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AND APPEALS

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42-07-BZ

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CALENDAR

MARCH 6, 2007, 10:00 A.M.

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

SPECIAL ORDER CALENDAR

741-49-BZ

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

SUBJECT – Application January 8, 2007 – §11-411 and §11-412 to extend the term of a variance for a gasoline service station with accessory uses for an additional period of ten years from September 23, 2005 and to amend the resolution to permit a portion of the building to be used as an accessory convenience store and to permit a metal canopy and new fuel pump. The site is located in an R-2 zoning district.

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

COMMUNITY BOARD #13Q

98-05-BZII

APPLICANT – Friedman & Gotbaum, LLP by Shelly S. Friedman, Esq., for Lauto Group, Limited c/o Anthony Lauto, owner; 48 Bonhaus Corporation c/o Dac Bon LLC, lessee.

SUBJECT – Application December 1, 2006 – To reopen and amend a previously-approved zoning variance which allowed a residential multiple dwelling (UG 2) with ground floor retail use (UG 6) in an M1-5B district; contrary to use regulations (§ 42-10). Proposed modifications include: (1) minor reduction of the ground floor commercial floor area and (2) increase in mechanical space on the ground floor; and (3) the creation of a 143 sq. ft. rooftop "storage cabin."

PREMISES AFFECTED – 46-48 Bond Street, north side of Bond Street 163/5' west of the corner formed by the intersection of Bond Street and Bowery, Block 530, Lots 44 & 31, Borough of Manhattan.

COMMUNITY BOARD #2M

MARCH 6, 2007, 1:30 P.M.

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

ZONING CALENDAR

327-05-BZ

APPLICANT– Rothkrug Rothkrug Weinberg & Spector, for John Damiano, owner.

SUBJECT – Application November 11, 2005 – Special Permit (§ 73-125) to allow a proposed ambulatory diagnostic treatment care facility (Use Group 4) limited to less than 10,000 sf of floor area to locate in an R3X district. The proposal calls for a one-story and cellar building and fourteen (14) accessory parking spaces.

PREMISES AFFECTED – 5135 Hylan Boulevard, between Wendy Drive and Bertram Avenue, Block 6499, Lot 95, Borough of Staten Island.

COMMUNITY BOARD #3SI

86-06-BZ

APPLICANT– Sheldon Lobel, P.C., for Emil Moshkovich, owner.

SUBJECT – Application May 5, 2006 – Variance (§ 72-21) to allow Use Group 7 (tire sales with installation services) and Use Group 16 (automotive repair) in an R3-2/C1-2 district; contrary to use regulations (§ 32-10). An as-of-right eating and drinking establishment (Use Group 6) is also proposed. Additionally, a Special Permit under § 73-44 is requested to allow the reduction of required off-street parking requirements.

PREMISES AFFECTED – 145-70 Guy R. Brewer Boulevard, northwestern corner of the intersection between Guy Brewer and Farmers Boulevards, Block 13309, Lots 36, 42, 44, Borough of Queens.

COMMUNITY BOARD #13Q

156-06-BZ

APPLICANT – Alfonso Duarte, for Ally Basheer, owner.

SUBJECT – Application July 13, 2006 – Variance (§72-21) for the legalization to a single family home for the enlargement on the second floor which does not comply with front yard (§23-45) zoning requirements in an R-2 zoning district.

PREMISES AFFECTED – 267-04 83rd Avenue, southeast corner of 267th Street, Block 8779, Lot 41, Borough of

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Queens.

COMMUNITY BOARD #13Q

260-06-BZ

APPLICANT – J Owen Zurhellen, III, for Charlton Cooperative Corp., owner; TRI IPPON, LLC, lessee.

SUBJECT – Application September 26, 2006 – Special Permit (§73-36) to allow the proposed PCE on the first floor in a six-story (plus basement) building located in a M1-6 zoning district. The proposal is contrary to Sections 42-00 and 42-31.

PREMISES AFFECTED – 547 Greenwich Street, a/k/a 112 Charlton Street, southeast corner of Greenwich and Charlton Streets, Block 597, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #2M

264-06-BZ

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

SUBJECT – Application September 26, 2006 – Special Permit (§73-622) for the enlargement of a single family residence. This application seeks to vary open space and floor area (§23-141(a)); lot coverage (§23-141(b)); side yard (§23-461) and rear yard (§23-47) in an R3-2 zoning district.

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

COMMUNITY BOARD #15BK

283-06-BZ

APPLICANT – Moshe M. Friedman, for Tammy Hirsch, owner.

SUBJECT – Application October 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)); side yard (§23-461) and rear yard (§23-47) in an R2 zoning district.

PREMISES AFFECTED – 1372 East 29th Street, for 190' north of intersection formed by East 29th Street and Avenue N, Block 7664, Lot 76, Borough of Brooklyn.

COMMUNITY BOARD #14BK

Jeff Mulligan, Executive Director

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**REGULAR MEETING
TUESDAY MORNING, FEBRUARY 6, 2007
10:00 A.M.**

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

The motion is to approve the minutes of regular meetings of the Board held on Tuesday morning and afternoon November 14, 2006, as printed in the bulletin of, Vol. 91, Nos. 43-44. If there be no objection, it is so ordered.

SPECIAL ORDER CALENDAR

1053-88-BZ

APPLICANT – Freda Design Associates, Ltd., for Isidore Izzo, owner.

SUBJECT – Application August 23, 2006 – Extension of Term and waiver of the rules for a variance (§72-21) to allow a (UG6) pharmacy (Rite-Aid) in a R7-1 zoning district which expired on September 27, 2004.

PREMISES AFFECTED – 590/596 East 183rd Street, located between Arthur Avenue and Adams Avenue, Block 3071, Lots 16 & 17, Borough of The Bronx.

COMMUNITY BOARD #6BBX

APPEARANCES –

For Applicant: Peter Caliendo.

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 pharmacy, which expired on September 27, 2004; and

WHEREAS, a public hearing was held on this application on January 23, 2007 after due notice by publication in *The City Record*, and then to decision on February 6, 2007; and

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

WHEREAS, Community Board 6, Bronx, recommends approval of the application; and

WHEREAS, the subject premises is located on the southeast corner of East 183rd Street and Arthur Avenue; and

WHEREAS, the site is located within an R7-1 zoning district and is occupied by a one-story commercial building; and

WHEREAS, the pharmacy is currently operated as a Rite Aid and occupies the entire building; and

WHEREAS, on January 29, 1957, under BSA Cal. No. 912-55-BZ, the Board granted a variance to permit the reconstruction of an existing automobile repair shop; and

WHEREAS, on December 16, 1969, under BSA Cal. No. 555-69-BZ, the Board granted a variance to permit the reconstruction of the existing commercial buildings into a supermarket; and

WHEREAS, on July 11, 1989, under the subject calendar number, the Board granted a variance to re-establish the supermarket, which expired on December 16, 1984; and

WHEREAS, finally, on September 27, 1994, under the subject calendar number, the Board granted a variance to permit the conversion of the supermarket (UG 6) to the subject pharmacy for a term of ten years; and

WHEREAS, the applicant now requests a ten-year extension of term; and

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

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated July 11, 1989, 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 September 27, 2014; *on condition* that the use and operation of the site shall substantially conform to BSA-approved plans; and *on further condition* that all work shall substantially conform to drawings filed with this application marked “Received December 14, 2006”-(4) sheets; and *on further condition*:

THAT this grant shall expire on September 27, 2014;

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

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

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

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

(DOB Application No. 201058498)

Adopted by the Board of Standards and Appeals, February 6, 2007.

265-02-BZ

APPLICANT – Peter Hirshman, for Ramakrishna Vivekananda Center, owner.

SUBJECT – Application October 13, 2006 – Extension of time to complete construction and to obtain a Certificate of Occupancy which expires on August 12, 2007 for a community facility use (UG4) (Ramakrishna-Vivekananda Center of New York) located in an R8B and R10 zoning

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district.

PREMISES AFFECTED – 19 East 94th Street, south side 108’ west of the intersection of Madison Avenue, Block 1506, Lot 13, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Peter Hirshman.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a reopening and an extension of the time to complete construction and obtain a certificate of occupancy for a community facility, which expires on August 12, 2007; and

WHEREAS, a public hearing was held on this application on January 23, 2007 after due notice by publication in *The City Record*, and then to decision on February 6, 2007; and

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

WHEREAS, the subject premises is located on the north side of East 94th Street, between Fifth Avenue and Madison Avenue, partially within an R8B zoning district and partially within an R10 zoning district; and

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

WHEREAS, the application is brought on behalf of Ramakrishna-Vivekananda Center of New York, a non-profit universal temple; and

WHEREAS, on August 12, 2003, under the subject calendar number, the Board granted a variance to permit the enlargement of the existing building; and

WHEREAS, one of the conditions of the grant was that substantial construction be completed in accordance with § 72-23, which allows for four years from the date of the grant; and

WHEREAS, the applicant states that, construction, pursuant to the 2003 grant was postponed as other renovations at the site were completed so as to lessen any disturbance to the congregation; and

WHEREAS, additionally, the applicant represents that additional time is necessary to implement and fund the project; and

WHEREAS, thus, the applicant now requests four years to complete construction and obtain a new certificate of occupancy; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction and obtain a certificate of occupancy is appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and

Appeals *reopens* and *amends* the resolution, dated August 12, 2003, so that as amended this portion of the resolution shall read: “to grant an extension time to complete construction and obtain a certificate of occupancy for four years from the expiration of the prior grant; *on condition* that the use and operation of the site shall substantially conform to BSA-approved plans; and *on condition*:

THAT a certificate of occupancy shall be obtained by February 6, 2011;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB Application No. 102824678)

Adopted by the Board of Standards and Appeals, February 6, 2007.

244-01-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Josh Rinesmith.

ACTION OF THE BOARD – Laid over to March 13, 2007, at 10 A.M., for continued hearing.

597-39-BZ

APPLICANT – Walter T. Gorman, P.E., P.C., for Exxon Mobil Corporation, owner; Kings Parsons Car Care Inc., lessee.

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

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

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COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: John Ronan.

ACTION OF THE BOARD – Laid over to March 13, 2007, at 10 A.M., for continued hearing.

166-75-BZ

APPLICANT – Rothkrug Rothkrug & Spector, for Kassiani Katos, owner; KPS Food Corporation, lessee.

SUBJECT – Application August 30, 2006 – Extension of Term and waiver of the rules for variance to permit an eating and drinking establishment (Burger King & Popeye's) which expired in January 6, 2006 in a C1-2(R3-2) and R3-2 zoning district; and an extension of Time to obtain a certificate of occupancy which expired on March 18, 1998.

PREMISES AFFECTED – 164-17 Union Turnpike, north side of Union Turnpike, 148.83' east of 164th Street, Block 6972, Lot 21, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Eric Palatnik.

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 February 27, 2007, at 10 A.M., for decision, hearing closed.

213-06-A

APPLICANT – Fredrick A. Becker, Esq., for 7217 Grand Avenue Corp., owner.

SUBJECT – Application August 23, 2006 – to permit the construction of three story mixed use commercial/residential structure within the bed of a mapped street (72nd Place), contrary to General City Law Section 35. Premises is located in an C1-2 (R6B) Zoning District.

PREMISES AFFECTED – 72-19 Grand Avenue, northwest corner of Grand Avenue and 72nd Place, Block 2506, Lot 96 (tent.), Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES –

For Applicant: Fredrick A. Becker.

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 February 27, 2007, at 10 A.M., for decision, hearing closed.

238-06-A

APPLICANT – Kevin A. Finnegan, for Elizabeth Langwith, et al.

OWNER: Hudson 12th Development, LLC.

SUBJECT – Application September 12, 2006 – Appeal of the decision of the DOB refusal to revoke permits issued for a proposed dormitory (NYU) on a lot formerly occupied by St Anne's Church that allows the creation of a zoning lot under Section 12-10 (d) utilizing unused developmental rights from the United States Post Office, a government agency that is exempt from zoning regulations. C6-1 zoning district.

PREMISES AFFECTED – 110-124 East 12th Street, between Third and Fourth Avenue, Block 556, Lots 48 and 49, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES – None.

ACTION OF THE BOARD – Off Calendar.

Jeffrey Mulligan, Executive Director

Adjourned: 10:30 A.M.

REGULAR MEETING

TUESDAY AFTERNOON, FEBRUARY 6, 2007

1:30 P.M.

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

ZONING CALENDAR

194-04-BZ thru 199-04-BZ

APPLICANT – Agusta & Ross, for Always Ready Corp., owner.

SUBJECT – Application May 10, 2004 – Under Z.R. §72-21 Proposed construction of a six- two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED –

9029 Krier Place, a/k/a 900 East 92nd Street, 142' west of East 92nd Street, Block 8124, Lot 75 (tentative 180), Borough of Brooklyn.

9031 Krier Place, a/k/a 900 East 92nd Street, 113.5' west of East 92nd Street, Block 8124, Lot 75 (tentative 179), Borough of Brooklyn.

9033 Krier Place, a/k/a 900 East 92nd Street, 93' west of East 92nd Street, Block 8124, Lot 75 (tentative 178), Borough of Brooklyn.

9035 Krier Place, a/k/a 900 East 92nd Street, 72.5' west of East 92nd Street, Block 8124, Lot 75 (tentative 177), Borough of Brooklyn.

9037 Krier Place, a/k/a 900 East 92nd Street, 52' west of East 92nd Street, Block 8124, Lot 75 (tentative 176), Borough of Brooklyn.

9039 Krier Place, a/k/a 900 East 92nd Street, corner of East 92nd Street, Block 8124, Lot 75 (tentative 175), Borough of Brooklyn.

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COMMUNITY BOARD #18BK

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, February 6, 2007.

122-06-BZ

APPLICANT– Sheldon Lobel, P.C., for Revelation Development, Inc., owner.

SUBJECT – Application June 12, 2006 – Variance (§72-21) to permit the proposed enlargement of an existing medical office building and construction of residences without the required front and side yard. The Premise is located in a portion of an R5 and a portion of a C2-3/R5 zoning district. The proposal is seeking waivers relating to §23-45 and §24-34 (Front yard) and §23-462 and §24-35 (Side Yard).

PREMISES AFFECTED – 2671 86th Street, West 12th and West 11th Streets, Block 7115, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Jordan Most.

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 18, 2006, acting on Department of Buildings Application No. 301373305, reads, in pertinent part:

- “1. No front yard has been provided in the R5 portion of the lot, contrary to Sections 23-45 and 24-34, Zoning Resolution.
2. Only one side yard of 8 feet, 6 inches has been provided, contrary to Sections 23-462 and 24-35, Zoning Resolution.”; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site partially within a C2-3 (R5) zoning district and partially within an R5 zoning district, the enlargement of a one-story commercial building to be occupied by additional medical office space and two residential dwelling units, which is contrary to ZR §§ 23-34, 23-35, 23-45, and 23-462; and

WHEREAS, a public hearing was held on this application on December 5, 2006, after due notice by publication in the *City Record*, with a continued hearing on January 23, 2007, and then to decision on February 6, 2007; and

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

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

WHEREAS, the site is located on the east side of 86th Street near the intersection with West 12th Street and between Avenue U and Avenue V; and

WHEREAS, the lot is triangular-shaped with a total lot area of 4,486.129 sq. ft.; and

WHEREAS, the portion of the lot within the C2-3 (R5) zoning district has a lot area of approximately 3,433 sq. ft.; and

WHEREAS, the portion of the lot within the R5 zoning district has a lot area of approximately 1,064.48 sq. ft.; and

WHEREAS, the majority of the portion of the lot within the C2-3 (R5) zoning district is occupied by a one-story medical office building (UG 4) with a floor area of 2,809 sq. ft.; and

WHEREAS, the remainder of the lot, which includes the portion of the lot within the R5 zoning district and a sliver of the portion of the lot within the C2-3 (R5) zoning district is unimproved; and

WHEREAS, the applicant proposes to build a three-story and cellar mixed use commercial/residential building adjacent to the existing building on the lot; and

WHEREAS, the applicant proposes to provide additional medical offices/services on the first floor of the enlargement, which will be connected to the existing building at the first floor; and

WHEREAS, the proposed enlargement provides for an 1,109 sq. ft. cellar, an 1,109 sq. ft. first floor to be occupied by medical office space, and one 1,109 sq. ft. dwelling unit on each of the second and third floors; and

WHEREAS, the combined floor area for the existing building and the proposed enlargement is 6,136.3 sq. ft. and the proposed FAR is 1.12, both of which comply with zoning district regulations; and

WHEREAS, the applicant states that the following are unique physical conditions which create an unnecessary hardship in developing the site in compliance with applicable regulations: (1) the lot has an irregular triangular shape, (2) the lot is divided by a district boundary line and the unimproved portion of the lot where the district boundary is located is small and irregularly-shaped, (3) the majority of the portion of the lot within the C2-3 (R5) zoning district is occupied by a commercial building for which no front yards or side yards are required, and (4) the two required 8 ft. side yards for the irregularly-shaped portion of the lot within the R5 zoning district cannot be accommodated; and

WHEREAS, as to the lot’s irregular shape, the applicant represents that the irregular triangular shape of the lot results in a wide range of lot depths across the site; and

WHEREAS, specifically, due to the location of the district boundary line, which results in the larger, more regularly shape portion of the lot being within the C2-3 (R5) zoning district, the portion of the site within the R5 zoning district is smaller and more angular; and

WHEREAS, the result is that the portion of the lot within the C2-3 (R5) zoning district occupied by the commercial

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building and the undeveloped sliver do not have front and side yard requirements, yet the small portion of the lot does; and

WHEREAS, the applicant submitted plans reflecting complying development, which reflects an irregularly-shaped enlargement with a total floor plate of approximately 680 sq. ft.; and

WHEREAS, specifically, an as of right enlargement would consist of a trapezoidal-shaped sliver in the C2-3 (R5) portion of the lot, with a width of ten feet and a maximum depth of 45'-9 1/2" due to the required side yard, and a small triangular portion on the R5 portion of the lot; and

WHEREAS, because of the required setback and side yards, the triangular portion of the enlargement within the R5 zoning district would have a floor plate of only approximately 280 sq. ft.; and

WHEREAS, accordingly, the applicant asserts that this enlargement could not feasibly accommodate residential or commercial use; and

WHEREAS, the applicant notes that neither the as of right scenario nor the proposed enlargement provides for all the available floor area; a maximum floor area of 8,972 sq. ft. (2.0 FAR) is permitted; and

WHEREAS, as to uniqueness, there are no other irregularly shaped lots divided by a district boundary line within a 400-ft. radius; and

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

WHEREAS, the applicant asserts that because of its unique physical conditions, there is no reasonable possibility that the development of the property in strict compliance with zoning district regulations will bring a reasonable return to the owner; and

WHEREAS, the applicant submitted a feasibility study analyzing a complying horizontal enlargement of the existing medical services building; and

WHEREAS, the applicant concluded that the complying scenario would result in an enlargement that would be significantly underdeveloped and too small to provide any efficient use for the medical office use; and

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

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

WHEREAS, the applicant states that the site is located in an area characterized by buildings with ground floor commercial use and residential use on the upper floors,

particularly along Avenue U and portions of 86th Street; and

WHEREAS, the applicant represents that the majority of buildings in the immediate vicinity are two and three-stories, with one adjacent four-story building; and

WHEREAS, the applicant submitted photographs and a land use map indicating heights of neighboring buildings; and

WHEREAS, the applicant notes that neither the adjacent building on the lot within the C2-3 (R5) zoning district nor the adjacent building on the neighboring lot within the R5 zoning district has a front yard; and

WHEREAS, additionally, the applicant notes that a side yard is proposed within the R5 zoning district; and

WHEREAS, at hearing, the Board asked the applicant to clearly identify the property line since the Board observed that there is a fence on the unimproved portion of the site, which appears to extend onto the sidewalk; and

WHEREAS, specifically, the Board asked to establish the property line and to ensure that the proposed enlargement lines up with the existing building on the site and the adjacent two-story residential buildings; and

WHEREAS, in response, the applicant performed a survey, which indicated that the fence and front landscaping is within the street/sidewalk and is beyond the property line; and

WHEREAS, the applicant represents that the fence will be removed and the street wall of the proposed enlargement will be aligned with both adjacent buildings and will not extend beyond the property line; and

WHEREAS, the Board notes that the proposed building will line up with both adjacent buildings to form a consistent streetwall; and

WHEREAS, accordingly, the Board finds that the requested front yard waiver is consistent with the context of the block; and

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

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

WHEREAS, the Board notes that the applicant proposes to provide a complying side yard on the portion of the site within the R5 zoning district; and

WHEREAS, accordingly, the Board finds that the yard waiver requests are the minimum necessary to afford the owner relief; and

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental

MINUTES

Assessment Statement (EAS) CEQR No. 06-BSA-98K, dated October 10, 2006; and

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

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a site partially within a C2-3 (R5) zoning district and partially within an R5 zoning district, the enlargement of a one-story commercial building to be occupied by additional medical office space and two residential dwelling units, which is contrary to ZR §§ 23-34, 23-35, 23-45, and 23-462, *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 25, 2007"- (7) sheets; and *on further condition*:

THAT the following are the bulk parameters of the new building: three stories, a total floor area of 6,136.30 sq. ft. (1.12 FAR), a street wall and total height of 30'-0", one side yard of 8'-6", two dwelling units, and two parking spaces, all as indicated on the BSA-approved plans;

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

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

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

Adopted by the Board of Standards and Appeals, February 6, 2007.

133-06-BZ

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

Parish of Trinity Church, owner; TSI Varick Street dba New York Sports Club; lessee.

SUBJECT – Application June 23, 2006 – Special Permit (§73-36) Proposed physical culture establishment to be located on the second floor of an existing 12 story commercial building. M1-5 Zoning District.

PREMISES AFFECTED – 225 Varick Street, westerly side of Varick Street between West Houston Street and Clarkson Street, Block 581, Lot 63, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Fredrick A. Becker and Doris Diether.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION:

WHEREAS, the decision of the Manhattan Borough Commissioner, dated June 6, 2006, acting on Department of Buildings Application No. 104443345, reads in pertinent part:

“Proposed Physical Culture Establishment is not permitted as of right in M1-5 zoning district and it is contrary to ZR 42-10.”; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, within an M1-5 zoning district, the legalization of a physical culture establishment (PCE) on portions of the first and second floors of an existing mixed-use commercial and industrial building, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on January 23, 2007 after due notice by publication in *The City Record*, and then to decision on February 6, 2007; and

WHEREAS, the site was inspected by a committee of the Board consisting of Chair Srinivasan and Commissioner Hinkson; and

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

WHEREAS, the subject site is located on the west side of Varick Street between Clarkson Street and West Houston Street; and

WHEREAS, the site is occupied by a twelve-story mixed-use commercial and industrial building; and

WHEREAS, the PCE currently occupies a total of 16,741 sq. ft. of floor area on the first and second floors; and

WHEREAS, the applicant represents that the PCE offers classes and equipment for physical improvement, bodybuilding, and aerobics; and

WHEREAS, the PCE is operated as New York Sports Club; and

WHEREAS, the Board notes that the PCE began operating at the site on July 1, 2006; and

MINUTES

WHEREAS, the PCE will maintain the following hours of operation: Monday through Thursday, 6 a.m. to 11 p.m.; Friday, 6 a.m. to 9 p.m.; and Saturday and Sunday, 9 a.m. to 7 p.m.; and

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

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

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

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

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

WHEREAS, the project is classified as an Unlisted action pursuant to 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.06-BSA-103M, dated September 22, 2006; and

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, within an M1-5 zoning district, the legalization of a PCE on portions of the first and second floors of an existing mixed use commercial and industrial building, contrary to ZR § 42-10; *on condition* that all work shall substantially conform to drawings filed

with this application marked "Received February 1, 2007"- (3) sheets; and *on further condition*:

THAT the term of this grant shall expire on July 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 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, February 6, 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 Section 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 March 20, 2007, at 1:30 P.M., for continued hearing.

183-05-BZ

APPLICANT – Joseph Morsellino, Esq., for Dimitrios Spanos.

SUBJECT – Application August 5, 2005 – Variance (§ 72-21) to allow the residential redevelopment and enlargement of an existing two-story commercial building. The proposed multiple dwelling building will be six (6) floors and will contain ground floor commercial space. Twenty (20) dwelling units and ten (10) accessory parking spaces are proposed. The proposal is contrary to use regulations (§ 42-00). M1-3D district.

MINUTES

PREMISES AFFECTED – 25-09 38th Avenue, north east corner of the intersection of Crescent Street and 38th Avenue, Block 368, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: Joseph Morsellino and Eric Palatnik.

For Opposition: Virginia Lupoli

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

302-05-BZ

APPLICANT– Sheldon Lobel, P.C., for 262-272 Atlantic Realty Corp., owner.

SUBJECT – Application October 12, 2005 – Variance under 72-21 to allow a transient hotel (UG 5) in an R6A/C2-4 (DB) zoning district. Proposal is contrary to ZR sections 32-14 (use), 33-121 (FAR), 101-721 and 101-41(b) (street wall height), 101-351 (curb cut), and 35-24 (setback).

PREMISES AFFECTED – 262-276 Atlantic Avenue, south side of Atlantic Avenue, 100’ east of the corner of Boerum Place and Atlantic Avenue, Block 181, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES –

For Applicant: Jordan Most.

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

67-06-BZ

APPLICANT – Joseph P. Morsellino, Esq., for Jhong Ulk Kim, owner; Walgreens, lessee.

SUBJECT – Application April 14, 2006 – Variance pursuant to Z.R. §72-21 to permit the proposed 8,847 square foot drugstore without the number of parking spaces required in a C2-1 zoning district (59 spaces) and to use the R2 portion of the zoning lot for accessory required parking. The proposal is requesting waivers of ZR §22-00 and §36-21. The proposed number of parking spaces pursuant to a waiver of ZR §36-21 will be 34. The site is currently occupied by a 5,594 square foot diner with accessory parking for 37 cars.

PREMISES AFFECTED – 2270 Clove Road, corner of Clove Road and Woodlawn Avenue, Block 3209, Lots 149, 168, Richmond, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Joseph Morsellino.

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

82-06-BZ

APPLICANT– Eric Palatnik, P.C., for Utopia Associates, owner; Yum Brands, Inc., lessee.

SUBJECT – Application May 2, 2006 – pursuant to Z.R.

§72-21 to request a variance to permit the re-development of an existing non-conforming eating and drinking establishment (Use Group 6) with an accessory drive-thru located in an R3-2 zoning district and contrary to Z.R. §22-00. The existing accessory drive-thru was authorized through a prior BSA approval (168-92-BZ).The proposal would create a new eating and drinking establishment (Use Group 6) with accessory drive-thru.

PREMISES AFFECTED – 172-12 Northern Boulevard, between 172nd Street and Utopia Parkway, Block 5511, Lot 1, Borough of Queens.

COMMUNITY BOARD # 7Q

APPEARANCES –

For Applicant: Eric Palatnik, Robert Pauls and Eric Meyer.

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 March 6, 2007, at 1:30 P.M., for decision, hearing closed.

118-06-BZ

APPLICANT– Harold Weinberg, P.E., for Moshe Cohn, owner.

SUBJECT – Application June 9, 2006 – Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary lot coverage, open space and floor area, ZR 23-141(a) and rear yard, ZR 23-47 in an R3-1 zoning district.

PREMISES AFFECTED – 71 Beaumont Street, east side, 220’ north of Hampton Avenue and Shore Boulevard, Block 8728, Lot 77, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant Harold Weinberg.

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

157-06-BZ

APPLICANT– The Law Office of Fredrick A. Becker, for C & K Steinway, LLC, owner; TSI Astoria Inc. dba New York Sports Club, lessee.

SUBJECT – Application July 15, 2006 – Special Permit (§73-36) to legalize the enlargement of a previously approved physical culture establishment on the first and second floor of a three story commercial building. C4-2A, C2-2(R6) zoning district.

PREMISES AFFECTED – 28-56 Steinway Street, northwest corner of Steinway Street and 30th Avenue, Block 662, Lot 41, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: Fredrick Becker.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins,

MINUTES

Commissioner Ottley-Brown and Commissioner Hinkson...4

Negative:.....0

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

237-06-BZ

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

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

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

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Moshe Friedman.

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

262-06-BZ

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

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

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

COMMUNITY BOARD #5Q

APPEARANCES –

For Applicant: Chris Wright.

For Opposition: Gary Giordano, CB#5.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD – Laid over to March 13, 2007, at 1:30 P.M., for continued hearing.

263-06-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Breindi Amsterdam and Eli Amsterdam, owners.

SUBJECT – Application September 26, 2006 – Special Permit (§73-622) for the enlargement of a single family residence. This application seeks to vary open space and floor area §23-141(a) in an R2 zoning district.

PREMISES AFFECTED – 2801-2805 Avenue L (a/k/a 1185-1195 East 28th Street) northeast corner of the intersection of East 28th Street and Avenue L, Block 7628, Lot 8, Borough of Brooklyn.

COMMUNITY BOARD # 14BK

APPEARANCES –

For Applicant: Fredrick Becker and Lyra Altman.

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

266-06-BZ

APPLICANT – Friedman & Gotbaum, LLP, for Woodcutters Realty Corp., owner; Three on Third LLC, lessee.

SUBJECT – Application September 29, 2006 – Special Permit (§ 73-52) to extend C6-1 zoning district use and bulk regulations twenty-five (25) feet into an adjacent R7-2 district to allow a mixed-use building containing Use Group 5 (transient hotel) on the residentially zoned portion of the subject zoning lot. C6-1 and R7-2.

PREMISES AFFECTED – 4 East 3rd Street, a/k/a 335-343 Bowery, Block 458, Lot 6, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES –

For Applicant: Shelly Friedman, Matt Markowitz, Robert Pauls, Gleen O'Brien, Allan Buchman and Cautney.

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

Jeff Mulligan, Executive Director

Adjourned: 4:00 P.M.