
BULLETIN

OF THE
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AND APPEALS

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212-07-BZY

163 Charles Street, Charles Street and Charles Lane, between Washington and West Streets, Block 637, Lot 42, Borough of **Manhattan, Community Board:2**. Extension of time (11-332) – To complete construction of a minor development commenced prior to the amendment of the zoning district regulations on November 16, 2005. R6A Zoning District.

213-07-BZ

1217 East 26th Street, between Avenue L and Avenue M, Block 7644, Lot 38, Borough of **Brooklyn, Community Board: 14**. (SPECIAL PERMIT) 73-622- enlargement of a single family dwelling. R2 Zoning District.

214-07-BZ

3217 Irwin Avenue, Located on the North side if West 232nd Street between Riverdale and Irwin Avenues., Block 5759, Lot(s) 356,358,362, Borough of **Bronx, Community Board: 8**. Under 72-21- To permit transient parking (UG8) in the garage of a residential and community facility building.

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

OCTOBER 16, 2007, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, October 16, 2007, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

841-76-BZ

APPLICANT – Anthony M. Salvati, for HJC Holding Corporation, owner.

SUBJECT – Application December 5, 2006 – Extension of Term/Amendment for previously approved variance, under BSA calendar numbers 841-76-BZ and 78-79-BZ, granted pursuant to §72-21 which permitted on the premises auto wrecking and junk yard for auto parts (UG 18), sale of new and used cars and auto repair shop (UG 16), and sale of new and used parts (UG 6) not permitted as of right in a R4 zoning district. The amendment seeks to legalize the change in use from the previously mentioned to open commercial storage bus parking, repairs and sales (UG 16 & 6)

PREMISES AFFECTED – 651 Fountain Avenue, north east corner of Fountain Avenue and Wortman Avenue, Block 4527, Lots 61, 64, 77, 78, 80, 85, 11, Borough of Brooklyn.

COMMUNITY BOARD #5BK

78-79-BZ

APPLICANT – Anthony M. Salvati, for HJC Holding Corporation, owner.

SUBJECT – Application December 5, 2006 – Extension of Term/Amendment for previously approved variance, under BSA calendar numbers 841-76-BZ and 78-79-BZ, granted pursuant to §72-21 which permitted on the premises auto wrecking and junk yard for auto parts (UG 18), sale of new and used cars and auto repair shop (UG 16), and sale of new and used parts (UG 6) not permitted as of right in a R4 zoning district. The amendment seeks to legalize the change in use from the previously mentioned to open commercial storage bus parking, repairs and sales (UG 16 & 6)

PREMISES AFFECTED – 671 Fountain Avenue, north east corner of Fountain Avenue and Stanley Avenue, Block 4527, Lots 94 and 110, Borough of Brooklyn.

COMMUNITY BOARD #5BK

189-99-BZ

APPLICANT – Kenneth H. Koons, for 460 Quincy Avenue Realty Corporation, owner.

SUBJECT – Application September 12, 2007 – Extension of Term for a variance previously granted for the operation of a UG6 grocery store (Nana Food Center), with a one family dwelling above, in an R3-A zoning district which expired on November 14, 2005; for the Extension of Time to obtain a C of O which expired on February 3, 2004; for an amendment to legalize the increase in signage and a waiver of the rules of practice and procedure.

PREMISES AFFECTED – 460 Quincy Avenue, southeast corner of Dewey Avenue and Quincy Avenue, Block 5578, Lot 1, Borough of Bronx.

COMMUNITY BOARD #10BX

APPEALS CALENDAR

147-07-BZY

APPLICANT – Cozen O'Connor Attorneys, for North Seven Associates, LLC, owner.

SUBJECT – Application June 5, 2007 – Extension of time (11-332) to complete construction of a minor development commenced under the prior R6 (M1-2) district regulations. R6B Zoning District.

PREMISES AFFECTED – 144 North 8th Street, south side of North 8th Street, 100' east of Berry Street, Block 2319, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #1BK

390-61-BZ

APPLICANT – Peter Hirshman, for Rapid Park Industries, owner.

SUBJECT – Application September 7, 2007 - ZR 11-411 for the Extension of Term of a previously granted variance for a UG8 parking garage (Rapid Park Industries) in an R8B zoning district which will expire on March 3, 2008

PREMISES AFFECTED – 148-150 East 33rd Street, southside of East 33rd Street, east of East 33rd Street and Lexington Avenue, Block 888, Lot 51, Borough of Manhattan.

COMMUNITY BOARD #6M

CALENDAR

OCTOBER 16, 2007, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, October 16, 2007, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

331-06-BZ

APPLICANT – Stadtmauer Bailkin, LLP, for Putnam Holding Corp., owner.

SUBJECT – Application December 27, 2006 – Variance under § 72-21 to allow a three-family dwelling to violate front yard (§ 23-45) and side yard (§ 23-462(a) requirements. R4 district.

PREMISES AFFECTED – 3647 Palmer Avenue, south side of Palmer Avenue, between Needham Avenue and Crawford Avenue, Block 4917, Lot 17, Borough of Bronx.

COMMUNITY BOARD #12BX

68-07-BZ

APPLICANT – Jeffrey A. Chester, Avram Babadzhyanov, owner; Congregation Rubin Ben Issac Haim, lessee.

SUBJECT – Application March 22, 2007 – Under §72-21 – Proposed community facility synagogue, which does not comply with front and side yard requirements.

PREMISES AFFECTED – 102-48 65th Road, southwest corner Yellowstone Boulevard and 65th Road, Block 2130, Lot 37, Borough of Queens.

COMMUNITY BOARD #6Q

121-07-BZ

APPLICANT – Juan D. Reyes, III, for 400 Victory Boulevard Trust, owner.

SUBJECT – Application May 11, 2007 – Variance (§72-21) to permit the legalization of a Physical Culture Establishment on the first and second floors of an existing nonconforming warehouse building. The proposal is contrary to section 22-00. The Premises is located in an R3-2 zoning district within the Special Hillside Preservation District.

PREMISES AFFECTED – 400 Victory Boulevard, between Austin Place and Cobra Avenue, Block 579, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1SI

151-07-BZ

APPLICANT – Harold Weinberg, P.E., for John Perrone, owner.

SUBJECT – Application June 8, 2007– Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary floor area, lot coverage, open space (23-141) and rear yard (23-47) in an R3-1 zoning district.

PREMISES AFFECTED – 1133 83rd Street, north side, 256' east of 11th Avenue between 11th Avenue and 12th Avenue, Block 6301, Lot 65, Borough of Brooklyn.

COMMUNITY BOARD #10BK

175-07-BZ

APPLICANT – Stadtmauer Bailkin, LLP, for Kingsbridge Associates LLC, owner; Planet Fitness, lessee.

SUBJECT – Application June 28, 2007 – Special Permit (§73-36) to allow a Physical Culture Establishment in a two-story and cellar retail building in a strip mall. The proposal is contrary to section 42-00. M1-1 district.

PREMISES AFFECTED – 90 West 225th Street, south side of 225th Street between Exterior Street and Broadway, block 2215, Lot 665, Borough of Manhattan.

COMMUNITY BOARD #7M

180-07-BZ

APPLICANT – Sheldon Lobel, P.C., for 47 Development LLC, owner; Rituals Spa LLC d/b/a Silk Day Spa, lessee.

SUBJECT – Application July 17, 2007 – Special Permit (§73-36) to allow the legalization of a Physical Culture Establishment on a portion of the first floor and cellar of a nine-story mixed-use building. The proposal is contrary to section 32-10. C6-2/C6-2M districts.

PREMISES AFFECTED – 47 West 13th Street, a/k/a 48 West 14th Street, north side of West 13th Street between Fifth and Sixth Avenues, Block 577, Lot 15, Borough of Manhattan.

COMMUNITY BOARD #2M

Jeff Mulligan, Executive Director

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**REGULAR MEETING
TUESDAY MORNING, SEPTEMBER 18, 2007
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

153-07-BZY

APPLICANT – Mitchell A. Korbey, Esq., for 20 Bayard Views, LLC, owner.

SUBJECT – Application June 8, 2007 – Extension of time (§11-332) to complete construction of a minor development commenced prior to the amendment of the zoning district regulations on May 11, 2005. M1-2 /R6B & M1-2 /R6A.

PREMISES AFFECTED – 20 Bayard Street, a/k/a 27-35 Richardson Street, a/k/a 17 Richardson Street, Bayard Street between Union Avenue and Lorimer Street, Block 2721, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Jennifer Dickson.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application under ZR § 11-332, to permit an extension of time for the completion of construction of, and obtainment of a certificate of occupancy for, a minor development currently under construction at the subject site; and

WHEREAS, a public hearing was held on this application on August 7, 2007, after due notice by publication in *The City Record*, and then to decision on September 18, 2007; and

WHEREAS, Community Board 1, Brooklyn, recommends disapproval of this application; and

WHEREAS, the subject premises is located on a through lot with frontage on Bayard Street and Richardson Street, between Union Avenue and Lorimer Street; and

WHEREAS, the premises is currently located partially within an M1-2/R6B (MX-8) zoning district and partially within an M1-2/R6A (MX-8) zoning district; and

WHEREAS, the development complies with the prior R6 (M1-2) zoning district regulations; and

WHEREAS, however, on May 11, 2005 (hereinafter, the "Enactment Date"), the City Council voted to adopt the Greenpoint Williamsburg Rezoning; and

WHEREAS, as of that date, the applicant had obtained permits for the development and had completed 100 percent of its foundation, such that the right to continue construction was vested pursuant to ZR § 11-331, which allows the Department of Buildings (DOB) to determine that construction may

continue under such circumstances; and

WHEREAS, however, only two years are allowed for completion of construction and to obtain a certificate of occupancy; and

WHEREAS, accordingly, because the two-year time limit has expired and construction is still ongoing, the applicant seeks relief pursuant to ZR § 11-30 *et seq.*, which sets forth the regulations that apply to a reinstatement of a permit that lapses due to a zoning change; and

WHEREAS, first, the Board notes that ZR § 11-31(c)(1) defines construction such as the proposed development, which involves the construction of a single building which is non-complying under an amendment to the ZR, as a "minor development"; and

WHEREAS, for "minor development," an extension of time to complete construction, previously authorized under a grant for an extension made pursuant to ZR § 11-331, may be granted by the Board pursuant to ZR § 11-332; and

WHEREAS, ZR § 11-332 reads, in pertinent part: "In the event that construction permitted in Section 11-331 (Right to construct if foundations completed) has not been completed and a certificate of occupancy including a temporary certificate of occupancy, issued therefore within two years after the effective date of any applicable amendment . . . the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit. The Board may renew such building permit for two terms of not more than two years each for a minor development . . . In granting such an extension, the Board shall find that substantial construction has been completed and substantial expenditures made, subsequent to the granting of the permit, for work required by any applicable law for the use or development of the property pursuant to the permit."; and

WHEREAS, the applicant noted that ZR § 11-332 requires only that there be substantial completion and substantial expenditures subsequent to the issuance of building permits and that the Board has measured this completion by looking at time spent, complexity of work completed, amount of work completed, and expenditures; and

WHEREAS, as a threshold issue, the Board must determine that proper permits were issued, since ZR § 11-31(a) requires: "For the purposes of Section 11-33, relating to Building Permits Issued Before Effective Date of Amendment to this Resolution, the following terms and general provisions shall apply: (a) A lawfully issued building permit shall be a building permit which is based on an approved application showing complete plans and specifications, authorizes the entire construction and not merely a part thereof, and is issued prior to any applicable amendment to this Resolution. In case of dispute as to whether an application includes "complete plans and specifications" as required in this Section, the Commissioner of Buildings shall determine whether such requirement has been met."; and

WHEREAS, the applicant represents that all of the relevant DOB permits were lawfully issued to the owner of the subject premises; and

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WHEREAS, the record indicates that the following permit for the proposed development was lawfully issued to the owner by DOB, prior to the Enactment Date: Permit No. 301495077-01 NB, (hereinafter, the "New Building Permit"); and

WHEREAS, the Board has reviewed the record and agrees that the New Building Permit was lawfully issued to the owner of the subject premises prior to the Enactment Date and was timely renewed until the expiration of the two-year term for construction; and

WHEREAS, turning to the substantive findings of ZR § 11-332, the Board notes that there is no fixed standard in an application made under this provision as to what constitutes substantial construction or substantial expenditure in the context of new development; and

WHEREAS, the Board also observes that the work to be measured under ZR § 11-332 must be performed after the issuance of the permit; and

WHEREAS, similarly, the expenditures to be assessed under ZR § 11-332 are those incurred after the permit is issued; and

WHEREAS, accordingly, as is reflected below, the Board only considered post-permit work and expenditures, as submitted by the applicant; and

WHEREAS, in written statements and testimony, the applicant represents that, since the issuance of the New Building Permit, substantial construction has been completed and substantial expenditures were incurred; and

WHEREAS, the applicant states that work on the proposed development subsequent to the issuance of the permit includes all framing, exterior brick work, wiring, plumbing, pipe work, HVAC, roofing, and the installation of the majority of the windows; and

WHEREAS, in support of this statement the applicant has submitted the following: photographs of the site showing the completed building form for the 16-story building with completed façade work and the majority of the windows in place on both building frontages; mechanicals and building infrastructure; floors; ceilings; and partial interior wall construction; a statement from the project manager stating the estimated completion date; financial records; and copies of cancelled checks; and

WHEREAS, further, the applicant represents that delays resulted due to a replacement of the window manufacturer/installer in early 2007; and

WHEREAS, the project manager estimates that all work can be completed in approximately five months; and

WHEREAS, the Board has reviewed all documentation and agrees that it establishes that the afore-mentioned work was completed subsequent to the issuance of the valid permits; and

WHEREAS, as to costs, the applicant represents that the total expenditure paid for the development is \$14,867,887.65, or 75 percent, out of the \$19,656,764.00 cost to complete; and

WHEREAS, the applicant has submitted financial records and copies of cancelled checks; and

WHEREAS, the applicant contends that this percentage constitutes a substantial expenditure sufficient to

satisfy the finding in ZR § 11-332; and

WHEREAS, at hearing the Board asked the applicant to address any violations associated with the construction of the building; and

WHEREAS, in response, the applicant submitted a statement describing each violation and explaining that each has been corrected or the current owner is in the process of resolving any defaults incurred by the prior owner; and

WHEREAS, based upon its review of all the submitted evidence, the Board finds that substantial construction was completed and that substantial expenditures were made since the issuance of the permits; and

WHEREAS, therefore, the Board finds that the applicant has adequately satisfied all the requirements of ZR § 11-332, and that the owner is entitled to the requested reinstatement of the permits, and all other permits necessary to complete the proposed development; and

WHEREAS, accordingly, the Board, through this resolution, grants the owner of the site a two-year extension of time to complete construction, pursuant to ZR § 11-332.

Therefore it is Resolved that this application made pursuant to ZR § 11-332 to renew Building Permit No. 301495077-01 NB, as well as all related permits for various work types, either already issued or necessary to complete construction, is granted, and the Board hereby extends the time to complete the proposed development and obtain a certificate of occupancy for one term of two years from the date of this resolution, to expire on September 18, 2009.

Adopted by the Board of Standards and Appeals, September 18, 2007.

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 and Peter Antioco.

ACTION OF THE BOARD – Laid over to October 16, 2007, at 10 A.M., for continued hearing.

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515-89-BZIII

APPLICANT – Sheldon Lobel, P.C., for 50 East 78th Street, L.P., owner.

SUBJECT – Application July 20, 2007 – Extension of Term of a Special Permit for a (UG6) commercial art gallery in the basement portion of a residential building which expires on October 16, 2007 in an R8B (LH-1A) zoning district.

PREMISES AFFECTED – 50 East 78th Street, East 78th Street, between Madison Avenue and Park Avenue, Block 1392, Lot 47, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Josh Rinesmith.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to October 16, 2007, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

63-07-A

APPLICANT – Moshe M. Friedman, P.E., for Constantine Ganginis, owner.

SUBJECT – Application March 12, 2007 – Proposed construction of a three family dwelling located within the bed of a mapped street (50th Street) which is contrary to General City Law Section 35. R5 Zoning district.

PREMISES AFFECTED – 49-23 28th Avenue, a/k/a Vandeventer Avenue, a/k/a 25-98 50th Street, a/k/a Old Bowery Bay Road, northwest corner of 28th Avenue and 50th Street in the bed of 50th Street, Block 745, Lot 81, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: Josh Rinesmith.

ACTION OF THE BOARD – Appeal granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Commissioner, dated February 26, 2007, acting on Department of Buildings Application No. 402526352, reads in pertinent part:

“Proposed new building is located in the bed of a mapped street and is contrary to General City Law Section 35”; and

WHEREAS, a public hearing was held on this application on September 18, 2007, after due notice by publication in the *City Record*, and then to decision on that same date; and

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

WHEREAS, by letter dated April 11, 2007, the Fire Department states that it has reviewed the application and has no objections; and

WHEREAS, by letter dated August 10, 2007, the Department of Environmental Protection states that it has reviewed the application and has no objections; and

WHEREAS, by letter dated July 18, 2007, the Department of Transportation (DOT) states that it has reviewed the application and has no objections; and

WHEREAS, the Board notes that 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 February 26, 2007, acting on Department of Buildings Application No. 402526352, 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 August 21, 2007”-(1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

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

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

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

Adopted by the Board of Standards and Appeals, September 18, 2007.

323-06-A

APPLICANT – Vito J. Fossella, P.A., for Michael Sidnam, owner.

SUBJECT – Application December 14, 2006 – Proposed enlargement of an existing one family dwelling located within the bed of mapped street (North Avenue) which is contrary to Section 35 of the General City Law. R3X Zoning.

PREMISES AFFECTED – 389 College Avenue, Northside of College Avenue; 140.08' east of the corner formed by the intersection of College Avenue and Lockwood Place, running thence east 111.38', thence north 168.99', thence s/w 82.20', thence west 64.92', thence south 89.27'. Block 391, Lot 93, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Sameh M. El-Meniawy.

ACTION OF THE BOARD – Laid over to September 25, 2007, at 10 A.M., for deferred decision.

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326-06-A

APPLICANT – David L. Businelli, R.A., for Oleg Amayev, owner.

SUBJECT – Application December 20, 2006 – An appeal seeking a determination that the owner of said premises has acquired a common law vested right to continue development commenced under the R1-2 district regulations in effect prior to the zoning text change on September 9, 2004. R1-2 zoning district.

PREMISES AFFECTED – 1523 Richmond Road, north side of Richmond Road, 44.10' west of Forest Road and Richmond Road, Block 870, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: David L. Businelli and Oleg Amayev.

THE VOTE TO GRANT –

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

ACTION OF THE BOARD – Laid over to October 23, 2007, at 10 A.M., for decision, hearing closed.

Jeffrey Mulligan, Executive Director

Adjourned: A.M.

REGULAR MEETING

TUESDAY AFTERNOON, SEPTEMBER 18, 2007

1:30 P.M.

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

ZONING CALENDAR

319-06-BZ

CEQR #07-BSA-044K

APPLICANT– Sheldon Lobel, P.C., for 211 Service LLC, owner.

SUBJECT – Application December 8, 2006 – Special Permit pursuant to §73-49 to allow seventy-five (75) accessory parking spaces for an automotive service establishment (UG 16) on the rooftop of an existing building. M1-1 district.

PREMISES AFFECTED – 211/283 63rd Street, located on the north side of 63rd Street, between 2nd and 3rd Avenues, Block 5798, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES –

For Applicant: Richard Lobel.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated December 5, 2006, acting on Department of Buildings Application No. 302234794, reads:

“Proposed roof parking is not permitted as per section 44-11 of the Zoning Resolution and requires a Special Permit from the Board of Standards and Appeals pursuant to Section 73-49 of the Zoning Resolution”; and

WHEREAS, this is an application under ZR § 73-49 to permit accessory parking for 75 vehicles on the rooftop of a building used for automotive servicing and offices and located in an M1-1 zoning district, contrary to ZR § 44-11; and

WHEREAS, the application is brought on behalf of 211 Service LLC, which operates part of the premises as a Life Quality BMW service center and leases portions of the premises to other automobile servicing entities; and

WHEREAS, a public hearing was held on this application on June 19, 2007, after due notice by publication in the *City Record*, with continued hearings on July 24, 2007 and August 21, 2007, and then to decision on September 18, 2007; and

WHEREAS, Community Board 7, Brooklyn, recommends disapproval of this application based on concerns about exhaust from within the building, test-driving of serviced vehicles in the neighborhood, the owner's past failure to operate the site appropriately, employee parking, design and construction of the facility, hours of operation, lighting, and security; and

WHEREAS, certain neighbors provided testimony in opposition to the proposed facility, citing concerns about pollution, visual impacts, and security; and

WHEREAS, the site and surrounding area had site and neighborhood examinations by Chair Srinivasan and Vice-Chair Collins; and

WHEREAS, the site occupies the entire block front on the north side of 63rd Street between 2nd Avenue and 3rd Avenue; and

WHEREAS, the subject zoning lot is within an M1-1 zoning district; and

WHEREAS, the subject site is a 66,829 sq. ft. zoning lot, improved upon with a two-story 78,722 sq. ft. building; and

WHEREAS, the applicant proposes to park 75 vehicle, in stackers, on the roof of the building; and

WHEREAS, the applicant represents that it requires the 75 rooftop parking spaces so that it can meet certification requirements set by BMW; and

WHEREAS, in order to meet these needs, the applicant seeks a special permit pursuant to ZR § 73-49, to permit roof parking in order to accommodate the requisite number of spaces; and

WHEREAS, pursuant to ZR § 73-49, the Board may permit parking spaces to be located on the roof of a building if the Board finds that the roof parking is located so as not to impair the essential character or the future use or development

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of the adjacent areas; and

WHEREAS, the applicant represents that the rooftop parking will not impair the essential character or future use or development of adjacent areas and will not adversely affect the character of the surrounding area; and

WHEREAS, the applicant represents that the 75 rooftop parking spaces will help consolidate the required parking currently located within the building, on the street, and in nearby off-site lots; and

WHEREAS, the applicant concludes that the rooftop parking will help relieve any congestion created by the parking demand; and

WHEREAS, further, the ramps to the roof level will be located within the building; and

WHEREAS, at hearing the Board expressed concern about the location of the stackers with respect to the adjacent residences and the visual impact on neighboring residences, as well as their potential conflict with aisle space and circulation on the roof; and

WHEREAS, the applicant relocated the stackers away from the residences and toward the edge of the roof along 63rd Street to address the noted concerns; and

WHEREAS, the applicant also agreed to raise the height of screens from seven feet to ten feet to minimize visual impacts on the adjacent residences; and

WHEREAS, the applicant states that the hours of operation of the facility will be 7:00 a.m. to 7:00 p.m. Monday through Friday, and that vehicular movement on the rooftop will occur only within those hours; and

WHEREAS, the Board notes that other concerns raised by the Community Board are not relevant to the findings required for the special permit, but concern operational issues at the premises; and

WHEREAS, based upon the above, the Board concludes that the findings required under ZR § 73-49 have been met; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 07BSA044K, dated June 18, 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; and

Therefore it is Resolved that the Board of Standards and Appeals makes each and every one of the required findings application under ZR § 73-49 to permit rooftop parking for a maximum of 75 vehicles on a building located in an M1-1 zoning district, *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received August 7, 2007"- twelve (12) sheets; and *on further condition*:

THAT the maximum number of parking spaces on the rooftop shall not exceed 75, as approved by DOB;

THAT the hours of operation of the roof level shall be from 7:00 a.m. to 7:00 p.m., Monday through Friday and the rooftop parking area shall be properly secured at all other times;

THAT all lighting on the roof shall be directed down and away from adjacent residential use;

THAT all rooftop lighting, except for one security light above the entrance, shall be shut off between 7:00 p.m. and 7:00 a.m., weekdays and all day, Saturday and Sunday;

THAT the rooftop parking shall be screened from neighboring residences as per the BSA-approved plans;

THAT an acoustic baffle enclosure shall be constructed around the rooftop mechanicals and that acoustic baffling materials shall be provided along the proposed fencing;

THAT the site shall be maintained safe and free of debris;

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

THAT no building permit for the proposed roof-top parking shall be issued until all ECB and DOB violations have been cured;

THAT the parking layout shall be 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, September 18, 2007.

118-07-BZ

CEQR #07-BSA-083R

APPLICANT – Rothkrug Rothkurg & Spector LLP, for A Very Special Place, Incorporated, owner.

SUBJECT – Application May 11, 2007 – Special Permit (§73-44) to allow the proposed two-story, Use Group 6B office development which has less than the required parking. The proposal is contrary to section 36-21. C1-1/R3-2 district.

PREMISES AFFECTED – 49 Cedar Grove Avenue, Between Wavecrest Street and Seaform Street. Block 4087, Lot 1 & 70, Borough of Staten Island.

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COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Staten Island Borough Commissioner, dated April 14, 2007, acting on Department of Buildings Application No. 500904113, reads in pertinent part:

“BSA special permit required for reduced parking:

1 space per 400 FA in Cat. B1 10800/400=27

spaces required 27 spaces provided”; and

WHEREAS, this is an application under ZR §§ 73-44 and 73-03, to permit, within a C1-1 (R3-2) zoning district, a reduction in the required number of accessory parking spaces for a proposed two-story Use Group 6 office building from 72 to 27, contrary to ZR § 36-21; and

WHEREAS, a public hearing was held on this application on August 21, 2007, after due notice by publication in *The City Record*, and then to decision on September 18, 2007; and

WHEREAS, this application is brought on behalf of A Very Special Place, a § 501(c)(3) tax-exempt charitable organization; and

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

WHEREAS, Community Board 2, Staten Island, recommends disapproval of this application; and

WHEREAS, the subject site is located on the north side of Cedar Grove Avenue, between Wavcrest Street and Seafoam Street, and has a lot area of 13,200 sq. ft.; and

WHEREAS, the site is currently occupied by an eating and drinking establishment with two accessory parking lots, which will be cleared to permit construction of the proposed building (Lot 1), and by vacant land (Lot 70); and

WHEREAS, specifically, the applicant proposes to construct a 10,200 sq. ft. (0.81 FAR), two-story office building with 27 accessory parking spaces located on the ground level; and

WHEREAS, the proposed building will be used for the executive offices of A Very Special Place; and

WHEREAS, applicant represents that there will be approximately 35 employees (both full and part-time) working at the premises (not all of whom will drive to work), and the anticipated number of daily visitors is 12, many of whom will arrive in a single vehicle; and

WHEREAS, based on the anticipated usage of the premises, the applicant represents that 27 accessory parking spaces will provide sufficient parking; and

WHEREAS, pursuant to ZR § 73-44, the Board may, in the subject C1-1 (R3-2) zoning district, grant a special permit that would allow a reduction in the number of accessory off-street parking spaces required under the

applicable ZR provision, for Use Group 6 uses in the parking category B1; in the subject zoning district, the Board may reduce the required parking from one space per 150 sq. ft. of floor area to one space per 400 sq. ft. of floor area; and

WHEREAS, pursuant to Z.R. § 36-21 the total number of required parking spaces for all office use at the site is 72; and

WHEREAS, the applicant represents that the site cannot accommodate 72 accessory parking spaces and that the contemplated development of the site for the executive offices of A Very Special Place does not require 72 accessory parking spaces; and

WHEREAS, the proposed office building (Use Group 6) on the premises will occupy 10,800 sq. ft., and under the special permit authorized by ZR § 73-44 the number of parking spaces could be reduced to 27 for the proposed use; and

WHEREAS, the applicant proposes to provide a total of 27 parking spaces; and

WHEREAS, ZR § 73-44 requires that the Board must determine that the Use Group 6 use in the B1 parking category is contemplated in good faith; and

WHEREAS, the applicant has submitted an affidavit from the Executive Director of A Very Special Place stating that the premises will be used exclusively for the organization’s executive offices and agreeing to a condition in the Board’s resolution requiring that the Certificate of Occupancy for the building will state that no subsequent Certificate of Occupancy may be issued if the use is changed to a use listed in parking category B unless additional accessory off-street parking spaces sufficient to meet such requirements are provided on the site or within the permitted off-street radius; and

WHEREAS, the applicant has submitted sufficient evidence of good faith in limiting the use of the premises to executive offices for A Very Special Place; and

WHEREAS, the Board agrees that the accessory parking space needs can be accommodated even with the parking reduction; and

WHEREAS, to address concerns of the residents of adjoining dwellings, the applicant has agreed to plantings to screen the parking area from the residences; and

WHEREAS, based upon the above, 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 §§ 73-44 and 73-03; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No.07BSA083R, dated July 12, 2007; and

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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 under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §§ 73-44 and 73-03, to permit, within a C1-1 (R3-2) zoning district, a reduction in the required number of accessory parking spaces for a proposed Use group 6 office building from 72 to 27, contrary to ZR § 36-21; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted filed with this application marked "Received July 17, 2007"-(7) sheets and "Received September 18, 2007"-(1) sheet and *on further condition*:

THAT there shall be no change in ownership of the site or the building without prior application to and approval from the Board;

THAT a minimum of 27 parking spaces shall be provided in the accessory parking lot for the proposed use;

THAT the applicant shall incorporate plantings to screen the parking area from adjacent residences;

THAT no certificate of occupancy may be issued if the use is changed to a use listed in parking category B unless additional accessory off-street parking spaces sufficient to meet such requirements are provided on the site or within the permitted off-street radius;

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

THAT any building enlargement shall be as approved by DOB and must comply with all relevant zoning district regulations;

THAT the layout and design, including landscaping and screening, of the accessory parking lot shall be as reviewed and approved by the Department of Buildings;

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

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

THAT the Department of Buildings must ensure compliance with all of 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, September 18, 2007.

142-07-BZ

APPLICANT – Moshe M. Friedman, for Steven Weinberger, owner.

SUBJECT – Application May 29, 2007 – Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary floor area (§23-141) and side yards (§23-461) & (§23-48) in an R3-2 zoning district.

PREMISES AFFECTED – 2216 Avenue R, 56'-0" west of intersection formed by Avenue R and East 23rd Street. Block 6828, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD # 15BK

APPEARANCES –

For Applicant: Moshe M. Friedman.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated May 2, 2007, acting on Department of Buildings Application No. 302342748, reads in pertinent part:

“Proposed extension of an existing dwelling is contrary to:

ZR Sec. 23-141 Floor Area Ratio

ZR Sec. 461, 23-48 Side Yards

And requires a Special Permit from the Board of Standards and Appeals as per Sec. 73-622”; and

WHEREAS, this is an application under ZR § 73-622 to permit, in an R3-2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area, floor area ratio and side yards, contrary to ZR §§ 23-141, 23-461 and 23-48; and

WHEREAS, a public hearing was held on this application on August 21, 2007, after due notice by publication in *The City Record*, and then to decision on September 18, 2007; and

WHEREAS, the subject site is located on the north side of Avenue R, between East 22nd Street and East 23rd Street; and

WHEREAS, the subject site has a total lot area of 2,800 sq. ft., and is occupied by a 1,728.39 sq. ft. (0.62 FAR) single-family home; and

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

WHEREAS, the applicant seeks an increase in the floor area from 1,728.39 sq. ft. (0.62 FAR) to 2,442.81 sq.

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ft. (0.87 FAR); the maximum floor area permitted is 1,680 sq. ft. (0.60 FAR); and

WHEREAS, the proposed enlargement will maintain the existing one side yards of 7'-2" and 3'-9" (side yards with a minimum total width of 13'-0" and a minimum width of 5'-0" each are required); and

WHEREAS, the Board notes that the enlargement will consist of extensions at both the second story and attic, resulting in a side wall height of 21 feet and a total height of 35 feet, both of which are permitted as of right in the R3-2 zoning district; 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, the Board finds that the proposed project will not interfere with any pending public improvement project; and

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for the City Environmental Quality Review and makes the required findings under ZR § 73-622 to permit, in an R3-2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area, FAR and side yards, contrary to ZR §§ 23-141, 23-461 and 23-48; *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 August 14, 2007"-(11) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a floor area of 2,442.81 sq. ft., an FAR of 0.87, and side yards of 7'-2" and 3'-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 objections(s) only; no approval has been given by the Board as to the use and layout of the cellar;

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

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

(DOB Application No. 302342748)

Adopted by the Board of Standards and Appeals,
September 18, 2007.

378-04-BZ

APPLICANT – Sheldon Lobel, P.C., for Hieronima Rutkowska, owner.

SUBJECT – Application November 29, 2004 – Variance (§72-21) to permit the construction of a four-story residential building and a four-car garage. The Premise is located on a vacant lot in an M1-1 zoning district. The proposal is contrary to §42-00.

PREMISES AFFECTED – 94 Kingsland Avenue, northeast corner of the intersection between Kingsland Avenue and Richardson Street, Block 2849, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Jordan Most.

ACTION OF THE BOARD – Laid over to October 23, 2007, at 1:30 P.M., for deferred decision.

342-05-BZ& 343-05-BZ

APPLICANT – Gerald J. Caliendo, R.A., AIA, for Kingsbridge Terrace, LLC, owner.

SUBJECT – Application November 29, 2005 – Zoning variance (§72-21) to allow six (6) three-family buildings (18 dwellings) and six (6) accessory parking spaces; contrary to regulations for use (§ 22-12), FAR (§ 23-141), lot coverage (§23-141), number of dwelling units (§23-22), building height (§23-631), side yards (§ 23-461), minimum number of accessory parking spaces (§25-23), and special requirements for developments with private roads (§26-21). PREMISES AFFECTED – 1, 3 & 5 Maya Drive, southeast corner of Kingsbridge Terrace and Perot Street, Block 3253, Lot 204, Borough of Bronx.

COMMUNITY BOARD #8BX

APPEARANCES –

For Applicant: Sandy Anagnostou.

ACTION OF THE BOARD – Laid over to November 20, 2007, at 1:30 P.M., for continued hearing.

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.

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THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to October
2, 2007, at 1:30 P.M., for decision, hearing closed.

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.

ACTION OF THE BOARD – Laid over to October
30, 2007, at 1:30 P.M., for deferred decision.

114-06-BZ

APPLICANT – Sheldon Lobel, P.C., for Aleksandr
Levchenko, owner.

SUBJECT – Application June 6, 2006 – Special Permit
(§73-622) to allow the legalization of an enlargement to a
single family home in an R3-1 zoning district, which
exceeds the allowable floor area ratio, open space and lot
coverage (§23-141); provides less than the minimum
required side yards (§23-48).

PREMISES AFFECTED – 124 Norfolk Street, west side of
Norfolk Street between Shore Boulevard and Oriental
Boulevard, Block 8756, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

For Opposition: Susan Klapper and Judith ?

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to October
16, 2007, at 1:30 P.M., for decision, hearing closed.

134-06-BZ

APPLICANT – Sheldon Lobel, P.C., for 241-15 Northern
LLC, owner.

SUBJECT – Application June 26, 2006 – Variance under §
72-21 to allow a five (5) story residential building
containing 40 dwelling units and 63 accessory parking
spaces. Proposal is contrary to regulations for use (§ 22-12),
floor area and FAR (§ 23-141), open space (§ 23-141), front

yard (§ 23-45), height and setback (§ 23-631) and maximum
number of dwelling units (§ 23-22). R1-2 district.

PREMISES AFFECTED – 241-15 Northern Boulevard,
northwest corner of the intersection between Northern
Boulevard and Douglaston Parkway, Block 8092, Lot 39,
Borough of Queens.

COMMUNITY BOARD # 11Q

APPEARANCES –

For Applicant: Jordan Most.

For Opposition: Councilmember Tony Avella, Marc
Bresky, Joseph Hellmann, Marie Marsina, Joseph Sollano,
William S. Evers, Andrew Mandell, Joanne Martell, Stuart
Hersh, Albert J. Hanft, Arthur F. Kelley, Margaret M.
Nihan, Louis Paussills, Eliott Socci and Judith Schoeck.

ACTION OF THE BOARD – Laid over to October
30, 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: Adam Rothkrug.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to October
2, 2007, at 1:30 P.M., for decision, hearing closed.

297-06-BZ & 298-06-A

APPLICANT – Glen V. Cutrona, AIA, for John Massamillo,
owner.

SUBJECT – Application November 13, 2006 – Variance
under (§ 72-21) to allow a proposed four (4) story residential
building with ground and cellar level retail use to violate
applicable lot coverage (§ 23-145) and rear yard
requirements (§ 23-47). C4-2 district (Special Hillside
Preservation District); building is located within the bed of a
mapped street, contrary to GCL§35.

PREMISES AFFECTED – 130 Montgomery Avenue,
between Victory Boulevard and Fort Place, Block 17, Lot
116, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

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For Applicant: Glen V. Cutrona.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to October
16, 2007, at 1:30 P.M., for decision, hearing closed.

311-06-BZ thru 313-06-BZ

APPLICANT – Rothkrug, Rothkrug, & Spector, LLP, for
White Star Lines LLC.

SUBJECT – Application December 4, 2006 – Zoning
variance under §72-21 to allow three, four (4) story
residential buildings containing a total of six (6) dwelling
units, contrary to use regulations (§42-10); M1-1 district.

PREMISES AFFECTED – 300/302/304 Columbia Street,
Northwest corner of Columbia Street and Woodhull Street,
Block 357, Lots 38, 39, 40. Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Adam Rothkrug.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to October
16, 2007, at 1:30 P.M., for decision, hearing closed.

328-06-BZ

APPLICANT – Francis R. Angelino, Esq., for Okada Denki
Sanyo Company Limited, owner.

SUBJECT – Application December 20, 2006 – Zoning
variance under ZR §72-21 to allow an eight (8) story
residential building containing six (6) dwelling units and
ground floor retail use; contrary to regulations for use (§42-
00, §111-104(e), and §111-102(b)). M1-5 district (Area B-2
of Special TriBeca Mixed Use District).

PREMISES AFFECTED – 50-52 Laight Street, Between
Hudson and Greenwich Streets, Block 219, Lots 2 & 3,
Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Francis R. Angelino, Esq.

ACTION OF THE BOARD – Laid over to
September 25, 2007, at 1:30 P.M., for decision, hearing
closed.

16-07-BZ

APPLICANT – Juan D. Reyes, III, for Daytop Village, Inc.,
owner.

SUBJECT – Application January 12, 2007 – Special Permit
(\$73-44) to permit a reduction in required parking for a Use
Group 4A ambulatory and diagnostic treatment center
located in M1-1 and C1-2 (R2) zoning districts.

PREMISES AFFECTED – 2614 Halperin Avenue, Halperin

Avenue between Blandell Avenue and Williamsburg Road,
Block 4074, Lot 11, Borough of Bronx.

COMMUNITY BOARD #10BX

APPEARANCES –

For Applicant: Juan D. Reyes, III, Amy Sliorra, John Strauss
and Steve Winston.

For Opposition: Mark A. Varrichio, Meghan K. Lynch,
Marianne LaCroce, Jeff Jones, Marie Lacroce, Anthony
LaCroce, William Rivera, and others.

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

135-07-BZ

APPLICANT – Lewis E. Garfinkel, R.A., for Ester Loewy,
owner.

SUBJECT – Application May 22, 2007 – Special Permit
(\$73-622) for the enlargement of an existing single family
residence. This application seeks to vary floor area and open
space (23-141(a)); less than the required side yards (23-461)
and less than the required rear yard (23-47) in an R-2 zoning
district.

PREMISES AFFECTED – 920 East 24th Street. West side of
East 24th Street, 140' north of Avenue L, Block 7587, Lot
54, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Krystal Forde.

ACTION OF THE BOARD – Laid over to October
16, 2007, at 1:30 P.M., for continued hearing.

136-07-BZ

APPLICANT – Lewis E. Garfinkel, R.A., for Leora Fenster,
owner.

SUBJECT – Application May 22, 2007 – Special Permit
(\$73-622) for the enlargement of an existing single family
residence. This application seeks to vary floor area and open
space (§23-141(a)); less than the required side yards (§23-
461) and less than the required rear yard (§23-47) in an R-2
zoning district.

PREMISES AFFECTED – 1275 East 23rd Street, East side
of East 23rd Street, 160' north of Avenue M, Block 7641,
Lot 14, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Krystal J. Forde

ACTION OF THE BOARD – Laid over to October
16, 2007, at 1:30 P.M., for continued hearing.

146-07-BZ

APPLICANT – Slater & Beckerman, LLP, for PDPR Realty
Corporation, owner.

SUBJECT – Application June 5, 2007 – Application filed
pursuant to §§11-411 & 11-412 for the structural alteration
and enlargement of a pre-existing nonconforming two-story
parking (Use Group 8) garage allowed by a 1924 BSA

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action. The proposal would permit the addition of a third floor and a first floor mezzanine and the expansion of the cellar in order to increase the capacity of the public parking garage from 96 cars to the proposed 147 cars. The project is located in an R8B zoning district.

PREMISES AFFECTED – 439 East 77th Street, North side of East 77th Street, Between First and York Avenues. Block 1472, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Stuart Beckerman and ?.

For Opposition: Francine Olk and Judy Baron.

ACTION OF THE BOARD – Laid over to October 16, 2007, at 1:30 P.M., for continued hearing.

164-07-BZ

APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for Rouse SI Shopping Center, LLC, owner; ME Clinic Two LLC, lessee.

SUBJECT – Application June 15, 2007 – Special Permit (§73-36) to allow a Physical Culture Establishment that will occupy one storefront within a multiple-store mall containing retail stores and eating and drinking establishments (Use Group 6). The proposal is contrary to section 32-10. C4-1 district.

PREMISES AFFECTED – (280 Marsh Avenue) The Crossings @ Staten Island Mall, north of Platinum Avenue, west of Marsh Avenue, east of Staten Island Mall Dr., Block 2400, Lot 300, Borough of Staten Island.

COMMUNITY BOARD # 2SI

APPEARANCES –

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to October 2, 2007, at 1:30 P.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: P.M.