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AND APPEALS

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141-08-BZ

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142-08-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

JUNE 3, 2008, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, June 3, 2008, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

467-58-BZ

APPLICANT – Walter T. Gorman, P.E., for ExxonMobil Corporation, owner; Nor-Topia Service Station, lessee.
SUBJECT – Application April 16, 2008 – Extension of Term/waiver for the continued use of a gasoline service station (Exxon Mobil) in an R3-2 zoning district which expired on May 21, 1999.

PREMISES AFFECTED – 172-11 Northern Boulevard, north side blockfront between 172nd Street and Utopia Parkway, Block 5363, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

546-82-BZIII

APPLICANT – Pasquale Carpentiere, owner; Ganesh Budhu, lessee.

SUBJECT – Application April 14, 2008 – Extension of Term for a UG8 parking lot which expires on June 14, 2008 in an R7a/DJ zoning district.

PREMISES AFFECTED – 148-15 89th Avenue, north side of 89th Avenue, between 148th and 150th Streets, Block 9693, Lot 60, Borough of Queens.

COMMUNITY BOARD #12Q

151-90-BZ

APPLICANT – Mitchell S. Ross, for Mega Real Estate Management, Incorporated, owner.

SUBJECT – Application March 13, 2008 – Amendment to allow legalization of existing conventional office use by amending resolution to remove condition limiting occupancy to governmental office use only previously granted by the Board. Located in a R3-2 zoning district.

PREMISES AFFECTED – 115-49 118th Street, 115-70 Lefferts Boulevard, East side of 118th Street, 240' north of Sutter Avenue, Block 11711, Lot 18, Borough of Queens.

COMMUNITY BOARD #10Q

APPEALS CALENDAR

26-08-A

APPLICANT – Walter T. Gorman, P.E., for Breezy Point Cooperative Inc., owner; Michael & Theresa Flanigan, lessees.

SUBJECT – Application January 13, 2008 – Reconstruction and enlargement not fronting on a legally mapped street contrary to General City Law Section 36. R4 zoning district.

PREMISES AFFECTED – 35 Bedford Avenue, north side 475.70' west of 12th Avenue, Block 16350 Lot p/o 300. Borough of Queens.

COMMUNITY BOARD #14Q

47-08-A

APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for Elizabeth Ave Realty Corp., owner.

SUBJECT – Application March 3, 2008 – Proposed construction of a two family dwelling located partially within the bed of a mapped street contrary to General City Law Section 35. R3-2.

PREMISES AFFECTED – 7228 Thursby Avenue, north side Thursby Avenue, 247.50' west of intersection with Beach 72nd Street, Block 16066, Lot 46, Borough of Queens.

COMMUNITY BOARD #14Q

48-08-A

APPLICANT – Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Kathleen Brunton, lessee.

SUBJECT – Application March 4, 2008 – Proposed reconstruction and enlargement of an existing single family dwelling not fronting on a legally mapped street contrary to GCL Section 36 and partially located within the bed of a mapped street contrary to GCL Section 35. R4 Zoning District.

PREMISES AFFECTED – 126 Oceanside Avenue, north side Oceanside Avenue, 220.50' east of Beach 207th Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

49-08-A

APPLICANT – Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Charles & Kim Thompson, lessee.

SUBJECT – Application March 4, 2008 – Proposed reconstruction and enlargement of an existing single family home not fronting on a legally mapped street contrary to General City Law Section 36 and located within mapped street contrary to General City Law Section 35. R4 zoning district.

PREMISES AFFECTED – 305 Hillside Avenue, east side

CALENDAR

Newport Walk, 110/19' south of Oceanside Avenue, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

JUNE 3, 2008, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, June 3, 2008, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

243-07-BZ/244-07-A

APPLICANT – Rothkrug, Rothkrug & Spector LLP, for Cee Jay Real Estate Development Company, owner.

SUBJECT – Application October 29, 2007 – Variance (§72-21) to construct a three story, one family residence on a irregular, vacant, triangular lot in a Lower Density Growth Management (LDGM) area. This application seeks to vary floor area and open space (23-141); less than the minimum front yards (23-45) and less than the required amount of parking (23-622) in an R3-2 zoning district.

PREMISES AFFECTED – 120 John Street, northwest corner of the intersection of John Street and Douglas Street, Block 1123, Lot 120, Borough of Staten Island.

COMMUNITY BOARD #1SI

291-07-BZ

APPLICANT – Eric Palatnik, P.C., for Cong. Tifereth Torna Eliezer, owner.

SUBJECT – Application December 27, 2007 – Variance (§72-21) to permit the alteration of the existing residential structure to create a Use Group 4 synagogue with accessory rabbi's quarters. The proposal is contrary to sections 24-35 (side yards), 24-391 (rear yard), 24-34 (front yard), and 24-521 (front wall height). R4 district.

PREMISES AFFECTED – 1912 New York Avenue, between Avenues J and K, Block 7614, Lot 66, Borough of Brooklyn.

COMMUNITY BOARD #18BK

32-08-BZ

APPLICANT – Slater & Beckerman, LLP, for Baron Hirsch Cemetery Assn. Inc., owner; Northrop Grumman Info. Tech. Inc., lessee.

SUBJECT – Application February 19, 2008 – Special Permit (§73-30) to permit, a 90-foot non-accessory radio tower as part of the New York City Department of Information Technology and Telecommunications/Wireless Network. R3-2 zoning district.

PREMISES AFFECTED – 1126 Richmond Avenue, intersection of entrance to the Baron De Hirsch Cemetery adjacent to Mark Street, Block 1668, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1SI

50-08-BZ

APPLICANT – Slater & Beckerman, LLP, for St. Sylvester's R.C. Church, owner; Northrop Grumman Info. Tech. Inc., lessee.

SUBJECT – Application March 6, 2008 – Special Permit (§73-30) to permit, a 90-foot non-accessory radio tower as part of the New York City Department of Information Technology and Telecommunications/Wireless Network.

PREMISES AFFECTED – 265McKinley Avenue, between Grant Avenue and Eldert Lane, Block 4175, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #5BK

53-08-BZ

APPLICANT – Slater & Beckerman, LLP, for Lucy Lanese, Lorraine Di Nirdi, Joseph Lanese, Lawrence Lanese, owner; Northrop Grumman Info. Tech. Inc., lessee.

SUBJECT – Application March 11, 2000 – Special Permit (§73-30), to permit a 90 foot non-accessory radio tower as part of the New York City Department of Information Technology and Telecommunications/Wireless Network. R3-2 zoning district.

PREMISES AFFECTED – 300 Soundview Avenue, intersection of Soundview Avenue, White Plains Road and O'Brien Avenue, Block 3474, Lot 1, Borough of Bronx.

COMMUNITY BOARD #9BX

731-68-BZ

APPLICANT – Slater & Beckerman, LLP, for Lucy Lanese, Lorraine Di Nirdi, Joseph Lanese, Lawrence Lanese, owners; Northrop Grumman Info. Tech. Inc., lessee.

SUBJECT – Application March 11, 2008 – Amendment (§73-30) to allow the site showing removal of gas tanks and proposed change for a non-accessory radio tower.

PREMISES AFFECTED – 300 Soundview Avenue, intersection of Soundview Avenue, White Plains Road and O'Brien Avenue, Block 3474, Lot 1, Borough of Bronx.

COMMUNITY BOARD #9BX

CALENDAR

55-08-BZ

APPLICANT – Walter T. Gorman, P.E., for Eileen & Benjamin Seiden, owner; ExxonMobil Corporation, lessee.

SUBJECT – Application March 13, 2008 – Special Permit filed pursuant to §§11-411 & 73-01(d)) to reinstate a variance previously granted under BSA calendar number 381-60-BZ, which expired on November 1, 1995, allowing the operation of an Automotive Service Station with accessory uses in a R7-2 zoning district.

PREMISES AFFECTED – 350/58 East Houston Street, North west corner of Avenue C, Block 384, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #3M

Jeff Mulligan, Executive Director

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**REGULAR MEETING
TUESDAY MORNING, MAY 13, 2008
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

718-56-BZ

APPLICANT – Walter T. Gorman, for Exxon/Mobil Corporation

SUBJECT – Application March 31, 2008 – Extension of Term/waiver for the continued use of a gasoline service station (Mobil) which expired on July 2, 2002; an Extension of Time to obtain a Certificate of Occupancy which expired on July 27, 2000 and an Amendment to legalize the conversion of one restroom to office space and office/sales area to an accessory convenience store in a C2-1/R3-2 zoning district.

PREMISES AFFECTED – 741 Forest Avenue, northwest corner of North Burgher Avenue, Block 183, Lot 52, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: John Ronan and Patrick Gorman.

ACTION OF THE BOARD – Laid over to June 17, 2008, at 10 A.M., for continued hearing.

1334-66-BZ

APPLICANT – Sheldon Lobel, PC, for ACP Lincoln Garages, LLC, owners.

SUBJECT – Application March 3, 2008 – Reopening for an extension of term for a variance, which was originally granted under Section 60(3) of the Multiple Dwelling Law, which permits the operation of a transient parking garage in the cellar and sub-cellar of a building. R8 zoning district.

PREMISES AFFECTED – 150 West End Avenue, east side of West End Avenue between West 66th and West 70th Streets, Block 1158, Lot 80, Borough of Manhattan.

COMMUNITY BOARD #7M

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 June 17, 2008, at 10 A.M., for decision, hearing closed.

841-76-BZ

APPLICANT – Anthony M. Salvati, for HJC Holding Corporation, owner.

SUBJECT – Application December 5, 2006 – Extension of Term/Amendment for previously approved variance, under BSA calendar numbers 841-76-BZ and 78-79-BZ, granted pursuant to §72-21 which permitted on the premises auto wrecking and junk yard for auto parts (UG 18), sale of new and used cars and auto repair shop (UG 16), and sale of new and used parts (UG 6) not permitted as of right in a R4 zoning district. The amendment seeks to legalize the change in use from the previously mentioned to open commercial storage bus parking, repairs and sales (UG 16 & 6).

PREMISES AFFECTED – 651 Fountain Avenue, north east corner of Fountain Avenue and Wortman Avenue, Block 4527, Lots 61, 64, 77, 78, 80, 85, 11, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES –

For Application: Peter Hirshman and Francis R. Angelino.

For Opposition: Ronald J. Dillon.

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 July 15, 2008, at 10 A.M., for decision, hearing closed.

78-79-BZ

APPLICANT – Anthony M. Salvati, for HJC Holding Corporation, owner.

SUBJECT – Application December 5, 2006 – Extension of Term/Amendment for previously approved variance, under BSA calendar numbers 841-76-BZ and 78-79-BZ, granted pursuant to §72-21 which permitted on the premises auto wrecking and junk yard for auto parts (UG 18), sale of new and used cars and auto repair shop (UG 16), and sale of new and used parts (UG 6) not permitted as of right in a R4 zoning district. The amendment seeks to legalize the change in use from the previously mentioned to open commercial storage bus parking, repairs and sales (UG 16 & 6).

PREMISES AFFECTED – 671 Fountain Avenue, north east corner of Fountain Avenue and Stanley Avenue, Block 4527, Lots 94 and 110, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES –

For Application: Peter Hirshman and Frank Angelino.

For Opposition: Ronald J. Dillon.

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 July 15, 2008, at 10 A.M., for decision, hearing closed.

1098-83-BZ

APPLICANT – Walter T. Gorman, P.E., Joseph M. Mattone,

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Estate of James J. Mannix, owner; Exxon Mobil Corporation, lessee.

SUBJECT – Application March 21, 2008 – Extension of Term/waiver for the continued use of a gasoline service station (Mobil), in C1-2/R5 zoning district, which expired on April 3, 2004 and an Amendment to legalize the conversion of the sales area to an accessory convenience store, the installation of planters, public telephone, chain link fencing atop a portion of a brick wall and the elimination of bollards on Northern Boulevard.

PREMISES AFFECTED – 147-10 Northern Boulevard, south east corner of 147th Street. Block 5016, Lot 18, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: John Ronan and Patrick Gorman.

ACTION OF THE BOARD – Laid over to June 17, 2008, at 10 A.M., for continued hearing.

340-03-BZ

APPLICANT – Davidoff Malito & Hatcher, LLP, by Howard S. Weiss, Esq., for 408

SUBJECT – Application February 20, 2008 – Reopening for an Amendment to allow in a mixed use building the change of the use on the fifth floor from commercial use (UG6) to residential use (UG2).

PREMISES AFFECTED – 408 Greenwich Street, a/k/a 22-24 Hubert Street, northwest corner of Hubert and Greenwich Street, Block 217, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Howard Weiss, Ron Mandel and Robert Pauls.

ACTION OF THE BOARD – Laid over to June 24, 2008, at 10 A.M., for continued hearing.

127-05-BZII

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

SUBJECT – Application January 30, 2008 – Extension of Term/Extension of Time to obtain C of O (§73-243) to reopen and extend the term for an accessory drive-thru facility at an existing eating and drinking establishment located in a C1-1/R5 zoning district.

PREMISES AFFECTED – 9216 Church Avenue, aka 9220 Church Avenue and 526 East 93rd Avenue, southeast side of Church Avenue between East 92nd Street and the intersection of East 93rd Street and Linden Boulevard, Block 4713, Lot 42, Borough of Brooklyn.

COMMUNITY BOARD #17BK

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 June 3, 2008, at 10 A.M., for decision, hearing closed.

80-07-BZ

APPLICANT – Sheldon Lobel, P.C., for Clover Housing Development Fund Corp., owner.

SUBJECT – Application April 12, 2007 – Variance (§72-21) to permit a nine-story and cellar not-for-profit institution with sleeping accommodations and accessory supportive social service space. The proposal is contrary to wall height, setback, and sky exposure plane (§24-522), rear yard (§24-36), and the permitted reconstruction to allow the construction of a nine-story community facility building (§54-41). R8 zoning district.

PREMISES AFFECTED – 319 West 94th Street, West 94th Street between Riverside Drive and West End Avenue. Block 1253, Lot 10, Borough of Manhattan.

COMMUNITY BOARD # 7M

APPEARANCES –

For Applicant: Richard Lobel, Harret Eden, Wendy Brennan, Jay Mezgebokeu, Jolin McConnelo, Deborah Finn, Cynthia Stuart and Harvey Newman.

For Opposition: Michael Hiller, Robert Weigel, Haz Hinkle, Paula Bassoff, Ronald Edelstein, Rolande Cutner, Mary O’Bradley, C. Hoffman, Chris Angelini, Aaron Biller, Jonanna Guttmann, Benjamin Wolinsky, Y.L. Wiksenhassen, David Chutter, Len Belzer, Jay Shiland, Rhoda Shaitelman, Lauren Rudick.

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 July 15, 2008, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

123-07-A

APPLICANT – Eric Palatnik, P.C., for James Colarusso, owner.

SUBJECT – Application May 15, 2007 – Proposed construction of a single family home not fronting on a legally mapped street contrary to General City Law Section 36. R6 Zoning District.

PREMISES AFFECTED – 723R Driggs Avenue, south corner of Driggs Avenue and South First Street, Block 2407, Lot 141, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW –

Affirmative: Chair Srinivasan, Vice-Chair Collins,

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Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5
Negative:.....0
Adopted by the Board of Standards and Appeals, May 13, 2008.

288-07-BZY & 289-07-BZY

APPLICANT – Anthony J. Tucci, Esq., for LT and Development Corp., owner.

SUBJECT – Application December 21, 2007 – Extension of time (§11-332) to complete construction of a minor development commenced prior to the amendment of the zoning district regulations on December 2005. R3-X.

PREMISES AFFECTED – 421 and 425 Burgher Avenue, bound by Burgher and Mason Avenue, Block 3361, Lots 27 and 25, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Anthony Tucci.

ACTION OF THE BOARD – Appeal granted.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson, Commissioner Montanez and Commissioner Ottley-Brown5

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application under ZR § 11-332, to permit an extension of time for the completion of construction of, and obtainment of a certificate of occupancy for, a minor development currently under construction at the subject site; and

WHEREAS, a public hearing was held on this application on April 15, 2008, after due notice by publication in *The City Record*, and then to decision on May 13, 2008; and

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

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

WHEREAS, the subject premises is located at the southeast corner of Burgher Avenue and Mason Avenue; and

WHEREAS, the premises is located within an R3X zoning district; and

WHEREAS, the development complies with all relevant prior zoning district regulations; and

WHEREAS, however, on December 8, 2005 (hereinafter, the “Enactment Date”), the City Council voted to adopt additional amendments associated with the Lower Density Growth Management Area (LDGMA) text amendments; and

WHEREAS, as of that date, the applicant had obtained permits for the development and had completed 100 percent of its foundation, such that the right to continue construction was vested pursuant to ZR § 11-331, which allows the Department of Buildings (DOB) to determine that construction may continue under such circumstances; and

WHEREAS, the new LDGMA text increased the

required minimum lot size with which the subject development does not comply; and

WHEREAS, however, only two years are allowed for completion of construction and to obtain a certificate of occupancy; and

WHEREAS, accordingly, because the two-year time limit has expired and construction is still ongoing, the applicant seeks relief pursuant to ZR § 11-30 *et seq.*, which sets forth the regulations that apply to a reinstatement of a permit that lapses due to a zoning change; and

WHEREAS, first, the Board notes that ZR § 11-31(c)(1) defines construction such as the proposed development, which involves the construction of a single building on each of two contiguous lots which are non-complying under an amendment to the ZR, as a “minor development”; and

WHEREAS, for “minor development,” an extension of time to complete construction, previously authorized under a grant for an extension made pursuant to ZR § 11-331, may be granted by the Board pursuant to ZR § 11-332; and

WHEREAS, ZR § 11-332 reads, in pertinent part: “In the event that construction permitted in Section 11-331 (Right to construct if foundations completed) has not been completed and a certificate of occupancy including a temporary certificate of occupancy, issued therefore within two years after the effective date of any applicable amendment . . . the building permit shall automatically lapse 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 such building permit for two terms of not more than two years each for a minor development . . . In granting such an extension, the Board shall find that substantial construction has been completed and substantial expenditures made, subsequent to the granting of the permit, for work required by any applicable law for the use or development of the property pursuant to the permit.”; and

WHEREAS, the applicant noted that ZR § 11-332 requires only that there be substantial completion and substantial expenditures subsequent to the issuance of building permits and that the Board has measured this completion by looking at time spent, complexity of work completed, amount of work completed, and expenditures; and

WHEREAS, as a threshold issue, the Board must determine that proper permits were issued, since ZR § 11-31(a) requires: “For the purposes of Section 11-33, relating to Building Permits Issued Before Effective Date of Amendment to this Resolution, the following terms and general provisions shall apply: (a) A lawfully issued building permit shall be a building permit which is based on an approved application showing complete plans and specifications, authorizes the entire construction and not merely a part thereof, and is issued prior to any applicable amendment to this Resolution. In case of dispute as to whether an application includes “complete plans and specifications” as required in this Section, the Commissioner of Buildings shall determine whether such requirement has been met.”; and

WHEREAS, the applicant represents that all of the relevant DOB permits were lawfully issued to the owner of the

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subject premises; and

WHEREAS, the record indicates that the following permit for the proposed development was lawfully issued to the owner by DOB, prior to the Enactment Date: Permit Nos. 500806247-01- NB and 500805649-01-NB, (hereinafter, the “New Building Permits”); and

WHEREAS, the Board has reviewed the record and agrees that the New Building Permits were lawfully issued to the owner of the subject premises prior to the Enactment Date and were timely renewed until the expiration of the two-year term for construction; and

WHEREAS, turning to the substantive findings of ZR § 11-332, the Board notes that there is no fixed standard in an application made under this provision as to what constitutes substantial construction or substantial expenditure in the context of new development; and

WHEREAS, the Board also observes that the work to be measured under ZR § 11-332 must be performed after the issuance of the permit; and

WHEREAS, similarly, the expenditures to be assessed under ZR § 11-332 are those incurred after the permit is issued; and

WHEREAS, accordingly, as is reflected below, the Board only considered post-permit work and expenditures, as submitted by the applicant; and

WHEREAS, in written statements and testimony, the applicant represents that, since the issuance of the New Building Permits, substantial construction has been completed and substantial expenditures were incurred; and

WHEREAS, the applicant states that work on the proposed development subsequent to the issuance of the permits includes all of the foundation and superstructure work, including all of the windows, the roofs and gutters, at least 80 percent of the plumbing, electrical, and HVAC work, and the majority of the interior finishes; and

WHEREAS, in support of this statement the applicant has submitted the following: photographs of the site, which reflect that both buildings are almost entirely complete with regard to exterior and interior construction; a construction log; copies of concrete pour tickets; financial records; and copies of cancelled checks; and

WHEREAS, the Board has reviewed all documentation and agrees that it establishes that the afore-mentioned work was completed subsequent to the issuance of the valid permits; and

WHEREAS, as to costs, the applicant represents that the total expenditures paid for the development are approximately \$289,725, or 94 percent, of the \$308,000 cost to complete; and

WHEREAS, as noted, the applicant has submitted financial records and copies of cancelled checks; and

WHEREAS, the applicant contends that this percentage constitutes a substantial expenditure sufficient to satisfy the finding in ZR § 11-332; and

WHEREAS, based upon its review of all the submitted evidence and its observations made at visits to the site, the Board finds that substantial construction was completed and that substantial expenditures were made since the issuance of the permits; and

WHEREAS, therefore, the Board finds that the applicant has adequately satisfied all the requirements of ZR § 11-332, and that the owner is entitled to the requested reinstatement of the permits, and all other permits necessary to complete the proposed development; and

WHEREAS, accordingly, the Board, through this resolution, grants the owner of the sites a two-year extension of time to complete construction, pursuant to ZR § 11-332.

Therefore it is Resolved that this application made pursuant to ZR § 11-332 to renew Permit Nos. 500806247-01-NB and 500805649-01-NB, as well as all related permits for various work types, either already issued or necessary to complete construction, is granted, and the Board hereby extends the time to complete the proposed development and obtain a certificate of occupancy for one term of two years from the date of this resolution, to expire on May 13, 2010.

Adopted by the Board of Standards and Appeals, May 13, 2008.

28-08-A

APPLICANT – Gary D. Lenhart, for The Breezy Point Cooperative, owner; TJ & Meaghan Healey, lessee.

SUBJECT – Application February 14, 2008 – Reconstruction and enlargement of an existing single family home not fronting on a legally mapped street contrary to General City Law Section 36 and the upgrade of an existing non-conforming private disposal system partially in the bed of the service road contrary to Department of Buildings Policy. R4 Zoning District.

PREMISES AFFECTED – 11 Devon Walk, east side Devon Walk, 44.84’ north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Gary Lenhart.

ACTION OF THE BOARD – Appeal granted.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Commissioner, dated February 8, 2008, acting on Department of Buildings Application No. 410014265, reads in pertinent part:

- “A1- The street giving access to the existing building to be replaced is not duly placed on the map of the City of New York, and
- 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 reconstructed and enlarged does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space

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and is contrary to Section 27-291 of the Administrative Code.

A2 - The proposed upgrade of the private disposal system is partially in the bed of a service road contrary to the Department of Buildings policy;" and

WHEREAS, a public hearing was held on this application on May 13, 2008, after due notice by publication in the *City Record*, and then to closure and decision on this same date; and

WHEREAS, by letter dated March 31, 2008, the Fire Department states that it has reviewed the subject proposal and has no objections; and

WHEREAS, accordingly, the Board has determined that 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 February 8, 2008, acting on Department of Buildings Application No. 410014265, 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 February 14, 2008"-(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, May 13, 2008.

194-07-A

APPLICANT – Rothkrug Rothkrug & Spector, for Elite III Contractor's Inc., owner.

SUBJECT – Application August 8, 2007 – Appeal seeking a determination that the owner of the premises has acquired a common law vested right to continue development commenced under the prior R6 Zoning District. R5 Zoning District.

PREMISES AFFECTED – 1447 Rosedale Avenue, Cross Bronx Expressway Service Road N and Rosedale Avenue, Block 3895, Lot 77, Borough of Bronx.

COMMUNITY BOARD #9BX

APPEARANCES –

For Applicant: Adam W. Rothkrug.

For Opposition: Community Board 9.

ACTION OF THE BOARD – Laid over to June 17, 2008, at 10 A.M., for continued hearing.

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: 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 May 20, 2008, at 10 A.M., for decision, hearing closed.

230-07-BZY

APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for Alco Builders, Inc., owner.

SUBJECT – Application October 9, 2007 – Extension of time (§11-331) to complete construction of a minor development commenced prior to the amendment of the zoning district regulations on September 10, 2007. R4-1 zoning district.

PREMISES AFFECTED – 90-22 176th Street, between Jamaica and 90th Avenues, Block 9811, Lot 61, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Adam W. Rothkrug and Marc Issacs.

ACTION OF THE BOARD – Laid over to June 24, 2008, at 10 A.M., for continued hearing.

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REGULAR MEETING
TUESDAY AFTERNOON, MAY 13, 2008
1:30 P.M.

255-07-A

APPLICANT – Eric Palatnik, P.C., for Yee Kon LLC, owner.

SUBJECT – Application April 8, 2008 – Proposed construction of a daycare center located within the bed of mapped street (Francis Lewis Boulevard contrary to General City Law Section 35. R3-2 Zoning district.

PREMISES AFFECTED – 40-54 Francis Lewis Boulevard (aka 196-23 42nd Ave.) corner of Francis Lewis Boulevard and 42nd Avenue, Block 5361, Lots 10 & 12, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Eric Palatnik.

For Opposition: Henry Euler, Terri Pouymari and Dennis Devoti.

ACTION OF THE BOARD – Laid over to June 17, 2008, at 10 A.M., for continued hearing.

259-07-A

APPLICANT – George N. Mihalios, Esq., for Hikmat Sultan, owner.

SUBJECT – Application November 8, 2007 – Proposed construction of an eight story mixed use building with a community facility and parking on the ground floor within the bed of mapped street (Ash Drive) contrary to General City Law Section 35. R6 Zoning District.

PREMISES AFFECTED – 41-97 Parsons Boulevard, Block 5374, Lot 11, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: George N. Mihalios.

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 June 17, 2008, at 10 A.M., for decision, hearing closed.

Jeffrey Mulligan, Executive Director

Adjourned: 1:30 P.M.

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

ZONING CALENDAR

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

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson, Commissioner Montanez and Commissioner Ottley-Brown5

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated October 24, 2007, acting on Department of Buildings Application No. 302350033, reads in pertinent part:

- “1. Proposed front yard is contrary to Section 23-45 of the Zoning resolution and requires a variance from the Board of Standards and Appeals.
2. Proposed side yard is contrary to Section 23-461 of the Zoning Resolution and requires a variance from the Board of Standards and Appeals;” and

WHEREAS, this is an application under ZR § 72-21, to permit, in an R5 zoning district, the construction of a two-story two-family home on a lot that does not comply with front and side yard requirements, contrary to ZR §§ 23-45 and 23-461(a); and

WHEREAS, a public hearing was held on this application on March 18, 2008, after due notice by publication in *The City Record*, with a continued hearing on April 15, 2008, and then to decision on May 13, 2008; and

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

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

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WHEREAS, the proposed building will have the following non-complying parameters: a single side yard with a depth of 10'-0" on the southern portion of the lot (two front yards with depths of 10'-0" are the minimum required); and

WHEREAS, further, the proposed building will provide one complying side yard along the northern lot line with a width of 21'-9 1/2" and one non-complying side yard along the eastern lot line with a width of 3'-0" (side yards must have a total minimum width of 13'-0" and a minimum width of 5'-0" each); and

WHEREAS, the site is a vacant lot located on the northeast corner of Belmont Avenue and Atkins Avenue; and

WHEREAS, the current proposal reflects a floor area of 1,978.80 sq. ft., 1.09 FAR, a wall height of 24'-3", a total height of 29'-2", and two parking spaces; all of these parameters comply with zoning district regulations; and

WHEREAS, the applicant states that the site cannot be developed without a variance, due to its narrow width, thus, the instant application was filed; and

WHEREAS, the applicant states that the following is a unique physical condition, which creates practical difficulties and unnecessary hardship in developing the site in compliance with underlying district regulations: the corner lot's narrow width of 20 feet; and

WHEREAS, as to the lot's width, the applicant notes that without front and side yard waivers, the site could not feasibly be developed; and

WHEREAS, the applicant has submitted evidence establishing that the subject lot has been in existence since at least 1928 when it was occupied by a three-story home; records reflect that, subsequent to the 1967 demolition of the home, the lot has been vacant; and

WHEREAS, the applicant notes that, given the narrow width and position as a corner lot, the provision of two front yards and two side yards would result in an uninhabitable home with a width of 5'-0"; and

WHEREAS, the applicant notes that the surrounding area is characterized by lots with widths comparable to that of the subject site, but that the majority of them are occupied by homes built prior to December 15, 1961 or are interior lots with different yard requirements; and

WHEREAS, the applicant notes that many of the existing homes in the area have pre-existing non-complying yards, including the three other corner lots on the subject block; and

WHEREAS, the applicant states that other nearby corner lots are occupied by buildings which extend to or near to the lot lines; and

WHEREAS, the Board notes that the site is one of two comparably-sized vacant corner lots within a 400-ft. radius; and

WHEREAS, the Board agrees that the side and front yard waivers are necessary in order to construct a habitable home; and

WHEREAS, thus, the Board finds that the aforementioned unique physical conditions, when considered in the aggregate, create a practical difficulty in developing the site in compliance with the applicable zoning

regulations; and

WHEREAS, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that a complying and viable building could be constructed; 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 notes that the proposed home complies with all R5 zoning district regulations aside from the front and side yard requirements, and that the proposed bulk and height is compatible with the other residential buildings in the immediate vicinity; and

WHEREAS, the applicant originally proposed a home with a width of 20'-0" situated directly at the western lot line, not allowing for any side yard there; and

WHEREAS, the original proposal also provided for one front yard with a depth of 20'-0" along the southern lot line and one side yard of 20'-6" along the northern lot line; and

WHEREAS, the FAR, wall height, total height, lot coverage, and open space ratio were almost identical to what is currently proposed and similarly, all complied with zoning district regulations; and

WHEREAS, at hearing, the Board directed the applicant to re-distribute the bulk of the building on the site to be more compatible with the adjacent development to the east; and

WHEREAS, specifically, the Board suggested that the applicant revise the plans to reflect a side yard on the shared eastern lot line; and

WHEREAS, in response, the applicant reduced the size of the front yard from a depth of 20'-0" to a depth of 10'-0" and added a side yard with a width of 3'-0" along the eastern lot line to be more compatible with the adjacent property; and

WHEREAS, based upon its review of the submitted land use map, the submitted pictures, and site visits, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

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

WHEREAS, as noted, the applicant originally sought to develop the site without a second side yard; and

WHEREAS, at the Board's direction, the applicant modified the plans to reflect a side yard with a width of 3'-0"; and

WHEREAS, the Board notes that the inclusion of a second side yard, although non-complying, reduced the degree of the waiver and that it and the remaining front yard waiver reflect the minimum necessary to afford the applicant relief; and

WHEREAS, thus, the Board has determined that the evidence in the record supports the findings required to be

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made under ZR § 72-21.

Therefore it is Resolved that the Board of Standards and Appeals issues a Type II Declaration under 6 NYCRR Part 617.5 and 617.13, §§ 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 § 72-21, to permit, in an R5 zoning district, the construction of a two-story two-family home on a lot that does not comply with front and side yard requirements, contrary to ZR §§ 23-45 and 23-461(a); *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 April 1, 2008”– three (3) sheets; and *on further condition*:

THAT the parameters of the proposed home are as follows: one side yard of 3’-0” along the eastern lot line, one side yard of 20’-9 ½” along the northern lot line, and one front yard of 10’-0” along the southern lot line; as illustrated on the BSA-approved plans

THAT there shall be no habitable space in the cellar;

THAT the above condition shall appear on the Certificate of Occupancy

THAT the internal floor layouts on each floor of the proposed building shall be as reviewed and approved by DOB;

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

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

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

Adopted by the Board of Standards and Appeals, May 13, 2008.

272-07-BZ

APPLICANT – Ellen Hay, Wachtel & Masyr, LLP, for Amsterdam & 76th Associates, owner; Equinox 76th Street, Inc., lessee.

SUBJECT – Application November 28, 2007 – Special Permit (§73-36) to allow the proposed Physical Culture Establishment on the cellar, ground, and second floors in a mixed-use building under construction. The proposal is contrary to section 32-10. C2-7A and C4-6A districts.

PREMISES AFFECTED – 344 Amsterdam Avenue, a/k/a 205 West 76th Street, west side of Amsterdam Avenue between West 76th and West 77th Streets, Block 1168, Lot 30, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES –

For Applicant: Ellen Hay.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson, Commissioner Montanez and

Commissioner

Ottley-

Brown.....5

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Manhattan Borough Commissioner, dated November 20, 2007, acting on Department of Buildings Application No. 110021146, reads in pertinent part:

“Proposed physical culture establishment ‘PCE’ is not permitted as of right in C2-7A and C4-6A zoning districts. This use is contrary to section 32-10 ZR and requires a special permit from the BSA under Section 73-36;” and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site partially within a C2-7A zoning district and partially within a C4-6A zoning district, the establishment of a physical culture establishment (PCE) on portions of the cellar and first and second floors of a proposed mixed-use commercial/residential building with a 13-story and an 18-story tower, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on April 15, 2008, after due notice by publication in *The City Record*, and then to decision on May 13, 2008; and

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

WHEREAS, Community Board 7, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on the west side of Amsterdam Avenue, between West 76th Street and West 77th Street; and

WHEREAS, a 13- and 18-story mixed-use commercial/residential building is currently under construction at the site; and

WHEREAS, the PCE will occupy a total of approximately 33,209 sq. ft. of floor area; and

WHEREAS, the PCE will be operated as Equinox Fitness; and

WHEREAS, the applicant represents that the services at the PCE will include cardiovascular exercise machines, weight-training equipment, and individual and group instruction; and

WHEREAS, the hours of operation will be: Monday through Thursday, 5:30 a.m. to 11:00 p.m.; Friday, 5:30 a.m. to 10:00 p.m.; and Saturday and Sunday, 7:00 a.m. to 9:00 p.m.; and

WHEREAS, at hearing, the Board asked the applicant to confirm that the floor area proposed to be occupied by the PCE was calculated as commercial floor area for zoning purposes and complies with the amount of such floor area permitted under the relevant zoning district regulations; and

WHEREAS, in response, the applicant submitted zoning calculations, which reflect that the space associated

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with the PCE was calculated as commercial floor area and complies with the zoning district parameters as to floor area and FAR; and

WHEREAS, the building plans reflect that noise abatement shall be provided between the PCE space and the residential portions of the building to maintain a maximum interior noise level of 45 dBA; and

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

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

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

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No. 08BSA038M, dated November 17, 2007; and

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

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-

36 and 73-03, to permit, on a site partially within a C2-7A zoning district and partially within a C4-6A zoning district, the establishment of a physical culture establishment on portions of the cellar and first and second floors of a proposed mixed-use commercial/residential building with a 13-story and an 18-story tower, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received March 18, 2008"-(6) sheets; and *on further condition*:

THAT the term of this grant shall expire on May 13, 2018;

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

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

THAT a maximum interior noise level of 45 dBA shall be maintained between the PCE and adjacent residential use;

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

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

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

THAT prior to the issuance of any permits, DOB shall review the floor area and location of the PCE for compliance with all relevant commercial use regulations;

THAT sound attenuation measures shall be installed and maintained in accordance with the approved plans;

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

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

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

Adopted by the Board of Standards and Appeals, May 13, 2008.

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13-08-BZ

APPLICANT – Bryan Cave LLP/Robert Davis, for Little Red School House, Inc., owner.

SUBJECT – Application January 8, 2008 – Variance (§72-21) to permit an addition at the rear of the existing high school and adjacent buildings to meet the school's programmatic needs. The proposal is contrary to §§ 24-11 (lot coverage) and 24-36 (rear yard). R6/M1-6 districts.

PREMISES AFFECTED – 34-42 Charlton Street (a/k/a 34 Charlton, 40 Charlton, 40-42 Charlton Street) bounded by Varick and Charlton Streets, Avenue of the Americas and Vandam Street, Block 506, Lots 11 & 12, Borough of Manhattan.

COMMUNITY BOARD # 2M

APPEARANCES –

For Applicant: Robert Davis.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION:

WHEREAS, the decision of the Manhattan Borough Commissioner, dated December 12, 2007, acting on Department of Buildings Application No. 110041749, reads, in pertinent part:

“The proposed enlargement does not comply with rear yard regulations outlined in Zoning Resolution 24-36.

The proposed enlargement does not comply with the lot coverage regulations outlined in Zoning Resolution 24-11”; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site partially within an R6 zoning district and partially within an M1-6 zoning district within the Charlton-King-Vandam Historic District, the enlargement of a four-story and cellar educational facility (Use Group 3), which is contrary to ZR §§ 24-11 and 24-36; 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 March 11, 2008, after due notice by publication in the *City Record*, with a continued hearing on May 6, 2008, and then to decision on May 13, 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 2, Manhattan, recommends approval of the application; and

WHEREAS, this application is brought on behalf of The Little Red School House/ Elisabeth Irwin High School (the “School”), a nonprofit high school; and

WHEREAS, the site is located on the northern side of Charlton Street between Varick Street and Avenue of the

Americas; and

WHEREAS, the site has a rectangular shape with approximately 116 feet of frontage on Charlton Street and a depth of approximately 100 feet; and

WHEREAS, the site is partially within an R6 zoning district and partially within an M1-6 zoning district and has a total lot area of 11,600 sq. ft.; and

WHEREAS, the site is also located within the Charlton-King-Vandam Historic District and the proposed development has received a Certificate of Appropriateness from the Landmarks Preservation Commission (“LPC”), dated April 21, 2008; and

WHEREAS, the subject site is occupied by a four-story and cellar school building and a vacant three-story with basement and cellar brownstone; and

WHEREAS, a Department of Buildings pre-consideration pursuant to Zoning Resolution § 77-11, dated November 10, 2007, approves school use on the portion of the site located within the M1-6 zoning district in which such use is not permitted as of right; and

WHEREAS, the School proposes to construct the following: (1) a three-story enlargement to the existing double-height auditorium; (2) a five-story and basement enlargement at the rear of the brownstone; (3) a two-story enlargement to the top of the brownstone; and (4) a one-story enlargement to its existing four-story school building; and

WHEREAS, the brownstone building will be integrated within the School; and

WHEREAS, the current floor area totals 25,193 sq. ft.; the proposed expansion will add 14,015 sq. ft. of floor area for a total floor area of 39,208 sq. ft.; and

WHEREAS, the enlargement will be occupied by (1) an expanded auditorium; (2) 18 additional classrooms and studios; (3) after-school tutorial rooms; (4) media labs; and (5) administrative facilities; and

WHEREAS, the applicant proposes a lot coverage of 82.3 percent (65 percent is the maximum permitted), and to increase the non-compliance of a portion of the rear yard (30'-0" is the minimum required rear yard); and

WHEREAS, the addition to the rear of the brownstone creates a new non-compliance as to the required rear yard at the second floor (the proposed community facility use within the required rear yard is a permitted obstruction only for the first floor); and

WHEREAS, the applicant states that the following are the programmatic needs of the School: (1) relieving overcrowded classroom conditions; (2) accommodating current enrollment while allowing for future growth; (3) offering a varied and expanded curriculum to its students; (4) enhancing the efficiency of its operations; and (5) competing with other area independent schools; and

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

WHEREAS, the applicant represents that the lot coverage and rear yard waivers are necessary to provide the program space necessary to adequately serve its current student

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body and to prepare for a projected 33 percent increase in enrollment; and

WHEREAS, the applicant represents that without the waivers, the School would continue to have only 12 substandard-sized classrooms and outdated laboratories for its 181 students, and to lack space for elective classes, music practice, performances, and faculty and staff offices; 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 represents that the configuration of the existing site and its location within a historic district create an unnecessary hardship in developing the site in compliance with applicable regulations; and

WHEREAS, the applicant further represents that because a lengthy search was unsuccessful in identifying a suitable alternative site, an expansion of the School was required on its existing site; and

WHEREAS, as to the configuration of the existing site, the applicant states that the existing school and brownstone buildings are currently non-compliant with respect to lot coverage and rear yards; and

WHEREAS, the applicant states that lot coverage of the site is limited to a maximum of 65 percent, while the existing site has 72 percent lot coverage; and

WHEREAS, the applicant further states that a 30-ft. rear yard is required in the subject district, while the school has an existing non-complying 15-ft. rear yard; and

WHEREAS, the applicant represents that no viable as of right alternative exists for the enlargement of the buildings, and their enlargement was deemed to be most compatible with the surrounding area, thus necessitating an increase in the degree of non-compliance as to lot coverage and rear yard; and

WHEREAS, the applicant also states that the existing layout necessitates the enlargement into the rear yard, to allow the existing floorplates to easily incorporate the additional floor area; and

WHEREAS, as to the site's location, the applicant states that the location of the buildings within the Charlton-King-Vandam Historic District requires review by the LPC of any proposed expansion to ensure that the historic context and visual character of the historic district are not impaired; and

WHEREAS, the applicant further states that an as of right design would have been visible from the street, thereby impacting the district's visual character, and would have been unlikely to have been approved by the LPC; 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, 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 represents that the land uses surrounding the site are characterized by a mix of residential commercial, light manufacturing and institutional uses; and

WHEREAS, the applicant states that the enlargement has been designed to make it virtually invisible from the street and to maintain a height that is consistent with that found within the surrounding neighborhood; and

WHEREAS, the applicant further states that the incorporation of a screen at the rear of the School's rooftop addition has been designed to function as a visual and acoustical buffer benefiting neighboring residential properties; and

WHEREAS, the applicant represents that the site's maximum front wall height would remain at 57 feet, which is below the maximum permitted wall height of the district; and

WHEREAS, the applicant further represents that the required rear yards are provided over much of the site above the first floor; and

WHEREAS, the applicant also states that its encroachment into a rear corner of the site will permit the creation of a courtyard, thereby still maintaining open space on the 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 lot coverage and rear yard are the minimum necessary to accommodate the School's current and projected programmatic needs; and

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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 I action pursuant to Sections 617.12(ai) and 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. 08BSA045M, dated February 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 Public Health; and

WHEREAS, the Office of Environmental Planning and Assessment of the New York City Department of Environmental Protection (“DEP”) has reviewed the following submissions from the applicant: February 2008 Revised EAS, the February 2007 ASTM E-1527-05 compliant Phase I Environmental Site Assessment Report, the January 2008 Phase II Subsurface Investigation Report, March 2008 Phase II Sampling Protocol for Subsurface Investigation (Work Plan), April 18, 2008 Air Quality and Noise Analysis Memorandum, May 2, 2008 Remedial Action Plan (RAP), and May 2, 2008 Construction Health and Safety Plan (CHASP); and

WHEREAS, these submissions specifically examined the proposed action for potential hazardous materials, air quality and noise impacts on the proposed occupants of the School; and

WHEREAS, a DEP Restrictive Declaration (the “DEP RD”) was executed on May 7, 2008 and submitted for recording on May 8, 2008 and requires that hazardous materials concerns be addressed; and

WHEREAS, DEP in its May 9, 2008 Notice to Proceed letter finds the May 2008 RAP and CHASP to be acceptable. Based on review of these two documents, DEP determined that the applicant may proceed with the proposed project, provided that a Remedial Closure Report, certified by a Professional Engineer, is submitted by the applicant to DEP for review and approval once all DEP remedial requirements have been properly implemented; and

WHEREAS, DEP has determined that there would not be any impacts from the subject proposal, based on the implementation of the measures cited in the DEP RD; 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 Type I Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a site partially within an R6 zoning district and partially within an M1-6 zoning district within the Charlton-King-Vandam Historic District, the enlargement of a four-story and cellar educational facility (Use Group 3), which is contrary to ZR §§ 24-11 and 24-36, *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received May 6, 2008,”—(9) sheets and “Received April 29, 2008,”—(7) sheets; and *on further condition*:

THAT the lot coverage shall not exceed 82.3 percent and that an open space at the rear and an interior courtyard is provided, as illustrated on the BSA-approved plans;

THAT a rear yard with a depth of 15’-0” shall be provided for a portion of the site, as illustrated on the BSA-approved plans;

THAT prior to the issuance of any DOB permit for any work that would result in soil disturbance (such as site preparation, grading or excavation), the applicant or any successor shall obtain a Notice to Proceed from DEP;

THAT no temporary or permanent Certificate of Occupancy shall be issued by DOB or accepted by the applicant or its successor until DEP shall have issued a Final Notice of Satisfaction or a Notice of No Objection indicating that the RAP and CHASP have been completed to the satisfaction of DEP and the P.E.-certified Remedial Closure Report has been approved by DEP;

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, May 13, 2008.

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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

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to June 24, 2008, at 1:30 P.M., for continued hearing.

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 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

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 June 3, 2008, at 1:30 P.M., for decision, hearing closed.

227-07-BZ

APPLICANT – Snyder & Snyder, LLP/Omnipoint Communications Inc., for Mikhail Arabov, owner.

SUBJECT – Application October 1, 2007 – Special Permit (§73-30) to permit approval for a proposed 52 foot non-accessory radio tower and related equipment at grade.

PREMISES AFFECTED – 1595 Canarsie Road, Block 8277, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES –

For Applicant: Robert Gaudio.

For Opposition: Elias J. Weir.

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 June 3, 2008, at 1:30 P.M., for decision, hearing closed.

242-07-BZ

APPLICANT – Sheldon Lobel, P.C., for 1760 Gleason Properties, LLC, owner.

SUBJECT – Application October 26, 2007 – Variance (§72-21) to construct a two story, two family detached residence with an accessory one car garage and one accessory open parking space on a vacant corner lot which encroaches into a required front yard (§23-45) in an R5 zoning district.

PREMISES AFFECTED – 1760 Gleason Avenue, Commonwealth Avenue and Saint Lawrence Avenue, Block 3752, Lot 41, Borough of Bronx.

COMMUNITY BOARD # 9BX

APPEARANCES –

For Applicant: Elizabeth Safian.

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 June 17, 2008, at 1:30 P.M., for decision, hearing closed.

268-07-BZ

APPLICANT – Eric Palatnik, P.C., for Congregation Adath Jacob, owner.

SUBJECT – Application March 21, 2008 – Variance (§72-21) to permit the development of a new Use Group 4 synagogue with two accessory Use Group 4 apartments (for Rabbi and visiting dignitaries). The proposal is contrary to §24-11 (Total Floor Area and Lot Coverage), §24-35 (Side Yard), §24-36 (Rear Yard), §24-551 (Setback), and §25-31 (Community facility parking). R5 district.

PREMISES AFFECTED – 1644 48th Street, south side of 48th Street, between 16th and 17th Avenues, Block 5448, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Eric Palatnik, Rabbi Perlow, Councilman Felda, Abraham Biderman, Stanley Rieder, Israel Lefkowitz, Jerry Bleier and other.

For Opposition: Randy Mustro.

ACTION OF THE BOARD – Laid over to July 22, 2008, at 1:30 P.M., for continued hearing.

271-07-BZ

APPLICANT – The Rizzo Group, for Mitchell Marks, owner; Club Ventures II, LLC., lessee.

SUBJECT – Application November 28, 2007 – Special Permit (§73-36) to permit the legalization of a Physical Culture Establishment (PCE) in the C2-7A portion of the zoning district. A variance is also requested to allow the PCE use in the 22'3" portion of the site in the R8A zoning district. The proposal is contrary to §§ 22-10 and 32-18.

PREMISES AFFECTED – 213-219 West 23rd Street, north

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side of 23rd Street between Seventh and Eighth Avenues, Block 773, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES –

For Applicant: Kenneth Barbina

ACTION OF THE BOARD – Laid over to June 24, 2008, at 1:30 P.M., for continued hearing.

274-07-BZ

APPLICANT – Sheldon Lobel, P.C., for Abdo Balikcioglu, owner.

SUBJECT – Application November 29, 2007 – Special Permit (§73-522) for the enlargement of an existing single family residence. This application seeks to vary floor area, lot coverage and open space (§23-141) and side yards (§23-461) in an R3X zoning district.

PREMISES AFFECTED – 1157 83rd Street northern side of 83rd Street between 11th Avenue and 12th Avenue, Block 6301, Lot 54, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES –

For Applicant: Richard Lobel.

ACTION OF THE BOARD – Laid over to June 17, 2008, at 1:30 P.M., for continued hearing.

9-08-BZ

APPLICANT – Rampulla Associates Architects, for Joseph Vitacco, owner.

SUBJECT – Application January 3, 2008 – Variance (§72-21) to construct a single family detached residence on a vacant, corner lot that has less than the minimum lot area (§107-42); to vary side yards (§23-462) and front yards (§23-45) in an R3-X SRD (Special Richmond District) SGMD (Special Growth Management District) zoning district.

PREMISES AFFECTED – 555 Foster Road, east side from the intersection of Foster Road and Stafford Avenue, Block 6892, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to June 17, 2008, at 1:30 P.M., for continued hearing.

14-08-BZ

APPLICANT – Sheldon Lobel, P.C., for Elie Zeitoune, owner.

SUBJECT – Application January 8, 2008 – Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary side yards (§23-46) and rear yard (§23-47) in an R5 zoning district.

PREMISES AFFECTED – 1958 East 13th Street, west side of East 13th Street, between Avenue S and Avenue T, Block 7291, Lot 108, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

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 June 3, 2008, at 1:30 P.M., for decision, hearing closed.

24-08-BZ

APPLICANT – Omnipoint Communications, Inc., for Village Greens Shopping Center, LLC., owner.

SUBJECT – Application February 5, 2008 – Special Permit (§73-30) seek approval for a proposed 90-foot non-accessory radio tower and related equipment at grade. C1-3 overlay within R3-2 and SRD district.

PREMISES AFFECTED – 230-262 Arden Avenue, south side Arden Avenue and Tarbes Avenue, Block 6025, Lot 35, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Robert Gaudio.

For Opposition: Sherwin Berman and David Codner.

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 June 17, 2008, at 1:30 P.M., for decision, hearing closed.

31-08-BZ

APPLICANT – Slater & Beckerman, LLP, for Mark Lauria, Thomas DeVito, Henry Setaro, owners; Northop Grumman Info. Tech. Inc., lessees.

SUBJECT – Application February 19, 2008 – Special Permit (§73-30) to allow a 110- foot non-accessory radio tower as part of the New York City Department of Information Technology and Telecommunications/Wireless Network. R3-2 zoning district.

PREMISES AFFECTED – 2043 Richmond Avenue, between Ashworth Avenue and Rockland Avenue, Block 2015, Lot 42, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Robert Gaudio.

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 June 3, 2008, at 1:30 P.M., for decision, hearing closed.

456-85-BZ

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APPLICANT – Slater & Beckerman, LLP, for Mark Lauria, Thomas DeVito, Henry Setaro, owners; Northop Grumman Info. Tech. Inc., lessees.

SUBJECT – Application February 19, 2008 – Amendment to reopen for minor change to the site to include a non-accessory radio tower pursuant to ZR §73-30 and file under separate BSA application.

PREMISES AFFECTED – 2043 Richmond Avenue, between Ashworth Avenue and Rockland Avenue, Block 2015, Lot 42, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Robert Gaudio.

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 June 3, 2008, at 1:30 P.M., for decision, hearing closed.

36-08-BZ

APPLICANT – Lewis Garfinkel, R.A., for Antoninette Mizrahi, owner.

SUBJECT – Application February 21, 2008 – Special Permit (§73-622) for the enlargement of an existing single family home. 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 – 1177 East 23rd Street, east side of East 23rd Street, 130' north of Avenue L, Block 7623, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lewis Garfinkel.

For Opposition: Samuel M. Rotenberg.

ACTION OF THE BOARD – Laid over to June 24, 2008, at 1:30 P.M., for continued hearing.

37-08-BZ

APPLICANT – Slater & Beckerman, LLP, for Catholic High School Association of N.Y., owner; Northop Grumman Info. Tech. Inc., lessee.

SUBJECT – Application February 21, 2008 – Special Permit (§73-30) to allow an extension to an existing non-accessory radio tower as part of the New York City Department of Information Technology and Telecommunications/Wireless Network. R3X zoning district.

PREMISES AFFECTED – 100 Merrill Avenue, between Arlene Street and Richmond Avenue, Block 2236, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Robert Gaudio.

For Opposition: John Grassadonio and Walter Steinhandler.

ACTION OF THE BOARD – Laid over to June 24,

2008, at 1:30 P.M., for continued hearing.

38-08-BZ

APPLICANT – Jay A. Segal, Greenberg Traurig, LLP, for 40 Broad LLC, owner; 40 Broad Commercial LLC, lessee.

SUBJECT – Application February 22, 2008 – Special Permit (§73-36) to allow the operation of a Physical Culture Establishment on the second and third floors of an existing 25-story commercial building. The proposal is contrary to §32-10. C5-5 within the Historic & Commercial Core Area of the Special Lower Manhattan District.

PREMISES AFFECTED – 40 Broad Street (a/k/a 34-40 New Street) lot fronting Broad Street and New Street, south of Exchange Place, north of Beaver Street, Block 24, Lot 32, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Sidney N. Hockens.

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 June 17, 2008, at 1:30 P.M., for decision, hearing closed.

44-08-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Peggy Hoffman and Abraham Joseph Hoffman, owners.

SUBJECT – Application February 28, 2008 – Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary open space and floor area (§23-141(a)), and rear yard (§23-47) in an R-2 zoning district.

PREMISES AFFECTED – 1015 East 23rd Street, East 23rd Street between Avenues J and K, Block 7605, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lyra J. Altman.

ACTION OF THE BOARD – Laid over to June 3, 2008, at 1:30 P.M., for continued hearing.

Jeff Mulligan, Executive Director

Adjourned: P.M.