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41-08-BZ

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46-08-BZ

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44-08-BZ

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45-08-BZ

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47-08-A

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48-08-A

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49-08-A

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

CALENDAR

MARCH 18, 2008, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, March 4, 2008, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

617-80-BZIV

APPLICANT – Eric Palatnik, P.C., for J & S Simcha, Incorporated, owner.
SUBJECT – Application February 12, 2008 – Extension of Time to Complete Construction and to obtain a Certificate of Occupancy for an existing non-complying catering establishment (UG9) in an M1-1 zoning district which expired on March 14, 2008.
PREMISES AFFECTED – 770/780 McDonald Avenue, west side of McDonald Avenue, 20' south of Ditmas Avenue, Block 5394, Lots 1 & 11, Borough of Brooklyn.
COMMUNITY BOARD #12BK

141-96-BZ

APPLICANT – Sheldon Lobel, P.C., for Lloyd Coy, owner.
SUBJECT – Application July 19, 2007 – Extension of term/Amendment/Waiver-permitting the operation of a motor vehicle repair shop (use group 16) in an R5/C2-2 zoning district and amend the previously approved variance allowing minor changes to the layout and legalization of existing non-complying signage. The Term of the variance expired May 20, 2007.
PREMISES AFFECTED – 638-40 Utica Avenue, located on the west side of Utica Avenue between Winthrop Street and Clarkson Avenue, Block 4617, Lot 15, Borough of Brooklyn.
COMMUNITY BOARD #9BK

APPEALS CALENDAR

163-07-A

APPLICANT – Rothkrug, Rothkrug and Spector, for Sea Cliff Towers Owners Corp., owner.
SUBJECT – Application June 14, 2007 – Proposed construction of an accessory parking lot located within a portion of the bed of a mapped street (Cliff Street) contrary to General City Law Section 35 . R3-2 Zoning District.
PREMISES AFFECTED – 11 Cliff Street, northeast corner of Cliff Street and Cliff Court, Block 2833, tent. Lot 65, Borough of Staten Island
COMMUNITY BOARD #1SI

192-07-A

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Metropolitan Home Center, Inc.,
SUBJECT – Application August 7, 2007 – Proposed construction of a four story multiple dwelling located within the bed of mapped street (East 211th street) contrary to Section 35 of the General City Law. R7-1 Zoning District.
PREMISES AFFECTED – 3546 Decatur Avenue, intersection of East side of Decatur Avenue and the bed of East 21st Street, Block 3356, Lot 190, Borough of Bronx.
COMMUNITY BOARD #7BX

246-07-A

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Stacey Farrelly, owner; Dominick Desimone, lessee.
SUBJECT – Application October 30, 2007 – 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.
PREMISES AFFECTED – 97 Victory Boulevard (aka no number Corson Avenue), west side of Victory Boulevard, 180' south of Corson Avenue, Block 23, Lot 55, Borough of Staten Island.
COMMUNITY BOARD #1SI

MARCH 18, 2008, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, March 4, 2008, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

100-07-BZ

APPLICANT – David L. Businelli, for Ekram Tadros, owner.
SUBJECT – Application April 26, 2007 – Variance (§ 72-21) to allow a one-story and cellar community facility building (medical offices - UG4) to violate front yard (§ 24-34) and side yard (§ 107-464) requirements. R3X district (SRD).
PREMISES AFFECTED – 642 Barclay Avenue, west side Barclay Avenue, south of Hylan Boulevard, Block 6398, Lot 9, Borough of Staten Island.
COMMUNITY BOARD #3SI

219-07-BZ

APPLICANT – Sheldon Lobel, P.C., for Eternal Sino Int. Dev. Condo., LLC, owner; Shunai (Kathy) Jin, lessee.
SUBJECT – Application September 24, 2001 – Special Permit (§73-36) to legalize the operation of a Physical Culture Establishment on the second floor of an existing

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building. Proposal contrary to section 42-13. M1-6 zoning district.

PREMISES AFFECTED – 11 West 36th Street, located on the north side of West 36th Street, between 5th and 6th Avenues, Block 838, Lot 35, Borough of Manhattan.

COMMUNITY BOARD #5M

248-07-BZ

APPLICANT – Akeeb Shekoni, for Bhola Trilok, owner.

SUBJECT – Application October 31, 2007 – Variance (§72-21) for legalization of three story, two family home, in an R5 zoning district, which was built on an undersized lot contrary to section (23-33) for minimum lot width.

PREMISES AFFECTED – 32-15 60th Street, between Northern Boulevard and 32nd Avenue, Block 1161, Lot 29, Borough of Queens.

COMMUNITY BOARD #1Q

250-07-BZ

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

SUBJECT – Application November 2, 2007 – Variance (§ 72-21) to allow a two-story, two-family dwelling; contrary to front yard (§ 23-45) and side yard (§ 23-461(a)) requirements. R5 district.

PREMISES AFFECTED – 837 Belmont Avenue, northeast corner of the intersection of Atkins Avenue and Belmont Avenue, Block 4023, Lot 45, Borough of Brooklyn.

COMMUNITY BOARD #5BK

258-07-BZ

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

SUBJECT – Application October 24, 2007 – Special Permit (§73-211) to permit in a C2-2/R6 zoning district, the reconstruction of an existing automotive service station with accessory uses including an accessory convenience store.

PREMISES AFFECTED – 105-55 Horace Harding Expressway, northwest corner of 108th Street, Block 1964, Lot 23, Borough of Queens.

COMMUNITY BOARD #4Q

Jeff Mulligan, Executive Director

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**REGULAR MEETING
TUESDAY MORNING, MARCH 4, 2008
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

1199-88-BZ

APPLICANT – Rothkrug, Rothkrug & Spector LLP, for
Joseph and Rosemarie Tranchina, owner.

SUBJECT – Application May 11, 2007 – Amendment filed
pursuant to §§72-01 and 72-22 of the zoning resolution to
permit within a C1-1(R3-1)(SRD) the enlargement of
previously approved banquet hall (use group 9) and a
change in use from offices (use group 6) to retail stores (use
group 6).

PREMISES AFFECTED – 29 Nelson Avenue, east side of
Nelson Avenue, northeast corner of Nelson Avenue and
Locust Place, Block 5143, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on
condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins,
Commissioner Ottley-Brown, Commissioner Hinkson and
Commissioner Montanez.....5

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a reopening and
an amendment of a previously granted variance to permit,
within a C1-1 (R3-1) zoning district within the Special
South Richmond District (SRD), the enlargement of a Use
Group 9 banquet hall and a change in use from Use Group 6
offices to Use Group 6 retail stores; and

WHEREAS, a public hearing was held on this
application on October 23, 2007, after due notice by
publication in *The City Record*, with continued hearings on
December 4, 2007, January 8, 2008 and February 12, 2008,
and then to decision on March 4, 2008; and

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

WHEREAS, Community Board 3, Staten Island,
recommends approval of this application with the condition
that the capacity of the banquet hall not be increased; and

WHEREAS, the subject premises is located on the
northeast corner of Nelson Avenue and Locust Place, within a
C1-1 (R3-1) (SRD) zoning district; and

WHEREAS, this site has been under the jurisdiction of
the BSA since 1972 when the Board granted a variance under

BSA Cal. No. 639-69-BZ to permit the construction of a one-
story enlargement of an existing cabaret (Use Group 12) and an
extension of the cabaret into an adjoining structure previously
used as a conforming restaurant; and

WHEREAS, the variance was subsequently amended to
permit the construction of an additional one-story enlargement,
to eliminate the cabaret use, to modify the interior layout, and
to redesign the parking lot; and

WHEREAS, on September 26, 1989, under the subject
calendar number, the Board approved a new variance
permitting a banquet hall, office and a restaurant on the
premises; and

WHEREAS, the site is occupied by a one-story and
mezzanine commercial building with a banquet hall, a
restaurant, Use Group 6 offices, and an accessory parking lot
for 17 cars; and

WHEREAS, the banquet hall is operated as the Grand
Plaza; and

WHEREAS, the applicant seeks to enlarge the banquet
hall use horizontally into an adjacent vacant space formerly
used for offices; and

WHEREAS, the applicant states that the new banquet
hall space will have a floor area of approximately 2,366 sq. ft.
and will be used as a pre-reception cocktail area for events
hosted in the existing main dining room; and

WHEREAS, the existing banquet hall has a floor area of
5,439 sq. ft.; the total floor area proposed is 7,805 sq. ft.; and

WHEREAS, the applicant represents that the existing
facility lacks an adequate cocktail area and that such an area is
necessary to permit the continued operation of the facility; and

WHEREAS, in responding to the concern of the
Community Board, the applicant represents that the cocktail
area will be operated non-simultaneously with the main dining
room and that conversion of office space into a cocktail area
will therefore not increase the overall occupancy of the banquet
hall; and

WHEREAS, the applicant further represents that the
additional cocktail area space is intended primarily to broaden
the range of services and to better accommodate the current
needs; and

WHEREAS, the applicant states that the proposed hours
of operation for the banquet hall and the restaurant at the
premises will be unchanged; the restaurant is open from 4:00
p.m. to 10:00 p.m. daily and the banquet hall is open evenings
and weekends; and

WHEREAS, the Board has determined that these hours
of operation are appropriate; and

WHEREAS, at hearing the Board raised concerns about
the adequacy of the 17 attended parking spaces at the site to
accommodate peak demand; and

WHEREAS, the applicant testified that sufficient
additional parking during the banquet hall's peak periods was
provided by two adjacent lots and by other lots in the vicinity
through longstanding informal agreements with the owners; and

WHEREAS, the applicant also provided the Board with
aerial views demonstrating the proximity of large parking lots
to the subject site with many available spaces, as well as with a

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parking utilization survey of six recent events held at the banquet hall that demonstrated that the cars of virtually all patrons had been parked in the lots in the adjacent lots identified by the applicant; and

WHEREAS, in further support, the applicant submitted an analysis of parking in the area which indicated a total of 489 unrestricted parking spaces, and an accumulation study which demonstrated that 248 spaces were open during a peak weekend period while 388 spaces were available during a peak daytime period, and

WHEREAS, the applicant also proposes to convert approximately 3,292 sq. ft. of former office space to four retail stores; and

WHEREAS, the applicant represents that such a change would ordinarily be permitted as of right since both uses are allowed by the underlying district; and

WHEREAS, the applicant also notes that the proposed change from office use to retail will not increase parking demand as the hours of operation of the stores will not overlap those of the banquet hall; and

WHEREAS, at hearing, the Board questioned whether the signage complied with C1-1 zoning district signage restrictions which limit signage to 150 ft. per side; and

WHEREAS, in response, the applicant provided a signage analysis certified by a registered architect confirming that the signage complied with C1-1 zoning district signage requirements; and

WHEREAS, based upon its review of the record, the Board finds that the enlargement of the banquet hall and the conversion of office space to retail stores are appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated September 26, 1989, so that as amended this portion of the resolution shall read: "to permit the enlargement of a Use Group 9 banquet hall and the change in use of Use Group 6 offices to Use Group 6 retail, *on condition* that all work shall substantially conform to drawings filed with this application and marked "Received May 11, 2007"-(1) sheet, and "Received August 21, 2007"-(4) sheets; and *on further condition*:

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

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

THAT 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. 500907548)

Adopted by the Board of Standards and Appeals, March 4, 2008.

APPLICANT – The Law Office of Fredrick A. Becker, for Glenmore Associates, owner; New York Sports Club, lessee.

SUBJECT – Application March 21, 2007 – Extension of Term of a variance granted pursuant to §72-21 allow the operation of a physical culture establishment located in a C1-3/R6 zoning district.

PREMISES AFFECTED – 7118-7124 Third Avenue, northwest corner of Third Avenue and 72nd Street, Block 5890, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Lyra Altman.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a reopening and an extension of term for a previously granted variance for a Physical Culture Establishment (PCE), which expired on April 12, 2007; and

WHEREAS, a public hearing was held on this application on January 15, 2008, after due notice by publication in *The City Record*, with a continued hearing on February 5, 2008, and then to decision on March 4, 2008; and

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

WHEREAS, Community Board, 10, Brooklyn, recommends approval of the application on condition that the applicant continue to refrain from parking cars in the alleyway and maintain the existing gate and fence; and

WHEREAS, the subject premises is located on the northwest corner of Third Avenue and 72nd Street; and

WHEREAS, the site is in a C1-3 (R6) zoning district and is occupied by a three-story commercial building; and

WHEREAS, the PCE currently occupies the second and third floors of the subject building; and

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

WHEREAS, on April 12, 2005, the Board granted a variance pursuant to ZR § 72-21, to permit the continued operation of the PCE for a term of two years to expire on April 12, 2007; and

WHEREAS, the Board granted a two-year term because the PCE had operated illegally for a number of years at the site prior to the grant of the variance; and

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

WHEREAS, as to the alleyway, the applicant represents that the PCE does not use it for parking and will maintain the fence and gate as requested; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of term and time to

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secure a certificate of occupancy are appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated April 12, 2005, so that as amended this portion of the resolution shall read: “to permit an extension of the variance for a term of ten years from the expiration of the last grant; *on condition* that the use and operation of the PCE shall substantially conform to BSA-approved plans; and *on further condition*: that all work shall substantially conform to drawings filed with this application and marked “Received March 21, 2007”-(6) sheets; and *on further condition*:

THAT there shall be no change in ownership or operating control of the PCE without prior approval from the Board;

THAT this grant shall be limited to a term of ten years, to expire on April 12, 2017;

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

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s); 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. 301499484)

Adopted by the Board of Standards and Appeals, March 4, 2008.

751-60-BZ

APPLICANT – Law Office of Fredrick A. Becker, for 105 New Dorp Equities, Incorporated, owner.

SUBJECT – Application November 7, 2007 – Extension of Term of a previously granted Variance (72-21) for the operation of a gasoline service station, in C2-1 in R3-1and R3X zoning district, which expired on March 23, 2006; an amendment for an additional pump island and waiver of the rules of procedure.

PREMISES AFFECTED –105 New Dorp Lane, northern corner of New Dorp Lane and New Dorp Plaza, Block 3630, Lot 30, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5
Negative:.....0

ACTION OF THE BOARD – Laid over to April 1, 2008, at 10:00 A.M., for decision, hearing closed.

66-90-BZII

APPLICANT – Walter T. Gorman, P.E., P.C., for A.H. G. Realty Corporation, owner

SUBJECT – Application January 31, 2008 – Extension of Time to obtain a Certificate of Occupancy, which expired on November 14, 2002, for an Automotive Service Station (Mobil) in an R5 zoning district and a waiver of the rules. PREMISES AFFECTED – 43-07 Astoria Boulevard, northeast corner of 43rd Street, Block 780, Lot 18, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: John Ronan.

ACTION OF THE BOARD – Laid over to April 1, 2008, at 10:00 A.M., for continued hearing.

370-02-BZII

APPLICANT – Sheldon Lobel, P.C., for New York Hospital Medical Center of Queens, owner

SUBJECT – Application February 1, 2008 – Extension of Time to obtain a Certificate of Occupancy for a (UG4) Medical Offices, in an R5B zoning district, which expired on May 20, 2007, and a waiver of the rules.

PREMISES AFFECTED – 56-14 Main Street, between 56th and Booth Memorial Avenue, Block 5133, Lot 40, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Elizabeth Safian.

ACTION OF THE BOARD – Laid over to April 1, 2008, at 10:00 A.M., for continued hearing.

373-02-BZII

APPLICANT – Sheldon Lobel, P.C., for New York Hospital Medical Center of Queens, owner.

SUBJECT – Application February 1, 2008 – Extension of Time to obtain a Certificate of Occupancy for a (UG4) Medical Offices, in an R5B zoning district, which expired on May 20, 2007, and a waiver of the rules.

PREMISES AFFECTED – 56-44 Main Street, between 56th and Booth Memorial Avenue, Block 5133, Lot 55, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Elizabeth Safian.

ACTION OF THE BOARD – Laid over to April 1, 2008, at 10:00 A.M., for continued hearing.

APPEALS CALENDAR

204-07-BZY

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

SUBJECT – Application August 17, 2007 – Proposed extension of time (§11-332) to complete construction of a

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minor development of a 15 story mixed use building under the prior R6/C1-3 Zoning District.

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

COMMUNITY BOARD #2BK

APPEARANCES –

For Applicant: Jordan Most.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application under ZR § 11-331, to renew a building permit and extend the time for the completion of the foundation of a 16-story mixed-use residential/community facility building; and

WHEREAS, this application was accompanied by a companion application under BSA Cal. No. 270-07-A, filed at a later date, but decided the date hereof, which is a request for a finding that the owner of the premises has obtained a vested right to continue construction under the common law; and

WHEREAS, the Board notes that while separate applications were filed according to Board procedure, in the interest of convenience, the second case was heard with the first as of January 15, 2008, and the record is the same for both; and

WHEREAS, a public hearing was held on this application on October 30, 2007 after due notice by publication in *The City Record*, with continued hearings on December 11, 2007 and January 15, 2008, and then to decision on March 4, 2008; and

WHEREAS, the site was inspected by Chair Srinivasan, Vice-Chair Collins, Commissioner Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown; and

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

WHEREAS, City Council Member Letitia James provided testimony in opposition to this application citing concerns that the threshold for substantial completion of foundations had not been met, that work continued at the site after the permitted hours of operation, and that the proposed building is not compatible with the neighborhood character; and

WHEREAS, additionally, Building Too Tall, represented by counsel, opposed this application; this group of neighbors was represented by the same counsel in BSA Cal. 270-07-A; and

WHEREAS, collectively, the parties who provided testimony in opposition to the proposal are the "Opposition"; and

WHEREAS, specifically, the Opposition raised the following concerns: (1) excavation was not complete, (2) substantial progress on the foundation was not complete, (3)

some construction took place after hours, (4) the applicant is not credible, and (5) the construction at the site was dangerous and damaged nearby properties; and

WHEREAS, the site is a through lot, with 100 feet of frontage on the east side of Washington Avenue and 104 feet of frontage on the west side of Hall Street, 80 feet from the intersection with Myrtle Avenue; and

WHEREAS, the site comprises three lots – Lots 1, 4, and 82 - which are to be merged into a single lot, Lot 4, with a total of 18,422 sq. ft. of lot area; and

WHEREAS, the owner of the site seeks to construct a new 16-story mixed-use building with community facility use on the first floor and residential use in the remainder of the building (the "Building"); and

WHEREAS, the design of the Building includes a second-floor terrace which does not have significant load-bearing needs and requires 15 footings that are separate from the foundation for the building; and

WHEREAS, the terrace contributes to the open space required at the site and, without it, the Building could not achieve the proposed amount of floor area; and

WHEREAS, on May 2, 2007, DOB issued New Building Permit No. 302249715-01-NB (the "Permit"); and

WHEREAS, at the time the Permit was issued, the site was located partially within an R6 zoning district and partially within a C1-3 (R6) zoning district; and

WHEREAS, however, on July 25, 2007, (the "Enactment Date"), the City Council voted to adopt the Fort Greene-Clinton Hill Rezoning, which rezoned the site to C2-4 (R7A), R5B, and R6B; and

WHEREAS, the applicant represents that the Building complies with the former R6 and C1-3 (R6) zoning district parameters; specifically, the proposed 2.43 FAR and height of 16 stories, were permitted; and

WHEREAS, because the site is now partially within a C2-4 (R7A) zoning district, partially within an R5B zoning district, and partially within an R6B zoning district, the Building would not comply with the maximum FAR of 1.93 or maximum height of six stories; and

WHEREAS, because the Building violated these provisions of the C2-4 (R7A), R5B, and R6B zoning districts and work on the foundation was not completed as of the Enactment Date, the Permit lapsed by operation of law; and

WHEREAS, additionally, the Department of Buildings issued a stop work order on July 25, 2007 for the Permit; and

WHEREAS, the applicant now applies to the Board to reinstate the Permit pursuant to ZR § 11-331; and

WHEREAS, ZR § 11-331 reads: "If, before the effective date of an applicable amendment of this Resolution, a building permit has been lawfully issued . . . to a person with a possessory interest in a zoning lot, authorizing a minor development or a major development, such construction, if lawful in other respects, may be continued provided that: (a) in the case of a minor development, all work on foundations had been completed prior to such effective date; or (b) in the case of a major development, the foundations for at least one building of the development had been completed prior to such effective date. In the event that

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such required foundations have been commenced but not completed before such effective date, the building permit shall automatically lapse on the effective date and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit. The Board may renew the building permit and authorize an extension of time limited to one term of not more than six months to permit the completion of the required foundations, provided that the Board finds that, on the date the building permit lapsed, excavation had been completed and substantial progress made on foundations.”; and

WHEREAS, a threshold requirement in this application is that the Permit is valid; and

WHEREAS, the validity of the Permit has not been challenged; and

WHEREAS, because the proposed development contemplates construction of one building, it meets the definition of minor development; and

WHEREAS, since the proposed development is a minor development, the Board must find that excavation was completed and substantial progress was made as to the required foundation; and

WHEREAS, the applicant asserts that excavation was completed and that substantial progress was made on the foundation as of the Enactment Date; and

WHEREAS, as to excavation, the Opposition asserts that it was not complete since the holes for the 15 footings for the second floor terrace had not been cleared; and

WHEREAS, in response, the applicant stated that its construction plan reflects that the holes for the terrace footings would be excavated much later in the process because if the earth had been removed, then the bars and footings would have had to have been assembled and poured in order to keep the holes open and they would have stuck out above grade; and

WHEREAS, accordingly, the footings would inhibit circulation on the site for vehicles, workers, and staging areas during the construction process; and

WHEREAS, the applicant notes that the terrace footings require a total of 13 cubic yards of concrete out of a total amount of approximately 763 cubic yards for the entire foundation; and

WHEREAS, at hearing, the Board asked the applicant to describe the requirements for the construction site and to provide evidence to support the assertion that the excavation for the terrace footings was not practical given the balance of the work to be performed at the site; and

WHEREAS, in response, the applicant provided testimony from the construction manager and plans of the construction site which reflect that this area was required for efficient operations of the construction site; and

WHEREAS, the Opposition states that because the terrace provides required open space for the Building and without it the Building would not comply with the prior zoning, it is an integral part of the foundation, which cannot be viewed separately; and

WHEREAS, the Board recognizes that the terrace is

required in order for the Building to comply with the prior zoning, but it notes that it is a common practice to backfill portions of sites which have been excavated in order to accommodate maneuvering construction vehicles and/or to provide staging areas as construction continues on the remainder of the site; and

WHEREAS, accordingly, the Board has determined that the footing holes, if excavated, would essentially have to be backfilled to accommodate a staging area, similar to that described for other sites, and the excavation would not serve any purpose as it would need to be re-done after the area was no longer needed for staging; and

WHEREAS, notwithstanding the Opposition’s assertion that there were other possible ways of designing the construction site, which might have permitted the applicant to excavate and cover the footings for the terrace, the Board finds that the applicant’s decision to reserve that work for a later point in the construction process was reasonable so that the footings would not have to potentially be re-poured if damaged and to provide efficient and safe working condition at the site; and

WHEREAS, accordingly, the Board finds that the absence of excavated footings for the terrace, which is not part of the larger foundation, does not preclude a determination that excavation was complete; and

WHEREAS, the Board finds that the excavation performed at the site for the foundation for the 16-story building is in the spirit of the ZR’s requirement that excavation be complete for vesting purposes under ZR § 11-331; and

WHEREAS, the Board notes that the Opposition does not contend that the remainder of the excavation for the 16-story building, excluding the second floor terrace, was not finished; and

WHEREAS, as to substantial progress on the foundation, the applicant represents that the foundation is approximately 74 percent complete; and

WHEREAS, specifically, the applicant represents that (1) 558 tons of crushed stone have been installed under the footings, (2) 100 linear feet of sheeting have been installed, (3) 44.5 tons of rebar have been installed, and (4) 547 cubic yards of concrete have been poured; and

WHEREAS, the applicant has carved out 24 cubic yards of concrete, which were poured after hours, so that the total amount of concrete that the Board has considered is 523 cubic yards, rather than the 547 cubic yards actually poured; and

WHEREAS, at hearing, the Board asked the applicant to provide detailed information about the concrete pours including the time of dispatch from the concrete plant and the time of the pour; and

WHEREAS, in response, the applicant provided records reflecting truck numbers, dispatch time, and pour time, along with the pour tickets reflecting how much concrete had been poured; and

WHEREAS, the Opposition reviewed the applicant’s submissions and found inconsistencies within the submissions as to the truck numbers and cylinder tests that do not match; and

WHEREAS, in response, the applicant stated that there

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may have been some oversight in the record-keeping of the pours, but that all core tests were performed as per the standards of the Building Code and the total amount of concrete poured is accurate; and

WHEREAS, the Opposition asserts that the discrepancies in the concrete pour records call the applicant's credibility into question; and

WHEREAS, the Board notes that the applicant modified the information related to the concrete pours throughout the hearing process as it complied its records; and

WHEREAS, when the Board inquired into the reason for these changes, the applicant stated that, during the hearing process, as the concrete pours were analyzed, it located more records to help substantiate the assertions about the amount of work completed; and

WHEREAS, ultimately, the applicant submitted a survey of the site performed on July 30, 2007, affidavits from the site's construction managers, and comprehensive records of the concrete pours, which support its assertions; and

WHEREAS, the Board directed the applicant to subtract any concrete that was poured after hours and to subtract any work which might have been performed while a stop work order was in effect; and

WHEREAS, as to the Opposition's assertion that the applicant's representations about the amount of concrete poured lack credibility, the Board notes that the records submitted in support of the concrete pours are like those which have been accepted in other vested rights cases; and

WHEREAS, additionally, the Board notes, that based on a physical inspection of the site, substantial work, comparable to the amount performed in other vested rights cases, has been performed; and

WHEREAS, accordingly, the Board finds the combination of the physical work completed and the concrete pour records is compelling evidence that substantial work was completed on the foundation; and

WHEREAS, the Board understands that the concrete pour records may have initially caused some confusion, but that, in the absence of evidence that the amount of concrete purported to have been poured was not poured, the Board accepts the applicant's evidence, both physical and documentation, as proof that substantial work was completed; and

WHEREAS, the Board has only considered work completed as of the Enactment Date and excluded all work performed after hours; and

WHEREAS, the Opposition also cites to DOB's assessment that only 40 percent of the foundation had been completed by the Enactment Date as evidence that substantial work had not been completed; and

WHEREAS, the Board notes that DOB's assessment was based on visual observation and did not consider the amount of concrete documented as poured; and

WHEREAS, the applicant's records reflect that 523 cubic yards (after subtracting the 24 cubic yards poured after hours) out of a total of 763 cubic yards required for the site (69 percent) of the concrete had been poured, in addition to the other foundation construction noted above; and

WHEREAS, finally, the Opposition contends that construction at the site resulted in hazardous site conditions and damage to adjacent properties; and

WHEREAS, the Board defers to DOB to ensure that construction is performed pursuant to the Permit and pursuant to all relevant Building Code requirements; and

WHEREAS, in the absence of additional stop work orders from DOB, the Board accepts that applicant's representations that construction was performed legally; and

WHEREAS, the applicant has also submitted financial documents, including cancelled checks, invoices, and accounting tables, which reflect significant expenditure associated with the excavation and foundation work incurred as of the Enactment Date; and

WHEREAS, the Board finds all of the above-mentioned submitted evidence sufficient and credible; and

WHEREAS, while the Board was not swayed by many of the Opposition's arguments, it nevertheless understands that the community and the elected officials worked diligently on the Fort Greene-Clinton Hill Rezoning and that the Building does not comply with the new zoning parameters; and

WHEREAS, however, the owner has met the test for a common law vested rights determination, and the owner's property rights may not be negated merely because of general community opposition; and

WHEREAS, accordingly, based upon its consideration of the arguments made by the applicant and the Opposition, as outlined above, as well as its consideration of the entire record, the Board finds that the owner has met the standard for vested rights under and is entitled to the requested reinstatement of the Permit, and all other related permits necessary to complete construction.

WHEREAS, because the Board finds that excavation was complete and that substantial progress had been made on the foundation, it concludes that the applicant has adequately satisfied all the requirements of ZR § 11-331.

Therefore it is Resolved that this application to renew New Building Permit No. 302249715-01-NB pursuant to ZR § 11-331 is granted, and the Board hereby extends the time to complete the required foundations for one term of six months from the date of this resolution, to expire on September 4, 2008.

Adopted by the Board of Standards and Appeals, March 4, 2008.

270-07-A

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

SUBJECT – Application November 27, 2007 – seeking a determination that the owner has acquired a common law vested right to continue development under the prior R6 zoning.

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

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COMMUNITY BOARD #2BK

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, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an appeal requesting a Board determination that the owner of the premises has obtained a vested right under the common law to complete a proposed development at the referenced premises; and

WHEREAS, this application was filed subsequent to the filing of a companion application brought under BSA Cal. No. 204-07-BZY (the “BZY Application”), decided the date hereof, which is a request to the Board for a finding that the owner of the premises has obtained a right to continue construction pursuant to ZR § 11-331; and

WHEREAS, the Board notes that while separate applications were filed according to Board procedure, in the interest of convenience, after the filing of the subject application, it heard the cases together and the record is the same for both; and

WHEREAS, a public hearing was held on this application on January 15, 2008 after due notice by publication in *The City Record*, and then to decision on March 4, 2008; and

WHEREAS, the site was inspected by Chair Srinivasan, Vice-Chair Collins, Commissioner Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown; and

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

WHEREAS, City Council Member Letitia James provided testimony in opposition to this application citing concerns that the threshold for substantial completion of foundations had not been met, that work continued at the site after the permitted hours of operation, and that the proposed building is not compatible with the neighborhood character; and

WHEREAS, additionally, Building Too Tall, represented by counsel, opposed this application; this group of neighbors was represented by the same counsel in BSA Cal. 204-07-BZY; and

WHEREAS, collectively, the parties who provided testimony in opposition to the proposal are the “Opposition”; and

WHEREAS, specifically, the Opposition raised the following concerns about the common law vested rights application: (1) the subject common law vested rights application is not timely and (2) the applicant has failed to establish serious economic hardship if the vested rights application is denied; and

WHEREAS, the site is a through lot, with 100 feet of frontage on the east side of Washington Avenue and 104 feet of frontage on the west side of Hall Street, 80 feet from the intersection with Myrtle Avenue; and

WHEREAS, the site comprises three lots – Lots 1, 4, and 82 - which are to be merged into a single lot, Lot 4, with a total of 18,422 sq. ft. of lot area; and

WHEREAS, the owner of the site seeks to construct a new 16-story mixed-use building with community facility use on the first floor and residential use in the remainder of the building (the “Building”); and

WHEREAS, the design of the Building includes a second-floor terrace which does not have significant load-bearing needs and requires 15 footings that are separate from the foundation for the building; and

WHEREAS, the terrace contributes to the open space required at the site and, without it, the Building could not achieve the proposed amount of floor area; and

WHEREAS, on May 2, 2007, DOB issued New Building Permit No. 302249715-01-NB (the “Permit”); and

WHEREAS, at the time the Permit was issued, the site was located partially within an R6 zoning district and partially within a C1-3 (R6) zoning district; and

WHEREAS, however, on July 25, 2007, (hereinafter, the “Enactment Date”), the City Council voted to adopt the Fort Greene-Clinton Hill Rezoning, which rezoned the site to C2-4 (R7A), R5B, and R6B; and

WHEREAS, the applicant represents that the Building complies with the former R6 and C1-3 (R6) zoning district parameters; specifically, the proposed 2.43 FAR and height of 16 stories were permitted; and

WHEREAS, because the site is now partially within a C2-4 (R7A) zoning district, partially within an R5B zoning district, and partially within an R6B zoning district, the Building would not comply with the maximum FAR of 1.93 or maximum height of six stories; and

WHEREAS, because the Building violated these provisions of the C2-4 (R7A), R5B, and R6B zoning districts and work on the foundation was not completed as of the Enactment Date, the Permit lapsed by operation of law; and

WHEREAS, additionally, the Department of Buildings issued a stop work order on July 25, 2007 for the Permit; and

WHEREAS, first, the Opposition claims that the application for the subject common law vested rights case was untimely because it was not filed within 30 days of a final determination from DOB; and

WHEREAS, the Opposition contends that a stop work order issued on July 25, 2007, is the pertinent DOB final determination which should be appealed; and

WHEREAS, the Board notes that the applicant filed the companion statutory vested rights case under BSA Cal. No. 204-07-BZY within 30 days of the Enactment Date as required by ZR § 11-331; and

WHEREAS, the relevant time period for the filing of the subject application was within 30 days of the November 11, 2007 DOB final determination associated with this case; and

WHEREAS, the Board notes that the applicant filed the subject application within the specified timeframe, cited in BSA Rules of Practice and Procedure § 1-07; and

WHEREAS, the court in *Kadin v. Bennett*, 163 A.D.2d 308 (2d Dept. 1990) deals specifically with ZR § 11-30 et

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seq., and explicitly held that a common law remedy exists separate and apart from the statute; and

WHEREAS, the court stated: “New York City Zoning Resolution § 11-331 does not codify or abolish the common-law doctrine of vested rights. The common-law doctrine is a broader consideration than that posited in that section of the resolution, which confines itself to whether or not certain physical stages of construction relating to excavation and the foundation have been completed. While the general standard in determining vested rights is substantial construction and substantial expenditure made prior to the effective date of the zoning amendment . . . unlike New York City Zoning Resolution § 11-331, ‘[t]here is no fixed formula which measures the content of all the circumstances whereby a party is said to possess ‘a vested right’”;

WHEREAS, in sum, the Board rejects the Opposition’s arguments as to the timeliness argument; and

WHEREAS, the applicant states that construction proceeded as follows: (1) excavation commenced on May 7, 2007, (2) excavation was completed July 10, 2007, (3) footing installation commenced on July 11, 2007, and (4) 547 cubic yards of concrete were poured from July 19, 2007 to July 25, 2007; and

WHEREAS, the Board notes that the applicant has agreed to deduct 24 cubic yards of concrete, which were poured after hours, from the total so that the amount of concrete the Board has accepted is 523 cubic yards; and

WHEREAS, the applicant requests that the Board find that based upon the amount of work performed, and the amount of financial expenditures, including irrevocable commitments, as well as the serious economic loss the owner would face if compelled to comply with the new zoning, the owner has a vested right to continue construction of the Building; and

WHEREAS, the Board notes that established precedent exists for the proposition that seeking relief pursuant to ZR § 11-30 et seq. does not prevent a property owner from also seeking relief under the common law; and

WHEREAS, as a threshold matter in determining this appeal, the Board must find that the completed work was conducted pursuant to a valid permit; and

WHEREAS, the Board notes that the validity of the Permit has not been questioned; and

WHEREAS, when a valid permit has been issued and work has proceeded under it, the Board notes that a common law vested right to continue construction after a change in zoning generally exists if: (1) the owner has undertaken substantial construction; (2) the owner has made substantial expenditures; and (3) serious loss will result if the owner is denied the right to proceed under the prior zoning; and

WHEREAS, specifically, as held in Putnam Armonk, Inc. v. Town of Southeast, 52 A.D.2d 10 (2d Dept. 1976), where a restrictive amendment to a zoning ordinance is enacted, the owner’s rights under the prior ordinance are deemed vested “and will not be disturbed where enforcement [of new zoning requirements] would cause ‘serious loss’ to the owner,” and “where substantial construction had been undertaken and substantial expenditures made prior to the effective date of the

ordinance.”; and

WHEREAS, however, as discussed by the court in Kadin “there is no fixed formula which measures the content of all the circumstances whereby a party is said to possess ‘a vested right’”. Rather, it is a term which sums up a determination that the facts of the case render it inequitable that the State impede the individual from taking certain action”; and

WHEREAS, as to substantial construction, the applicant represents that after the issuance of the Permit on May 2, 2007, the following work was completed: (1) installation of 100 percent of the required stone below the footings, (2) installation of 100 percent of the sheeting work, (3) installation of 100 percent of the required underground plumbing, (4) pouring of 100 percent of the concrete for the footings, excluding those required for the second floor terrace, and (5) installation of 67 percent of the rebar; and

WHEREAS, in support of this statement, the applicant has submitted photographs, invoices for labor and material, work logs, concrete pour tickets, and affidavits from construction personnel; and

WHEREAS, the Board has reviewed the representations as to the amount and type of work completed and the documentation submitted in support of the representations, and agrees that it establishes that substantial work was performed; and

WHEREAS, the Board’s conclusion is based upon a comparison of the type and amount of work completed in the instant case with the type and amount of work discussed by New York State courts; and

WHEREAS, specifically, the Board has reviewed cases of which it is aware through its review of numerous vested rights applications, and agrees that the degree of work completed by the owner in the instant case is comparable to, or in excess of, the degree of work cited by the courts in favor of a positive vesting determination; and

WHEREAS, the Board notes that the appropriate comparison is between the amount of construction work here and that cited by other courts; and

WHEREAS, in light of such comparison, the Board can only conclude that the noted work is substantial; and

WHEREAS, as to expenditure, the Board notes that unlike an application for relief under ZR § 11-30 et seq., soft costs and irrevocable financial commitments can be considered in an application under the common law; accordingly, these costs are appropriately included in the applicant’s analysis; and

WHEREAS, the applicant states that the owner is obligated by contract to pay for work at the site in the amount of \$5.8 million; and

WHEREAS, further, the applicant represents that \$564,214 in hard costs and \$588,000 in soft costs have been expended; and

WHEREAS, the applicant projects that the total hard costs required for the completion of the Building are \$11.7 million and the total soft costs are \$3.3 million; and

WHEREAS, the Board considers the noted expenditure substantial in and of itself, and when compared to the total development costs; and

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WHEREAS, the Board's consideration is again guided by cases considering how much expenditure is needed to vest rights under the prior zoning, as well as the expenditure percentages; and

WHEREAS, as to the serious loss that the owner would incur if required to construct the building under the current zoning, the applicant states that the floor area that would result if vesting was not permitted would be reduced from 49,568 sq. ft. to 39,336 sq. ft. (from an FAR of 2.43 to 1.93); and

WHEREAS, further, the applicant would be required to eliminate floors seven through 16; and

WHEREAS, the applicant states that this would lead to financial loss because: (1) further architectural and engineering costs would be required to reconfigure and redesign the building to account for this loss; and (2) approximately 21 percent of floor area, including the most valuable floor area on the upper floors, would be lost; and

WHEREAS, the Opposition raised concerns about the applicant's assertions of proposed economic loss; and

WHEREAS, specifically, the Opposition contends that there were errors and contradictions in the data submitted by the applicant; the areas of concern include: (1) floor area dimensions, (2) calculations of sellable floor area, (3) inflated sales prices, and (4) inaccurate reflection of hard and soft costs; and

WHEREAS, the Opposition asserts that if the Building and calculations were modified, the applicant would still be able to achieve a reasonable rate of return on the development; and

WHEREAS, the Board notes that a reasonable rate of return is not the standard for a vested rights claim, but rather, the applicant must show that there would be a significant loss associated with modifying the Building to comply with the new zoning; and

WHEREAS, in response to the Opposition, the applicant states that (1) building floor area was calculated on a gross square footage basis for the complying and non-complying scenarios, as is standard practice; (2) the community facility space is not valueless and should be included in sellable floor area since it is valuable space; (3) the sales figures are based on projections from brokers who have relied on a series of comparable; and (4) the soft and hard costs are accurate as documented; and

WHEREAS, the Board agrees with the applicant and finds that the applicant has provided thorough documentation and reasonable explanations of how it calculated its floor area and prices; and

WHEREAS, the Board notes that a serious loss determination may be based in part upon a showing that certain of the expenditures could not be recouped if the development proceeded under the new zoning; and

WHEREAS, here, the Board agrees that the building would have to be redesigned at significant cost, and that the prior architectural and engineering costs related to the plans accepted by DOB could not be recouped; and

WHEREAS, additionally, serious loss can be substantiated by a determination that there would be

diminution in income if the FAR requirement of the new zoning were imposed; and

WHEREAS, here, the Board agrees that a significant reduction in floor area will result in a serious loss; and

WHEREAS, the Board notes that its conclusion that serious loss would occur includes consideration of the costs related to the need to revise the plans and redo some of the construction work; and

WHEREAS, in sum, the Board has reviewed the representations as to the work performed, the expenditures made, and serious loss, and the supporting documentation for such representations, and agrees that the applicant has satisfactorily established that a vested right to complete construction of the Building had accrued to the owner of the premises as of the Enactment Date; and

WHEREAS, while the Board was not swayed by any of the Opposition's arguments, it nevertheless understands that the community and the elected officials worked diligently on the Fort Greene-Clinton Hill Rezoning and that the Building does not comply with the new zoning parameters; and

WHEREAS, however, the owner has met the test for a common law vested rights determination, and the owner's property rights may not be negated merely because of general community opposition; and

WHEREAS, accordingly, based upon its consideration of the arguments made by the applicant and the Opposition as outlined above, as well as its consideration of the entire record, the Board finds that the owner has met the standard for vested rights under the common law and is entitled to the requested reinstatement of the Permit, and all other related permits necessary to complete construction.

Therefore it is Resolved that this appeal made pursuant to the common law of vested rights requesting a reinstatement of DOB Permit No. 302249715-01-NB, as well as all related permits for various work types, either already issued or necessary to complete construction and obtain a certificate of occupancy, is granted for four years from the date of this grant.

Adopted by the Board of Standards and Appeals, March 4, 2008.

279-07-A

APPLICANT – Valentino Pompeo, for Breezy Point Cooperative, Inc., owner; Tom McLaren, lessee.

SUBJECT – Application December 6, 2007 – Proposed reconstruction and enlargement of an existing single family home not fronting on a legally mapped street contrary to General City Law Section 36. R4 Zoning District.

PREMISES AFFECTED – 34 Reid Avenue, south west of Reid Avenue, north west of Marshall Avenue, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES –

For Applicant: Loretta Papa.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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Affirmative: Chair Srinivasan, Vice Chair Collins,
Commissioner Ottley-Brown, Commissioner Hinkson and
Commissioner Montanez.....5
Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough
Commissioner, dated August 7, 2007, acting on Department of
Buildings Application No. 402565087, reads in pertinent part:

“A-1 – the street giving access to the existing
dwelling to be altered is not duly placed on the
official map of the City of New York, therefore:

- a. A Certificate of Occupancy may not be issued as
per Article 3, Section 36 of the General City Law;
- b. Existing dwelling to be altered does not have at
least 8% of the total perimeter of the building
fronting directly upon a legally mapped street or
frontage space and is contrary to Section 27-291
of the Administrative Code”; and

WHEREAS, this application requests permission to build
a new two-story, one-family dwelling, which does not front on
a legally mapped street; and

WHEREAS, a public hearing was held on this
application on March 4, 2008, after due notice by publication
in the *City Record*, and then to decision on that same date; and

WHEREAS, by letter dated February 8, 2008, the Fire
Department states that it has reviewed the application and has
no objections; and

WHEREAS, the applicant has submitted adequate
evidence to warrant this approval under certain conditions.

Therefore it is Resolved that the decision of the Queens
Borough Commissioner, dated August 7, 2007, acting on
Department of Buildings Application No. 402565087, is
modified by the power vested in the Board by Section 36 of the
General City Law, and that this appeal is granted, limited to the
decision noted above; *on condition* that construction shall
substantially conform to the drawing filed with the application
marked “Received December 6, 2007,” “BSA-1”– one (1)
sheet; that the proposal shall comply with all applicable zoning
district requirements; and that all other applicable laws, rules,
and regulations shall be complied with; and *on further
condition*:

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

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

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

Adopted by the Board of Standards and Appeals,
March 4, 2008.

292-07-A

APPLICANT – Valentino Pompeo, for Breezy Point
Cooperative, Inc., owner; Doreen A. Dolan, lessee.

SUBJECT – Application December 28, 2007 – Proposed
reconstruction and enlargement of an existing single family
home not fronting on a legally mapped street contrary to
General City Law Section 36. R4 zoning district.

PREMISES AFFECTED – 41 Queens Walk, east side of
Queens, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Loretta Papa.

ACTION OF THE BOARD – Application granted on
condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins,
Commissioner Ottley-Brown, Commissioner Hinkson and
Commissioner Montanez.....5
Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough
Commissioner, dated December 26, 2007, acting on
Department of Buildings Application No. 410013257 reads in
pertinent part:

“A-1 – the street giving access to the existing
dwelling to be altered is not duly placed on the
official map of the City of New York, therefore :

- a. A Certificate of Occupancy may not be issued as
per Article 3, Section 36 of the General City Law;
- b. Existing dwelling to be altered does not have at
least 8% of the total perimeter of the building
fronting directly upon a legally mapped street of
frontage space is contrary to Section 27-291 of
the Administrative Code”; and

WHEREAS, this application requests permission to build
a new two-story one-family dwelling not fronting a legally
mapped street; and

WHEREAS, a public hearing was held on this
application on March 4, 2008 after due notice by publication in
the *City Record*, and then to decision on that same date; and

WHEREAS, by letter dated February 8, 2008, the Fire
Department states that it has reviewed the application and has
no objections; and

WHEREAS, the applicant has submitted adequate
evidence to warrant this approval under certain conditions.

Therefore it is Resolved that the decision of the Queens
Borough Commissioner, dated December 26, 2007, acting on
Department of Buildings Application No. 41001357, is
modified by the power vested in the Board by Section 36 of the
General City Law, and that this appeal is granted, limited to the
decision noted above; *on condition* that construction shall
substantially conform to the drawing filed with the application
marked “Received December 28, 2007” “BSA-1”– one (1)
sheet; that the proposal shall comply with all applicable zoning
district requirements; and that all other applicable laws, rules,
and regulations shall be complied with; and *on further
condition*:

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

THAT the approved plans shall be considered approved

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only for the portions related to the specific relief granted; and

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

Adopted by the Board of Standards and Appeals, March 4, 2008.

228-07-A & 234-07-A

APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for Donald Bischoff, owner.

SUBJECT – Application October 9, 2007 – Proposed construction of two- two family dwellings located within the bed of a mapped street (property street) contrary to Section 35 of the General City Law. R3-2 Zoning District.

PREMISES AFFECTED – 29 Colon Avenue, 20 Lindenwood Road, between Colon Avenue and Lindenwood, south of Baltimore Street, Block 5433, Lots 75 & 98, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to May 13, 2008, at 10:00 A.M., for continued hearing.

Jeffrey Mulligan, Executive Director

Adjourned: 11:30 A.M.

REGULAR MEETING TUESDAY AFTERNOON, MARCH 4, 2008 1:30 P.M.

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

ZONING CALENDAR

293-06-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP., for Veronica Nicastro, 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 254th Street, east side of 254th Street, 189th north of Horace Harding Expressway, Block 8256, Lot 11, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Superintendent, dated December 18, 2007, acting on Department of Buildings Application No. 402393824, reads in pertinent part:

“Proposed enlargement of existing one family dwelling exceeds the permitted floor area and does not provide the required open space, as per Section 23-141 ZR and must be referred to the Board of Standards and Appeals”; and

WHEREAS, a public hearing was held on this application on January 8, 2008, after due notice by publication in *The City Record*, with a continued hearing on January 29, 2008, and then to decision on March 4, 2008; and

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

WHEREAS, the Board notes that the applicant initially sought a variance pursuant to ZR § 72-21 but, during the hearing process, modified the application to reflect a request for a special permit pursuant to ZR § 73-621; the proposed enlargement of the home is the same under both scenarios, with minor changes to the site plan; and

WHEREAS, Community Board 11, Queens, recommended approval of the application when proposed as a variance; and

WHEREAS, the Queens Borough President recommended approval of the variance application on the condition that the retaining wall be repaired; and

WHEREAS, the subject site is located on the east side of 254th Street, between Thornhill Avenue and the Horace Harding Expressway; and

WHEREAS, the subject site has a total lot area of 4,781 sq. ft., and is occupied by a single-family home with a floor area of approximately 1,770 sq. ft. (0.37 FAR); and

WHEREAS, the applicant seeks an increase in the floor area from 1,770 sq. ft. (0.37 FAR), to 2,517 sq. ft. (0.53 FAR); the maximum floor area permitted is 2,390 sq. ft. (0.50 FAR); and

WHEREAS, the applicant represents that the proposed floor area exceeds the maximum permitted floor area by 5.3 percent; and

WHEREAS, the applicant proposes to provide 3,417 sq. ft. of open space, with an open space ratio of 136 percent (3,954.5 sq. ft. and an open space ratio of 150 percent is the minimum required); and

WHEREAS, the applicant represents that the proposed open space ratio of 136 percent constitutes 91 percent of the required open space ratio; and

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WHEREAS, the Board notes that ZR § 73-621 permits the enlargement of a residential building such as the subject single-family home if the following requirements are met: (1) the proposed open space ratio is at least 90 percent of the required open space; (2) in districts where there are lot coverage limits, the proposed lot coverage does not exceed 110 percent of the maximum permitted; and (3) the proposed floor area ratio does not exceed 110 percent of the maximum permitted; and

WHEREAS, as to the open space ratio, the Board notes that the proposed 136 percent reflects 91 percent of the required 150 percent open space ratio, and exceeds the 90 percent threshold; and

WHEREAS, as to lot coverage, the Board notes that there are no lot coverage limits in the subject R1-2 zoning district; and

WHEREAS, as to floor area ratio, the Board notes that the proposed 0.53 FAR reflects 106 percent of the maximum permitted FAR of 0.50, which is less than 110 percent of the maximum permitted under the special permit; and

WHEREAS, accordingly, the Board has determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 73-621; and

WHEREAS, during the hearing process, the Board directed the applicant to revise the building plans to clearly indicate which portions of the building would be retained in order to reflect that the proposed construction qualifies as an enlargement of the existing home; and

WHEREAS, in response, the applicant revised the plans to reflect the portions of the foundation, walls, and joists, which would be retained; and

WHEREAS, as to the Borough President's request that the retaining wall be repaired, the applicant represents that the retaining wall will be repaired as a part of the proposed construction; and

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

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

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR §§ 73-621 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 R1-2 zoning district, the proposed enlargement of a single-family home,

which does not comply with the zoning requirements for floor area and open space, contrary to ZR § 23-141; *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 February 19, 2008"–(12) sheets; and *on further condition*:

THAT there shall be no habitable room in the cellar;

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 2,517 sq. ft. (0.53 FAR) and a minimum open space ratio of 136 percent, 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, March 4, 2008.

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 188th Street and Grand Central Parkway, Block 9969, Lot 12, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Queens Deputy Borough Commissioner, dated November 14, 2007, acting on Department of Buildings Application No. 402562008, reads in pertinent part:

"1. Proposed floor area is in excess of the permitted allowable floor area for the R1-2 zone as per Section 24-11 ZR . . .;

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2. Proposed elimination of existing on-site parking in the area to be occupied by the proposed enlargement is contrary to Section 25-31 ZR;
3. The proposed front yard is contrary to Section 24-34 ZR"; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site within an R1-2 zoning district, the enlargement of a two-story and cellar educational facility (Use Group 3), which is contrary to ZR §§ 24-11, 25-31 and 24-34; and

WHEREAS, the applicant proposes to enlarge and maintain the use of an existing school; and

WHEREAS, a public hearing was held on this application on January 8, 2008, after due notice by publication in the *City Record*, with a continued hearing on February 5, 2008, and then to decision on March 4, 2008; and

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

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

WHEREAS, this application is brought on behalf of The Summit School (the "School"), a nonprofit high school serving emotionally disturbed and learning disabled students; and

WHEREAS, the site is located on the southwest corner of 188th Street and Grand Central Parkway; and

WHEREAS, the site is an irregularly-shaped, five-sided lot with 100 feet of frontage on 188th Street, 140 feet on frontage on Grand Central Parkway, a depth of approximately 138 feet along the northern boundary line, and a depth of approximately 140 feet along the eastern boundary; and

WHEREAS, the subject site is within an R1-2 zoning district; and

WHEREAS, the subject site has a total lot area of 18,728 sq. ft. and is occupied by a two-story and basement school building; and

WHEREAS, the School proposes to construct a 4,806 sq. ft. two-story and basement enlargement on the site; and

WHEREAS, the enlargement will be occupied by office space, meeting rooms and classrooms; and

WHEREAS, the applicant proposes 23,284 sq. ft. of floor area (18,728 sq. ft. is the maximum permitted), an FAR of 1.2 (1.0. is the maximum permitted), a two-story encroachment into the front yard (20'-0" is the minimum required front yard), and a reduction in the number of on-site parking spaces to eight (15 are required); and

WHEREAS, the applicant states that the following are the programmatic needs of the School: (1) office space for counseling, speech, language therapy and guidance services; (2) additional classrooms that conform to facility standards; (3) meeting and conference rooms; and (4) performing arts program space; and

WHEREAS, in order to meet the programmatic needs, the applicant seeks a variance pursuant to ZR § 72-21; and

WHEREAS, the applicant represents that the floor area, front yard and parking waivers are necessary to provide the program space necessary to adequately serve its current student

body; and

WHEREAS, the applicant represents that without the waivers, the School would continue to have only 11 homeroom classrooms for its 13 classes, and to lack space for counseling, therapy and guidance services, meetings, music instruction, and performances; and

WHEREAS, the Board acknowledges that the School, as an educational institution, is entitled to significant deference under the law of the State of New York as to zoning and as to its ability to rely upon programmatic needs in support of the subject variance application; and

WHEREAS, specifically, as held in Cornell Univ. v. Bagnardi, 68 N.Y.2d 583 (1986), an educational institution's application is to be permitted unless it can be shown to have an adverse effect upon the health, safety, or welfare of the community, and general concerns about traffic, and disruption of the residential character of a neighborhood are insufficient grounds for the denial of an application; and

WHEREAS, however, the applicant also represents that the configuration of its existing building creates an unnecessary hardship in developing the site in compliance with applicable regulations; and

WHEREAS, as to the configuration of its existing building, the applicant states that a complying front yard of approximately 20 feet is provided along both building frontages, thereby forcing any enlargement to encroach onto the front yard; and

WHEREAS, the applicant also states that the existing layout necessitates the enlargement into the front yard, by allowing the corridors to extend and retaining the existing circulation core; and

WHEREAS, the applicant further states that the existing configuration also precludes an expansion to the rear of the property, since the existing double-height gymnasium would restrict the possibility of a contiguous floor plate; and

WHEREAS, the Board finds that the School's programmatic needs are legitimate, and agrees that the proposed enlargement is necessary to address its needs, given the current limitations; and

WHEREAS, accordingly, based upon the above, the Board finds that the limitations of the current site including its noted irregular shape and configuration, when considered in conjunction with the programmatic needs of the School, create unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, since the School is a non-profit institution and the variance is needed to further its non-profit mission, the finding set forth at ZR § 72-21(b) does not have to be made in order to grant the variance requested in this application; and

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

WHEREAS, the applicant states that the enlargement has been designed to minimize the appearance of bulk and to maintain a height and façade that is consistent with that of

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the existing building; and

WHEREAS, additionally, the applicant states that the building design includes materials and landscaping which are compatible with that of nearby buildings; and

WHEREAS, at hearing, the Board raised concerns with the elimination of six on-site parking spaces and questioned how the School would accommodate the parking demand of students and staff; and

WHEREAS, the applicant stated all students travel to the school via school buses or public transportation, that about 50 staff members relied on public transportation, and that off-site parking was available to serve the 30 staff members who drove to the School; and

WHEREAS, at hearing, the Board asked the applicant to document the availability of off-site parking; and

WHEREAS, the applicant responded by providing a diagram and photographs indicating the availability of at least 11 parking spaces, approximately half of the total, within one block north and one block east of the subject site; and

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

WHEREAS, the applicant states that the hardship was not self-created, and that no development that would meet the programmatic needs of the School could occur given the existing conditions; and

WHEREAS, accordingly, the Board finds that the hardship herein was not created by the owner; and

WHEREAS, the applicant represents that the requested waivers for floor area, front yard and parking are the minimum necessary to accommodate the School's current and projected programmatic needs; and

WHEREAS, the Board finds that the requested relief is the minimum necessary to allow the School to fulfill its programmatic needs; and

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

WHEREAS, the project is classified as a Type II action pursuant to Sections 617.12(a) and 617.5 of 6 NYCRR; and

Therefore it is Resolved that the Board of Standards and Appeals issues a Type II Determination, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a site within an R1-2 zoning district, the enlargement of a two-story and cellar educational facility (Use Group 3), which is contrary to ZR §§ 24-11; 25-31 and 24-34, *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 November 28, 2007" –

(7) sheets and "Received January 18, 2008" – (1) sheet; and *on further condition*:

THAT the total floor area shall not exceed 23,284 sq. ft. (1.2 FAR) and a minimum of eight parking spaces shall be provided on-site, 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 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 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, March 4, 2008.

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217-07-BZ

APPLICANT – Eric Palatnik, PC, for Clara Tarantul, owner.
SUBJECT – Application September 24, 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(a)); rear yard (§23-47) and side yards (§23-461) in an R3-1 zoning district.

PREMISES AFFECTED – 25 Beaumont Street, between Shore Boulevard and Hampton Avenue, Block 8728, Lot 95, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Superintendent, dated September 11, 2007, acting on Department of Buildings Application No. 310017399, reads in pertinent part:

1. Proposed Floor Area Ratio is contrary to ZR 23-141(a).
2. Proposed open space is contrary to ZR 23-141(a).
3. Proposed lot coverage is contrary to ZR 23-141.
4. Proposed rear yard is contrary to ZR 23-47
Minimum required: 30'-0" Proposed 24'-1"
5. Proposed side yards are contrary to ZR-461";
and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, within an R3-1 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area, open space ratio, lot coverage, rear yard and side yards, contrary to ZR §§ 23-141, 23-47, and 23-461; and

WHEREAS, a public hearing was held on this application on January 15, 2008, after due notice by publication in *The City Record*, with a continued hearing on February 12, 2008, and then to decision on March 4, 2008; and

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

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

WHEREAS, the subject site is located on the east side of Beaumont Street, between Shore Boulevard and Hampton Avenue; and

WHEREAS, the subject site has a lot area of 4,160 sq. ft., and is occupied by a single-family home with floor area of approximately 1,915 sq. ft. (0.46 FAR); and

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

WHEREAS, the applicant seeks an increase in the floor area from 1,915 sq. ft. (0.46 FAR), to approximately 3,460 sq. ft. (0.83 FAR); the maximum floor area permitted is 2,080 sq. ft. (0.50 FAR); and

WHEREAS, the proposed enlargement will provide lot coverage of 41.33 percent (a maximum of 35 percent is permitted); and

WHEREAS, the proposed enlargement will provide a rear yard with a depth of 24'-1" (a minimum rear yard of 30'-0" is required); and

WHEREAS, the proposed enlargement will maintain the existing non-complying side yards with widths of 5'-5" and 5'-7" (side yards with a total minimum width of 13'-0" are required); and

WHEREAS, plans submitted by the applicant identify which portions of the existing home would be retained; and

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

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-622 and 73-03, to permit, within an R3-1 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage rear yard, and side yards, contrary to ZR §§ 23-141, 23-47, and 23-461(a), *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 January 28, 2008"–(15) sheets; and *on further condition*:

THAT there shall be no habitable room in the cellar;
THAT the floor area of the attic shall be limited to 386 sq. ft.;

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

THAT the following shall be the bulk parameters of the building: a total floor area of 3,460 sq. ft. (0.83 FAR), lot coverage of 41.33 percent, a rear yard with a minimum depth of 24'-1", one side yard with a width of approximately 5'-5"

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and a second side yard with a width of 5'-7", 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, March 4, 2008.

237-07-BZ

CEQR #08-BSA-035K

APPLICANT – Sheldon Lobel, P.C., for Foundation for Sephardic Studies, Inc., owner.

SUBJECT – Application October 22, 2007 – Variance (§72-21) to permit the construction of a two-story community facility building to serve as an annex to the Main Building, two lots east of the subject premises. The proposal is contrary to §23-631 (maximum perimeter wall height and required setback) and §25-31 (minimum parking requirement). R5 zoning district in the Ocean Parkway Special Zoning District.

PREMISES AFFECTED – 718 Avenue S, south side of Avenue S, midblock between East 7th Street and East 8th Street, Block 7089, Lot 7, 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, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Superintendent, dated October 10, 2007, acting on Department of Buildings Application No. 302349260, reads, in pertinent part:

“Proposed community facility building within an R5 zoning district in the Ocean Parkway Special District violates:

- (1) perimeter wall height regulations pursuant to ZR 23-631;
- (2) setback regulations pursuant to ZR 23-631; and
- (3) minimum parking requirements pursuant to ZR 25-31”; and

WHEREAS, this is an application for a variance pursuant

to ZR § 72-21, to permit, on a site within an R5 zoning district within the Special Ocean Parkway District, a proposed two-story and cellar Use Group 4 synagogue building, which does not comply with perimeter wall height, setback regulations, and parking requirements for community facilities, contrary to ZR §§ 23-631, and 25-31; and

WHEREAS, a public hearing was held on this application on February 5, 2008, after due notice by publication in *The City Record*, and then to decision on March 4, 2008; and

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

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

WHEREAS, this application is being brought on behalf of Congregation Bnei Yitzhak, a non-profit religious entity (the “Synagogue”); and

WHEREAS, the subject premises is located on the south side of Avenue S between East 7th and East 8th Street, and is currently vacant; and

WHEREAS, the proposal provides for a two-story and cellar synagogue building with the following parameters: a perimeter wall and total height of 34'-10" (21'-0" is the maximum permitted perimeter height and 35'-0" is the maximum permitted total height), and no parking spaces (16 are required); with Use Group 4 synagogue use space on the cellar level through second floor; and

WHEREAS, the applicant states that the main Synagogue building is located two lots south of the subject site and that the subject building will serve as an annex; and

WHEREAS, the proposed annex building will have the following program: (1) kitchens and accessory offices in the cellar; and (2) synagogue space on the first and second floors; and

WHEREAS, the applicant states that the following are the primary programmatic needs of the Synagogue annex: (1) to accommodate religious services for 175 “early risers”, teens/young adults, and women; (2) to provide educational programs for women; and (3) to provide separate space for men and women during religious services; and

WHEREAS, the applicant states that the proposed amount of space would accommodate growth in the congregation of approximately 150 families thereby alleviating overcrowding in the main synagogue; and

WHEREAS, the applicant also states that it is religious tradition to provide separate space for men and women during religious services; and

WHEREAS, the Board acknowledges that the Synagogue, as a religious institution, is entitled to significant deference under the law of the State of New York as to zoning and as to its ability to rely upon programmatic needs in support of the subject variance application; and

WHEREAS, specifically, as held in Westchester Reform Temple v. Brown, 22 NY2d 488 (1968), a religious institution’s application is to be permitted unless it can be shown to have an adverse effect upon the health, safety, or welfare of the community, and general concerns about

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traffic and disruption of the residential character of a neighborhood are insufficient grounds for the denial of an application; and

WHEREAS, however, the applicant also represents that the zoning district's height and setback parameters create an unnecessary hardship in developing the site in compliance with applicable regulations; and

WHEREAS, the Board notes that specifically, the Ocean Parkway Special District requires a community facility at this location to conform to residential bulk regulations requiring a pitched roof above the perimeter wall; and

WHEREAS, the applicant represents that a complying building would restrict the ceiling height of its prayer and assembly space, and

WHEREAS, the applicant further represents that worship space with a high ceiling is critical to Jewish religious practice, thus necessitating the requested waivers of these height and setback provisions; and

WHEREAS, the applicant submitted a letter prepared by a Rabbinical scholar stating that for theological and acoustical reasons, ceiling heights of synagogues throughout the world generally have heights of at least 18 feet; and

WHEREAS, the applicant states that the requested height and setback waivers enable the Synagogue to have an open second floor worship space with a ceiling height of nearly 18'-0", and

WHEREAS, the applicant further states that the program requirements cannot be accommodated by an enlargement to the main synagogue building; and

WHEREAS, the main building was designed to be contextual with the surrounding area; an enlargement would create a building that was inconsistent in scale; and

WHEREAS, an addition to the main building would also require substantial demolition and reconstruction which would consequently disrupt the worship schedule of the congregants; and

WHEREAS, based upon the above, the Board finds that the aforementioned physical conditions, when considered in conjunction with the programmatic needs of the Synagogue, create unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, the applicant need not address ZR § 72-21(b) since the Synagogue is a not-for-profit organization and the proposed development will be in furtherance of its not-for-profit mission; and

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

WHEREAS, the applicant notes that the proposed use is permitted in the subject zoning district; and

WHEREAS, the applicant provided a diagram indicating that five other sites within a 400' radius of the subject site along Avenue S are occupied by community facility uses; and

WHEREAS, the applicant also states that the requested height and setback waivers enable the building's height to fit

into the context of the neighborhood; and

WHEREAS, the radius diagram and photographs submitted by the applicant indicate that the subject site abuts a four-story multiple dwelling and that two sites directly across from the site on Avenue S are occupied by four-story multiple dwellings, all of which equal or exceed the height of the proposed building; and

WHEREAS, the Board notes that Avenue S is a wide street with a width of 80'-0"; and

WHEREAS, as to traffic impact and parking, a submission by applicant indicated that approximately 70 percent of the congregants lived within three-quarters of a mile from the premises and that another 20 percent lived within two miles of the Synagogue; and

WHEREAS, the applicant represents that traffic impact would be minimal as congregants are close enough to walk to services, and are not permitted to drive to worship services on religious holidays, Fridays, or Saturdays; and

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

WHEREAS, the applicant states that the hardship was not self-created and that no development that would meet the programmatic needs of the Synagogue could occur on the existing lot; and

WHEREAS, accordingly, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board notes that the floor area is significantly below the maximum permitted, and the rear yard, front yard, and side yards meet or exceed the minimum requirements of the district;

WHEREAS, the Board finds the requested waivers to be the minimum necessary to afford the Synagogue the relief needed both to meet its programmatic needs and to construct a building that is compatible with the character of the neighborhood; and

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 08BSA035K, dated January 7, 2008; and

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

MINUTES

Public Health; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a site within an R5 zoning district within the Special Ocean Parkway District, a proposed two-story and cellar Use Group 4 synagogue, which does not comply with perimeter wall height, setback regulations, and parking requirements for community facilities, contrary to ZR §§ 23-631, and 25-31, *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 February 29, 2008" – Seven (7) sheets; and *on further condition*:

THAT any change in control or ownership of the building shall require the prior approval of the Board;

THAT the building parameters shall be: a street wall and total building height of 34'-10";

THAT the use shall be limited to a house of worship (Use Group 4) and any classes shall be accessory to this use;

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

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

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

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

Adopted by the Board of Standards and Appeals, March 4, 2008.

263-07-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Aliza Goldbrenner and Isaac Goldbrenner, owners.

SUBJECT – Application November 14, 2007 – Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary open space and floor area (§23-141); side yard (§23-461(a)); and rear yard (§23-47) in an R-2 zoning district.

PREMISES AFFECTED – 1169 East 21st Street, East 21st Street between Avenue J and Avenue K, Block 7603, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lyra Altman and David Shteierman.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Superintendent, dated October 16, 2007, acting on Department of Buildings Application No. 310017433, reads in pertinent part:

- “1. Proposed floor area is contrary to ZR 23-141.
2. Proposed open space ratio is contrary to ZR 23-141.
3. Proposed side yard is contrary to ZR 23-461(a).
4. Proposed rear yard is contrary to ZR 23-47”; and

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

WHEREAS, a public hearing was held on this application on February 5, 2008, after due notice by publication in *The City Record*, and then to decision on March 4, 2008; and

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

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

WHEREAS, the subject site is located on the east side of East 21st Street, between Avenue J and Avenue K; and

WHEREAS, the subject site has a lot area of 5,000 sq. ft., and is occupied by a single-family home with floor area of 3,123 sq. ft. (0.62 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 3,123 sq. ft. (0.62 FAR), to approximately 5,022 sq. ft. (1.00 FAR); the maximum floor area permitted is 2,500 sq. ft. (0.50 FAR); and

WHEREAS, the proposed enlargement will provide an open space ratio of 53.6 percent (a minimum of 150 percent is required); and

WHEREAS, the proposed enlargement will maintain the existing side yards with widths of approximately 3'-9" and 8'-3", respectively (side yards with a total width of 13'-0" are the minimum required); and

WHEREAS, the proposed enlargement will provide a rear yard with a depth of 22'-6" (a minimum rear yard of 30'-0" is required); and

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WHEREAS, the applicant identified which portions of the existing home would be retained; and

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

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-622 and 73-03, to permit, within an R2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio, open space ratio, side yards and rear yard, contrary to ZR §§ 23-141, 23-461(a) and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received December 20, 2007"-(1) sheet, and "Received February 19, 2008"-(9) sheets; and *on further condition*:

THAT there shall be no habitable room in the cellar;

THAT the floor area of the attic shall be limited to 584 sq. ft.;

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

THAT all balconies and porches are subject to DOB approval;

THAT the following shall be the bulk parameters of the building: a total floor area of 5,022 sq. ft. (1.00 FAR), an open space ratio of 53.6 percent, one side yard with a width of 3'-9" and a second side yard with a width of 8'-3", and a rear yard with a minimum depth of 22'-6", 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,
March 4, 2008.

31-06-BZ

APPLICANT – Sheldon Lobel, P.C., for Frank Falanga, owner.

SUBJECT – Application February 24, 2006 – Zoning variance (§72-21) to allow the legalization of an automotive collision repair shop (Use Group 16) in an R3-1/C1-2 district; proposed use is contrary to ZR §§22-00 and 32-00. PREMISES AFFECTED – 102-10 159th Road, south side of 159th Road near the intersection of 192nd Street and 159th Road, Block 14182, Lot 88, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES –

For Applicant: Josh Rinesmith.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

ACTION OF THE BOARD – Laid over to March 18, 2008, at 1:30 P.M., for decision, hearing closed.

160-06-BZ

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

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

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

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

ACTION OF THE BOARD – Laid over to March 18, 2008, at 1:30 P.M., for decision, hearing closed.

311-06-BZ thru 313-06-BZ

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

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

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

MINUTES

COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD – Laid over to March 18, 2008, at 1:30 P.M., for deferred decision.

68-07-BZ

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

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

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

COMMUNITY BOARD #6Q

APPEARANCES –

For Applicant: Jeffrey Chester and David Freire,

For Opposition: Meir Turner.

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

158-07-BZ

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

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

PREMISES AFFECTED – 184-20 Union Turnpike, 110' west of southwest corner of the intersection of Union Turnpike and Chevy Chase Street, Block 7248, Lot 39, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

ACTION OF THE BOARD – Laid over to April 1, 2008, at 1:30 P.M., for decision, hearing closed.

169-07-BZ

APPLICANT – Jacqueline M. Cigliano, for Chen Lai Ho, owner.

SUBJECT – Application June 18, 2007 – Variance (§72-21) to allow a single-family home; contrary to regulations for minimum lot width (§23-32). R1-1(NA-2) district.

PREMISES AFFECTED – 626 West 254th Street, southerly line of 254th Street, east of intersection of West 254th Street and Independence Avenue, Block 5942, Lot 308, Borough of Bronx.

COMMUNITY BOARD #8BX

APPEARANCES –

For Applicant: Jacqueline Cigliano.

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

278-07-BZ

APPLICANT – Bryan Cave LLP/Margery Perlmutter, for NY Presbyterian Hospital/Trustees of Columbia University, owner.

SUBJECT – Application December 4, 2007 – Variance (§72-21) to permit the erection of three 30 foot high "pylon" signs that would be located at major entrances to a medical center campus. The proposal is contrary to section 22-342. R8 district.

PREMISES AFFECTED – 630 West 168th Street, bounded by Broadway, West 165th and 168th Streets, Riverside Drive, and Fort Washington Avenue, Block 2138, 2139, Lots 1, 15, 80, 85, 30, 40, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES –

For Applicant: Margery Perlmutter.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

ACTION OF THE BOARD – Laid over to April 1, 2008, at 1:30 P.M., for decision, hearing closed.

285-07-BZ

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

SUBJECT – Application December 17, 2007 – Special Permit (§73-36) to allow the legalization of a Physical Culture Establishment on the second floor of a seven-story commercial building. The proposal is contrary to section 32-10. C5-2 district.

PREMISES AFFECTED – 312 Fifth Avenue, northwest side of Fifth Avenue between West 31st and 32nd Streets, Block 833, Lot 44, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Josh Rinesmith.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins,

MINUTES

Commissioner Ottley-Brown, Commissioner Hinkson and
Commissioner Montanez.....5
Negative:.....0

ACTION OF THE BOARD – Laid over to April 1,
2008, at 1:30 P.M., for decision, hearing closed.

11-08-BZ

APPLICANT – Law Office of Fredrick A. Becker, for
Audrey Grazi and Ezra Grazi, owners.

SUBJECT – Application January 4, 2008 – Special Permit
(\$73-622) for the enlargement of an existing single family
dwelling. This application seeks to vary open space and
floor area (23-141); side yards (23-461) and rear yard (23-
47) in an R-2 zoning district.

PREMISES AFFECTED – 3573 Bedford Avenue, Bedford
Avenue between Avenue N and Avenue O, Block 7679, Lot
23, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lyra J. Altman.

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

16-08-BZ

APPLICANT – Eric Palatnik, P.C., for Isaiah Florence,
owner.

SUBJECT – Application January 15, 2008 – Special Permit
(\$73-622) for the enlargement of an existing single family
dwelling. This application seeks to vary open space and
floor area (23-141(a)); side yards (23-461) and rear yard
(23-47) in an R-2 zoning district.

PREMISES AFFECTED – 2614 Avenue L, between East
26th and East 27th Streets, Block 7644, Lot 46, Borough of
Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Eric Palatnik.

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

Jeff Mulligan, Executive Director

Adjourned: 4:40 P.M.