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AND APPEALS

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165-08-BZ

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167-08-BZ

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168-08-A

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169-08-BZ

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

CALENDAR

JULY 22, 2008, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 22, 2008, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

728-29-BZ

APPLICANT – Walter T. Gorman, P.E., for Exxon Mobil Corporation, owner; Exxon Mobil Franchisee, lessee.
SUBJECT – Application June 27, 2008 – Extension of Time to obtain a Certificate of Occupancy and Waiver of the rules for a UG16 Gasoline Service Station (Mobil), in an R-4 zoning district, which expired on May 15, 2003.
PREMISES AFFECTED – 154-04 Horace Harding Expressway, Block 6744, Lot 71, Borough of Queens.
COMMUNITY BOARD #8Q

713-55-BZ

APPLICANT – Walter T. Gorman, P.E., for Exxon Mobil Corporation, owner; Brendan Utopia Mobil, lessee.
SUBJECT – Application May 23, 2008 – Extension of Time to obtain a Certificate of Occupancy/waiver for a gasoline service station (Mobil), in a C2-2/R3-2 zoning district, which expired on May 22, 2003.
PREMISES AFFECTED – 181-05 Horace Harding Expressway, north side blockfront between Utopia Parkway and 182nd Street, Block 7065, Lot 8, Borough of Queens.
COMMUNITY BOARD #11Q

7-04-BZ

APPLICANT – Lawrence Whiteside, for Reverend Doctor Sheldon E. Williams, owner.
SUBJECT – Application June 26, 2008 – Extension of Time to Complete Construction of a UG4 Church/Community Outreach Center (Co-Op City Baptist Church), in an R3A zoning district, which expired June 8, 2008.
PREMISES AFFECTED – 2208 Boller Avenue, north side of Erskine Place, from Boller Avenue to Hunter Avenue, Block 5135, Lot 1, Borough of Bronx.
COMMUNITY BOARD #10BX

180-07-BZ

APPLICANT – Sheldon Lobel, P.C., for 47 Development, LLC, owner; Ritual Spa LLC dba Silk Day Spa, lessee.
SUBJECT – Application June 12, 2008 - Extension of Time to obtain a Certificate of Occupancy for a previously granted PCE (Silk Day Spa), in a C6-2/C6-2M zoning district, which expired on May 20, 2008.
PREMISES AFFECTED – 47 West 13th Street, north side of West 13th Street, between Fifth and Sixth Avenues, Block

577, Lot 15, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEALS CALENDAR

251-07-A thru 254-07-A

APPLICANT – Eric Palatnik, P.C., for Willow/Houston, LLC, owner
SUBJECT – Application November 2, 2007 – Appeal seeking a determination that the owner has acquired a common law vested right to continue development under the prior R3A zoning district. R3X zoning district.
PREMISES AFFECTED – 63/65 Houston Street and 104/106 Willowbrook Road, Block 1478, Lots 542, 543, 150 & 151, Borough of Staten Island.
COMMUNITY BOARD #1SI

34-08-A

APPLICANT – Kevin Christopher Shea, for Neighbors Allied for Good Growth (“NAG”) and People’s Firehouse, Inc. (“PFI”).
OWNER: North Seven Associates LLC
SUBJECT – Application February 20, 2008 – Appeal seeking to revoke permit and approvals that allow the construction of a sixteen story building in violation of ZR 23-142 and ZR 12-10 which fails to provide adequate open space on the zoning lot to support the Building’s floor area.
PREMISES AFFECTED – 144 North 8th Street, south side of North 8th Street, 100’ east of Berry Street, Block 2319, Lot 11, Borough of Brooklyn.
COMMUNITY BOARD #1BK

CALENDAR

JULY 22, 2008, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, July 22, 2008, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

42-08-BZ

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

SUBJECT – Application February 28, 2008 – Special Permit (§73-622) for the enlargement of an existing two family residence to be converted to a single family residence. This application seeks to vary floor area, lot coverage, open space 923-141(b)) and rear yard (23-47) in an R3-1 zoning district.

PREMISES AFFECTED – 182 Girard Street, corner of Girard Street and Oriental Boulevard, Block 8749, Lot 275, Borough of Brooklyn.

COMMUNITY BOARD #15BK

59-08-BZ

APPLICANT – Sheldon Lobel, P.C., for 591-595 Forest Avenue Realty Corp., owner; Forest Avenue Fitness Group, LLC, lessee.

SUBJECT – Application March 17, 2008 – Special Permit (§73-36) to allow the operation of a Physical Culture Establishment on the first and second floors of an existing building. The proposal is contrary to section 32-10. C2-1 within R3X district.

PREMISES AFFECTED – 591 Forest Avenue, north side of Forest Avenue, between Pelton Avenue and Regan Avenue, Block 154, Lot 140, Borough of Staten Island.

COMMUNITY BOARD #1SI

84-08-BZ

APPLICANT – Walter T. Gorman, P.E., for Exxon Mobil Corporation, owner; L & M Service Station, lessee.

SUBJECT – Application April 9, 2008 – Special Permit (§§11-411, 11-412 & 73-01 (d)) to reinstate and amend the variance granted under Cal No. 410-48-BZ for an automotive service station with accessory uses located in a C1-2/R4 zoning district.

PREMISES AFFECTED – 67-24 Main Street, aka 68-12 Main Street, West side Street 315.5' north of 68th Drive, Block 6486, Lot 38, Borough of Queens.

COMMUNITY BOARD #8Q

165-08-BZ

APPLICANT – Ellen Hay, Wachtel & Masyr, LLP; for Vornado Office Management LLC, owner; Bally Sports Club, Incorporated, lessee.

SUBJECT – Application June 18, 2008 – Special Permit (§73-36) to allow a physical culture establishment on four levels in an existing 26-story building. The proposal is contrary to ZR section 32-10. C6-6 & C6-4.5 MiD districts. PREMISES AFFECTED – 11 Penn Plaza, a/k/a 166 West 32nd Street, south side of West 32nd Street between Seventh and Sixth Avenues. Block 807, Lot 1, Borough of Manhattan

COMMUNITY BOARD #5M

167-08-BZ

APPLICANT – Sheldon Lobel, P.C., for Profile Enterprises, L.P., owner; for Garden Retreat Spa, LLC, lessee.

SUBJECT – Application June 19, 2008 – Special Permit (§73-36) to allow the legalization of a physical culture establishment on the second floor of an existing seven-story building. The proposal is contrary to ZR section 32-10. C5-2 district.

PREMISES AFFECTED – 253 5th Avenue, northeast corner of the intersection formed by 5th Avenue and West 28th Street, Block 858, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #5M

Jeff Mulligan, Executive Director

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REGULAR MEETING TUESDAY MORNING, JUNE 24, 2008 10:00 A.M.

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

SPECIAL ORDER CALENDAR

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.

ACTION OF THE BOARD – Application granted on
condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a waiver of the
Rules of Practice and Procedure and an extension of term for a
previously granted special permit permitting the operation of a
parking lot, which expired on January 31, 2003; and

WHEREAS, a public hearing was held on this
application on April 8, 2008, after due notice by publication in
The City Record, with continued hearings on May 6, 2008 and
May 20, 2008, and then to decision on June 24, 2008; and

WHEREAS, Community Board 9, Bronx, has
recommended approval of this application; and

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

WHEREAS, the site is located on the north side of
Newbold Avenue, between Olmstead Avenue and Castle Hill
Avenue; and

WHEREAS, the site is located partially within an R5
zoning district and partially within a C1-2(R5) zoning district
and is occupied by a parking lot with 32 spaces; and

WHEREAS, the Board has exercised jurisdiction over
the subject site since October 8, 1957, when, under the subject

calendar number, the Board granted a special permit for the
continued operation of a parking lot for more than five cars for
use by a bank on the adjacent site in what was then a residential
district, for a term of five years; and

WHEREAS, subsequently, the grant has been amended
and the term extended several times; and

WHEREAS, most recently, on August 3, 1993, the Board
granted a ten-year term, which expired on January 31, 2003;
and

WHEREAS, the applicant now requests an additional
ten-year term; and

WHEREAS, since the initial grant, the site was re-zoned
to be partially within an R5 zoning district (where the special
permit is required) and partially within a C1-2(R5) zoning
district (where the use is permitted as of right); and

WHEREAS, the Board notes that only 16 parking spaces
remain partially or entirely within the R5 zoning district and
require the special permit; and

WHEREAS, at hearing, the Board directed the applicant
to (1) provide fencing with at least 50 percent opaque screening
adjacent to residential uses, (2) repair all fencing, and (3) re-
stripe the parking spaces; and

WHEREAS, the applicant submitted photographs
reflecting these conditions and a reduction in the number of
parking spaces to 30, to accommodate the required aisle
widths; and

WHEREAS, the applicant also submitted a revised site
plan depicting the existing site conditions and noting the
district boundary line; and

WHEREAS, pursuant to ZR § 11-411, the Board may
permit an extension of term for a previously granted variance;
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, as adopted on October 8, 1957, and
as subsequently extended and amended, so that as amended
this portion of the resolution shall read: “to extend the term for
ten years from January 31, 2003, to expire on January 31,
2013, *on condition* that any and all work shall substantially
conform to drawings filed with this application marked
“Received May 21, 2008”-(1) sheet; and *on further condition*:

THAT the term of this grant shall expire on January 31,
2013;

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

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

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

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

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(N.B. 3148-55)

Adopted by the Board of Standards and Appeals, June 24, 2008.

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 16th Street and 31-35 West 15th Street, irregularly shaped lot with frontage on W. 15th and 16th, between 5th and Avenue of the Americas. Block 817, Lot 72, 21. Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Robert Davis.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a reopening and an amendment to an existing variance, to allow an increase in the size of a zoning lot in a C6-2M zoning district and an amendment to the site plan; and

WHEREAS, a public hearing was held on this application on June 17, 2008, after due notice by publication in *The City Record*, and then to decision on June 24, 2008; and

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

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

WHEREAS, the application is brought on behalf of St. Francis Xavier High School (the “School”), a nonprofit religious educational institution; and

WHEREAS, the subject zoning lot (Lot 72) is a through-block site located between West 16th Street and West 15th Street, east of Sixth Avenue, and has a lot area of approximately 44,216 sq. ft.; and

WHEREAS, the site is located within a C6-2M zoning district; and

WHEREAS, the subject lot is occupied by a six-story and cellar, School building, with a height of 84’-6”, floor area of 165,584 sq. ft., and an FAR of 3.74; and

WHEREAS, the applicant states that the site has a maximum total FAR of 6.50 and a maximum floor area of 287,405 sq. ft., of which approximately 121,821 sq. ft. of floor area is undeveloped; and

WHEREAS, on February 19, 1963, under the subject calendar number, the Board granted a variance and a special permit that allowed the construction of a six-story and cellar

school and monastery in a C6-2 zoning district; and

WHEREAS, the waivers associated with the grant relate to side and rear yard requirements and the special permit relates to height and setback requirements; and

WHEREAS, under the subject calendar number, the Board subsequently reopened and amended the resolution to extend the time to complete construction and obtain a certificate of occupancy; and

WHEREAS, the applicant represents that the site’s conditions remain unchanged from those approved by the Board; and

WHEREAS, the applicant further represents that the bulk regulations of the C6-2M zoning district are identical to those of the C6-2 zoning district in effect at the time of the Board’s grant; and

WHEREAS, the applicant now proposes to merge its zoning lot with adjacent Lot 21 to its east, resulting in a zoning lot with a lot area of approximately 51,959 sq. ft., for the purpose of transferring a portion of its excess development rights to Lot 21 for the construction of a hotel; and

WHEREAS, the School also proposes to demolish an existing brownstone building located on the eastern edge of the School’s property on West 16th Street and to use the remainder of its excess development rights to build a new rectory for use in connection with the neighboring church to its west; and

WHEREAS, the applicant seeks to modify its site plan to reflect the zoning lot merger and the redevelopment of the brownstone; and

WHEREAS, the applicant represents that neither the proposed development of Lot 21, nor the redevelopment of the brownstone, require a modification of the Board’s grant because the waivers and conditions of the underlying grant are not implicated; the School building and the side and rear yards authorized by the variance will be unchanged, and the configuration of the other buildings on the zoning lot will remain the same; and

WHEREAS, the applicant further represents that no new non-compliance will be created on the zoning lot as a result of the lot merger; and

WHEREAS, the Board notes that the respective fee owners of Lot 72 and Lot 21 authorized the instant application; and

WHEREAS, based upon its review of the record, the Board finds that the proposed increase in the size of the zoning lot and modification of the site plan is appropriate.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, said resolution having been adopted on February 13, 1962, so that as amended this portion of the resolution shall read: “to permit the increase in size of the zoning lot to include tax lot 21 and to permit modifications to the BSA-approved site plan *on condition* that all site conditions shall comply with drawings marked ‘Received May 8, 2008’–(1) sheet; and *on further condition*:

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant

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laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.
(DOB Application Nos. 110159970, 110159961)

Adopted by the Board of Standards and Appeals, June 24, 2008.

164-94-BZII

APPLICANT – Jeffrey A. Chester, Esq., for Tuckahoe Realty, owner; LLC Lucille Roberts Health Club Parkchester, lessee.

SUBJECT – Application March 28, 2008 – Extension of Time to obtain a Certificate of Occupancy/waiver for a Physical Culture Establishment (Lucille Roberts), in a C1-2/R-6 zoning district, which expired on April 19, 2006.

PREMISES AFFECTED – 84 Hugh Grant Circle, south side of Hugh Grant Circle, 95.69' west of Cross Bronx Expressway, Block 3794, Lot 109, Borough of Bronx.

COMMUNITY BOARD #9BX

APPEARANCES –

For Applicant: Alycia Huckaby.

ACTION OF THE BOARD – Appeal granted.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and an extension of time to obtain a Certificate of Occupancy, which expired on April 19, 2006, for a physical culture establishment (PCE); and

WHEREAS, a public hearing was held on this application on May 6, 2008, after due notice by publication in *The City Record*, with a continued hearing on June 3, 2008, and then to decision on June 24, 2008; and

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

WHEREAS, the site is located on the south side of Hugh Grant Circle, 95.69 feet west of the Cross Bronx Expressway, within a C1-2 zoning district; and

WHEREAS, the PCE is located in a commercial building, and occupies 14,102 sq. ft. of floor area; it is operated as a Lucille Roberts Health Club; and

WHEREAS, on December 10, 1996, under the subject calendar number, the Board granted a variance for a term of seven years, pursuant to ZR § 71-21, to permit, in a C1-2 zoning district, the operation of the subject PCE, with certain conditions; and

WHEREAS, on April 19, 2005, under the subject calendar number, the Board granted an extension of the term of the variance, until March 1, 2013; and

WHEREAS, one condition of the grant was that a new certificate of occupancy be obtained by April 19, 2006; and

WHEREAS, the applicant represents that the owner's failure to obtain the Certificate of Occupancy in the time stipulated was due in part to a change in management; and

WHEREAS, the applicant represents that the work has since been completed; and

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

WHEREAS, based upon its review of the record, the Board finds that a six-month extension of time to obtain a certificate of occupancy until December 24, 2008 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 December 10, 1996, so that as amended this portion of the resolution shall read: "to grant an extension of time to obtain a certificate of occupancy to December 24, 2008; *on condition* that all use and operations shall substantially conform to all BSA-approved drawings associated with the prior grant; and *on further condition*:

THAT a certificate of occupancy shall be obtained by December 24, 2008;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; 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. 200238484)

Adopted by the Board of Standards and Appeals, June 24, 2008.

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.

COMMUNITY BOARD #18BK

APPEARANCES –

For Applicant: Patrick Gorman.

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

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

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between Kissena Boulevard and 154th Place, Block 6731, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

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 July 22, 2008, at 10 A.M., for decision, hearing closed.

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 and §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 7th Avenue, southwest corner of the intersection formed by Seventh Avenue and Union Street, Block 957, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #6BK

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 July 22, 2008, at 10 A.M., for decision, hearing closed.

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 267th Street, Block 8489, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to August 19, 2008, at 10 A.M., for continued hearing.

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 267th Street, Block 8489, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to August 19, 2008, at 10 A.M., for continued hearing.

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 267th Street, Block 8489, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to August 19, 2008, at 10 A.M., for continued hearing.

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

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district.

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

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Mark McCarthy.

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

24-96-BZ

APPLICANT – Rothkrug, Rothkrug & Spector LLP, for Leonard Franzblau, owner.

SUBJECT – Application January 23, 2008 – Application filed pursuant to §§11-411 & 11-413 to extend the term of a variance, which expired on October 7, 2007, permitting commercial use in an R7-2 residential zoning district and non-compliance regarding lot coverage and rear yard requirements, and to amend the variance to permit a change in use from a retail store (use group 6) to an eating and drinking establishment (use group 6).

PREMISES AFFECTED – 213 Madison Street, North side of Madison Street between Jefferson Street and Essex Street, Block 271, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES –

For Applicant: Eric Palatnik.

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

340-03-BZ

APPLICANT – Davidoff Malito & Hutcher, LLP, by Howard S. Weiss, Esq., for 408-410 Greenwich Street, LLC. 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 – None.

ACTION OF THE BOARD – Laid over to July 22, 2008, at 10 A.M., for continued hearing.

APPEALS CALENDAR

163-07-A

APPLICANT – Rothkrug, Rothkrug and Spector, for Sea Cliff Towers Owners Corp., owner.

SUBJECT – Application June 14, 2007 – Proposed construction of an accessory parking lot located within a portion of the bed of a mapped street (Cliff Street) contrary to General City Law Section 35 . R3-2 Zoning District.

PREMISES AFFECTED – 11 Cliff Street, northeast corner of Cliff Street and Cliff Court, Block 2833, tent. Lot 65, Borough of Staten Island

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Appeal granted.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Staten Island Borough Commissioner, dated May 24, 2007, acting on Department of Buildings Application No. 510001267 reads in pertinent part:

“The Proposed accessory parking (UG2) in the bed of a final mapped street, is contrary to Article 111, 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 an accessory parking lot for 49 cars, a portion of which is located within the bed of the mapped but un-built portion of Cliff Street, to be used by the residents and visitors of the adjacent multiple dwelling building located at 20 Cliff Street; and

WHEREAS, a public hearing was held on this application on March 18, 2008, after due notice by publication in the *City Record*, with continued hearings on May 6, 2008 and June 24, 2008, and to decision on June 24, 2008; and

WHEREAS, by letter dated August 10, 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-a, Sheet 4 of 6 which calls for: (1) a 36-in. diameter combined sewer in Cliff Street between Cliff Court and Nautilus Court, (2) a 36-in. diameter combined sewer in Nautilus Court between Cliff Street and Nautilus Street, (3) a 6’-6” by 5’-11” combined sewer in Nautilus Street between Cliff Court and Nautilus Court, and (4) a 36-in. diameter sanitary sewer and 6-in. diameter and 10-in. diameter force mains in the bed of Nautilus Court between Cliff Street and Nautilus Street; and

WHEREAS, DEP also notes that there is an existing 36-in. diameter sanitary sewer, 6-in. diameter and 10-in. diameter force mains and an 8-in. diameter existing city water main in the bed of Cliff Street between Cliff Court and Nautilus Court; further, there is an existing 6’-6” by 5’-11” combined sewer in the bed of Nautilus Street between Cliff Court and Nautilus Court and a 36-in. diameter sanitary sewer and 6-in. diameter and 10-in. diameter force mains in the bed of Nautilus Court between Cliff Street and Nautilus Street; and

WHEREAS, accordingly, DEP requested a survey showing the width of the mapped Nautilus Street between Cliff Court and Nautilus Court and the width of the widening portion of the street at the above location and the horizontal and vertical distances between the proposed development and existing sewers and water mains in Cliff Street, Cliff Court, and

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Nautilus Street; and

WHEREAS, in response to DEP's request, the applicant has provided a revised survey, which reflects the proposed development and existing sewer and water lines in the surrounding area; and

WHEREAS, by letter dated May 22, 2008, DEP states that it has reviewed the revised site plan and finds it acceptable; and

WHEREAS, by letter dated September 13, 2007, the Department of Transportation (DOT) states that it has reviewed the above application and advises the Board that it has no objections to the proposed project; and

WHEREAS, the Board notes that DOT did not indicate that it intends to include the subject site in its ten-year capital plan; and

WHEREAS, by letter dated October 18, 2007, the Fire Department states that it has reviewed the proposed project and has no objections; 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 May 24, 2007, acting on Department of Buildings Application No. 510001267, 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 June 17, 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 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, June 24, 2008.

306-05-BZY

APPLICANT – Stuart A. Klein, Esq., for Manuel Scharf, owner.

SUBJECT – Application October 12, 2005 – Extension of Time to complete construction (11-331) of a major/minor development under the prior Zoning District regulations.

PREMISES AFFECTED –206A Beach 3rd Street, Block 15604, Lot 34, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Stuart A. Klein.

ACTION OF THE BOARD – Laid over to August

26, 2008, at 10 A.M., for continued hearing.

162-06-A

APPLICANT – Adam Rothkrug, Esq., for Edgewater Developers & Builders, Inc., owner.

SUBJECT – Application July 25, 2006 – Proposed construction of a single family home located partially within the bed of a mapped street (Egdewater Road) contrary to General City Law Section 35. R2 Zoning district.

PREMISES AFFECTED – 2852 Faber Terrace, intersection of Faber Terrace and Proposed Edgewater Road, Block 15684, Lot 161, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Eric Palatnik.

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 1, 2008, at 10 A.M., for decision, hearing closed.

165-06-A

APPLICANT – Adam Rothkrug, Esq., for Edgewater Developers & Builders, Inc., owner.

SUBJECT – Application July 25, 2006 – Proposed construction of a single family home located partially within the bed of a mapped street (Egdewater Road) contrary to General City Law Section 35. R2 Zoning district.

PREMISES AFFECTED – 2848 Faber Terrace, intersection of Faber Terrace and Proposed Edgewater Road, Block 15684, Lot 61, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Eric Palatnik.

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 1, 2008, at 10 A.M., for decision, hearing closed.

39-07-A thru 40-07-A

APPLICANT – Sheldon Lobel, P.C., for Blue Granite, owner.

SUBJECT – Application February 2, 2007 – Proposed construction of two , 3 story, 3 family homes located within the bed of a mapped street, contrary to General City Law Section 35. R5 zoning district.

PREMISES AFFECTED –3248, 3250, Wickham Avenue, unnamed street between Wickham and Givan Avenue,, Block 4755, Lots 65 & 66, Borough of Bronx.

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COMMUNITY BOARD #12BX

APPEARANCES –

For Applicant: Josh Rinesmith.

ACTION OF THE BOARD – Laid over to August 19, 2008, at 10 A.M., for continued hearing.

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: Eric Palatnik.

For Opposition: Marc M. Isaac.

ACTION OF THE BOARD – Laid over to August 19, 2008, at 10 A.M., for continued hearing.

265-07-A

APPLICANT – Abigail Patterson, for West 70th 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 70th Street, north side of 70th Street, 160' east of corner formed by 70th Street and Columbus Avenue, Block 1123, Lot 7, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES –

For Applicant: Stuart Klein.

For Opposition: Mark Davis, Department of Buildings.

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 August 19, 2008, at 10 A.M., for decision, hearing closed.

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

APPEARANCES –

For Applicant: Eric Palatnik.

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

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 221st Street, east side of Beach 221st Street, 100' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Michael Harley.

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

Jeffrey Mulligan, Executive Director

Adjourned: P.M.

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**REGULAR MEETING
TUESDAY AFTERNOON, JUNE 24, 2008
1:30 P.M.**

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

ZONING CALENDAR

100-07-BZ

APPLICANT – David L. Businelli, for Ekram Tadros, owner.

SUBJECT – Application April 26, 2007 – Variance (§ 72-21) to allow a one-story and cellar community facility building (medical offices – UG4) to violate front yard (§ 24-34) and side yard (§ 107-464) requirements. R3X district (SRD).

PREMISES AFFECTED – 642 Barclay Avenue, west side Barclay Avenue, south of Hylan Boulevard, Block 6398, Lot 9, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES – None.

THE VOTE TO WITHDRAW –

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

Adopted by the Board of Standards and Appeals, June 24, 2008.

30-08-BZ

CEQR #08-BSA-055R

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.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION:

WHEREAS, the decision of the Staten Island Borough Commissioner, dated April 17, 2008, acting on Department of Buildings Application No. 510010355, reads in pertinent part:

“Proposed monopole in an R3-1 district requires the issuance of a special permit by the BSA. Refer to Board of Standards and Appeals for the issuance of a special permit under 73-30;” and

WHEREAS, this is an application under ZR §§ 73-30 and 73-03, to permit, within an R3-1 zoning district within the Special South Richmond Development District, the proposed construction of a telecommunications pole (non-accessory radio tower) for public utility wireless communications, which is contrary to ZR § 22-00; and

WHEREAS, the site is the subject of a variance to permit the construction of a one-story commercial building in what was then an R3-2 zoning district, under BSA Cal. No. 457-65-BZ; and

WHEREAS, the applicant concurrently requested an amendment to the variance; there are separate resolutions for the subject special permit and the amendment, but the cases were heard together and the record is the same for both; and

WHEREAS a public hearing was held on this application on May 20, 2008, after due notice by publication in *The City Record*, and then to decision on June 24, 2008; and

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

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

WHEREAS, the proposed telecommunications pole will be located at a site which is occupied by a one-story commercial building (Use Group 6); and

WHEREAS, the proposed telecommunications pole is part of the New York City Department of Information Technology and Telecommunications (DoITT) New York City Wireless Network (NYCWiN) and the application is brought on behalf of the City of New York; and

WHEREAS, the applicant represents that the NYCWiN system will provide a citywide data network designed to provide rich graphical information and real-time video from and to mobile workforces of the City’s public safety and public service agencies, thereby allowing faster decision-making and better coordinated emergency responses; and

WHEREAS, the applicant states that the proposed telecommunications pole will consist of a 50-foot tall pole with internally-mounted antennas and related equipment, located within a fenced area; and

WHEREAS, pursuant to ZR § 73-30, the Board may grant a special permit for a non-accessory radio tower such as the proposed telecommunications pole, provided it finds “that the proposed location, design, and method of operation of such tower will not have a detrimental effect on the privacy, quiet, light and air of the neighborhood;” and

WHEREAS, the applicant represents that the pole has been designed and sited to minimize adverse visual effects on the environment and adjacent residents; that the

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construction and operation of the pole will comply with all applicable laws, that no noise or smoke, odor or dust will be emitted; and that no adverse traffic impacts are anticipated; and

WHEREAS, the applicant states that the telecommunications pole and related equipment cabinets will be installed within an opaque fence enclosure; and

WHEREAS, the applicant further represents that the height of the pole is the minimum necessary to provide the required wireless coverage, and that the pole will not interfere with radio, television, telephone or other uses; and

WHEREAS, based upon its review of evidence in the record, the Board finds that the proposed pole and related equipment will be located, designed, and operated so that there will be no detrimental effect on the privacy, quiet, light, and air of the neighborhood; and

WHEREAS, therefore, the Board finds that the subject application meets the findings set forth at ZR § 73-30; and

WHEREAS, the Board further finds that the subject use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, 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 finds that the application meets the general findings required for special permits set forth at ZR § 73-03; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 08-BSA-055R, dated February 15, 2008; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Type I Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes

the required findings and *grants* a special permit under ZR § 73-03 and § 73-30 to permit, within an R3-1 zoning district within the Special South Richmond Development District, the proposed construction of a telecommunications pole (non-accessory radio tower) for public utility wireless communications, which is contrary to ZR § 22-00, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received February 15, 2008"-(4) sheets and "June 3, 3008"-(1) sheet; and *on further condition*:

THAT any fencing will be maintained in accordance with BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) 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, June 24, 2008.

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.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for an amendment to a previously granted variance which permitted the construction of a one-story commercial building within what was an R3-2 zoning district and is now an R3-1 zoning district; and

WHEREAS, concurrent with this application, under BSA Cal. No. 30-08-BZ, the applicant seeks a special permit, pursuant to ZR § 73-30, to permit the construction of a telecommunications pole; the cases were heard together and the

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record is the same for both; and

WHEREAS a public hearing was held on this application on May 20, 2008, after due notice by publication in *The City Record*, and then to decision on June 24, 2008; and

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

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

WHEREAS, the site is on the southeast side of Hylan Boulevard, between Oceanic Avenue and Richmond Avenue; and

WHEREAS, the Board has exercised jurisdiction over the site since July 20, 1965, when, under the subject calendar number, the Board granted a variance to permit the construction of a one-story commercial building in what was then an R3-2 zoning district; and

WHEREAS, the applicant now proposes to construct a telecommunications pole, with a height of 50 feet with internally-mounted antennas and related equipment, located within a fenced area at the site; and

WHEREAS, the proposed telecommunications pole is part of the New York City Department of Information Technology and Telecommunications (DoITT) New York City Wireless Network (NYCWiN) and the application is brought on behalf of the City of New York; and

WHEREAS, the applicant represents that the NYCWiN system will provide a citywide data network designed to provide rich graphical information and real-time video from and to mobile workforces of the City's public safety and public service agencies, thereby allowing faster decision-making and better coordinated emergency responses; and

WHEREAS, at hearing, the Board directed the applicant to remove any signage that does not comply with C1-1 zoning district regulations; and

WHEREAS, in response, the applicant submitted photographs reflecting that all non-complying signage had been eliminated; and

WHEREAS, the Board notes that no other changes are being made to the original grant other than the addition of the telecommunications pole to the site plan, pursuant to ZR § 73-30, which, as noted, is being requested concurrently under BSA Cal. No. 30-08-BZ; and

WHEREAS, pursuant to ZR §§ 72-01 and 72-22, the Board may permit an amendment to an existing variance; and

WHEREAS, based upon its review of the record, the Board finds that the requested amendment to the site plan, in conjunction with the separate request for the special permit, pursuant to ZR § 73-30, at the site are appropriate with certain conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, as adopted on July 20, 1965, so that as amended this portion of the resolution shall read: "to permit the noted modification to the plans to reflect the proposed telecommunications pole at the site" *on condition* that any and all work shall substantially conform to drawings

filed with this application marked "Received February 15, 2008"-(4) sheets and "June 3, 2008"-(1) sheet; and *on further condition*:

THAT any fencing will be maintained in accordance with BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) 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, June 24, 2008.

39-06-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to August 26, 2008, at 1:30 P.M., for deferred decision.

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

APPEARANCES –

For Applicant: Eric Palatnik and Robert Pulesmo.

For Opposition: Judith Baron and Susan Klapper.

For Administration: Garnine Gayland.

ACTION OF THE BOARD – Laid over to August

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26, 2008, at 1:30 P.M., for decision, hearing closed.

74-07-BZ

APPLICANT – Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for Congregation Shearith Israel a/k/a Trustees of the Congregation Shearith Israel in the City of N.Y. a/k/a the Spanish and Portuguese Synagogue.

SUBJECT – Application April 2, 2007 – Variance (§72-21) to allow a nine (9) story residential/community facility building; the proposal is contrary to regulations for lot coverage (§24-11), rear yard (§24-36), base height, building height and setback (§23-633) and rear setback (§23-663). R8B and R10A districts.

PREMISES AFFECTED – 6-10 West 70th Street, south side of West 70th Street, west of the corner formed by the intersection of Central Park West and West 70th Street, Block 1122, Lots 36 & 37, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES –

For Applicant: Jack Freeman, Shelly Friedman and Louis Salomon.

For Opposition: Alan Sugarman, Martin Levine, James Greer, Jared Chausow, Ron Prince, Bruce Simon, Kate Wood, Susan Nial, Ernest Von Simon, Linda Blumkin and Ken Fernade.

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 August 26, 2008, at 1:30 P.M., for decision, hearing closed.

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 district.

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

COMMUNITY BOARD #7Q

APPEARANCES – None.

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

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

COMMUNITY BOARD #4M

APPEARANCES – None.

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

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.

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 22, 2008, at 1:30 P.M., for decision, hearing closed.

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 80th Road, located at the northwest corner of the intersection of 80th Road and Chevy Chase Street, Block 7248, Lot 44, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Richard Lobel and Hiram Rothkrug.

For Opposition: Laura Schwartzberg and Helene Pangalos.

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.

36-08-BZ

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

MINUTES

Mizrachi, 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.

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 22, 2008, at 1:30 P.M., for decision, hearing closed.

37-08-BZ

APPLICANT – Slater & Beckerman, LLP, for Catholic High School Association of N.Y., owner; Northrop 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.

ACTION OF THE BOARD – Laid over to August 19, 2008, at 1:30 P.M., for continued hearing.

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 58th Street, Twelfth Avenue, West 57th Street, West 58th Street, Eleventh Avenue, Block 1105, Lots 5, 14, 19, 43, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES – None.

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

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 24th Street, east side of East 24th Street, 175' north of Avenue K, Block 7606, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Dennis D. Dell'Angelo.

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 22, 2008, at 1:30 P.M., for decision, hearing closed.

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

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 July 15, 2008, at 1:30 P.M., for decision, hearing closed.

90-08-BZ

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

MINUTES

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 196th Street, northwest corner of Hollis Avenue and 196th Street, Block 10891, Lot 21, Borough of Queens.

COMMUNITY BOARD #12Q

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 July 15, 2008, at 1:30 P.M., for decision, hearing closed.

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 pat of the New York City Department of Information Technology and Telecommunications (“DoITT”) New 666York City Wireless Network (“NYCWiN”). R6A zoning district.

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

COMMUNITY BOARD #3Q

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 July 15, 2008, at 1:30 P.M., for decision, hearing closed.

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 R3-1 zoning Low Density Growth Management district.

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

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Eric Palatnik.

For Opposition: Linda Burhardt.

ACTION OF THE BOARD – Laid over to August 19, 2008, at 1:30 P.M., for continued hearing.

Jeff Mulligan, Executive Director

Adjourned: P.M.