
BULLETIN

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DIRECTORY

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DOCKET

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83-08-A

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84-08-BZ

67-24 Main Street, West side Street 315.5' north of 68th Drive., Block 6486, Lot(s) 38, Borough of **Queens, Community Board: 8**. Special Permit(11-411 & 73-01 (d) to reinstate the variance granted under cal# 410-48-BZ since it has lapsed.

85-08-BZ

222-89 Braddock Avenue, North west corner of Braddock Avenue and Ransom Street., Block 7968, Lot(s) 31, Borough of **Queens, Community Board: 13**. Special Permit (73-30) to allow a non-accessory radio tower on the rooftop of an existing building.

86-08-BZ

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87-08-A

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88-08-BZ

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89-08-BZ

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90-08-BZ

104-36 196th Street, Northwest corner of Hollis Avenue and 196th Street., Block 10891, Lot(s) 21, Borough of **Queens, Community Board: 12**. Special Permit (73-30) to allow an non-accessory radio tower on the rooftop of an existing building.

91-08-BZ

37-68 97th Street, North west corner of 97th Street and 38th Avenue, Block 1759, Lot(s) 30, Borough of **Queens, Community Board: 3**. Special Permit (73-30) to allow a non-accessory radio tower

92-08-BZ

13 Crosby Street, Along the east side of Crosby Street between Grand and Howard Street., Block 233, Lot(s) 4, Borough of **Manhattan, Community Board: 4**. Variance to allow the conversion and enlargement of the upper five floors of an existing six story building and addition for the sixth floor mezzanine.

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

MAY 13, 2008, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, May 13, 2008, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

718-56-BZ

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

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

COMMUNITY BOARD #1SI

1334-66-BZ

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

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

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

COMMUNITY BOARD #7M

1098-83-BZ

APPLICANT – Walter T. Gorman, P.E., Joseph M. Mattone, Estate of James J. Mannix, owner; Exxon Mobil Corporation, lessee.

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

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

COMMUNITY BOARD #7Q

340-03-BZ

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

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

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

COMMUNITY BOARD #1M

80-07-BZ

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

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

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

COMMUNITY BOARD #7M

APPEALS CALENDAR

194-07-A

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

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

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

COMMUNITY BOARD #9BX

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

CALENDAR

Jamaica and 90th Avenues, Block 9811, Lot 61, Borough of Queens.

COMMUNITY BOARD #12Q

28-08-A

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

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

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

COMMUNITY BOARD #14Q

MAY 13, 2008, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, May 13, 2008, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

268-07-BZ

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

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

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

COMMUNITY BOARD #12BK

274-07-BZ

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

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

PREMISES AFFECTED – 1157 83rd Street northern side of

83rd Street between 11th Avenue and 12th Avenue, Block 6301, Lot 54, Borough of Brooklyn.

COMMUNITY BOARD #10BK

24-08-BZ

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

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

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

COMMUNITY BOARD #3SI

31-08-BZ

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

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

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

COMMUNITY BOARD #2SI

456-85-BZ

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

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

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

COMMUNITY BOARD #2SI

37-08-BZ

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

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

PREMISES AFFECTED – 100 Merrill Avenue, between

CALENDAR

Arlene Street and Richmond Avenue, Block 2236, Lot 1,
Borough of Staten Island.

COMMUNITY BOARD #2SI

38-08-BZ

APPLICANT – Jay A. Segal, Greenberg Traurig, LLP, for
40 Broad LLC, owner; 40 Broad Commercial LLC, lessee.
SUBJECT – Application February 22, 2008 – Special
Permit (§73-36) to allow the operation of a Physical Culture
Establishment on the second and third floors of an existing
25-story commercial building. The proposal is contrary to
§32-10. C5-5 within the Historic & Commercial Core Area
of the Special Lower Manhattan District.

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

COMMUNITY BOARD #1M

Jeff Mulligan, Executive Director

MAY 20, 2008, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing,
Tuesday morning, May 20, 2008, 10:00 A.M., at 40 Rector
Street, 6th Floor, New York, N.Y. 10006, on the following
matters:

SPECIAL ORDER CALENDAR

206-61-BZ

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

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

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

COMMUNITY BOARD #6M

788-89-BZ

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

SUBJECT – Application June 25, 2007 – Extension of
Term/waiver for a UG16 automobile repair shop and
automobile sales which expired on November 19, 2006 and
Extension of Time to obtain a Certificate of Occupancy
which expired on November 18, 1998 in a C2-2 zoning
district.

PREMISES AFFECTED – 187-17 Jamaica Avenue,

northeast corner of intersection of Jamaica Avenue and 187th
Place, Block 9910, Lot 11, Borough of Queens.

COMMUNITY BOARD #12Q

APPEALS CALENDAR

266-07-A

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

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

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

COMMUNITY BOARD # 15BK

33-08-A

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

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

PREMISES AFFECTED – 67 Brighton 1st lane, aka 209-
213 Brighton 1st Lane, north side of Brighton 1st lane,
63.19'W of Brighton 1st Street, Block 8670, Lot 80,
Borough of Brooklyn.

COMMUNITY BOARD #13BK

MAY 20, 2008, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing,
Tuesday afternoon, May 20, 2008, at 1:30 P.M., at 40
Rector Street, 6th Floor, New York, N.Y. 10006, on the
following matters:

ZONING CALENDAR

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, aka
764 Schenck Avenue and 825 Hendrix Street, Linden
Boulevard and Hendrix Avenue, Block 4330, Lot 28C,
Borough of Brooklyn.

CALENDAR

COMMUNITY BOARD #5BK

27-08-BZ

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

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

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

COMMUNITY BOARD #3SI

29-08-BZ

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

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

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

COMMUNITY BOARD #3SI

30-08-BZ

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

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

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

COMMUNITY BOARD #3SI

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

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

66-08-BZ

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

SUBJECT – Application March 28, 2008 – Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary open space and floor area (23-141(a)) and less than the required rear yard (23-47) in an R2 zoning district.

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

COMMUNITY BOARD #14BK

Jeff Mulligan, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, APRIL 15, 2008
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

546-70-BZ

APPLICANT – Kramer Levin Naftalis & Frankel LLP,
River York Stratford LLC c/o Glenwood Management
Corporation, owners.

SUBJECT – Application February 21, 2008 – Extension of
Term (60(3)) of the MDL to permit transient parking for the
unused and surplus parking spaces, not to exceed 50 cars,
for a term of 15 years, located in a R10 zoning district.

PREMISES AFFECTED – 1377-1391 York Avenue, West
side of York Avenue between East 73rd and East 74th
Streets, Block 1458, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: James P. Power.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to May 6,
2008, at 10 A.M., for decision, hearing closed.

590-70-BZ

APPLICANT – Kramer Levin Naftalis & Frankel LLP, for
East 85th Realty LLC c/o Glenwood Management
Corporation, owners.

SUBJECT – Application February 21, 2008 – Extension of
Term (60(3)) of the MDL to permit transient parking for the
unused and surplus spaces not to exceed 23 cars, for a term
of 15 years, located in a R10 zoning district.

PREMISES AFFECTED – 1596-1608 York Avenue East
side of York Avenue, between East 84th and East 85th
Streets, Block 1581, Lot 49, Borough of Manhattan.

COMMUNITY BOARD # 8M

APPEARANCES –

For Applicant: James P. Power.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to May 6,
2008, at 10 A.M., for decision, hearing closed.

141-96-BZ

APPLICANT – Sheldon Lobel, P.C., for Lloyd Coy, owner.
SUBJECT – Application July 19, 2007 – Extension of
term/Amendment/Waiver-permitting the operation of a
motor vehicle repair shop (use group 16) in an R5/C2-2
zoning district and amend the previously approved variance
allowing minor changes to the layout and legalization of
existing non-complying signage. The Term of the variance
expired May 20, 2007.

PREMISES AFFECTED – 638-40 Utica Avenue, located on
the west side of Utica Avenue between Winthrop Street and
Clarkson Avenue, Block 4617, Lot 15, Borough of
Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES –

For Applicant: Richard Lobel.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to May 6,
2008, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

207-07-A

APPLICANT – Agusta & Ross, for Davis & Warshow, Inc.,
owner.

SUBJECT – Application August 22, 2007 – Proposed
construction of a four story commercial warehouse located
within the bed of mapped street (48th St.) contrary to Section
35 of the General City Law Section 35. M3-1 Zoning
District.

PREMISES AFFECTED – 48-20 57th Avenue, westerly side
of 49th Street at 57th Avenue, Block 2564, Lot 1, Borough of
Queens.

COMMUNITY BOARD #5Q

APPEARANCES –

For Applicant: Mitchell Ross.

ACTION OF THE BOARD – Appeal 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 August 8, 2007, acting on Department of
Buildings Application No. 402555427 reads in pertinent part:

“Proposed enlargement of building located in the bed
of 48th Street (mapped but not open) requires
approval of the NYC Board of Standards and
Appeals pursuant to General City Law Section 35;”
and

WHEREAS, a public hearing was held on this
application on April 8, 2008, after due notice by publication in

MINUTES

the *City Record*, and then to decision on April 15, 2008; and

WHEREAS, this application requests permission to build a four-story enlargement between two existing four-story buildings on Lot 1, which will replace the one-story brick structure now connecting the buildings; and

WHEREAS, the site is occupied by industrial uses in an M3-1 zoning district; and

WHEREAS, by letter dated December 19, 2007, the Department of Environmental Protection (DEP) states that it has reviewed the application and advises the Board that there is an Amended Drainage Plan No. 20AS(4), 20ASW(5), which calls for (1) a future 24-in. diameter storm sewer and a 12-in diameter sanitary sewer in the bed of 57th Avenue between 48th Street and 49th Street; (2) a future 12-in. diameter storm sewer and a 10-in. diameter sanitary sewer in the bed of 48th Street between 57th Avenue and Maspeth Creek, and (3) a future 10-in. diameter sanitary sewer and a 42-in. diameter storm sewer in 49th Street between 57th Avenue and Maspeth Creek; and

WHEREAS, therefore, DEP requests that the applicant provide a minimum 33-ft. corridor in the bed 57th Avenue between 48th Street and 49th Street for the purpose of installation, maintenance, and/or reconstruction of the future 24-in. diameter storm sewer, a 12-in. diameter sanitary sewer, and an existing 8-in. diameter city water main; and

WHEREAS, DEP also will require a 32-in. sewer corridor in the bed of 48th Street between 57th Avenue and Maspeth Creek for the purpose of installation, maintenance, and/or reconstruction of a future 10-in. diameter sanitary sewer and a 12-in. storm sewer, or to amend the drainage plan; and

WHEREAS, DEP also raised concerns that Lots 25 and 48 of Block 2564 and Lots 95 and 100 of Block 2554 are landlocked, so it requires the applicant to show the methods of ingress, egress, and sewer discharge for these lots; and

WHEREAS, in response, the applicant states that it has applied to merge the separate lots (1, 10, 25, 48, 95, & 100) on the site to one larger Lot 1 and has submitted a revised site plan reflecting the merger; the merged Lot 1 will provide better accessibility for DEP, and therefore will eliminate the need for a 10-in. diameter sanitary sewer and a 12-in. diameter storm sewer in the bed of the mapped 48th Street between 57th Avenue and Maspeth Creek; and

WHEREAS, the plan also provides a 34.46-ft. wide sewer corridor in the bed of 57th Avenue between 48th Street and 49th Street, which will be available for the installation, maintenance, and/or reconstruction of the future 12-in. diameter sanitary sewer, 24-in. diameter storm sewer, and an existing 8-in. diameter water main; and

WHEREAS, by letter dated April 7, 2008, DEP states that it has reviewed the revised site plan and finds it acceptable; and

WHEREAS, by letter dated December 21, 2007, the Department of Transportation (DOT) states that it has reviewed the application and has no objections; and

WHEREAS, the Board notes that the December 21, 2007 letter from DOT did not indicate that DOT intends to include the applicant's property in its ten-year capital plan; and

WHEREAS, by letter dated December 21, 2007, the Fire Department states that it has reviewed the application and has

no objections; and

WHEREAS, based upon the above, the applicant has submitted adequate evidence to warrant this approval.

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated August 8, 2007, acting on Department of Buildings Application No. 402555427, is hereby modified by the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received April 3, 2008"-(1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

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

THAT DOB shall not issue any permit prior to its approval of the proposed lot merger;

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, April 15, 2008.

208-07-BZY

APPLICANT – Law Office of Fredrick Becker, for JN520, LLC/A Fishoff, owner.

SUBJECT – Application August 23, 2007 – Extension of time (§11-331) to complete construction of a minor development commenced prior to the amendment of the zoning district regulations on July 25, 2007.

PREMISES AFFECTED – 74 Grand Avenue (a/k/a 72-96 Grand Avenue) Grand Avenue between Myrtle Avenue and Park Avenue, Block 1892, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES –

For Applicant: Lyra Altman and Matthew Barnett.

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, April 15, 2008.

64-08-A

APPLICANT – Law Office of Fredrick A. Becker, for JN520 LLC, owners.

SUBJECT – Application March 28, 2008 – an Appeal

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seeking a determination that the property owner has acquired a common law vested right to continue construction commenced under the prior R6 Zoning District. R6B Zoning District.

PREMISES AFFECTED – 74 Grand Avenue, (a/k/a 72-96 Grand Avenue) Grand Avenue between Myrtle Avenue and Park Avenue, Block 1892, Lots 48 & 46, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES –

For Applicant: Lyra J. Altman and Matthew Barnett.

ACTION OF THE BOARD – Appeal granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an appeal requesting a Board determination that the owner of the premises has obtained the right to complete construction on a five-story residential building under the common law doctrine of vested rights; and

WHEREAS, this application was brought subsequent to a companion application under BSA Cal. No. 208-07-BZY, which was a request to the Board for a finding that the owner of the premises has obtained a right to continue construction pursuant to ZR § 11-331; and

WHEREAS, the Board notes that separate applications were filed and that the applicant withdrew the application for the statutory vested rights case on April 15, 2008; the record is the same for both cases; and

WHEREAS, a public hearing was held on this application on April 8, 2008, after due notice by publication in *The City Record*, and then to decision on April 15, 2008; and

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

WHEREAS, Community Board 2, Brooklyn, recommends approval of the application; and

WHEREAS, City Council members David Yassky and Letitia James provided testimony in support of the application; and

WHEREAS, the site is located on the west side of Grand Avenue, between Myrtle Avenue and Park Avenue and has a lot area of 25,000 sq. ft.; and

WHEREAS, the applicant proposes to develop the site with a five-story residential building, with 55,000 sq. ft. of floor area (2.2 FAR), a total height of 55 feet, and a base height of 45 feet (the “Building”); and

WHEREAS, the subject premises is currently located within an R6B zoning district, but was formerly located within an R6 zoning district; and

WHEREAS, the Building complies with the former R6 zoning district parameters; specifically with respect to floor area, FAR (2.2 FAR was the maximum permitted), and total height and base height (55 feet and 45 feet, respectively, were the maximum permitted); and

WHEREAS, however, on July 25, 2007 (the “Enactment Date”), the City Council voted to adopt the Fort Greene/Clinton Hill rezoning, which rezoned the site to R6B, as noted above; and

WHEREAS, the Building does not comply with the R6B zoning district parameters as to height, FAR, and floor area; and

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

WHEREAS, the Board notes that New Building Permit No. 301943529 (the “Original Permit”), which authorized the development of a five-story residential building pursuant to R6 zoning district regulations was issued on June 13, 2007; and

WHEREAS, the Original Permit lapsed by operation of law on the Enactment Date because the plans did not comply with the new R6B zoning district regulations and DOB determined that the Building’s foundation was not complete; and

WHEREAS, on October 9, 2007, the applicant amended the building plans under a post approval amendment (PAA) to reflect a three-story building that complies with R6B zoning district regulations; and

WHEREAS, the applicant continued as of right construction at the site pursuant to the PAA; and

WHEREAS, when the companion application, under BSA Cal. No. 208-07-BZY was filed at the Board, DOB stated its opposition to the application because it determined that the Original Permit was superseded by the PAA and, accordingly, the Original Permit could not be renewed; and

WHEREAS, DOB stated its position that the applicant could not seek relief under the vested rights statute while it continues construction pursuant to an as of right permit; and

WHEREAS, the applicant asserted that it maintained a right to renew the Original Permit because (1) the plans associated with the Original Permit were valid under the prior zoning and (2) the plans associated with the PAA were valid under the new zoning; and

WHEREAS, additionally, the applicant noted that the foundation for the three-story building and the five-story building were identical and that other features of the three-story building under construction could ultimately be used for the five-story building if the Original Permit were to be renewed; and

WHEREAS, at the February 26, 2008 hearing for BSA Cal. No. 208-07-BZY, the Board asked DOB whether it would maintain its opposition to the vesting claim if the applicant were to withdraw the PAA and request that the Board consider whether a right to continue construction arose during the time when the Original Permit was in effect; and

WHEREAS, DOB responded that it would not object to the renewal of the Original Permit if the applicant withdrew the PAA; and

WHEREAS, accordingly, the applicant has agreed to withdraw the PAA under DOB’s direction; and

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

WHEREAS, accordingly, for the purpose of the vesting

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application, only the Original Permit, and the work performed pursuant to it, are relevant and have been considered; and

WHEREAS, the Board agrees with DOB that any work performed after the Enactment Date (and pursuant to the PAA) cannot be considered for vesting purposes; and

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

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

WHEREAS, however, notwithstanding this general framework, as discussed by the court in Kadin v. Bennett, 163 A.D.2d 308 (2d Dept. 1990) "there is no fixed formula which measures the content of all the circumstances whereby a party is said to possess 'a vested right'. Rather, it is a term which sums up a determination that the facts of the case render it inequitable that the State impede the individual from taking certain action"; and

WHEREAS, as to substantial construction, the applicant states that prior to the Enactment Date, the owner had completed the following: demolition, foundation work, underpinning and shoring for adjacent properties; and

WHEREAS, in support of this assertion, the applicant submitted the following evidence: photographs of the site showing the amount of work completed, a work schedule, concrete pour tickets, a construction log, affidavits from the contractor and architect, and copies of cancelled checks; and

WHEREAS, the Board notes that construction continued after the date the PAA was issued, but it has not considered any of this work; and

WHEREAS, the applicant submitted records, which reflect the work completed between the issuance of the Original Permit and the Enactment Date; and

WHEREAS, the Board notes that the applicant initially sought to renew the permits pursuant to ZR § 11-331 and provided documentation of the work performed at the site in support of the claim that prior to the Enactment Date: (1) excavation had been completed and (2) substantial progress had been made on the foundation; and

WHEREAS, the applicant asserted that any un-excavated portion of the site provided a necessary staging area and means for construction vehicle access; and

WHEREAS, although the Board rejected the applicant's assertion that excavation had been completed as required by ZR § 11-331 because it determined that the amount of the site that was un-excavated exceeded the

customary amount required for staging and vehicle access, it recognized that the amount of excavation and foundation work was substantial; and

WHEREAS, as noted above, the applicant withdrew the application seeking the renewal of the Original Permit pursuant to ZR § 11-331, but the record for both cases is the same; and

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

WHEREAS, the Board concludes that, given the size of the site, and based upon a comparison of the type and amount of work completed in this case with the type and amount of work discussed by New York State courts, a significant amount of work was performed at the site during the relevant period; and

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

WHEREAS, the applicant states that, prior to the Enactment Date, the owner expended or became obligated for the expenditure of \$1,285,874.41 out of \$12,781,619.00 budgeted for the entire project; and

WHEREAS, the Board notes that this includes \$1,070,733.70 for the foundation costs, which represents 82 percent of the total projected cost for the foundation; and

WHEREAS, thus, the expenditures up to the Enactment Date represent approximately ten percent of the projected total cost; and

WHEREAS, as proof of the expenditures, the applicant has submitted cancelled checks and an accounting report; and

WHEREAS, the Board considers the amount of expenditures significant, both for a project of this size, and when compared with the development costs; and

WHEREAS, again, the Board's consideration is guided by the percentages of expenditure cited by New York courts considering how much expenditure is needed to vest rights under a prior zoning regime; and

WHEREAS, the Board has considered the costs for the following: architectural services, demolition, excavation, concrete pours, underpinning, shoring, other construction work, engineering, and DOB fees; and

WHEREAS, the Board has not considered the cost for any expenditures, other than irrevocable financial commitments, for work performed after the Enactment Date, pursuant to the PAA; and

WHEREAS, as to the serious loss finding, the applicant contends that the loss of approximately \$1,285,874.41 associated with pre-Enactment Date project costs that would result if vesting were not permitted is significant; and

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

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zoning, but in the instant application, the determination was also grounded on the applicant's discussion of the decreased level of return for the project if the height and floor area limitations of the new zoning were imposed; and

WHEREAS, specifically, the applicant notes that the permitted floor area would decrease from 55,000 sq. ft. (2.2 FAR) to 50,000 sq. ft. (2.0 FAR); and

WHEREAS, the applicant notes that the 5,000 sq. ft. loss in floor area represents a loss of seven upper floor apartments and the reconfiguration of the remaining units; and

WHEREAS, the Board notes that upper floor apartments command a premium and that the loss of these and the associated revenue of \$2,677,600.00 (which includes a reduction for the construction associated with the top floor that could not be built); and

WHEREAS, the Board agrees that the need to redesign the building, coupled with \$1,285,874.41 of actual expenditures that could not be recouped, constitutes a serious economic loss, and that the supporting data submitted by the applicant supports this conclusion; and

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

WHEREAS, as to the amount of work performed, the Board reiterates that the degree of construction at the site was sufficient to meet the minimum requirements established by New York courts for such a finding; and

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

WHEREAS, the Board notes that the applicant will withdraw the PAA and re-establish the Original Permit under DOB's direction.

Therefore it is Resolved that this appeal made pursuant to the common law of vested rights requesting a reinstatement of the Original Permit associated with DOB Application No. 301943529, as well as all related permits for various work types, either already issued or necessary to complete construction and obtain a certificate of occupancy, is granted for four years from the date of this grant.

Adopted by the Board of Standards and Appeals, April 15, 2008.

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.

COMMUNITY BOARD #12BX

APPEARANCES –

For Applicant: Jordan Most.

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

192-07-A

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Metropolitan Home Center, Inc.,

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

COMMUNITY BOARD #7BX

APPEARANCES –

For Applicant: Philip Rampulla.

ACTION OF THE BOARD – Laid over to May 20, 2008, at 10 A.M., for continued hearing.

288-07-BZY & 289-07-BZY

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

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

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

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Anthony Tucci.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to May 13, 2008, at 10 A.M., for decision, hearing closed.

1-08-A thru 8-08-A

APPLICANT – Rampulla Associates Architects, for Bay Properties, owner.

SUBJECT – Application January 3, 2008 – Proposed construction of eight, one- family homes not fronting a legally mapped street contrary to Section 36 of the General City Law. R1-2 SRD, SGMD.

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PREMISES AFFECTED – 65, 69, 73, 77, 83, 87, 91, 93 Giegerich Avenue, west side 154.75' to Minerva Avenue, Block 7792, Lot 242 (ten. 286), Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Philip Rampulla.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to May 6, 2008, at 10 A.M., for decision, hearing closed.

Jeffrey Mulligan, Executive Director

Adjourned: 10:10 A.M.

REGULAR MEETING TUESDAY AFTERNOON, APRIL 15, 2008 1:30 P.M.

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

ZONING CALENDAR

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 June 24, 2008, at 1:30 P.M., for deferred decision.

134-06-BZ

APPLICANT – Sheldon Lobel, P.C., for 241-15 Northern LLC, owner.

SUBJECT – Application June 26, 2006 – Variance under § 72-21 to allow a five (5) story residential building containing 40 dwelling units and 63 accessory parking spaces. Proposal is contrary to regulations for use (§22-12), floor area and FAR (§23-141), open space (§23-141), front yard (§23-45), height and setback (§ 23-631) and maximum

number of dwelling units (§23-22). R1-2 district.

PREMISES AFFECTED – 241-15 Northern Boulevard, northwest corner of the intersection between Northern Boulevard and Douglaston Parkway, Block 8092, Lot 39, Borough of Queens.

COMMUNITY BOARD # 11Q

APPEARANCES –

For Applicant: Richard Lobel.

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

51-07-BZ

APPLICANT – Gerald J. Caliendo, R.A., AIA, for 70-50 Kissena Boulevard, LLC, owner.

SUBJECT – Application February 22, 2007 – Variance (§ 72-21) to allow a one-story retail building (U.G. 6); contrary to use regulations (§ 22-00). R4 district.

PREMISES AFFECTED – 70-44 to 58 Kissena Boulevard, northwest corner of Kissena Boulevard and 70th Road, Block 6656, Lot 52, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Richard Lobel.

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

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.

For Opposition: Alan Sugarman, Martin Levine, Craig Morrisoin, Jared Chausow, T. Prince, Bruce Simon, Jay Greer, Kate Wood, Howard Lepow, Katherine Davis, Mark Lebow, Kathryn Cosentino, James E. Mulford and Michael Kaplan.

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

114-07-BZ

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

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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 –

For Applicant: Joe Morsellino.

For Opposition: Helen A. Paladino, James Raymond, Tony Magnostia, Marie S., Vince DiMaggio and Babar Borelli.

ACTION OF THE BOARD – Laid over to May 20, 2008, at 1:30 P. M., for continued hearing.

169-07-BZ

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

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

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

COMMUNITY BOARD #8BX

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

171-07-BZ

APPLICANT – Sheldon Lobel, P.C., for The Michael J. Tropp 2002 Revocable Trust, owners.

SUBJECT – Application June 18, 2007 – Special Permit (§73-622) to allow the Legalization of an enlargement to a single family residence which exceeds the allowable floor area, lot coverage and less than the minimum open space (§23-141); less than the minimum required rear yard (§23-47) less than the minimum side yards (§23-461) in an R3-1 zoning district. Previous BSA Special Permit (§73-622) 173-99-BZ was dismissed for lack of prosecution on September 24, 2002.

PREMISES AFFECTED –167 Norfolk Street, located on east of Norfolk Street between Shore Boulevard and Oriental Boulevard, Block 8757, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

For Opposition: Judith Barron and others.

For Administration: Virginia Sullivan, Department of Buildings.

ACTION OF THE BOARD – Laid over to June 17, 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 – None.

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

250-07-BZ

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

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

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

COMMUNITY BOARD #5BK

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APPEARANCES –

For Applicant: Adam Rothkrug.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to May 13, 2008, at 1:30 P.M., for decision, hearing closed.

269-07-BZ

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

SUBJECT – Application November 26, 2007 – Special Permit (§73-125) to allow a cellar and two (2) story ambulatory diagnostic/treatment care facility (medical offices, UG 4). R3-1 district.

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

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD – Laid over to May 20, 2008, at 1:30 P.M., for continued hearing.

272-07-BZ

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

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

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

COMMUNITY BOARD #7M

APPEARANCES –

For Applicant: Ellen Hay.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to May 13, 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.

For Opposition: Matthew Berk, Launa Schwartzberg, Carin Gardner, Margo Pangalos, Helene Pangalos, Pat Misrotanis and S. Basehorg.

ACTION OF THE BOARD – Laid over to May 20, 2008, at 1:30 P.M., for continued hearing.

54-08-BZ

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

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

PREMISES AFFECTED – 3199 Bedford Avenue, east side of Bedford Avenue, between Avenue J and K, Block 7607, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lyra Altman.

ACTION OF THE BOARD – Laid over to May 20, 2008, at 1:30 P.M., for continued hearing.

Jeff Mulligan, Executive Director

Adjourned: 5:15 P.M.

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* CORRECTION *

This resolution adopted on August 14, 2007, under Calendar No. 46-07-BZ and printed in Volume 92, Bulletin No. 32, is hereby corrected to read as follows:

46-07-BZ

APPLICANT – Sheldon Lobel, P.C., for Moishe Bergman, owner.

SUBJECT – Application February 15, 2007 – Special Permit (§73-622) for the enlargement of a single family residence. This application seeks to vary open space and floor area (§23-141(a)); side yard (§23-461) and rear yard (§23-47) in an R-2 zoning district.

PREMISES AFFECTED – 1328 East 23rd Street, located on the west side of East 23rd Street between Avenue M and Avenue N, Block 7658, Lot 62, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Richard Lobel.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated June 6, 2007, acting on Department of Buildings Application No. 302280065, reads in pertinent part:

1. Floor area is contrary to ZR 23-141a
2. Open space ratio is contrary to ZR 23-141a
3. Side yard requirements are contrary to ZR 23-461a
4. Rear yard requirement is contrary to ZR 23-47;” and

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

WHEREAS, a public hearing was held on this application on June 12, 2007, after due notice by publication in *The City Record*, with a continued hearing on July 17, 2007, and then to decision on August 14, 2007; and

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

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

WHEREAS, the subject site is located on the west side of East 23rd Street, between Avenue M and Avenue N; and

WHEREAS, the subject site has a total lot area of 4,000 sq. ft., and is occupied by a 2,335 sq. ft. (0.58 FAR) single-family home; 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 2,335 sq. ft. (0.58 FAR) to 3,608 sq. ft. (0.9 FAR); the maximum floor area permitted is 2,000 sq. ft. (0.5 FAR); and

WHEREAS, the proposed enlargement will decrease the open space ratio from 116.1% to 70.1% (an open space ratio of 150% is required); and

WHEREAS, the proposed enlargement will retain the two existing side yards of 12’-11” and 4’-5-3/4” (side yards with a minimum width of 8’-0” and 5’-0” are required); and

WHEREAS, the proposed enlargement calls for a rear yard of 20’-0” (30’-0” is required); and

WHEREAS, the proposed enlargement calls for a dormer, which is a permitted obstruction in the sky exposure plane having a one-to-one horizontal to vertical ratio; and

WHEREAS, the Board notes that the enlargement will consist of extensions at the front and rear of the house; 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, 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 the City Environmental Quality Review and makes the required findings under ZR § 73-622 to permit, in an R2 zoning district, the proposed enlargement of a single-family dwelling, which does not comply with the zoning requirements for floor area, open space ratio, side yards and rear yard, contrary to ZR §§ 23-141a, 23-461a, 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 July 31, 2007”– (11) sheets; and *on further condition*:

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 3,608 sq. ft., a total FAR of 0.90, side yards of 12’-11” and 4’-5-3/4”, and rear yard 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

MINUTES

DOB/other jurisdiction objections(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 the plan(s)/configuration(s) not related to the relief granted.

(DOB Application No. 302280065)

Adopted by the Board of Standards and Appeals, August 14, 2007.

***The resolution has been corrected to reflect the elimination of a sky exposure plane waiver. Corrected in Bulletin Nos. 16-17, Vol. 93, dated April 24, 2008.**