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# BULLETIN

OF THE  
NEW YORK CITY BOARD OF STANDARDS  
AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:  
40 Rector Street, 9th Floor, New York, N.Y. 10006.

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Volume 92, Nos. 44-45

November 29, 2007

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## DIRECTORY

**MEENAKSHI SRINIVASAN, *Chair***

**CHRISTOPHER COLLINS, *Vice-Chair***

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**SUSAN M. HINKSON**

*Commissioners*

**Jeffrey Mulligan, *Executive Director***

**Roy Starrin, *Deputy Director***

**Gregory R. Belcamino, *Counsel***

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<b>BSA WEBPAGE @</b>	<b><a href="http://www.nyc.gov/html/bsa/home.html">http://www.nyc.gov/html/bsa/home.html</a></b>

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189-99-BZ	460 Quincy Avenue, Bronx
8-05-BZ	85-15 Queens Boulevard, Queens
997-84-BZ	800 Union Street, Brooklyn
223-90-A	114 Kreischer Street, Staten Island
175-95-BZ	205-35 Linden Boulevard, Queens
293-06-BZ	54-07 254 <sup>th</sup> Street, Queens
299-06-BZ	1976 Crotona Parkway, Bronx
146-59-BZ	686-88 Gerard Avenue, Bronx
147-07-BZY	144 North 8 <sup>th</sup> Street, Brooklyn
64-07-A	1704 Avenue N, aka 1702-04/111-1421 East 17 <sup>th</sup> Street, Brooklyn
140-07-A	607 Bayside Drive, Queens

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**Affecting Calendar Numbers:**

59-06-BZ	1006 East 233 <sup>rd</sup> Street, Bronx
144-07-BZ	3810 Bedford Avenue, Brooklyn
146-07-BZ	439 East 77 <sup>th</sup> Street, Manhattan
175-07-BZ	90 West 225 <sup>th</sup> Street, Manhattan
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181-07-BZ	72-18 Amstel Boulevard, Queens

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# DOCKETS

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New Case Filed Up to November 20, 2007  
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**245-07-BZ**

220 Water Street, Between Water and Bridge Streets, Block 41, Lot(s) 17, Borough of Brooklyn, Community Board: 2. Variance to allow the residential conversion of an existing 5 story building located in a M1-2 district.  
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**246-07-A**

97 Victory Boulevard, West side of Victory Boulevard, 180 ft south of Carven Avenue., Block 23, Lot(s) 55, Borough of Staten Island, Community Board: 1. Proposed construction of a mixed use building located within the bed of a mapped street contrary to general City Law Section 35 . C2-1 Zoning district.  
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**247-07-A**

246 Spring Street, Between Varick Street and Hudson, Block 491, Lot(s) 36, Borough of Manhattan, Community Board: 2. Appeal seeking to revoke permits and approvals to construct a condominium hotel in an M1-6 zoning district. Applicant argues that its residential use violates the underlying M1-6 zoning district prohibitions. M1-6 zoning district.  
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**248-07-BZ**

32-15 60 Street, Between Northern Boulevard and 32nd Avenue., Block 1161, Lot(s) 29, Borough of Queens, Community Board: 1. Variance to allow legalization of existing 3-story, two family residence on an existing narrow lot (25' X100').  
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**249-07-BZ**

1865 East 28th Street, East side, 215'-0" north of Avenue S between Avenue R and Avenue S., Block 6834, Lot(s) 58, Borough of Brooklyn, Community Board: 15. Special Permit (73-622) for the enlargement of an existing single family residence. This application seeks to vary side yard requirement (23-461) in an R3-2 zoning district.  
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**250-07-BZ**

837 Belmont Avenue, Northeast corner of the intersection of Atkins Avenue and Belmont Avenue., Block 4023, Lot(s) 45, Borough of Brooklyn, Community Board: 5. Variance to permit the construction of a detached two-story, two-family dwelling on a vacant corner lot that does not provide a required front-yard or a required side

yard, contrary to use regulations.  
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**251-07-A**

63 Houston Street, Between Houston Street and Willowbrook Road., Block 1478, Lot(s) 1, Borough of Staten Island, Community Board: 1. Appeal seeking a determination that the owner has acquired a common law vested right to continue development under the prior R3A zoning district. R3X zoning district.  
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**252-07-A**

65 Houston Street, Between Houston Street and Willowbrook Road., Block 1478, Lot(s) 543, Borough of Staten Island, Community Board: 1. Appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced under the prior R3A zoning district. R3X zoning.  
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**253-07-A**

104 Willowbrook Road, Between Houston Street and Willowbrook Road., Block 1478, Lot(s) 150, Borough of Staten Island, Community Board: 1. Appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced under the prior R3A zoning district. R3X zoning.  
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**254-07-A**

106 Willowbrook Road, Between Houston Street and Willowbrook Road., Block 1478, Lot(s) 151, Borough of Staten Island, Community Board: 1. Appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced under the prior R3A zoning district. R3X zoning.  
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**255-07-A**

40-54 Francis Lewis Boulevard, Corner of Francis Lewis Boulevard and 42nd Avenue., Block 5361, Lot(s) 10,12, Borough of Queens, Community Board: 11. Construction within mapped street, contrary to Section 35 of the General City Law.  
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# DOCKETS

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**256-07-BZ**

1978 Atlantic Avenue, Southern side of Atlantic Avenue, 180 feet west of the intersection of Atlantic and Ralph., Block 1339, Lot(s) 39, Borough of Brooklyn, Community Board: 8. Variance to allow a cellar and three-story, three family attached dwelling.

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**257-07-BZ**

3 East 101st Street, Located on the west side of Madison Avenue between 101st and 102nd Streets., Block 1607, Lot(s) 3,5,59, Borough of Manhattan, Community Board: 11. Variance to allow a community facility, contrary to bulk regulations.

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**258-07-BZ**

105-55 Horace Harding Expressway, North west corner of 108th Street, Block 1964, Lot(s) 23, Borough of Queens, Community Board: 4. Special Permit (72-211) to allow reconstruction of an automotive service station.

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**259-07-A**

41-97 Parsons Boulevard, Ash Avenue and Parsons Boulevard., Block 5374, Lot(s) 11, Borough of Queens, Community Board: 7. Proposed construction of an eight story residential with a community facility and parking on the ground floor within the bed of mapped street (Ash Drive) contrary to General City Law Section 35. R6 Zoning District.

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**260-07-A**

14 Devon Walk, West side of Devon Walk., Block 16350, Lot(s) 400, Borough of Queens, Community Board: 14. Reconstruction and enlargement of an existing one family home not fronting on mapped street, contrary to General City Law and the proposed upgrade of the private disposal system in the bed of the service road contrary to Building Department Policy. R4 zoning district.

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**261-07-A**

135 North 9th Street, North side of North 9th Street, 125'-0" from north east corner of Berry Street and North 9 Street - in east direction., Block 2304, Lot(s) 36, Borough of Brooklyn, Community Board: 1. An appeals seeking a determination that the owner of said premises has acquired a common law vested right to continue development commenced under the prior R6 (M1-2) zoning district. R6B Zoning District.

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**262-07-BZ**

23 East 38th Street, South east corner of East 38th Street and Madison Avenue., Block 869, Lot(s) 25 (old, Borough of Manhattan, Community Board: 6. Variance for the reinstatement of previously approved variance 461-37-BZ as per 11-411 ZR. Continued use of lot for right of way and parking and storage for 18 motor vehicles open Monday to Saturday-7AM to Midnight.

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**263-07-BZ**

1169 East 21st Street, East 21st Street between Avenue J and Avenue K., Block 7603, Lot(s) 29, Borough of Brooklyn, Community Board: 14. Special Permit (73-622) for the enlargement of a single family home.

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**264-07-A**

76 Romer Road, East side of Romer Road; 449.51' north of Four Corners Road., Block 870, Lot(s) 111, Borough of Staten Island, Community Board: 2. Proposed legalization of an existing single family home not fronting a mapped street is contrary to General City Law Section 36. R1-1(SNAD) (SGMD)

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**265-07-A**

57 West 70th Street, North side of 70th Street, 160 feet east of corner formed by 70th Street and Columbus Avenue., Block 1123, Lot(s) 7, Borough of Manhattan, Community Board: 7. An appeal challenging the Department of Building's interpretation that the rear yard structure (porch) is a permitted obstruction that complies with Section 23-44. R8B zoning district.

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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.**

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# CALENDAR

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

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

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**SPECIAL ORDER CALENDAR**

**16-36-BZII**

APPLICANT – Vassalotti Associates, Architects, for Cumberland Farms Incorporated, owners.

SUBJECT – Application July 17, 2007 – Extension of Term of a previously granted variance for the operation of a gasoline service station (Exxon) which expired November 1, 2007 in a C2-2/R-5 zoning district.

PREMISES AFFECTED – 1885 Westchester Avenue, northwest corner of Westchester Avenue and White Plains Road, Block 3880, Lot 1, Borough of Bronx.

**COMMUNITY BOARD #9BX**

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**673-81-BZ**

APPLICANT – David L. Businelli, for Joseph Montalbano, owner.

SUBJECT – Application August 20, 2007 – Extension of Term of variance granted pursuant to §72-21 permitting, in an R3-2 zoning district, the erection of a one story and cellar retail store and office building with accessory parking in the open area. The application was previously approved for a 15 year term which expired on January 5, 1997.

PREMISES AFFECTED – 2075 Richmond Avenue, East side of Richmond Avenue 461.94' N. feet from corner of Rockland Avenue, Block 2015, Lot 28, Borough of Staten Island.

**COMMUNITY BOARD #2 SI**

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**67-95-BZ**

APPLICANT – Francis R. Angelino, Esq., for Times Square JV LLC, owner; Town Sports International, lessee.

SUBJECT – Application May 17, 2007 – Extension of Term of a previously approved Special Permit granted pursuant to §73-36 allowing the operation of a physical culture establishment on the 14 & 15 floors of the Crowne Plaza Hotel located in a C6-7T (MID) zoning district.

PREMISES AFFECTED – 1591/1611 Broadway, west side, the blockfront between West 48th & West 49th Streets, Block 1020, Lot 46, Borough of Manhattan.

**COMMUNITY BOARD #5M**

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**APPEALS CALENDAR**

**155-07-A**

APPLICANT – Jorge F. Canepa, for Sonja Keyser, owner.  
SUBJECT – Application June 11, 2007 – Proposed construction of a swimming pool, tennis court and changing room located within the bed of a mapped street (Tiber Place) contrary to General City Law Section 35. R1-2 Zoning District.

PREMISES AFFECTED – 55 Chipperfield Court, 413.88' south of the corner between Chipperfield Court and Ocean Terrace, Block 687, Lot 21, Borough of Staten Island.

**COMMUNITY BOARD #2SI**

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**240-07-A**

APPLICANT – Sheldon Lobel, P.C., for 1270 Bay Ridge Parkway Development, LLC, owner.

SUBJECT – Application October 24, 2007 – Appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced under the prior R4/C1-2 zoning district. R4-1 zoning district.

PREMISES AFFECTED – 1270 Bay Ridge Parkway, 12<sup>th</sup> Avenue and 13<sup>th</sup> Avenue, Block 6221, Lot 34, Borough of Brooklyn.

**COMMUNITY BOARD #10BK**

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

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

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**ZONING CALENDAR**

**197-05-BZ**

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

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

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

**COMMUNITY BOARD #2M**

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*Jeff Mulligan, Executive Director*

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# CALENDAR

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**JANUARY 8, 2008, 1:30 P.M.**

**JANUARY 8, 2008, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, January 8, 2008, 10:00 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## **SPECIAL ORDER CALENDAR**

### **1038-80-BZ, VII**

APPLICANT – Davidoff Malito & Hutcher, LLP, for Feinrose Downing LLC, owner; Expressway Arcade Corporation, lessee.

SUBJECT – Application November 5, 2007 – Extension of Term of a Special Permit for the continued operation of a UG15 Amusement Arcade (Smile Arcade) in an M2-1 zoning district which expires on January 6, 2008.

PREMISES AFFECTED – 31-07/09/11 Downing Street, Whitestone Expressway, Block 4327, Lot 1, Borough of Queens.

### **COMMUNITY BOARD #7Q**

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### **222-03-BZ, Vol. II**

APPLICANT – Alfonse Duarte, for Emanuel T. Lorras, owner.

SUBJECT – Application November 15, 2007 – Extension of Time to Complete Construction of a Variance (72-21) previously granted on November 18, 2003 for the enlargement of a single family home, in an R-4 zoning district, which expired on November 18, 2007

PREMISES AFFECTED – 30-04 73<sup>rd</sup> Street, south west corner of 30<sup>th</sup> Avenue, Block 1121, Lot 6, Borough of Queens.

### **COMMUNITY BOARD #3Q**

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**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday afternoon, January 8, 2008, at 1:30 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## **ZONING CALENDAR**

### **160-06-BZ**

APPLICANT – Rothkrug Rothkrug and Spector, for Barbara Berman, owner.

SUBJECT – Application July 24, 2006 – Variance under section 72-21 to permit the proposed one-story & cellar Walgreens drug store with accessory parking for 24 cars. The proposal is contrary to section 22-00. R3-1 district.

PREMISES AFFECTED – 2199 (aka 2175) Richmond Avenue, corner of Richmond Avenue and Travis Avenue, Block 2361, Lots 1, 7, Borough of Staten Island.

### **COMMUNITY BOARD #2SI**

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### **293-06-BZ**

APPLICANT – Rothkrug Rothkrug & Spector, LLP., for Veronica Nicastrro, owner.

SUBJECT – Application November 6, 2006 – Variance (§72-21) for the proposed enlargement of an existing one-family dwelling which exceeds the permitted floor area and does not provide the required open space (23-141) in an R1-2 zoning district.

PREMISES AFFECTED – 54-07 254<sup>th</sup> Street, east side of 254<sup>th</sup> Street, 189' north of Horace Harding Expressway, Block 8256, Lot 11, Borough of Queens.

### **COMMUNITY BOARD #11Q**

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### **209-07-BZ**

APPLICANT – Raymond J. Irrera, for The Summit School, owner.

SUBJECT – Application August 29, 2007 – Variance (§72-21) to enlarge and maintain the use of the existing school. The proposal is contrary to floor area (24-11), enlargement not permitted obstruction in the required front yard (24-33), and front yard (24-34). R1-2 district.

PREMISES AFFECTED – 187-30 Grand Parkway, southwest corner of 188<sup>th</sup> Street and Grand Central Parkway, Block 9969, Lot 12, Borough of Queens.

### **COMMUNITY BOARD #8Q**

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# CALENDAR

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**235-07-BZ**

APPLICANT – Law Office of Fredrick A. Becker for Shoshana Hager and David Hager.

SUBJECT – Application October 16, 2007 – Special Permit (73-622) for the enlargement of an existing single family residence. This application seeks to vary open space ratio and floor area (23-141); side yard (23-461) and rear yard (23-47) in an R-2 zoning district.

PREMISES AFFECTED – 1148 East 27<sup>th</sup> Street, East 27<sup>th</sup> Street between Avenue K and Avenue L, Block 7626, Lot 65, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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*Jeff Mulligan, Executive Director*

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# MINUTES

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**REGULAR MEETING  
TUESDAY MORNING, NOVEMBER 20, 2007  
10:00 A.M.**

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

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**SPECIAL ORDER CALENDAR**

**196-58-BZ**

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

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

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

**COMMUNITY BOARD #7BX**

APPEARANCES –

For Applicant: Josh Rinesmith.

**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 time to obtain a certificate of occupancy, a legalization of an accessory convenience store, and an extension of term for a previously granted variance for an automotive service station, which will expire on July 22, 2008; and

WHEREAS, a public hearing was held on this application on July 10, 2007 after due notice by publication in *The City Record*, with a continued hearing on October 30, 2007, and then to decision on November 20, 2007; and

WHEREAS, the site is located on the northeast corner of the intersection of Bailey and Heath Avenues; and

WHEREAS, the site is located in an R6 zoning district and is occupied by an automotive service station with an accessory convenience store; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 22, 1958 when, under the subject calendar number, the Board granted a variance permitting the construction and maintenance of the existing automotive service station; and

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

WHEREAS, most recently, on July 25, 2000, the grant was amended to extend the term for ten years from the expiration of the prior grant on July 22, 1998; and

WHEREAS, the applicant now requests an additional ten-year 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 requests an extension of time to obtain a new certificate of occupancy; and

WHEREAS, the applicant states that a new certificate of occupancy was not obtained after the most recent amendment and extension of term; and

WHEREAS, the applicant also seeks to legalize a convenience store which occupies the former accessory office space; and

WHEREAS, the Board notes that because the convenience store is located within the service station building and on the same zoning lot as the service station, and the area of its selling floor is only 250 sq. ft., it qualifies as an accessory use to the automotive service station; and

WHEREAS, based on observations from site visits, the Board asked the applicant to explain the nature of taxicab and limousine vehicles parked at the premises; and

WHEREAS, the applicant responded that the taxis and limousines seen parked on the premises were there pursuant to an informal agreement, which could be terminated; and

WHEREAS, at hearing, the Board directed the applicant to eliminate all taxi and limousine parking on the site and to install signage indicating that parking is limited to employees and patrons of the automotive service station; and

WHEREAS, the applicant subsequently submitted photographs reflecting that taxi and limousine parking had been eliminated and agreed to install the signage requested by the Board; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of term, extension of time to obtain a certificate of occupancy, and legalization of an accessory convenience store 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 22, 1958, 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 July 22, 2008 to expire on July 22, 2018, to permit the operation of an accessory convenience store, and to permit an extension of time to obtain a certificate of occupancy, to expire on May 20, 2008, *on condition* that the use shall substantially conform to drawings as filed with this application, marked ‘Received April 11, 2007’–(3) sheets; and *on further condition*:

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THAT the term of this grant shall expire on July 22, 2018;

THAT signage be installed indicating the parking will be limited to employees and patrons of the automotive service station;

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

THAT a certificate of occupancy shall be obtained within six months of the date of this grant, by May 20, 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; 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. 201102458)

Adopted by the Board of Standards and Appeals, November 20, 2007.

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## 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 52<sup>nd</sup> Street, Block 1315, Lot 76, Borough of Queens.

## COMMUNITY BOARD #3Q

APPEARANCES –

For Applicant: Samuel H. Valencia.

**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 that expired on March 7, 2007; and

WHEREAS, a public hearing was held on this application on June 5, 2007, after due notice by publication in *The City Record*, with continued hearings on July 17, 2007, August 21, 2007, September 18, 2007 and October 16, 2007, and then to decision on November 20, 2007; and

WHEREAS, the site and surrounding area had site and neighborhood examinations by Chair Srinivasan and

Commissioner Hinkson; and

WHEREAS, Community Board 2, Queens, recommends disapproval of this application, citing concerns about the management and operation of the site and its incompatibility with the neighborhood; and

WHEREAS, the subject premises is located on the north side of Roosevelt Avenue, east of 52nd Street; and

WHEREAS, on March 7, 1995, the Board granted a special permit application pursuant to ZR § 73-244, to permit, in a C2-2 (R6) zoning district, the use of the first floor and cellar of an existing three-story building as an eating and drinking establishment with dancing; and

WHEREAS, subsequently, the Board has amended and extended the grant three times; and

WHEREAS, most recently, on March 28, 2006, the Board granted an extension of term to expire on March 7, 2007; and

WHEREAS, at hearing, the Board asked the applicant to explain the current status of the business and whether there were any outstanding allegations against its employees or operators; and

WHEREAS, in response, the applicant stated that the business is currently not in operation but will re-open under new management; and

WHEREAS, further, the attorney who represented the employees stated that all summonses associated with the operation of the business had been dismissed; and

WHEREAS, additionally, the Board raised concerns about a tent and overhead beams at the rear of the property and asked the applicant to document that all construction was approved by DOB; and

WHEREAS, in response, the applicant (1) removed the tent in the rear yard and provided photographs reflecting its removal and (2) explained that the beams are required to support the air-conditioning units; and

WHEREAS, the applicant submitted DOB permits associated with the construction; and

WHEREAS, based on the above, the Board finds that a three-year extension is appropriate, with the conditions set forth below.

*Therefore it is Resolved* that the Board of Standards and Appeals reopens and amends the resolution, dated March 7, 1995, so that as amended this portion of the resolution shall read: “to grant an extension of the term of the special permit for a term of three years; *on condition* that the use and operation of the eating and drinking establishment with dancing shall substantially conform to the previously-approved drawings; and *on further condition*:

THAT this grant shall be limited to a term of three years from March 7, 2007, expiring March 7, 2010;

THAT the above condition, and all conditions on the current Certificate of Occupancy, shall appear on the new Certificate of Occupancy;

THAT all conditions from prior resolutions not

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# MINUTES

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specifically waived by the Board remain in effect;

THAT the Department of Buildings shall review the approved plans for compliance with all safety regulations, including egress and waiting area requirements;

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

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

(DOB Application No. 400322469)

Adopted by the Board of Standards and Appeals, November 20, 2007.

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## **189-99-BZ**

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

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

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

## **COMMUNITY BOARD #10BX**

APPEARANCES – None.

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

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

Negative:.....0

## **THE RESOLUTION:**

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an extension of time to obtain a certificate of occupancy, an extension of the term of a previously granted variance permitting a food store (Use Group 6) in an R3-A zoning district, which expired on November 14, 2005; and

WHEREAS, a public hearing was held on this application on October 16, 2007, after due notice by publication in *The City Record*, and then to decision on November 20, 2007; and

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

WHEREAS, Community Board 10, Bronx, recommends approval of this application, requesting that the term be limited

to three years and that the applicant obtain a new certificate of occupancy; and

WHEREAS, the subject premises are located on the southeast corner of Quincy Avenue and Dewey Avenue, within an R3-A zoning district; and

WHEREAS, the site is occupied by a two-story mixed-use residential/commercial building with a food store (Use Group 6) on the first floor and residential use above; and

WHEREAS, in 1960, under BSA Cal. No. 316-59-BZ, the Board granted a variance to permit the food store with a one-family dwelling above for a term of twenty years; and

WHEREAS, on February 2, 1980, a request for an extension of the term was denied; the applicant represented that the denial was based on non-compliance with business sign regulations; and

WHEREAS, on November 14, 2000, under the subject calendar number, the Board granted a variance under ZR § 72-21 to permit the legalization of the existing food store for a term of five years subject to certain conditions; and

WHEREAS, on February 3, 2004, the Board reopened and amended the resolution to permit an extension of the time to obtain a certificate of occupancy for an additional two years, to expire February 3, 2006; and

WHEREAS, the applicant now seeks an extension of time to obtain a certificate of occupancy; and

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

WHEREAS, the applicant also seeks to modify the previously approved signage; and

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

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

*Therefore it is Resolved* that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated November 14, 2000, so that as amended this portion of the resolution shall read: “to grant a six-month extension of time to obtain a certificate of occupancy and to grant a ten-year extension of term from the expiration of the prior grant, to expire on November 14, 2015; *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 September 12, 2007”-(7) sheets and “October 5, 2007”-(1) sheet; and *on further condition*:

THAT this grant shall expire on November 14, 2015;

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

THAT a new certificate of occupancy shall be obtained by May 20, 2008;

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

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

(DOB App. No. 210012797)

Adopted by the Board of Standards and Appeals, November 20, 2007.

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## 8-05-BZ

APPLICANT – Sheldon Lobel, P.C., for James Pi, owner.  
SUBJECT – Application January 18, 2005 – To consider dismissal for lack of prosecution – propose use, bulk and parking variance to allow a 17 story mixed-use building in R6/C1-2 and R5 zoning districts.

PREMISES AFFECTED – 85-15 Queens Boulevard, a/k/a 51-35 Reeder Street, entire frontage on Queens Boulevard between Reeder Street and Broadway, Block 1549, 41 (a/k/a 41 & 28), Borough of Queens.

### COMMUNITY BOARD # 4Q

APPEARANCES – None.

**ACTION OF THE BOARD** – Application withdrawn.

THE VOTE TO WITHDRAW –

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

Adopted by the Board of Standards and Appeals, November 20, 2007.

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## 997-84-BZ

APPLICANT – Stadtmauer Bailkin, LLP, for 222 Union Associates, owner.

SUBJECT – Application March 2, 2007 – Extension of Term/Amendment/Waiver for a special permit which expired on September 10, 2005, to revise the BSA plans to reflect existing conditions utilizing the Board’s formula for attended parking of one space per 200 square feet, and the legalization of the existing automobile lifts within the parking garage.

PREMISES AFFECTED – 800 Union Street, southside of Union Street, between 6<sup>th</sup> and 7<sup>th</sup> Avenues, Block 957, Lot 29, Borough of Brooklyn.

### COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Calvin Wong.

THE VOTE TO CLOSE HEARING –

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

**ACTION OF THE BOARD** – Laid over to December 4, 2007, at 10 A.M., for decision, hearing closed.

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## 223-90-A

APPLICANT – Rothkrug, Rothkrug & Spector LLP, for Frank A. Burton, Jr., owner.

SUBJECT – Application April 3, 2007 – Amendment of a previous grant under the General City Law Section 36 to remove a Board condition requiring that no permanent Certificate of Occupancy shall be issued until a Corporation Counsel Opinion of Dedication has been obtained for Kresicher Street and to approve the enlargement of the site and building. M1-1 Zoning district.

PREMISES AFFECTED – 114 Kreischer Street, west side of Kreischer Street, 140.8’ north of Androvette Street, Block 7408, Lot 8, Borough of Staten Island.

### COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING –

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

**ACTION OF THE BOARD** – Laid over to December 4, 2007, at 10 A.M., for decision, hearing closed.

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## 175-95-BZ

APPLICANT – H Irving Sigman, for Twi-light Roller Skating Rink, Incorporated, owner.

SUBJECT – Application April 25, 2007 – Extension of Term/Amendment/Waiver – To permit at the first floor level the extension of the existing banquet hall (catering establishment), (UG9) into an adjoining unoccupied space, currently designated as a store, (UG6) located in an C1-2/R3-2 zoning district.

PREMISES AFFECTED – 205-35 Linden Boulevard, North south 0’ east of the corner formed by Linden Boulevard & 205<sup>th</sup> Street, Block 11078, Lot 1, Borough of Queens.

### COMMUNITY BOARD # 12Q

APPEARANCES –

For Applicant: Alan Sigman.

THE VOTE TO CLOSE HEARING –

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

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

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## 293-06-BZ

APPLICANT – New York City Board of Standards and Appeals.

OWNER: Veronica Nicastro.

SUBJECT – Application November 6, 2006 – To consider dismissal for lack of prosecution – Proposed variance (§72-21) for the enlargement of an existing one-family dwelling which exceeds the permitted floor area and does not provide the required open space (23-141) in an R1-2 zoning district. PREMISES AFFECTED – 54-07 254<sup>th</sup> Street, east side of 254<sup>th</sup> Street, 189’ north of Horace Harding Expressway, Block 8256, Lot 11, Borough of Queens.

### COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** – Withdrawn from the dismissal calendar.

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## 299-06-BZ

APPLICANT – New York City Board of Standards and Appeals.

OWNER: Three Partners, LLC.

SUBJECT – Application November 3, 2006 – To consider dismissal for lack of prosecution – Proposed legalization of a public parking facility (garage and lot); contrary to use regulations (§ 22-10). R7-1 district.

PREMISES AFFECTED – 1976 Crotona Parkway, east side of Crotona Parkway, 100’ north of Tremont Avenue, Block 3121, Lots 10 and 25, Borough of Bronx

### COMMUNITY BOARD # 6BX

APPEARANCES –

For Applicant: Marvin Mitzner.

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

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## 146-59-BZ

APPLICANT – Larry Dean Merritt, for Larry Dean Merritt, owner.

SUBJECT – Application June 20, 2007 – Z.R. §11-411 for the Extension of Term of a previously granted variance for the operation of a (UG8) parking lot which expired on May 6, 2007 in an R8 zoning district.

PREMISES AFFECTED – 686-88 Gerard Avenue, east side 180’ north of 153<sup>rd</sup> Street, Block 2473, Lot 8, Borough of Bronx.

### COMMUNITY BOARD #4BX

APPEARANCES –

For Applicant: Larry Dean Merritt.

**ACTION OF THE BOARD** – Laid over to January 15, 2008, at 10 A.M., for continued hearing.

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## 147-07-BZY

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

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

PREMISES AFFECTED – 144 North 8<sup>th</sup> Street, south side of North 8<sup>th</sup> Street, 100’ east of Berry Street, Block 2319, Lot 11, Borough of Brooklyn.

### COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Peter Geis and Howard Hornstein.

For Opposition: Peter Gillespie and Stephanie Raye.

For Administration: Anthony Scaduto, Fire Department.

**THE VOTE TO CLOSE HEARING** –

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

Negative:.....0

Recused: Commissioner Hinkson.....1

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

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## 64-07-A

APPLICANT – Stuart A. Klein, Esq., for Sidney Frankel, owner.

SUBJECT – Application March 12, 2007 – An appeal seeking a determination that the owner of said premises has acquired a common law vested right to continue development commenced under the prior R6 zoning district regulations. R4-1 zoning district.

PREMISES AFFECTED – 1704 Avenue N, a/k/a 1702-04 – 1411-1421 East 17<sup>th</sup> Street, southeast corner lot at intersection of East 17<sup>th</sup> Street and Avenue N, Block 6755, Lot 1, Borough of Brooklyn.

### COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Stuart A. Klein.

For Opposition: Edward McCabe, Ellen Messing and Elizabeth Wads.

**ACTION OF THE BOARD** – Laid over to January 15, 2008, at 10 A.M., for continued hearing.

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## 140-07-A

APPLICANT – Rothkrug Rothkrug & Spector, LLP

Owner: Breezy Point Cooperative, Incorporated

Lessee: Thomas Carroll

SUBJECT – Application May 25, 2007 – Appeals seeking to reverse the Department of Building’s decision to revoke permits and approvals for a one family home. R4 Zoning district.

PREMISES AFFECTED – 607 Bayside Drive, North west intersection of Bayside Drive and zoning street know as Service Lane, Block 16350, Lot 300, Borough of Queens.

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## COMMUNITY BOARD #14Q

APPEARANCES – None.

**ACTION OF THE BOARD** – Laid over to January 15, 2008, at 10 A.M., for an adjourned hearing.

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*Jeffrey Mulligan, Executive Director*

Adjourned: 12:00 P.M.

## REGULAR MEETING TUESDAY AFTERNOON, NOVEMBER 20, 2007 1:30 P.M.

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

## ZONING CALENDAR

### 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 233<sup>rd</sup> Street, Southeast corner of Paulding Avenue, Block 4879, Lot 40, Borough of The Bronx.

### COMMUNITY BOARD # 12BX

APPEARANCES – None.

**ACTION OF THE BOARD** – Application withdrawn.

THE VOTE TO WITHDRAW –

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

Adopted by the Board of Standards and Appeals,  
November 20, 2007.

### 144-07-BZ

APPLICANT – Sheldon Lobel, P.C., for Yuta Shlesinger, owner.

SUBJECT – Application May 30, 2007 – Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary floor area, open space and lot coverage, (§23-141) and side yards (§23-461) in an R3-2 zoning district.

PREMISES AFFECTED – 3810 Bedford Avenue, southwest corner of Bedford Avenue and Quentin Road, Block 6807, Lot 11, Borough of Brooklyn.

### COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

**ACTION OF THE BOARD** – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated May 10, 2007, acting on Department of Buildings Application No. 30228274019, reads in pertinent part:

“Exceeding allowable floor area as per ZR 23-141

Required side yards as per ZR 23-461”; and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, within an R3-2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area and side yards, contrary to ZR §§ 23-141 and 23-461; and

WHEREAS, a public hearing was held on this application on September 11, 2007, after due notice by publication in *The City Record*, with a continued hearing on October 23, 2007, and then to decision on November 20, 2007; and

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

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

WHEREAS, the subject site is located on the west side of Bedford Avenue, 50 feet south of Quentin Road; and

WHEREAS, the subject site has a total lot area of 3,000 sq. ft., and is occupied by a single-family home with a floor area of 2,514 sq. ft. (0.83 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 2,514 sq. ft. (0.83 FAR) to 3,143 sq. ft. (1.04 FAR); the maximum floor area permitted is 1,500 sq. ft. (0.50 FAR); and

WHEREAS, the proposed enlargement will maintain the existing non-complying front yard of 11’-0” (a front yard with a minimum depth of 15’-0” is required), and a non-complying side yard of 3’-0” (side yards with a minimum width of 5’-0” each are required); and

WHEREAS, the enlargement consists of constructing two enlargements at portions of the home only built to the basement level, above the garage and at the entryway; and

WHEREAS, specifically, the applicant proposes to create additional living space on the first floor by enclosing an entryway porch and to build a new room above the basement level garage; and

WHEREAS, the applicant initially proposed to also

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provide 651.9 sq. ft. of floor area at the attic level, resulting in an FAR of 1.30; and

WHEREAS, at the Board's direction, the applicant revised the application to reduce the FAR; and

WHEREAS, the applicant represented that the attic was not habitable since the floor to ceiling height would not exceed 5'-0" due to the addition of trusses; and

WHEREAS, the applicant represents that the trusses in the attic are required for structural support; and

WHEREAS, the applicant subsequently eliminated all habitable floor area in the attic level and revised the proposal to restrict the use of the attic to access for mechanical space, permitted under zoning district regulations; and

WHEREAS, the Board also asked the applicant to verify that the application is for the enlargement of a single-family home to be used as a single-family home; and

WHEREAS, the applicant represents that the single-family status of the home will be maintained; 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 R3-2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area and side yards, contrary to ZR §§ 23-141 and 23-461; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received November 8, 2007"-(8) sheets; and *on further condition*:

THAT there shall be no habitable room in the attic;

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

THAT the following shall be the bulk parameters of the building: a total floor area of 3,143 sq. ft. (1.04 FAR), as

illustrated on the BSA-approved plans;

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

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

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

Adopted by the Board of Standards and Appeals, November 20, 2007.

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## 146-07-BZ

### CEQR #07-BSA-095M

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

SUBJECT – Application June 5, 2007 – Application filed pursuant to §§11-411 & 11-412 for the structural alteration and enlargement of a pre-existing nonconforming two-story parking (Use Group 8) garage allowed by a 1924 BSA action. The proposal would permit the addition of a third floor and a first floor mezzanine and the expansion of the cellar in order to increase the capacity of the public parking garage from 96 cars to the proposed 147 cars. The project is located in an R8B zoning district.

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

### COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Stuart Beckerman.

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

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

Negative:.....0

**THE RESOLUTION:**

WHEREAS, the decision of the Manhattan Borough Commissioner, dated May 6, 2007, acting on Department of Buildings Application No. 104747204, reads in pertinent part:

“The proposed enlargement and conversion is not permitted as-of-right in zoning district R8B and is contrary to ZR 22-10 and requires BSA special permit pursuant to ZR 11-412;” and

WHEREAS, this is an application under ZR § 11-412 to permit, within an R8B zoning district, the structural alteration and enlargement of an existing nonconforming two-story public parking garage (Use Group 8) to add a first floor

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mezzanine, third floor, and to expand the cellar to increase the capacity of the garage from 96 cars to 162 cars; and

WHEREAS, a public hearing was held on this application on July 21, 2007, after due notice by publication in *The City Record*, with continued hearings on September 18, 2007 and October 16, 2007, and then to decision on November 20, 2007; and

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

WHEREAS, Community Board 8, Manhattan, recommends approval of this application provided that the applicant use a non-illuminated accessory sign at the subject building; and

WHEREAS, the site is located on the north side of East 77<sup>th</sup> Street, 144 ft. west of York Avenue within an R8B zoning district; and

WHEREAS, the site is occupied by a two-story public parking garage with 14,572 sq. ft. of floor area, with full lot coverage at the first and second floors of the of 7,236 sq. ft. lot; and

WHEREAS, on April 8, 1924, under BSA Cal. No. 221-24-BZ, the Board approved an application to permit the construction of a two-story garage for the storage of more than five motor vehicles – the existing 96-car garage - in a business district; and

WHEREAS, in an earlier iteration of the current proposal, the applicant proposed a 147-car three-story garage with a total floor area of 20,543 sq. ft. (2.8 FAR), a wall height of 49'-10", and a 20'-0" rear yard setback at the third floor; and

WHEREAS, the current proposal is for a 162-car three-story garage with a total floor area of 19,869 square feet (2.75 FAR), a wall height of 59'-0", and a 30'-0" rear yard setback above the second floor; and

WHEREAS, as to the proposed building: (1) the cellar level will be expanded to approximately 7,236 sq. ft. of floor space; (2) a mezzanine containing 263 sq. ft. in floor area will be constructed at the first floor; (3) a third floor will be constructed with approximately 5,100 sq. ft. of floor area; and (4) connecting ramps and a vehicle elevator will be constructed to allow transit between floors; and

WHEREAS, pursuant to ZR § 11-412, the Board may grant a request for alteration and enlargement of the site, provided that such enlargement does not exceed fifty percent of the floor area existing on December 15, 1961; and

WHEREAS, the applicant proposes to add 5,297 sq. ft. of floor area to the existing 14,572 sq. ft. building; and

WHEREAS, the Board notes that the proposed floor area increase of 36.4 percent is permitted under ZR § 11-412; and

WHEREAS, at hearing, the Board raised concerns about the increased non-compliance of the rear yard, originally proposed at 20'-0" above the second floor; and

WHEREAS, the applicant responded by increasing the rear yard above the second floor from 20'-0" to 30'-0"; and

WHEREAS, the applicant notes that increasing the rear yard above the second floor reduced the proposed floor area and the capacity of the garage; and

WHEREAS, accordingly, the applicant proposes to raise the floor-to-ceiling height of the third floor to 25'-0" from the 15'-0" originally proposed, to accommodate triple-level auto stackers; and

WHEREAS, at hearing, the Board questioned whether the proposed floor to ceiling height was necessary to accommodate the triple-level stackers; and

WHEREAS, the applicant submitted specifications of triple stackers approved by the Department of Buildings that required the requested floor to ceiling height; and

WHEREAS, the applicant further noted that the height of the enlarged building is within the maximum base height of 60'-0" and is less than the 75'-0" maximum total height permitted in the zoning district and the height of both abutting buildings; and

WHEREAS, at hearing, the Board questioned whether the third floor enlargement could be set back by five feet in the front to align the building's street wall with those of the adjacent buildings on East 77<sup>th</sup> Street; and

WHEREAS, the applicant responded that a 5'-0" setback would create a practical difficulty in accommodating the car elevator which is 22'-0" deep, and would require the structural support of the building to be reconfigured and reconstructed; and

WHEREAS, the applicant originally proposed no reservoir spaces; the Board questioned whether cars waiting to enter the garage would block pedestrians and vehicular traffic on the street; and

WHEREAS, the applicant subsequently agreed to provide nine reservoir spaces, representing five percent of the total of 162 spaces, and assured the Board that this number was sufficient for a garage of this size located in a predominately residential neighborhood, where most cars would be parked long term on a monthly basis; and

WHEREAS, at hearing, the Board also asked the applicant if the signage complies with relevant zoning district regulations; and

WHEREAS, the applicant responded that the existing sign is a legal non-conforming non-illuminated sign installed in the 1920s that is within the zoning district regulations; and

WHEREAS, the Board noted that the signage in the aggregate is within the parameters of that permitted and agreed that the proposed signage is appropriate; and

WHEREAS, the project is classified as a Type I action pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Environmental Assessment Statement (EAS) CEQR No. 07BSA095M, dated June 6,

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2007; and

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

WHEREAS, according to the Phase I Environmental Site Assessment, there are two abandoned 550-gallon gasoline tanks, an inactive boiler, and an active boiler served by a 550-gallon above ground storage tank located in a former mechanic shop on the premises; and

WHEREAS, in a submission to the Board, the applicant represents that this equipment will be removed in accordance with the NYC Building Code and the requirements of the NYS Department of Environmental Conservation; and

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

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

*Therefore it is Resolved* that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and grants a permit under ZR § 11-412 to allow, within an R8B zoning district, the structural alteration and enlargement of an existing nonconforming two-story public parking garage (Use Group 8), *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 September 5, 2007"-(7) sheets, "October 2, 2007"-(3) sheets and "November 7, 2007" – (3) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the proposed building: three stories, a total floor area of 19,869 sq. ft. (2.75 FAR), a total height of 59'-0"; and a rear yard of 30'-0" above the second floor;

THAT the number of parking spaces shall be limited to 162;

THAT a minimum of nine reservoir spaces shall be provided at the ground level;

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

THAT DOB shall review and approve the layout of the parking spaces;

THAT DOB will confirm compliance with equipment

specifications for all auto stackers;

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."

Adopted by the Board of Standards and Appeals, November 20, 2007.

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## 175-07-BZ

### CEQR #07-BSA-104K

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

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

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

### COMMUNITY BOARD #7M

APPEARANCES –

For Applicant: Calvin Wong.

**ACTION OF THE BOARD** – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION:

WHEREAS, the decision of the Manhattan Borough Commissioner, dated June 18, 2007, acting on Department of Buildings Application No. 103171951, reads in pertinent part:

“Proposed Physical Culture Establishment requires a BSA Special Permit as per ZR § 73-36”; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site partially within a C1-3 zoning district and partially within an M1-1 zoning district, the legalization of a physical culture establishment (PCE) on portions of the first and second floors of a two-story commercial building, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on October 16, 2007, after due notice by publication in *The City Record*, and then to decision on November 20, 2007; and

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

WHEREAS, Community Board 7, Bronx,

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recommends approval of this application; and

WHEREAS, the subject site is located on the south side of West 225<sup>th</sup> Street, between Exterior Street and Broadway; and

WHEREAS, the site is located in the northernmost section of Manhattan and is legally part of Manhattan, but is physically within the Bronx; and

WHEREAS, the site occupies one of four tax lots (Lot 665) on a 176,704 sq. ft. zoning lot; and

WHEREAS, the site is located partially within a C1-3 zoning district and partially within an M1-1 zoning district; and

WHEREAS, there are three commercial buildings on the zoning lot; and

WHEREAS, only Lot 665 and the two-story commercial building occupied by the PCE is the subject of this application; and

WHEREAS, the PCE occupies a total floor area of 15,480 sq. ft. on portions of the first and second floors of the building; and

WHEREAS, the PCE is operated as Planet Fitness; and

WHEREAS, the Board notes that the PCE has been in operation since July 1, 2007; and

WHEREAS, the applicant represents that the services at the PCE include cardiovascular fitness and strength training; and

WHEREAS, the hours of operation are: 24 hours a day from 12:00 a.m. Monday through 9:00 p.m. Friday, and 7:00 a.m. to 7:00 p.m., Saturday and Sunday; and

WHEREAS, at hearing, the Board directed the applicant to confirm that the PCE was located entirely within the portion of the site within the M1-1 zoning district; and

WHEREAS, in response, the applicant provided a site plan and a photographic illustration reflecting that the portion of the site located at the corner of Broadway and West 225<sup>th</sup> Street is within a C1-3 zoning district and the remainder of the subject site, including the PCE, is within an M1-1 zoning district; and

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

WHEREAS, in response, the applicant submitted a signage analysis reflecting that all signage complies with zoning district regulations; 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. 07BSA104M, dated June 29, 2007; and

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

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

*Therefore it is Resolved* that the Board of Standards and Appeals issues a 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 partially within a C1-3 zoning district and partially within an M1-1 zoning district, the legalization of a physical culture establishment on portions of the first and second floors of a two-story commercial building, contrary to ZR § 42-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received November 7, 2007"- Three (3) sheets; and *on further condition*:

THAT the term of this grant shall expire on July 1, 2017;

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

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

THAT the PCE use shall be limited to the portion of the site within the M1-1 zoning district;

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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, November 20, 2007.

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## **180-07-BZ**

### **CEQR #07-BSA-003M**

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

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

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

### **COMMUNITY BOARD #2M**

#### APPEARANCES –

For Applicant: Jordan Most.

**ACTION OF THE BOARD** – Application granted on condition.

#### THE VOTE TO GRANT –

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

#### THE RESOLUTION:

WHEREAS, the decision of the Manhattan Borough Commissioner, dated July 10, 2007, acting on Department of Buildings Application No. 104825487, reads in pertinent part:

“Ground floor and cellar as a physical culture establishment is contrary to ZR Section 32-10 and must be referred to the BSA for approval”; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site partially within a C6-2M zoning district and partially within a C6-2 zoning district, the legalization of a physical culture establishment (PCE) on a portion of the first floor and in the cellar of a nine-story

mixed-use commercial/residential building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on October 16, 2007, after due notice by publication in *The City Record*, and then to decision on November 20, 2007; and

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

WHEREAS, Community Board 2, Manhattan, recommends approval of this application on condition that the louvered air vent on West 13<sup>th</sup> Street be redesigned so as to eliminate the emission of hot air onto the sidewalk; and

WHEREAS, the subject site is located on the north side of West 13<sup>th</sup> Street, between Fifth Avenue and Sixth Avenue, partially within a C6-2M zoning district and partially within a C6-2 zoning district; and

WHEREAS, the PCE occupies a portion of the first floor and the cellar level of a nine-story mixed-use building; the PCE occupies 5,846 sq. ft. of floor space in the cellar and 491 sq. ft. of floor area on the first floor; and

WHEREAS, the PCE is operated as Silk Day Spa; and

WHEREAS, the Board notes that the site has been in operation since November 2003; and

WHEREAS, the applicant represents that the services at the PCE include massages, facials and other skin treatments, and hot stone therapy; and

WHEREAS, the hours of operation are: Monday through Friday, 10:45 a.m. to 10:00 p.m.; Saturday, 9:30 a.m. to 10:00 p.m.; and Sunday, 10:45 a.m. to 10:00 p.m.; and

WHEREAS, at hearing, the Board directed the applicant to redesign the air vent at the West 13<sup>th</sup> Street entrance to eliminate the problem of emitting hot air onto the sidewalk; and

WHEREAS, in response, the applicant submitted a statement from a consulting engineer noting that the air vent does not currently comply with the Building Code and will be re-routed to be brought into compliance; and

WHEREAS, the Board is satisfied with the noted submission, but requests that DOB confirm that the vent complies with the Building Code; 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

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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. 08BSA003M, dated September 20, 2007; and

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

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

*Therefore it is Resolved* that the Board of Standards and Appeals issues a 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 partially within a C6-2M zoning district and partially within a C6-2 zoning district, the legalization of a physical culture establishment on a portion of the first floor and in the cellar of a nine-story mixed-use commercial/residential building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received September 21, 2007"- Six (6) sheets; and *on further condition*:

THAT the term of this grant shall expire on November 1, 2013;

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

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

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

THAT the louvered air vent above the front windows on West 13<sup>th</sup> Street be redirected so as to eliminate the

emission of hot air onto the sidewalk;

THAT DOB shall confirm that the noted louvered air vent, as modified, complies with all Building Code requirements;

THAT a new Certificate of Occupancy shall be obtained within six months of this grant, by May 20, 2008;

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, November 20, 2007.

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## 16-07-BZ

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

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

PREMISES AFFECTED – 2614 Halperin Avenue, Halperin Avenue between Blandell Avenue and Williamsburg Road, Block 4074, Lot 11, Borough of Bronx.

### COMMUNITY BOARD #10BX

APPEARANCES –

For Applicant: Juan D. Reyes, III.

THE VOTE TO REOPEN HEARING –

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

Negative:.....0

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

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## 53-07-BZ

APPLICANT – Wolf Block, Schorr & Solis-Cohen, LLP, for 1901 Realty Realty, LLC, owner.

SUBJECT – Application February 23, 2007 – Variance (§72-21) to permit the redevelopment and conversion of an

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existing three-story factory/warehouse to residential use. The proposal is contrary to §42-00. M1-1 district.

PREMISES AFFECTED – 1901 Eighth Avenue, corner of Eight Avenue and 19<sup>th</sup> Street, Block 888, Lot 7, Borough of Brooklyn.

## COMMUNITY BOARD #7BK

APPEARANCES – None.

**ACTION OF THE BOARD** – Laid over to January 15, 2008, at 1:30 P.M., for deferred decision.

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## 110-07-BZ

APPLICANT – Sheldon Lobel, P.C., for Crosby Landmark Corporation, owner.

SUBJECT – Application May 3, 2007– Special Permit under § 73-63 to allow the enlargement of a non-residential building. M1-5B district.

PREMISES AFFECTED – 53 Crosby Street, east side of Crosby Street between Spring Street and Broome Street, Block 482, Lot 7, Borough of Manhattan.

## COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Ron Mandel.

THE VOTE TO REOPEN HEARING –

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

Negative:.....0

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

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## 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: Adam Rothkrug and Sandy Anagnostou.

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 January 29, 2008, at 1:30 P.M., for decision, hearing closed.

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## 426-05-BZ

APPLICANT – Sheldon Lobel, P.C., for Expert Realty, LLC, owner.

SUBJECT – Application December 28, 2005 – Variance (§72-21) to allow a two-level enlargement of an existing one-story commercial building contrary to FAR regulations (§43-12). M1-1 district.

PREMISES AFFECTED – 57-02/08 39<sup>th</sup> Avenue and 39-02 58<sup>th</sup> Street, Block 1228, Lots 48, 52, 57, Borough of Queens.

## COMMUNITY BOARD #2Q

APPEARANCES –

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

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## 306-06-BZ

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

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

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

## COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Richard Lobel.

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

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## 315-06-BZ

APPLICANT– Eric Palatnik, P.C., for Merkaz, The Center, Inc., owner.

SUBJECT – Application December 6, 2006 – Variance (§72-21) to permit the proposed three-story religious-based pre-school, which will include an accessory synagogue. The premises is located within two zoning districts, an R5B and R2, with the vast majority (95%) resting within the R5B district. The proposal is contrary to §§24-11, 24-34, 24-35,

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24-36 and 24-521.

PREMISES AFFECTED – 1739 Ocean Avenue, between Avenues L and M, Block 7638, Lot 24, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

APPEARANCES –

For Applicant: Eric Palatnik.

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

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**33-07-BZ**

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Marathon Hosiery, Co., Inc., owner.

SUBJECT – Application August 7, 2007 – Variance (§72-21) to permit the conversion of the upper four floors of an existing five-story manufacturing building for residential use. The Premises is located in a M1-1 zoning district. The proposal is contrary to §42-00.

PREMISES AFFECTED – 25 Carroll Street, north side of Carroll Street, 200' east of intersection with Van Brunt Street, Block 347, Lot 54, Borough of Brooklyn.

**COMMUNITY BOARD #6BK**

APPEARANCES –

For Applicant: Adam Rothkrug.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

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**58-07-BZ**

APPLICANT – Rex Carner c/o Carner Associates, for Mr. Vito Savino, owner.

SUBJECT – Application March 5, 2007 – Variance (§72-21) to permit a new two-family dwelling on a vacant lot. The Premises is located in an R3A zoning district. The proposal is contrary to lot area (§23-32), residential FAR (§23-141), and parking (§25-21).

PREMISES AFFECTED – 18-02 Clintonville Street, North west corner of 18 Avenue and Clintonville Street. Block 4731, Lot 9, Borough of Queens.

**COMMUNITY BOARD # 7Q**

APPEARANCES –

For Applicant: Rex Carner.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

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**135-07-BZ**

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

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

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

**COMMUNITY BOARD #14BK**

APPEARANCES –

For Applicant: Lewis E. Garfinkel.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

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**136-07-BZ**

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

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

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

**COMMUNITY BOARD #14BK**

APPEARANCES –

For Applicant: Lewis E. Garfinkel.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

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**151-07-BZ**

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

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

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

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## COMMUNITY BOARD #10BK

### APPEARANCES –

For Applicant: Harold Weinberg, Frank Sellitto, R.A and Gus Margary.

For Opposition: Vito Mancini.

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

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## 176-07-BZ

APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for Fei Guo, owner.

SUBJECT – Application June 29, 2007 – Variance (§72-21) to permit the alteration and enlargement of an existing one-story single family home for commercial use. The proposal is contrary to sections 22-12 (use), 23-45(a) (front yard), and 23-461(a) (required 5' side yard). R4 district.

PREMISES AFFECTED – 50-34 69<sup>th</sup> Street, a/k/a 68-18 Garfield Avenue, southwest corner of the intersection of Garfield Avenue and 69<sup>th</sup> Street, Block 2425, Lot 33, Borough of Queens.

## COMMUNITY BOARD #2Q

### APPEARANCES –

For Applicant: Adam W. Rothkrug.

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

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## 68-07-BZ

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

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

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

## COMMUNITY BOARD #6Q

### APPEARANCES –

For Applicant: Jeffrey Chester, David Freire, Avram Babadzhyanov, Ella Aminov, Svetlana Levitin, Yuri Iskhakov, Arsen Uvaydov and others.

For Opposition: Jacob Schraefer, Max Lamm, Laszlo Vienne and Eleanor Ney.

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

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## 111-07-BZ

APPLICANT – Harold Weinberg, P.E., for Javier Galvez, owner .

SUBJECT – Application May 4, 2007 – Special Permit (§73-622) for the In-Part Legalization of an enlargement to a single family home. This application seeks to vary lot coverage, open space and floor area (§23-141) and side yard (§23-461) in an R3-1 zoning district. It is also proposed to

remove the non-complying roof and replace with a complying one.

PREMISES AFFECTED – 155 Norfolk Street, east side, 325' north of Oriental Boulevard, between Oriental Boulevard and Shore Parkway, Block 8757, Lot 34, Borough of Brooklyn.

## COMMUNITY BOARD #15BK

### APPEARANCES –

For Applicant: Harold Weinberg, P.E., Frank Sellitto, R.A. and Gus Margary.

For Opposition: Robert M. Kemprev and Williams.

**ACTION OF THE BOARD** – Laid over to January 15, 2008, at 1:30 P.M., for continued hearing.

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## 173-07-BZ

APPLICANT – Sheldon Lobel, P.C., for Gitty Gubitz-Rosenberg, owner.

SUBJECT – Application June 21, 2007 – Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary floor area and open space ratio (§23-141(a)); side yard (§23-461(a)) and less than the required rear yard (§23-47) in an R-2 zoning district.

PREMISES AFFECTED – 1061 East 21<sup>st</sup> Street, located on the east side of East 21<sup>st</sup> Street between Avenue I and Avenue J, Block 7585, Lot 33, Borough of Brooklyn.

## COMMUNITY BOARD #14BK

### APPEARANCES –

For Applicant: Richard Lobel.

For Opposition: Suzi Bollag and Ann Kahn.

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

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**181-07-BZ**

APPLICANT – Omnipoint Communications Inc., for Pat Quadrozzi, owner; Omnipoint Communications Inc., lessee.

SUBJECT – Application July 20, 2007 – Special Permit (§73-30) For a proposed 20-foot extension to an existing 50-foot non-accessory radio tower and related equipment at grade.

PREMISES AFFECTED – 72-18 Amstel Boulevard, north side of Amstel Boulevard between 72<sup>nd</sup> Street, and Beach 73<sup>rd</sup> Street, Block 16070, Lot 13, Borough of Queens.

**COMMUNITY BOARD # 14Q**

APPEARANCES –

For Applicant: Cara M. Bonomolo.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

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*Jeff Mulligan, Executive Director*

*Adjourned: P.M.*