
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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29-08-BZ

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30-08-BZ

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31-08-BZ

2043 Richmond Avenue, Between Ashworth Avenue and Rockland Avenue., Block 2015, Lot(s) 42, Borough of **Staten Island, Community Board: 2**. Special Permit (73-30) to allow an extension to an existing non-accessory radio tower.

32-08-BZ

1126 Richmond Avenue, Intersection of entrance to the Baron De Hirsch Cemetery adjacent to Mark Street., Block 1668, Lot(s) 1, Borough of **Staten Island, Community Board: 1**. Special Permit (73-30) to allow an extension to an existing non-accessory radio tower.

33-08-A

67 Brighton 1st Lane, Premises is situated on the north side of Brighton 1st Lane 63.19' west of Brighton 1st Street., Block 8670, Lot(s) 80, Borough of **Brooklyn, Community Board: 13**. Construction not fronting on a legally mapped street, contrary to General City law Section 36.

34-08-A

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35-08-BZ

1856 East 24 Street, West side of 24 Street between Avenue R & Avenue S., Block 6829, Lot(s) 29, Borough of **Brooklyn, Community Board: 15**. Special Permit (73-622) for enlargement of a single family home.

36-08-BZ

1177 East 23 Street, East side of East 23 Street 130 feet north of Avenue L., Block 7623, Lot(s) 12, Borough of **Brooklyn, Community Board: 14**. Special Permit (73-622) for the enlargement of a single family home.

37-08-BZ

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38-08-BZ

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DOCKET

39-08-BZ

77 Richmond Hill Road, Middle of the Ken-Bar Plaza shopping center on Richmond Hill Road, Block 2380, Lot(s) 500, Borough of **Staten Island, Community Board: 2.** Special Permit (73-36) to legalize the operation of a physical culture establishment.

40-08-BZ

3957 Laconia Avenue, Northwest corner of east 224th Street., Block 4871, Lot(s) 1, Borough of **Bronx, Community Board: 12.** Extension of Term (11-411 & 11-412) to re-instate and extend the term, to amend the previous approval to legalize the elimination of the of the gasoline services

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

MARCH 11, 2008, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, March 11, 2008, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

739-76-BZ IX

APPLICANT – Joseph P. Morsellino, Esq., for Cord Meyer Development Company, owner; Peter Pan Games of Bayside, lessees.

SUBJECT – Application January 8, 2008 – Extension of Term of a Special Permit (§73-03) to permit the continued operation of a (UG16) amusement arcade (Peter Pan Games) in a C4-1 zoning district for a term of one year which expired on April 10, 2007 and a waiver of the rules.

PREMISES AFFECTED – 212-95 26th Avenue, 26th Avenue and Bell Boulevard, Block 5900, Lot 2, Borough of Queens.

265-98-BZ II

APPLICANT – Sheldon Lobel, P.C., for Milford Tile, Incorporated, owner.

SUBJECT – Application November 19, 2007 – Extension of Term of a previously granted Variance (§72-21) to permit the operation of an existing contractor's yard for storage, sales and display of tiles with accessory parking (UG17) in an R5 zoning district which expired on November 29, 2007; Extension of Time to obtain a Certificate of Occupancy which expired on June 22, 2000 and a waiver of rules.

PREMISES AFFECTED – 950 Glenmore Avenue, southwest corner of the intersection of Glenmore Avenue and Crystal Avenue, Block 4210, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEALS CALENDAR

267-07-A

APPLICANT – Gary D. Lenhart, for The Breezy Point Cooperative, owner; Deirdre Radtke, lessee.

SUBJECT – Application November 26, 2007 – Reconstruction and enlargement of existing single family dwelling lying in the bed of a mapped street is contrary to General City Law Section 35. The upgrade of an existing private disposal system partially in the bed of a mapped street is contrary to General City Law Section 35 and Buildings Department Policy. R4 Zoning District.

PREMISES AFFECTED – 49 W. Market Street, south side W. Market Street at intersection of mapped Bayside Drive, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

290-07-A

APPLICANT – Valentino Pompeo, for Breezy Point Cooperative, Inc., owner; Mary Jean Farrell-Halliday, lessee.

SUBJECT – Application December 27, 2007 – Proposed reconstruction and enlargement of an existing single family home located in the bed of a mapped street contrary to Section 35 GCL, not fronting on a legally mapped street, contrary to Section 36 GCL and the proposed upgrade of an existing private disposal system located within the bed of a mapped street contrary to Buildings Department Policy. R4 Zoning district.

PREMISES AFFECTED – 10 Clinton Walk, east of Clinton Walk, north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

MARCH 11, 2008, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, March 11, 2008, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

227-07-BZ

APPLICANT – Snyder & Snyder, LLP/Omnipoint Communications Inc., for Mikhail Arabov, owner.

SUBJECT – Application October 1, 2007 – Special Permit (§73-30) to permit approval for a proposed 52 foot non-accessory radio tower and related equipment at grade.

PREMISES AFFECTED – 1595 Canarsie Road, Block 8277, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #18BK

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

CALENDAR

13-08-BZ

APPLICANT – Bryan Cave LLP/Robert Davis, for Little Red School House, Inc., owner.

SUBJECT – Application January 8, 2008 – Variance (§72-21) to permit an addition at the rear of the existing high school and adjacent buildings to meet the school's programmatic needs. The proposal is contrary to §§ 24-11 (lot coverage) and 24-36 (rear yard). R6/M1-6 districts.

PREMISES AFFECTED – 34-42 Charlton Street (a/k/a 34 Charlton , 40 Charlton, 40-42 Charlton Street) bounded by Varick and Charlton Streets, Avenue of the Americas and Vandam Street, Block 506, Lots 11 & 12, Borough of Manhattan.

COMMUNITY BOARD # 2M

14-08-BZ

APPLICANT – Sheldon Lobel, P.C., for Elie Zeitoune, owner.

SUBJECT – Application January 8, 2008 – Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary side yards (§23-46) and rear yard (§23-47) in an R5 zoning district.

PREMISES AFFECTED – 1958 East 13th Street, west side of East 13th Street, between Avenue S and Avenue T, Block 7291, Lot 108, Borough of Brooklyn.

COMMUNITY BOARD #15BK

Jeff Mulligan, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, FEBRUARY 26, 2008
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

742-70-BZ

APPLICANT – Rothkrug, Rothkrug & Spector LLP, for 830 Bay Street LLC, owner.

SUBJECT – Application July 13, 2007 – Application filed pursuant to §§ 72-01 and 72-22 for an Extension of Term/Amendment/Waiver for a previously approved variance which allowed in a C1-1(R3-2) zoning district the erection and maintenance of an automotive service station with accessory uses. The application seeks to legalize the installation of two storage containers contrary to the previously approved grant. The current term of the variance expired on May 18, 2001.

PREMISES AFFECTED – 830 Bay Street, Southwest corner of the intersection of Bay Street and Vanderbilt Avenue, Block 2836, Lot 14, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Adam Rothkrug.

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, a reopening, an amendment to the approved plans, and an extension of term, which expired on May 18, 2001; and

WHEREAS, a public hearing was held on this application on November 27, 2007, after due notice by publication in *The City Record*, with continued hearings on January 8, 2008 and February 12, 2008, and then to decision on February 26, 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 1, Staten Island, recommended approval of the proposal with the following conditions: (1) that a landscaped buffer be planted along the southern lot line and (2) that there not be any illegal vehicle parking; and

WHEREAS, the site is located on the southwest corner of Bay Street and Vanderbilt Avenue; and

WHEREAS, the site is within a C1-1 (R3-2) zoning district and is occupied with an automotive repair/gasoline service station with accessory uses; and

WHEREAS, on May 18, 1971, the Board granted a variance to permit the continued use of an automotive service station at the site; and

WHEREAS, on April 9, 1991, the grant was amended to permit certain site changes including the installation of self-service gasoline pumps; and

WHEREAS, on December 2, 1992, the grant was amended to permit the installation of a new metal canopy and to allow the alteration of the existing attendant's booth; and

WHEREAS, the applicant now seeks to extend the term of the variance, which expired on May 18, 2001; and

WHEREAS, the applicant represents that a timely renewal was not sought due to administrative issues involving the merger of two corporate entities associated with the site; and

WHEREAS, the Board notes that any extension of term would date back to the period of the prior expiration; and

WHEREAS, the applicant initially sought to amend the site plan to legalize two storage trailers; and

WHEREAS, at hearing, the Board asked about the need for the trailers; and

WHEREAS, in response, the applicant stated that the trailers were required to store materials such as tires and parts, all of which are dry, non-leaking materials; and

WHEREAS, the applicant revised the plans to propose the maintenance of a single storage trailer adjacent to the repair building, which will be bordered by a landscape buffer at the southern property line; and

WHEREAS, the applicant submitted a photograph of the site reflecting the maintenance of a single trailer; and

WHEREAS, the revised plans also reflect the landscaping requested by the Community Board, along the southern lot line; and

WHEREAS, as to the use of the site, the applicant represents that the site is currently occupied only by automotive repairs, but that the gasoline station operations would resume shortly; and

WHEREAS, the applicant agrees not to permit any illegal parking of vehicles at the site; and

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

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, as adopted May 18, 1971, so that as amended this portion of the resolution shall read: “to permit the noted amendment to the plans and to extend the term for ten years from the expiration of the prior grant, to expire on May 18, 2011, *on condition* that any and all work shall substantially conform to drawings filed with this application marked “Received December 27, 2007”- (2) sheets; and *on further condition*:

MINUTES

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

THAT the term shall expire on May 18, 2011;

THAT the site be maintained free of debris and graffiti;

THAT all landscaping be planted and maintained per the BSA-approved plans;

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

THAT the site shall be brought into compliance with the BSA-approved plans and a certificate of occupancy shall be obtained by February 26, 2009;

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

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

(DOB Application No. 500901688)

Adopted by the Board of Standards and Appeals, February 26, 2008.

531-86-BZ

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

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

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

COMMUNITY BOARD #5M

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening and an extension of term for a previously granted special permit for a Physical Culture Establishment (PCE), which expired on December 16, 2006; and

WHEREAS, a public hearing was held on this application on January 29, 2008 after due notice by publication in *The City Record*, and then to decision on February 26, 2008; and

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

Commissioner Hinkson, and Commissioner Ottley-Brown; and
WHEREAS, Community Board, 5, Manhattan, waived comment on this application; and

WHEREAS, the subject premises is located on the east side of Seventh Avenue, between West 51st Street and West 52nd Street; and

WHEREAS, the site is occupied by a 51-story commercial building and is located in the C6-6/C6.5 Special Midtown Zoning District; and

WHEREAS, the PCE currently occupies a total of 28,350 sq. ft. on portions of the concourse level, parking mezzanine and sub-cellar levels of the subject building; and

WHEREAS, on December 16, 1986, the Board granted a special permit pursuant to ZR § 73-36, to permit the operation of the PCE for a term of ten years to expire on December 15, 1996; and

WHEREAS, on April 29, 1997, the Board reopened and amended the resolution to remove the condition restricting the hours of operation, to reflect the change of ownership/control, and to grant a ten year extension of term, to expire on December 16, 2006; and

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

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

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

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated December 16, 1986, so that as amended this portion of the resolution shall read: “to permit an extension of the special permit for a term of ten years from the expiration of the last grant; *on condition* that the use and operation of the PCE shall substantially conform to BSA-approved plans; and *on further condition*:

THAT there shall be no change in ownership or operating control of the PCE without prior approval from the Board;

THAT this grant shall be limited to a term of ten years from December 16, 2006, expiring December 16, 2016;

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

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

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

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

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

(DOB Application No. 104625032)

Adopted by the Board of Standards and Appeals,

MINUTES

February 26, 2008.

190-03-BZ

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

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

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

COMMUNITY BOARD #13Q

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION:

WHEREAS, this is an application for a reopening and an extension of the time to complete construction and obtain a certificate of occupancy for a temple, which expired on January 13, 2008; and

WHEREAS, a public hearing was held on this application on January 29, 2008 after due notice by publication in *The City Record*, and then to decision on February 26, 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 corner of 215th Place and Hillside Avenue within an R2 zoning district; and

WHEREAS, the application is brought on behalf of Satya Sanatan Dharma Sabha, Inc. New York, a temple; and

WHEREAS, on January 13, 2004, under the subject calendar number, the Board granted a variance to permit the legalization of a portion of a two-story building, the conversion of the remainder of the building to a temple and to permit an enlargement of the building; and

WHEREAS, one of the conditions of the grant was that substantial construction be completed in accordance with § 72-23, which allows for four years from the date of the grant; and

WHEREAS, on December 13, 2006, the Board approved by letter certain modifications to the previously approved plans, which diminished the waivers and were in substantial compliance with the prior approval; these include: (1) removal of the second floor; (2) an increase in the first floor height; and (3) modifications to the street wall height; and

WHEREAS, on May 31, 2007 DOB issued a permit based on the approved plans as modified; and

WHEREAS, the applicant represents that additional time is necessary to complete the project; and

WHEREAS, thus, the applicant now requests 18 months to complete construction and obtain a new certificate of occupancy; 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 *reopens and amends* the resolution, dated January 13, 2004, 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 18 months; *on condition* that the use and operation of the site shall substantially conform to BSA-approved plans associated with the prior approval; and *on condition*:

THAT a certificate of occupancy shall be obtained by August 26, 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. 401641201)

Adopted by the Board of Standards and Appeals, February 26, 2008.

102-07-BZ

APPLICANT – New York City Board of Standards and Appeals.

OWNER – Kap West Corporation.

SUBJECT – Application April 27, 2007 – To consider dismissal for lack of prosecution – to legalize the operation of the existing PCE. The proposal is contrary to section 32-00. C2-1/R3-2 district.

PREMISES AFFECTED – 1268 Forest Avenue, southeast corner of Forest Avenue and Ordell Avenue, Block 388, Lot 48, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Applicant withdrawn.

THE VOTE TO WITHDRAW –

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

Adopted by the Board of Standards and Appeals, February 26, 2008.

MINUTES

16-36-BZ, Vol. II

APPLICANT – Vassalotti Associates, Architects, for Cumberland Farms Incorporated, owners.

SUBJECT – Application July 17, 2007 – Extension of Term of a previously granted variance for the operation of a gasoline service station (Exxon) which expired November 1, 2007 in a C2-2/R-5 zoning district.

PREMISES AFFECTED – 1885 Westchester Avenue, northwest corner of Westchester Avenue and White Plains Road, Block 3880, Lot 1, Borough of Bronx.

COMMUNITY BOARD #9BX

APPEARANCES –

For Applicant: Hiram Rothkrug.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to March 18, 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 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: Molly Rouzie.

THE VOTE TO REOPEN 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 April 1, 2008, at 10 A.M., for continued hearing.

57-95-A thru 59-95-A

APPLICANT – Mitchell S. Ross, Esq., for Upwest Company, LLC, owner.

SUBJECT – Application October 25, 2007 – Extension of Term of a previously granted Variance (§72-21) to permit

the cellar occupancy in a multiple dwelling, located in an R7-2 zoning district, which expired on November 14, 2005; Extension of Time to obtain a Certificate of Occupancy which expired on November 21, 1996; an Amendment to the resolution to eliminate the condition of term limits and a waiver of the rules.

PREMISES AFFECTED – 473, 474, 475, 476 Central Park West, Central Park West, 64'11" north of 107th Street, Block 1843, Lot 32, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES –

For Applicant: Mitchell Ross.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

119-01-BZ

APPLICANT – Edward H. Odesser, Esq., for Lawrence J. Mass, owner.

SUBJECT – Application January 11, 2008 – Extension of Time to Obtain a Certificate of Occupancy for a previously granted variance to permit automotive repairs (light type) which expired on June 12, 2002 in a C4-2A (SBRD) zoning district.

PREMISES AFFECTED – 8818 Fourth Avenue, West side of Fourth Avenue, 120' north of 89th Street, Block 6062, Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES –

For Applicant: Edward H. Odesser.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

211-03-BZ

APPLICANT – Eric Palatnik P.C., for 5-33 48th Avenue Corporation, owner.

SUBJECT – Application December 27, 2007 – Extension of Time to Complete Construction of a previously granted Variance (§72-21) to permit the proposed expansion and the conversion of an existing warehouse to residential use, which expires on June 8, 2008, in an M1-4/R7A (LIC) zoning district.

PREMISES AFFECTED – 529-535 48th Avenue, north side of 48th Avenue between Fifth Street and Vernon Boulevard, Block 30, Lot 9, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES –

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For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

42-06-BZ, Vol. II

APPLICANT – Akerman Senterfitt/Stadtmauer Bailkin
LLP, for New York Hospital Queens, owner.

SUBJECT – Application January 17, 2008 – Amendment to
zoning variance (§72-21) to allow a two-story addition to
previously approved five (5) story hospital building located
on the campus of New York Hospital – Queens; contrary to
regulations for height & setback (§24-522) and rear yard
equivalent (§24-382). R6 district.

PREMISES AFFECTED – 56-45 Main Street, West side of
Main Street between 56 and Booth Memorial Avenues,
Block 5165, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Steven Sinacori.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

67-06-BZ

APPLICANT – Joseph P. Morsellino, Esq., for Rodriguez
Clove, LLC, owner.

SUBJECT – Application November 9, 2007 – SOC
Amendment to reduce the required 48 parking spaces from
the prior variance granted on March 20, 2007 to 42 cars.
This will allow the compliance with the recent DCP Text
Amendment requiring landscaping for parking areas. C2-
1/R2 zoning districts.

PREMISES AFFECTED – 2270 Clove Road, corner of
Clove Road and Woodlawn Avenue, Block 3209, Lots 149
& 168, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

APPEALS CALENDAR

39-07-A thru 40-07-A

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

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

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

COMMUNITY BOARD #12BX

APPEARANCES –

For Applicant: Jordan Most.

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

208-07-BZY

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

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

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

COMMUNITY BOARD #2BK

APPEARANCES –

For Applicant: Council Member David Yassky, Lyra
Altman, Ani Fishoff and Matthew Barnett.

For Opposition: Lisa Orrantia, Department of Buildings.

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

231-07-BZY & 232-07-BZY

APPLICANT – Sheldon Lobel, P.C., for Hooshang Vaghari
& Farhad Nobari, owners.

SUBJECT – Application October 9, 2007 – Extension of
time (§11-331) to complete construction of a minor
development commenced prior to the amendment of the
zoning district regulations on September 10, 2007. R6
zoning district.

PREMISES AFFECTED – 87-85 & 87-87 144th Street,
eastside between Hillside Avenue and 88th Avenue, Block
9689, Lots 6 & 7, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Josh Rinesmith.

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

264-07-A

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APPLICANT – Ramulla Associates Architects, for Benjamin Rusi, owner.

SUBJECT – Application November 15, 2007 – Proposed legalization of an existing single family home not fronting a mapped street contrary to General City Law §36. R1-1(SNAD) (SGMD) Zoning district.

PREMISES AFFECTED – 76 Romer Road, east side of Romer Road, 449.51’ north of Four Corners Road, Block 870, Lot 111, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Philip Rampulla.

For Opposition: Anthony Scaduto, FDNY.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

287-07-A

APPLICANT – Greenberg Traurig by Jay A. Segal, Esq., for Jack Bendheim, owner.

SUBJECT – Application December 21, 2007 – Proposed construction of an accessory tennis court located partially within the bed of a mapped street (West 248th Street) contrary to General City Law Section 35. R1-1 SNAD.

PREMISES AFFECTED – 697 West 247th Street, north side of West 247th Street between Palisade Avenue and Independence Avenue, Block 5937, Lot 300, Borough of Bronx.

COMMUNITY BOARD #8BX

APPEARANCES –

For Applicant: Margo Flug.

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

Jeffrey Mulligan, Executive Director

Adjourned: A.M.

REGULAR MEETING

TUESDAY AFTERNOON, FEBRUARY 26, 2008

1:30 P.M.

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

ZONING CALENDAR

233-06-BZ

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

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

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

COMMUNITY BOARD #2M

APPEARANCES – None.

ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW –

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

Negative:.....0

Adopted by the Board of Standards and Appeals, February 26, 2008.

280-06-BZ

CEQR #07-BSA-030Q

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

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

PREMISES AFFECTED – 181-08 Horace Harding Expressway, southeast corner of Utopia Parkway and Horace Harding Expressway, Block 7070, Lot 2, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Superintendent, dated October 22, 2007, acting on Department of Buildings Application No. 410014283, reads in pertinent part:

“The proposal to continue to occupy the premises as an Automotive service station with accessory use beyond December 20, 2002, and to alter the existing signage and to retrofit the existing accessory convenience store building in a C2-2 within R3-2

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zoning district . . . is contrary to Section 32-15 ZR and inconsistent with the terms and conditions of the special permit previously granted by the Board of Standards and Appeals under Cal. No. 743-72-BZ and is hereby denied”; and

WHEREAS, this is an application under ZR § 73-211, to permit the retention of an existing automobile service station with an accessory convenience store in a C2-2 (R3-2) zoning district; the site is the subject of a prior special permit; and

WHEREAS, a public hearing was held on this application on January 29, 2008, after due notice by publication in the *City Record*, and then to decision on February 26, 2008; and

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

WHEREAS, Community Board 8, Queens, recommends approval of this application with the following conditions: that the sale of alcoholic beverages be prohibited at the site; that efforts be made to reduce refuse, odors and noise; and that the term be limited to five years; and

WHEREAS, the premises is located on the southeast corner of Horace Harding Expressway and Utopia Parkway; and

WHEREAS, the subject site has a total lot area of 21,889 sq. ft.; and

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

WHEREAS, on May 15, 1973, under BSA Cal. No. 743-72-BZ, the Board granted a special permit to permit, in a C2-2 district, the construction of an automotive service station on this site for a term of ten years; and

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

WHEREAS, on June 15, 1993, the grant was extended for a ten year term expiring December 20, 2002; and

WHEREAS, most recently, on March 11, 1997, the Board granted an amendment to permit certain site modifications including the construction of a convenience store; and

WHEREAS, because the term lapsed in 2002, the applicant now seeks a new special permit, with a ten-year term; and

WHEREAS, the applicant also seeks approval to modify the fascia and interior of the convenience store building and to replace existing signage; 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, second, the Board asked the applicant to confirm that the replacement signage would comply with the C2-2 district signage parameters; and

WHEREAS, the applicant responded that all signage at the site would comply with C2-2 district signage requirements; and

WHEREAS, in response to the concerns of the Community Board, the applicant has submitted plans indicating that refuse will be stored within an enclosure on the southerly side of the property and has represented that it will be held in covered metal containers and removed in such a manner as to minimize noise and interference with adjoining neighbors; and

WHEREAS, the Board notes that the Community Board’s request that no alcoholic beverages be sold at the site is beyond the scope of the Board’s authority; 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 in a C2-2 (R3-2) zoning district the retention of an existing automotive service station with an accessory convenience store, contrary to ZR § 32-00; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received November 7, 2007”- (4) sheets; and *on further condition*:

THAT the term of this grant shall be for ten years from February 26, 2018;

THAT signage shall comply with C2-2 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

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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 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, February 26, 2008.

53-07-BZ

CEQR #07-BSA-064K

APPLICANT – Wolf Block, Schorr & Solis-Cohen, LLP, for 1901 Realty Realty, LLC, owner.

SUBJECT – Application February 23, 2007 – Variance (§72-21) to permit the redevelopment and conversion of an existing three-story factory/warehouse to residential use. The proposal is contrary to §42-00. M1-1 district.

PREMISES AFFECTED – 1901 Eighth Avenue, corner of Eighth Avenue and 19th Street, Block 888, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES –

For Applicant: Paul Proulx.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated January 24, 2007, acting on Department of Buildings Application No. 302284837, reads in pertinent part:

“OBJECTION: Use group 2 is not accepted in M1-1 zoning district (Section ZR 42-00)”;

and
WHEREAS, this is an application under ZR § 72-21, to permit, within an M1-1 zoning district, the residential conversion of an existing three-story factory/warehouse building to residential use, which is contrary to ZR § 42-00; and

WHEREAS, a public hearing was held on this application on July 24, 2007, after due notice by publication in the *City Record*, with a continued hearing on September 11, 2007, and then to decision on February 26, 2008; and

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

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

WHEREAS, the site is located on the southeast corner of

Eighth Avenue and 19th Street, within an M1-1 zoning district; and

WHEREAS, the site has a lot area of 22,508 sq. ft.; and

WHEREAS, the site is currently occupied by a factory/warehouse building, which was most recently used by a mattress re-conditioning business that has relocated; and

WHEREAS, the existing building is overbuilt with a floor area of 49,714 sq. ft. (2.21 FAR) and has 100 percent lot coverage; an FAR of 1.0 and a lot coverage of 55 percent are the maximum permitted in the zoning district; and

WHEREAS, the existing building comprises three one-story sections and one large three-story section; and

WHEREAS, the applicant proposes to demolish the one-story sections and part of the three-story section, to square off a one-story portion at the third floor, and to convert the building to residential use; and

WHEREAS, specifically, the applicant proposes to provide a total floor area of 37,614 sq. ft. (1.67 FAR), 31 dwelling units, and a minimum of 20 accessory parking spaces; and

WHEREAS, the applicant states that the following are unique physical conditions which create an unnecessary hardship in developing the site in conformance with applicable regulations: the existing historic building is overbuilt and obsolete for a conforming use due to (1) the absence of a loading dock, (2) narrow column spacing, (3) low load-bearing capabilities, and (4) a low ceiling height; and

WHEREAS, as to the loading area, the applicant notes that it is at the same grade as the first floor, which results in inefficient loading and unloading and unsafe working conditions; and

WHEREAS, additionally, the applicant represents that there is no space at the site to accommodate a proper loading dock; and

WHEREAS, specifically, the applicant represents that the 24'-0" delivery trucks required for prior mattress conditioning business, could not fit inside the loading area, straddled the sidewalk and jugged out into the street when loading and unloading; larger trucks could not be accommodated at all; and

WHEREAS, as to the load-bearing column spacing, the applicant states that the columns are situated in multiple rows on each floor, running the length of the building at 10'-0" intervals from each other; and

WHEREAS, the applicant represents that this creates many narrow bays within each floor, which results in inefficient floor plates and inhibits the movement of goods; and

WHEREAS, the applicant represents that this condition constrains the building for use as a warehouse; and

WHEREAS, as to the load-bearing capacity of the floors, the applicant represents that the building cannot accommodate a storage warehouse because the second and third floors are approved for 100 pounds per square foot of live load; the Building Code requires 140 pounds per square foot for warehouse use; and

WHEREAS, the applicant represents that modern machinery has damaged the building and it cannot be accommodated due to the load limits; and

WHEREAS, as to ceiling height, the applicant notes that

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the first floor has a height of approximately 14'-0" and the second and third floors have heights of approximately 11'-0"; and

WHEREAS, the applicant represents that standard distribution centers require a 20'-0" ceiling height in order to accommodate stacking and efficient storage and maneuvering of bulk goods; and

WHEREAS, additionally, the applicant represents that the building has structural deficiencies, must be shored up, and requires new mechanical systems to be installed in order to make the building viable for any use; and

WHEREAS, based upon the above, the Board finds that the aforementioned unique physical conditions, when considered in the aggregate, create unnecessary hardship and practical difficulty in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, the applicant submitted a feasibility study analyzing (1) the existing conforming scenario and (2) an as of right community facility; and

WHEREAS, the applicant concluded that such scenarios would result in a loss, due to the unique conditions of the site; and

WHEREAS, at hearing, the Board asked the applicant to revise the financial analysis to reflect that the existing conforming scenario is that of a vacant building since the prior use, the mattress reconditioning and storage was unable to viably use the building and has relocated; and

WHEREAS, based upon its review of the applicant's submissions, the Board has determined that because of the subject site's unique physical conditions, there is no reasonable possibility that development in strict conformance with applicable zoning requirements will provide a reasonable return; and

WHEREAS, the applicant represents that the proposed use 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 represents that the subject block is one of two in the vicinity which is within an M1-1 zoning district; and

WHEREAS, the applicant represents that the uses on 19th Street and 20th Street, and Seventh Avenue and Eighth Avenue are predominantly residential; and

WHEREAS, the applicant represents that south of the site, on both sides of Eighth Avenue are several one and two-family and multi-family residences; and

WHEREAS, the Board agrees that there is a context for residential use in the area, and finds that the introduction of 31 dwelling units will not impact any nearby conforming uses; and

WHEREAS, the applicant notes that nearby homes date from the 1920s and 1930s, which is the same era as the subject building; and

WHEREAS, the applicant proposes to restore the façade and the windows which have been bricked over; and

WHEREAS, the Board notes that the applicant proposes to demolish portions of the building in order to improve access to light and air; and

WHEREAS, specifically, the elimination of the one-story portions of the building will provide more open space, including a 77'-8" side yard on 19th Street and a 30'-0" rear yard and the new lot coverage of 52.42 percent complies with the adjacent R5B zoning district regulations; and

WHEREAS, further, the Board notes that the partial demolition reduces the floor area of the overbuilt building by approximately 12,100 sq. ft.; and

WHEREAS, the applicant represents that the proposed bulk is consistent with the bulk parameters of the nearby R5B and R6B zoning districts, which permit a maximum of 1.35 and 2.0 FAR, respectively; and

WHEREAS, the applicant proposes to provide 20 parking spaces and to eliminate two existing curb cuts which will improve the traffic flow and increase on-street parking; and

WHEREAS, accordingly, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

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

WHEREAS, the Board observes that the proposed building with 31 dwelling units is limited in scope and compatible with nearby development; and

WHEREAS, the Board notes that the proposed reduction in floor area and FAR reduces the degree of non-compliance while still permitting the applicant to compensate for the additional construction costs associated with the uniqueness of the site; and

WHEREAS, accordingly, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

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

WHEREAS, the project is classified as a 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 (EAS) CEQR No. 07BSA064K, dated May 24, 2007; and

WHEREAS, the EAS documents 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, the Department of Environmental Protection's Office of Environmental Planning and Assessment has reviewed the following submissions from the Applicant: May 2007 Environmental Assessment Statement Form, Phase I Environmental Site Assessment Report, and air quality and

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noise submissions dated November 27, 2007, November 15, 2007, October 1, 2007, and August 8, 2007; and

WHEREAS, these submissions specifically examined the proposed action for potential impacts for hazardous materials, air quality and noise; and

WHEREAS, a Restrictive Declaration was executed on September 4, 2007 and recorded on September 6, 2007 for the subject property to address hazardous materials concerns; 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; and

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, 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 each and every one of the required findings under ZR § 72-21 and grants a variance, to permit, within an M1-1 zoning district, the residential conversion of an existing three-story factory/warehouse building to residential use, which is contrary to ZR § 42-00, *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 October 11, 2007" – nine (9) sheets; and *on further condition*:

THAT the following shall be the parameters of the proposed building: three stories; a total floor area of 37,614 sq. ft. (1.67 FAR); 31 dwelling units; and a minimum of 20 parking spaces;

THAT the parking layout shall be as 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;

THAT this grant is contingent upon final approval from the Department of Environmental Protection before an issuance of construction permits other than permits needed for soil remediation; 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, February 26, 2008.

79-07-BZ

CEQR #07-BSA-074Q

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

SUBJECT – Application April 12, 2007 – under §11-411 to re-establish the previously granted variance permitting the

operation of an automotive service station with accessory uses which is not permitted as-of-right in a C2/2R3-2 zoning district as per §32-10 of the zoning resolution. The prior BSA grant was under calendar number 711-53-BZ and expired on July 24, 2001.

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

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Elizabeth Bennett.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Commissioner, dated April 3, 2007 acting on Department of Buildings Application No. 402509530, reads in pertinent part:

“Continued use of the automotive station with accessory uses at the premises is not permitted as-of-right in a C2-2/R3-2 zoning district as per section 32-10 of the Zoning Resolution and is contrary to the prior BSA grant under calendar number 711-53-BZ”; and

WHEREAS, this is an application for a reinstatement of a prior Board approval to permit an automotive service station, pursuant to ZR § 11-411; and

WHEREAS, a public hearing was held on this application on October 2, 2007 after due notice by publication in *The City Record*, with continued hearings on October 30, 2007, January 8, 2008 and January 29, 2008, and then to decision on February 26, 2008; and

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

WHEREAS, Community Board 12, Queens, recommended approval of the application; and

WHEREAS, the site is located on the east side of Farmers Boulevard between Murdock Avenue and 114th Road; and

WHEREAS, the site is located in a C2-2 (R3-2) zoning district and is occupied by an automotive service station with an accessory convenience store; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 24, 1956 when, under Cal. No. 711-53-BZ, the Board granted a variance permitting the reconstruction of an existing automotive service station; and

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

WHEREAS, most recently, on May 18, 1993, the grant was amended to extend the term for ten years from the

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expiration of the prior grant on July 24, 1991; and

WHEREAS, the applicant now seeks to reinstate the original variance, granted under BSA Cal. No. 711-53-BZ; and

WHEREAS, pursuant to ZR § 11-411, the Board may extend the term of an expired variance; and

WHEREAS, the applicant represents that there has not been an enlargement to the zoning lot; and

WHEREAS, at hearing, the Board questioned the presence of unregistered vehicles parked on site, based on observations from site visits, since the sale of cars is not a permitted use; and

WHEREAS, the applicant represented that the unregistered vehicles were only at the site temporarily as they are repaired for offsite sales dealers; and

WHEREAS, in support of this representation, the applicant submitted an affidavit from the owner as to the use at the site; and

WHEREAS, at hearing, the Board raised concerns about the maintenance of the site; and

WHEREAS, the applicant agreed to remove clothing drop-off boxes, unused tires and un-registered vehicles from the site; and

WHEREAS, the Board also raised concerns about the condition of the perimeter fence and screening fence around a fuel tank on site, and the lack of bollards surrounding the signpost; and

WHEREAS, the applicant agreed to replace the perimeter fence and to install a new screening fence around the fuel oil tank and new bollards around the signpost; and

WHEREAS, the Board directed the applicant to revise the existing/proposed site plan to include notes depicting the replacement of the existing perimeter fence and to provide the Board with photographs of the site to confirm that it is being adequately maintained; and

WHEREAS, the applicant submitted revised plans indicating the fencing to be replaced and photographs showing that the remainder of the site is adequately maintained; and

WHEREAS, based upon its review of the record, the Board finds that the evidence in the record supports the findings required to be made under ZR § 11-411 and a reinstatement is appropriate with certain conditions as set forth below.

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617; 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. 07-BSA-074Q, dated April 12, 2007; and

WHEREAS, the EAS documents show that the continued operation of the automotive service station 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, the Board has determined that the operation of the service station 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 §6-07(b) of 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 § 11-411, for a reinstatement of a prior Board approval of an automotive service station; *on condition* that any and all use shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received April 12, 2007"-(2) sheets and "February 22, 2008"-(1) sheet; and *on further condition*:

THAT this grant shall be for a term of ten years to expire on February 26, 2018;

THAT signage be installed indicating that parking will be limited to employees and patrons of the automotive service station;

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

THAT a certificate of occupancy shall be obtained within six months of the date of this grant, by August 26, 2008;

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

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

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

Adopted by the Board of Standards and Appeals, February 26, 2008.

235-07-BZ

CEQR #

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

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

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

MINUTES

65, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Superintendent, dated September 17, 2007, acting on Department of Buildings Application No. 310006249, reads in pertinent part:

- “1. Proposed floor area is contrary to ZR 23-141.
2. Proposed open space ratio is contrary to ZR 23-141.
3. Proposed side yard is contrary to ZR 23-461(a).
4. Proposed rear yard is contrary to ZR 23-47.”; and

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

WHEREAS, a public hearing was held on this application on January 8, 2008, after due notice by publication in *The City Record*, with a continued hearing on January 29, 2008, and then to decision on February 26, 2008; and

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

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

WHEREAS, the subject site is located on the west side of East 27th Street, between Avenue K and Avenue L; and

WHEREAS, the subject site has a total lot area of 4,000 sq. ft., and is occupied by a single-family home with a floor area of approximately 2,210.88 sq. ft. (0.55 FAR); and

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

WHEREAS, the applicant seeks an increase in the floor area from 2,210.88 sq. ft. (0.55 FAR), to 4,001.5 sq. ft. (1.00 FAR); the maximum floor area permitted is 2,000 sq. ft. (0.50 FAR); and

WHEREAS, the proposed open space ratio is 58.71 percent (the minimum required open space ratio is 150 percent); and

WHEREAS, the proposed enlargement will maintain a non-complying side yard of 3’-6” (a minimum width of 5’-0” is required); and

WHEREAS, the proposed enlargement will provide a rear yard with a depth of 24’-0” (a minimum rear yard of 30’-0” is required); and

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

WHEREAS, at hearing, the Board directed the applicant to revise the plans to reflect that more of the existing building would be retained; and

WHEREAS, in response, the applicant provided revised drawings, which reflect which portions of the foundation walls and floor joists would be retained; and

WHEREAS, the applicant also revised the plans to clearly indicate which portions of the attic have a height in excess of 8’-0” and are included in the floor area calculations; and

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

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-622 and 73-03, to permit, within an R2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area, open space and side and rear yards, contrary to ZR §§ 23-141, 23-461(a), and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked “Received December 12, 2007”–(7) sheets, “January 18, 2008”–(2) sheets and “February 12, 2008”–(2) sheets; and *on further condition*:

THAT there shall be no habitable room in the cellar;

THAT the floor area in the attic shall be limited to 772.28 sq. ft.;

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

THAT the following shall be the bulk parameters of the building: a total floor area of 4,001.5 sq. ft. (1.00 FAR), a minimum open space ratio of 58.71 percent, side yards with minimum widths of 8’-6” and 3’-6”, and a rear yard with a minimum depth of 24’-0”, as illustrated on the BSA-approved plans;

THAT all porches shall be as approved by DOB;

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THAT DOB shall confirm that the portions of the existing building proposed to be retained on plan sheets, "A-5 and A-8-1 dated December 12, 2007", "A-3 dated January 18, 2008" and "A-4 and A-8 dated February 12, 2008", shall be retained;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objections(s) only; no approval has been given by the Board as to the use and layout of the cellar;

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

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

Adopted by the Board of Standards and Appeals, February 26, 2008.

273-07-BZ

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

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

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

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Yosef S. Gottdiener.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Superintendent, dated November 15, 2007, acting on Department of Buildings Application No. 310047605, reads in pertinent part:

“Proposed extension of an existing dwelling is contrary to:

ZR Sec 23-141(a) Floor Area Ratio

ZR Sec 23-141(a) Open Space Ratio

ZR Sec 23-461 Minimum Side Yards

ZR Sec 23-541 Rear Yards”; and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, within an R2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio, open space ratio and side and rear yards, contrary to ZR §§ 23-141(a), 23-461, and 23-541; and

WHEREAS, a public hearing was held on this application on January 29, 2008, after due notice by publication in *The City Record*, and then to decision on February 26, 2008; and

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

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

WHEREAS, the subject site is located on the east side of East 22nd Street, between Avenue M and Avenue N; and

WHEREAS, the subject site has a total lot area of 4,000 sq. ft., and is occupied by a single-family home with a floor area of approximately 2,279.46 sq. ft. (0.83 FAR); and

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

WHEREAS, the applicant seeks an increase in the floor area from 2,279.46 sq. ft. (0.83 FAR), to 3,705.88 sq. ft. (0.926 FAR); the maximum floor area permitted is 2,000

MINUTES

sq. ft. (0.50 FAR); and

WHEREAS, the proposed open space ratio is 68.33 percent (the minimum required open space ratio is 150 percent); and

WHEREAS, the proposed enlargement will maintain a non-complying side yard of 2'-9" (a minimum width of 5'-0" is required); and

WHEREAS, the proposed enlargement will maintain the existing rear yard with a depth of 23'-5 1/2" (a minimum rear yard of 30'-0" is required); and

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

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

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-622 and 73-03, to permit, within an R2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio, open space ratio and side and rear yards, contrary to ZR §§ 23-141(a), 23-461, and 23-541; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received November 29, 2007"-(10) sheets; and *on further condition*:

THAT there shall be no habitable room in the cellar;

THAT the floor area in the attic/third floor shall be limited to 962.26 sq. ft.;

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

THAT the following shall be the bulk parameters of the building: a total floor area of 3,705.88 sq. ft. (0.926 FAR), a minimum open space ratio of 68.33 percent, side yards with minimum widths of 2'-9" and 10'-11", and a rear yard with a minimum depth of 23'-5 1/2", as illustrated on the BSA-approved plans;

THAT all porches shall be as 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 objections(s) only; no approval has been given by the Board as to the use and layout of the

cellar;

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

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

Adopted by the Board of Standards and Appeals, February 26, 2008.

39-06-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Yosef S. Gottdiemer.

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

109-07-BZ

APPLICANT – Jeffrey A. Chester, Esq., for Sano Construction Corporation, owner.

SUBJECT – Application May 3, 2007 – Variance (§72-21) to construct on an undersized, triangular lot a two story single family residence. This application seeks to vary lot coverage (§23-141); less than the required front yard (§23-45) and less than the required side yards (§23-461) in an R-5 zoning district.

PREMISES AFFECTED – 33-57 59th Street, triangle formed by 59th Street, 34th Avenue and 60th Street, Block 1183, Lot 70, Borough of Queens.

COMMUNITY BOARD # 2Q

APPEARANCES –

For Applicant: Jeffrey A. Chester.

For Opposition: Howard Nathan, Mary Walsh, Tom Ryan and Man-Tak Sandy Wong.

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

111-07-BZ

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

MINUTES

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

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

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Harold Weinberg, Andrei Bublikou and Frank Sellitto.

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

114-07-BZ

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

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

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

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: None.

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

145-07-BZ

APPLICANT – Akerman Senterfitt/Stadtmauer Bailkin LLP, for Maimonides Research & Development, owner.

SUBJECT – Application June 4, 2007 – Variance (§72-21) to allow the enlargement of an existing building to violate lot coverage requirements (§24-11) for a proposed community facility (medical facility). R6 district.

PREMISES AFFECTED – 1005 46th Street, Northeast corner of 46th Street and 10th Avenue Block 5614, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD # 12BK

APPEARANCES –

For Applicant: Howard Zipser and Calvin Wong.

For Opposition: Shilry Lerner, Esther Friedman, P. Blumenthore, M. Rory, Judith Handler, S. Blunertha, Malkie Einhorn, Elise Leitner, Vrolip Schnosz, Rebecca Friedman.

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

200-07-BZ

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

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

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

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Phil Rampulla and James Heineuran.

For Opposition: James G. Shawgig, Rosemarie Trotta, Carole Timko, Linda Nigio, William Koman, Edwin Converg, Nevgul Laverie and John Lafemina.

ACTION OF THE BOARD – Laid over to April 8, 2008, at 1:30 P.M., for continued hearing.

201-07-BZ

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

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

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

COMMUNITY BOARD #18BK

APPEARANCES –

For Applicant: Peter Geis.

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

241-07-BZ

APPLICANT – Eric Palatnik, P.C., for Exxon Mobil Oil Corporation, owner.

SUBJECT – Application October 26, 2007 – Special Permit filed pursuant to §73-211 to allow an automotive service station with an accessory convenience store (use group 16) in a C2-1/R3-2 zoning district.

PREMISES AFFECTED – 2525 Victory Boulevard, northwest corner of Victory Boulevard and Willowbrook Road, Block 1521, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to May 6, 2008, at 1:30 P.M., for continued hearing.

10-08-BZ

MINUTES

APPLICANT – Law Office of Fredrick A. Becker, for NYC Partnership Housing Development Fund Company, Inc., owner; TSI West 145th LLC, dba New York Sports Club, lessee.

SUBJECT – Application January 4, 2008 – Special Permit (§73-36) to allow the legalization of the existing Physical Culture Establishment on a portion of the cellar level and first floor in a nine-story mixed-use building. The proposal is contrary to section 32-10. C4-4D.

PREMISES AFFECTED – 66-68 Bradhurst Avenue, easterly side of Bradhurst Avenue, easterly of West 145th Street, Block 2045, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #10M

APPEARANCES –

For Applicant: Fredrick Becker.

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

Jeff Mulligan, Executive Director

Adjourned: P.M.

SPECIAL HEARING
WEDNESDAY MORNING, FEBRUARY 27, 2008
10:00 A.M.

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

247-07-A

APPLICANT – Soho Alliance Community Group, for Bayrock/Sapir Organization, LLC, owner.

SUBJECT – Application October 30, 2007 – Appeal seeking to revoke permits and approvals to construct a residential condominium hotel in an M1-6 zoning district. Applicant argues that the residential use of the premises violates the underlying M1-6 zoning district prohibitions.

PREMISES AFFECTED – 246 Spring Street, between Varick Street and Hudson Street, Block 491, Lot 36, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Stuart A. Klein, Council Member Tony Avella, Matthew Schnew, Carole DeSarm, Andy Neale, Leah Archibald, Phaedra Thomas, Cassandra Smith, Tobi Berman, Doris Duter, Andrew Berman, Sezu Sweeney, Kathleen Treat, Magda Aoulfadi, Gary Tomei, Bill Borocer, Jennifer Barrett, Melissa Baldock, Gregg Levine, Katie Kendall, Zaen Winestne, Elizabeth Adam, Lora Tenenbaum, Lorraine Bourie.

For Opposition: Paul Selver.

For Administration: Mark Davis, Department of Buildings.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to May 6, 2008, at 1:30 P.M., for decision, hearing closed.
