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DOCKET

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156-08-BZ

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157-08-BZ

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158-08-BZ

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159-08-BZ

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160-08-BZ

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161-08-BZ

136 Dover Street, Between Hampton Street and Oriental Boulevard., Block 8735, Lot(s) 80, Borough of **Brooklyn, Community Board: 15**. Special Permit (73-622) for enlargement of a single family home.

162-08-BZ

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163-08-BZ

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164-08-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

JULY 15, 2008, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 15, 2008, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

406-82-BZ

APPLICANT – Joseph P. Morsellino, Esq., for Adolf Clause & Theodore Thomas, owners; Hendel Products, lessee.

SUBJECT – Application April 29, 2008 – Extension of Term/waiver for a Special Permit (§73-243) Eating and Drinking Establishment (McDonald's) with accessory drive-thru which expired on January 18, 2008; and an Extension of Time to obtain a Certificate of Occupancy which expired on January 1, 2006 in an C1-3/R05 zoning district.

PREMISES AFFECTED – 2411 86th Street, northeast corner of 24th Avenue and 86th Street, Block 6859, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #11BK

561-87-BZ

APPLICANT – The Agusta Group, for 2700 Jerome Avenue Realty Corporation, owner.

SUBJECT – Application April 13, 2007 – Extension of Term/Amendment/Waiver-To permit eating and drinking. To legalize interior layout change and reduction from 53 to 50. To permit an increase in the hours of operation of the (UG12) from the 9:00pm-3:00am to 8:00pm 4:00am Wednesday thru Sunday.

PREMISES AFFECTED – 2700 Jerome Avenue, easterly side of Jerome Avenue, 221.27' northerly of Kingsbridge Road, Block 3317, Lot 17, Borough of Bronx.

COMMUNITY BOARD #7BX

152-05-BZ

APPLICANT – New York City Board of Standards and Appeals.

OWNER: 255 Butler LLC, owner.

SUBJECT – Application June 17, 2005 – To consider dismissal for lack of prosecution.

PREMISES AFFECTED – 255 Butler Street, 484 Baltic Street; 206-224 Nevins Street, irregular L-shape lot west side Nevins Street, between Butler and Baltic, Block 405, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #6BK

302-06-BZ

APPLICANT – Harold Weinberg, P.E., for Mirrer Yeshiva Central Inst.

SUBJECT – Application April 10, 2008 – Reopening for an Amendment (§§72-01 and 72-22) to allow a small increase in floor area and floor area ratio.

PREMISES AFFECTED – 1791 Ocean Parkway, northeast corner of Avenue R, between Ocean Parkway and East 7th Street, Block 6663, Lot 46, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEALS CALENDAR

104-08-BZY thru 119-08-BZY

APPLICANT – Anthony J. Tucci, for Carmel Homes LLC, owner.

SUBJECT – Application April 23, 2008 – Extension of time (11-332) to complete construction and obtain a Certificate of Occupancy under the prior district regulations . R3X zoning district Series cases 104-08-BZY thru 119-08-BZY

PREMISES AFFECTED – 14/589 Carmela Court, Mill Road, Block 4690, Lots 129, 128, 127, 126, 120, 121, 122, 123, 124, 125, 110, 111, 112, 113, 114, 115, Borough of Staten Island.

COMMUNITY BOARD #3SI

JULY 15, 2008, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, July 15, 2008, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

127-07-BZ

APPLICANT – Gerald J. Caliendo, R.A., for Maric Mechanical, Incorporated, owner.

SUBJECT – Application May 18, 2007 – Variance (§ 72-21) to allow the enlargement of a legal, non-conforming warehouse and office building (UG16); proposal increases the degree of non-conformance (contrary to § 52-31) and non-compliance (contrary to § 54-31). Proposal is therefore contrary to regulations for use (§ 22-00), front yard (§ 23-45), side yard (§ 23-466), rear yard (§ 23-47), FAR (§ 23-141) and wall height (§ 23-631). R4 district.

PREMISES AFFECTED – 19-03 75th Street, southeast corner of Hazen Street and 75th Street, Block 943, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

CALENDAR

220-07-BZ

APPLICANT – Moshe M. Friedman, P.E., for Relly Bodansky, owner.

SUBJECT – Application September 25, 2007 – Variance (§72-21) to allow the erection of a new 4-story residential building containing 4 dwelling units on a site containing an existing legal, nonconforming 3-story multiple dwelling which is proposed to be razed; contrary to use regulations (§ 42-10). M1-1 district.

PREMISES AFFECTED – 847 Kent Avenue, east side of Kent Avenue, 300' north of intersection of Kent Avenue and Myrtle Avenue, Block 1898, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #3BK

89-08-BZ

APPLICANT – Eric Palatnik, P.C., for Majorie Wilpon, owner.

SUBJECT – Application April 11, 2008 – Special Permit (§73-125) to allow a medical office (UG 4) in an existing one-story commercial office building, allowed by prior variance. R3X (HS) district.

PREMISES AFFECTED – 1101 Victory Boulevard, northwest corner of Victory Boulevard and Melrose Avenue, Block 247, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1SI

156-08-BZ

APPLICANT – Friedman & Gotbaum, LLP, for Hilton Resorts Corporation, owner; Spa Chakra, LLC, lessee.

SUBJECT – Application June 5, 2008 – Special Permit pursuant to ZR Section 73-36 to allow the proposed Physical Culture Establishment on a portion of the ground floor of a new hotel. The proposal is contrary to ZR Section 32-10. The premises is located in a C5-3 zoning district.

PREMISES AFFECTED – 102 West 57th Street, Southerly side of West 57th Street, 150 feet west of Sixth Avenue, Block 1009, Lots 37 & 39, Borough of Manhattan.

COMMUNITY BOARD #5M

Jeff Mulligan, Executive Director

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**REGULAR MEETING
TUESDAY MORNING, JUNE 17, 2008
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

1334-66-BZ

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

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

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

COMMUNITY BOARD #7M

APPEARANCES –

For Applicant: Josh Rinesmith.

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 transient parking garage, which expired on May 5, 2008; and

WHEREAS, a public hearing was held on this application on May 13, 2008, after due notice by publication in *The City Record*, and then to decision on June 17, 2008; and

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

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

WHEREAS, the subject premises is located on the east side of West End Avenue between West 66th Street and West 67th Street; and

WHEREAS, the site is located within an R8 zoning district and is occupied by a 29-story residential building; and

WHEREAS, the cellar and sub-cellar are occupied by an accessory garage with 89 spaces; and

WHEREAS, on July 5, 1967, the Board granted a variance, under the subject calendar number, to permit a

maximum of 44 surplus parking spaces to be used for transient parking for a term of 20 years; and

WHEREAS, on May 5, 1998, under the subject calendar number, the Board waived the Rules of Practice and Procedure and reopened and amended the resolution to grant a ten-year extension of term, which expired on May 5, 2008; and

WHEREAS, the applicant submitted a photograph of a sign posted onsite, which states building residents' right to recapture the surplus parking spaces; and

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

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution having been adopted on July 5, 1967, so that, as amended, this portion of the resolution shall read: "to permit the extension of the term of the grant for an additional ten years from May 5, 2008, to expire on May 5, 2018; *on condition* that that all work shall substantially conform to drawings filed with this application and marked 'Received March 3, 2008'-(1) sheet; and *on further condition*:

THAT this term shall expire on May 5, 2018;

THAT a sign indicating that the spaces devoted to transient parking can be recaptured by residential tenants on 30 days notice to the parking garage operator be located in a conspicuous place within the garage, permanently affixed to the wall;

THAT the above conditions and all relevant conditions from the prior resolutions shall appear on the certificate of occupancy;

THAT the layout of the parking lot shall be as approved by the Department of Buildings;

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

(DOB Application No. 101893756)

Adopted by the Board of Standards and Appeals, June 17, 2008.

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.

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COMMUNITY BOARD #10Q

APPEARANCES –

For Applicant: Elizabeth Safian.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening and an extension of the time to complete construction and obtain a certificate of occupancy for a commercial building (Use Group 6), which expired on May 14, 2006; and

WHEREAS, a public hearing was held on this application on February 12, 2008, after due notice by publication in *The City Record*, with continued hearings on March 11, 2008, April 4, 2008, and May 6, 2008, and then to decision on June 17, 2008; and

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

WHEREAS, the subject premises is located on the west side of Cross Bay Boulevard, between Gold Road and Silver Road, within an R4 zoning district; and

WHEREAS, the site is occupied by a two-story commercial building (Use Group 6); and

WHEREAS, on May 14, 2002, under the subject calendar number, the Board granted a variance to permit the legalization of commercial uses (Use Group 6) in an existing two-story building; and

WHEREAS, one of the conditions of the grant was that substantial construction be completed within four years from the date of the grant; and

WHEREAS, the applicant represents that additional time was necessary to finance and complete construction; and

WHEREAS, thus, the applicant now requests a three-year extension to obtain a new certificate of occupancy; and

WHEREAS, at hearing, the Board asked the applicant if all signage complies with C1 zoning district regulations; and

WHEREAS, in response, the applicant provided a revised zoning analysis, which reflects that an exterior canopy and other signage does not comply with C1 zoning district regulations; and

WHEREAS, the Board directed the applicant to remove the non-complying signage; and

WHEREAS, photographs submitted to the Board confirmed that the canopy and other non-complying signage had been removed; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction and obtain a certificate of occupancy is appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards

and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution dated May 14, 2002, so that as amended this portion of the resolution shall read: “to grant an extension time to complete construction and obtain a certificate of occupancy for three years from the expiration of the prior grant; *on condition* that that all work shall substantially conform to drawings filed with this application and marked ‘Received April 28, 2008’–(1) sheet; and *on further condition*:

THAT a certificate of occupancy shall be obtained by May 14, 2009;

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.”

Adopted by the Board of Standards and Appeals, June 17, 2008.

370-02-BZ, Vol. II

APPLICANT – Sheldon Lobel, P.C., for New York Hospital Medical Center of Queens, owner.

SUBJECT – Application February 1, 2008 – Extension of Time to obtain a Certificate of Occupancy for a (UG4) Medical Offices, in an R5B zoning district, which expired on May 20, 2007, and a waiver of the rules.

PREMISES AFFECTED – 56-14 Main Street, between 56th and Booth Memorial Avenue, Block 5133, Lot 40, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Elizabeth Safian.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of the time to complete construction and obtain a certificate of occupancy for a medical office building, which expired on May 20, 2007; and

WHEREAS, this application was filed with a companion application, under BSA Cal. No. 373-02-BZ, for a related medical office building at 56-44 Main Street; and

WHEREAS, a public hearing was held on this application on March 4, 2008, after due notice by publication in *The City Record*, with continued hearings on

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April 1, 2008 and May 6, 2008, and then to decision on June 17, 2008; and

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

WHEREAS, the site is located on the west side of Main Street, between Booth Memorial Avenue and 56th Avenue, within an R5B zoning district; and

WHEREAS, on May 20, 2003, under the subject calendar number, the Board granted a variance to permit the legalization of the existing two-story building, occupied by a medical office, at the site in what was then an R4 zoning district; and

WHEREAS, one of the conditions of the grant was that substantial construction be completed in accordance with ZR § 72-23, by May 20, 2007; and

WHEREAS, on February 28, 2007, the site was rezoned to R5B and the use is now permitted as of right, but the requirement for supplemental waivers remains; and

WHEREAS, the application was brought on behalf of New York Hospital Medical Center of Queens (the "Hospital"); and

WHEREAS, the applicant represents that the Hospital was unable to complete the construction and obtain the new certificate of occupancy within the prescribed time frame; and

WHEREAS, the Board observes that certain construction, including access ramps, has not been completed and because this involves safety concerns and the building is already occupied, the Board directed the applicant to complete the construction expeditiously; and

WHEREAS, at hearing, the Board directed the applicant to provide a timeline as to when the construction would be completed; and

WHEREAS, the applicant represents that the Hospital has not completed construction due to funding constraints and would complete it as soon as possible; and

WHEREAS, the applicant has requested one year to obtain a new certificate of occupancy; and

WHEREAS, based upon its review of the record, the Board finds that a six-month extension of time to complete construction and an additional six-month extension of time to obtain a certificate of occupancy is appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated May 20, 2003, so that as amended this portion of the resolution shall read: "to grant an extension of time to complete construction to December 17, 2008 and to grant an extension of time to obtain a certificate of occupancy to June 17, 2009; *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT a certificate of occupancy shall be obtained by June 17, 2009;

THAT all conditions from the prior resolution 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 Application No. 401482766)

Adopted by the Board of Standards and Appeals, June 17, 2008.

373-02-BZ, Vol. II

APPLICANT – Sheldon Lobel, P.C., for New York Hospital Medical Center of Queens, owner.

SUBJECT – Application February 1, 2008 – Extension of Time to obtain a Certificate of Occupancy for a (UG4) Medical Offices, in an R5B zoning district, which expired on May 20, 2007, and a waiver of the rules.

PREMISES AFFECTED – 56-44 Main Street, between 56th and Booth Memorial Avenue, Block 5133, Lot 55, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Elizabeth Safian.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of the time to complete construction and obtain a certificate of occupancy for a medical office building, which expired on May 20, 2007; and

WHEREAS, this application was filed with a companion application, under BSA Cal. No. 370-02-BZ, for a related medical office building at 56-14 Main Street; and

WHEREAS, a public hearing was held on this application on March 4, 2008, after due notice by publication in *The City Record*, with continued hearings on April 1, 2008 and May 6, 2008, and then to decision on June 17, 2008; and

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

WHEREAS, the site is located on the west side of Main Street, between Booth Memorial Avenue and 56th Avenue, within an R5B zoning district; and

WHEREAS, on May 20, 2003, under the subject calendar number, the Board granted a variance to permit the legalization of the existing two-story building, occupied by a medical office, at the site in what was then an R4 zoning district; and

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WHEREAS, one of the conditions of the grant was that substantial construction be completed in accordance with ZR § 72-23, by May 20, 2007; and

WHEREAS, on February 28, 2007, the site was rezoned to R5B and the use is now permitted as of right, but the requirement for supplemental waivers remains; and

WHEREAS, the application was brought on behalf of New York Hospital Medical Center of Queens (the "Hospital"); and

WHEREAS, the applicant represents that the Hospital was unable to complete the construction and obtain the new certificate of occupancy within the prescribed time frame; and

WHEREAS, the Board observes that certain construction, including access ramps, has not been completed and because this involves safety concerns and the building is already occupied, the Board directed the applicant to complete the construction expeditiously; and

WHEREAS, at hearing, the Board directed the applicant to provide a timeline as to when the construction would be completed; and

WHEREAS, the applicant represents that the Hospital has not completed construction due to funding constraints and would complete it as soon as possible; and

WHEREAS, the applicant has requested one year to obtain a new certificate of occupancy; and

WHEREAS, based upon its review of the record, the Board finds that a six-month extension of time to complete construction and an additional six-month extension of time to obtain a certificate of occupancy is appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated May 20, 2003, so that as amended this portion of the resolution shall read: "to grant an extension of time to complete construction to December 17, 2008 and to grant an extension of time to obtain a certificate of occupancy to June 17, 2009; *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT a certificate of occupancy shall be obtained by June 17, 2009;

THAT all conditions from the prior resolution 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 Application No. 401482775)

Adopted by the Board of Standards and Appeals, June 17, 2008.

718-56-BZ

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

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

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

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Patrick Gorman.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

1098-83-BZ

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

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

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

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Patrick Gorman.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

16-92-BZ

APPLICANT – Stadtmauer Bailkin, LLP, for High Teck Park, Inc., owner.

SUBJECT – Application May 18, 2007 – Pursuant to Z.R §72-01 and §72-22 to permit a waiver of the rules of

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practice and procedure, a re-opening, an amendment, and an extension of the term of the variance. The requested application would permit the legalization from the change in use from auto repair and warehouse to a charity auto donation facility (Use Group 16 automotive storage), container storage (Use Group 16), a woodworking and metal working company (Use Group 16) and a legalization of a 2,420 square foot mezzanine addition. The premises is located in a R5/C1-1 zoning district.

PREMISES AFFECTED – 115 King Street, 78 Sullivan Street, lot front King Street and Sullivan Street, between Richardson and Van Brunt Street, Block 556, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Sheldon Lobel.

For Opposition: Loris Sones and Molly Rouzie.

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

1149-62-BZ

APPLICANT – Bryan Cave LLP, for College of Saint Francis Xavier/Clothing Workers Center, Incorporated.

SUBJECT – Application May 8 2008 – Amendment to a previously approved UG3 parochial school (Xavier High School) for the increase of the zoning lot in a C6-2 zoning district.

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

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Robert Davis.

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 24, 2008, at 10 A.M., for decision, hearing closed.

84-91-BZ

APPLICANT – Eric Palatnik, P.C., for Ronald Klar, owner.

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

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

COMMUNITY BOARD #11BX

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

200-00-BZIII

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

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

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

COMMUNITY BOARD #3Q

APPEARANCES –

For Applicant: Adam Rothkrug.

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

33-06-BZII

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

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

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

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Philip Rampulla.

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

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APPEALS CALENDAR

259-07-A

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

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

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

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: George N. Mihalios.

ACTION OF THE BOARD – Appeal granted.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Commissioner, dated October 10, 2007, acting on Department of Buildings Application No. 402540871, reads in pertinent part:

“Proposed application to build in the bed of a mapped street requires approval from the Board of Standards and Appeals pursuant to GCL Section 35;” and

WHEREAS, this application requests permission to build an eight-story, multi-unit residential building with a medical office located within the bed of a mapped street (Ash Avenue) contrary to General City Law Section 35; and

WHEREAS, the subject zoning lot is a split lot located in partially within an R6 zoning district and partially within an R3-2 zoning district; and

WHEREAS, a public hearing was held on this application on April 8, 2008, after due notice by publication in the *City Record*, with a continued hearing on May 13, 2008, then to decision on June 17, 2008; and

WHEREAS, by letter dated January 16, 2008, the Department of Environmental Protection (DEP) states that it reviewed the above application and has no objections to the proposed application; and

WHEREAS, DEP also notes that there are no existing sewers or City water mains in the bed of Ash Avenue between Parsons Boulevard and 147th Street; and

WHEREAS, by letter dated March 31, 2008, the Fire Department states that it has reviewed the above application and has no objection to the proposed application; and

WHEREAS, by letter dated April 18, 2008, the Department of Transportation (DOT) states that it has reviewed the above application and has no objections provided that the curb and sidewalk abutting the proposed development to conform to the maximum existing sidewalk width and curb alignment as currently exists in Parsons Boulevard; and

WHEREAS, the Board notes that DOT did not indicate

that it intends to include the subject site in its ten-year capital plan; and

WHEREAS, at hearing, the Board directed the applicant to confirm that the subject lot is free of any easements or encumbrances and to provide the ownership history of the lot; and

WHEREAS, in response to the Board’s request the applicant provided a title company report that reflects that the lot is a single tax lot free of any easements and encumbrances; and

WHEREAS, based upon its review of the record, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated August 7, 2006, acting on Department of Buildings Application No. 402540871, is modified by the power vested in the Board by Sections 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received, June 11, 2008”-one (1) sheet and that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

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

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

THAT the lot is to be approved by the Department of Buildings;

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

Adopted by the Board of Standards and Appeals, June 17, 2008.

194-07-A

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

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

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

COMMUNITY BOARD #9BX

APPEARANCES –

For Applicant: Adam W. Rothkrug.

For Opposition: Zenali Tirado.

For Administration: Lisa Orrantia, Department of Buildings.

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THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

255-07-A

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

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

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

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Adam Rothkrug.

For Opposition: Henry Euler and Dennis Devoti.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

141-07-A

APPLICANT – Hakime Altine, for Charles Macena, owner.

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

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

COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Hakime Altine.

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

68-08-A

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

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

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

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Jordan Most and Gerald Caliendo, R.A.

For Opposition: Seymour Schwartz.

For Administration: Amandus Derr, Department of Buildings.

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

Jeffrey Mulligan, Executive Director

Adjourned: 12:30 P.M.

REGULAR MEETING TUESDAY AFTERNOON, JUNE 17, 2008 1:30 P.M.

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

ZONING CALENDAR

174-07-BZ

CEQR #08-BSA-103K

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

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

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

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Collins,

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Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Superintendent, dated June 1, 2007, acting on Department of Buildings Application No. 302333981, reads in pertinent part:

“Proposed removal of existing one story service station building and replacement with a new one story accessory convenience store with a new metal canopy structure and new fuel dispensing pumps at an existing gasoline service station now located within a C2-3 within R7-A zoning district as shown on map #22-D is contrary to Section 52-22 ZR and Section 52-41 ZR and is hereby denied;” and

WHEREAS, this is an application under ZR § 73-211, to permit certain site modifications to an existing automotive service station including a new metal canopy, new fuel tanks and pumps and a new accessory convenience store in a C2-3 (R7A) zoning district, contrary to ZR §§ 52-22 and 52-41; and

WHEREAS, a public hearing was held on this application on April 1, 2008, after due notice by publication in the *City Record*, with a continued hearing on May 20, 2008, and then to decision on June 17, 2008; and

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

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

WHEREAS, the premises is located on the northeast corner of Coney Island Avenue and Avenue P; and

WHEREAS, the subject site has a total lot area of 16,622 sq. ft.; and

WHEREAS, the site is currently occupied by an automotive service station with an accessory convenience store; and

WHEREAS, the Board has had jurisdiction over the site since June 26, 1919, when, under BSA Cal. No. 368-19-BZ, it approved a variance for the construction of a one-story parking garage in what was then a residential zoning district; and

WHEREAS, on September 14, 1982, under BSA Cal. No. 215-82-A, the Board granted an appeal to permit self-service gasoline pumps at the site; and

WHEREAS, the applicant now seeks to make the following modifications to the site: (1) eliminate automotive repair service, (2) construct a new accessory convenience store, (3) construct a new metal canopy over the new fuel dispensing area, (4) increase the number of fueling positions from four to 12, and (5) replace existing fuel storage tanks; and

WHEREAS, the required findings for the special permit for automotive service stations in certain districts, pursuant to ZR § 73-211, include the following: (1) that the site has a minimum lot area of 7,500 sq. ft., (2) that any facilities for auto repair and washing be located within an enclosed building, (3) that five reservoir parking spaces be provided, (4) that means of ingress and egress are designed so as to cause minimum

obstruction, (5) that screening be provided along lot lines adjoining residential districts, and (6) that signage comply with applicable district regulations; and

WHEREAS, based upon its review of the record, the Board finds that the automotive service station, as currently operating, complies with these requirements for the special permit; and

WHEREAS, at hearing, the Board asked the applicant to confirm that all signage complied with zoning district regulations; and

WHEREAS, in response, the applicant provided a revised signage analysis reflecting compliance with C2-3 zoning district parameters; and

WHEREAS, additionally, the applicant submitted evidence into the record from New York City Transit stating that it agreed to relocate the bus stop on Coney Island Avenue further to the north (at the applicant’s expense) so as to improve vehicle circulation and safety; and

WHEREAS, accordingly, the applicant has submitted sufficient evidence that the findings set forth at ZR § 73-211 have been met; and

WHEREAS, the Board notes that the retention and renovation of the existing station will not interfere with any pending public improvement project; and

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-211 and 73-03; and

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 §§ 73-211 and 73-03, to permit certain site modifications to an existing automotive service station including a new metal canopy, new fuel tanks and pumps and a new accessory convenience store in a C2-3 (R7A) zoning district, contrary to ZR §§ 52-22 and 52-41; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received May 6, 2008”- (8) sheets; and *on further condition*:

THAT the term of this grant shall be for ten years, to expire on June 17, 2018;

THAT signage shall comply with C2-3 zoning district regulations and be limited to that indicated on the BSA-approved plans;

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

THAT the site shall be maintained clean and free of debris and graffiti;

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;

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

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

Adopted by the Board of Standards and Appeals, June 17, 2008.

242-07-BZ

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

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

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

COMMUNITY BOARD # 9BX

APPEARANCES –

For Applicant: Irvin Minkin.

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 Bronx Borough Commissioner, dated October 17, 2007, acting on Department of Buildings Application No. 210014250, reads in pertinent part:

“Proposed residential building . . . and open parking within a required front yard is contrary to Section 23-45;” and

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

WHEREAS, a public hearing was held on this application on April 8, 2008, after due notice by publication in The City Record, with a continued hearing on May 13, 2008, and then to decision on June 17, 2008; and

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

WHEREAS, Community Board 9, Bronx, recommends disapproval of this application; and

WHEREAS, a neighbor, represented by counsel, provided testimony in opposition to the proposed application, citing concerns regarding the orientation of the proposed home towards Commonwealth Avenue as opposed

to Gleason Street; and

WHEREAS, the proposed building will have the following non-complying parameter: one front yard with a depth of 3’-0” on the western portion of the lot (front yards with depths of 10’-0” are the minimum required); and

WHEREAS, the site is located on the southeast corner of Gleason Avenue and Commonwealth Avenue and is currently vacant; and

WHEREAS, the proposed building will provide a floor area of 1,870 sq. ft., 0.70 FAR, a wall height of 19’-0”, a total height of 25’-0”, and two parking spaces; all of these parameters comply with zoning district regulations; and

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

WHEREAS, the applicant states that the following is a unique physical condition, which creates practical difficulties and unnecessary hardship in developing the site in compliance with underlying district regulations: the corner lot’s narrow width of 25 feet; and

WHEREAS, the applicant notes that the lot width and lot area are non-complying conditions; the site has a lot width of 25’-0” and a lot area of 2,667.25 sq. ft. (the minimum required lot width and lot area in the zoning district are, respectively, 30’-0” and 2,850 sq. ft.); and

WHEREAS, the applicant has submitted evidence establishing that the subject lot was owned separate and apart from both adjacent lots on December 15, 1961 and at the time of the current application; and

WHEREAS, as to the lot’s width, the applicant notes that without a front yard waiver, the site could not feasibly be developed; and

WHEREAS, the applicant notes that, given the narrow width and position as a corner lot, the provision of two front yards and two side yards would result in an uninhabitable home with a width of 10’-0”; and

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

WHEREAS, further, there is no other vacant corner lot of comparable size within a 400-ft. radius of the site; and

WHEREAS, the applicant notes that a number of the existing homes in the area have pre-existing non-complying yards; and

WHEREAS, the Board agrees that the front yard waiver is necessary in order to construct a habitable home; and

WHEREAS, thus, the Board finds that the aforementioned unique physical condition creates a practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, the Board has determined that because of the subject lot’s unique physical conditions, there is no reasonable possibility that a complying and viable building could be constructed; and

WHEREAS, the applicant represents that the variance,

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if granted, will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and

WHEREAS, the applicant notes that the proposed home complies with all R5 zoning district regulations aside from the front yard requirement, and that the proposed bulk and height is compatible with the other residential buildings in the immediate vicinity; and

WHEREAS, the applicant originally proposed a home with a garage at the southern end of the site, which also encroached into the required front yard; and

WHEREAS, at hearing, the Board expressed concern that the proposed parking with garage may not be viable; and

WHEREAS, in response, the applicant revised the site plan to eliminate the proposed garage and to allow for the parking area to be accessed via a curb cut between two mature street trees; and

WHEREAS, the Board finds this alternative, located within the deep southern side yard to be viable and compatible with neighborhood character; and

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

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

WHEREAS, thus, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21.

Therefore it is Resolved that the Board of Standards and Appeals issues a Type II Declaration under 6 NYCRR Part 617.5 and 617.13, §§ 5-02(a), 5-02(b)(2), and 6-15 of the Rules of Procedure for City Environmental Quality Review, and makes the required findings under ZR § 72-21, to permit, in an R5 zoning district, the construction of a two-story two-family home on a lot that does not comply with front yard requirements, contrary to ZR § 23-45; on condition that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 11, 2008"- (5) sheets and "April 29, 2008"-(1) sheet; and on further condition:

THAT the parameters of the proposed home are as follows: one side yard of 5'-0" along the eastern lot line, one side yard of 36'-0" along the southern lot line, one front yard of 12'-0" along the northern lot line, and one front yard of 3'-0" along the western lot line; as illustrated on the BSA-approved plans

THAT there shall be no habitable space in the cellar;

THAT the above condition shall appear on the Certificate of Occupancy

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

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

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

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

Adopted by the Board of Standards and Appeals, June 17, 2008.

24-08-BZ CEQR #09-BSA-050R

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

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

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

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Robert Gaudio.

For Opposition: Sherwin Berman and David Codner.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Staten Island Borough Superintendent, dated January 15, 2008, acting on Department of Buildings Application No. 500863309, reads in pertinent part:

“Proposed construction of telecommunication cabinets on grade and 90 feet high unipole that are not attached to a building or other secure structure that has a lawful use in commercial C1-3 district as per TPN #5/98 is referred to Board of Standards and Appeals for approval pursuant to . . . 73-30 of NYC Zoning Resolution;” and

WHEREAS, this is an application under ZR §§ 73-30 and 73-03, to permit, within a C1-3 (R3-2) zoning district within the Special South Richmond Development District, the proposed construction of a telecommunications pole (non-accessory radio tower) for public utility wireless communications, which is contrary to ZR § 32-21; and

WHEREAS a public hearing was held on this application on May 13, 2008 after due notice by publication in *The City Record*, and then to decision on June 17, 2008; and

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

WHEREAS, neighborhood residents testified in opposition to this application, citing concerns with its location and impacts on health; and

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

WHEREAS, the proposed telecommunications pole will be located to the rear of a one-story commercial building (Use Group 6) at the Village Greens Shopping Plaza; and

WHEREAS, the applicant states that the proposed telecommunications pole will consist of a 90-foot tall pole with internally-mounted antennas and related equipment located within a fenced area; and

WHEREAS, the applicant represents that the telecommunications facility is necessary to remedy a significant gap in reliable service in the vicinity of the site caused by a lack of coverage and capacity; and

WHEREAS, a special permit is required from the City Planning Commission pursuant to ZR § 107-43, since the facility exceeds the 50-ft. height limitation of the Special South Richmond Development District; and

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

WHEREAS, the applicant represents that the pole has been designed and sited to minimize adverse visual effects on the environment and adjacent residents; that the construction and operation of the pole will comply with all applicable laws, that no noise or smoke, odor or dust will be emitted; and that no adverse traffic impacts are anticipated; and

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

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

WHEREAS, at hearing neighborhood residents raised concerns about the proximity of the telecommunications pole to a local public school and to homes, and its potential health effects; and

WHEREAS, in response, the applicant represented that the pole would be located at least 700 feet from the local public school and from homes and that radio frequency wave exposure was well below the limits set by the Federal Communications Commission; and

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

WHEREAS, therefore, the Board finds that the subject

application meets the findings set forth at ZR § 73-30; and

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

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

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 08-BSA-049R, dated February 5, 2008; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Type I Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes the required findings and *grants* a special permit under ZR § 73-03 and § 73-30, to permit, within a C1-3 (R3-2) zoning district within the Special South Richmond Development District, the proposed construction of a telecommunications pole (non-accessory radio tower) for public utility wireless communications, which is contrary to ZR § 32-21, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received February 5, 2008”- (6) sheets; and *on further condition*;

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

THAT approval is conditioned on obtaining a special permit from the City Planning Commission pursuant to ZR § 107-43;

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

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jurisdiction objection(s) only;

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

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

Adopted by the Board of Standards and Appeals, June 17, 2008.

27-08-BZ

CEQR #09-BSA-052R

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

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

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

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Robert Burdiaso and Slater & Beckerman.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Staten Island Borough Superintendent, dated February 11, 2008, acting on Department of Buildings Application No. 510023920, reads in pertinent part:

“Proposed unipole in R3X district requires the issuance of a special permit by the Board of Standards and Appeals. Refer to the BSA for issuance of a special permit under ZR 73-30 of the Zoning Resolution;” and

WHEREAS, this is an application under ZR §§ 73-30 and 73-03, to permit, within an R3X zoning district within the Special South Richmond Development District, the proposed construction of a telecommunications pole (non-accessory radio tower) for public utility wireless communications, which is contrary to ZR § 22-21; and

WHEREAS a public hearing was held on this application on May 20, 2008 after due notice by publication in *The City Record*, and then to decision on June 17, 2008; and

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

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

Commissioner Montanez; and

WHEREAS, the proposed telecommunications pole will be located at a site which is occupied by an open parking lot; and

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

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

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

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

WHEREAS, the applicant represents that the pole has been designed and sited to minimize adverse visual effects on the environment and adjacent residents; that the construction and operation of the pole will comply with all applicable laws, that no noise or smoke, odor or dust will be emitted; and that no adverse traffic impacts are anticipated; and

WHEREAS, at hearing, the applicant stated that the flag is proposed to be illuminated by three narrow beamed lights which will shine only on the flag and will be directed away from nearby residential uses; and

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

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

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

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

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

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

WHEREAS, the NYCWiN system is designed to

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streamline and enhance public safety and public service operations; and

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 08-BSA-052R, dated February 13, 2008; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Type I Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes the required findings and *grants* a special permit under ZR § 73-03 and § 73-30, to permit, within an R3X zoning district within the Special South Richmond Development District, the proposed construction of a telecommunications pole (non-accessory radio tower) for public utility wireless communications, which is contrary to ZR § 22-21, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received April 17, 2008"-(5) sheets; and *on further condition*;

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

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

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

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

Adopted by the Board of Standards and Appeals, June 17, 2008.

29-08-BZ

CEQR #09-BSA-053R

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

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

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

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Robert Burdioso.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION:

WHEREAS, the decision of the Staten Island Borough Superintendent, dated February 6, 2008, acting on Department of Buildings Application No. 510008689, reads in pertinent part:

“Proposed monopole (Use Group 6) is not permitted within zoning district R3-2, and therefore requires a special permit under ZR 73-30.

Refer to the Board of Standards and Appeals for review and issuance of a special permit pursuant to ZR 73-30;” and

WHEREAS, this is an application under ZR §§ 73-30 and 73-03, to permit, within an R3-2 zoning district within the Special South Richmond Development District, the proposed construction of a telecommunications pole (non-accessory radio tower) for public utility wireless communications, which is contrary to ZR § 22-21; and

WHEREAS a public hearing was held on this application on May 20, 2008 after due notice by publication in *The City Record*, and then to decision on June 17, 2008; and

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

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

WHEREAS, the proposed telecommunications pole will be located at a site which is occupied by the Hebrew Free Burial Association Mount Richmond Cemetery; and

WHEREAS, the proposed telecommunications pole is part of the New York City Department of Information Technology and Telecommunications (DoITT) New York

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City Wireless Network (NYCWIn) and the application is brought on behalf of the City of New York; and

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

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

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

WHEREAS, the applicant represents that the pole has been designed and sited to minimize adverse visual effects on the environment and adjacent residents; that the construction and operation of the pole will comply with all applicable laws, that no noise or smoke, odor or dust will be emitted; and that no adverse traffic impacts are anticipated; and

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

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

WHEREAS, at hearing, the applicant further represented that the light from the pole will be directed downward and away from nearby residential uses; and

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

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

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

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

WHEREAS, the NYCWiN system is designed to streamline and enhance public safety and public service operations; and

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

WHEREAS, therefore, the Board finds that the

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 08-BSA-053, dated February 14, 2008; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Type I Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes the required findings and *grants* a special permit under ZR § 73-03 and § 73-30, to permit, within an R3-2 zoning district within the Special South Richmond Development District, the proposed construction of a telecommunications pole (non-accessory radio tower) for public utility wireless communications, which is contrary to ZR § 22-21, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received February 14, 2008"- (5) sheets; and *on further condition*;

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

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

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

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

Adopted by the Board of Standards and Appeals, June 17, 2008.

38-08-BZ
CEQR #09-BSA-059M

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

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

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

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Sidney N. Hockens.

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 Manhattan Borough Commissioner, dated January 23, 2008, acting on Department of Buildings Application No. 110069372, reads in pertinent part:

“A Physical Culture Establishment is not a permitted as of right use in a C5-5 district;” and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C5-5 zoning district within the Historic and Commercial Core Area of the Special Lower Manhattan District, the establishment of a physical culture establishment (PCE) on portions of the second and third floors of a 25-story mixed use residential/commercial office building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on May 13, 2008, after due notice by publication in *The City Record*, and then to decision on June 17, 2008; and

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

WHEREAS, Community Board 1, Manhattan, recommends approval of this application; and

WHEREAS, the subject site occupies a through lot located on the west side of Broad Street and the east side of New Street between Exchange Place and Beaver Street; and

WHEREAS, a 25-story mixed-use commercial/residential building is currently under construction at the site; and

WHEREAS, the PCE will occupy a total of approximately 8,320 sq. ft. of floor area on portions of the second and third floors; and

WHEREAS, the PCE will be operated as Setai Club Spa; and

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

instruction; and

WHEREAS, the building plans reflect that the PCE will be located at least four stories below the residential portions of the building; and

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

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

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

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No. 08BSA059M, dated February 22, 2008; and

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

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site within a C5-5 zoning district within the Historic and Commercial Core Area of the Special Lower Manhattan District, the establishment of a physical culture establishment on portions of the second and third floors of a 25-story mixed use residential/commercial

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office building, contrary to ZR § 32-10, *on condition* that all work shall substantially conform to drawings filed with this application marked "Received April 18, 2008"- (2) sheets and "Received February 22, 2008"- (1) sheet; and *on further condition*:

THAT the term of this grant shall expire on June 17, 2018;

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

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

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, June 17, 2008.

39-06-BZ

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

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

For Applicant: Eric Palatnik..

ACTION OF THE BOARD - Laid over to July 29, 2008, at 1:30 P.M., for continued hearing.

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: Jordan Most and Robert Pauls.

For Opposition: Marc Bresky, Marie Marsina, Margaret Nihan, Elliott Socci, Stuart Hersh, Marie L. Morra and Arthur F. Kelley.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to July 29, 2008, at 1:30 P.M., for continued hearing.

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.

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

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.

MINUTES

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

For Opposition: Judith Barron.

ACTION OF THE BOARD – Laid over to August 19, 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 – Robert Burdiaso.

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

245-07-BZ

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

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

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

COMMUNITY BOARD #2BK

APPEARANCES –

For Applicant: Chris Wright and Jack Freeman.

ACTION OF THE BOARD – Laid over to July 29, 2008, at 1:30 P.M., for continued hearing.

248-07-BZ

APPLICANT – Akeeb Shekoni, for Bhola Trilok, owner.

SUBJECT – Application October 31, 2007 – Variance (§72-21) for legalization of three story, two family home, in an R5 zoning district, which was built on an undersized lot contrary to section (23-33) for minimum lot width.

PREMISES AFFECTED – 32-15 60th Street, between Northern Boulevard and 32nd Avenue, Block 1161, Lot 29, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to July 29,

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

274-07-BZ

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

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

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

COMMUNITY BOARD #10BK

APPEARANCES –

For Applicant: Richard Lobel.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

9-08-BZ

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

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

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

COMMUNITY BOARD #3SI

APPEARANCES – Phil Rampulla.

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

12-08-BZ

APPLICANT – Sheldon Lobel, P.C., for Empire State Development Corp., owner; Harlem Center, LLC, lessee.

SUBJECT – Application January 3, 2008 – Special Permit (§73-36) to allow the operation of a Physical Culture Establishment on a portion of the cellar and ground floor in a ten-story commercial building. The proposal is contrary to §32-10. C4-7 district.

PREMISES AFFECTED – 317 Lenox Avenue, a/k/a 105 W. 125th Street, west side of Lenox Avenue, between 125th Street and 126th Street, Block 1910, Lot 7501, Borough of Manhattan.

COMMUNITY BOARD #10M

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APPEARANCES –

For Applicant: Richard Lobel.

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

39-08-BZ

APPLICANT – Eric Palatnik, P.C., for Kenbar Development, owner; Synergy Fitness, lessees.

SUBJECT – Application February 22, 2008 – Special Permit (§73-36) to legalize the operation of a Physical Culture Establishment on the first floor of the subject building. The proposal is contrary to section 32-10. C2-1 district.

PREMISES AFFECTED – 77 Richmond Hill Road, middle of the Ken-Bar Plaza shopping center on Richmond Hill Road, Block 2380, Lot 500, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to July 29, 2008, at 1:30 P.M., for continued hearing.

65-08-BZ

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

SUBJECT – Application March 28, 2008 – Special Permit (§73-30) to permit, a 90 foot non-accessory radio tower as part of the New York City Department of Information Technology and Telecommunications (“DoITT”) New York City Wireless Network (“NYCWiN”). R3A zoning district.

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

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Robert Gardioso.

For Opposition: Angelica Herrera and Joan Williams.

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

69-08-BZ

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

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

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

COMMUNITY BOARD #5Q

APPEARANCES –

For Applicant: Robert Gardioso.

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

85-08-BZ

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

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

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

COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Robert Gardioso.

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

Jeff Mulligan, Executive Director

Adjourned: 4:00 P.M.