential building containing seventy (70) dwelling units and seventeen (17) accessory parking spaces in an M1-1 district. Proposal is contrary to use regulations (§ 42-00).

PREMISES AFFECTED – 420 Morris Park Avenue, southwest corner of East Tremont Avenue and Morris Park Avenue, Block 3909, Lot 61, Borough of Bronx.

COMMUNITY BOARD #6BX

116-06-BZ

APPLICANT – Harold Weinberg, P.E., for David Nikchemny, owner.

SUBJECT – Application June 8, 2006 – Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary lot coverage and floor area (23-141); side yards (23-461) and rear yard (34-47) in an R3-1 zoning district.

PREMISES AFFECTED – 172 Norfolk Street, west side, 200' north of Oriental Boulevard and Shore Boulevards, Block 8756, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD # 15BK

333-06-BZ

APPLICANT – Joseph P. Morsellino, Esq., for Alfred Caligiuri, owner.

SUBJECT – Application December 29, 2006 – Variance (§72-21) to permit the enlargement of an existing two family dwelling in an R2A zoning district which complies with the districts bulk and yard requirements but does not permit two family dwellings.

PREMISES AFFECTED – 29-26 Bell Boulevard, Bell Boulevard and 32nd Avenue, Block 6053, Lot 34, Borough of Queens.

COMMUNITY BOARD #11Q

APPLICANT – Ellen Hay, Wachtel & Masyr LLP, for Rosebud Associates, LLC, owner.

SUBJECT – Application May 10, 2007 – Special Permit (§73-36) to allow the operation of the proposed PCE on a portion of the first floor and the second floor in vacant space in an existing 21-story mixed-use building. The Premises is located in a C1-9A "TA" zoning district. The proposal is contrary to section 32-00.

PREMISES AFFECTED – 222 East 34th Street, south side of East 34th Street, between Second and Third Avenues, Block 914, Lot 36, Borough of Manhattan.

COMMUNITY BOARD # 6M

120-07-BZ

APPLICANT – Bryan Cave LLP, for Fiam Building Associates, owner.

SUBJECT – Application May 11, 2007 – Zoning variance under § 72-21 to allow the partial conversion to residential use of an existing 12-story mixed-use building; contrary to use regulations (§ 42-00). M1-6 district.

PREMISES AFFECTED – 24 West 30th Street, south side, 350' to the west of Fifth Avenue, Block 831, Lot 53, Borough of Manhattan.

COMMUNITY BOARD #5M

128-07-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Sharon Perlstein and Sheldon Perlstein, owners.

SUBJECT – Application May 18, 2007 – Special Permit (73-622) for the enlargement of an existing single family residence. This application seeks to vary open space and floor area (23-141); less than the minimum side yards (23-461 & 23-48) and rear yard (23-47) in an R-2 zoning district.

PREMISES AFFECTED – 1382 East 26th Street, west side of East 26th Street, between Avenue M and Avenue N, Block 7661, Lot 76, Borough of Brooklyn.

COMMUNITY BOARD #14BK

Jeff Mulligan, Executive Director

117-07-BZ

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**REGULAR MEETING
TUESDAY MORNING, JUNE 5, 2007
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

592-71-BZ

APPLICANT – Vito J. Fossella, P.E., for FSD Realty, LLC, owner.

SUBJECT – Application February 2, 2007 – Extension of Term of a previously granted variance for the operation of (UG6) professional office building in an R3-2 & R-2 zoning district which expired on February 15, 2007; and for the extension of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED – 1010 Forest Avenue, south side of Forest Avenue, Block 316, Lot 27, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Sameh M. El-Meniawy.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

Absent: Vice Chair Collins.....1

RESOLUTION:

WHEREAS, this is an application for a reopening and an extension of the term for a previously granted variance for a commercial office building, which expired on February 15, 2007; and

WHEREAS, a public hearing was held on this application on April 24, 2007, after due notice by publication in *The City Record*, with a continued hearing on May 15, 2005, and then to decision on June 5, 2007; and

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

WHEREAS, the site is located on the southeast corner of Forest Avenue and Raymond Place, partially within an R3-2 zoning district and partially within an R2 zoning district; and

WHEREAS, the site is occupied by a one-story commercial office building (Use Group 6), with an accessory parking lot; and

WHEREAS, on February 24, 1972, under the subject calendar number, the Board granted a variance, pursuant to ZR § 72-21, to permit, the conversion of an existing building to professional offices, for a term of five years; and

WHEREAS, the grant was subsequently extended for two terms of five years and two terms of ten years; and

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

WHEREAS, based upon its review of the record, the Board finds that the requested extension of term 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 February 24, 1972, so that as amended this portion of the resolution shall read: “to grant a ten-year extension of term from the expiration of the prior grant to expire on February 15, 2017; *on condition* that the use and operation of the site shall substantially conform to BSA-approved plans; *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 March 29, 2007”-(6) sheets and “April 27, 2007”-(1) sheet; and *on further condition*:

THAT this grant shall expire on February 15, 2017;

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

THAT the above conditions and all relevant conditions from prior resolutions shall appear on the certificate of occupancy;

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 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 App. No. 500866048)

Adopted by the Board of Standards and Appeals, June 5, 2007.

619-83-BZ

APPLICANT – Harold Weinberg, P.E., for Shalmoni Realty, Inc., owner.

SUBJECT – Application May 25, 2006 – Extension of Term/Waiver -for an existing automotive repair facility (use group 16) with parking for more than 5 vehicles located in a R5 zoning district. The waiver is sought due to the fact that the term expired on December 20, 2003.

PREMISES AFFECTED – 552-568 McDonald Avenue, corner of Avenue C and Church Avenue, Block 5352, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Harold Weinberg.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

Absent: Vice Chair Collins.....1

THE RESOLUTION:

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of the term for a previously granted variance for

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an automotive repair facility, which expired December 20, 2003; and

WHEREAS, a public hearing was held on this application on December 5, 2006, after due notice by publication in *The City Record*, with continued hearings on January 23, 2007, February 27, 2007, March 20, 2007, April 17, 2007, and May 15, 2007, and then to decision on June 5, 2007; and

WHEREAS, Community Board 12, Brooklyn, recommends approval of this application on the condition that there be no noise at the site after 10:00 p.m.; and

WHEREAS, the site is located on the northwest corner of McDonald Avenue and Avenue C, within an R5 zoning district; and

WHEREAS, the site is occupied by an automotive repair facility (Use Group 16) with parking for more than five vehicles; and

WHEREAS, on January 21, 1958, under BSA Cal. No. 262-57-BZ, the Board granted a variance to permit the reconstruction of a gasoline service station with accessory uses and parking and storage of more than five motor vehicles, for a term of 15 years; and

WHEREAS, the grant was subsequently extended for a term of ten years; and

WHEREAS, on December 20, 1983, under the subject calendar number, the Board granted an additional ten-year term and added certain conditions to the grant regarding the maintenance of the site; and

WHEREAS, most recently, the grant was amended and extended for an additional ten-year term; and

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

WHEREAS, at hearing, the Board asked the applicant if the existing signage had the appropriate permits and if it had been approved under the prior grant; and

WHEREAS, the applicant responded that records were searched and a complete history of the signage could not be ascertained, but that there were no open violations on the signage; and

WHEREAS, in response to the Community Board's concern about late night noise, the applicant agreed to close business before 10:00 p.m. every day; and

WHEREAS, additionally, the applicant agreed to provide landscaping along the north, east, and south property lines in order to properly screen the site from adjacent residential uses; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of term is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated December 20, 1983, so that as amended this portion of the resolution shall read: "to grant a ten-year extension of term from the expiration of the prior grant to expire on December 20, 2013; *on condition* that all work shall substantially conform to drawings filed with this application and marked "Received April 25, 2007"--(1) sheet; and *on further condition*:

THAT this grant shall expire on December 20, 2013;
THAT all noted site modifications be completed by December 5, 2007;

THAT the hours of operation shall be limited to Sunday through Thursday 8:00 a.m. to 6:00 p.m. and Friday from 9:00 a.m. to 4:00 p.m. and will be closed on Saturday;

THAT landscaping and fencing shall be installed and maintained as per the BSA-approved plans;

THAT new pavement shall be installed and maintained on the entire site;

THAT the above conditions and all relevant conditions from prior resolutions shall appear on the certificate of occupancy;

THAT a new Certificate of Occupancy be obtained by June 5, 2008;

THAT all signs shall be reviewed and as approved by DOB;

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

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."

(Alt. No. 653/83)

Adopted by the Board of Standards and Appeals, June 5, 2007.

90-95-BZ

APPLICANT – Cozen O'Connor by Barbara Hair, Esq., for 641 LLC, owner; Bally Total Fitness, lessee.

SUBJECT – Application November 6, 2006 – Extension of Term and waiver of the rules for a Special Permit (ZR §73-36) to allow a Physical Cultural Establishment (Bally's) in a C6-3A/C6-2A zoning district which expired on December 5, 2005.

PREMISES AFFECTED – 641 6th Avenue, southwest corner of intersection of West 20th Street and 6th Avenue, Block 795, Lot 44, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

Absent: Vice Chair Collins.....1

THE RESOLUTION:

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of the term for a previously granted special permit for a Physical Culture Establishment (PCE), which expired on December 5, 2005; and

WHEREAS, a public hearing was held on this application on May 22, 2007 after due notice by publication

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in *The City Record*, and then to decision on June 5, 2007; and
WHEREAS, Community Board 4, Manhattan, recommends approval of the application; and

WHEREAS, the subject premises is located on the southwest corner of West 20th Street and Sixth Avenue; and

WHEREAS, the site is located within a C6-3A/C6-2A zoning district, and is occupied by an eight-story commercial building; and

WHEREAS, the PCE is operated as Bally's Total Fitness; and

WHEREAS, on December 5, 1995, under the subject calendar number, the Board granted a special permit, pursuant to ZR § 73-36, to permit the operation of the existing PCE for a period of ten years; and

WHEREAS, the instant application seeks to extend the term of the special permit for an additional ten years; and

WHEREAS, the applicant proposes no changes to the prior grant other than to extend its term; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of term is appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated December 5, 1995, so that as amended this portion of the resolution shall read: "to grant an extension of the variance for a term of ten years from the expiration of the last grant to expire on December 5, 2015; *on condition*:

THAT there shall be no change in ownership or operating control of the PCE without prior approval from the Board;

THAT this grant shall expire on December 5, 2015;

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

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

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. 104524882)

Adopted by the Board of Standards and Appeals, June 5, 2007.

741-49-BZ

APPLICANT – Carl A. Sulfaro, Esq., for Hillside Auto Center S.S., Inc., owner.

SUBJECT – Application January 8, 2007 – §11-411 and §11-412 – to extend the term of a variance for a gasoline service station with accessory uses for an additional period

of ten years from September 23, 2005 and to amend the resolution to permit a portion of the building to be used as an accessory convenience store and to permit a metal canopy and new fuel pump. The site is located in an R-2 zoning district.

PREMISES AFFECTED – 241-15 Hillside Avenue, northwest corner of 242nd Street, Block 7909, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

Absent: Vice-Chair Collins.....1

ACTION OF THE BOARD – Laid over to July 17, 2007, at 10 A.M., for decision, hearing closed.

198-66-BZ, Vol. II

APPLICANT – Eric Palatnik, P.C., for 300 East 74 Owners, Corp., owner.

SUBJECT – Application April 17, 2007 – Extension of Time to Complete Construction to permit modification to the size, configuration and design of an existing plaza for a residential high rise building which expired on January 19, 2006; an Extension of Time to obtain a Certificate of Occupancy which expired on October 19, 2006 and a waiver of Rules of Practice and Procedure located in a C1-9 zoning district.

PREMISES AFFECTED – 300 East 74th Street, southeast corner of 2nd Avenue and East 74th Street, Block 1448, Lot 3, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Adam Rothkrug.

For Opposition: Lily Salm.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

Absent: Vice-Chair Collins.....1

ACTION OF THE BOARD – Laid over to June 19, 2007, at 10 A.M., for decision, hearing closed.

135-67-BZ

APPLICANT – Vassalotti Associates Architects, LLP, for Avenue "K" Corp., owner.

SUBJECT – Application April 3, 2007 – Extension of Term of a gasoline service station with minor auto repairs (Exxon) for 10 years which will expire on October 11, 2007 in an R3-2 zoning district.

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PREMISES AFFECTED – 2063/91 Ralph Avenue, northwest corner of Avenue K, Block 8339, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES –

For Applicant: Adam W. Rothkurg.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

Absent: Vice-Chair Collins.....1

ACTION OF THE BOARD – Laid over to June 19, 2007, at 10 A.M., for decision, hearing closed.

215-78-BZ

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for East 72nd Realty, LLC, owner.

SUBJECT – Application May 13, 2007 – Extension of Term/Waiver for an additional ten years the term of a variance previously granted pursuant to Section 60(3) of the Multiple Dwelling Law, allowing surplus parking spaces in an attended accessory garage to be used for transient parking located in an R10, R8B and C2-8/R10A zoning district.

PREMISES AFFECTED –1353-1367 York Avenue, west side of York Avenue between East 72nd and 73rd Streets, Block 1467, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: James P. Power.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

Absent: Vice-Chair Collins.....1

ACTION OF THE BOARD – Laid over to June 19, 2007, at 10 A.M., for decision, hearing closed.

139-92-BZ

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

SUBJECT – Application March 9, 2007 – Extension of Term for a UG12 eating and drinking establishment with dancing located on the first floor of a three story, mixed use building with residences on the upper floors in a C2-2/R-6 zoning district.

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

COMMUNITY BOARD #3Q

APPEARANCES –

For Applicant: Samuel H. Valencia.

ACTION OF THE BOARD – Laid over to July 17, 2007, at 10 A.M., for continued hearing.

133-94-BZ

APPLICANT – Alfonso Duarte, for Barone Properties, Inc., owner.

SUBJECT – Application November 23, 2005 – Pursuant to ZR §11-411 and §11-413 for the legalization in the change of use from automobile repair, truck rental facility and used car sales (UG16) to the sale of automobiles (UG8) and to extend the term of use for ten years which expired on September 27, 2005. The premise is located in a C1-2/R2 zoning district.

PREMISES AFFECTED – 166-11 Northern Boulevard, northwest corner of 167th Street, Block 5341, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: Alfonso Duarte, P.E. and Charles Winter.

For Opposition: Donna Rakitzis and Rhea O’Gorman.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

Absent: Vice-Chair Collins.....1

ACTION OF THE BOARD – Laid over to July 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.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

Absent: Vice-Chair Collins.....1

ACTION OF THE BOARD – Laid over to June 19, 2007, at 10 A.M., for decision, hearing closed.

305-01-BZ thru 320-01-BZ

APPLICANT – Sheldon Lobel, P.C., for Terrace Court Development, LLC, owner.

SUBJECT – Application April 27, 2007 – Extension of time to complete construction of a residential development which

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was granted on March 25, 2003. M1-1/M1-2 zoning district. PREMISES AFFECTED – 65-77, 79, 81, 83 through 87, 89, 91, 93, 95, 97, 99, 101, 103 Terrace Court, Block 3605, Lot 200, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES –

For Applicant: Josh Rinesmith.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

Absent: Vice-Chair Collins.....1

ACTION OF THE BOARD – Laid over to June 19, 2007, at 10 A.M., for decision, hearing closed.

37-03-BZ thru 39-03-BZ

APPLICANT – Sheldon Lobel, P.C., for Terrace Court Development, LLC, owner.

SUBJECT – Application April 27, 2007 – Extension of time to complete construction of a residential development which was granted on March 25, 2003. M1-1/M1-2 zoning district.

PREMISES AFFECTED – 65-78, 80, 82 Terrace Court, Block 3605, Lot 200, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES –

For Applicant: Josh Rinesmith.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

Absent: Vice-Chair Collins.....1

ACTION OF THE BOARD – Laid over to June 19, 2007, at 10 A.M., for decision, hearing closed.

135-05-BZ

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

SUBJECT – Application April 18, 2007 – To reopen and amend a previously -approved zoning variance under ZR §72-21 that allowed the residential conversion of an existing non-complying building previously used as a school (former PS 90) located in an R7-2 district; contrary to ZR §23-142, ZR §23-533, & ZR §23-633. The proposed amendment would permit a 5,987 sf. ft. enlargement to the existing sixth floor.

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

COMMUNITY BOARD #10M

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to June 19, 2007, at 10 A.M., for deferred decision.

APPEALS CALENDAR

173-06-A

APPLICANT – Adam Rothkrug, Esq., for Hamid Kavian, owner.

SUBJECT – Application August 11, 2006 – Proposed construction of a single family home to be located within the bed of mapped street (Hook Creek Boulevard) contrary to General City Law Section 35. R2 Zoning District.

PREMISES AFFECTED – 240-28 128th Avenue, southwest corner 128th Avenue and Hook Creek Boulevard, Block 12857, Lot 32, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

Absent: Vice Chair Collins.....1

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Commissioner, dated July 17, 2006, acting on Department of Buildings Application No. 402386431, which reads in pertinent part:

“Proposed building is in the bed of Mapped Street.

No permit shall be issued for any building in the bed of any street mapped street, contrary to General City Law Section 35.”; and

WHEREAS, a public hearing was held on this application on June 5, 2007 after due notice by publication in the *City Record*, and then to decision on June 5, 2007; and

WHEREAS, by letter dated November 20, 2006, the Fire Department states that it has reviewed the application and has no objections; and

WHEREAS, by letter dated April 26, 2007, the Department of Environmental Protection (DEP) states that it has reviewed the application and has no objections; and

WHEREAS, by letter dated November 13, 2006, the Department of Transportation (DOT) states that it has reviewed the application and has no objections; and

WHEREAS, the Board notes that by its November 13, 2006 letter, DOT did not indicate that it intends to include the applicant’s property in its ten-year capital plan; and

WHEREAS, based upon the above, the applicant has submitted adequate evidence to warrant this approval.

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated July 17, 2006, acting on Department of Buildings Application No. 402386431, is modified by the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received October 4, 2006”–(1) sheet; that the proposal shall comply with all applicable zoning district

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

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

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

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

Adopted by the Board of Standards and Appeals, June 5, 2007.

287-05-A

APPLICANT – New York City Board of Standards and Appeals.

OWNER: 32-42 33 Street, LLC, owner.

SUBJECT – Application September 15, 2005 – To consider dismissal for lack of prosecution.

PREMISES AFFECTED – 32-42 33rd Street, between Broadway and 34th Avenue, Block 612, Lot 53, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: Evie Hantzopoulos, George Mihaltses, Stella Nicolaou, Nancy Friedman, Madeleine Henley and Mary Orisses.

For Administration: Deborah Glikin, Department of Buildings.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

Absent: Vice-Chair Collins.....1

ACTION OF THE BOARD – Laid over to July 17, 2007, at 10 A.M., for decision, hearing closed.

170-06-A & 171-06-A

APPLICANT – Adam Rothkrug, Esq., for Ely Building LLC, owner.

SUBJECT – Application August 11, 2006 – Proposed construction of two, three family homes located within the bed of a mapped but unbuilt street (Needham Avenue) contrary to Section 35 of General City Law. R5 Zoning District.

PREMISES AFFECTED – 3546 and 3548 Ely Avenue, north of Boston Road, Block 4892, Lots 24, 25, Borough of Bronx.

COMMUNITY BOARD #12BX

APPEARANCES –

For Applicant: Adam W. Rothkrug.

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

320-06-A

APPLICANT – Rothkrug, Rothkrug and Spector, for Furman LLC, owner.

SUBJECT – Application December 11, 2006 – An appeal challenging DOB's interpretation of their DOB Memo 9/21/86 in which compliance with the special provisions of §23-49 (a) & (c) are applicable to the current design of the proposal when the party walls are utilized or shared for 50% or more of the depth of the building. R5 zoning district.

PREMISES AFFECTED – 4368 Furman Avenue, between East 236th and East 237th, Block 5047, Lot 12, Borough of Bronx.

COMMUNITY BOARD #12BX

APPEARANCES –

For Applicant: Adam Rothkrug and George Berger.

For Opposition: Mark Davis.

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

Jeffrey Mulligan, Executive Director

Adjourned: A.M.

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**REGULAR MEETING
TUESDAY AFTERNOON, JUNE 5, 2007
1:30 P.M.**

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

ZONING CALENDAR

100-06-BZ

APPLICANT– Francis R. Angelino, for Old Gowanus Road, LLC, owner.

SUBJECT – Application May 23, 2006 – Variance (§72-21) to allow a proposed residential building to violate regulations for maximum height (§23-633), minimum dimensions of inner court (§23-851) and permitted obstructions in courts (§23-87). The proposed building will contain five (5) dwelling units and three (3) parking spaces. Site is located in an R6B district.

PREMISES AFFECTED – 638-640 President Street, between 4th and 5th Avenues, Block 958, Lots 35 and 36, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Francis R. Angelino and Shael Shapiro.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

Absent: Vice Chair Collins.....1

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated May 8, 2007, acting on Department of Buildings Application No. 302077598, reads in pertinent part:

“Proposed portion of dwelling in rear is not a permitted obstruction in a rear yard per Sec. 23-44 ZR and creates a new non-complying inner court as per Sec. 23-851 ZR and does not comply with Minimum Required Yards Sec. 23-47 ZR.

Proposed building exceeds allowable lot coverage as per Sec. 23-145 ZR.”; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site within an R6B zoning district, a five-story five-family residential building with two accessory parking spaces, which does not comply with the requirements concerning rear yard, inner court, and lot coverage, contrary to ZR §§ 23-44, 23-851, 23-47, and 23-145; and

WHEREAS, a public hearing was held on this application on February 27, 2007, after due notice by publication in the *City Record*, with continued hearings on April 10, 2007, and May 15, 2007, and then to decision on June 5, 2007; and

WHEREAS, the premises and surrounding area had a site

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

WHEREAS, Community Board 6, Brooklyn, recommends disapproval of an earlier version of this application; and

WHEREAS, certain neighbors provided testimony in opposition to the application, citing concerns about height and neighborhood context, in response to the initial proposal described below; and

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

WHEREAS, the subject premises is located on the south side of President Street, between Fourth Avenue and Fifth Avenue, within an R6B zoning district; and

WHEREAS, the site comprises two tax lots; tax lot 35 is rectangular with approximately 23’-9” feet of frontage on President Street and a depth of 100 feet; tax lot 36 is connected to the rear of tax lot 35 at a 90 degree angle and has the shape of a long narrow triangle, which is referred to as the “dog leg”; and

WHEREAS, the 30’-0” wide base of the triangle formed by tax lot 36 is perpendicular to the western side lot line of tax lot 35; tax lot 36 extends approximately 115’-0” to the west along the rear lot line of the seven adjacent properties to a narrow point; and

WHEREAS, together, the tax lots have a lot area of 3,957 sq. ft.; and

WHEREAS, the site is currently improved upon with a one-story garage building on tax lot 35 and an open shed on tax lot 36, which will be demolished; and

WHEREAS, the garage was occupied by a non-conforming contractor’s storage and garage building (Use Group 8 or Use Group 16); and

WHEREAS, the applicant now proposes to construct the main portion of the building with the following parameters: five stories, a height of four stories and 40’-0” before a 15’-0” setback, and a total height of five stories and 50’-0” without bulkhead, a total floor area of 7,908 sq. ft., (2.0 FAR), and a total of five dwelling units; the rear portion of the building, located within the widest part of the triangular dog leg and connected by a corridor to the main portion will be one-story; and

WHEREAS, the applicant proposes to provide a lot coverage of 63.96 percent (60 percent is the maximum permitted); a rear yard of 32’-0” will be provided along the rear of the five-story portion of the building, but portions of the zoning lot will not provide the required rear yard or inner court, as it is described; and

WHEREAS, the applicant proposes to provide one dwelling unit on each of the five floors, with two enclosed parking places on the first floor; and

WHEREAS, the applicant notes that the following is a unique physical condition, which creates an unnecessary hardship in developing the site in compliance with applicable regulations: the irregular shape of the lot; and

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WHEREAS, as noted, the zoning lot has an irregular shape, including a 115'-0" long dog leg, which has a maximum width of approximately 30'-0" and extends to a width of 0'-0" at its point; and

WHEREAS, as to the uniqueness of this condition, the applicant submitted a 400-ft. radius diagram, which reflects that there are not any other lots in the area with a triangular shape; and

WHEREAS, the applicant represents that, although the dog leg portion of the lot has a lot area of 1,557 sq. ft. and generates a significant amount of floor area, no complying building can be accommodated on it; and

WHEREAS, the applicant represents that the floor area generated by the site cannot be accommodated within the contextual zoning envelope while providing the required open space, rear yard, and inner court; and

WHEREAS, the redistribution of the floor area within the permitted building envelope creates an increase in lot coverage; and

WHEREAS, further, the applicant asserts that a building built in strict compliance with zoning regulations would (1) not be able to accommodate all of the available floor area and (2) result in inefficient floor plates, that are unnecessarily deep and a corresponding decrease in the value of the units; and

WHEREAS, the applicant represents that the proposed lot coverage, yards, and inner court dimensions are needed to create units that are marketable given the constraints of the site and to accommodate the floor area without violating the height and setback regulations; and

WHEREAS, the applicant represents that in order to accommodate any floor area generated from the dog leg portion of the lot, the yard encroachments are required; and

WHEREAS, the Board agrees that the unique shape creates practical difficulties and unnecessary hardship in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, the applicant submitted a feasibility study analyzing a complying scenario, with the following parameters: five stories, a width of 23'-9" and a depth of 70'-0"; and

WHEREAS, the applicant notes that the dwelling units would be unusually deep and would result in some unusable spaces; no construction would be permitted in the dog leg; and

WHEREAS, the applicant represents that the as of right scenario would not provide a sufficient rate of return; 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 compliance with applicable zoning requirements will provide a reasonable return; and

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

WHEREAS, the applicant states that the surrounding area is occupied by residential buildings ranging in height from two to six stories, and that the adjacent buildings to the east and

west are both four stories; and

WHEREAS, the applicant initially proposed a six-story building with setbacks above the fourth floor; and

WHEREAS, during the hearing process, the Board directed the applicant to eliminate the sixth floor; and

WHEREAS, in response, the applicant revised the building plans to the proposed five stories with a setback above the fourth floor; and

WHEREAS, the applicant represents that the 40'-0" street wall was designed to match the heights of the adjacent buildings and that the visibility of the fifth floor will be minimal; and

WHEREAS, the Board notes that the current iteration provides for a building, which complies with the contextual zoning envelope; and

WHEREAS, as noted, the existing garage building was formerly occupied by a non-conforming use, and will be replaced with a conforming residential use, which is compatible with the area; and

WHEREAS, as to the rear yard condition, the applicant represents that there has been a one-story shed in the dog leg portion of the site for many years, and that the one-story portion of the building will occupy a comparable footprint and height; and

WHEREAS, additionally, the applicant notes that although the lot coverage, inner court, and rear yard provided on the dog leg portion of the site will be non-complying, the one-story portion of the building will be approximately 40'-0" from any other building within the rear yards of adjacent properties; and

WHEREAS, the required rear yard is being provided along the rectangular portion of the site; and

WHEREAS, as to the parking, the applicant notes that, although curb cuts are not common in this area, there is an existing curb cut at the site, used by the non-conforming use, which will be maintained; and

WHEREAS, the applicant notes that if there were more than five residential dwelling units, there would be a parking requirement, and therefore the provided parking will help meet the demand in the area; and

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

WHEREAS, the applicant represents that the hardship was not created by the owner or a predecessor in title, but that the irregular shape of the lot is a historic condition; and

WHEREAS, based on the above, the Board agrees that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the applicant represents that the proposal is the minimum variance needed to allow for a reasonable and productive use of the site; and

WHEREAS, the Board notes that the applicant initially proposed three parking spaces and it directed the applicant to

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eliminate one of the parking spaces so that the building's frontage would be more compatible with the streetscape; and

WHEREAS, at hearing, the Board also asked the applicant to analyze an alternative without any parking and a lesser degree of encroachment in the dog leg portion of the lot; and

WHEREAS, the applicant analyzed an alternative without parking and a reduced size for the one-story portion of the building and found that it would not be as marketable nor provide a sufficient return, given that the first floor will be at grade, rather than elevated like other buildings in the area, and would be less desirable for residential uses; and

WHEREAS, as noted, the applicant eliminated the sixth floor, which eliminated a height and setback waiver and resulted in a building more compatible with the neighborhood context; and

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

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

WHEREAS, the project is classified as an Unlisted action pursuant to Section 617 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. 06BSA090K, dated September 25, 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, the Department of Environmental Protection's Office of Environmental Planning and Assessment has reviewed the following submissions from the Applicant: (1) a September 25, 2006 Environmental Assessment Statement, (2) a August, 2005 Phase I Environmental Site Assessment; and

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

WHEREAS, a Restrictive Declaration was executed on June 28, 2007 and submitted for recordation on June 29, 2007 for the subject property to address hazardous materials concerns; and

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21, to permit, on a site within an R6B zoning district, a five-story five-family residential building with two accessory parking spaces, which does not comply with the requirements concerning rear yard, inner court, and lot coverage, contrary to ZR §§ 23-44, 23-851, 23-47, and 23-145; *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 May 3, 2007" – nine (9) sheets and "Received May 11, 2007" – three (3) sheets; and *on further condition*:

THAT the parameters of the building shall be: five stories, a street wall height of four stories and 40'-0" before a 15'-0" setback, a total height of and 50'-0" without bulkhead, a total floor area of 7,908 sq. ft., (2.0 FAR), a lot coverage of 63.96 percent, a rear yard of 32'-0" along the rear of the five-story portion of the building, and two enclosed parking spaces, as illustrated on the Board-approved plans;

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

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

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

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

Adopted by the Board of Standards and Appeals, June 5, 2007.

119-06-BZ

APPLICANT – Harold Weinberg, P.E., for Jack Erdos, owner.

SUBJECT – Application June 9, 2006 – Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary open space, lot coverage and floor area (§23-141) and side yard (§23-461) in an R4(OP) zoning district.

PREMISES AFFECTED – 444 Avenue W, south side 70'-0" east of East 4th Street, between Avenue R and S, Block 7180, Lot 4, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Lyra Altman.

ACTION OF THE BOARD – Application granted on condition.

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THE VOTE TO GRANT –

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

Negative:.....0

Absent: Vice Chair Collins.....1

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated June 6, 2006, acting on Department of Buildings Application No. 302175848, reads in pertinent part:

“The proposed enlargement of the existing detached residence in an R4 in OP zoning district:

1. Increases the degree of non-compliance with respect to floor area ratio exceeding the allowable floor area ratio and is contrary to sections 23-141 & 54-31 of the Zoning Resolution.
2. Creates a non-compliance with respect to open space and is contrary to section 23-141 ZR.
3. Creates non-compliance with respect to lot coverage and is contrary to section 23-141 ZR.
4. Increases the degree of non-compliance with respect to side yards and is contrary to sections 23-461 and 54-31”; and

WHEREAS, this is an application under ZR § 73-622 to permit, in an R4 in the Special Ocean Parkway District (OP), the proposed enlargement of a two-family dwelling, which does not comply with the zoning requirements for floor area, FAR, open space, and side yards, contrary to ZR §§ 23-141, 23-461 and 54-31; and

WHEREAS, as represented by the applicant, the two family dwelling will remain a two-family dwelling after the enlargement; and

WHEREAS, a public hearing was held on this application on April 24, 2007, after due notice by publication in *The City Record*, with a continued hearing on May 22, 2007, and then to decision on June 5, 2007; and

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

WHEREAS, the subject site is located on the south side of Avenue W, between East 4th Street and East 5th Street; and

WHEREAS, the subject site has a total lot area of 3,000 sq. ft., and is occupied by a 2,704 sq. ft. (0.9 FAR) two-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 2,704 sq. ft. (0.9 FAR) to 5,053.59 sq. ft. (1.68 FAR); the maximum floor area permitted is 4,050 sq. ft. (1.35 FAR); and

WHEREAS, the proposed enlargement will decrease the open space from 1,648 sq. ft. to 1,240.4 sq. ft. (a minimum open space of 1,650 sq. ft. is required); and

WHEREAS, the proposed enlargement will maintain the existing non-complying side yards of 1’-7” and 4’-0”

(side yards with a minimum width of 5’-0” each are required); and

WHEREAS, the applicant notes that because the home is within 100 feet of the corner, no rear yard is required; and

WHEREAS, the Board notes that the enlargement will consist of the addition of a second story and the addition of an enlargement to be located entirely at the rear of the existing home; and

WHEREAS, based upon its review of the record, 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 the City Environmental Quality Review and makes the required findings under ZR § 73-622 to permit, in an R4 (OP) zoning district, the proposed enlargement of a two-family dwelling, which does not comply with the zoning requirements for floor area, FAR, open space, lot coverage and side yards, contrary to ZR §§ 23-141, 54-31, and 23-461; *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 May 31, 2007”–(11) sheets; and *on further condition*:

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 5,045.3 sq. ft., a total FAR of 1.68, a perimeter wall height of 25’-0”, total height of 30’-0”, a front yard of 15’-2”, side yards of 1’-7” and 4’-0”, and open space of 1,240.4 sq. ft., as illustrated on the BSA-approved plans;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of the

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plan(s)/configuration(s) not related to the relief granted.
Adopted by the Board of Standards and Appeals, June 5, 2007.

216-06-BZ

CEQR #07-BSA-012Q

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

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

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

COMMUNITY BOARD #4Q

APPEARANCES –

For Applicant: Josh Rinesmith.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

Absent: Vice Chair Collins.....1

THE RESOLUTION:

WHEREAS, a decision of the Queens Borough Commissioner, dated August 17, 2006, acting on Department of Buildings Application No. 402430767, reads in pertinent part:

“Continued use of the gasoline service station with accessory uses at the premises is not permitted as-of-right in a C1-4 in R6A zoning district as per section 32-00 of the Zoning Resolution and is contrary to the prior BSA grant 1913-61-BZ”; and

WHEREAS, a second decision of the Queens Borough Commissioner, March 7, 2007, acting on Department of Buildings Application No. 402430767, reads in pertinent part:

“Proposed public parking use (UG8) at the premises is contrary to ZR § 32-10 and BSA Cal. No. 1913-61-BZ”; and

WHEREAS, this is an application for a reinstatement of a prior Board approval to permit an automotive service station, pursuant to ZR § 11-411, for approval of several minor changes to previous approved plans, pursuant to ZR § 11-412, and for legalization of public parking on a portion of the site pursuant to § 11-413; 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, March 6, 2007, April 17, 2007, and May 22, 2007, and then to decision on June 5, 2007; and

WHEREAS, Commissioner Susan Hinkson inspected the premises; and

WHEREAS, Community Board 3, Queens,

recommends disapproval of this application, citing concerns about unlicensed monthly fee parking for an average of 40 to 60 cars, not waiting to be serviced; and

WHEREAS, the premises is located on the east side of Junction Boulevard between 35th and 37th Avenues, within a C1-4/R6A zoning district; and

WHEREAS, the subject zoning lot has a total lot area of approximately 17,260 sq. ft.; and

WHEREAS, the site is currently occupied by a 1,335 sq. ft. one-story building containing two service bays, an office/sales area, restrooms and a storage room; and

WHEREAS, on July 16, 1963, under BSA Cal. No. 1913-61-BZ, the Board granted a variance to permit the construction of a gasoline service station, lubricatorium, non-automatic car wash, office, sale of accessories, minor auto repairs with and tools, safety inspection station and the parking and storage of motor vehicles for a term of 15 years; and

WHEREAS, on July 20, 1965, under BSA Cal. No. 1913-61-BZ, the Board reopened and amended the resolution to extend the time to obtain a Certificate of Occupancy;

WHEREAS, on November 28, 1978, under BSA Cal. No. 1913-61-BZ, the Board reopened and amended the resolution to extend the variance for a term of ten (10) years to expire on November 28, 1988; and

WHEREAS, on June 20, 1989, under BSA Cal. No. 1913-61-BZ, the Board reopened and amended the resolution to extend the variance for a term of ten (10) years to expire on November 28, 1998 and to legalize the installation of one additional gasoline pump; and

WHEREAS, the applicant now seeks to reinstate the original variance, granted under BSA Cal. No. 1913-61-BZ; and

WHEREAS, pursuant to ZR § 11-411, the Board may extend the term of an expired variance; and

WHEREAS, pursuant to ZR § 11-412, the Board may permit structural alterations, extensions or enlargements limited to the zoning lot that was granted a variance, exception or permit prior to December 15, 1961; and

WHEREAS, pursuant to ZR § 11-413, the Board may permit a change of the nonconforming use of part of the premises from nonconforming Use Group 16 (service station) to nonconforming Use Group 8 (public parking lot); and

WHEREAS, at hearing, the Board expressed concern about the amount of accessory and public parking provided on the premises; and

WHEREAS, Community Board 3 recommended disapproval based on the use of the premises for parking 40 to 60 cars; and

WHEREAS, the applicant agreed to reduce the number of existing accessory parking spaces from eighteen to fifteen and to consolidate and limit the existing public parking on the premises to eleven marked spaces located on the south side of the premises; and

WHEREAS, the Board has determined that evidence in the record supports the findings required to be made under ZR § 11-411 and ZR § 11-413; and

WHEREAS, the Board deems the minor changes to previously approved plans, which have been properly

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permitted by DOB and DEC, to be in compliance with the previous grant; 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. 07-BSA-012Q, dated August 28, 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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration and makes each and every one of the required findings under ZR §11-411, §11-412 and §11-413, for a reinstatement of a prior Board approval of an automotive service station and for the legalization of part of the south part of the premises for public parking; *on condition* that any and all use shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received May 8, 2007"--(5) sheets; and *on further condition*:

THAT this grant shall be for a term of ten years, to expire on June 5, 2017;

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

THAT the site shall be brought into compliance with the BSA-approved plans and all conditions of this grant, and a new certificate of occupancy shall be obtained within six months of the date of this grant, on December 5, 2007;

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;

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, June 5, 2007.

265-06-BZ

CEQR #07-BSA-022Q

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

APPEARANCES –

For Applicant: Joshua Rinesmith.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

Absent: Vice Chair Collins.....1

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Commissioner, dated February 6, 2007, acting on Department of Buildings Application No. 402395323, reads in pertinent part:

“The proposed accessory use to Use Group (UG) 2 multiple dwellings over the R2 portion of the zoning lot is contrary to Zoning Resolution (ZR) Section 22-06 and 22-12”; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site partially within an R2 zoning district and partially within an R6 zoning district, access to a multi-family residential accessory use located on the R6 portion of the lot over the R2 portion of a zoning lot split by district boundaries, which is contrary to ZR § 22-00; and

WHEREAS, the proposed one-story and mixed-use, house of worship/multi-family residential building will have a residential floor area of 17,773.8 sq. ft. (2.09 FAR); a community facility floor area of 8,485 sq. ft. (1.0 FAR); a total floor area of 26,258 sq. ft. (3.09 FAR); a total height of 82’-4”; a rear yard of 30’- 0” above the first floor; and 14 dwelling units (the “Proposed Building”); and

WHEREAS, a total of 18 parking spaces will be provided below-grade on the R6 portion of the lot, and 9 surface parking spaces will be provided on the R2 portion of the lot; and

WHEREAS, 14 of the parking spaces will be dedicated to residents of the mixed-use building, and 13 to users of the house of worship; and

WHEREAS, a public hearing was held on this application on April 17, 2007 after due notice by publication in the *City Record*, with a continued hearing on May 22, 2007, and then to decision on June 5, 2007; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by Chair Srinivasan; and

WHEREAS, Community Board 7, Queens, recommends disapproval of the application, citing concerns about whether the applicant had demonstrated financial hardship, the effect of the proposed building on neighborhood character and whether

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the variance sought is a minimum variance; and

WHEREAS, Borough President Helen Marshall submitted a letter in opposition to the application, stating that the proposed building would be out of character with the neighborhood and that the proposed parking would be inadequate for the 1,000 sq. ft. house of worship; and

WHEREAS, the site is located on the south side of 33rd Avenue, between Union Avenue and Parsons Boulevard; and

WHEREAS, the site is an irregularly shaped “flag” lot, with the narrow 60’ base of the lot extending a depth of 140’ from its frontage on 33rd Avenue, and the “flag” portion of the lot approximately 60 feet deep and 100 feet wide; and

WHEREAS, the portion of the lot zoned R2 extends 100 feet back from 33rd Avenue, with the remainder of the lot located in the R6 district; and

WHEREAS, the lot has a total lot area of 14,498 sq. ft., with 6,012 sq. ft. located in the R2 portion of the lot and 8,486 sq. ft. located in the R6 portion; and

WHEREAS, the site is currently improved with a two-story single-family residence on the R2 portion, which residence will be removed so that the R2 portion of the lot will be occupied by access to the subsurface garage for the residents of the mixed-use building located on the R6 portion of the lot and by 9 at-grade parking spaces for the house of worship, with landscaping; and

WHEREAS, the proposed mixed-use building, to be located on the R6 portion of the lot, and which is in compliance with the R6 zoning, and for which access is sought, will house a house of worship (Use Group 4) and multi-family residential dwellings (Use Group 2); and

WHEREAS, because the Proposed Building will contain 14 Use Group 2 dwelling units, the instant variance application was filed to permit the residents of the multi-family portion of the proposed building to use the R2 portion of the lot to access the building; and

WHEREAS, the applicant represents that the following are unique physical conditions which create an unnecessary hardship in developing the site in conformance with applicable regulations: (1) the lot is divided between R2 and R6 districts; (2) the approximately 60 percent of the lot within the R6 district is landlocked with no access to 33rd Avenue; and (3) the R6 portion of the lot has street access only across the R2 portion, but ZR § 22-10 does not permit multi-family accessory use in the R2 district and therefore prohibits using the R2 portion of the site for access to an as-of-right mixed-use multi-family residential building on the R6 portion of the site; and

WHEREAS, the approximately 60 percent of the lot that is within the R6 district cannot be developed with a conforming multi-family residential use without access across the R2 portion of the lot; and

WHEREAS, the applicant represents that the majority of the zoning lot is undeveloped because it is landlocked with respect to conforming uses within the R6 district; 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 asserts that because of its unique physical conditions, there is no reasonable possibility that the development of the property in conformance with the use will bring a reasonable return to the owner; and

WHEREAS, the applicant submitted that even a development with two single-family homes would not be permitted for the following reasons: (1) such development would violate ZR § 22-10 which limits development on zoning lots in R2 districts to a single one-family residence, and (2) subdividing the zoning lot would create violations of Building Code 27-291 (minimum 8 percent street frontage) and GCL Article 36 (prohibiting development of zoning lots not fronting on mapped streets); and

WHEREAS, the applicant concluded that no scenario would permit any further as-of-right development on the R6 portion of the lot; and

WHEREAS, based upon its review of the applicant’s analysis, which showed that there is no conforming development possible on the R6 portion of the lot, 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 use 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 proposed building would be permitted as-of-right in the R6 district of this neighborhood; and

WHEREAS, the applicant notes that the proposed residential use is consistent with the character of the R6 district in this area, which includes many other large multi-family residential buildings, including residential and community facility buildings of six to ten stories along Parsons Boulevard, 34th Avenue and Union Street in the immediate vicinity of the site; and

WHEREAS, the applicant represents that the proposed building complies with all of the requirements of the R6 zoning district, except for the access required across the R2 portion of the lot necessary for residents of the proposed building; and

WHEREAS, the character of the residential and community facility buildings adjacent to the site and in the close vicinity in the R6 district is a height of six to ten stories; and

WHEREAS, the applicant initially proposed a total of 19 parking spaces below-grade, with five parking spaces accessory to the house of worship and 14 accessory to the residential portion of the mixed-use building; and

WHEREAS, at hearing, the Board questioned whether, notwithstanding the lack of off-street parking requirements for houses of worship in R6 zoning districts, the proposed parking would be adequate for the house of worship; and

WHEREAS, in response, the applicant represented that if the house of worship were located in an R2 district, 15 accessory off-street parking spaces would be required; and

WHEREAS, subsequently, the applicant increased the proposed off-street parking from 19 spaces (with five allocated

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to the house of worship) to 27 spaces (with 13 allocated to the house of worship) by providing additional surface parking on the R2 portion of the lot, which the Board deems adequate for the proposed house of worship and multi-family residential building; and

WHEREAS, based upon its review of the submitted land use map and its inspection, the Board agrees that the area includes a significant amount of multi-family residential use, and finds that the introduction of a 7-story building with 14 dwelling units will not impact nearby conforming uses nor negatively affect the area's character; and

WHEREAS, the Board has reviewed the comments of the Community Board and Borough President Marshall; and

WHEREAS, the Board respectfully deems that the Community Board's and Borough President's objections based on neighborhood character are not accurate based on the land uses in the vicinity of the site; and

WHEREAS, the Board deems that the Borough President's comments on the inadequacy of the proposed off-street parking accessory to the house of worship have been adequately addressed; and

WHEREAS, the Board respectfully disagrees with the other conclusions of the Community Board and Borough President with respect to the application's merit; and

WHEREAS, the 33rd Avenue frontage of the block between Union Avenue and Parsons Boulevard has two other properties with multi-family residential buildings that use the R2 portion of their lots to access "landlocked" R6 buildings; 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, accordingly, the Board finds that this action will neither alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title, but is rather a function of the pre-existing unique physical conditions cited above that render the R6 portion of the lot effectively "landlocked" with respect to as-of-right development with multi-family housing; and

WHEREAS, the applicant does not seek any bulk waivers; and

WHEREAS, with the exception of the access for residents of the proposed multi-family building across the R2 portion of the lot the proposed building is permitted as-of-right within the R6 district; 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 Section 617 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. 07BSA022Q, dated February 23, 2007; 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.

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 on a site partially within an R2 zoning district and partially within an R6 zoning district, permitting access across the R2 portion of the lot for residents of a seven-story residential building to be constructed on the R6 portion of the lot, which is contrary to ZR § 22-00 *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 11, 2007"--ten (10) sheets; and *on further condition*:

THAT the following are the bulk parameters of the building: 7 stories, a total floor area of 26,258 sq. ft. (3.09 FAR); a total height of 82'-4"; a rear yard of 30'-0" above the first floor; and containing a house of worship and 14 dwelling units, all as indicated on the BSA-approved plans;

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

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, June 5, 2007.

321-06-BZ
CEQR #07-BSA-045M

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APPLICANT – The Law Office of Fredrick A. Becker, for Park Towers South Company LLC, owner; Yelo, LLC, owner.

SUBJECT – Application December 13, 2006 – Special Permit (§73-36) to allow the operation of a Physical Culture Establishment in a portion of the first floor of a multi-story mixed use building.

PREMISES AFFECTED – 315 West 57th Street, north side of West 57th Street, 200’ west of Eighth Avenue, Block 1048, Lot 20, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES –

For Applicant: Lyra Altman.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

Absent: Vice Chair Collins.....1

THE RESOLUTION:

WHEREAS, the decision of the Manhattan Borough Commissioner, dated December 11, 2006, acting on Department of Buildings Application No. 104598927, reads in pertinent part:

“Proposed use of physical cultural establishment of a relaxation and reflexology therapy in Commercial C6-4/(CL) special Clinton) district at basement floor, is contrary to ZR-32-10 (uses permitted as of right)”; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C6-4 zoning district, within the Special Clinton District (CL), the establishment of a physical culture establishment (PCE) in a portion of the cellar of an existing 19-story mixed-use residential/commercial building, contrary to ZR §§ 32-10 and 98-02; and

WHEREAS, a public hearing was held on this application on May 22, 2007 after due notice by publication in *The City Record*, and then to decision on June 5, 2007; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by Chair Srinivasan; and

WHEREAS, Community Board 4, Manhattan, recommends approval of this application, on the condition that the Department of Investigation background check required by § 73-36 of the Zoning Resolution is satisfactorily completed; and

WHEREAS, the subject site is located on the north side of West 57th Street, between Eighth and Ninth Avenues; and

WHEREAS, the site is currently occupied by a 19-story mixed-use residential/commercial building; and

WHEREAS, the PCE will occupy 1,790 sq. ft. of floor space in the “basement” level of the building, which is located at grade; and

WHEREAS, the PCE, will be operated as a “wellness” center, offering “power naps” and reflexology treatments

administered by licensed massage therapists; and

WHEREAS, the proposed hours of operation are: Monday through Friday, 10:00 a.m. to 9:00 p.m. and Saturday 10:00 a.m. to 6:00 p.m.; and

WHEREAS, the Board has reviewed the Community Board’s recommendation; 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 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 Sections 617.6(h) and 617.2(h) of 6 NYCRR; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 07BSA045M, dated April 23, 2007; 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.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site within a C6-4 (CL) zoning district, the establishment of a physical culture establishment in a portion of the basement level of an existing 19-story mixed-use residential/commercial building, contrary to ZR §§ 32-10 and 98-02; *on condition* that all work shall substantially conform to drawings filed with this application marked

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“Received April 24, 2007”-(3) sheets; and *on further condition:*

THAT the term of this grant shall expire on June 5, 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: Monday through Friday, 10:00 a.m. to 9:00 p.m. and Saturday 10:00 a.m. to 6:00 p.m.;

THAT all massages shall 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, June 5, 2007.

13-07-BZ

CEQR #07-BSA-052K

APPLICANT – Jesse Masyr, Wachtel & Masyr, LLP, for Zahav Enterprises, Inc., owner; Unicorp National Development, Inc., lessee.

SUBJECT – Application January 11, 2007 – pursuant to §11-413 of the Zoning Resolution seeking approval to change the use on the project site from parking and storage of motor vehicles and auto rental (Use Group 8) to accessory off-street parking (Use Group 6). The accessory off-street parking would provide the required parking for an adjacent drug store. The subject application is located in an R6 zoning district.

PREMISES AFFECTED – 1120 East New York Avenue, a/k/a 5 Rockaway Parkway, northeast corner of East New York Avenue and Rockaway Parkway, Block 4600, Lots 1 & 7, Borough of Brooklyn.

COMMUNITY BOARD # 17BK

APPEARANCES –

For Applicant: Jerry Johnson.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

Absent: Vice Chair Collins.....1

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated December 22, 2006, acting on Department of Buildings Application No. 302249243, reads in pertinent part:

“The Proposed Accessory Parking (Use Group 6) is contrary to the prior BSA approval under Calendar Number 492-27-BZ.”; and

WHEREAS, this is an application for a change in use from a parking and vehicle storage lot (Use Group 8) to an accessory parking lot (Use Group 6), pursuant to ZR § 11-413; and

WHEREAS, a public hearing was held on this application on May 8, 2007, after due notice by publication in the *City Record*, and then to decision on June 5, 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 17, Brooklyn, recommends disapproval of this application; and

WHEREAS, City Council Member Darlene Mealy recommends disapproval of this application, citing concerns about a lack of affordable housing in the council district; and

WHEREAS, the site is located on the northeast corner of East New York Avenue and Rockaway Parkway, within an R6 zoning district; and

WHEREAS, the subject zoning lot, Lot 1, has a total lot area of approximately 16,823 sq. ft.; and

WHEREAS, the site is currently occupied by a truck and vehicle rental and storage facility with accessory parking, which has historically been used in conjunction with the use on the adjacent lot, Lot 7; and

WHEREAS, the applicant represents that the two lots, Lot 1 and Lot 7, are separate zoning lots; and

WHEREAS, in 1927, under BSA Cal. No. 492-27-BZ, the Board granted a variance to permit the reconstruction and operation of a gasoline service station on Lot 7; and

WHEREAS, on December 17, 1957, the Board granted an amendment to the variance to incorporate an existing parking lot on Lot 1 into the gasoline service station use and to permit the use of commercial parking within a residential zoning district; and

WHEREAS, subsequently, only Lot 7 was rezoned and is now within a C8-2 zoning district where commercial uses, including the gasoline service station, are permitted as of right; and

WHEREAS, on February 5, 1974, the Board granted an amendment to eliminate the as of right use on Lot 7 from the variance; the Board maintained jurisdiction over Lot 1, which remained within a residential zoning district; and

WHEREAS, the applicant now seeks to construct a pharmacy building, to be operated as a Walgreen’s, on Lot 7 and to provide accessory parking on Lot 1; and

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WHEREAS, because the proposed use on Lot 7 is as of right and it is no longer under the Board's jurisdiction, only Lot 1 is the subject of this application; and

WHEREAS, the applicant proposes to provide a parking lot accessory to the proposed pharmacy, with 35 parking spaces; and

WHEREAS, pursuant to ZR § 11-413, the Board may grant a request for a change in use; and

WHEREAS, the Board notes that the change in use, from the truck and vehicle rental and storage facility with accessory parking, permitted under the original variance, to an accessory parking lot is permitted pursuant to ZR § 11-413; and

WHEREAS, the applicant represents that the site has been used for commercial parking and motor vehicle storage for 45 years and that a barbed wire fence surrounds the parking area; and

WHEREAS, the applicant represents that the proposed use will be more compatible with adjacent uses as landscaping and screening will be provided around the parking lot and on the southeast lot line adjacent to residential uses; and

WHEREAS, the Board agreed, that the proposed site conditions would be more compatible with adjacent residential uses; and

WHEREAS, while the Board notes that the Community Board and City Council Member Mealy support residential use at the site and do not approve of the proposal, the Board finds that the proposed use is compatible with existing land uses in the area and is within the parameters of ZR § 11-413 as it applies to the historic grant; and

WHEREAS, accordingly, the Board has determined that evidence in the record supports the findings required to be made under ZR § 11-413; 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-052K, dated January 11, 2007; 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, on October 5, 2006 Clayton Group Services, Inc. [now known as Bureau Veritas North America, Inc. (Bureau Veritas)] issued a Phase I Environmental Site Assessment for the site and did not observe or discover evidence of potential sources of hazardous substances emanating from lot 1 (confirmed by letter of March 30, 2007) and

WHEREAS, the Board has determined that the accessory parking use 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 § 11-413 to permit a change in use from a parking and vehicle storage lot (Use Group 8) to an accessory parking lot (Use Group 6), pursuant to ZR § 11-413; *on condition* that any and all use shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received January 11, 2007"–(3) sheets; and *on further condition*:

THAT landscaping and fencing shall be installed and maintained as per the BSA-approved plans;

THAT all exterior lighting shall be directed away from adjacent residential uses;

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

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

THAT the proposed use and layout of the accessory parking lot shall be as approved by DOB;

THAT all signage shall comply with underlying zoning district regulations;

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, June 5, 2007.

42-07-BZ

CEQR #07-BSA-059K

APPLICANT – Moshe M. Friedman, P.E., for Cong. & Yeshiva Lev Somejach, owner.

SUBJECT – Application February 6, 2007 – Variance (§72-21) to permit the proposed conversion and extension of an existing synagogue. The Premises is located in an R5 Ocean Parkway Special District. The proposal is requesting waivers of open space and lot coverage (§113-11 and §23-141c) and side yards (§113-11 and §23-462a).

PREMISES AFFECTED – 203 Avenue F, a/k/a 201-203 Avenue F, 717-727 East 2nd Street, Block 5396, Lot 50, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Moshe M. Friedman.

ACTION OF THE BOARD – Application granted on

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condition.

THE VOTE TO GRANT –

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

Negative:.....0

Absent: Vice Chair Collins.....1

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough
Commissioner, dated January 11, 2007, acting on Department
of Buildings Application No. 302052855, reads in pertinent
part:

“Proposed extension of synagogue and *interior court*
is contrary to:

ZR Sec 113-11 & 23-141(c) Open Space & Lot
Coverage

ZR Sec 113-11 & 23-462(a) Side Yards.”; and

WHEREAS, this is an application under ZR § 72-21 to
permit, within an R5 zoning district, within the Special Ocean
Parkway District, the enlargement of a synagogue which
occupies the first floor and cellar of an existing four-story
mixed-use community facility/residential building, and will not
comply with the requirements for open space, lot coverage, and
side yards, contrary to ZR §§ 23-141(c), 23-462(a), and 113-
11; and

WHEREAS, the application is brought on behalf of
Congregation and Yeshiva Lev Someiach of Alesk (the
“Synagogue”), a nonprofit religious institution; and

WHEREAS, a public hearing was held on this
application on May 8, 2007, after due notice by publication in
the *City Record* and then to decision on June 5, 2007; and

WHEREAS, Community Board 12, Brooklyn,
recommends approval of this application; and

WHEREAS, the site and surrounding area had a site and
neighborhood examination by a committee of the Board,
including Chair Srinivasan, Commissioner Hinkson, and
Commissioner Ottley-Brown; and

WHEREAS, the site is located on the northeast corner of
Avenue F and East 2nd Street; and

WHEREAS, the subject site has a total lot area of 5,000
sq. ft.; and

WHEREAS, the site is occupied by a four-story mixed-
use community facility/residential building; and

WHEREAS, the Synagogue currently occupies 4,040 sq.
ft. of floor area on the first floor (0.81 FAR) and additional
floor space in the cellar; and

WHEREAS, the applicant proposes to provide an
enlargement to extend completely into the court yard at the
eastern side of the building on the first and second floor and to
convert a portion of the residential use on the second floor to
synagogue use; the result will be that the Synagogue occupies
4,500 sq. ft. of floor area on the first floor and 1,909 sq. ft. of
floor area on the second floor for a total of 6,409 sq. ft. (1.28
FAR); and

WHEREAS, due to the creation of double-height space,
within the existing and enlarged synagogue space, the total
floor area of the building will actually decrease from 16,118 sq.
ft. (3.23 FAR) to 15,750 sq. ft. (3.15 FAR); and

WHEREAS, the applicant proposes to reduce the open

space from 960 sq. ft. to 500 sq. ft (2,250 sq. ft. of open space
is the minimum required) and to increase the lot coverage from
80.8 percent to 90 percent (55 percent is the maximum
permitted); and

WHEREAS, additionally, the applicant notes that the
existing non-complying 0’-0” side yard will be unchanged
along the eastern side lot line and that only the small inner
courtyard will be eliminated at the first and second floors; and

WHEREAS, the applicant obtained approval from DOB
to convert a portion of the second floor to Synagogue use; the
remainder of the building will retain its residential use and is
not the subject of this application; and

WHEREAS, the proposed enlargement decreases the
degree of non-compliance as to floor area and FAR, but creates
new non-compliances as to open space, side yards, and lot
coverage, as noted above; and

WHEREAS, the applicant represents that the variance
request is necessitated by the programmatic needs of the
Synagogue, which seeks to expand and reconfigure its
existing facilities in order to accommodate its current
congregation; and

WHEREAS, specifically, the applicant states that the
following are the programmatic space needs of the Synagogue:
(1) a need to better accommodate an increase in the number of
congregants; (2) a need to provide a separate worship area for
women and girls; and (3) a need to provide more efficient use
of the space; and

WHEREAS, as to attendance, the applicant states that
the Synagogue now serves approximately 230 members; and

WHEREAS, the applicant represents that the existing
Synagogue space cannot accommodate this number of
worshippers on a regular basis or accommodate any
anticipated growth; and

WHEREAS, the applicant represents that the proposed
Synagogue will accommodate approximately 299
congregants; and

WHEREAS, as to the need for a separate worship area
for women and girls, the applicant represents that the second-
floor mezzanine will provide separate facilities, which is a
traditional religious requirement; and

WHEREAS, as to the improved facilities, the applicant
represents that the enlargement into the side court yard will
allow for additional worship space and more efficient use of
the floors; and

WHEREAS, specifically, the applicant represents that
it is traditional to keep the Torah scrolls in a portion of the
Synagogue facing towards Jerusalem, which in this building
is the eastern wall; and

WHEREAS, accordingly the current use of the space is
inefficient because a portion of the eastern wall does not
extend as deep as the remainder of the wall due to the
location of the inner courtyard at that point; and

WHEREAS, the enlargement into the courtyard would
permit the squaring off of the room, which would improve
the flow of congregants entering and leaving the synagogue;
and

WHEREAS, the Board finds that the noted
programmatic needs are legitimate, and agrees that the

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enlargement of the building is necessary to address the Synagogue's needs, given the limitations of the existing building; and

WHEREAS, accordingly, based upon the above, the Board finds that the limitations of the existing building, when considered in conjunction with the programmatic needs of the Synagogue, creates unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, since the Synagogue is a non-profit religious institution and the variance is needed to further its non-profit mission, the finding set forth at ZR § 72-21(b) does not have to be made in order to grant the variance requested in this application; and

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

WHEREAS, specifically, the applicant states that the proposed enlargement will be limited to the first two floors and that the court yard will be maintained to provide light and air for the residential uses on the third and fourth floors; and

WHEREAS, the Board notes that the enlargement will not be visible from the street; and

WHEREAS, additionally, the applicant notes that the Synagogue is a permitted use which already exists at the site; and

WHEREAS, further, the applicant asserts that the larger capacity of the Synagogue will accommodate the existing number of congregants and will relieve overcrowding, while permitting incremental increases; and

WHEREAS, additionally, the vast majority of congregants live within a close proximity of the Synagogue and walk to the site, so there is no discernible impact on traffic; and

WHEREAS, the Board agrees that the proposed enlargement, which will relieve overcrowding conditions, is compatible with the surrounding neighborhood; and

WHEREAS, at hearing the Board asked the applicant to describe the potential impact on adjacent residential uses; and

WHEREAS, the applicant responded that the adjacent building has a side yard of 8'-0" and the proposed enlargement would not block any windows; 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 applicant states that the hardship was not self-created and that no as of right development at the site would meet the programmatic needs of the Synagogue; and

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

WHEREAS, the applicant represents that the requested waivers are the minimum necessary to accommodate the current and projected needs of the Synagogue; and

WHEREAS, the applicant states that the proposed total FAR of 3.15 reflects a reduction in the degree of non-compliance and that the perceived bulk of the building will not change; and

WHEREAS, accordingly, the Board finds that the requested relief is the minimum necessary to allow the Synagogue to fulfill its programmatic needs; and

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 07BSA059K, dated November 15, 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.

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 R5 zoning district, within the Special Ocean Parkway District, the enlargement of a synagogue which occupies the first floor and cellar of an existing four-story mixed-use community facility/residential building, which will not comply with the requirements for open space, lot coverage, and side yards and is contrary to ZR §§ 23-141(c), 23-462(a), and 113-11, *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 February 6, 2007"–(5) sheets, "Received March 22, 2007"–(6) sheets and "Received May 7, 2007"–(1) sheet and *on further condition*:

THAT the encroachment into the court yard at the eastern

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side of the building shall be limited to two stories and a height of 24'-9", as illustrated on the BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction 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, June 5, 2007.

23-06-BZ

APPLICANT – Sheldon Lobel, P.C., for Kehilat Sephardim, owner.

SUBJECT – Application February 9, 2006 – Variance (§72-21) to legalize, in an R4 zoning district, the expansion of an existing three-story building currently housing a synagogue and accessory Rabbi's apartment. The proposal is requesting waivers for side yards (§24-35) and front yards (§24-34).

PREMISES AFFECTED – 150-62 78th Road, southwest corner of 153rd Street and 78th Road, Block 6711, Lot 84, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Richard Lobel.

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

39-06-BZ

APPLICANT – Moshe M. Friedman, P.E., for Rachel Klagsbrun, owner.

SUBJECT – Application March 8, 2006 – Variance (§ 72-21) to allow the legalization of two (2) dwelling units (U.G. 2) in an existing three-story industrial building. Ground floor is proposed to be retained as manufacturing space (U.G. 17d). M1-2 zoning district.

PREMISES AFFECTED – 245 Varet Street, north side 100' east of intersection of White Street and Varet Street, Block 3110, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Moshe M. Friedman

For Opposition: William A. Foster.

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

98-06-BZ & 284-06-A

APPLICANT – Eric Palatnik, P.C., for Siach Yitzchok, owner.

SUBJECT – Applications May 16, 2006 and October 25, 2006 – Variance (§72-21) to permit, in a R4A zoning

district, a four (4)-story yeshiva, which is contrary to floor area (§24-11); total height (§24-521); front yard (§24-34); side yard (§24-35); sky exposure plane (§24-521); setback requirements (§24-521); and level of yards (§24-531). Proposed construction of a four story yeshiva (Siam Yitzchok) that lies within the bed of a mapped street Beach 9th Street which is contrary to Section 35 of the General City Law Section 35. R4A zoning district.

PREMISES AFFECTED – 1045 Beach 9th Street, southwest corner of the intersection of Beach 9th Street and Dinsmore Avenue, Block 15554, Lots 49 and 51, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

Absent: Vice-Chair Collins.....1

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

227-06-BZ

APPLICANT – Eric Palatnik, P.C., for George Smith, owner.

SUBJECT – Application September 6, 2006 – Variance (§72-21) to allow a two-story commercial office building (U.G.6) contrary to use regulations (§ 22-00). R3-2 district.

PREMISES AFFECTED – 2066 Richmond Avenue, Richmond Avenue, north of Knapp Street, Block 2102, Lot 90, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Eric Palatnik, Mark Lipton and Charlie Bontempo.

ACTION OF THE BOARD – Laid over to August 7, 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 zoning district.

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

COMMUNITY BOARD #5Q

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APPEARANCES –

For Applicant: Chris Wright.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD – Laid over to July 17, 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.

For Administration: Anthony Scaduto, Fire Department.

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

264-06-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Miriam Schwartz and Michael Schwartz, owners.

SUBJECT – Application September 26, 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)); lot coverage (§23-141(b)); side yard (§23-461) and rear yard (§23-47) in an R3-2 zoning district.

PREMISES AFFECTED – 1632 East 28th Street, East 28th Street between Avenue P and Quentin Road, Block 6790, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Lyra Altman.

For Opposition: W. J. Pharaon, Jack H. Cooperman and Sol Mermelstein.

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

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 (§24-162a), side yards (§24-35), and the number of stories (§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

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to June 19, 2007, at 1:30 P.M., for continued hearing.

306-06-BZ

APPLICANT – Sheldon Lobel, P.C., for 60 Lawrence, LLC, owner.

SUBJECT – Application November 21, 2006 – Variance (§72-21) to permit the construction of a one and six-story religious school building with the one-story portion along the rear lot line. The premises is located in a split M1-1/R5 zoning district and the Ocean Parkway Special Zoning District. The proposal is contrary to the use regulations (§42-00), floor area and lot coverage (§24-11), front yard (§24-34), side yards (§24-35), and front wall (§24-52).

PREMISES AFFECTED – 50 Lawrence Avenue, south side of Lawrence Avenue, approximately 36' east of McDonald Avenue, Block 5422, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Richard Lobel.

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

15-07-BZ

APPLICANT – Slater & Beckerman, LLP, for Bronx Lebanon Hospital Center, owner.

SUBJECT – Application January 11, 2007 – Variance (§72-21) to allow a new nine (9) story hospital building (U.G. 4) that exceeds maximums for floor area ratio (§24-11), lot coverage (§24-11) and height and setback (§24-522). R8 zoning district.

PREMISES AFFECTED – 199 Mt. Eden Parkway, between Selwyn Avenue and Morris Avenue, Block 2824, Lot 19, Borough of Bronx.

COMMUNITY BOARD #4BX

APPEARANCES –

For Applicant: Carole Slater and Ben P. Lee.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

Absent: Vice-Chair Collins.....1

ACTION OF THE BOARD – Laid over to June 19, 2007, at 1:30 P.M., for decision, hearing closed.

52-07-BZ

APPLICANT – Lewis Garfinkel, R.A., for Egal Shasho, owner.

SUBJECT – Application February 23, 2007 – Special Permit (§73-622) for the enlargement of an existing one family detached residence. This application seeks to vary open

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space and floor area (23-141); perimeter wall height (23-361) and rear yard (23-47) in an R3-2 zoning district.

PREMISES AFFECTED – 1576 East 27th Street, west side of East 27th Street, Block 6773, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Lewis Garfinkel and Mark Shasho.

For Opposition: Ed Jaworski.

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

75-07-BZ

APPLICANT – Law Office of Slater & Beckerman LLP for Hudson Alley, Incorporated, owner; Cadence Cycling & Multisport Centers, lessee.

SUBJECT – Application April 3, 2007 – Special Permit (§73-36) to permit a cellar and on the first floor of six-story building, a Physical Culture and Health Establishment. The Premises are located within an M1-5 zoning district within the Special Tribeca Mixed Use District (Area B1), and in the Tribeca North Historic District.

PREMISES AFFECTED – 174 Hudson Street, Southeast corner of Vestry Street and Hudson Street, Block 220, Lot 31, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Stuart Beckerman and Timothy Clay.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

Absent: Vice-Chair Collins.....1

ACTION OF THE BOARD – Laid over to June 19, 2007, at 1:30 P.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: P.M.