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OF THE
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AND APPEALS

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178-07-BZ

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179-07-BZ

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180-07-BZ

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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

AUGUST 14, 2007, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, August 14, 2007, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

80-54-BZII

APPLICANT – Sheldon Lobel, P.C., for Dryden Hotel Associates LLC, owner.

SUBJECT – Application July 2, 2007 – ZR §11-411 for the Extension of Term of a previously granted variance which, which expired on July 2, 2006, to permit commercial uses on the first floor and cellar of an existing residential building located in an R8B zoning district; the Extension of Time to obtain a Certificate of Occupancy which expired on April 24, 2002 and a Waiver of the rules.

PREMISES AFFECTED – 150 East 39th Street, Located on south side of 39th Street between Third and Lexington Avenues, Block 894, Lot 52, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEALS CALENDAR

61-07-A

APPLICANT – Alfonso Duarte

OWNER - Felix Bello

SUBJECT – Application March 9, 2007 – Proposed legalization of an existing retail establishment located within the bed of mapped street is contrary to General City Law Section 35. C1-4 /R6B Zoning District.

PREMISES AFFECTED – 102-07 Roosevelt Avenue, in bed of mapped Street (102nd Street), Block 1770, Lot 49, Borough of Queens.

COMMUNITY BOARD # 3Q

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

AUGUST 14, 2007, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, August 14, 2007, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

10-05-BZ

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

59-06-BZ

APPLICANT – Carl A. Sulfaro, Esq., for Paul Schillace, owner, Carvel Ice Cream, lessee.

SUBJECT – Application April 3, 2006 – Zoning variance under § 72-21 to allow a one-store retail building (UG 6) with thirteen (13) unenclosed accessory parking spaces contrary to use regulations (§ 22-00); R4 district.

PREMISES AFFECTED – 1006 East 233rd Street, Southeast corner of Paulding Avenue, Block 4879, Lot 40, Borough of The Bronx.

COMMUNITY BOARD # 12BX

311-06-BZ thru 313-06-BZ

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

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

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

COMMUNITY BOARD #6BK

113-07-BZ

APPLICANT – Omnipoint Communications, Inc., for Joseph Norman, owner; Omnipoint Communications Inc.,

CALENDAR

lessee.

SUBJECT – Application May 7, 2007 – Special Permit (§73-30) for a non-accessory radio tower, which is a public utility wireless communication facility and will consist of an 82-foot stealth, together with antennas mounted therein and related equipment at the base thereof.

PREMISES AFFECTED – 155 Clay Pit Road, northeast corner of the intersection of Veterans Road East and Clay Pit Road, Block 7105, Lot 679, Borough of Staten Island.

COMMUNITY BOARD #3SI

Jeff Mulligan, Executive Director

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**REGULAR MEETING
TUESDAY MORNING, JULY 17, 2007
10:00 A.M.**

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

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

APPEARANCES –

For Applicant: Carl A. Sulfaro.

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, an extension of the term of the previously granted variance, which permitted a gasoline service station and which expired on September 23, 2005, and an amendment to permit the legalization of a convenience store and other site changes; and

WHEREAS, a public hearing was held on this application on March 6, 2007, after due notice by publication in *The City Record*, with a continued hearing on June 5, 2007, and then to decision on July 17, 2007; and

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

WHEREAS, Community Board 13, Queens, initially recommended disapproval of this application, citing concerns about providing a buffer with adjacent uses, signage, days and hours of operation, inappropriate vehicle parking, improper maintenance of the site, and landscaping; and

WHEREAS, the Community Board withdrew its objection after the applicant agreed to address all of its concerns; and

WHEREAS, City Council Member David I. Weprin

provided testimony in support of the Community Board's earlier position, which has been withdrawn; and

WHEREAS, the site is located on the northwest corner of 242nd Street and Hillside Avenue; and

WHEREAS, the site is located within an R2 zoning district, and is improved upon with a gasoline service station; and

WHEREAS, the Board has exercised jurisdiction over the subject site since March 21, 1950 when, under the subject calendar number, the Board granted a variance to permit the construction of a gasoline service station and automotive repair shop for a term of 15 years; and

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

WHEREAS, the grant was most recently extended on May 27, 1998 for a term of ten years from the expiration of the prior grant, to expire on September 23, 2005; and

WHEREAS, the Board notes that since the last grant, the site has been rezoned from an R3-2 zoning district to an R2 zoning district; and

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

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

WHEREAS, additionally, the applicant seeks to legalize certain site modifications, including the conversion of a portion of the building to an accessory convenience store and the addition of a metal canopy and a new fuel pump configuration; and

WHEREAS, the Board notes that the site modifications were approved by DOB and have been completed and that no new construction is proposed; and

WHEREAS, at hearing, the Board directed that applicant to remove any signage which did not comply with C1 zoning district regulations; and

WHEREAS, in response, the applicant submitted photographs which reflect that the signage has been removed; and

WHEREAS, in response to the Community Board's concerns the applicant agreed to: (1) eliminate commercial vehicle parking; (2) lock access gates when not in use; (3) remove roof-mounted lighting; (4) fit the existing iron fence with opaque screening; (5) restore and reseed grass on the adjacent property; (6) remove and replace any non-complying signage; (7) remove lighting around the building canopy; (8) keep the repair shop closed on Sundays; (9) remove all graffiti; (10) not offer cars for sale; and (11) provide a street tree along 242nd Street; and

WHEREAS, the applicant has revised the plans to reflect compliance with the noted conditions; and

WHEREAS, pursuant to ZR §11-412, the Board may permit an alteration to a site subject to a previously granted variance; and

WHEREAS, based upon the above, the Board finds that the requested extension of term and amendments to the

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approved plans are 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, as adopted on March 21, 1950, and as subsequently extended and amended, so that as amended this portion of the resolution shall read: “to extend the term for ten years from September 23, 2005, to expire on September 23, 2015 and to permit the legalization of the conversion of a portion of the accessory building into a convenience store *on condition* that the use shall substantially conform to drawings as filed with this application, marked “Received May 10, 2007”–(10) sheets”; and *on further condition*:

THAT the term of this grant shall expire on September 23, 2015;

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

THAT lighting shall be directed away from adjacent uses;

THAT fencing along the northern property line shall be 100 percent opaque;

THAT a street tree shall be planted and maintained along the 242nd Street frontage, as per the BSA-approved plans;

THAT signage shall be installed, as per the BSA-approved plans;

THAT parking lot gates are to remain locked after hours;

THAT the hours of operation for the repair shop shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday;

THAT there shall be no car sales at the premises;

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

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

THAT DOB shall review all signage for compliance with C1 zoning district regulations;

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.” (DOB Application No. 402118855)

Adopted by the Board of Standards and Appeals, July 17, 2007.

52-55-BZ

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

SUBJECT – Application November 28, 2006 – Amendment,

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

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

COMMUNITY BOARD #12BX

APPEARANCES –

For Applicant: Carl A. Sulfaro.

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 an amendment to a previously-approved gasoline service station with accessory uses to permit the enlargement of an existing building to be used as an accessory convenience store; and

WHEREAS, a public hearing was held on this application on January 30, 2007, after due notice by publication in *The City Record*, with continued hearings on March 13, 2007, May 15, 2007, and June 19, 2007, and then to decision on July 17, 2007; and

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

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

WHEREAS, the site is located on the northwest corner of Bouck Avenue and East Gun Hill Road; and

WHEREAS, the site is located within a C1-2 (R5) zoning district, and is improved upon with a gasoline service station with auto repairs; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 26, 1955 when, under the subject calendar number, the Board granted a variance to permit the construction of a gasoline service station with accessory uses for a term of 15 years; and

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

WHEREAS, the grant was most recently extended on November 12, 2002 for a term of ten years from the expiration of the prior grant, to expire on October 14, 2010; and

WHEREAS, the applicant seeks an amendment to permit the enlargement of the accessory building and its conversion to an accessory convenience store; and

WHEREAS, the applicant proposes to eliminate the accessory automotive repair use and to replace it with an accessory convenience store; and

WHEREAS, the applicant proposes to enlarge the floor

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area of the building from 1,259 sq. ft. to 1,887 sq. ft.; and

WHEREAS, the Board notes that this enlargement is within the parameters set forth at ZR §11-412; and

WHEREAS, at hearing, the Board directed that applicant to remove any signage which did not comply with C1 zoning district regulations; and

WHEREAS, in response, the applicant agreed to remove the awning sign which was located above the repair shop bays and submitted photographs which reflect that the signage has been removed; and

WHEREAS, the applicant also agreed to eliminate the curb cut on Bouck Avenue at the corner of East Gun Hill Road; and

WHEREAS, the applicant has revised the plans to reflect compliance with these conditions; and

WHEREAS, pursuant to ZR §11-412, the Board may permit an alteration to a site subject to a previously granted variance; and

WHEREAS, based upon the above, the Board finds that the requested amendments to the approved plans are 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, as adopted on July 26, 1955, and as subsequently extended and amended, so that as amended this portion of the resolution shall read: “to permit the enlargement of the building and its conversion to an accessory convenience store *on condition* that the use shall substantially conform to drawings as filed with this application, marked “Received November 28, 2006”–(1) sheet; and “April 10, 2007”–(4) sheets; and “June 5, 2007”–(1) sheet; and *on further condition*:

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

THAT lighting shall be directed away from adjacent uses;

THAT signage shall be installed as per the BSA-approved plans;

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

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

THAT DOB shall review all signage for compliance with C1 zoning district regulations;

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.” (DOB Application No. 201084405)

Adopted by the Board of Standards and Appeals, July 17, 2007.

189-96-BZ

APPLICANT – John C. Chen, for Ping Yee, owner; Edith D’Angelo-CNandonga, lessee.

SUBJECT – Application March 14, 2007 – Extension of Term for a Special Permit (§73-244) for a UG12 eating and drinking establishment with entertainment and dancing (Flamingos) in an C2-3/R-6 zoning district; and to increase the number of occupancy from 190 to 200 which will expire on May 19, 2007.

PREMISES AFFECTED – 85-12 Roosevelt Avenue, south side of Roosevelt Avenue, 58’ east side of Forley Street, Block 1502, Lot 3, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES –

For Applicant: John Chen.

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 re-opening and an extension of term of a previously granted special permit, which expired on May 19, 2007, for an eating and drinking establishment without restrictions on entertainment (UG 12A), and an amendment of the resolution to increase the occupancy from 190 to 200 persons and to permit minor changes to the first-floor bar and dancing space, removal of pool tables and furniture from the cellar waiting area, and conversion of the second-floor space from a catering establishment to offices; and

WHEREAS, the denial of reconsideration by the Queens Borough Commissioner, acting on Department of Buildings Application No. 401982075, dated February 22, 2007, reads, in pertinent part:

“Request for renewal of BSA Cal. No. 189-96-BZ, using the first floor and cellar accessory waiting area as an eating and drinking establishment without restriction on entertainment (UG12A) the special permit shall expire on May 19, 2007”; and

WHEREAS, a public hearing was held on this application on May 22, 2007, after due notice by publication in *The City Record*, to continued hearing on June 19, 2007, and then to decision on July 17, 2007; and

WHEREAS, the premises had site and neighborhood examinations by Chair Srinivasan and Vice Chair Collins; and

WHEREAS, the site is comprised of two tax lots and a single zoning lot, with a total area of 2,418 square feet, and is located on the northwest corner of Roosevelt Avenue and Forley Street, with 40 feet of frontage along Roosevelt Avenue and fifty feet of frontage along Forley Street; and

WHEREAS, the site is located within a C2-3 (R6) zoning district and is improved upon with two buildings occupied by an eating and drinking establishment with entertainment and dancing with a capacity of 190 persons on the first floor, a

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second floor that housed a catering establishment and a cellar waiting area with a capacity of 190 persons, doing business as Flamingos; and

WHEREAS, Community Board 4, Queens, recommends disapproval of this application based on noise complaints and safety concerns with respect to the proposed 200-person capacity of the establishment and the waiting area capacity of an additional 200 persons; and

WHEREAS, members of the community provided testimony in writing to the Board about problems with noise (primarily emanating from the area of the rear entrance on Forley Street) and litter generated by patrons of the eating and drinking establishment; and

WHEREAS, the Board has exercised jurisdiction over the subject site since May 19, 1999, when, under the subject calendar number, the Board granted a special permit under ZR § 73-244 to permit the legalization of an existing eating and drinking establishment with entertainment and dancing; and

WHEREAS, on May 14, 2002, the Board granted an additional three-year; and

WHEREAS, on June 7, 2005, the Board granted an additional three-year term; and

WHEREAS, the applicant now requests an extension of term; and

WHEREAS, the hours of operation for the eating and drinking establishment are from 10 a.m. until 4 a.m., seven days a week; and

WHEREAS, in response to Board, Community Board and community concerns, the applicant has agreed to post signs inside and outside the building in proximity to the Forley Street exit doors limiting the use of the doors to an emergency exit, and to replace the fountain on the Forley Street frontage with a planter; and

WHEREAS, although Community Board 4 expressed concern about the total occupancy of 400 persons in the premises (200 in the eating and drinking establishment and an additional 200 in the cellar waiting area), the Board notes that the special permit requires that “a minimum of four square feet of waiting area within the zoning lot shall be provided for each person permitted under the occupant capacity” and that therefore provision of a waiting area for 200 persons is required in order to meet the findings for the special permit; and

WHEREAS, based upon the above, the Board finds the requested extension and amendments appropriate, with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals, *reopens* and *amends* the resolution, as adopted on May 19, 1999, and as subsequently extended and amended, so that as amended this portion of the resolution shall read: “to extend the term of the special permit for an eating and drinking establishment with entertainment and dancing for three (3) years from May 19, 2007, *on condition* that the use shall substantially conform to drawings as filed with this application, marked ‘Received March 14, 2007’-(3) sheets and ‘June 5, 2007’-(2) sheets; and *on further condition*:

THAT the term of this grant shall be for three (3) years

from the last expiration date, to expire on May 19, 2010;

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

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect and shall be listed on the certificate of occupancy;

THAT the doors fronting on Forley Street shall be used for emergency egress only and shall be posted with appropriate signage;

THAT a new certificate of occupancy and public assembly permit shall be obtained within six months of this grant;

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.” (DOB Application No. 401982075)

Adopted by the Board of Standards and Appeals, July 17, 2007.

199-00-BZ, Vol. III

APPLICANT – John C. Chen, for En Ping, Ltd., owner; Valentin E. Partner Atlantis, lessee.

SUBJECT – Application February 23, 2007 – Extension of Term of a Special Permit (§73-244) for a UG12 eating and drinking establishment (Club Atlantis) in a C2-3/R-6 zoning district which expired March 13, 2007.

PREMISES AFFECTED – 76-19 Roosevelt Avenue, northwest corner of Roosevelt Avenue and 77th Street, Block 1287, Lot 37, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES –

For Applicant: John Chen.

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 re-opening and an extension of term of a previously granted special permit, which expired on March 13, 2007, for an eating and drinking establishment without restrictions on entertainment (UG 12A) (“the Premises”), and an amendment of the resolution to permit installation of an access door to the adjacent restaurant; and

WHEREAS, the denial of reconsideration by the Queens Borough Commissioner, acting on Department of Buildings Application No. 401018206, dated February 22, 2007, reads, in

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pertinent part:

“Request for renewal of BSA Cal. No. 199-00-BZ, using the first floor and cellar accessory waiting area as an eating and drinking establishment without restriction on entertainment (UG12A), the special permit shall expire on March 13, 2007”; and

WHEREAS, a public hearing was held on this application on May 22, 2007, after due notice by publication in *The City Record*, to continued hearing on June 19, 2007, and then to decision on July 17, 2007; and

WHEREAS, the Premises had site and neighborhood examinations by Chair Srinivasan and Vice Chair Collins; and

WHEREAS, the Premises occupies part of a one-story building that occupies the entire zoning lot located at the northwest corner of Roosevelt Avenue and 77th Street; and

WHEREAS, the building is also occupied by an enclosed garage for five vehicles, a restaurant (owned by the owner of the eating and drinking establishment), and four retail stores; and

WHEREAS, the Premises is located within a C2-3 (R6) zoning district and is occupied by an eating and drinking establishment with entertainment, doing business as Club Atlantis; and

WHEREAS, Community Board 3, Queens, recommends approval of this application; and

WHEREAS, Councilperson Sears wrote to the Board to recommend approval of this application; and

WHEREAS, the Board has exercised jurisdiction over the subject site since March 13, 2001, when, under the subject calendar number, the Board granted a special permit under ZR §73-244 to permit the legalization of an existing eating and drinking establishment with entertainment and dancing; and

WHEREAS, on June 15, 2004, the Board granted an additional three-year term; and

WHEREAS, the applicant now requests an extension of term and amendment of the resolution to permit installation of a fire-proof self-closing access door (which will not be used by patrons) to the adjoining restaurant; and

WHEREAS, in its approval, Community Board 3 stipulated that trees should be planted, or planters installed, along 77th Street; and

WHEREAS, the applicant diligently but unsuccessfully sought the necessary approvals to plant trees or install planters from the property owner, the NYC Department of Transportation and the NYC Department of Parks and Recreation; and

WHEREAS, based upon the above, the Board finds the requested extension and amendments 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, as adopted on March 13, 2001, and as subsequently extended and amended, so that as amended this portion of the resolution shall read: “to extend the term of the special permit for an eating and drinking establishment with entertainment and dancing for three (3) years from March 13,

2007, *on condition* that the use shall substantially conform to drawings as filed with this application, marked ‘Received February 23, 2007’ –(2) sheets; and *on further condition*:

THAT the term of this grant shall be for three (3) years from the last expiration date, to expire on March 13, 2010;

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

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect and shall be listed on the certificate of occupancy;

THAT a new certificate of occupancy and public assembly permit shall be obtained within six months of this grant;

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

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

(DOB Application No. 401018206)

Adopted by the Board of Standards and Appeals, July 17, 2007.

671-56-BZ

APPLICANT – Walter T. Gorman, P.E., for 24 Pack LLC, owner; Euclide Enterprises, Inc., lessee.

SUBJECT – Application March 21, 2007 – Amendment to a previously granted Variance (§72-21) to convert the existing service bays to an accessory convenience store, an area previously approved for a new bay to a mechanical room and (§11-412) to legalize a UG6 eating and drinking establishment (Texas Chicken); Extension of Time to complete construction and to obtain a Certificate of Occupancy and a Waiver of the rules in a C1-2/R-5 zoning district.

PREMISES AFFECTED – 1249-1265 Sutter Avenue, blockfront from Euclid Avenue to Doscher Street, Block 4249, Lots 55 & 59, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES –

For Applicant: John Ronan.

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

142-70-BZ

APPLICANT – Barbara Hair, Esq., for Target Realty LLC, owner.

SUBJECT – Application December 12, 2006 – Amendment to a variance previously approved pursuant to §72-21 of the zoning resolution which allowed commercial office space

MINUTES

(Use Group 6) on the cellar level of a residential building located in a R7-2 zoning district. The application seeks a change of use in the existing commercial space on the cellar level from Use Group 6 office to Use Group 6 store.

PREMISES AFFECTED – 8 St. Marks Place, south side, 126' east of 3rd Avenue, Block 463, Lot 13, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES –

For Applicant: Barbara Hair.

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

844-86-BZ

APPLICANT – Rothkrug, Rothkrug & Spector, for Fred Lynn Associates, owner; Pyramida Billiards, lessee.

SUBJECT – Application February 12, 2007 – Extension of Term of a previously granted Special Permit (§73-50) for the enlargement of a one (1) story building, in a C8-2 zoning district, that encroaches into the open area required along a district boundary which expired on April 28, 1997; an Amendment to legalize the change in use from an auto repair shop (UG16) and custom clothing manufacturer (UG11) to a billiard parlor (UG12) and eating and drinking establishment (UG6) and to permit the addition of a 979. sq. ft. mezzanine in the UG6 portion of the building; an Extension of Time to obtain a Certificate of Occupancy which expired on May 4, 1999 and a Waiver of Rules of Practice & Procedure.

PREMISES AFFECTED – 1828/1836 McDonald Avenue, west side of McDonald Avenue, between Avenue P and Quentin Road, Block 6632, Lots 17 & 20, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES –

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD – Laid over to August 21, 2007, at 10 A.M., for continued hearing.

139-92-BZ

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

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

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

COMMUNITY BOARD #3Q

APPEARANCES –

For Applicant: Samuel H. Valencia.

ACTION OF THE BOARD – Laid over to August 21, 2007, at 10 A.M., for continued hearing.

81-93-BZ

APPLICANT – Rothkrug Rothkrug & Spector, for 2255 Bedford Development Assoc., LP, owner.

SUBJECT – Application November 30, 2006 – Amendment of a previous resolution to permit conversion of portions of the cellar to artist studio space and portions of the first floor to residential apartments within a building that the Board granted the re-establishment of residential use on the upper floors and the approval of a childcare center on portions of the cellar and the entire ground floor of a building located in a C8-2 zoning district.

PREMISES AFFECTED – 2255 Bedford Avenue, east side of Bedford Avenue 34' north of intersection with Snyder Avenue, Block 5107, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES –

For Applicant: Adam Rothkrug.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to August 7, 2007, at 10 A.M., for decision, hearing closed.

102-95-BZ, Vol. IV

APPLICANT – The Law Office of Fredrick A. Becker, for The Argo Corporation as agent for 50 West 17 Realty Company, owner; Renegades Associate d/b/a Splash Bar, lessee.

SUBJECT – Application May 8, 2007 – Extension of Term of a special permit (§73-244) for a previously granted UG12 eating and drinking establishment with dancing (Splash Bar) for a term of three years which expired on March 5, 2007 in a C6-4A zoning district.

PREMISES AFFECTED – 50 West 17th Street, south side of West 17th Street, between 5th Avenue and 6th Avenue, Block 818, Lot 78, Borough of Manhattan.

COMMUNITY BOARD #5M

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 August 7, 2007, at 10 A.M., for decision, hearing closed.

391-04-BZIII

APPLICANT – Moshe M. Friedman, for Mellech Fastag, owner.

SUBJECT – Application May 29, 2007 – Amendment to a Special Permit (73-622) for a single family residence for an enlargement to second floor in an R-2 zoning district.

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PREMISES AFFECTED – 2610 Avenue L, south side of Avenue L, 60’ east of the intersection of Avenue L and East 26th Street, Block 7644, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Moshe M. Friedman.

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 August 14, 2007, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

70-07-A

APPLICANT – John C. Chen, AIA, for Tae Wook Chang, owner.

SUBJECT – Application March 23, 2007 – Existing warehouse that does not front a legally mapped street contrary to General City Law Section 36. M3-1. Zoning District.

PREMISES AFFECTED – 49-30 Galasso Place, east side of 49th Street, 274’ south of Galasso Place, Block 2575, Lot 292, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES –

For Applicant: John C. Chen.

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 12, 2007, acting on Department of Buildings Application No. 401630641, reads in pertinent part:

“Request for reconsideration for existing 22’ access easement as opposed to min 30’ fire access as per General City Law Section 36. The existing one-story warehouse does not have the street frontage, application filed to legalize the structure and mezzanine for accessory office”; and

WHEREAS, a public hearing was held on this application on July 17, 2007, after due notice by publication in the *City Record*, and then to decision on that same date; and

WHEREAS, by letter dated May 30, 2007, the Fire Department states that it has reviewed the application and has no objections; and

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

Therefore it is Resolved that the decision of the Queens

Borough Commissioner, dated March 12, 2007, acting on Department of Buildings Application No. 401630641, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received April 20, 2007” -(1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

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

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

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

Adopted by the Board of Standards and Appeals, July 17, 2007.

137-07-A

APPLICANT – Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Edward Scheibel, lessee.

SUBJECT – Application May 22, 2007 – Reconstruct and enlargement of an existing single family home and the upgrade of an existing non -conforming private disposal system not fronting on a mapped street contrary to General City Law Section 36. R4 Zoning District.

PREMISES AFFECTED – 19 Janet Lane, north side of Janet Lane, 190.95’ east of Beach 203rd Street, Block 15350, Lot p/o 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Gary Lenhart.

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 May 8, 2007, acting on Department of Buildings Application No. 4025581230, reads in pertinent part:

“A-1 The street giving access to the existing building to be reconstructed and enlarged is not duly placed on the official map of the City of New York, Therefore:

- A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law
- B) The existing dwelling to be reconstructed and enlarged does not provide at least 8% of the total

MINUTES

perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to Section 27-291 of the Administrative Code

A-2 The proposed upgraded private disposal system is partially in the bed of the service road contrary to Building Department policy”; and

WHEREAS, a public hearing was held on this application on July 17, 2007, after due notice by publication in the *City Record*, and then to decision on that same date; and

WHEREAS, by letter dated May 31, 2007, the Fire Department states that it has reviewed the application and has no objections; and

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

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated May 8, 2007, acting on Department of Buildings Application No. 4025581230, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received May 22, 2007”-(1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

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

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

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

Adopted by the Board of Standards and Appeals, July 17, 2007.

287-05-A

APPLICANT – New York City Board of Standards and Appeals.

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

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

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

COMMUNITY BOARD #1Q

APPEARANCES – None.

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

67-07-A

APPLICANT – Kevin Finnegan, Esq., for Benjamin Shaul, Magnum Mgmt., owner.

SUBJECT – Application July 17, 2007 – An appeal seeking

to revoke permits and approvals that allow the construction of a penthouse that exceeds the permitted height limitations governed by ZR 23-692 (Sliver Law). R7-2 Zoning District. PREMISES AFFECTED –515 East 5th Street, between Avenue A and Avenue B, Block 401, Lot 56, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES –

For Applicant: Kevin Finnegan, Brian Cook of Manhattan Borough President Office, Lisa Kaplan of Council Member Mendez Office, Matt Viggiano of NYS Senator Connor Office, Jessica Loeser of Assemblyman Silver’s Office, Susi Schropp, Monte P. Schapiro, Melissa Baldock, Rob Hoolander, John Fout and Robert Boddington.

For Opposition: Marivin Mitzner, Stephen P. Kramer of Department of Buildings, Egr Sejeffield.

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 September 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, Caroline Melb of Council Member Lappin’s Office, Brian Cook of Manhattan Borough President Office, Lo van der Valk, Melissa Baldock and Nerman Gordon.

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

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 September 11, 2007, at 10 A.M., for decision, hearing closed.

Jeffrey Mulligan, Executive Director

Adjourned: A.M.

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**REGULAR MEETING
TUESDAY AFTERNOON, JULY 17, 2007
1:30 P.M.**

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

ZONING CALENDAR

29-06-BZ

CEQR #06-BSA-056K

APPLICANT – Sheldon Lobel, P.C., for Iliva Honovich,
owner.

SUBJECT – Application February 16, 2006 – Zoning
variance pursuant to ZR §72-21 to allow a proposed multiple
family dwelling containing fourteen (14) dwelling units to
violate applicable floor area, open space, lot coverage,
density, height and setback, and front and side yards
requirements; contrary to ZR §§23-141, 23-22, 23-45, 23-
461 and 23-633. Premises is located within an R4 district.
PREMISES AFFECTED – 1803 Voorhies Avenue, East 18th
Street and East 19th Street, Block 7463, Lots 47, 49,
Borough of Brooklyn.

COMMUNITY BOARD # 15BK

APPEARANCES –

For Applicant: Irving Minkin.

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, decisions of the Brooklyn Borough
Commissioner, dated April 26, 2006 and July 17, 2007, acting
on Department of Buildings Application No. 302063120, read
in pertinent part:

“No front yards required by Section 23-45 of the
Zoning Resolution have been provided.

No side yards required by Section 23-461 of the
Zoning Resolution have been provided”; and

“Proposed height of building exceeds that permissible
by Section 23-631, Zoning Resolution”; and

WHEREAS, this is an application under ZR § 72-21, to
permit, on a site within an R4 zoning district, a proposed four-
story residential building with nine units, 15 parking spaces,
10,392.5 sq. ft. of floor area, and an FAR of 1.35, which does
not comply with front yard, side yard, height, and setback
regulations, and is contrary to ZR §§ 23-45, 23-461, and 23-
631; and

WHEREAS, a public hearing was held on this
application on September 19, 2006, after due notice by

publication in the *City Record*, with continued hearings on
October 24, 2006, January 9, 2007, and May 15, 2007, and
then to decision on July 17, 2007; and

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

WHEREAS, the subject premises, which comprises two
tax lots, 47 and 49, is located on the northwest corner of
Voorhies Avenue and East 18th Street; and

WHEREAS, the combined lot is approximately 77 feet
wide and 100 feet deep and has a total lot area of 7,700 sq. ft.;
and

WHEREAS, tax lot 49 is currently occupied by a two-
and-one-half-story 14-unit rooming house and tax lot 47 is
currently occupied by a two-story two-family home, both of
which will be demolished; and

WHEREAS, the applicant initially proposed a five-story
building with a height of 50 feet, a floor area of 18,030 sq. ft.
(2.3 FAR), 14 residential units, and 18 parking spaces; and

WHEREAS, the original proposal required all of the
requested waivers noted above as well as waivers for FAR, lot
coverage, open space ratio, density, and parking; and

WHEREAS, the Board notes that the applicant initially
claimed that the hardship at the site included: (1) the existing
obsolete non-conforming frame building that is underbuilt and
that cannot be expanded; (2) the Single Room Occupancy
(SRO) status of the building which requires a purportedly
burdensome process to obtain a Certificate of No Harassment
from the Department of Housing Preservation and
Development, a threshold step in redeveloping the site; (3) the
location within the Special Flood Hazard Area, which does not
permit cellars under the Building Code without a waiver from
the Board; and (4) additional soil conditions and a high water
table, which make providing a cellar cost-prohibitive; and

WHEREAS, the Board considered the original proposal
and determined that the following claimed hardships were not
relevant to this application: (1) the obsolescence of the
building, because the building will be demolished; and (2) the
SRO status, which is not unique and which should be reflected
in the value of the property and is not before the Board; and

WHEREAS, the Board notes that this grant is
conditioned on the applicant obtaining a Certificate of No
Harassment from the Department of Housing Preservation and
Development for the SRO which is now vacant; and

WHEREAS, the Board accepted the applicant’s hardship
claims as to the Special Flood Hazard Area, the soil conditions,
and the water table, which are discussed in more detail below;
and

WHEREAS, accordingly, the applicant revised the
application to eliminate and reduce the degree of the waivers
which the Board deemed were not justified by any purported
hardship; and

WHEREAS, the applicant now proposes to construct a
four-story residential building with nine residential units; a
floor area of 10,392.5 sq. ft.; an FAR of 1.35; and a lot
coverage of 55 percent, which are all complying parameters

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under ZR § 23-141, the Primary Built-up Area (PBA) provisions for R4 "Infill" that apply to the subject site; and 15 parking spaces; and

WHEREAS, at the Board's request, the applicant submitted an analysis, which reflects that the PBA provisions apply to the subject site; and

WHEREAS, the applicant proposes to provide a street wall and total height of 40'-6" (25 and 35 feet, respectively, are the maximum permitted), no front yards (two front yards with a minimum depth of 18'-0" are required under the PBA provisions), and no side yards (two side yards with a minimum total width of 15'-0" and a minimum width of 5'-0" each are required); and

WHEREAS, the proposed building's first floor will be occupied by a partially-enclosed parking area, the entrance, a mechanical room, and the elevator and staircases; and

WHEREAS, the second and third floors will each be occupied by four apartments and the third floor will be occupied by one apartment; 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 site is located within the Special Flood Hazard Area; (2) there is a high water table at the site; and (3) the soil composition is porous; and

WHEREAS, as to the Special Flood Hazard Area, the applicant submitted a map indicating that the site is located within a Special Flood Hazard Area, which reflects that the grade level at the site is substantially below the Regulatory Flood Datum and would require that the first floor be nearly three feet above the adjacent grade in order to comply with Building Code § 27-317 and DOB TPPN #1/04, dated February 20, 2004; and

WHEREAS, therefore, a cellar used for parking would be approximately five feet below grade and approximately eight feet below the Regulatory Flood Datum, which would violate the Building Code and be in conflict with the noted DOB TPPN; and

WHEREAS, the Board has authority to grant the originally requested waiver to permit construction below the Regulatory Flood Datum but, as noted, that waiver request has been withdrawn; and

WHEREAS, this Hazard Area condition results in a limitation on the cellar space to certain non-inhabitable spaces (including storage rooms), completely waterproofed against floodwaters, and structurally designed against uplift of a cellar slab by a hydrostatic pressure of approximately 500 pound per sq. ft., and lateral pressure against the walls reaching a maximum of at least the same at the level of the cellar slab; and

WHEREAS, the applicant notes that open parking at grade is permissible below the Regulatory Flood Datum; and

WHEREAS, as to the uniqueness of this condition, the applicant states that only a small portion of the subject R4 zoning district is within the Special Flood Hazard Area and that the portions of the surrounding area within it are located within zoning districts which permit greater bulk so that the hardship

and associated costs can be offset by more available floor area; and

WHEREAS, additionally, the applicant represents that adjacent buildings constructed prior to the enactment of the Hazard Area regulations substantially exceed the proposed bulk; and

WHEREAS, as to the water table, the applicant represents that the water table was found to be seven feet below grade; and

WHEREAS, the applicant submitted boring tests to substantiate this assertion; and

WHEREAS, as to the soil conditions, the applicant represents that the soil has been detected to be porous in nature and that percolation from sustained or heavy rainfalls can thus raise the elevation of the water table; and

WHEREAS, the applicant represents that the effect of these conditions is that a cellar is not feasible; and

WHEREAS, specifically, the applicant represents that the construction of a cellar is costly and would require special safety measures and that, even without a cellar, the noted conditions and required dewatering result in the need for a more expensive pile foundation; and

WHEREAS, accordingly, because a cellar cannot be provided, standard uses, which could be located underground and would not contribute to the floor area, such as parking and mechanicals, must be accommodated on the first floor, thus raising the building height; and

WHEREAS, the Board agrees that since the first floor must accommodate the required parking and mechanicals and cannot also feasibly accommodate any of the proposed residential space, the allowable floor area is unable to be utilized within the maximum permitted height and street wall while providing the minimum required yards; and

WHEREAS, the Board notes that only 645.5 sq. ft. of floor area on the first floor are counted towards floor area while the second and third floors accommodate 4,156 sq. ft. and 4,119 sq. ft., respectively; 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 provided a financial analysis for (1) the existing buildings, which the applicant claims cannot be enlarged because of their frame construction, (2) a residential building which is under-built under the PBA provisions and would therefore result in a loss of income associated with the insufficient floor area, and (3) the original proposal for a five-story building, which exceeds the permitted FAR; and

WHEREAS, the applicant concluded that a complying scenario would not result in a reasonable return primarily because (1) the existing building cannot be enlarged for use as a multiple-dwelling and (2) construction costs related to cellar construction, as well as additional incremental costs related to the foundation system, all of which relate to the above-

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mentioned Hazard Area, water table, and soil conditions, would be prohibitively high; and

WHEREAS, based upon its review of the applicant's financial studies, 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 surrounding area is characterized by three-, four-, five-, six- and seven-story multiple dwelling buildings along Voorhies Avenue east and west of the site, including a seven-story multiple dwelling building immediately to the east, and by three-, four-, and six-story multiple dwelling buildings south of the site; and

WHEREAS, further, the applicant notes that the blocks to the east, west, and south of the site are zoned R6 or C1-2, C2-2, and C4-2 (R6 equivalents); and

WHEREAS, the Board observes that the fourth floor of the proposed building is only a small partial floor, which is focused towards the corner of the building and the site, and that the majority of the building is three stories; and

WHEREAS, also, the Board notes that the adjacent seven-story building on Voorhies Avenue similarly does not provide front yards or side yards; the three-story row houses on East 18th Street do not have front yards; and none of the buildings at the corners of Sheepshead Bay Road and Voorhies Avenue, one block away, provide front yards; 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 unique physical characteristics of the site; and

WHEREAS, the Board does not regard these conditions to be a self-created hardship; and

WHEREAS, the Board notes that the applicant initially claimed that additional floor area was required to overcome the hardship at the site because the building envelope was constricted; and

WHEREAS, the Board agrees that there is practical difficulty due to the unique conditions of the site, which require that the first floor be dedicated to space which does not generate floor area thus restricting the allowable floor area within the permitted building envelope, but disagrees that additional floor area is needed to make the building feasible; and

WHEREAS, throughout the hearing process, the applicant provided several iterations of the proposal which requested floor area and FAR in excess of what is permitted,

which the Board found unconvincing; and

WHEREAS, as noted, the applicant revised the application to eliminate the floor area and FAR waiver as well as other noted waivers, and to reflect the permitted floor area distributed appropriately on the site; and

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 06BSA056K, dated July 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 within an R4 zoning district, a proposed four-story residential building, which does not comply with front and side yards, height, and setback, and is contrary to ZR §§ 23-45, 23-461, and 23-631, *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 June 25, 2007"-eleven (11) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum of four stories, nine residential units, a total height of 40'-6", a floor area of 10,392.5 sq. ft., an FAR of 1.35, a lot coverage of 55 percent, and 15 parking spaces, all as illustrated on the BSA-approved plans;

THAT DOB shall not issue any building permits until the

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owner has obtained a Certificate of No Harassment;

THAT the parking layout shall be as approved by DOB;

THAT all balconies shall be as approved by DOB;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction 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, July 17, 2007.

163-06-BZ

CEQR #07-BSA-007Q

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

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

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

COMMUNITY BOARD #4Q

APPEARANCES –

For Applicant: Irving Minkin.

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 denial of reconsideration by the Queens Borough Commissioner dated July 7, 2006, acting on Department of Buildings (DOB) Application No. 402395403 reads, in pertinent part:

1. Proposed open space ratio is non-complying and contrary to section 23-141(c) Z.R.
2. Proposed ten (10) foot front yard is contrary to Section 22-45 Z.R.
3. No side yards have been provided, contrary to Section 23-462 Z.R.
4. Proposed number of off-street parking spaces are contrary to Section 25-22 Z.R.

WHEREAS, this is an application for a variance pursuant to ZR § 72-21, to permit, on a site within an R5 zoning district, the construction of two (2), three-story and cellar two-family houses (UG 2), with side yards of 0' – 0" (8' – 0" side yards

are required), contrary to ZR § 23-462; and

WHEREAS, the originally filed application also sought waivers of open space ratio, front yard and off-street parking requirements, as reflected in DOB's Denial of Reconsideration, and requested an FAR of 1.65, which was predicated on the assumption of the applicability to the premises of the Predominantly Built-up Area (PBA) provisions for R5 "Infill" under which a 1.65 FAR would be permitted; and

WHEREAS, a public hearing was held on this application on March 13, 2007, after due notice by publication in *The City Record*, with continued hearings on May 8, 2007 and June 19, 2007, and then to decision on July 17, 2007; and

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

WHEREAS, on December 5, 2006, Community Board 4, Queens, recommended disapproval of the application as originally filed, based on the following facts:

"The buyer should have been aware of the zoning regulations before the property was purchased.

"The adjacent homeowner will not be able to repair his property.

"The proposal is not conducive to the surrounding area, as it will add to already congested streets with a lack of parking and overcrowded schools"; and

WHEREAS, the subject premises is located on the south side of 43rd Avenue, between 72nd and 74th Streets, and immediately to the east of a railroad right-of-way, and is currently occupied by a two-family house and garage at the front of the premises and a second garage at the rear; and

WHEREAS, the proposal, as finally modified, provides for construction of two (2), three-story and cellar, two-family houses (UG 2) with the following parameters: 5,273 sq. ft. of floor area (5,273 sq. ft. is the maximum permitted); an FAR of 1.25 (1.25 FAR is the maximum permitted); an open space ratio of 54% (45% is required); 54.6% lot coverage (55% is permitted); total building height of 30' – 0" (33' – 0" is the maximum permitted); a front yard of 10' – 0" (a front yard of 10'-0" is required); two side yards of 0'-0" (8'-0" side yards are required); and off-street parking for 4 vehicles (a minimum of 4 parking spaces are required); and

WHEREAS, after questioning by the Board at hearing, the applicant conceded that PBA provisions are not applicable to the premises and that the permitted FAR is 1.25; and

WHEREAS, the proposal was subsequently modified to reduce the FAR from 1.65 to 1.25, which is permitted; and

WHEREAS, as a result of the reduction in FAR from 1.65 to 1.25, the proposal was additionally modified as follows: the proposed occupancy of each building was reduced from three (3) to two (2) families; the garages in each building were extended to provide a total of four (4) off-street accessory parking spaces (one for each dwelling unit); and the depths of the buildings were reduced at the rear while maintaining ten (10) foot front yards, thus eliminating the waivers requested for open space ratio (§23-141(c)), front yards (§23-45(a)) and

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parking (§25-22(a)); and

WHEREAS, as a result of the changes in the proposal, the only remaining non-compliance would be with respect to Z.R. § 23-462 (side yards); and

WHEREAS, with respect to ZR § 72-21(a), the applicant states that the unique characteristic of the premises is that its irregular, trapezoidal shape, fifty feet wide at the street line, but twenty-five feet wide at the rear lot line, prevents development of the permissible number of apartment units without violating parking and open space requirements; and

WHEREAS, the applicant makes the additional argument that because the premises abuts a railroad right-of-way, on which no development is permissible without a special permit from the City Planning Commission, an additional hardship is imposed; and

WHEREAS, the applicant failed to establish a connection between the shape of the premises and the waivers requested for parking and front yards; and

WHEREAS, however, the project as modified no longer requires waivers for parking and front yards; and

WHEREAS, the Board agrees that the unique shape of the premises creates a hardship in development, but disagrees that proximity to the railroad right-of-way is either unique or contributes to difficulty in developing the property; and

WHEREAS, with respect to ZR § 72-21(b), the applicant argues that complying with side yard requirements on the irregularly shaped lot would limit development to only one as-of-right residential building, and that the apartments in that building would be irregular in shape and “dysfunctional” because of the narrowness of the rear of the building; and

WHEREAS, the Board acknowledges that the configuration of the premises does impose a hardship on the property owner in developing the property that would not allow for 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 neighborhood surrounding the premises is primarily residential, with most buildings being two to three stories in height, that few of the buildings in the neighborhood have complying side yards, and some have no side yards, and that the buildings existing on the premises do not have complying side yards; and

WHEREAS, the proposed buildings, which do not have side yards, abut the railroad right-of-way on one side, and a garage on the other, so that the neighboring residence is not affected; and

WHEREAS, as modified, the project will provide one off-street parking space for each dwelling unit and will not create additional demand for on-street parking; and

WHEREAS, the Board agrees that the proposal will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare; and

WHEREAS, accordingly, the Board finds that the hardship herein was not created by the owner or a predecessor in title but is attributable to the physical characteristics of the premises, as described above; and

WHEREAS, with respect to ZR § 72-21(e), in response to comments by the Board and Community Board 4, the applicant has modified the proposal so as to eliminate non-compliances with ZR §§ 23-141(c) (open space ratio), 22-45 (front yards), and 25-22 (off-street accessory parking); and

WHEREAS, the Board agrees that the variance sought is the minimum required to afford 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 6 NYCRR; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 07BSA007Q, dated November 8, 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 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 within an R5 zoning district, two proposed three-story and cellar Use Group 2 two-family residences, which do not comply with side yard requirements, contrary to ZR § 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 May 31, 2007”–seven (7) sheets and “Received July 2, 2007”–one (1) sheet; and *on further condition*:

THAT the building parameters shall be: two (2), three-story and cellar, two-family houses (UG 2) with 5,273 sq. ft. of

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floor area; an FAR of 1.25; an open space ration of 54%; 54.6% lot coverage; total building heights of 30' – 0"; front yards of 10' – 0"; two side yards of 0'-0"; and off-street parking for four vehicles;

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

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

THAT the 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, July 17, 2007.

215-06-BZ

APPLICANT – Vassalotti Associates Architects, LLP., for Cumberland Farms, Inc., owner.

SUBJECT – Application August 24, 2006 – Special Permit (§11-411) for the re-establishment and extension of term for an existing gasoline service station, which has been in continuous operation since 1955. C1-2/R2 zoning district.

PREMISES AFFECTED – 202-06 Hillside Avenue, southeast corner of Hillside Avenue and 202nd Street, Block 10496, Lot 52, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Adam A. Rothkrug.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, a denial of reconsideration of objections by the Queens Borough Commissioner, dated August 1, 2006, acting on Department of Buildings Application No. 400524072, reads in pertinent part:

“Proposal to extend term of variance previously granted by Board of Standards and Appeals, and secure new Certificate of Occupancy for an automotive service station located in a C1-2 within a R3-2 is contrary to Board of Standards and Appeals Cal. No. 327-55-BZ”; and

WHEREAS, this is an application for a reinstatement of a prior Board approval to permit an automotive service station, pursuant to ZR § 11-411; and

WHEREAS, a public hearing was held on this application on June 19, 2007, after due notice by publication in

the *City Record*, and then to decision on July 17, 2007; and

WHEREAS, Community Board 12, Queens, has not made a recommendation with respect to this application; and

WHEREAS, the premises is located on the south side of Hillside Avenue, at the intersection with 202nd Street, with 100 feet of frontage along Hillside Avenue and 95 feet of frontage along 202nd Street, within a C1-2/R3-2 zoning district; and

WHEREAS, the subject zoning lot has a total lot area of approximately 9,630 sq. ft.; and

WHEREAS, the site is currently occupied by a 1,557 sq. ft. convenience store building, four (4) gasoline pump islands with one multiple pump dispenser on each island with three (3) on-site accessory parking spaces; and

WHEREAS, on July 24, 1956, under BSA Cal. No. 327-55-BZ, the Board granted a variance to permit in a local retail use district the construction of a gasoline service station, lubricatorium, non-automatic car wash, minor auto repair shop (with hand tools only), and the parking of motor vehicles awaiting service for a term of fifteen (15) years; and

WHEREAS, on November 16, 1971, under BSA Cal. No. 327-55 -BZ, the Board extended the term of the variance for an additional ten (10) years; and

WHEREAS, on October 21, 1980, under BSA Cal. No. 327-55 -BZ, the Board reopened and amended the resolution to extend the variance for a term of ten (10) years and to omit required shrubbery from planting areas; and

WHEREAS, on November 15, 1983, under BSA Cal. No. 327-55-BZ, the Board reopened and amended the resolution to legalize an existing storage trailer to be used for the storage of non-combustible items; and

WHEREAS, on June 4, 1985, under BSA Cal. No. 327-55-BZ, the Board reopened and amended the resolution to permit the addition of one additional pump to each existing pump island; and

WHEREAS, on February 6, 1990, under BSA Cal. No. 327-55-BZ, the Board reopened and amended the resolution to permit changes in the design and arrangement of the existing gasoline station; and

WHEREAS, on June 30, 1992, under BSA Cal. No. 327-55-BZ, the Board reopened and amended the resolution to extend the term of the variance for a period of ten (10) years to expire on July 24, 2001 and to eliminate the metal storage container and chain link fence and to restore a portion of the grass strips that had been covered with asphalt; and

WHEREAS, on December 10, 1996, under BSA Cal. No. 327-55-BZ, the Board reopened and amended the resolution to permit replacement of the accessory building with a new accessory building containing a convenience store and attendants’ area and erection of a canopy over four new pump islands; and

WHEREAS, the applicant now seeks to reinstate the original variance, granted under BSA Cal. No. 327-55-BZ, which, as extended, expired on July 24, 2001; and

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

WHEREAS, the Board has determined that evidence in

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the record supports the findings required to be made under ZR § 11-411; and

Therefore it is Resolved, Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §11-411, for a reinstatement of a prior Board approval of an automotive 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 August 23, 2006"-(3) sheets; and *on further condition:*

THAT this grant shall be for a term of ten years, to expire on July 24, 2011;

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

THAT the site shall be brought into compliance with the BSA-approved plans and all conditions of this grant, and a new certificate of occupancy shall be obtained within six months of the date of this grant, on January 24, 2008;

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

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted. (D.O.B. Application No. 400524072)

Adopted by the Board of Standards and Appeals, July 17, 2007.

308-06-BZ

APPLICANT – Eric Palatnik, P.C., for David Levitan, owner.

SUBJECT – Application November 22, 2006 – Special Permit (§73-622) for the enlargement of two semi-attached single family homes to be converted to a detached single family home. 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 – 1458-1460 East 26th Street, between Avenue "N" and Avenue "O", Block 7679, Lots 77 & 79, Borough Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated November 6, 2006, acting on Department of Buildings Application No. 302249305, reads in pertinent part:

1. Proposed Plans are contrary to Z.R. 23-141(a) in that the proposed Floor Area Ratio (FAR) exceeds the permitted 50%.
2. Proposed Plans are contrary to Z.R. 23-141(a) in that the proposed Open Space Ratio (OSR) is less than the minimum required 150%.
3. Proposed Plans are contrary to Z.R. 23-47 in that the proposed rear yard is less than the total of 30'-0".
4. Proposed Plans are contrary to Z.R. 23-141(a) in that the proposed Floor Area exceeds the permitted Floor Area of 2,260 s.f."; and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, within an R2 zoning district, the proposed enlargement of two attached semi-detached one-family homes and the conversion of them into a single one-family home, which does not comply with the zoning requirements for floor area, FAR, open space ratio, and rear yard, contrary to ZR §§ 23-141(a) and 23-47; and

WHEREAS, a public hearing was held on this application on May 15, 2007, after due notice by publication in *The City Record*, with a continued hearing on June 19, 2007, and then to decision on July 17, 2007; and

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

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

WHEREAS, the subject site comprises two tax lots, Lot 77 and Lot 78, and has a combined lot area of 4,520 sq. ft.; and

WHEREAS, the site is occupied by two attached semi-detached single-family homes with a combined floor area of 2,572 sq. ft. (0.57 FAR); and

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

WHEREAS, the applicant seeks an increase in the floor area from 2,572 sq. ft. (0.57 FAR) to 4,405 sq. ft. (0.97 FAR); the maximum floor area permitted is 2,260 sq. ft. (0.50 FAR); and

WHEREAS, the proposed enlargement will provide an open space ratio of 55 percent; the minimum required open space ratio is 150 percent; and

WHEREAS, the proposed enlargement will provide a 20'-0" rear yard (a minimum rear yard of 30'-0" is required); and

WHEREAS, the enlargement of the building is not

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located within 20'-0" of the rear lot line; and

WHEREAS, the applicant submitted photographs of nine single-family homes on lots with comparable widths (40 feet) within the surrounding area; and

WHEREAS, at hearing the Board asked the applicant to confirm the location of these homes; and

WHEREAS, in response, the applicant provided a map, which reflected that all nine of the homes are between Avenue N and Avenue O, within one block of the subject site; and

WHEREAS, additionally, the Board asked the applicant to confirm that the front wall height complies with zoning district regulations; and

WHEREAS, in response, the applicant confirmed that the proposed front wall height is 21'-10" and complies with zoning district regulations; and

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

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§73-622 and 73-03, to permit, within an R2 zoning district, the proposed enlargement of a two attached semi-detached one-family homes and the conversion of them into a single one-family home, which does not comply with the zoning requirements for floor area, FAR, open space ratio, and rear yard, contrary to ZR §§23-141(a) and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received June 5, 2007"-(9) sheets and "June 27, 2007"-(2) sheets; and *on further condition*:

THAT there shall be no habitable room in the cellar;

THAT the floor area of the attic shall be limited to 550 sq. ft.;

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

THAT the following shall be the bulk parameters of the building: a floor area of 4,405 sq. ft., an FAR of 0.97, a rear yard of 20'-0", and an open space ratio of 55 percent, as illustrated on the BSA-approved plans;

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

THAT the layout of the off-street parking space shall be as approved by DOB;

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

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

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

(DOB Application No. 302249305)

Adopted by the Board of Standards and Appeals, July 17, 2007.

97-07-BZ

CEQR #07-BSA-076Q

APPLICANT – The Law Office of Fredrick A. Becker, for Atlas Park, LLC, owner; TSI Glendale Inc., dba New York Sports Club, lessee.

SUBJECT – Application April 24, 2007 – Special Permit (§73-36) to legalize the operation of a PCE on the second floor of a two-story commercial building within a commercial mall complex. The proposal is contrary to the use regulations of section 32-00. The Premises is located in a M1-1 zoning district.

PREMISES AFFECTED – 80-16 Cooper Avenue, southerly side of Cooper Avenue and the easterly side of 80th Street, Block 3810, Lot 350, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCE –

For Applicant: Fredrick A. Becker and Lyra Altman.

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 April 17, 2007, acting on Department of Buildings Application No. 402256116, reads in pertinent part:

"Proposed Physical Culture Establishment is not permitted as of right in a Manufacturing District (M1-1). This is contrary to Section 42-10 ZR"; and

WHEREAS, this is an application under ZR §§73-36 and 73-03, to permit, on a site within an M1-1 zoning

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district, the establishment of a physical culture establishment (PCE) in portions of first and second floors of a commercial mall complex known as The Shops at Atlas Park, contrary to ZR §42-10; and

WHEREAS, a public hearing was held on this application on June 19, 2007 after due notice by publication in *The City Record*, and then to decision on July 17, 2007; and

WHEREAS, Community Board 5, Queens, recommends approval of this application; and

WHEREAS, the subject site is located on the southeast corner of the intersection of Cooper Avenue and 80th Street; and

WHEREAS, the site is occupied by one building in a commercial mall complex; and

WHEREAS, the PCE has been in operation since January 2007; and

WHEREAS, the PCE occupies a total of 27,111 sq. ft. of floor space, which includes 408 sq. ft. on the first floor and 26,703 sq. ft. on the second floor; and

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

WHEREAS, the PCE will be operated as a New York Sports Club; and

WHEREAS, the proposed hours of operation are: Monday through Friday, 6:00 a.m. to 9:00 p.m.; and Saturday and Sunday, 8:00 a.m. to 7:00 p.m.; and

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

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

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

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the 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. 07BSA076Q dated March 26, 2007; 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, 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 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 M1-1 zoning district, the establishment of a physical culture establishment on portions of the first and second floors of a building within a commercial mall complex, contrary to ZR §42-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received April 24, 2006"-(7) sheets; and *on further condition*:

THAT the term of this grant shall expire on December 31, 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 hours of operation shall be limited to: Monday through Friday, 6:00 a.m. to 9:00 p.m.; and Saturday and Sunday, 8:00 a.m. to 7:00 p.m.;

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, July 17, 2007.

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104-07-BZ

APPLICANT– Lewis E. Garfinkel, R.A., for Rochelle Mandel, owner.

SUBJECT – Application April 30, 2007 – 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 R-2 zoning district.

PREMISES AFFECTED – 1243 East 29th Street, south side of Avenue L, Block 7647, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #14BK

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, the decision of the Brooklyn Borough Commissioner, dated April 26, 2007, acting on Department of Buildings Application No. 302332321, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141(a) in that the proposed Floor Area Ratio exceeds the permitted 50%.
2. Proposed plans are contrary to ZR 23-141(a) in that the proposed Open Space Ratio is less than the required 150%.
3. Plans are contrary to ZR 23-461(a) in that the existing total side yards are less than the required 13'-0".
4. Plans are contrary to ZR 23-461(a) in that the existing minimum side yard is less than the required minimum 5'-0".
5. Plans are contrary to ZR 23-45 in that the existing minimum front yard is less than the required minimum of 15'-0".
6. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than 30'-0"; and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, within an R2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area, FAR, open space ratio, and side, front, and rear yards, contrary to ZR §§ 23-141(a), 23-461(a), 23-45, and 23-47; and

WHEREAS, a public hearing was held on this application on June 19, 2007, after due notice by publication in *The City Record*, and then to decision on July 17, 2007; and

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

WHEREAS, the subject site is located on the east side of East 29th Street, between Avenue L and Avenue M; and

WHEREAS, the subject site has a lot area of 3,150 sq. ft., and is occupied by a single-family home with a floor area of 1,849.9 sq. ft. (0.59 FAR); and

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

WHEREAS, the applicant seeks an increase in the floor area from 1,849.9 sq. ft. (0.59 FAR) to 2,925 sq. ft. (0.93 FAR); the maximum floor area permitted is 1,575 sq. ft. (0.50 FAR); and

WHEREAS, the proposed enlargement will provide an open space ratio of 62.4 percent; the minimum required open space ratio is 150 percent; and

WHEREAS, the proposed enlargement will maintain the existing non-complying front yard of 13'-7" (a minimum depth of 15'-0" is required); and

WHEREAS, the proposed enlargement will maintain the non-complying side yards with widths of 2'-8" (a side yard with a width of 5'-0" is the minimum required) and 6'-11" (side yards with a total width of 9'-8" are the minimum required); and

WHEREAS, the proposed enlargement will provide a 20'-0" rear yard (a minimum rear yard of 30'-0" is required); and

WHEREAS, the enlargement of the building is not located within 20'-0" of the rear lot line; and

WHEREAS, at hearing, the Board asked the applicant to confirm that the bay window will have a depth of 1'-6" or less; and

WHEREAS, in response, the applicant modified the plans to reflect that the bay window did not extend beyond a depth of 1'-2"; and

WHEREAS, additionally, the Board directed the applicant to clearly indicate which portions of the attic would count as floor area; and

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

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§5-02(a), 5-02(b)(2)

MINUTES

and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-622 and 73-03, to permit, within an R2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area, FAR, open space ratio, and side, front, and rear yards, contrary to ZR §§23-141(a), 23-461(a), 23-45, and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received April 30, 2007"–(6) sheets, and "July 2, 2007"–(3) sheets, and "July 13, 2007"–(2) sheets; and *on further condition*:

THAT there shall be no habitable room in the cellar;

THAT the floor area of the attic shall be limited to 418.8 sq. ft.;

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

THAT the following shall be the bulk parameters of the building: a floor area of 2,925 sq. ft., an FAR of 0.93, a front yard of 13'-7", side yards of 2'-8" and 6'-11", a rear yard of 20'-0", and an open space ratio of 62.4 percent, as illustrated on the BSA-approved plans;

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

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

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

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

Adopted by the Board of Standards and Appeals, July 17, 2007.

342-05-BZ& 343-05-BZ

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

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

COMMUNITY BOARD #8BX

APPEARANCES –

For Applicant: Sandy Anagnostou, Jack Freeman, Sachar Eddie and Edgar Diaz.

ACTION OF THE BOARD – Laid over to September 18, 2007, at 1:30 P.M., for continued hearing.

39-06-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Moshe M. Friedman and Hiram Rothkrug.

For Opposition: Anthony Perre.

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 September 18, 2007, at 1:30 P.M., for decision, hearing closed.

75-06-BZ

APPLICANT – Joseph P. Morsellino, Esq., for Cord Meyer Development, owner.

SUBJECT – Application April 25, 2006 – Zoning variance pursuant to §72-21 to allow a proposed twenty-one (21) story residential building with ground floor retail and community facility uses to violate applicable FAR (§23-142 and §35-22), open space ratio (§23-142, §35-22 and §35-33) and sky exposure plane (§23-632) regulations. The proposed building would include 136 dwelling units and 146 parking spaces. The project site is located within an R7-1/C1-2 zoning district.

PREMISES AFFECTED – 108-20 71st Avenue, northeast corner of Queens Boulevard and 71st Avenue, Block 2224, Lot 1, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES –

For Applicant: Joseph P. Morsellino.

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 August 7, 2007, at 1:30 P.M., for decision, hearing closed.

108-06-BZ

MINUTES

APPLICANT– Eric Palatnik, P.C., for S & L-G Realty Corp., owner.

SUBJECT – Application May 30, 2006 – Zoning variance under §72-21 to allow a proposed 15-story residential building (U.G. 2) containing twenty-six (26) dwelling units and ground floor retail use (U.G. 6) to locate in an M1-6 district; contrary to §42-00 (use regulations).

PREMISES AFFECTED – 143 West 30th Street, between 6th and 7th Avenues, Block 806, Lot 4, Borough of Manhattan

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Eric Palatnik and Gregory Geroges.

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 August 21, 2007, at 1:30 P.M., for decision, hearing closed.

126-06-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Norma Hafif, owner.

SUBJECT – Application June 14, 2006 – Special Permit (§73-622) for the enlargement of a single family residence. This application seeks to vary floor area and lot coverage (§23-141); less than the required side yards (§23-461) and less than the minimum rear yard (§23-47) in an R3-2 zoning district.

PREMISES AFFECTED – 1762 East 23rd Street, East 23rd Street, between Quentin Road and Avenue R, Block 6805, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Lyra Altman.

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 August 7, 2007, at 1:30 P.M., for decision, hearing closed.

152-06-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Gregory Montalbano, owner.

SUBJECT – Application July 11, 2006 – Special Permit (§73-125) to allow the proposed two-story ambulatory diagnostic/treatment care facility containing 5,565 square feet of floor area and parking for fourteen vehicles. The Premise is located in an R3X zoning district. The proposal is contrary to §22-14.

PREMISES AFFECTED – 82 Lamberts Lane, southwest corner of Lamberts and Seldin Avenue, Block 1609, Lot 16, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Adam W. Rothkrug.

For Administration: DC Tanzosh, Fire Department.

ACTION OF THE BOARD – Laid over to August 14, 2007, at 1:30 P.M., for continued hearing.

262-06-BZ

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

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

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

COMMUNITY BOARD #5Q

APPEARANCES –

For Applicant: Chris Wright and Elane Kalmon.

ACTION OF THE BOARD – Laid over to August 21, 2007, at 1:30 P.M., for continued hearing.

59-07-A

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

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

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

COMMUNITY BOARD #5Q

APPEARANCES –

For Applicant: Chris Wright and Elane Kalmon.

ACTION OF THE BOARD – Laid over to August 21, 2007, at 1:30 P.M., for continued hearing.

291-06-BZ

APPLICANT – Paul Bonfilio, AIA., for 6860 Austin Realty Corp., owner.

SUBJECT – Application November 2, 2006 – Special Permit (§73-44) to allow the reduction in the number of required parking spaces for an enlargement to an existing community facility building (Ambulatory Diagnostic/Treatment Facility). The Premises is located in a C8-2 zoning district. The proposal is contrary to Section 36-21.

PREMISES AFFECTED – 68-60 Austin Street, Austin Street, between Yellowstone Boulevard and 69th Road, Block 3234, Lot 29, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES –

For Applicant: Paul Bonfilio and Tarek M. Zeid.

MINUTES

ACTION OF THE BOARD – Laid over to August 21, 2007, at 1:30 P.M., for continued hearing.

301-06-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Cornerstone Residence LLC, owner.

SUBJECT – Application November 14, 2006 – Variance (§72-21) for the construction of a two-family dwelling on an existing narrow lot with special provisions for party or side lot line walls that does not provide the minimum required side yard of 8 feet (§23-49) in an R5 zoning district.

PREMISES AFFECTED – 148 Fountain Avenue, west side of Fountain Avenue, 111' north of intersection with Glenmore Avenue, Block 4190, Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES –

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD – Laid over to August 14, 2007, at 1:30 P.M., for decision, hearing closed.

329-06-BZ

APPLICANT – Wholistic Healthworks, Inc., for Albino J. Testani, owner.

SUBJECT – Application December 21, 2006 – Special Permit (§73-36) to legalize a PCE in C2-2/R2A/R4 zoning districts. The proposal is contrary to Section 32-00.

PREMISES AFFECTED – 34-34 Bell Boulevard, west of Bell Boulevard, 184.07' from 35th Avenue, Block 6112, Lot 39, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES – None.

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

10-07-BZ

APPLICANT – Kenneth Philogene, for George Smirnov, owner.

SUBJECT – Application January 9, 2007 – Variance (§72-21) to construct a two story, one family home on an undersized vacant lot with less than the total required side yards (§23-48) in an R3-1 zoning district.

PREMISES AFFECTED – 118 Graham Boulevard, south side of Graham Boulevard, Block 3768, Lot 23, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Kenneth Philogene.

ACTION OF THE BOARD – Laid over to August 14, 2007, at 1:30 P.M., for continued hearing.

46-07-BZ

APPLICANT– Sheldon Lobel, P.C., for Moishe Bergman, owner.

SUBJECT – Application February 15, 2007 – 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 R-2 zoning district.

PREMISES AFFECTED – 1328 East 23rd Street, located on the west side of East 23rd Street between Avenue M and Avenue N, Block 7658, Lot 62, Borough of Brooklyn.

COMMUNITY BOARD #14BK

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 August 14, 2007, at 1:30 P.M., for decision, hearing closed.

54-07-BZ

APPLICANT – Robert Akerman, Esq., for Ella Weiss, owner.

SUBJECT – Application February 23, 200 – Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary floor area, lot coverage and open space (§23-141); side yard (§23-461) and rear yard (§23-47) in an R3-2 zoning district.

PREMISES AFFECTED – 1776 East 26th Street, west side of 26th Street, between Avenue R and Quentin Road, 200' north of Avenue R, Block 6808, Lot 34, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

For Opposition: Katherine A. Levine and Edward Jaworski.

ACTION OF THE BOARD – Laid over to August 14, 2007, at 1:30 P.M., for continued hearing.

72-07-BZ

APPLICANT– Sheldon Lobel, P.C. for Iren Israel Laniado, owner.

SUBJECT – Application March 28, 2007 – Special Permit (§73-622) for the enlargement of a single family residence. This application seeks to vary open space, lot coverage and floor area (§23-141); side yard (§23-461); rear yard (§23-47) and perimeter wall height (§23-631) in an R3-2 zoning district.

PREMISES AFFECTED – 1941 East 26th Street, eastern side of 26th Street between Avenue S and Avenue T, Block 7305, Lot 70, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

ACTION OF THE BOARD – Laid over to August 14, 2007, at 1:30 P.M., for continued hearing.

MINUTES

101-07-BZ

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

SUBJECT – Application April 26, 2007 – Special Permit (§73-622) for the enlargement of an existing single family detached residence. This application seeks to vary open space and floor area (§23-141) and side yard (§23-461) in an R-2 zoning district.

PREMISES AFFECTED – 2306 Avenue M, south side, 40' east of East 23rd Street, between East 23rd and East 24th Streets, Block 7627, Lot 42, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Frank Sellitto.

For Opposition: Joseph Bergman.

ACTION OF THE BOARD – Laid over to August 14, 2007, at 1:30 P.M., for continued hearing.

Jeff Mulligan, Executive Director

Adjourned: P.M.