
BULLETIN

OF THE
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AND APPEALS

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November 8, 2007

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CONTENTS

DOCKET	846
CALENDAR of December 11, 2007	
Morning	847
Afternoon	848

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, October 30, 2007**

Morning Calendar849

Affecting Calendar Numbers:

919-57-BZ 4912 Avenue K, Brooklyn
382-80-BZ 316 East 91st Street, Manhattan
233-06-BZ 2342 Haviland Avenue, Bronx
196-58-BZ 2590 Bailey Avenue, Bronx
426-83-BZ 1880 Hylan Boulevard, Staten Island
16-92-BZ 115 King Street, Brooklyn
73-07-A 2169-2171 86th Street, Brooklyn
2-07-A thru 5-07-A 3212, 3214, 3216, 3218 Tiemann Avenue, Bronx
39-07-A thru 40-07-A 3248, 3250 Given Avenue, Bronx
138-07-A 614 West 138th Street, Manhattan
154-07-A 441 East 57th Street, Manhattan
204-07-BZY 163-167 Washington Avenue, Brooklyn

Afternoon Calendar854

Affecting Calendar Numbers:

10-05-BZ 443 39th Street, a/k/a 459 39th Street, Brooklyn
315-05-BZ 862 Huguenot Avenue, Staten Island
83-06-BZ 47-33 Fifth Street, Queens
103-06-BZ 1324 East 23rd Street, Brooklyn
69-07-BZ 240 West Broadway, Manhattan
71-07-BZ 32-05 21st Street, Queens
148-07-BZ 462 Greenwich Street, Manhattan
39-06-BZ 245 Varet Street, Brooklyn
48-06-BZ 420 Morris Park Avenue, Bronx
134-06-BZ 241-15 Northern Boulevard, Queens
212-06-BZ 242-02 61st Avenue, Queens
227-06-BZ 2066 Richmond Avenue, Staten Island
65-07-BZ 146-93 Guy R. Brewer Boulevard, Queens
78-07-BZ 2515 McDonald Avenue, Brooklyn
730-72-BZ 2515 McDonald Avenue, Brooklyn
79-07-BZ 114-05 Farmers Boulevard, Queens
124-07-BZ 521 Broome Street, Manhattan
158-07-BZ 184-20 Union Turnpike, Queens
167-07-BZ 220 Amherst Street, Brooklyn
202-07-BZ 2160-2170 McDonald Avenue, Brooklyn
213-07-BZ 1217 East 26th Street, Brooklyn
215-07-BZ 69-02 64th Street, Queens

DOCKETS

New Case Filed Up to October 30, 2007

238-07-BZ

5-11 47th Avenue, 46th Road at north, 47th Avenue at south, Fifth Avenue at west, Vernon Boulevard at east., Block 28, Lot(s) 21, Borough of Queens, Community Board: 2. Variance to permit construction of a mixed-use residential, commercial and community facility building.

239-07-BZ

57-38 Waldron Street, South side of Waldron Street, 43.71 ft. west of 108 Street, east of Otis Avenue., Block 1959, Lot(s) 27, Borough of Queens, Community Board: 4. Variance to allow non-compliance with a side yard requirement.

240-07-A

1270 Bay Ridge Parkway, 12th Avenue and 13th Avenue, Block 6221, Lot(s) 34, Borough of Brooklyn, Community Board: 10. Appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced under the prior R4/C1-2 zoning district . R4-1 zoning district .

241-07-BZ

2525 Victory Boulevard, Northwest corner of Victory Boulevard and Willowbrook Road., Block 1521, Lot(s) 1, Borough of Staten Island, Community Board: 1. Special Permit (73-211) to operate an automotive service station.

242-07-BZ

1760 Gleason Avenue, Commonwealth Avenue and Saint Lawrence Avenue, Block 3752, Lot(s) 41, Borough of Bronx, Community Board: 9. Variance to allow a two-family detached residence and accessory one car garage and one accessory open parking space, all of which encroach within a required front yard.

243-07-BZ

120 John Street, At northwest corner of the intersection of John Street and Douglas Street., Block 1123, Lot(s) 120, Borough of Staten Island, Community Board: 1. Variance to allow a development that exceeds the maximum floor area and does not provide front, yards, off street parking spaces, and open space required in the underlying R3-2 zoning district.

244-07-A

120 John Street, At northwest corner of the intersection of John Street and Douglas Street., Block 1123, Lot(s) 120, Borough of Staten Island, Community Board: 1. Proposed construction of a three story, one family home located within the bed of mapped street (John Street) contrary to General City Law Section 35 . R3-2 Zoning district .

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

CALENDAR

DECEMBER 11, 2007, 10:00 A.M.

APPEALS CALENDAR

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, December 11, 2007, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

16-36-BZII

APPLICANT - Vassalotti Associates, Architects, for Cumberland Farms Incorporated, owners.
SUBJECT - Application July 17, 2007 - Extension of Term of a previously granted variance for the operation of a gasoline service station (Exxon) which expired November 1, 2007 in a C2-2/R-5 zoning district.
PREMISES AFFECTED - 1885 Westchester Avenue, northwest corner of Westchester Avenue and White Plains Road, Block 3880, Lot 1, Borough of Bronx.
COMMUNITY BOARD #9BX

673-81-BZ

APPLICANT - David L. Businelli, for Joseph Montalbano, owner.
SUBJECT - Application August 20, 2007 - Extension of Term of variance granted pursuant to §72-21 permitting, in an R3-2 zoning district, the erection of a one story and cellar retail store and office building with accessory parking in the open area. The application was previously approved for a 15 year term which expired on January 5, 1997.
PREMISES AFFECTED - 2075 Richmond Avenue, East side of Richmond Avenue 461.94' N. feet from corner of Rockland Avenue, Block 2015, Lot 28, Borough of Staten Island.
COMMUNITY BOARD #2 SI

67-95-BZ

APPLICANT - Francis R. Angelino, Esq., for Times Square JV LLC, owner; Town Sports International, lessee.
SUBJECT - Application May 17, 2007 - Extension of Term of a previously approved Special Permit granted pursuant to §73-36 allowing the operation of a physical culture establishment on the 14 & 15 floors of the Crowne Plaza Hotel located in a C6-7T (MID) zoning district.
PREMISES AFFECTED - 1591/1611 Broadway, west side, the blockfront between West 48th & West 49th Streets, Block 1020, Lot 46, Borough of Manhattan.
COMMUNITY BOARD #5M

155-07-A

APPLICANT - Jorge F. Canepa, for Sonja Keyser, owner.
SUBJECT - Application June 11, 2007 - Proposed construction of a swimming pool, tennis court and changing room located within the bed of a mapped street (Tiber Place) contrary to General City Law Section 35. R1-2 Zoning District.
PREMISES AFFECTED - 55 Chipperfield Court, 413.88' south of the corner between Chipperfield Court and Ocean Terrace, Block 687, Lot 21, Borough of Staten Island.
COMMUNITY BOARD #2SI

240-07-A

APPLICANT - Sheldon Lobel, P.C., for 1270 Bay Ridge Parkway Development, LLC, owner.
SUBJECT - Application October 24, 2007 - Appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced under the prior R4/C1-2 zoning district. R4-1 zoning district.
PREMISES AFFECTED - 1270 Bay Ridge Parkway, 12th Avenue and 13th Avenue, Block 6221, Lot 34, Borough of Brooklyn.
COMMUNITY BOARD #10BK

CALENDAR

DECEMBER 11, 2007, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, December 11, 2007, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

197-05-BZ

APPLICANT – Blank Rome LLP, by Marvin Mitzner, for B & E 813 Broadway, LLC & Broadway Realty, owner.

SUBJECT – Application August 17, 2005 – Variance (§ 72-21) to allow a 11-story residential building with ground floor retail; contrary to regulations for FAR and open space ratio (§ 23-142), front wall height, setback and sky-exposure plane (§ 33-432), and maximum number of dwelling units (§ 23-22). C6-1 district.

PREMISES AFFECTED – 813/815 Broadway, west side of Broadway, 42' south of East 12th Street, Block 563, Lots 33 & 34, Borough of Manhattan.

COMMUNITY BOARD #2M

Jeff Mulligan, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, OCTOBER 30, 2007
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

919-57-BZ

APPLICANT – Cullen and Dykman LLP by Gary Goldman, owner; Stanley Halpern, lessee.

SUBJECT – Application August 20, 2007 – Extension of Term, ZR §11-411 of a previously granted variance for the continued operation of a UG6 take out restaurant in an R3-2 zoning district which expired on March 25, 2003.

PREMISES AFFECTED – 4912 Avenue K, south side of Avenue K between East 49th Street and Utica Avenue, Block 7829, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of the term for a previously granted variance for a Use Group 6 restaurant in an R3-2 zoning district, which expired on March 25, 2003; and

WHEREAS, a public hearing was held on this application on October 2, 2007 after due notice by publication in *The City Record*, and then to decision on October 30, 2007; and

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

WHEREAS, Community Board 18, Brooklyn, recommends approval of the application, with the following conditions: (1) that parking be limited to one car; (2) that garbage disposal be placed out of sight; and (3) that the premises, rear yard and driveway area be kept free of debris and graffiti; and

WHEREAS, the subject premises is located on the south side of Avenue K between 49th Street and Utica Avenue; and

WHEREAS, the site is located within an R3-2 zoning district and is occupied by a one-story commercial building; and

WHEREAS, on March 25, 1958, the Board granted a variance under the subject calendar number to permit the construction of a two-story mixed use building in a residential zoning district having a store on the first floor and two apartments on the second floor for a term of 15 years, subject to certain conditions; and

WHEREAS, the grant was subsequently amended to extend the time to obtain permits and complete the approved work; and

WHEREAS, on May 26, 1964, the grant was reopened and amended to permit a redesign of the building to eliminate the second floor and to provide for a 23’-0” rear yard; and

WHEREAS, the applicant has sought and received multiple extensions to its term; and

WHEREAS, the term of the variance expired March 25, 2003; and

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

WHEREAS, the Board asked the applicant to confirm that all signage complies with C1 zoning district regulations; and

WHEREAS, the applicant represents that all signage complies with C1 zoning district regulations; and

WHEREAS, the Board also directed the applicant to ensure that the building façade was free of graffiti; and

WHEREAS, the applicant submitted photographs indicating that the façade had been cleaned; and

WHEREAS, the Board notes that all of the Community Board’s requested conditions are addressed by conditions in previous approvals which remain in effect; and

WHEREAS, the applicant represents that the use and operation of the site complies with all of the conditions of the prior approvals and the Community Board’s request; 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 March 25, 1958, 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 March 25, 2013; *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 August 20, 2007”-(4) sheets; and *on further condition*:

THAT this grant shall expire on March 25, 2013;

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

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 a new certificate of occupancy be obtained within six months of the date of this grant, on April 30, 2008;

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.”

Adopted by the Board of Standards and Appeals,

MINUTES

October 30, 2007.

382-80-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for Full Gospel New York Church, owners.

SUBJECT – Application June 29, 2007 – Extension of Term of a previously granted variance, which expired on July 1, 2005, to allow the operation of a theater (Playhouse 91) on the mezzanine and second floors located in an R8b zoning district.

PREMISES AFFECTED – 316 East 91st Street, south side of East 91st Street, 250’ east side of Second Avenue, Block 1553, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of the term for a previously granted variance to allow the operation of a theater, which expired on July 1, 2005; and

WHEREAS, a public hearing was held on this application on October 2, 2007 after due notice by publication in *The City Record*, and then to decision on October 30, 2007; and

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

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

WHEREAS, the subject premises is located on the south side of East 91st Street, 250’-0” east of Second Avenue; and

WHEREAS, the theater is located on the mezzanine and second floors of a two-story commercial building within an R8B zoning district; and

WHEREAS, on July 1, 1980, under the subject calendar number, the Board granted a variance, pursuant to ZR § 72-21, to permit the enlargement and conversion of the second floor of an existing two-story commercial building into a theater for a term of fifteen years; and

WHEREAS, the first floor of the premises is occupied by a legal non-conforming use that was not included in that application; and

WHEREAS, on January 17, 1996, the grant was amended to legalize changes to previously approved plans which included relocating the box office, restrooms, and control booth and to extend the term for ten years, to expire July 1, 2005; and

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

WHEREAS, the applicant states that the theater has been in operation at the subject premises for more than 25 years; and

WHEREAS, the applicant proposes to maintain the use of the subject premises as a theater; and does not seek any changes to the building; and

WHEREAS, the applicant states that the delay in filing an amendment to extend the term of the variance was due to a change in ownership; and

WHEREAS, the applicant notes that it has diligently pursued the filing of this application since its purchase of the property this year, and

WHEREAS, the applicant further represents that it is in compliance with all the conditions of the 1995 grant; 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 July 1, 1980, 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 July 1, 2015; *on condition* that the use and operation shall substantially conform to previously approved plans; and *on further condition*:

THAT this grant shall expire on July 1, 2015;

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

THAT a new certificate of occupancy shall be obtained within six months of the date of this grant, on April 30, 2008;

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. 104801500)

Adopted by the Board of Standards and Appeals, October 30, 2007.

233-06-BZ

APPLICANT – New York City Board of Standards and Appeals.

OWNER: Syful Islam.

SUBJECT – Application September 11, 2006 – To consider dismissal for lack of prosecution – Proposed variance (§72-21) for the legalization of an enlargement to a single family home, which required front yard 23-47 and less than the required side yard 23-461 in an R-5 zoning district; and also to change the occupancy from a one family to a two family home.

PREMISES AFFECTED – 2342 Haviland Avenue, Haviland Avenue bounded by Zerega Avenue and Havemeyer Avenue, Block 3827, Lot 51, Borough of Bronx.

COMMUNITY BOARD # 9BX

MINUTES

APPEARANCES –

For Applicant: Jennifer Riker.

ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW –

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

Negative:.....0

Adopted by the Board of Standards and Appeals, October 30, 2007.

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

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 November 20, 2007, at 10 A.M., for decision, hearing closed.

426-83-BZ

APPLICANT – Glen V. Cutrona, AIA, for Giuseppe Emmanuele, owner; S & E Landholding, Incorporated, lessee.

SUBJECT – Application November 3, 2006 – Extension of Term/Amendment/Waiver-Request extension of term of an existing retail stores on the first floor and offices on the second floor (UG6 in a R3-1 zoning district), approved pursuant to §72-21. The amendment seeks to legalize a reduction in parking from the 27 to 20 vehicles and approve the change in parking layout. The application also seeks to amend the signage and extend the term for an additional twenty (20) years from its expiration on November 27, 2004.

PREMISES AFFECTED – 1880 Hylan Boulevard, Hylan Boulevard and Slater Boulevard, Block 3657, Lot 7, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Glen V. Cutrona.

ACTION OF THE BOARD – Laid over to December 11, 2007, at 10 A.M., for continued hearing.

16-92-BZ

APPLICANT – Stadtmauer Bailkin, LLP, for High Teck Park, Inc., owner.

SUBJECT – Application May 18, 2007 – Pursuant to Z.R §§72-01 & 72-22 to permit a waiver of the rules of practice and procedure, a re-opening, an amendment, and an extension of the term of the variance. The requested application would permit the legalization from the change in use from auto repair and warehouse to a charity auto donation facility (Use Group 16 automotive storage), container storage (Use Group 16), a woodworking and metal working company (Use Group 16) and a legalization of a 2,420 square foot mezzanine addition. The premises is located in a R5/C1-1 zoning district.

PREMISES AFFECTED – 115 King Street, 78 Sullivan Street, lot front King Street and Sullivan Street, between Richardson and Van Brunt Street, Block 556, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Calvin Wong.

For Opposition: Molly Rouzie, Amy Helfard, Jorset Keindl, Louis Sones, Kimberly Huntington.

ACTION OF THE BOARD – Laid over to December 11, 2007, at 10 A.M., for continued hearing.

APPEALS CALENDAR

73-07-A

APPLICANT – Fire Department of The City of New York
OWNER – L. W. Equity Associates Incorporated

LESSEE – Fabco Shoe Store

SUBJECT – Application March 30, 2007 – Application seeking to modify Certificate of Occupancy No. 300217414, to permit the issuance of an order by the Fire Department to require additional fire protection for the occupied cellar of the commercial structure in the form of an automatic sprinkler system under the authority of Section 27-4265 of the Administrative Code.

PREMISES AFFECTED – 2169-2171 86th Street, North side of 86th Street, 100' west from the corner of Bay Parkway, Block 6347, Lot 49, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES –

For Applicant: Anthony Scaduto, Fire Department.

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 from the Fire

MINUTES

Commissioner, requesting to modify the certificate of occupancy of the subject premises to reflect a requirement for automatic wet sprinklers in the cellar; and

WHEREAS, the order issued from the Fire Commissioner to the property owner, dated September 8, 2003, reads in pertinent part:

“You are hereby directed and required to comply with the following ORDER within thirty (30) days:

- 1) Install approved automatic wet sprinkler system throughout the ENTIRE CELLAR, arranged and equipped per Title 27, Chapter 1, Sub-Chapter 17 of the Administrative Code of the City of New York.
- 2) Plans are to be filed and approved by the Department of Buildings and a certified copy, accompanied by numbered Plan Work application, submitted to the Bureau of Fire Prevention – Sprinkler Install Unit – FDNY before any work is commenced.
- 3) After installation of sprinkler system submit a copy of the FP-85 Test Report to the Bureau of Fire Prevention – Sprinkler Install Unit – FDNY.

AUTHORITY: Section 27-4265 of the Administrative Code of the City of New York;” and

WHEREAS, a public hearing was held on this application on September 11, 2007, after due notice by publication in *The City Record*, with a continued hearing on October 2, 2007, and then to decision on October 30, 2007; and

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

WHEREAS, the subject premises is located on the north side of 86th Street, 100 feet west of Bay Parkway, within a C4-2 zoning district; and

WHEREAS, the site is occupied by a two-story with cellar commercial building; and

WHEREAS, the first floor and cellar are occupied by a Use Group 6 retail establishment and the second floor is occupied by Use Group 6 offices, which are both permitted uses in the zoning district; and

WHEREAS, the retail establishment operates as Fabco Shoes; and

WHEREAS, the current Certificate of Occupancy No. 300217414, dated May 19, 1995, does not reflect that sprinklers are required; and

WHEREAS, the Fire Department represents that upon a routine inspection in the late 1990s, its local administrative company performed an inspection of the subject building and referred its recommendations to the Bureau of Fire Prevention’s Sprinkler Install Unit; and

WHEREAS, the Sprinkler Install Unit then inspected the site and determined that, notwithstanding the absence of a requirement for an automatic wet sprinkler system at the site on the current certificate of occupancy, the cellar must be fully sprinklered in order to bring the building into compliance with the Building Code; and

WHEREAS, specifically, the Building Code § 27-954 – Required Sprinklers – reads in pertinent part: “A system of automatic sprinklers shall be provided in the areas listed . . . regardless of occupancy group classification . . . the first story below grade when it cannot be ventilated by at least thirty-five square feet of openable area per ten thousand cubic feet of volume. Such ventilation shall be provided by operable windows or other natural ventilation sources . . . All other stories below grade shall be sprinklered;” and

WHEREAS, ultimately, as noted above, the Fire Commissioner issued an order dated September 8, 2003, which reflected the determination that the owner must install automatic sprinklers in the cellar within thirty days; and

WHEREAS, the Fire Department represents that it made approximately five subsequent inspections of the site and noted that the conditions had not changed, sprinklers were still required, and had not yet been installed; and

WHEREAS, the Board notes that there have been actions in other forums involving the Fire Department and the owner regarding the noted fire safety issues at the building, but that these are not relevant to the subject appeal; and

WHEREAS, the Fire Department asserts that its request is reasonable and necessary in the interest of public safety since fire protection within the subject building is inadequate due to the following existing conditions: (1) the two-story and cellar building is non-fireproof; (2) the first floor and cellar are occupied by a retail establishment; (3) the cellar is used for storage and open retail space accessible to the public; (4) the cellar lacks a means of ventilation; and (5) the interior staircase between the first floor and cellar is open and unenclosed; and

WHEREAS, pursuant to the Administrative Code § 27-4265, the Fire Department requests to modify the certificate of occupancy to reflect that (1) an automatic wet sprinkler system be installed in the entire cellar, (2) that the plans approved by DOB and (3) that the plans be filed with the Sprinkler Install Unit; and

WHEREAS, the Board notes that the owner initially contested the requirement to install sprinklers, stating that it was financially infeasible to do so; and

WHEREAS, further, at hearing, the owner stated that the use of the cellar for storage, display, and customer access was necessary for its business and could not be eliminated; and

WHEREAS, the owner submitted photographs of the cellar and noted that certain signage and lights had been added or would be added in an effort to improve egress and fire safety; and

WHEREAS, at hearing, the Fire Department stated that egress, as addressed by the noted improvements, is only one concern; the proposed sprinklers are required to control the spread of fires within the building and among adjacent buildings; and

WHEREAS, the Fire Department notes that because other options to address fire control concerns, such as mechanical ventilation, are not an option in the cellar space, sprinklers are required; and

WHEREAS, the Board agrees with the Fire Department that, given the use of the cellar and the inability to provide ventilation through any other means, automatic sprinklers are

MINUTES

required in the cellar per the Building Code; and

WHEREAS, ultimately, the owner agreed to research and install a sprinkler configuration, in consultation with DOB, which would satisfy the Fire Department's requirements; and

WHEREAS, thus, based on the evidence in the record, the Board finds that the installation of an automatic wet sprinkler system, as requested by the Fire Department, is necessary to protect life and property at the premises in the event of fire; and

WHEREAS, the Board notes that the ultimate configuration of the sprinkler system may differ from what the Fire Department initially requested, but it will be approved by DOB and the Fire Department prior to installation.

Therefore it is Resolved that the application of the Fire Commissioner, dated March 30, 2007, seeking the modification of the Certificate of Occupancy No. 300217414 is granted.

Adopted by the Board of Standards and Appeals, October 30, 2007.

2-07-A thru 5-07-A

APPLICANT – Sheldon Lobel, P.C., for Ron Karo, owner.
SUBJECT – Application January 8, 2007 – To allow construction of four-3story 2 family located within the bed of a mapped street, contrary to General City Law Section 35. R5 zoning district.

PREMISES AFFECTED– 3212, 3214, 3216, 3218, Tiemann Avenue, northeast corner of Tiemann Avenue and unnamed Street, Block 4752, Lots 128, 129, 132, 133, Borough of Bronx.

COMMUNITY BOARD #12BX

APPEARANCES –

For Applicant: Ron Mandel.

ACTION OF THE BOARD – Laid over to December 11, 2007, at 10 A.M., for continued hearing.

39-07-BZ thru 40-07-A

APPLICANT – Sheldon Lobel, P.C., for Blue Granite, owner.

SUBJECT – Application February 2, 2007 – Proposed construction of a 3 story, 3 family located within the bed of a mapped street, contrary to General City Law Section 35. R5 zoning district.

PREMISES AFFECTED – 3248, 3250, Givan Avenue, unnamed street between Wickham and Givan Avenue, Block 4755, Lots 65 & 66, Borough of Bronx.

COMMUNITY BOARD #12BX

APPEARANCES –

For Applicant: Ron Mandel.

ACTION OF THE BOARD – Laid over to December 11, 2007, at 10 A.M., for continued hearing.

138-07-A

APPLICANT – New York City Department of Buildings.

OWNER: 614 NYC Partners, Incorporated

SUBJECT – Application May 24, 2007 – Appeal seeking to

revoke Certificate of Occupancy No. 104114487 that allowed the conversion of single room occupancy units (SRO) to Class A apartments without obtaining a Certificate of No Harassment from NYC Housing Preservation and Development (HPD). R8 Zoning District.

PREMISES AFFECTED – 614 West 138th Street, West 138th Street, east of Riverside Drive and west of Broadway, Block 2086, Lot 141, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES –

For Applicant: John Egnatios-Beene, Department of Buildings.

For Opposition: Mark E. Klein.

ACTION OF THE BOARD – Laid over to December 11, 2007, at 10 A.M., for decision, hearing closed.

154-07-A

APPLICANT – Troutman Sanders, LLP, for 435 East 57th Apartments, Inc., owner.

SUBJECT – Application June 11, 2007 – Appeal seeking to revoke permits and approvals that allow a mechanical room which exceeds the maximum height permitted under Section 23-692(a) and is not listed as a permitted obstruction in Section 23-62. R10 Zoning district.

PREMISES AFFECTED – 441 East 57th Street, north side of east 57th Street, between 1st Avenue and Sutton, Block 1369, Lot 15, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCE –

For Applicant: Caroline G. Harris.

For Opposition: Stuart Beckerman and Stephen P. Krammer of Department of Buildings.

ACTION OF THE BOARD – Laid over to January 8, 2008, at 10 A.M., for continued hearing.

204-07-BZY

APPLICANT – Sheldon Lobel, P.C., for Washington-Hall Holdings, LLC, owner.

SUBJECT – Application August 17, 2007 – Proposed extension of time (§11-332) to complete construction of a minor development of a 15 story mixed use building under the prior R6/C1-3 Zoning District.

PREMISES AFFECTED – 163-167 Washington Avenue, approximately 80' from the northeast corner of Myrtle Avenue and Washington Avenue, Block 1890, Lots 1, 4, 82, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES –

For Applicant: Ron Mandel, Jordan Most, Rich Esposito, Steve Majartan.

For Opposition: Letishe James, Vaidila Kungys, Jacqueline Stallings, Ragnas Nacea, Sophia Chang, Sharon Barnes, Ann Ballentine, Gary Hattem Scott Witter, Hampton Tolbert, Shirley Godson, Peter Eide, Tresa Elguera, Patricia Hagan and Schellie Hagan.

ACTION OF THE BOARD – Laid over to December

MINUTES

11, 2007, at 10 A.M., for continued hearing.

Jeffrey Mulligan, Executive Director

Adjourned: A.M.

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

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

ZONING CALENDAR

10-05-BZ

CEQR #05-BSA-085K

APPLICANT – Sheldon Lobel, P.C., for Samuel Benitez,
owner.

SUBJECT – Application January 20, 2005 – Zoning
variance under §72-21 to allow a five (5) story residential
building containing twenty-seven (27) dwelling units and
fifteen (15) parking spaces contrary to use regulations (§42-
00); M1-2 district.

PREMISES AFFECTED – 443 39th Street, a/k/a 459 39th
Street, 39th Street between 4th Avenue and 5th Avenue,
Block 705, Lot 53, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES – None.

ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW –

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

Negative:.....0

Adopted by the Board of Standards and Appeals,
October 30, 2007.

315-05-BZ

APPLICANT – David L. Businelli, AIA, for Diggy's LLC,
owner.

SUBJECT – Application October 28, 2005 – Zoning
variance under §72-21 to allow a two-story horizontal
extension of an existing three-story mixed commercial retail
(UG 6) and residential building containing one (1) dwelling
unit. Twenty (20) open accessory parking spaces are
proposed. Proposed commercial use is contrary to use
regulations (ZR §22-10). R3X district (Special South
Richmond District).

PREMISES AFFECTED – 862 Huguenot Avenue, South
side of Huguenot Avenue, 0' east from Hawley Avenue.
Block 6815, Lot 32, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES – None.

ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW –

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

Negative:.....0

Adopted by the Board of Standards and Appeals,
October 30, 2007.

83-06-BZ

CEQR #06-BSA-082Q

APPLICANT – Eric Palatnik, P.C., for Simon Blitz, owner.
SUBJECT – Application May 2, 2006 – Variance (§72-21)
to allow the conversion and two (2) story enlargement of an
existing four story industrial building. The proposed multi-
family building will contain six (6) floors, ground floor retail
use, and fourteen (14) dwelling units. No parking spaces are
proposed. The proposal would exceed the maximum floor
area ratio (§123-64 (a)) and applicable height and setback
requirements (§123-662). The project site is located within
the Hunters Point Subdistrict of the Special Long Island City
Mixed Use District and is zoned M1-4/R6A (LIC).

PREMISES AFFECTED – 47-33 Fifth Street, north side of
5th Street, between 48th Avenue and 47th Road, Block 30, Lot
26, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW –

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

Negative:.....0

Adopted by the Board of Standards and Appeals,
October 30, 2007.

MINUTES

103-06-BZ

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

SUBJECT – Application May 23, 2006 – Special Permit (§73-622) for the enlargement of a single family residence. This application seeks to vary open space and floor area (§23-141(a)) and rear yard (§23-47) in R-2 zoning district. PREMISES AFFECTED – 1324 East 23rd Street, East 23rd Street between Avenues M and N, Block 7658, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW –

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

Adopted by the Board of Standards and Appeals, October 30, 2007.

69-07-BZ

CEQR #07-BSA-070M

APPLICANT – Jay A. Segal, for Greenberg Traurig, LLP, for 240 West Broadway, LLC, owner.

SUBJECT – Application March 23, 2007 – Variance (§72-21) to allow a nine (9) story residential building containing seven (7) dwelling units; contrary to use regulations (§42-10). M1-5 district (Area B-1 of Special TriBeca Mixed Use District).

PREMISES AFFECTED – 240 West Broadway, northwest corner of the intersection of North Moore Street and West Broadway, Block 190, Lot 44, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Jay Segal.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Manhattan Borough Commissioner, dated May 15, 2007, acting on Department of Buildings Application No. 104631837, reads in pertinent part:

“The proposed residential use is not permitted as-of-right in an M1-5 District within Area B-1 of the Special Mixed District and is contrary to ZR 42-10; There are no bulk regulations governing residential buildings in M1-5 District. (BSA to determine);” and

WHEREAS, this is an application under ZR § 72-21, to permit, in an M1-5 zoning district within area B1 of the Special Tribeca Mixed Use District, a nine-story residential building with six dwelling units and a ground floor accessory parking space, which is contrary to ZR § 42-10 and; and

WHEREAS, a public hearing was held on this application on August 7, 2007, after due notice by publication in the *City Record*, with a continued hearing on September 25, 2007, and then to decision on October 30, 2007; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan and Commissioner Hinkson; and

WHEREAS, Community Board 1, Manhattan, recommends approval of the application on condition that the applicant adopt a construction management plan designed to minimize the impact of construction on surrounding historic buildings and avoid the use of a hydraulic pile-driving method, and further recommended that the applicant consider retail uses for the ground floor; and

WHEREAS, certain neighbors, some of whom were represented by counsel (the “Opposition”) provided testimony and made submissions in opposition to this application; the Opposition contends that (1) the building is not compatible with neighborhood character; (2) the proposed construction could endanger nearby buildings; and (3) the applicant should have analyzed the feasibility of retaining the pre-existing parking lot; and

WHEREAS, the subject premises is located at the northwest corner of West Broadway and North Moore Street, with frontage on both streets, and has 4,207 sq. ft. of lot area; and

WHEREAS, the site is located within an M1-5 zoning district within Area B1 of the Special Tribeca Mixed Use District; and

WHEREAS, the site is currently occupied by a 30-space parking lot, with an advertising billboard; and

WHEREAS, the applicant originally proposed a seven-unit residential building with a floor area of 23,139 sq. ft. (5.50 FAR), a street wall height of 72’-0”, a total building height of 108’-0”, and one accessory parking space; and

WHEREAS, the current proposal is for a six-unit residential building with a floor area of 22,911 sq. ft. (5.45 FAR), a street wall height of 72’-0”, a total building height of 108’-0”, and one accessory parking space; and

WHEREAS, as to the proposed building, (1) the cellar level will be occupied by storage and accessory use, (2) the first floor will be occupied by a residential entrance on North Moore Street, the lower portion of a duplex residential unit, a 350 sq. ft. accessory parking space, and a 1,204 sq. ft. courtyard, (3) the second floor will contain the upper portion of the duplex residential unit, (4) the third through sixth floors will each be occupied by individual floor-through residential units, and (5) the seventh through ninth floors will be occupied by a three-story penthouse unit surrounded by a terrace on both streetfronts, for a total of six residential units; and

WHEREAS, further, the proposed building will provide a setback above the sixth floor on both the West Broadway and North Moore frontages at a height of 72’-0”, with a 10’-0” setback on the West Broadway frontage and 15’-0” setback on the North Moore frontage and will reach a height of 108’-0” above the ninth floor; and

WHEREAS, the applicant states that the following are unique physical conditions which create an unnecessary

MINUTES

hardship in developing the site in conformance with applicable regulations: (1) the site is small; (2) the site is irregularly-shaped; and

WHEREAS, as to size, the applicant represents that the small size of the lot results in an inefficient floor plate, in which a disproportionate share is devoted to the building core (elevators, stairways, and bathrooms) which is comparable in size to a core that could serve a larger floor plate; and

WHEREAS, the applicant represents that this condition results in a higher percentage of non-revenue generating floor area than for a building with a larger floor plate; and

WHEREAS, as to the site's shape, the applicant states that it is a six-sided irregular shape characterized by an unusual obtuse angle due to its location at the intersection of West Broadway and North Moore Street; and

WHEREAS, specifically, the applicant states that the site is bounded on the east side by West Broadway, with 52'-10.5" of frontage; and on the south by North Moore Street, with 51'-0.75" of frontage; and

WHEREAS, because of the site's unusual obtuse angle, and the large amount of street frontage in relation to the depth of the lot, there is a high ratio of exterior walls to usable interior which increases the cost of construction; and

WHEREAS, the applicant has identified premium construction costs associated with the need for such a high proportion of exterior walls; and

WHEREAS, the applicant represents that the small size of the site and its irregular configuration would not accommodate efficient floor plates for a conforming development at the site; and

WHEREAS, as to the uniqueness of this condition, the applicant submitted a 400-ft. radius diagram and a land use map of the area, which illustrates that the site is the only vacant parcel reflected on the radius diagram with a comparable lot size or shape; and

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

WHEREAS, the applicant submitted a feasibility study that analyzed: (1) a conforming office building with ground floor retail use; (2) a conforming hotel; (3) the original proposed nine-story residential building with 5.5 FAR; and (4) a nine-story residential building with a 5.0 FAR; and

WHEREAS, at hearing, the Board asked the applicant to revise the financial analysis to eliminate 408 Greenwich Street from the comparables that establish the site value, since its high value may be attributed to the Board grant associated with the site; and

WHEREAS, in response, the applicant removed the reference to 408 Greenwich Street's value, reduced the site value and revised the financial analysis accordingly, and

WHEREAS, the feasibility study indicated that a conforming office building, a conforming hotel, and a residential building with 5.0 FAR, would not result a reasonable return, while the original proposal of 5.5 FAR would result in a reasonable return; and

WHEREAS, the Board questioned the analysis of the original proposal that contained a first floor unit with a below-grade cellar laundry room that counted as floor area; and

WHEREAS, the proposal was revised to eliminate the below-grade cellar/laundry floor area from the first floor unit, thereby reducing the FAR from 5.50 to 5.45; and

WHEREAS, further, the applicant adjusted the value for the ground floor unit and the financial analysis which indicated that the revised proposal would result in a reasonable return; and

WHEREAS, the Board also raised concerns regarding the feasibility analysis for the residential building with an FAR of 5.0 (lesser variance alternative) which contained a double-height unit on the ground floor of a nine-story building; and

WHEREAS, specifically, the Board questioned whether an eight-story building with the same FAR would be a more feasible alternative; and

WHEREAS, a response from the applicant demonstrated that an eight-story residential building with an FAR of 5.0 would yield a lower return than the nine-story residential building with the same FAR; and

WHEREAS, the applicant explained that units on the top floors afforded by the height of the nine-story building command a significant premium;

WHEREAS, the Board questioned whether the height premium of a nine-story building would offset the lower construction costs of an eight-story building, and whether the projected value of the ground floor double-height unit in the 5.0 FAR residential building reflected the premium associated with double-height space; and

WHEREAS, the applicant made a submission to the Board outlining the cost for the eight-story and nine-story 5.0 FAR alternatives and explaining the differences in cost for each line item; the applicant also supplied an analysis demonstrating that the double-height unit had been valued at a higher per square foot rate than the single-height ground floor unit and that the premium had been incorporated into the analysis; and

WHEREAS, as to the feasibility study, the Opposition testified that the applicant should have analyzed the feasibility of retaining the pre-existing parking lot; and

WHEREAS, in response, the applicant made a submission to the Board showing that the current use as an attended parking lot would provide an unreasonably low return; and

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

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

WHEREAS, the applicant represents that the

MINUTES

immediate area has a high concentration of residential uses; and

WHEREAS, the applicant states that the residential use is consistent with the character of the area, and with the C6-2 zoning district directly adjacent to the site which allows residential use; and

WHEREAS, the applicant further states that in the subject M1-5 zoning district, buildings constructed prior to December 15, 1961 with a lot coverage of less than 5,000 sq. ft. are permitted to convert all but the first and second floors to residential use as of right; and

WHEREAS, the Opposition raised concerns at the hearing concerning the appropriateness of the proposed building's height and FAR to the surrounding area; and

WHEREAS, as to height and massing, the applicant states that the proposed building would be similar in height to existing buildings in the neighborhood; and

WHEREAS, the applicant notes that the building's height is within the parameters permitted for a conforming building in the subject M1-5 zoning district; and

WHEREAS, the applicant further states that there are buildings in the surrounding area that exceed the height and FAR of the proposed building; and

WHEREAS, nevertheless, at hearing, the Board asked the applicant to address the compatibility of the proposed bulk and building height to nearby buildings; and

WHEREAS, the applicant submitted information about nearby building heights which reflects that there are two buildings on the same block which are taller than the proposed building; and

WHEREAS, the applicant submitted an illustration noting the heights and FAR of buildings in proximity to the subject site; and

WHEREAS, specifically, this illustration shows two of the five existing buildings on the block have heights of 115'-0" and FARs of 8.4 and 8.84, respectively, and 11 buildings within the immediate vicinity exceed the height and FAR of the proposed building; and

WHEREAS, based upon its review of submitted maps and photographs and its inspection, the Board agrees that the proposed building's height and FAR are compatible with other buildings in the neighborhood; and

WHEREAS, the Board finds that the introduction of six dwelling units is limited in scope and compatible with nearby development; and

WHEREAS, the Opposition raised a concern that the site is adjacent to several buildings which are historic in nature and which require extra measures for protection during construction, including underpinning; and

WHEREAS, the Board notes that the applicant has agreed to provide protection during construction to adjacent buildings and has submitted a construction management plan to the Board that will be approved by DOB prior to the issuance of any building permits; and

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

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title, but is due to the unique dimensions of the lot; and

WHEREAS, the applicant asserts, and the Board agrees, that the waiver associated with the proposed building represents the minimum variance; and

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

WHEREAS, further, the Board notes that the applicant modified the application to reduce the number of units from seven to six and to eliminate the cellar/laundry room from the first floor unit, thereby reducing the FAR from 5.50 to 5.45; and

WHEREAS, the applicant analyzed the feasibility of a residential building with a 5.0 FAR and concluded that it would not provide a reasonable return; and

WHEREAS, accordingly, the Board finds that this proposal is the minimum necessary to compensate for the additional construction costs associated with the uniqueness of the site and to afford the owner relief; 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, certain speakers at the hearing stated that they had not received the required notice of the hearing; and

WHEREAS, the applicant established that it had notified all property owners in accordance with Board procedures; 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. 07BSA070M, dated July 24, 2007; and

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

WHEREAS, The New York City Landmarks Preservation Commission ("LPC") has determined on February 5, 2007 that the project site may be archaeologically sensitive and that artifacts from the 19th century may lie beneath the surface of the site. An archaeological documentary study dated May 2007 was submitted to LPC to determine which portions of the site may contain recoverable materials. The documentary study, which confirmed the site's potential sensitivity, has been reviewed and accepted by LPC on June 1, 2007. The June 1, 2007 LPC findings requested archaeological field testing. On

MINUTES

June 25, 2007 LPC approved the field testing protocol with a stipulation that the applicant alert LPC when the field testing is scheduled to commence; and

WHEREAS, the Department of Environmental Protection (“DEP”) Office of Environmental Planning and Assessment has reviewed the following submissions from the Applicant: (1) a July 23, 2007 Environmental Assessment Statement, (2) an August 2006 Phase I Environmental Site Assessment (3) an August 2007 Phase II Environmental Site Investigation Report; and (iv) the August 2007 Remedial Action Plan (RAP) and Health and Safety Plan (HASP); and

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

WHEREAS, DEP approved the RAP and HASP on September 19, 2007 and concluded that the applicant may proceed with construction provided that a Remedial Closure Report, certified by a Professional Engineer, is submitted by the applicant to DEP showing that all remedial requirements have been properly implemented; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §72-21 and grants a variance, to permit, within an M1-5 zoning district within Area B1 of the Special Tribeca Mixed Use District, the construction of a nine-story, six-unit residential building, which is contrary to ZR § 42-10, *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received October 2, 2007” – twenty (20) sheets and “Received October 26, 2007” – one (1) sheet; and *on further condition*:

THAT the following shall be the parameters of the proposed building: a six-unit residential building with a floor area of 22,911 sq. ft. (5.45 FAR), a street wall height of 72’-0”, a total building height of 108’-0”, and one accessory parking space;

THAT the construction protection plan for 7 North Moore Street, 8 Beach Street, 246 West Broadway, and 248-50 West Broadway that was submitted to the BSA, dated September 28, 2007, shall be followed;

THAT prior to the issuance of building permits, DOB shall inspect the site conditions and review and approve the construction protection plans for 7 North Moore Street, 8 Beach Street, 246 West Broadway, and 248-50 West Broadway, and shall modify such plans, if necessary;

THAT prior to the issuance of building permits, including any work on the site that would result in soil disturbance (such as site preparation, grading or excavation), the applicant or its

successor(s) shall complete the archaeological investigation to LPC’s satisfaction;

THAT prior to the issuance of any building permits, including any work on the site that would result in soil disturbance (such as site preparation, grading or excavation), the applicant or its successor(s) shall perform all the hazardous materials remedial measures and the construction health and safety measures delineated in the Remedial Action Plan and the Health and Safety Plan;

THAT the issuance of building permits shall be contingent upon the issuance of a Final Notice of Satisfaction or a Notice of No Objection by DEP indicating that the Remedial Action Plan and Health and Safety Plan have been completed to its satisfaction;

THAT DEP and LPC shall be contacted to coordinate the timing and completion of field testing and soil remediation activities;

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, October 30, 2007.

71-07-BZ

APPLICANT– Walter T. Gorman, P.E., for Exxon Mobile Corporation, owner; Ted Zorbas, lessee.

SUBJECT – Application March 26, 2007 – Re-instatement for the continued use of a Variance (ZR §11-411 and §73-01(d)) which expired June 27, 2001 for the operation of a UG16 Gasoline Service Station (Exxon Mobil) in anC1-4/R-6 & R-5 zoning district.

PREMISES AFFECTED – 32-05 21st Street, south side 21st Street blockfront between Broadway and 33rd Avenue, Block 555, Lot 16, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: John Ronan.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Commissioner, dated March 19, 2007, acting on Department of Buildings Application No. 402553508, reads in pertinent part:

“Proposal to extend the term of the zoning variance which expired on June 27, 2001 is contrary to the

MINUTES

latest resolution adopted by the Board of Standards and Appeals under Cal. No. 274-61-BZ and contrary to C.O. #196421 which expired on June 27, 1991 and must, therefore, be referred back to the BSA for reinstatement of the variance since the variance granted under Cal. No. 274-61-BZ has lapsed"; 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; 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, August 21, 2007 and October 2, 2007, and then to decision on October 30, 2007; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan and Commissioner Ottley-Brown; and

WHEREAS, Community Board 1, Queens, recommended approval of the application with the condition that the two curb cuts on Broadway be eliminated because they interfere with an existing MTA bus stop; and

WHEREAS, the site occupies a through lot on the southeast side of 21st Street, between Broadway and 33rd Avenue, partially within a C1-4 (R6B) zoning district and partially within an R5 zoning district; and

WHEREAS, the subject zoning lot has a total lot area of approximately 11,056 sq. ft.; and

WHEREAS, the site is currently occupied by a 1,225 sq. ft. automotive service station building with a small convenience store, and five gasoline pump islands; and

WHEREAS, on June 27, 1961, under BSA Cal. No. 274-61-BZ, the Board granted a variance to permit the reconstruction of a gasoline service station with accessory uses for a term of 20 years; and

WHEREAS, subsequently, the grant was amended several times to permit site modifications and to extend the term; and

WHEREAS, most recently, on March 3, 1992, the grant was extended for a period of ten years, to expire on June 27, 2001; and

WHEREAS, the applicant states that a new certificate of occupancy has not been obtained since the June 27, 1991 expiration of the latest one; and

WHEREAS, the applicant now seeks to reinstate the original variance, granted under BSA Cal. No. 274-61-BZ; and

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

WHEREAS, the applicant represents that there has been no enlargement to the zoning lot; and

WHEREAS, the applicant states that the following site modifications have been made since the last grant: (1) the addition of two gasoline pump islands on the 21st Street frontage, (2) the addition of one gasoline pump island on the Broadway frontage, (3) the installation of a larger canopy above the gasoline pump islands, (4) the installation of an air machine and vacuum at the southeast corner of the site, (5) the installation of a planter at the corner of 33rd Avenue and 21st Street, and (6) the conversion of the office area to a small

convenience store; and

WHEREAS, initially, the applicant proposed to legalize all of the noted site modifications; and

WHEREAS, at hearing, the Board expressed concern about (1) the number of gasoline dispensers (five rather than the two approved) and (2) the size and location of the curb cuts and their potential interference with the existing MTA bus stop on Broadway adjacent to the site; and

WHEREAS, accordingly, the Board directed the applicant to eliminate the gasoline pump island on the Broadway frontage; and

WHEREAS, additionally, the Board directed the applicant to eliminate both curb cuts on the Broadway frontage and to reduce the size of the 76'-0" curb cut on 21st Street in order to improve traffic circulation at the site and along Broadway and 21st Street; and

WHEREAS, in response, the applicant revised the plans to reflect the elimination of the noted pump island and the two curb cuts on Broadway, and the replacement of the 76'-0" curb cut on 21st Street with two curb cuts with widths of 30'-0" each; and

WHEREAS, based on the above, the Board finds that the noted changes to the approved plans are appropriate; and

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review under ZR § 11-411, for a reinstatement of a prior Board approval of gasoline service station; *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 October 10, 2007"-(6) sheets; and *on further condition*:

THAT this grant shall be for a term of ten years, to expire on October 30, 2017;

THAT the above condition 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 one year of the date of this grant, on October 30, 2008;

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

THAT the layout of the property, and location and size of the fence shall be as 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 other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of

MINUTES

plan(s)/configuration(s) not related to the relief granted.
Adopted by the Board of Standards and Appeals, October 30, 2007.

148-07-BZ

CEQR #07-BSA-096M

APPLICANT – Ivan Khoury, for Kerry Riorden, owner; Tribeca Spa of Tranquility, lessee.

SUBJECT – Application June 6, 2007 – Special Permit (§73-36) to allow the legalization of a Physical Culture Establishment. The proposal is contrary to section 42-10. M1-5 zoning district within the Tribeca Mixed-Use Special District.

PREMISES AFFECTED – 462 Greenwich Street, 49’-8.5” south from the corner of Greenwich and Watts Streets, Block 224, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Ivan Khoury.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Manhattan Borough Commissioner, dated May 8, 2007, acting on Department of Buildings Application No. 103109510, reads in pertinent part:

“Proposed work of spa/sports club is not permitted as-of-right in M1-5 zoning district and is contrary to ZR 42-10”; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within an M1-5 zoning district within the Tribeca Mixed-Use Special District and the West Tribeca Historic District, the legalization of a physical culture establishment (PCE) on the first floor of a five-story mixed-use building, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on October 2, 2007, after due notice by publication in *The City Record*, and then to decision on October 30, 2007; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Commissioner Hinkson and Commissioner Ottley-Brown; and

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

WHEREAS, the subject site is located on the west side of Greenwich Street, between Watts Street and Desbrosses Street; and

WHEREAS, the PCE occupies the first floor of a five-story mixed-use building with residential use on the second through fifth floors; the PCE has a floor area of 1,667.42 sq. ft.; and

WHEREAS, the PCE is operated as Tribeca Spa of

Tranquility; and

WHEREAS, the Board notes that the site has been in operation since October 1, 2006; and

WHEREAS, the applicant represents that the services at the PCE include massages, body scrubs, and other body treatments; and

WHEREAS, the hours of operation are: Monday through Friday, 9:00 a.m. to 12:00 a.m.; Saturday, 9:00 a.m. to 1:00 a.m.; and Sunday, 10:00 a.m. to 12:00 a.m.; and

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

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

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

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the 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 a Type I 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. 07BSA096M, dated May 30, 2007; and

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

WHEREAS, the Board has determined that the operation of the PCE will not have a significant adverse impact on the environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Type I Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site within an M1-5 zoning district within the Tribeca Mixed-Use Special District and the West Tribeca Historic District,

MINUTES

the legalization of a physical culture establishment on the first floor of a five-story mixed-use building, contrary to ZR § 42-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received September 6, 2007"-two(2) sheets; and *on further condition*:

THAT the term of this grant shall expire on October 1, 2016;

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

THAT 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, October 30, 2007.

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 – None.

ACTION OF THE BOARD – Laid over to January 8, 2008, at 1:30 P.M., for deferred decision.

48-06-BZ

APPLICANT – Jack A. Addesso, 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

APPEARANCES –

For Applicant: Jack Addesso, Bill Seevers and Mario Cangeras.

ACTION OF THE BOARD – Laid over to December 11, 2007, at 1:30 P.M., for continued hearing.

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: Josh Rinesmith.

ACTION OF THE BOARD – Laid over to December 11, 2007, at 1:30 P.M., for continued hearing.

212-06-BZ

APPLICANT – Jeffrey A. Chester, for AAC Douglaston Plaza, LLC, owner.

SUBJECT – Application August 22, 2006 – Variance (§72-21) to convert an existing supermarket (Use Group 6) into an electronics store with no limitation in floor area (Use Group 10). The Premises is located in an R4 zoning district. The proposal is contrary to §22-10.

PREMISES AFFECTED – 242-02 61st Avenue, Douglaston Parkway and 61st Avenue, Block 8286, Lot 185, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to December 11, 2007, at 1:30 P.M., for continued hearing.

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

MINUTES

90, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Eric Palatnik, Adam Rothkrug and Mark Lipton.

ACTION OF THE BOARD – Laid over to November 27, 2007, at 1:30 P.M., for continued hearing.

65-07-BZ

APPLICANT – Sheldon Lobel, P.C., for Ship Management Corp., owner.

SUBJECT – Application March 15, 2007 – Variance (§72-21) to allow a one-story (UG 6) retail building to violate use regulations (§22-00). R3-2 district.

PREMISES AFFECTED – 146-93 Guy R. Brewer Boulevard, northeastern intersection of 147th Avenue and Guy R. Brewer Boulevard, Block 13354, Lot 12, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Richard Lobel.

ACTION OF THE BOARD – Laid over to December 4, 2007, at 1:30 P.M., for continued hearing.

78-07-BZ

APPLICANT – Sheldon Lobel, P.C., for Phyllis Balsam, owner; Shape-N-Up Fitness Club, LLC; lessee.

SUBJECT – Application April 12, 2007 – Special Permit (§73-36) to allow the operation of a PCE on the first floor of a two-story commercial building. The proposal is contrary to §42-00. M1-1 district.

PREMISES AFFECTED – 2515 McDonald Avenue, east side of McDonald Avenue, between Avenues W and X, Block 7173, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Josh Rinesmith.

For Opposition: Sam Chera.

THE VOTE TO REOPEN HEARING –

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

ACTION OF THE BOARD – Laid over to December 4, 2007, at 1:30 P.M., for continued hearing.

730-72-BZ

APPLICANT – Sheldon Lobel, P.C., for Phyllis Balsam, owner; Shape-N-Up Fitness Club, LLC; lessee.

SUBJECT – Application October 10, 2007 – Amendment to permit the operation of a Physical Culture Establishment on the first floor of the enlarged portion of an existing building.

PREMISES AFFECTED – 2515 McDonald Avenue, east side of McDonald Avenue, between Avenues W and X, Block 7173, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Josh Rinesmith.

For Opposition: Sam Chera.

THE VOTE TO REOPEN HEARING –

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

ACTION OF THE BOARD – Laid over to December 4, 2007, at 1:30 P.M., for continued hearing.

79-07-BZ

APPLICANT – Sheldon Lobel, P.C., for Power Test Realty Company, LP, owner.

SUBJECT – Application April 12, 2007 – under §11-411 to re-establish the previously granted variance permitting the operation of an automotive service station with accessory uses which is not permitted as-of-right in a C2/2R3-2 zoning district as per §32-10 of the zoning resolution. The prior BSA grant was under calendar number 711-53-BZ and expired on July 24, 2001.

PREMISES AFFECTED – 114-05 Farmers Boulevard, east side of Farmers Boulevard between Murdock Avenue and 114th Road, Block 11007, Lot 5, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Josh Rinesmith.

ACTION OF THE BOARD – Laid over to January 8, 2008, at 1:30 P. M., for continued hearing.

124-07-BZ

APPLICANT – Sheldon Lobel, P.C., for Gino Masci, owner.

SUBJECT – Application May 16, 2007 – Under (§ 72-21) to allow UG 6 (eating and drinking) on the first floor and cellar of an existing seven-story building, contrary to use regulations (§ 42-14(d)(2)(b)). M1-5B district.

PREMISES AFFECTED – 521 Broome Street, between Broome and Watts Streets, midblock between Thompson Street and Sixth Avenue, Block 476, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Richard Lobel and Doris Diether of Community Board #2.

ACTION OF THE BOARD – Laid over to December 4, 2007, at 1:30 P.M., for continued hearing.

158-07-BZ

APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for 184-20 Union Turnpike Realty, LLC, owner.

SUBJECT – Application June 11, 2007 – Variance (§ 72-21) to allow a one-story commercial retail building (UG 6), contrary to use regulations (§ 22-10). R1-2 district.

PREMISES AFFECTED – 184-20 Union Turnpike, 110' west of southwest corner of the intersection of Union

MINUTES

Turnpike and Chevy Chase Street, Block 7248, Lot 39, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Adam W. Rothkrug.

For Opposition: Howard A. Fried.

ACTION OF THE BOARD – Laid over to December 4, 2007, at 1:30 P.M., for continued hearing.

167-07-BZ

APPLICANT – Harold Weinberg, P.E., for Alex Sirota, owner.

SUBJECT – Application June 18, 2007 – Special Permit (§73-622) for the enlargement of a single family residence. This application seeks to vary open space, lot coverage, floor area (§23-141) and less the required rear yard (§23-47) in an R3-1 zoning district. This application also seeks to convert from a two family residence to a one family residence.

PREMISES AFFECTED – 220 Amherst Street, west side 140’ south of Oriental Boulevard between Oriental Boulevard and Esplande, Block 8738, Lot 62, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Harold Weinberg and Frank Sellitto.

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 November 27, 2007, at 1:30 P.M., for decision, hearing closed.

202-07-BZ

APPLICANT – Cozen O’Connor Attorneys, for Frank J. Martino Revocable Living Trust, owner; Mattan Basseter, lessee.

SUBJECT – Application August 14, 2007 – Special Permit under §73-19 to allow a religious pre-school (UG3). The proposal is contrary to section 42-00. M1-1 district.

PREMISES AFFECTED – 2160-2170 McDonald Avenue, west side of McDonald Avenue, 40’ north of Avenue T, Block 7087, Lot 34, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES –

For Applicant: Howard Hornstein and Peter Geis.

For Opposition: John Gorman, Mary Placanica, John Antonides, Anthony Piana, Leonard Beninson and Theresa Marchitello.

ACTION OF THE BOARD – Laid over to December 4, 2007, at 1:30 P.M., for continued hearing.

213-07-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Esther Eisenreich, owner.

SUBJECT – Application September 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); side yard (§23-48) and rear yard (§23-47) in an R-2 zoning district.

PREMISES AFFECTED – 1217 East 26th Street, East 26th Street between Avenue L and Avenue M, Block 7644, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lyra Altman and David Shteirman.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to December 4, 2007, at 1:30 P.M., for decision, hearing closed.

215-07-BZ

APPLICANT – Sheldon Lobel, P.C., for YMCA of Greater New York, owner.

SUBJECT – Application September 20, 2007 – Variance (§72-21) to permit an enlargement of the existing community facility building. The proposal requests waivers of lot coverage (§24-11) and sky exposure plane (§24-521). R5B district.

PREMISES AFFECTED – 69-02 64th Street, southwest corner of the intersection of Catalpa Avenue and 64th Street, Block 3631, Lot 6, Borough of Queens.

COMMUNITY BOARD #5Q

MINUTES

APPEARANCES –

For Applicant: Richard Lobel.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to December
4, 2007, at 1:30 P.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: P.M.