
BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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

Volume 93, Nos. 4-5

February 7, 2008

DIRECTORY

MEENAKSHI SRINIVASAN, *Chair*

CHRISTOPHER COLLINS, *Vice-Chair*

DARA OTTLEY-BROWN

SUSAN M. HINKSON

EILEEN MONTANEZ

Commissioners

Jeffrey Mulligan, *Executive Director*

Roy Starrin, *Deputy Director*

Margaret P. Stix, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006

HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006

BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 788-8500

FAX - (212) 788-8769

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17-08-A

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18-08-A

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

CALENDAR

FEBRUARY 12, 2008, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, February 12, 2008, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

710-55-BZ

APPLICANT – Vincent L. Petraro, PLLC, for Tserpes Realty LLC, owner.

SUBJECT – Application October 19, 2007 – Extension of Term for a gasoline service station (Emporium) which expired on January 10, 2008 in an R3-2 zoning district.

PREMISES AFFECTED – 246-02 South Conduit Avenue, intersection of South Conduit Avenue & 139th Street, Block 13622, Lot 5, Borough of Queens.

COMMUNITY BOARD #13Q

824-61-BZ

APPLICANT – Vincent L. Petraro, PLLC, for Thomas E. Quinn, owner.

SUBJECT – Application November 16, 2007 – Extension of Term allowing the use of surplus parking spaces for transient parking within a multiple dwelling presently located in a C1-9/R8B zoning district granted by the Board pursuant to Section 60 (1d) of the Multiple Dwelling Law.

PREMISES AFFECTED – 200-266 East 66th Street, block bounded by East 66th, East 65th, 2nd and 3rd Avenues, Block 1420, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

50-92-BZ II

APPLICANT – Walter T. Gorman, P.E. for Higinio Caballero, owner.

SUBJECT – Application December 5, 2007 – Extension of Term (§72-01 and §72-22) to reopen the variance for a (UG8) public parking lot for a period of five years.

PREMISES AFFECTED – 1282 Shakespeare Avenue, Bronx, south east corner of west 169th Street, Block 2506, Lot 111, Borough of the Bronx

COMMUNITY BOARD #4BX

120-01-BZ

APPLICANT – Sheldon Lobel, P.C., for Anthony Ariola, owner.

SUBJECT – Application January 23, 2008 – Extension of Time to obtain a Certificate of Occupancy for a previously granted Variance (§72-21) to permit the commercial use (UG6) in an existing two-story building, which expired on May 14, 2006, located in an R4 zoning district and a Waiver of the rules.

PREMISES AFFECTED – 134-02 Cross Bay Boulevard, western side of Cross Bay Boulevard, between Gold and Silver Roads, Block 11374, Lot 134, Borough of Queens.

COMMUNITY BOARD #10Q

APPEALS CALENDAR

261-07-A

APPLICANT – Krygztot Rostek for Belvedere III LLC, owner.

SUBJECT – Application November 9, 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 (M1-2) zoning district. R6B Zoning District.

PREMISES AFFECTED – 135 North 9th Street, north side 125' from east corner of Berry Street, Block 2304, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #1BK

FEBRUARY 12, 2008, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, February 12, 2008, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

218-07-BZ

APPLICANT – Sheldon Lobel, P.C., for Matthew Foglia, owner.

SUBJECT – Application September 24, 2007 – Variance (§72-21) to allow the conversion and enlargement of an existing building to office use; contrary to use regulations (§22-00). R3-2 district.

PREMISES AFFECTED – 110-11 Astoria Boulevard, located at the intersection of Astoria Boulevard and Ditmars Boulevard, Block 1679, Lot 34, Borough of Queens.

COMMUNITY BOARD #3Q

221-07-BZ

APPLICANT – Kramer Levin Naftalis & Frankel, LLP c/o Elise Wagner, Esq., for Kipper Productions, Inc., owner.

SUBJECT – Application September 27, 2007 – Variance (§72-21) to permit a music rehearsal studio on the first and second floors in a two-story vacant building. The proposal is contrary to 32-10. C1-4/R7-2 zoning districts.

PREMISES AFFECTED – 165 Lenox Avenue, west side of Lenox Avenue between West 118th and West 119th Streets, Block 1903, Lot 32, Borough of Manhattan.

CALENDAR

COMMUNITY BOARD #10M

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 4th Street, west side of East 4th Street, between Kings Highway and Avenue S, Block 6681, Lot 263, Borough of Brooklyn.

COMMUNITY BOARD #15BK

286-07-BZ

APPLICANT – Sheldon Lobel, P.C., for Shauwana Dill-Darby, owner.

SUBJECT – Application December 20, 2007 – Special Permit (§73-36) to allow the legalization of a Physical Culture Establishment in a one-story building. The proposal is contrary to §32-10. C8-1 district.

PREMISES AFFECTED – 129-01 Merrick Boulevard, north side of Merrick Boulevard between Zoller and Eveleth Roads, Block 12490, Lot 11, Borough of Queens.

COMMUNITY BOARD #12Q

Jeff Mulligan, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, JANUARY 29, 2008
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

170-47-BZ

APPLICANT – Kenneth H. Koons, for Royal Automation Supplies Corporation, owner.

SUBJECT – Application October 9, 2007 – Extension of Term of a (UG 16) storage warehouse in the cellar, used in conjunction with a (UG 17) factory on the first floor, in an R7-1 zoning district which expired on November 25, 2007. PREMISES AFFECTED – 1982 Crotona Parkway, east side of Crotona Parkway, south of East 178th Street, Block 3121, Lot 11, Borough of Bronx.

COMMUNITY BOARD #6BX

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a reopening and an extension of the term for a previously granted variance for a factory and warehouse building, which expired on November 25, 2007; and

WHEREAS, a public hearing was held on this application on December 4, 2007, after due notice by publication in *The City Record*, with a continued hearing on January 15, 2008, and then to decision on January 29, 2008; and

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

WHEREAS, Community Board 6, Bronx, recommends approval of this application with the following conditions: that the owner (1) hire locally, as much as possible, (2) participate in the Buy Bronx Campaign, and (3) provide the Community Board with quarterly status reports regarding the subject application until the Board renders a decision; and

WHEREAS, the subject site is on the east side of Crotona Parkway, 39.41 feet south of East 178th Street; and

WHEREAS, the site is located within an R7-1 zoning district and is occupied by a one-story factory and warehouse building; and

WHEREAS, on February 10, 1948, under the subject calendar number, the Board granted a variance to allow the

change in occupancy of the existing building from storage to non-storage garage and factory for a term of five years; and

WHEREAS, the grant was subsequently extended and amended at various times; and

WHEREAS, most recently on November 25, 1997, the grant was extended for a term of ten years; and

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

WHEREAS, the applicant represents that there have not been any changes to the site; and

WHEREAS, the Board notes that the Community Board's requested conditions may be established with the property owner but are not within the purview of the Board; 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 reopens and amends the resolution, dated February 10, 1948, so that as amended this portion of the resolution shall read: "to grant an extension of the variance for a term of ten years from the expiration of the prior grant, to expire on November 25, 2017; on condition that the use and operation shall substantially conform to the previously approved drawings; and on further condition:

THAT the term of this grant shall expire on November 25, 2017;

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

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

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

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

(DOB App. No. 210016356)

Adopted by the Board of Standards and Appeals, January 29, 2008.

146-59-BZ

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

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

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

COMMUNITY BOARD #4BX

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APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

Abstain: Commissioner Montanez.....1

THE RESOLUTION:

WHEREAS, this is an application for a reopening, and an extension of the term for a previously granted variance for a parking lot with parking and storage of more than five vehicles, which expired on May 6, 2007; and

WHEREAS, a public hearing was held on this application on October 20, 2007, after due notice by publication in *The City Record*, with a continued hearing on January 15, 2008, and then to decision on January 29, 2008; and

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

WHEREAS, Community Board 4, Bronx, recommends approval of this application; and

WHEREAS, the subject site is on the east side of Gerard Avenue, 180 feet north of 153rd Street; and

WHEREAS, the site is located within an R8 zoning district and is occupied by a parking lot; and

WHEREAS, on July 14, 1959, under the subject calendar number, the Board granted a variance to allow a parking lot with parking and storage of more than five vehicles on a monthly basis at the site for a term of five years; and

WHEREAS, on March 26, 1963, the grant was extended and amended to include transient parking limited to that associated with events at Yankee Stadium during the daytime; and

WHEREAS, on May 16, 1989, the granted was extended and amended to permit parking during all Yankee Stadium events regardless of the time of day; and

WHEREAS, the grant was also extended and amended at various other times; and

WHEREAS, most recently, on May 6, 1997, the grant was extended for a term of ten years; and

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

WHEREAS, the applicant represents that there have not been any changes to the site; and

WHEREAS, at hearing, the Board directed the applicant to (1) remove the razor wire along the top of the fence and (2) to document the operation of the gate; and

WHEREAS, in response, the applicant provided photographs which reflect that the razor wire has been removed and that the gate has a secure closure mechanism; and

WHEREAS, the applicant represents that there are spaces for 24 cars in the standard monthly parking configuration and that during Yankee Stadium events 34 cars are accommodated under the supervision of a parking attendant; 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 reopens and amends the resolution, dated July 14, 1959, so that as amended this portion of the resolution shall read: “to grant an extension of the variance for a term of ten years from the expiration of the prior grant, to expire on May 6, 2017; on condition that the use and operation of the site shall substantially conform to the approved drawings, filed with this application marked “Received October 19, 2008”–(2) sheets; and on further condition:

THAT the term of this grant shall expire on May 6, 2017;

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

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

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

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

(Alt. No. 528/1960)

Adopted by the Board of Standards and Appeals, January 29, 2008.

390-61-BZ

APPLICANT – Peter Hirshman, for Rapid Park Industries, owner.

SUBJECT – Application September 7, 2007 – ZR 11-411 for the Extension of Term of a previously granted variance for a UG8 parking garage (Rapid Park Industries) in an R8B zoning district which will expire on March 3, 2008.

PREMISES AFFECTED – 148-150 East 33rd Street, southside of East 33rd Street, east of East 33rd Street and Lexington Avenue, Block 888, Lot 51, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: Josh Rinesmith.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

Abstain: Commissioner Montanez.....1

THE RESOLUTION:

WHEREAS, this is an application for a reopening and an extension of term for a previously granted variance for a parking garage which will expire on March 3, 2008; and

WHEREAS, a public hearing was held on this application on October 23, 2007, after due notice by publication in *The*

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City Record, with a continued hearing on January 15, 2008, and then to decision on January 29, 2008; and

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

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

WHEREAS, the site is located on the south side of East 33rd Street, approximately 151 feet east of Lexington Avenue; and

WHEREAS, the site is located in an R8B zoning district and is occupied with a four-story and cellar structure for use as a parking garage for not more than 149 cars; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 18, 1961, when, under the subject calendar number, the Board granted a variance for the construction of the parking garage for a term of 20 years; and

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

WHEREAS, most recently, on March 3, 1998, the grant was amended to permit an extension of the term of the variance for an additional ten years, until March 3, 2008, and the extension of time to obtain a new certificate of occupancy; and

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

WHEREAS, during its site examination the Board noted the placement of a rooftop sign that was not approved under the original grant; and

WHEREAS, as a result, at hearing, the Board directed the applicant at hearing to remove signage which did not comply with C1 zoning district requirements; and

WHEREAS, the applicant removed the non-complying signage and submitted photographs reflecting its removal; 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 appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, as adopted on July 18, 1961, 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 March 3, 2008, to expire on March 3, 2018, *on condition* that the use and operation shall substantially conform to the previously approved drawings; and *on further condition*:

THAT the term of this grant shall expire on March 3, 2018;

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

THAT signage shall comply with C1 zoning district regulations;

THAT a revised certificate of occupancy shall be obtained by June 29, 2008;

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other

jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.” (N.B. 46-61)

Adopted by the Board of Standards and Appeals, January 29, 2008.

222-03-BZ, Vol. II

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

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

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

COMMUNITY BOARD #3Q

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a reopening and amendment of a previously granted variance permitting the enlargement of the attic level of a one-family dwelling and its conversion into a two-family dwelling for an extension of time to complete construction; and

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

WHEREAS, the site is located on the southwest corner of 30th Avenue and 73rd Street; and

WHEREAS, the site is located in an R4 zoning district and is occupied with a one-story dwelling with attic; and

WHEREAS, the Board has exercised jurisdiction over the subject site since November 18, 2003 when, under the subject calendar number, the Board granted a variance permitting the enlargement of the attic level of a one-family dwelling to be converted to a two-family dwelling; and

WHEREAS, the applicant states that he was unable to proceed on the enlargement due to the cost of medical treatment for a close family member; and

WHEREAS, the applicant now requests an extension of time to complete construction; and

WHEREAS, pursuant to ZR § 72-01, the Board may permit an extension of time to complete construction; and

WHEREAS, based upon its review of the record, the Board finds the requested extension of time to complete

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construction appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, as adopted on November 18, 2003, so that as amended this portion of the resolution shall read: "to permit a two-year extension of time to complete construction, *on condition* that the use and operation shall substantially conform to the previously approved drawings; and *on further condition*:

THAT substantial construction be completed by January 29, 2010;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted." (DOB Application No. 401019821)

Adopted by the Board of Standards and Appeals, January 29, 2008.

841-76-BZ

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

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

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

COMMUNITY BOARD #5BK

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to March 18, 2008, at 10 A.M., for an adjourned hearing.

78-79-BZ

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

SUBJECT – Application December 5, 2006 – Extension of Term/Amendment for previously approved variance, under BSA calendar numbers 841-76-BZ and 78-79-BZ, granted pursuant to §72-21 which permitted on the premises auto wrecking and junk yard for auto parts (UG 18), sale of new and used cars and auto repair shop (UG 16), and sale of new and used parts (UG 6) not permitted as of right in a R4

zoning district. The amendment seeks to legalize the change in use from the previously mentioned to open commercial storage bus parking, repairs and sales (UG 16 & 6).

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

COMMUNITY BOARD #5BK

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to March 18, 2008, at 10 A.M., for an adjourned hearing.

673-81-BZ

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

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

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

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: David L. Businelli.

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 February 12, 2008, at 10 A.M., for decision, hearing closed.

531-86-BZ

APPLICANT – Spencer Groff, P.E., for Vincent Fantauzz- (agent for owner); Athletic Club at the Equitable Center, lessee.

SUBJECT – Application December 14, 2007 – Extension of Term/Waiver for a Physical Culture Establishment in a portion of the concourse, mezzanine and sub-cellar levels of a fifty-one (51) story office building in a C6-6/C6-6.5 MID zoning district which expired on December 16, 2006.

PREMISES AFFECTED – 787 Seventh Avenue, Seventh Avenue, West 51st Street and 52nd Street, Block 1004, Lot 20, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Spencer Groff

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 February

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26, 2008, at 10 A.M., for decision, hearing closed.

83-97-BZ

APPLICANT – Sheldon Lobel, P.C., for Gary S. Chubak and Lillian R. Chubak, owners.

SUBJECT – Application October 3, 2007 – Amendment – To remove the terms set forth in the prior resolution. The proposed amendment would authorize the control operation of the health care facility (UG4) at the premises located in an R1-2 zoning district with out a term.

PREMISES AFFECTED – 214-18 24th Street, south side of 24th Avenue, approximately 142 feet east of the corner formed by the intersection of Bell Boulevard and 24th Avenue, Block 6001, Lot 47, Borough of Queens.

COMMUNITY BOARD #11Q

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 February 12, 2008, at 10 A.M., for decision, hearing closed.

190-03-BZ

APPLICANT – Sheldon Lobel, P.C, for Satya Sanatan Dharma Sabha Incorporated, owner.

SUBJECT – Application December 19, 2007 – Extension of Time to Complete Construction and to obtain a Certificate of Occupancy for a previously granted Variance (§72-21) to permit the enlargement and legalization of a portion of a two-story building to a temple and conversion of the remainder of the building to a temple in an R2 zoning district which expired on January 13, 2008.

PREMISES AFFECTED – 87-48 215th Place, Hillside Avenue and 215th Place, Block 10682, Lot 45, Borough of Queens.

COMMUNITY BOARD #13Q

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 February 26, 2008, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

229-07-A

APPLICANT – Gary D. Lenhart, for The Breezy Point Cooperative, owner; Patricia & Dennis Kane, lessees.

SUBJECT – Application October 9, 2007 – Proposed reconstruction and enlargement of an existing single family dwelling not fronting on a mapped street contrary to General City Law §36 and the upgrade of an existing non-conforming private disposal system partially in the bed of a service road contrary to Building Department Policy. R4 Zoning district.

PREMISES AFFECTED – 9 Gotham Walk, east side, 106.78’ south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Gary Lenhart.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Commissioner, dated September 28, 2007, acting on Department of Buildings Application No. 402608503, reads in pertinent part:

“A1– The street giving access to the existing building to be replaced is not duly placed on the map of the City of New York, and

a) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law;

b) Existing dwelling to be reconstructed and enlarged does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and is contrary to Section 27-291 of the Administrative Code.

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

WHEREAS, a public hearing was held on this application on January 29, 2008, after due notice by publication in the *City Record*, and then to closure and decision on this same date; and

WHEREAS, by letter dated January 18, 2008, the Fire Department states that it has reviewed the subject proposal and has no objections; and

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

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated September 28, 2007, acting on Department of Buildings Application No. 402608503, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received October 9, 2007”-(1) sheet; that the

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proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition:*

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

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

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

Adopted by the Board of Standards and Appeals, January 29, 2008.

260-07-A

APPLICANT – Gary D. Lenhart, for The Breezy Point Cooperative, owner; Catherine & George Chave, lessees.

SUBJECT – Application November 9, 2007 – Reconstruction and enlargement of an existing one family home not fronting on mapped street, contrary to General City Law and the proposed upgrade of the private disposal system in the bed of the service road contrary to Building Department Policy. R4 zoning district.

PREMISES AFFECTED – 14 Devon Walk, west side, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Gary Lenhart.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Commissioner, dated October 29, 2007, acting on Department of Buildings Application No. 402661375, reads in pertinent part:

- “A1 - The street giving access to the existing building to be replaced is not duly placed on the map of the City of New York, and
 - a) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law;
 - b) Existing dwelling to be reconstructed and enlarged does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to Section 27-291 of the Administrative Code.
- A2 - The proposed upgraded private disposal system is partially in the bed of a service road contrary to the Department of Buildings

policy.”; and

WHEREAS, a public hearing was held on this application on January 29, 2008, after due notice by publication in the *City Record*, and then to closure and decision on this same date; and

WHEREAS, by letter dated January 18, 2008, the Fire Department states that it has reviewed the subject proposal and has no objections; and

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

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated October 29, 2007, acting on Department of Buildings Application No. 402661375, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received November 9, 2007 ”-(1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition:*

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

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

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

Adopted by the Board of Standards and Appeals, January 29, 2008.

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2-07-A thru 5-07-A

APPLICANT – Sheldon Lobel, P.C., for Ron Karo, owner.
SUBJECT – Application January 8, 2007 – To allow construction of four-3story 2 family located within the bed of a mapped street, contrary to General City Law Section 35. R5 zoning district.

PREMISES AFFECTED – 3212, 3214, 3216, 3218, Tiemann Avenue, northeast corner of Tiemann Avenue and unnamed Street, Block 4752, Lots 128, 129, 132, 133, Borough of Bronx.

COMMUNITY BOARD #12BX

APPEARANCES –

For Applicant: Josh Rinesmith.

ACTION OF THE BOARD – Laid over to March 11, 2008, at 10 A.M., for an adjourned hearing.

123-07-A

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to April 8, 2008, at 10 A.M., for an adjourned hearing.

138-07-A

APPLICANT – New York City Department of Buildings.

OWNER: 614 NYC Partners, Incorporated

SUBJECT – Application May 24, 2007 – Appeal seeking to revoke Certificate of Occupancy No. 104114487 that allowed the conversion of single room occupancy units (SRO) to Class A apartments without obtaining a Certificate of No Harassment from NYC Housing Preservation and Development (HPD). R8 Zoning District.

PREMISES AFFECTED – 614 West 138th Street, West 138th Street, east of Riverside Drive and west of Broadway, Block 2086, Lot 141, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES –

For Applicant: John Egnatios-Beene, Department of Buildings.

For Opposition: Mark Klein.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to March 11, 2008, at 10 A.M., for decision, hearing closed.

Jeffrey Mulligan, Executive Director

Adjourned: 11:30 A.M.

REGULAR MEETING TUESDAY AFTERNOON, JANUARY 29, 2008 1:30 P.M.

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

ZONING CALENDAR

342-05-BZ& 343-05-BZ

APPLICANT – Gerald J. Caliendo, R.A., AIA, for Kingsbridge Terrace, LLC, owner.

SUBJECT – Application November 29, 2005 – Zoning variance (§72-21) to allow six (6) three-family buildings (18 dwellings) and six (6) accessory parking spaces; contrary to regulations for use (§ 22-12), FAR (§ 23-141), lot coverage (§23-141), number of dwelling units (§23-22), building height (§23-631), side yards (§ 23-461), minimum number of accessory parking spaces (§25-23), and special requirements for developments with private roads (§26-21).
PREMISES AFFECTED – 1, 3 & 5 Maya Drive, southeast corner of Kingsbridge Terrace and Perot Street, Block 3253, Lot 204, Borough of Bronx.

COMMUNITY BOARD #8BX

APPEARANCES – None.

ACTION OF THE BOARD – Application withdrawn.

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, January 29, 2008.

212-06-BZ

APPLICANT – Jeffrey A. Chester, for AAC Douglaston Plaza, LLC, owner.

SUBJECT – Application August 22, 2006 – Variance (§72-21) to convert an existing supermarket (Use Group 6) into an electronics store with no limitation in floor area (Use Group 10). The Premises is located in an R4 zoning district. The proposal is contrary to §22-10.

PREMISES AFFECTED – 242-02 61st Avenue, Douglaston Parkway and 61st Avenue, Block 8286, Lot 185, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES – None.

ACTION OF THE BOARD – Application withdrawn.

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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, January 29, 2008.

151-07-BZ

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

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

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

COMMUNITY BOARD #10BK

APPEARANCES –

For Applicant: Harold Weinberg and Frank Sellitto.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated January 28, 2008, acting on Department of Buildings Application No. 302335934, reads in pertinent part:

“The proposed enlargement to the existing one-family residence in an R3X zoning district is contrary to the Zoning Resolution in that:

1. The proposed enlargement exceeds the allowable floor area ratio and increases the degree of non-compliance contrary to Sections 23-141 and 54-31 of the Zoning Resolution (ZR).
2. The proposed enlargement reduces the open space below the allowable open space and is contrary to Section 23-141 of the Zoning Resolution.
3. The lot coverage exceeds the maximum and is contrary to Section 23-141 of the Zoning Resolution.
4. The rear yard is less than the minimum required and is contrary to Section 23-47 ZR.
5. The proposed enlargement increases the degree of non-compliance with respect to side yards and is contrary to Sections 23-461 and 54-31 of the ZR.
6. The proposed enlargement increases the degree of non-compliance with respect to

perimeter wall height and is contrary to Sections 23-631 and 54-31.”; and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, within an R3X zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area, open space, lot coverage, side and rear yards, and perimeter wall height, contrary to ZR §§ 23-141, 23-461, 23-47, 23-631, and 54-31; and

WHEREAS, a public hearing was held on this application on October 16, 2007, after due notice by publication in *The City Record*, with continued hearings on November 20, 2007, December 11, 2007 and January 15, 2008, and then to decision on January 29, 2008; and

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

WHEREAS, Community Board 10, Brooklyn, recommends approval of this application; and

WHEREAS, certain neighbors appeared in opposition to the application, citing concerns that (1) there would be an impact on access to light and air and (2) that the basement provides livable space, which has not been properly reflected; and

WHEREAS, the subject site is located on the north side of 83rd Street, between Eleventh Avenue and Twelfth Avenue; and

WHEREAS, the subject site has a total lot area of 2,400 sq. ft., and is occupied by a single-family home with a floor area of 1,997.7 sq. ft. (0.83 FAR); and

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

WHEREAS, the applicant seeks an increase in the floor area from 1,997.7 sq. ft. (0.83 FAR) to 2,602.9 sq. ft. (1.08 FAR); the maximum floor area permitted is 1,440 sq. ft. (0.50 FAR, with attic bonus); and

WHEREAS, the proposed enlargement will provide 1,348.2 sq. ft. of open space (1,560 sq. ft. is the minimum required); and

WHEREAS, the proposed enlargement will provide a lot coverage of 43.8 percent (a maximum of 35 percent is permitted); and

WHEREAS, the proposed enlargement will provide a rear yard with a depth of 26’-3” (a minimum rear yard of 30’-0” is required); and

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

WHEREAS, the proposed enlargement will maintain the existing non-complying side yard and perimeter wall height; and

WHEREAS, at hearing, the Board asked the applicant about whether all appropriate portions of the basement had been included in the floor area calculations; and

WHEREAS, in response, the applicant revised the floor area calculations to include 716.19 sq. ft. of floor area in the basement; and

WHEREAS, additionally, the applicant noted that 200

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sq. ft. of floor area associated with the basement level garage may be subtracted from floor area calculations; and

WHEREAS, the applicant represents that the home is and will be occupied by one residential dwelling unit; and

WHEREAS, the Board noted that the floor area revision resulted in a proposed FAR of 1.14, after the garage deduction; and

WHEREAS, the Board directed the applicant to establish a context for the requested 1.14 FAR or to reduce the FAR; and

WHEREAS, in response, the applicant reduced the depth of the addition, which resulted in a proposed FAR of 1.08; and

WHEREAS, the applicant represents that a further reduction to the depth of the enlargement would not allow for viable rooms at the rear of the house; and

WHEREAS, the applicant provided alternate plans, which illustrated the compromised conditions of a further reduction in the floor area of the enlargement; and

WHEREAS, the applicant submitted a shadow study which reflects that shadows from the proposed enlargement would not fall on the adjacent properties; 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 R3X zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area, open space, lot coverage, side and rear yards, and perimeter wall height, contrary to ZR §§ 23-141, 23-461, 23-47, 23-631, and 54-31; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received December 18, 2007"-(11) sheets; and *on further condition*:

THAT the habitable floor area in the basement shall be limited to 716.19 sq. ft.;

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

THAT the following shall be the bulk parameters of the

building: a total floor area of 2,602.9 sq. ft. (1.08 FAR), a rear yard with a minimum depth of 26'-3", a maximum lot coverage of 43.8 percent, and a minimum open space of 1,348.2 sq. ft., 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, January 29, 2008.

160-07-BZ thru 162-07-BZ

APPLICANT – Rothkrug, Rothkrug & Spector, for Cannon Tower, LLC, owner.

SUBJECT – Application June 14, 2007 – Variance (§72-21) to allow a three (3), three-story attached residential buildings; contrary to regulations for use (§ 22-12), side yards (§ 23-461(a)), maximum number of dwelling units (§ 23-22), perimeter wall height (§ 23-631), and FAR (§ 23-141). R4A district.

PREMISES AFFECTED – 3880, 3882, 3884 Cannon Place (formerly known at 3918 Orloff Avenue) south side of Cannon Place at the intersection of Cannon Place and Orloff Avenue, Block 3263, Lots 357, 358, 258, Borough of the Bronx.

COMMUNITY BOARD #8BX

APPEARANCES –

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW –

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

Negative:.....0

Adopted by the Board of Standards and Appeals, January 29, 2008.

211-07-BZ

APPLICANT – Eric Palatnik, P.C., for Dave Weiss, owner.

SUBJECT – Application September 7, 2007 – 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); side yard (§23-461) and rear yard (§23-47) in an R-2 zoning district.

PREMISES AFFECTED – 1149 East 22nd Street, north of Avenue K, south of Avenue J, Block 7604, Lot 13, Borough of Brooklyn.

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COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Superintendent, dated August 14, 2007, acting on Department of Buildings Application No. 302392738, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141(a) in that the proposed Floor Area Ratio exceeds the permitted 50%.
2. Proposed plans are contrary to ZR 23-141(a) in that the proposed Open Space Ratio (OSR) is less than the required 150%.
3. Plans are contrary to ZR 23-461(a) in that the proposed side yards are less than the required 13'-0".
4. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than 30'-0";" and

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

WHEREAS, a public hearing was held on this application on October 23, 2007, after due notice by publication in *The City Record*, with continued hearings on November 27, 2007 and January 15, 2008, and then to decision on January 29, 2008; and

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

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

WHEREAS, a neighbor testified in opposition to the application citing safety concerns with the entry to the garage; and

WHEREAS, the subject site is located on the east side of East 22nd Street, between Avenue J and Avenue K; 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 2,211 sq. ft. (0.55 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 2,211 sq. ft. (0.55 FAR), to approximately 3,979 sq. ft. (1.00 FAR); the maximum floor area permitted is 2,000 sq. ft. (0.50 FAR); and

WHEREAS, the proposed enlargement will provide an

open space ratio of 47.6 percent (a minimum of 150 percent is required); and

WHEREAS, the proposed enlargement will maintain existing non-complying side yards with widths of approximately 3'-0" and 7'-9 1/2", respectively (two side yards with minimum widths of 5'-0" and 8'-0" are required); 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 practicability of the curb cut and ramp to a proposed two-car garage; and

WHEREAS, in response, the applicant replaced the proposed below-grade garage with an at-grade garage which could be accessed from the existing driveway; and

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

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-622 and 73-03, to permit, within an R2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio, open space ratio, side yards and rear yard, contrary to ZR §§ 23-141(a), 23-461(a) and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received January 2, 2008"–(13) 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 336 sq. ft.;

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

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THAT the following shall be the bulk parameters of the building: a total floor area of 3,978 sq. ft. (1.00 FAR), an open space ratio of 47.6 percent, one side yard with a width of approximately 3'-0" and a second side yard with a width of 7'-9 1/2,"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, January 29, 2008.

233-06-BZ

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

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

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

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Kathleen R. Bradshaw.

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

280-06-BZ

APPLICANT – Carl A. Sulfaro, Esq., for Charles P. Green, owner; Exxon Mobil Oil Corporation, lessee.

SUBJECT – Application October 18, 2006 – Under (§ 73-211) to permit in a C2-2 within R3-2 zoning district, the reestablishment of a Special Permit granted by the BSA for an Automotive Service Station with accessory uses, including an existing accessory convenience store which expired on December 20, 2002.

PREMISES AFFECTED – 181-08 Horace Harding Expressway, southeast corner of Utopia Parkway and

Horace Harding Expressway, Block 7070, Lot 2, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Carl A. Sulfaro.

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

293-06-BZ

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

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

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

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Eric Palatnik and Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to March 4, 2008, at 1:30 P.M., for decision, hearing closed.

311-06-BZ thru 313-06-BZ

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

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

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

COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to March 4, 2008, at 1:30 P.M., for deferred decision.

68-07-BZ

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

SUBJECT – Application March 22, 2007 – Under §72-21 –

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Proposed community facility synagogue, which does not comply with front and side yard requirements.

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

COMMUNITY BOARD #6Q

APPEARANCES –

For Applicant: Jeffrey Chester, David Freire, Marina Saddok and Avram Babadzhyanov,

For Opposition: Meir Turner, Max Lamm and Jacob Schraefer.

ACTION OF THE BOARD – Laid over to March 4, 2008, at 1:30 P.M., for continued hearing.

79-07-BZ

APPLICANT – Sheldon Lobel, P.C., for Power Test Realty Company, LP, owner.

SUBJECT – Application April 12, 2007 – under §11-411 to re-establish the previously granted variance permitting the operation of an automotive service station with accessory uses which is not permitted as-of-right in a C2/2R3-2 zoning district as per §32-10 of the zoning resolution. The prior BSA grant was under calendar number 711-53-BZ and expired on July 24, 2001.

PREMISES AFFECTED – 114-05 Farmers Boulevard, east side of Farmers Boulevard between Murdock Avenue and 114th Road, Block 11007, Lot 5, Borough of Queens.

COMMUNITY BOARD #12Q

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

119-07-BZ

APPLICANT – Sheldon Lobel, P.C., for SCO Family of Services, owner.

SUBJECT – Application May 11, 2007 – Variance under (§ 72-21) to allow a four-story community facility building (UG4A) to violate regulations for use (§ 42-10), rear yard (§ 43-26) and parking (§ 44-21). M1-2 district.

PREMISES AFFECTED – 443 39th Street, northern side of 39th Street, midblock between 4th Avenue and 5th Avenue, Block 705, Lot 59, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES –

For Applicant: Richard Lobel, Maria Ferreira, Sister Mary Paul and Dan Radazzo.

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

205-07-BZ

APPLICANT – Omnipoint Communications Inc., for Joseph Wroblewski, owner; Omnipoint Communications, Inc., lessee.

SUBJECT – Application August 20, 2007 – Special Permit (§73-30) to allow a non-accessory radio tower on the rooftop of an existing building. The tower will be disguised as a 25' flagpole. The site is located in an R4-1 zoning district.

PREMISES AFFECTED – 53-20 72nd Place, west side of the intersection of 53rd Road and 72nd Place, Block 2506, Lot 52, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES –

For Applicant: Robert Guardioso.

For Opposition: Assemblywoman Margaret Markey, 30th District; Councilmember Dennis Gallagher, Irving Poy, Angela D. Den Dekker, Congressman Crowley, Gary Giordano, Michael Johnson, State Senator Serphin Maltese; Manny Carvant, Eileen Reilly, Tony Nunziato, Diane DeSilva, Joseph G. Cimino, Anthony Moredo, Anne M. Zablutowicz and June Osman.

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

233-07-BZ

APPLICANT – Rothkrug, Rothkrug & Spector LLP, for TIAA-CREF, owner; Pure 86th Street Incorporated, lessee.

SUBJECT – Application October 11, 2007 – Special Permit (§73-36) to allow a physical culture establishment on the first floor, cellar, sub-cellar 1 and sub-cellar 2 in an existing 35-story mixed-use building. The proposal is contrary to section 32-10. C2-8A zoning district.

PREMISES AFFECTED – 203 East 86th Street, northeast corner of the intersection of 86th Street and Third Avenue, Block 1532, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to February 12, 2008, at 1:30 P.M., for decision, hearing closed.

235-07-BZ

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

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

PREMISES AFFECTED – 1148 East 27th Street, East 27th Street between Avenue K and Avenue L, Block 7626, Lot

MINUTES

65, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lyra J. Altman and David Shteirman.

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

273-07-BZ

APPLICANT – Moshe M. Friedman, for Abraham
Greenstein, owner.

SUBJECT – Application November 29, 2007 – Special
Permit (§73-622) for the enlargement of an existing single
family residence. This application seeks to vary open space
and floor area (§23-141(a)); side yards (§23-461) and rear
yard (§23-45) in an R-2 zoning district.

PREMISES AFFECTED – 1435 East 22nd Street, 140’ north
from the intersection of East 22nd Street and Avenue N,
Block 7658, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Yosef S. Gottdiener.

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

Jeff Mulligan, Executive Director

Adjourned: 4:40 P.M.