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# BULLETIN

OF THE  
NEW YORK CITY BOARD OF STANDARDS  
AND APPEALS

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Volume 93, No. 21

May 29, 2008

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## DIRECTORY

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*Commissioners*

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**Roy Starrin, *Deputy Director***

**Margaret P. Stix, *Counsel***

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<b>OFFICE -</b>	<b>40 Rector Street, 9th Floor, New York, N.Y. 10006</b>
<b>HEARINGS HELD -</b>	<b>40 Rector Street, 6th Floor, New York, N.Y. 10006</b>
<b>BSA WEBPAGE @</b>	<b><a href="http://www.nyc.gov/html/bsa/home.html">http://www.nyc.gov/html/bsa/home.html</a></b>

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184-94-BZ 336 East 61<sup>st</sup> Street, Manhattan  
85-02-BZ 850 East 181<sup>st</sup> Street, Bronx  
774-55-BZ 2155-2159 Newbold Avenue, Bronx  
206-61-BZ 30 East 39<sup>th</sup> Street, Manhattan  
18-78-BZII 111-113 East 38<sup>th</sup> Street, Manhattan  
788-89-BZ 187-17 Jamaica Avenue, Queens  
228-07-A &  
234-07-A 29 Colon Avenue, Staten Island  
246-07-A 97 Victory Boulevard, Staten Island  
168-07-A 1479 Rosedale Avenue, Bronx  
192-07-A 3546 Decatur Avenue, Bronx  
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**Affecting Calendar Numbers:**

281-07-BZ 1960 East 4<sup>th</sup> Street, Brooklyn  
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238-07-BZ 5-11 47<sup>th</sup> Avenue, Queens  
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283-07-BZ 774 Schenk Avenue aka 764 Schenck Avenue, Brooklyn  
23-08-BZ 182-69 80<sup>th</sup> Road, Queens  
27-08-BZ 4845 Hylan Boulevard, Staten Island  
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# DOCKET

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New Case Filed Up to May 20, 2008  
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**143-08-A**

43 Beach 221 Street, East side of Beach 221 Street 100' north of Breezy Point Boulevard., Block 16350, Lot(s) 400, Borough of **Queens, Community Board: 14**. Reconstruction and enlargement of an existing single family home not fronting a legally mapped street contrary to General City Law Section 36 and the proposed upgrade of the private disposal system contrary to DOB policy. R4 Zoning district .  
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**144-08-BZ**

225 5th Avenue, Easterly side of 5th Avenue between 26th Street and 27th Street., Block 856, Lot(s) 7502, Borough of **Manhattan, Community Board: 5**. Special Permit (73-36) to permit the proposed Physical Culture Establishment on portions of the first and cellar floors. The proposal is contrary to ZR Section 32-10. C5-2 district.  
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**145-08-BZ**

1121 East 28th Street, East side of East 28th Street between Avenue K and Avenue L., Block 7628, Lot(s) 37, Borough of **Brooklyn, Community Board: 14**. Special Permit (73-622) for the enlargement of a single family residence.  
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**146-08-A**

1618-1620 Broadway, Hopkinson Avenue, Block 144, Lot(s) 4, Borough of **Brooklyn, Community Board: 16**. Application seeking to modify Certificate of Occupancy No. 84836 to require additional fire protection in the form of an automatic wet sprinkler system for the entire building under the authority under Section 27-4265 . C8-2 Zoning District .  
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**DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.**

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# CALENDAR

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**JUNE 17, 2008, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, June 17, 2008, 10:00 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## **SPECIAL ORDER CALENDAR**

### **1149-62-BZ**

APPLICANT – Bryan Cave LLP, for College of Saint Francis Xavier/Clothing Workers Center, Incorporated.  
SUBJECT – Application May 8 2008 – Amendment to a previously approved UG3 parochial school (Xavier High School) for the increase of the zoning lot in a C6-2 zoning district.

PREMISES AFFECTED – 24-40 West 16<sup>th</sup> Street & 31-35 West 15<sup>th</sup> Street, irregularly shaped lot with frontage on W. 15<sup>th</sup> & 16<sup>th</sup>, between 5<sup>th</sup> and Avenue of the Americas. Block 817, Lot 72, 21. Borough of Manhattan.

**COMMUNITY BOARD #5M**

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### **84-91-BZ**

APPLICANT – Eric Palatnik, P.C., for Ronald Klar, owner.  
SUBJECT – Application March 13, 2008 – Extension of Term/waiver of a previously granted variance (72-21) for the continued UG6 use (Professional Offices) in a residential building in an R4A zoning district and an Amendment to allow storage use in the attic.

PREMISES AFFECTED – 2344 Eastchester Road, east side, south of Waring Avenue, Block 4393, Lot 17, Borough of Bronx.

**COMMUNITY BOARD #11BX**

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### **200-00-BZIII**

APPLICANT – Eric Palatnik, P.C., for Plans Development Corp., owner.

SUBJECT – Application January 22, 2007 – Extension of Term/Waiver of a previously approved variance, which expired on July 17, 2006 for an existing physical culture establishment at the second floor of the premises located in a R6B (C1-4) zoning district

PREMISES AFFECTED – 107-24 37<sup>th</sup> Avenue aka 37-16 108<sup>th</sup> Street, southwest corner of 108<sup>th</sup> Street and 37<sup>th</sup> Avenue, Block 1773, Lot 10, Borough of Queens.

**COMMUNITY BOARD #3Q**

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### **33-06-BZII**

APPLICANT – Rampulla Associates Architects, owner; Carroll's Garden Florist Corp., lessee.

SUBJECT – Application March 5, 2008 – Amendment to a previously-approved variance to allow the relocation of the approved commercial building to a different portion of the zoning lot. R1-2 district.

PREMISES AFFECTED – 1457 Richmond Road, north side Richmond Road from the intersection of Delaware Street, Block 869, Lot 359, Borough of Staten Island.

**COMMUNITY BOARD #2SI**

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## **APPEALS CALENDAR**

### **141-07-A**

APPLICANT – Hakime Altine, for Charles Macena, owner.  
SUBJECT – Application May 29, 2007 – Proposed construction of a two story one family residential building in the bed of mapped street (Hook Creek Boulevard) contrary to General City Law Section 35. R2 Zoning.

PREMISES AFFECTED – 129-48 Hookcreek Boulevard, situated on the West side of Hookcreek Boulevard, Block 12891, Lot 10, Borough of Queens.

**COMMUNITY BOARD #13Q**

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### **68-08-A**

APPLICANT – Sheldon Lobel, P.C., for N.J.A. Ventures, LLC, owner.

SUBJECT – Application April 1, 2008 – An appeal seeking a determination that the property owner has acquired a common law vested right to continue construction commenced under the prior R6A zoning. R5D Zoning District.

PREMISES AFFECTED – 135-23 82<sup>nd</sup> Avenue, between 135<sup>th</sup> Street and 138<sup>th</sup> Street (aka Hoffman Avenue), Block 9669, Lot 30, Borough of Queens.

**COMMUNITY BOARD #8Q**

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# CALENDAR

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**JUNE 17, 2008, 1:30 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday afternoon, June 17, 2008, at 1:30 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**ZONING CALENDAR**

**245-07-BZ**

APPLICANT – Law Offices of Howard Goldman, LLC, for Hawthorne Village, LLC, owner.

SUBJECT – Application October 30, 2007 – Variance (§ 72-21) to allow the residential conversion of an existing five-story industrial building. Proposed project will contain 147 dwelling units, ground floor retail space and 59 accessory parking spaces. Proposal is contrary to use regulations (§ 42-00). M1-2 district.

PREMISES AFFECTED – 220 Water Street, between Water and Bridge Streets, Block 41, Lot 17, Borough of Brooklyn.

**COMMUNITY BOARD #2BK**

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**39-06-BZ**

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

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

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

**COMMUNITY BOARD #1BK**

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**65-08-BZ**

APPLICANT – Slater & Beckerman, LLP, for MBU Bridge Home, Inc., n/k/a Community Bridge Home, Inc., owner; Northrop Grumman Info. Tech. Inc., lessee.

SUBJECT – Application March 28, 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 (“DoITT”) New York City Wireless Network (“NYCWiN”). R3A zoning district.

PREMISES AFFECTED – 120-50 Springfield Boulevard, northwest corner of 121<sup>st</sup> Avenue and Springfield Boulevard, Block 12694, Lot 56, Borough of Queens.

**COMMUNITY BOARD #12Q**

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**69-08-BZ**

APPLICANT – Slater & Beckerman, LLP, for United States Columbarium Company, Inc., owner; Northrop Grumman Information Technology, Inc., lessee.

SUBJECT – Application March 31, 2008 – Special Permit (§73-30) to permit in an R4 district, a 90 foot non-accessory radio tower as part of the New York City Department of Information Technology and Telecommunications (“DoITT”) New York City Wireless Network (“NYCWiN”). R4 zoning district.

PREMISES AFFECTED – 61-40 Mt. Olivet Crescent, northwest corner of 62<sup>nd</sup> Avenue and Mt. Olivet Crescent, Block 2767, Lot 1, Borough of Queens.

**COMMUNITY BOARD #5Q**

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**85-08-BZ**

APPLICANT – Slater & Beckerman, LLP, for Braddock Avenue Owners, Inc., owner; Northrop Grumman Information Technology, Inc., lessee.

SUBJECT – Application April 9, 2008 – Special Permit (§73-30) to permit, a non-accessory radio facility as part of the New York City Department of Information Technology and Telecommunications (“DoITT”) New York City Wireless Network (“NYCWiN”). R4 zoning district.

PREMISES AFFECTED – 222-89 Braddock Avenue, northwest corner of Braddock Avenue and Ransom Street, Block 7968, Lot 31, Borough of Queens.

**COMMUNITY BOARD #13Q**

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*Jeff Mulligan, Executive Director*

**JUNE 24, 2008, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, June 24, 2008, 10:00 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**SPECIAL ORDER CALENDAR**

**709-55-BZIII**

APPLICANT – Walter T. Gorman, P.E., for L M T Realty Company, owner; Exxon Mobil Corporation, lessee.

SUBJECT – Application May 27, 2008 – Extension of Time to obtain a Certificate of Occupancy, in a C1-2/R4 zoning district, for a gasoline service station (Mobil) which expired on January 9, 2003; waiver of the rules and an Amendment to legalize existing condition contrary to previous approved plans.

PREMISES AFFECTED – 2000 Rockaway Parkway, northwest corner of Seaview Avenue, Block 8299, Lot 68, Borough of Brooklyn.

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# CALENDAR

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## COMMUNITY BOARD #18BK

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### 615-57-BZII

APPLICANT – Sheldon Lobel, P.C., for Cumberland Farms, Incorporated, owner.

SUBJECT – Application June 24, 2008 – Extension of Time to obtain a Certificate of Occupancy and waiver of the rules for a Gasoline Service Station (Exxon) which expired on October 9, 2007 in an C1-3/R5B zoning district.

PREMISES AFFECTED – 154-11 Horace Harding Expressway, north side of Horace Harding Expressway between Kissena Boulevard and 154<sup>th</sup> Place, Block 6731, Lot 1, Borough of Queens.

### COMMUNITY BOARD #7Q

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### 286-86-BZ

APPLICANT – Sheldon Lobel, P.C., for 808 Union Street, LLC, owner.

SUBJECT – Application April 14, 2008 – Extension of Term filed pursuant to §§72-01 & 72-22 to allow the continued use of a Physical Cultural Establishment previously granted pursuant to §72-21 of the zoning resolution. The site is located in a R6A/C1-3 zoning district.

PREMISES AFFECTED – 100 7<sup>th</sup> Avenue, southwest corner of the intersection formed by Seventh Avenue and Union Street, Block 957, Lot 33, Borough of Brooklyn.

### COMMUNITY BOARD #6BK

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### 826-86-BZII

APPLICANT – Eric Palatnik, P.C., for North Shore Towers Apartment Incorporated, owner; Continental Communications, lessee.

SUBJECT – Application May 9, 2008 – Extension of Term for a Special Permit (§73-11), in an R3-2 zoning district, to permit the non-accessory radio towers and transmitting equipment on the roof of an existing thirty-three story multiple dwelling which expired on March 28, 2008; Extension of Time to obtain a Certificate of Occupancy which expired on March 6, 2003; waiver of the rules and an Amendment to legalize additional transmitting equipment on the roof and to eliminate the condition that a new Certificate of Occupancy be obtained.

PREMISES AFFECTED – 269-10 Grand Central Parkway, northeast corner of 267<sup>th</sup> Street, Block 8489, Lot 1, Borough of Queens.

### COMMUNITY BOARD #13Q

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### 827-86-BZII

APPLICANT – Eric Palatnik, P.C., for North Shore Towers Apartment Incorporated, owner; Continental Communications, lessee.

SUBJECT – Application May 9, 2008 – Extension of Term for a Special Permit (§73-11), in an R3-2 zoning district, to permit the non-accessory radio towers and transmitting equipment on the roof of an existing thirty-three story multiple dwelling which expired on March 28, 2008; Extension of Time to obtain a Certificate of Occupancy which expired on March 6, 2003; waiver of the rules and an Amendment to eliminate the condition that a new Certificate of Occupancy be obtained.

PREMISES AFFECTED – 270-10 Grand Central Parkway, northeast corner of 267<sup>th</sup> Street, Block 8489, Lot 1, Borough of Queens.

### COMMUNITY BOARD #13Q

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### 828-86-BZII

APPLICANT – Eric Palatnik, P.C., for North Shore Towers Apartment Incorporated, owner; Continental Communications, lessee.

SUBJECT – Application May 9, 2008 – Extension of Term for a Special Permit (§73-11), in an R3-2 zoning district, to permit the non-accessory radio towers and transmitting equipment on the roof of an existing thirty-three story multiple dwelling which expired on March 28, 2008; Extension of Time to obtain a Certificate of Occupancy which expired on March 6, 2003; waiver of the rules and an Amendment to eliminate the condition that a new Certificate of Occupancy be obtained.

PREMISES AFFECTED – 271-10 Grand Central Parkway, northeast corner of 267<sup>th</sup> Street, Block 8489, Lot 1, Borough of Queens.

### COMMUNITY BOARD #13Q

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## APPEALS CALENDAR

### 143-08-A

APPLICANT – Zygmunt Staszewski, for Breezy Point Cooperative, Inc., owner; Nora Cahill, lessee.

SUBJECT – Application May 13, 2008 – Reconstruction and enlargement of an existing single family home not fronting a legally mapped street contrary to General City Law Section 36 and the proposed upgrade of the private disposal system contrary to DOB policy. R4 Zoning district.

PREMISES AFFECTED – 43 Beach 221<sup>st</sup> Street, east side of Beach 221<sup>st</sup> Street, 100' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

### COMMUNITY BOARD #14Q

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# CALENDAR

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**JUNE 24, 2008, 1:30 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday afternoon, June 24, 2008, at 1:30 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## ZONING CALENDAR

### **281-06-BZ & 282-06-A**

APPLICANT – Eric Palatnik, P.C., for Yuri Frayman, owner.

SUBJECT – Application October 20, 2006 – Special Permit (§73-622) for the In-Part Legalization of the existing floor area which exceeds the district requirement (§23-141) in an R3-1 zoning district. This application also proposes to reduce the overall height which exceeds the district requirement.

Appeal of DOB determination that the proposed street wall eaves, slope roof projection and trussed rafters were not permitted obstruction as stated in §27-335 (A)(2) of the Building Code.

PREMISES AFFECTED – 232 Beaumont Street, west side of Beaumont Street, south of Oriental Boulevard, Block 8739, Lot 50, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

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### **80-08-BZ**

APPLICANT – Dennis D. Dell'Angelo, for Joseph Leshkowitz, owner.

SUBJECT – Application April 4, 2008 – Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary the open space ratio and floor area (§23-141); side yards (§23-46) and rear yard requirement (§23-47) in an R-2 zoning district.

PREMISES AFFECTED – 1073 East 24<sup>th</sup> Street, east side of East 24<sup>th</sup> Street, 175' north of Avenue K, Block 7606, Lot 15, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

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### **86-08-BZ**

APPLICANT – Slater & Beckerman, LLP, for Tuchman Associates II, LLC, owner; Northrop Grumman Information Technology, Inc., lessee.

SUBJECT – Application April 9, 2008 – Special Permit (§73-30) to permit, a non-accessory radio facility as part of the New York City Department of Information Technology and Telecommunications (“DoITT”) New York City Wireless Network (“NYCWiN”). R6 zoning district.

PREMISES AFFECTED – 111-26 Corona Avenue, apx. 200' east of Saultell Avenue, Block 1972, Lot 38, Borough of Queens.

**COMMUNITY BOARD #4Q**

### **90-08-BZ**

APPLICANT – Slater & Beckerman, LLP, for BNS Properties LLC, owner; Northrop Grumman Information Technology, Inc., lessee.

SUBJECT – Application April 14, 2008 – Special Permit (§73-30) to permit a non-accessory radio facility as part of the New York City Department of Information Technology and Telecommunications (“DoITT”) New York City Wireless Network (“NYCWiN”). R3X zoning district.

PREMISES AFFECTED – 104-36 196<sup>th</sup> Street, northwest corner of Hollis Avenue and 196<sup>th</sup> Street, Block 10891, Lot 21, Borough of Queens.

**COMMUNITY BOARD #12Q**

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### **91-08-BZ**

APPLICANT – Slater & Becker, LLP, for NAND Limited Partnership, owner; Northrop Grumman Information Technology, Inc., lessee.

SUBJECT – Application April 14, 2008 – Special Permit (§73-30) to permit, a non-accessory radio facility as part of the New York City Department of Information Technology and Telecommunications (“DoITT”) New York City Wireless Network (“NYCWiN”). R6A zoning district.

PREMISES AFFECTED – 37-68 97<sup>th</sup> Street, northwest corner of 97<sup>th</sup> Street and 38<sup>th</sup> Avenue, Block 1759, Lot 30 Borough of Queens.

**COMMUNITY BOARD #3Q**

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### **102-08-BZ**

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

SUBJECT – Application April 21, 2008 – Variance (§72-21) for the construction of a one family residence on a vacant undersized lot that does not provide sufficient side yards (§23-461) and does not provide one of the required parking spaces (§25-22) within a R 3-1 zoning Low Density Growth Management district.

PREMISES AFFECTED – 103 Beachview Avenue, 40' west of intersection of Beachview Avenue and Idlesee Place, Block 3724, Lot 30, Borough of Staten Island.

**COMMUNITY BOARD #2SI**

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*Jeff Mulligan, Executive Director*

# MINUTES

**REGULAR MEETING  
TUESDAY MORNING, MAY 20, 2008  
10:00 A.M.**

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

**SPECIAL ORDER CALENDAR**

**184-94-BZ**

APPLICANT – Renanim Manhattan, Incorporated, for Vertical Properties, LLC, owner.

SUBJECT – Application March 20, 2007 – Extension of Term/Waiver to permit a (UG3) nursery school on the ground floor of a five story and cellar mixed use building in a C8-4 zoning district which expired on June 13, 2005.

PREMISES AFFECTED – 336 East 61<sup>st</sup> Street, south side of East 61<sup>st</sup> Street, between First and Second Avenues, Block 1435, Lot 33, Borough of Manhattan.

**COMMUNITY BOARD #8M**

APPEARANCES –

For Applicant: Fredrick A. Becker.

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

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez.....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening and an extension of term for a previously granted special permit for a nursery school, which expired on June 13, 2005; and

WHEREAS, a public hearing was held on this application on May 6, 2008 after due notice by publication in *The City Record*, and then to decision on May 20, 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, 8, Manhattan recommended approval of this application; and

WHEREAS, the subject premises is located on the south side of East 61<sup>st</sup> Street, between First Avenue and Second Avenue; and

WHEREAS, the site is occupied by a five-story and cellar mixed-use building and is located in a C8-4 zoning district; and

WHEREAS, the nursery school currently occupies a total of 1,824 sq. ft. on the ground floor of the subject building; and

WHEREAS, on June 13, 1995, the Board granted a special permit pursuant to ZR § 73-19, to permit the operation

of the nursery school for a term of ten years, to expire on June 13, 2005; and

WHEREAS, the instant application seeks to extend the term of the special permit for an additional ten years from June 13, 2005; and

WHEREAS, additionally, the applicant seeks an extension of time to secure a certificate of occupancy; and

WHEREAS, the applicant represents that the application was not filed timely due to administrative delay; and

WHEREAS, the secondary means of egress from the site is from an emergency door; and

WHEREAS, at hearing the Board directed the applicant to modify the plans to reflect that the emergency egress door must remain unlocked during operation of the nursery school; and

WHEREAS, as egress from the emergency door is through adjacent Lot 16, which is under separate ownership from the subject site, the Board further asked the applicant to provide an easement agreement indicating that ingress to Lot 16 would be maintained during the term of the extension of the special permit; and

WHEREAS, in response the applicant submitted: (i) revised plans which include a note requiring that the emergency egress door remain unlocked during operation of the nursery school; and (ii) copies of a recorded easement agreement in effect until April 3, 2010, and an amendment extending the easement until June 13, 2017 which has been recorded against adjacent Lot 16 permitting ingress from the subject site; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of term and time to 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 *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated June 13, 2005, so that as amended this portion of the resolution shall read: “to permit an extension of the special permit for a term of ten years from the expiration of the last grant; *on condition* that the use and operation of the nursery school shall substantially conform to BSA-approved plans; *on condition* that that all work shall substantially conform to drawings filed with this application and marked ‘Received March 20, 2007’-(3) sheets and ‘May 14, 2008’-(1) sheet; and *on further condition*:

THAT there shall be no change in the hours of the nursery school without prior approval from the Board;

THAT this grant shall be limited to a term of ten years from June 13, 2005, expiring June 13, 2015;

THAT an easement be recorded against the property located at Block 1435, Lot 16 permitting ingress from the nursery school during the extended term of the special permit;

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

THAT a certificate of occupancy shall be obtained within one year of the date of this grant;

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

# MINUTES

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. 103459687)

Adopted by the Board of Standards and Appeals, May 20, 2008.

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## 85-02-BZ, Vol. II

APPLICANT – Mothiur Rahman, for Alan G. Markopoulos, owner; G H Parking, lessee.

SUBJECT – Application February 20, 2008 – Extension of Term of a previously granted variance (§72-21) for the operation of a (UG8) parking lot in an R-7 zoning district which expired on February 4, 2008.

PREMISES AFFECTED – 850 East 181<sup>st</sup> Street, south side of East 181<sup>st</sup> Street and east side of Crotona Parkway, Block 3119, Lot 16, Borough of Bronx.

### COMMUNITY BOARD #16BX

APPEARANCES –

For Applicant: Mothiur Rahman.

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

**THE VOTE TO GRANT** –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez.....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

**THE RESOLUTION:**

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of the term for a previously granted variance for a parking lot, which expired on February 4, 2008; and

WHEREAS, a public hearing was held on this application on April 1, 2008 after due notice by publication in *The City Record*, with a continued hearing on May 6, 2008 and then to decision on May 20, 2008; and

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

WHEREAS, Community Board, 6, Bronx, recommended approval of this application; and

WHEREAS, the subject premises is located at the intersection of the south side of East 181<sup>st</sup> Street and the east side of Crotona Parkway; and

WHEREAS, the site is located within an R7-1 zoning district and is occupied by a 7,573 sq. ft. (UG 8) parking lot; and

WHEREAS, on February 4, 2003, under the subject calendar number, the Board granted a variance to allow parking and storage of motor vehicles at the site for a term of five years, to expire February 4, 2008; and

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

WHEREAS, at hearing, the Board directed the applicant to ensure that the site was maintained and the surrounding fencing was repaired; and

WHEREAS, the applicant submitted photographs indicating that the site was free of debris and the fencing had been repaired; and

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

*Therefore it is Resolved* that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated February 4, 2003, so that as amended this portion of the resolution shall read: “to grant an extension of the variance for a term of five years from the expiration of the prior grant on February 4, 2003; *on condition* that the use and operation of the parking lot shall substantially conform to previously approved BSA plans; and *on condition*:

THAT this grant shall be limited to a term of five years from February 4, 2008, expiring February 4, 2013;

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

THAT a certificate of occupancy shall be obtained within six months of the date of this grant;

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 App. No. 210030161)

Adopted by the Board of Standards and Appeals, May 20, 2008.

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## 774-55-BZ

APPLICANT – Kramer Levin Naftalis & Frankel LLP, for FGP West Street LLC c/o Citibank, N.A., owner.

SUBJECT – Application February 26, 2008 – Extension of Term/Waiver of the rules for a previously granted variance to permit the operation of a (UG8) parking lot, for more than five cars, for employees and customers of a bank (Citibank) on the adjoining lot which expired on January 31, 2003 in R-5 and C1-2 zoning district.

PREMISES AFFECTED – 2155-2159 Newbold Avenue, north side of Newbold Avenue between Olmstead and Castle Hill Avenues, Block 3814, Lot 59, Borough of Bronx.

### COMMUNITY BOARD #9BX

APPEARANCES –

For Applicant: Elizabeth Larsen.

**THE VOTE TO CLOSE HEARING** –

# MINUTES

Affirmative: Chair Srinivasan, Vice Chair Collins,  
Commissioner Hinkson and Commissioner Montanez.....4  
Absent: Commissioner Ottley-Brown.....1  
Negative:.....0

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

## 206-61-BZ

APPLICANT – Carl A. Sulfaro, Esq., for Alrose 3039, LLC,  
owner.

SUBJECT – Application March 24, 2008 – Extension of  
Term/Waiver filed pursuant to §11-411 for an existing six  
story office building located in an R8-B zoning district. The  
term of the variance expired on July 11, 2006.

PREMISES AFFECTED – 30 East 39<sup>th</sup> Street, south side,  
189' east of Madison Avenue, Block 868, Lot 49, Borough  
of Manhattan.

### COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins,  
Commissioner Hinkson and Commissioner Montanez.....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

**ACTION OF THE BOARD** – Laid over to June 3,  
2008, at 10 A.M., for decision, hearing closed.

## 18-78-BZII

APPLICANT – Slater & Beckerman, LLP, for Kiitano  
Construction Corporation, owner.

SUBJECT – Application April 23, 2008 – Extension of  
Term for a variance (§72-21) to allow UG6 commercial use  
in the basement of a residential building, in an R8B zoning  
district, which expires on May 23, 2008.

PREMISES AFFECTED – 111-113 East 38<sup>th</sup> Street,  
between Park Avenue and Lexington Avenue, Block 894,  
Lots 10 and 11, Borough of Manhattan.

### COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: Joshua Trauner.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins,  
Commissioner Hinkson and Commissioner Montanez.....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

**ACTION OF THE BOARD** – Laid over to June 3,  
2008, at 10 A.M., for decision, hearing closed.

## 788-89-BZ

APPLICANT – Dominick Salvati & Son Architects, for  
Anna Mastromihalis, owner.

SUBJECT – Application June 25, 2007 – Extension of  
Term/waiver for a UG16 automobile repair shop and

automobile sales which expired on November 19, 2006 and  
Extension of Time to obtain a Certificate of Occupancy  
which expired on November 18, 1998 in a C2-2 zoning  
district.

PREMISES AFFECTED – 187-17 Jamaica Avenue,  
northeast corner of intersection of Jamaica Avenue and 187<sup>th</sup>  
Place, Block 9910, Lot 11, Borough of Queens.

### COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Mark McArthur.

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

## APPEALS CALENDAR

### 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: Stuart Klein.

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

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins,  
Commissioner Hinkson and Commissioner Montanez.....4

Negative:.....0

Absent: Commissioner Ottley-Brown.....1

THE RESOLUTION:

WHEREAS, decisions of the Staten Island Borough  
Commissioner, dated September 14, and 21, 2007, acting on  
Department of Buildings Application Nos. 510015573 and  
510015582 reads in pertinent part:

“The proposed construction of new residential  
building Use Group 2 in R3-2 Zoning District, within  
the bed of a mapped street is contrary General City  
Law, and therefore be referred to the BSA for  
approval;” and

WHEREAS, this application requests permission to  
build two two-story, two-family homes located within the bed  
of a mapped but unbuilt street, Property Street, in Staten Island;  
and

WHEREAS, a public hearing was held on this  
application on March 4, 2008, after due notice by publication  
in the *City Record*, with a continued hearing on May 13, 2008,  
and then to decision on May 20, 2008; and

WHEREAS, by letter dated November 19, 2007, the

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# MINUTES

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Department of Environmental Protection (DEP) states that it reviewed the above application and advises the Board that there is an adopted Drainage Plan D-2 (R13), which calls for a future 98" diameter interceptor, a 10" diameter sanitary sewer and a 12" diameter storm sewer in Colon Avenue between Property Street and Baltimore Street and for a 10" diameter sanitary sewer and an 18" diameter storm sewer in Property Street between Colon Avenue and Lindenwood Road; and

WHEREAS, DEP also notes that there is an existing 98" diameter interceptor sewer and 10" diameter sanitary sewer in the bed of Colon Avenue between Property Street and Baltimore Street; the existing 20" diameter and 8" diameter City Water main in Colon Avenue do not extend to Property Street and there are no existing sewers nor existing water mains in Property Street between Colon Avenue and Lindenwood Road; and

WHEREAS, accordingly, DEP requested a survey reflecting the width of the widening portion of Colon Avenue and the distance between the proposed development and the existing sewers in Colon Avenue between Property Street and Baltimore Street and the total width of the mapped Property Street between Colon Avenue and Lindenwood Road, and stated that it requires a minimum 32-ft. corridor in the bed of Property Street between Colon Avenue and Lindenwood Road for the purpose of installation, maintenance, and/or reconstruction of the future sewers; and

WHEREAS, in response to DEP's request, the applicant has provided a revised plan, which reflects that 80-ft. of the total width of Colon Avenue and the remaining 65-ft. of Colon Avenue between Property Street and Baltimore Street will be available for the installation, maintenance, and or/reconstruction of the existing 98" diameter interceptor sewer, a 10" diameter sanitary sewer and a future 12" diameter storm sewer; and

WHEREAS, the revised site plan also shows a proposed 20-ft. Sewer Corridor in the bed of Property Street between Colon Avenue and Lindenwood Road which will be available for the purpose of installation, maintenance, and/or reconstruction of the future 12"/18" diameter sewer; and

WHEREAS, by letter dated January 8, 2008, DEP states that it has reviewed the revised site plan and finds it acceptable; and

WHEREAS, by letter dated January 30, 2008, the Department of Transportation (DOT) states that it has reviewed the above application and advises the Board that the proposed construction plan does not reflect any provisions for a cul de sac/turnaround, at the dead end of Lindenwood Road which should be developed in accordance with all applicable standards; and

WHEREAS, DOT also requires the curbs and sidewalks abutting the proposed development to conform to the existing width and alignment as currently exists in Colon Avenue and Lindenwood Road; and

WHEREAS, the Board notes that DOT did not indicate that it intends to include the applicant's property in its ten-year capital plan; and

WHEREAS, by letter dated March 4, 2008, the Fire

Department states that it has reviewed the proposed project and has no objections; and

WHEREAS, the applicant has submitted a revised plan reflecting that the proposed curbs and sidewalks would conform to the existing curbs and sidewalks and the letter of no objection from the Fire Department on this case; and

HEREAS, by letter dated May 12, 2008, DOT has stated that they have reviewed the revised site plan and the Fire Department letter of no objection and will defer to the Fire Department decision on this matter; and

WHEREAS, based upon its review of the record, 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 Staten Island Borough Commissioner, dated September 14 and 21, 2007, acting on Department of Buildings Application Nos. 510015573 and 510015582, is modified by the power vested in the Board by Section 35 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 11, 2007"-one(1) sheet and 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;

THAT a Sewer Corridor Easement with a minimum width of 20 feet is to be provided in the bed of Property Street between Colon Avenue and Lindenwood Road;

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 20, 2008.

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## **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**

APPEARANCES –

For Applicant: Stuart Klein.

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

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# MINUTES

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condition

## THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins,  
Commissioner Hinkson and Commissioner Montanez.....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

## THE RESOLUTION:

WHEREAS, the decision of the Staten Island Borough Commissioner, dated October 16, 2007 acting on Department of Buildings Application No. 500597366 reads in pertinent part:

“The Proposed construction of 3-story mixed building in C1-2 Zoning District is located within the bed of a mapped street contrary to Section 35 of the General City Law and therefore referred to the Board of Standards and Appeals for Approval;”  
and

WHEREAS, this application requests permission to build a three-story mixed-use building located within the bed of a mapped widening line of Victory Boulevard; and

WHEREAS, this site is located within the Special Hillside Preservation District; 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 May 20, 2008, and then to decision on that same date; and

WHEREAS, by letter dated November 19, 2007, the Department of Environmental Protection (DEP) states that it reviewed the above application and advises the Board that there is an adopted Drainage Plan PRD-2, which calls for a future 90” diameter storm sewer, an 18” diameter sanitary sewer and a 10” diameter sanitary sewer in the bed of Victory Boulevard between Monroe Avenue and Fremont Street; and

WHEREAS, DEP also notes that there is an existing 3’-10” by 5’-9” diameter combined sewer in Victory Boulevard between Monroe Avenue and Fremont Street; there are existing 12” diameter and 48” diameter City water mains at the above location; and

WHEREAS, accordingly, DEP requested a survey reflecting the existing 12” and 48” diameter City water mains in Victory Boulevard between Monroe Avenue and Fremont Street, the distance between the proposed development, mapped lines and existing water mains, and the width of the widening portion of Victory Boulevard at the above location; and

WHEREAS, in response to DEP’s request, the applicant has provided a revised plan, which reflects that 100-ft. of the total width of Victory Boulevard and the remaining 66-ft. of Victory Boulevard between Monroe Avenue and Fremont Street will be available for the installation, maintenance, and/or reconstruction of the future 90” diameter storm sewer, 10” diameter sanitary sewer, 18” diameter sanitary sewer and for the existing 3’-10” by 5’-9” diameter combined sewer, and 12” diameter and 48” diameter City water mains; and

WHEREAS, by letter dated April 25, 2008, DEP states that it has reviewed the revised site plan and finds it acceptable; and

WHEREAS, by letter dated February 5, 2008, the Department of Transportation (DOT) states that it has reviewed the above application and advises the Board that it requires the curbs and sidewalks abutting the proposed development to conform to the maximum existing sidewalk widths and curb alignments as currently exist in both Victory Boulevard and Corson Avenue; and

WHEREAS, the Board notes that DOT did not indicate that it intends to include the applicant’s property in its ten-year capital plan; and

WHEREAS, by letter dated March 4, 2008, the Fire Department states that it has reviewed the proposed project and has no objections; and

WHEREAS, the applicant has submitted a revised plan showing the proposed curbs and sidewalks would conform to the existing curbs and sidewalks and the letter of no objection from the Fire Department on this case; and

WHEREAS, by letter dated May 15, 2008 DOT has stated that they have reviewed the revised site plan and the Fire Department letter of no objection and will defer to the Fire Department’s decision on this matter; and

WHEREAS, based upon its review of the record, 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 Staten Island Borough Commissioner, dated October 16, 2007, acting on Department of Buildings Application No. 500597366, is modified by the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received April 29, 2008”-one (1) sheet and 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;

THAT the City Planning Commission shall review and approve any required applications for compliance with all relevant Special Hillside Preservation District provisions under its jurisdiction, and issue required approvals prior to the issuance of any permits;

THAT any revisions to the BSA-approved site plan shall be submitted to the Board for review; 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 20, 2008.

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168-07-A

# MINUTES

APPLICANT – Law Office of Fredrick A. Becker, for 1479 Rosedale, LLC, owner.

SUBJECT – Application June 18, 2007 – Appeal seeking a determination that the owner of the premises has acquired a common law vested right to continue the development commenced under the prior R6 Zoning District.

PREMISES AFFECTED – 1479 Rosedale Avenue, Rosedale Avenue between Mansion Street and Cross Bronx Expressway, Block 3895, Lot 58, Borough of Bronx.

## COMMUNITY BOARD #9BX

APPEARANCES – None.

**ACTION OF THE BOARD** – Laid over to July 3, 2008, at 10 A.M., for an adjourned hearing.

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## 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 211<sup>th</sup> 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 21<sup>st</sup> Street, Block 3356, Lot 190, Borough of Bronx.

## COMMUNITY BOARD #7BX

APPEARANCES –

For Applicant: Stuart Klein.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez.....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

**ACTION OF THE BOARD** – Laid over to June 3, 2008, at 10 A.M., for decision, hearing closed.

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## 265-07-A

APPLICANT – Abigail Patterson, for West 70<sup>th</sup> Associates, owner.

SUBJECT – Application November 19, 2007 – An appeal challenging the Department of Building's interpretation that the rear yard structure (porch) is a permitted obstruction that complies with Section 23-44. R8B zoning district.

PREMISES AFFECTED – 57 West 70<sup>th</sup> Street, north side of 70<sup>th</sup> Street, 160' east of corner formed by 70<sup>th</sup> Street and Columbus Avenue, Block 1123, Lot 7, Borough of Manhattan.

## COMMUNITY BOARD #7M

APPEARANCES –

For Applicant: Stuart Klein.

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

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## 266-07-A

APPLICANT – Stuart A. Klein, for 1610 Ave S LLC,

owner.

SUBJECT – Application November 21, 2007 – An appeal seeking a determination that the owner of said premises has acquired a common law vested right to continue development commenced under the prior R6 district regulations. R4-1 Zoning District.

PREMISES AFFECTED – 1610 Avenue S, Block 7295, Lot 3, Borough of Brooklyn.

## COMMUNITY BOARD # 15BK

APPEARANCES –

For Applicant: Stuart A. Klein, Deirdre Carson, Jay Goldstein, Stuart Klein.

For Opposition: Council Member Tony Avella, Liya Norofastovsky, Assemblyman Steven Lynbrowitz Office, Susan Regan, Liam O'Hanlon, Budd Heyman, Waddih J. Pharoah, Barry Brothers, Rivka Fleisher, Pietro Fiorica, Peter N. Pearl, Bruno Seliste, Rosanne Macrinam, Blanche Frank, Mindy Spiewak, Marsha Daleek, Martini Rothsteni, Sherry Booster, Joseph Frank, Helga Gregory, Ed Jaworski, Pauline Vizzini, Beny Levi, Frieda Resnick.

**ACTION OF THE BOARD** – Laid over to July 29, 2008, at 10 A.M., for continued hearing.

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## 33-08-A

APPLICANT – Yury Menzak, for Robert M. Scarano Jr., owner.

SUBJECT – Application February 20, 2008 – Proposed construction of a six story multi-family home not fronting a legally mapped street contrary to General City Law Section 36. R6/Ocean Parkway Zoning District.

PREMISES AFFECTED – 67 Brighton 1<sup>st</sup> Lane, a/k/a 209-213 Brighton 1<sup>st</sup> Lane, north side of Brighton 1<sup>st</sup> lane, 63.19'W of Brighton 1<sup>st</sup> Street, Block 8670, Lot 80, Borough of Brooklyn.

## COMMUNITY BOARD #13BK

APPEARANCES –

For Applicant: Yuriy Menzak and Robert Scarano.

For Administration: Anthony Scaduto.

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

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*Jeffrey Mulligan, Executive Director*

Adjourned: 12:45 P.M.

**REGULAR MEETING  
TUESDAY AFTERNOON, MAY 20, 2008  
1:30 P.M.**

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

Absent: Commissioner Ottley-Brown.

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# MINUTES

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## ZONING CALENDAR

### 281-07-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Chaya Falah and Victor Falah, owners.

SUBJECT – Application December 12, 2007 – Special Permit (§73-622) for the enlargement of an existing single family dwelling. This application seeks to vary floor area (§23-141); side yard (§23-461) and rear yard (§23-47) in an R2X (OP) zoning district.

PREMISES AFFECTED – 1960 East 4<sup>th</sup> Street, west side of East 4<sup>th</sup> Street, between Kings Highway and Avenue S, Block 6681, Lot 263, Borough of Brooklyn.

### COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Lyra J. Altman.

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

**THE VOTE TO GRANT** –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez.....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

### THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Superintendent, dated November 21, 2007, acting on Department of Buildings Application No. 310053134, reads in pertinent part:

- “1. Proposed floor area is contrary to ZR 23-141
  2. 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 R2X zoning district within the Special Ocean Parkway District, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area and rear yard, contrary to ZR §§ 23-141 and 23-47; and

WHEREAS, a public hearing was held on this application on February 12, 2008, after due notice by publication in *The City Record*, with continued hearings on March 11, 2008, April 8, 2008 and May 6, 2008, and then to decision on May 20, 2008; and

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

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

WHEREAS, the subject site is located on the west side of East 4<sup>th</sup> Street, between Kings Highway and Avenue S; and

WHEREAS, the subject site has a total lot area of 4,000 sq. ft., and is occupied by a single-family home with floor area of 2,126 sq. ft. (0.53 FAR); and

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

available; and

WHEREAS, the applicant seeks an increase in the floor area from 2,126 sq. ft. (0.53 FAR), to approximately 4,809 sq. ft. (1.2 FAR); the maximum floor area permitted is 3,400 sq. ft. (0.85 FAR); and

WHEREAS, the proposed enlargement will provide a floor area ratio of 1.2 (0.85 is the maximum permitted); and

WHEREAS, the proposed enlargement will provide a rear yard with a depth of 20’-0” (a minimum rear yard of 30’-0” is required); and

WHEREAS, the enlargement of the home is not located within 20’-0” of the rear lot line; and

WHEREAS, at hearing, the Board raised concerns about whether a sufficient portion of the existing home would be retained; and

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

WHEREAS, at hearing, the Board also raised concerns about the compliance of a proposed greenhouse and porch with the zoning regulations; and

WHEREAS, in response, the applicant removed the proposed greenhouse and rear porch from the plans; and

WHEREAS, at hearing, the Board questioned the applicant concerning the prevalence of homes in the surrounding community with FARs in excess of 1.2; and

WHEREAS, the applicant identified four properties with FARs ranging from 1.0 to 1.4 and provided photographs into the record; 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 R2X zoning district within the Special Ocean Parkway District, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio and rear yard, contrary to ZR §§ 23-141 and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked “Received April 23,

# MINUTES

2008”–(10) 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 913 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 4,809 sq. ft. (1.2 FAR) and a rear yard with a minimum depth of 20’-0”, 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, May 20, 2008.

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## 25-08-BZ

### CEQR #08-BSA-051Q

APPLICANT – Eric Palatnik, P.C., for Torah Academy For Girls, owner.

SUBJECT – Application March 25, 2006 – Variance (§72-21) to permit the enlargement of the existing school approved by BSA in a prior grant in 2002 (158-02-BZ). The proposal is contrary to §24-11 (lot coverage), §24-34 (minimum front yard), §24-382 (minimum rear yard), and §24-521 (height, setback and sky exposure plane). R4-1 district.

PREMISES AFFECTED – 444 Beach 6<sup>th</sup> Street, between Jarvis and Meehan Avenues, Block 1559, Lot 1, Borough of Queens.

### COMMUNITY BOARD #14Q

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 and Commissioner Montanez.....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

### THE RESOLUTION

WHEREAS, the decision of the Queens Borough Superintendent dated February 20, 2008, acting on Department of Buildings Application No. 401403076, reads in pertinent part;

“The instant application is contrary to BSA

Calendar Number 158-02-BZ and seeks to amend same so as to vary the following provisions of the ZR:

1) Lot coverage is contrary to 24-11 and 24-12

2) Front yard is contrary to 24-34

3) Rear Yard is contrary to 24-382

4) Perimeter wall height and setback is contrary to ZR 24-521 and ZR 24-34

5) Sky exposure plane is contrary to 24-521”; and

WHEREAS, this is an application under ZR § 72-21 to permit, on a site within an R4-1 zoning district, the enlargement of a three-story yeshiva building which does not comply with regulations for lot coverage, front yard, rear yard, perimeter wall height, setback, and sky exposure plane, contrary to ZR §§ 24-11, 24-12, 24-34, 24-382, and 24-521; and

WHEREAS, the application is brought on behalf of Torah Academy for Girls (the “Yeshiva”), a nonprofit religious educational institution; and

WHEREAS, a public hearing was held on this application on May 6, 2008, after due notice by publication in The City Record, and then to decision May 20, 2008; and

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

WHEREAS, Community Board 5, Queens, waived comment on this application; and

WHEREAS, the site is a slightly irregular-shaped parcel on the western half of Block 15591 with approximately 239 feet of frontage on Meehan Avenue, 190 feet of frontage on Beach 6<sup>th</sup> Street, and approximately 289 feet of frontage on Jarvis Avenue; and

WHEREAS, the subject site has a lot area of approximately 50,003 sq. ft.; and

WHEREAS, the site is occupied by a U- shaped structure housing a Yeshiva with four discrete portions ranging from one to four stories in height with approximately 57,023 sq. ft. of floor area; and

WHEREAS, the site is the subject of a prior Board action, under BSA Cal. No. 158-02-BZ, which permitted the enlargement of an existing two-story Yeshiva (Use Group 3) contrary to R3-1 zoning district requirements for floor area, side yards, front yard, rear yard, height and setback; and

WHEREAS, the approved development was partially constructed; 63,695 sq. ft. of floor area was approved and approximately 57,023 sq. ft. of floor area was built; and

WHEREAS, subsequent to the Board grant, the site was rezoned to R4-1 under the Far Rockaway rezoning and the FAR permitted as of right was increased from 1.0 to 2.0; and

WHEREAS, the Yeshiva now proposes to construct the following: (1) a three-story enlargement to the southeast corner of the building fronting Jarvis Avenue; (2) a double-height one-story enlargement within an open courtyard in the center of the existing building; (3) a one-story enlargement to the northeast corner of the existing building fronting Meehan Avenue; and (4) a one-story enlargement to its existing three-story school

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building fronting Beach 6<sup>th</sup> Street; and

WHEREAS, the current floor area totals 57,023 sq. ft.; the proposed expansion will add 27,366 sq. ft. of floor area for a total floor area of 84,389 sq. ft. (FAR of 1.69); and

WHEREAS, the enlargement will be occupied by (1) a gymnasium; (2) 16 additional classrooms; (3) a swimming pool; (4) a rooftop play area; and (5) administrative facilities; and

WHEREAS, the applicant now proposes to create a new non-compliance as to lot coverage (63 percent is proposed, 58 percent is the maximum permitted), and to increase the degree of non-compliance of the front yard along Jarvis Avenue (1'-8" is proposed, 15'-0" is required) and proposes a perimeter wall height of 46'-2" (35'-0" is the maximum permitted); and

WHEREAS, the earlier grant approved a non-compliant rear yard of 12'-0" (30'-0" is the minimum required), the applicant now proposes to increase the yard to 20'-0" thus reducing the degree of non-compliance; and

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

WHEREAS, the applicant states that the following are the programmatic needs of the Yeshiva: (1) relieving overcrowded classroom conditions; (2) accommodating current enrollment while allowing for future growth; and (3) providing physical education and recreational space; and

WHEREAS, the applicant represents that the lot coverage, front yard, rear yard, perimeter wall height, setback and sky exposure plane waivers are necessary to provide the program space necessary to adequately serve its current student body and to prepare for a projected increase in enrollment; and

WHEREAS, the subject building is currently occupied by 46 classrooms, a cafeteria, auditorium, computer rooms, a science lab and offices; and

WHEREAS, the instant application seeks to add an additional 16 classrooms, to increase the average classroom space from 29 sq. ft. per student to 35 sq. ft. per student, and to add a gymnasium; and

WHEREAS, the applicant represents that without the waivers, the Yeshiva would continue to have substandard-sized classrooms for its 820 students, and to lack a gymnasium and outdoor recreational space, and faculty and staff offices; and

WHEREAS, the applicant further represents that without the waivers it will be unable to accommodate an enrollment which is projected to increase to 922 students based on the development of 200 to 300 new homes in the surrounding area; and

WHEREAS, the Board acknowledges that the Yeshiva, as a religious and 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 Westchester Reform Temple v. Brown, 22 NY2d 488 (1968), a religious institution's application is entitled to deference 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 creates an unnecessary hardship in developing the site in compliance with applicable regulations; and

WHEREAS, the applicant further represents that strict compliance with the R4-1 bulk regulations would result in a 12.6 percent reduction in the amount of necessary classroom space; and

WHEREAS, the applicant submitted building plans indicating that only 54 classrooms could be built as of right, eight fewer than are proposed; and

WHEREAS, accordingly, based upon the above, the Board finds that the limitations of the Yeshiva's current facility, when considered in conjunction with the programmatic needs of the Yeshiva, creates unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, since the Yeshiva is a non-profit religious 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 surrounding area is characterized predominately by two and three-story residential uses; and

WHEREAS, the applicant represents that the enlargement has been designed to be consistent with the style and scale of community facilities in the surrounding area and to maintain the building height permitted by the previous grant; and

WHEREAS, the applicant states that to accommodate additional classrooms and to create a uniform facade, the existing four-story building height will be maintained and continued along the perimeter of the site; and

WHEREAS, the applicant further states that it is maintaining the existing non-compliant front yard on three sides; and

WHEREAS, the applicant represents that the building's additional lot coverage is attributable to the location of the gymnasium within the courtyard of the U-shaped building, which will be visible only from one side of the site; and

WHEREAS, the applicant further represents that the placement of the gymnasium within the inner court shifts the additional bulk associated with the enlargement away from the street in a way that results in minimal visibility from the surrounding area; and

WHEREAS, the applicant states that "No Parking" zones are provided on both sides of the existing school building and that an additional drop off and pick up car pool

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area will be provided on the premises to enhance the safety of students entering and leaving the school and to reduce traffic impacts on the surrounding area; 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 hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board notes that a floor area of approximately 100,006 sq. ft. (2.0 FAR) would be permitted under the existing zoning, while the applicant proposes 84,389 sq. ft. of floor area (1.69 FAR), but the waivers are required to accommodate the required floor area given the constraints of the existing building and the programmatic needs of the Yeshiva; and

WHEREAS, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the Yeshiva; 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 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. 08BSA051Q, dated January 29, 2008; 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 § 72-21 to permit, on a site within an R4-1 zoning district, the enlargement of a three-story yeshiva building which does not comply with regulations for lot coverage, front yard, rear yard, perimeter wall height, setback, and sky exposure plane,

contrary to ZR §§ 24-11, 24-12, 24-34, 24-382, and 24-521, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received April 11, 2008"- (1) sheet and "Received March 25, 2008"- (9) sheets and on further condition;

THAT the building parameters shall be: a lot coverage of 63 percent; a 1'-8" front yard along Jarvis Avenue; a rear yard of 20'-0" along the eastern lot line; and a perimeter wall height of 46'-2";

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

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

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

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

Adopted by the Board of Standards and Appeals, May 20, 2008.

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## **111-07-BZ**

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

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

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

### **COMMUNITY BOARD #15BK**

APPEARANCES – None.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez.....4  
Absent: Commissioner Ottley-Brown.....1  
Negative:.....0

**ACTION OF THE BOARD** – Laid over to June 3, 2008, at 10 A.M., for decision, hearing closed.

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## **114-07-BZ**

APPLICANT – Joseph P. Morsellino, Esq., for Sullivan Mountain RE, LLC, owner.

SUBJECT – Application May 7, 2007 – Special Permit (§73-19) to allow a day-care center (school), (UG3). M1-1

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district.

PREMISES AFFECTED – 7-05 152<sup>nd</sup> Street, 152<sup>nd</sup> Street, east side at intersection with Powells Cove Boulevard, Block 4531, Lot 35, Borough of Queens.

**COMMUNITY BOARD #7Q**

APPEARANCES –

For Applicant: Joseph Morsellino.

For Opposition: Helen A. Paladino and Maria H. Stoehn.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez.....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

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

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**143-07-BZ**

APPLICANT – Moshe M. Friedman, for Chabad House of Canarsie, Inc., owner.

SUBJECT – Application June 4, 2007 – Variance (§72-21) to permit the construction of a three-story and cellar synagogue, religious pre-school, and Mikva. The proposal is contrary to §24-111 (a) and §23-141 (a) (Floor Area and FAR), §24-11 (Open Space and Lot Coverage), §24-521 (Front Wall and Sky Exposure Plane), §24-34 (Front Yard), §24-35 (Side Yard), §25-31 (Parking). R2 district.

PREMISES AFFECTED – 6404 Strickland Avenue, south east corner of Strickland Avenue and East 64<sup>th</sup> Street, Block 8633, Lot 1, Borough of Brooklyn.

**COMMUNITY BOARD #18BK**

APPEARANCES – None.

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

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**174-07-BZ**

APPLICANT – Carl A. Sulfaro, Esquire, for David Oil Corporation, owner; Exxon Mobil Corporation, lessee.

SUBJECT – Application June 28, 2007 – Special Permit (§73-211). Proposed reconstruction of an existing Auto Service Station with new metal canopy, new fuel tanks, pumps, new accessory convenience store, located in a C2-3/R7-A zoning district.

PREMISES AFFECTED – 1925 Coney Island Avenue, a/k/a 1935 Coney Island Avenue, Northeast corner of Avenue P. Block 6758, Lot 51, Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

APPEARANCES –

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez.....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

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

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**200-07-BZ**

APPLICANT – Rampulla Associates Architects, for Ortho Health Care Realty, LLC, owner.

SUBJECT – Application August 10, 2007 – Variance (§72-21) for new horizontal and vertical addition to existing commercial building for medical offices (UG 4). Proposal is contrary to §22-14. R3-1 district within Special South Richmond District and Special Growth Management District.

PREMISES AFFECTED – 3333 Hylan Boulevard, north west side of Hylan Boulevard, east of Spratt Avenue, Block 4987, Lot 1, Borough of Staten Island.

**COMMUNITY BOARD #3SI**

APPEARANCES –

For Applicant: Phil Rampulla.

For Opposition: James Slattery, Carole Timko, John Timko, Keith Torro, William Komar, Linda Nigro and Rosemarie Trotta.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez.....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

**ACTION OF THE BOARD** – Laid over to June 3, 2008, at 10 A.M., for decision, hearing closed.

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## 201-07-BZ

APPLICANT – Cozen O'Connor Attorneys, for Kapsin & Dallis Realty, Corp., owner.

SUBJECT – Application August 14, 2007 – Variance (§72-21) to permit a new one-story bank. The proposal is contrary to §22-00. R3-2 district.

PREMISES AFFECTED – 2317 Ralph Avenue, southwest corner of Ralph Avenue and Avenue M, Block 8364, Lot 34, Borough of Brooklyn.

### COMMUNITY BOARD #18BK

APPEARANCES –

For Applicant: Peter Geis.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez.....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

**ACTION OF THE BOARD** – Laid over to July 29, 2008, at 10 A.M., for decision, hearing closed.

## 238-07-BZ

APPLICANT – Law Offices of Howard Goldman, for OCA Long Island City, LLC, c/o O'Connor Capital Partners, owners; OCA Long Island City, LLC, lessees.

SUBJECT – Application October 23, 2007 – Variance (§72-21) to allow a 13-story residential building (UG 2) contrary to regulations for FAR (§117-21 & §23-145), lot coverage (§117-21 & §23-145), minimum distance between windows (§117-21 & §23-711(b)) and height and setback (§117-21, §23-633 & §23-663). Student dormitory (UG 3) and faculty housing (UG 2) for CUNY Graduate Center is also proposed contrary to use regulations (§42-00). M1-4/R6A (LIC) and M1-4 districts.

PREMISES AFFECTED – 5-11 47<sup>th</sup> Avenue, easterly half of Block 28 on the east side of Fifth Street between 46<sup>th</sup> Road and 47<sup>th</sup> Avenue, 135-180' west of Vernon Boulevard, Block 28, Lots 13, 15, 17, 18, 21 and 38, Borough of Queens.

### COMMUNITY BOARD # 2Q

APPEARANCES –

For Applicant: Howard Goldman, Arnold Fleming, Brent Carrier and Jay Valgora.

For Opposition: Thomas Paino, Doug Otto, Karen Eggleston, LA. Long, Kenneth Greenberg, William Garrett, Sheila Lewandowski, Bernard Callegari, Dan Jacoby, Robert Wilkanouski, Anna Finn and Diane Hendry.

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

## 269-07-BZ

APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for Seaside Enterprises, LLC, owner.

SUBJECT – Application November 26, 2007 – Special Permit (§73-125) to allow a cellar and two (2) story ambulatory diagnostic/treatment care facility (medical

offices, UG 4). R3-1 district.

PREMISES AFFECTED – 378 Seaview Avenue, south side of Seaview Avenue, between Mason Avenue and Simpson Street, Block 3380, Lots 65, 68 and 70, Borough of Staten Island.

### COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Todd Dale.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez.....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

**ACTION OF THE BOARD** – Laid over to June 3, 2008, at 10 A.M., for decision, hearing closed.

## 282-07-BZ & 283-07-BZ

APPLICANT – Sheldon Lobel, P.C., for 774 Schenck Properties, LLC, owner.

SUBJECT – Application December 17, 2007 – Variance (§72-21) to allow two (2) two-family, two-story detached homes; contrary to front yard requirements (§23-45). R5 district.

PREMISES AFFECTED – 774 Schenck Avenue, a/k/a 764 Schenck Avenue and 825 Hendrix Street, Linden Boulevard and Hendrix Avenue, Block 4330, Lot 28C, Borough of Brooklyn.

### COMMUNITY BOARD #5BK

APPEARANCES –

For Applicant: Irving Minkin.

For Opposition: Gary Brown.

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

## 23-08-BZ

APPLICANT – Sheldon Lobel, P.C., for Bokharian Communities Center, Inc., owner.

SUBJECT – Application February 1, 2008 – Variance (§72-21) to permit the construction of a community facility building (Use Group 4). The proposal is contrary to sections 24-10 and 25-30. R1-2 district.

PREMISES AFFECTED – 182-69 80<sup>th</sup> Road, located at the northwest corner of the intersection of 80<sup>th</sup> Road and Chevy Chase Street, Block 7248, Lot 44, Borough of Queens.

### COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Richard Lobel.

For Opposition: Helene Pangalos, Laura Schmitt Schwartzberg, Pat Mitrofanis and SB Ferier.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez.....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

**ACTION OF THE BOARD** – Laid over to June 24,

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2008, at 10 A.M., for decision, hearing closed.  
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## 27-08-BZ

APPLICANT – Slater & Beckerman, LLP for JDK Hylan Properties, LLC, owner; Northrop Grumman Info. Tech. Inc., lessee.

SUBJECT – Application February 13, 2008 – Special Permit (§73-30) to permit in an R3X district, a 50-foot non-accessory radio tower as part of the New York City Department of Information Technology and Telecommunications / Wireless Network.

PREMISES AFFECTED – 4845 Hylan Boulevard, northwest corner of Barclay Avenue, Block 6401, Lot 1, Borough of Staten Island.

### COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Robert Burdioso.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez.....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

**ACTION OF THE BOARD** – Laid over to June 17, 2008, at 10 A.M., for decision, hearing closed.  
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## 29-08-BZ

APPLICANT – Slater & Beckerman, LLP, for Hebrew Free Burial Association, owner; Northrop Grumman Info., Tech., Inc., lessee.

SUBJECT – Application February 14, 2008 – Special Permit (§73-30) to permit a 50-foot non-accessory radio tower as part of the New York City Department of Information Technology and Telecommunications / Wireless. R3-2 zoning district.

PREMISES AFFECTED – 422 Clarke Avenue, south side of Clarke Avenue between St. Patricks Place and Tysen Court, Block 4467, Lot 23, Borough of Staten Island.

### COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Robert Burdioso.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez.....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

**ACTION OF THE BOARD** – Laid over to June 17, 2008, at 10 A.M., for decision, hearing closed.  
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## 30-08-BZ

APPLICANT – Slater & Beckerman, LLP, for Hylan Richmond Realty LLC, owner; Northrop Grumman Info. Tech. Inc., lessee.

SUBJECT – Application February 15, 2008 – Special Permit (§73-30) to permit in an R3-1 district a 50 foot non-accessory radio tower as part of the New York City Department of Information Technology and Telecommunications / Wireless Network.

PREMISES AFFECTED – 4360 Hylan Boulevard, between Oceanic Avenue and Richmond Avenue, Block 5322, Lot 1, Borough of Staten Island.

### COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Robert Burdioso.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez.....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

**ACTION OF THE BOARD** – Laid over to June 24, 2008, at 10 A.M., for decision, hearing closed.  
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## 457-65-BZ

APPLICANT – Slater & Beckerman, LLP, for Hylan Richmond Realty LLC, owner; Northrop Grumman Info. Tech. Inc., lessee.

SUBJECT – Application February 15, 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 – 4360 Hylan Boulevard, between Oceanic Avenue and Richmond Avenue, Block 5322, Lot 1, Borough of Staten Island.

### COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Robert Burdioso.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez.....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

**ACTION OF THE BOARD** – Laid over to June 24, 2008, at 10 A.M., for decision, hearing closed.  
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## 54-08-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Esther Muller, owner.

SUBJECT – Application March 12, 2008 – Special Permit (§73-622) for the enlargement of a single family residence. This application seeks to vary floor area and open space (§23-141); rear yard (§23-47) and side yard (§23-461) in an R-2 zoning district.

PREMISES AFFECTED – 3199 Bedford Avenue, east side of Bedford Avenue, between Avenue J and K, Block 7607,

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Lot 15, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

APPEARANCES –

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins,  
Commissioner Hinkson and Commissioner Montanez.....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

**ACTION OF THE BOARD** – Laid over to June 3,  
2008, at 10 A.M., for decision, hearing closed.

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**58-08-BZ**

APPLICANT – Fried, Frank Harris, Shriver & Jacobson  
LLP, Waldo Hutchins & J.P. Morgan Chasebank Trustee for  
Estate of Francis S. Appleby, owner; The Durst  
Organization, lessee.

SUBJECT – Application March 14, 2008 – Special Permit  
(\$73-19) to allow the development of a six-story school  
(U.G 3) on a vacant site. The proposal is contrary to section  
42-12. M1-5 and C4-7 districts.

PREMISES AFFECTED – 614-632 West 58<sup>th</sup> Street,  
Twelfth Avenue, West 57<sup>th</sup> Street, West 58<sup>th</sup> Street,  
Eleventh Avenue, Block 1105, Lots 5, 14, 19, 43, Borough  
of Manhattan.

**COMMUNITY BOARD #4M**

APPEARANCES –

For Applicant: Carol Rosenthal, Phillip Habib, Christine  
Schlendorf and Anna Levin, Manhattan CB4.

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

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**66-08-BZ**

APPLICANT – Sheldon Lobel, P.C., for Manic Friendland,  
owner.

SUBJECT – Application March 28, 2008 – 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(a)) and less than the required rear yard  
(23-47) in an R2 zoning district.

PREMISES AFFECTED – 1497 East 21<sup>st</sup> Street, east side of  
East 21<sup>st</sup> Street, between Avenue N and Avenue M, Block  
7657, Lot 12, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

APPEARANCES –

For Applicant: Richard Lobel.

For Opposition: Erik H. Rosanes and Robert Dueck.

**ACTION OF THE BOARD** – Laid over to July 1,  
2008, at 10 A.M., for continued hearing.

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*Jeff Mulligan, Executive Director*

*Adjourned: 5:15 P.M.*