
BULLETIN

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DIRECTORY

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46-09-BZ

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47-09-A

114 Beach 215th Street, Westside of Beach 215th Street 240' south of Breezy Point Boulevard., Block 16350, Lot(s) 400, Borough of **Queens, Community Board: 14**. Reconstruction and enlargement of an existing single family dwelling not fronting on a legally mapped street contrary to General City Law Section 36 . R4 Zoning District . R4 district.

48-09-A

97 Crooke Avenue, North side of Crooke Avenue, approximately 164 feet of west of Ocean Avenue., Block 5059, Lot(s) 51, Borough of **Brooklyn, Community Board: 14**. Construction not fronting a mapped street, contrary to General City Law Section 36. R7-1 district.

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

APRIL 7, 2009, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, April 7, 2009, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

111-71-BZ

APPLICANT – Walter T. Gorman, P.E., for Motiva Enterprises LLC, owner; Erol Bayrdktar, lessee.

SUBJECT – Application March 16, 2009– Extension of Time/waiver to obtain a Certificate of Occupancy for a UG16 Gasoline Service Station (Shell) with accessory convenience store, in a C2-2/R3-2 zoning district, which expired on October 16, 1997.

PREMISES AFFECTED – 185-25 North Conduit Avenue, northwest corner of Springfield Boulevard, Block 13094, Lot p/o 63, Borough of Queens.

COMMUNITY BOARD #12Q

301-03-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Isabell Wassner and Leonard Wassner, owner.

SUBJECT – Application February 20, 2009– Extension of Time/waiver to Complete Construction and obtain a Certificate of Occupancy of previously granted Special Permit (§73-622) for the enlargement of single family home and an Amendment to modify the previously approved plans, in an R2 zoning district, which expired on January 13, 2008.

PREMISES AFFECTED – 1103 East 22nd Street, between Avenue J and Avenue K, Block 7604, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEALS CALENDAR

180-08-A thru 184-08-A

APPLICANT – Tobias Guggenheimer Architect, P.C., for Schley Avenue Development, LLC, owner.

SUBJECT – Application July 10, 2008 – Proposed construction of Four three family homes and parking lot located within the bed of mapped street (Shore Drive) contrary to General City Law Section 35. C3A zoning district.

PREMISES AFFECTED – 3236, 3238, 3240, 3242 and 3244 Schley Avenue, south east corner of Schley Avenue and Clarence Avenue, Block 5490, Lot (tent.) 7, 108, 109, 110, 111, Borough of Bronx.

COMMUNITY BOARD #10BX

APRIL 7, 2009, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, April 7, 2009, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

237-08-BZ

APPLICANT – Sheldon Lobel, P.C., for Rocky Mount Baptist Church, owner; Rocky Mount Development, LLC., lessee.

SUBJECT – Application September 18, 2008 – Variance pursuant to §72-21 to allow for a 19 story community facility and residential building with 124 affordable units, contrary to bulk regulations (§23-145, §23-633, §24-552(b)) R7-2 District.

PREMISES AFFECTED – 37 Hillside Avenue, south side of Hillside Avenue, 450' east of the intersection of Broadway and Hillside Avenue, Block 2170, Lot 118, Borough of Manhattan.

COMMUNITY BOARD #12M

298-08-BZ

APPLICANT – Lewis E. Garfinkel, for Abraham Zlotnick, owner.

SUBJECT – Application December 4, 2008 – Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary open space and floor area (§23-141(a)) and less than the required rear yard (§23-47) in an R-2 zoning district.

PREMISES AFFECTED – 1156 East 22nd Street, between Avenue J and Avenue K, Block 7603, Lot 81, Borough of Brooklyn.

COMMUNITY BOARD #14BK

308-08-BZ

APPLICANT – Davidoff Malito & Hutcher, LLP, for 201 East 67 LLC, owner; MonQi Fitness, lessee.

SUBJECT – Application October 17, 2008 – Special Permit (§73-36) to allow the legalization of an existing physical culture establishment located on the third through fifth floors in a five-story building. The proposal is contrary to ZR §32-00. C1-9 district.

PREMISES AFFECTED – 201 East 67th Street, northeast corner of the intersection of Third Avenue and East 67th Street, Block 1422, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

CALENDAR

1-09-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for 39-01 QB LLC c/o Rhodes Management, owner; TSI Sunnyside LLC dba New York Sports Club, lessee.

SUBJECT – Application January 2, 2009 – Special Permit (§73-36) to allow the legalization of an existing physical culture establishment on a portion of the ground floor in a three-story building. The proposal is contrary to ZR §42-00. M1-4 district.

PREMISES AFFECTED – 39-01 Queens Boulevard, northerly side of Queens Boulevard, easterly of 39th Street, Block 191, Lot 5, Borough of Queens.

COMMUNITY BOARD #2Q

Jeff Mulligan, Executive Director

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**REGULAR MEETING
TUESDAY MORNING, MARCH 24, 2009
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

241-47-BZ

APPLICANT – Sheldon Lobel, P.C., for Centre Metro Realty, LLC, owner.

SUBJECT – Application July 24, 2008 – Extension of Term and Amendment filed pursuant to §§11-411 & 11-413 requesting an extension of the variance previously granted by the Board of Standards and Appeals which expired on January 29, 2004. The application seeks a change in use from knitting mill (Use Group 17) to a contractor's establishment (Use Group 17). The site is located in an R5B zoning district.

PREMISES AFFECTED – 16-23/25 Hancock Street, West side of Hancock Street approximately 245' north of Wyckoff Street, Block 3548, Lot 97, Borough of Queens.

COMMUNITY BOARD #5Q

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 Montanez5
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening to permit a change of use from a knitting mill (Use Group 17) to a contractor's establishment (Use Group 16), and an extension of the term which expired on January 29, 2004; and

WHEREAS, a public hearing was held on this application on January 27, 2009, after due notice by publication in the *City Record*, with a continued hearing on March 3, 2009, and then to decision on March 24, 2009; and

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

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

WHEREAS, the site is located on the west side of Hancock Street between Wyckoff Street and Cypress Avenue, within an R5B zoning district; and

WHEREAS, the subject site has a total lot area of 5,000 sq. ft.; and

WHEREAS, the site is occupied by a two-story mixed-use building with a recently vacated knitting mill on the first

floor and a two-family dwelling on the second floor; and

WHEREAS, the Board has exercised jurisdiction over the subject site since May 4, 1948 when, under the subject calendar number, the Board granted a variance to permit a knitting mill use at the site for a term of 15 years; and

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

WHEREAS, most recently, the grant was extended on October 25, 1994, for a term of ten years from the expiration of the prior grant, to expire on January 24, 2004; and

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

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

WHEREAS, the applicant also seeks an amendment to permit a change in use from knitting mill (Use Group 17) to contractor's establishment (Use Group 16); and

WHEREAS, pursuant to ZR § 11-413, the Board may grant a request for a change in use; and

WHEREAS, the applicant represents that the proposed contractors' establishment (Use Group 16) will be a less intrusive use than the previous knitting mill (Use Group 17); and

WHEREAS, the applicant states that the knitting mill employed a total of 25 people while the proposed contractors' establishment is anticipated to employ between four and eight people; and

WHEREAS, the applicant represents that the proposed contractors' establishment will generate less noise than the knitting mill use, and will not result in any additional traffic; and

WHEREAS, the applicant states that the hours of operation for the proposed contractors' establishment will be limited to Monday through Sunday, from 7:00 a.m. to 5:00 p.m.; and

WHEREAS, the Board finds that the proposed use will not impair the essential character or the future use or development of the surrounding area; and

WHEREAS, accordingly, the Board has determined that evidence in the record supports the findings required to be made under ZR §§ 11-411 and 11-413; and

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens, and 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 under ZR §§ 11-411 and 11-413, to permit the change in use at the premises from knitting mill (Use Group 17) to contractor's establishment (Use Group 16), and grants an extension of term for a period of ten (10) years, to expire on January 29, 2014; *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 February 18, 2009"-(4) sheets; and *on further condition*:

THAT this grant shall be for a term of ten years, to expire on January 29, 2014;

THAT street trees shall be planted as per the BSA-

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approved plans;

THAT the ground floor use shall be limited to an electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractor's establishment;

THAT all signage shall comply with C1 zoning district regulations and shall not be illuminated;

THAT the hours of operation shall be limited to Monday through Sunday, 7:00 a.m. to 5:00 p.m.;

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

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

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

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. (DOB Application No. 410104970)

Adopted by the Board of Standards and Appeals, March 24, 2009.

709-55-BZ

APPLICANT – Walter T. Gorman, P.E., for LMT Realty LLC, owner; Mobil Oil Corporation, lessee.

SUBJECT – Application February 23, 2009 – Extension of Time to obtain a Certificate of Occupancy for a Gasoline Service Station (Mobil), in a C1-2/R4 zoning district, which expired on March 24, 2009.

PREMISES AFFECTED – 2000 Rockaway Parkway, north west of Seaview Avenue, Block 8299, Lot 69, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES –

For Applicant: Cindy Bachan.

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 7, 2009, at 10 A.M., for decision, hearing closed.

7-99-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for HKAL 34th Street Limited Partnership, owner; TSI East 34 LLC d/b/a New York Sports Club, lessee.

SUBJECT – Application February 9, 2009 – Extension of Term of a previously granted Special Permit for the operation of Physical Culture Establishment (New York Sports Club (NYSC)), located in a C1-9 (TA) zoning district, which expired on January 11, 2009.

PREMISES AFFECTED – 300 East 34th Street, southeast corner of East 34th Street, and Second Avenue, Block 939, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD – Laid over to April 21, 2009, at 10 A.M., for continued hearing.

APPEALS CALENDAR

60-08-A

39-09-A thru 41-09-A

APPLICANT – Eric Palatnik, P.C., for F & Z Properties, owners.

SUBJECT – Application March 21, 2008 – Proposed construction of a four Story Community Facility located within the bed of a mapped street (102nd Street) contrary to General City Law Section 35. R6B (C1-4) zoning district. PREMISES AFFECTED – 101-20 39th Avenue (formerly 101-20, 101-22 & 101-24 103rd Street, and 101-18 39th Avenue, between 102nd and 103rd Streets, Block 1770, Lot 22, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5
Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Superintendent, dated February 4, 2009, acting on Department of Buildings Application Nos. 401214227, 401214236, 401214254 and 401214245, reads in pertinent part:

“The proposed development in the bed of a mapped street is contrary to General City Law 35;” and

WHEREAS, these applications collectively request permission to build four four-story, four-family residential buildings partially in the bed of 102nd Street, a mapped street between 39th Avenue and Roosevelt Avenue; and

WHEREAS, a public hearing was held on these applications on November 18, 2008 after due notice by publication in the *City Record*, with continued hearings on January 13, 2008 and March 17, 2008, and then to decision on March 24, 2009; and

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

WHEREAS, pursuant to a proposed subdivision, the subject site (Block 1770, Lot 22) will comprise Tax Lot 124 (101-23 39th Avenue), Tax Lot 123 (101-22 39th Avenue) Tax

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Lot 122 (101-20 39th Avenue), and Tax Lot 222 (101-18 39th Avenue); and

WHEREAS, on September 14, 2004, under BSA Cal. Nos. 50-04-A to 52-04-A, the Board approved applications under Section 35 of the General City Law for the collective development of three three-story, three-family homes at the subject site; and

WHEREAS, the Board notes that the instant application initially proposed a five-story daycare facility; the applicant subsequently revised its proposal to reflect the proposed residential development; and

WHEREAS, the Department of Environmental Protection (DEP) reviewed the two earlier iterations of this proposal and, by letters dated May 14, 2004 and April 22, 2008, stated that it had no objections; and

WHEREAS, the Department of Transportation (DOT) also reviewed the two earlier iterations of this proposal and, by letters dated June 24, 2004 and October 2, 2008, stated that it had no objections; and

WHEREAS, by letter dated March 19, 2009, the Fire Department states that it has reviewed the subject proposal and has no objections; and

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

Therefore it is Resolved that the decision of the Queens Borough Superintendent, dated February 4, 2009, acting on New Building Application Nos. 401214227, 401214236, 401214254 and 401214245, is hereby modified by the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawings filed with the application marked "Received March 6, 2009"-(1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

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

THAT DOB shall review the proposed lot subdivision prior to the issuance of any permits;

THAT DOB shall review the proposed plans to ensure compliance with all relevant provisions of the Zoning Resolution;

THAT the applicant shall forward a copy of a plan showing landscaping to the community board prior to issuance of a building permit, with a copy to the Board;

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, March 24, 2009.

307-08-BZY

APPLICANT – Howard Zipser, Akerman Senterfitt LLP, for 163 Orchard Street LLC, owner.

SUBJECT – Application December 17, 2008 – Extension of time to complete construction (§11-331) of a minor development commenced prior to the amendment of the zoning district regulations. C4-4A Zoning District.

PREMISES AFFECTED – 163 Orchard Street, through lot between Orchard and Houston Street between Stanton and Rivington Street, Block 416, Lot 58, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES –

For Applicant: Calvin Wong.

ACTION OF THE BOARD – Laid over to March 31, 2009, at 10 A.M., for postponed hearing.

311-08-BZY

APPLICANT – Slater & Beckerman, LLP, for D.A.B. Group LLC, owner.

SUBJECT – Application December 18, 2008 – Extension of time to complete construction (§11-331) of a minor development commenced prior to the amendment of the Zoning district regulations. C4-4A.

PREMISES AFFECTED – 77, 79 & 81 Rivington Street, Block 415, Lots 61, 62, 63, 66, 67, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES –

For Applicant: Neil Weisbard, Daniel Borra and Edward Mills.

For Opposition: Sheila Saks.

ACTION OF THE BOARD – Laid over to April 21, 2009, at 10 A.M., for continued hearing.

313-08-A

APPLICANT – Chuck Close, c/o Offices of Howard Goldman, LLC, for Proprietary Lessee of Studio and Basement Cooperative, lessee.

SUBJECT – Application December 22, 2008 – Appeal seeking to revoke permits and approvals for a six story commercial building that violates the Building Code and Zoning Resolution. M1-5B zoning district.

PREMISES AFFECTED – 363-371 Lafayette Street, east side of Lafayette Street between Great Jones and Bond Streets, Block 530, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to May 12, 2009, at 10 A.M., for postponed hearing.

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**REGULAR MEETING
TUESDAY AFTERNOON, MARCH 24, 2009
1:30 P.M.**

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

ZONING CALENDAR

134-08-BZ

APPLICANT – Eric Palatnik, P.C., for Asher Goldstein, owner.

SUBJECT – Application April 30, 2008 – Variance (§72-21) to construct a third floor to an existing two story, two family semi-detached residence partially located in an R-5 and M1-1 zoning district.

PREMISES AFFECTED – 34 Lawrence Avenue, Lawrence Avenue, 80’ west of McDonald Avenue, Block 5441, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5
Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated March 23, 2009, acting on Department of Buildings Application No. 310113926, reads in pertinent part:

- “1. Proposed enlargement of an existing two-family house within the R5 district is contrary to ZR Section 23-141(b), ZR Section 23-631(d), ZR Section 23-461(b) and ZR Section 23-47 which requires a variance from the Board of Standards and Appeals.
2. Proposed enlargement of an existing two-family house within the M1-1 district is contrary to ZR Sections 42-00 and 43-43 which requires a variance from the Board of Standards and Appeals;” and

WHEREAS, this is an application under ZR § 72-21 to permit, on a site partially within an R5 zoning district and partially within an M1-1 zoning district, the proposed one-story enlargement of an existing two-story, two-family, semi-detached residence which does not conform to district use regulations and does not comply with the zoning requirements for perimeter wall height in the M1-1 zoning district, contrary to ZR §§ 42-00 and 43-43, and does not comply with the zoning requirements for floor area, perimeter wall height, side yard and rear yard in the R5 zoning district, contrary to ZR §§

23-141(b), 23-631(d), 23-461(b), and 23-47; and

WHEREAS, a public hearing was held on this application on October 28, 2008, after due notice by publication in *The City Record*, with continued hearings on December 9, 2008, January 13, 2009, February 3, 2009, and March 3, 2009, and then to decision on March 24, 2009; and

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

WHEREAS, Community Board 12, Brooklyn, recommends approval of this application; and

WHEREAS, the subject premises is located on the south side of Lawrence Avenue, between McDonald Avenue and 47th Street, partially within an R5 zoning district and partially within an M1-1 zoning district; and

WHEREAS, the site has a frontage of 59’-9” on Lawrence Avenue, a depth of 100’-0”, and a total lot area of approximately 3,743 sq. ft.; and

WHEREAS, the site is currently occupied by a two-story, semi-detached, two-family home; and

WHEREAS, the applicant proposes to construct a one-story vertical enlargement to the existing home; and

WHEREAS, the site comprises two tax lots--Lot 17, on the western portion of the site, and Lot 18, on the eastern portion of the site; and

WHEREAS, at hearing, the Board requested the applicant to establish whether the subject site comprised a single zoning lot; and

WHEREAS, in response, the applicant provided copies of 1943 and 1971 deeds for the premises, which indicate that the two tax lots were under common ownership in 1961 and are therefore a single zoning lot as defined by ZR § 12-10(b); and

WHEREAS, a zoning district boundary line bisects the site; the western portion of the Zoning Lot is within an R5 zoning district and the eastern portion is within an M1-1 zoning district; and

WHEREAS, the M1-1 portion of the Zoning Lot has a lot area of approximately 2,712 sq. ft. and the R5 portion of the Zoning Lot has a lot area of approximately 1,031 sq. ft.; the applicant provided separate zoning calculations for both zoning districts; and

WHEREAS, as to use, the proposed residential use is permitted as of right in the R5 zoning district, but a use variance is required within the M1-1 zoning district; and

WHEREAS, the home is proposed to have: a total floor area of 3,858 sq. ft. (1.02 FAR, the maximum permitted FAR is 1.06 FAR), with 2,151 sq. ft. of floor area (2.09 FAR) in the R5 portion of the site (the maximum permitted FAR is 1.25) and 1,707 sq. ft. of floor area (0.63 FAR) in the M1-1 portion of the site (the maximum permitted FAR is 1.0); and a perimeter wall height of 32’-8” (the maximum permitted perimeter wall height is 30’-0” in both zoning districts); and

WHEREAS, the proposed home will maintain the following existing non-compliances: a side yard with a width of 6’-2 ¼” along the eastern lot line (a side yard with a

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minimum width of 8'-0" is required), and a rear yard with a depth of 27'-3" (a minimum rear yard of 30'-0" is required); and

WHEREAS, the applicant states that the following are unique physical conditions which create unnecessary hardship and practical difficulties in developing the site with a complying and conforming development: (1) the site's irregular shape; (2) the site's division by a zoning district boundary; (3) the site's underdevelopment; and (4) the existing home's above-grade first floor; and

WHEREAS, as to the site's shape and size, the applicant states that the site is an irregular triangular shape with approximately 1,031 sq. ft. of lot area located in an R5 zoning district and approximately 2,712 sq. ft. of lot area located in an M1-1 zoning district; and

WHEREAS, the applicant notes that the site is a pre-existing Zoning Lot predating the creation of the aforementioned zoning district boundary line; and

WHEREAS, the applicant states that the existing two-family home is located partially within the R5 zoning district and partially within the M1-1 zoning district; and

WHEREAS, the applicant further states that the M1-1 portion of the site has a frontage of approximately 30'-0" on Lawrence Avenue; and

WHEREAS, the applicant represents that the site's frontage is too small to accommodate a truck loading area; and

WHEREAS, the applicant further represents that the portion of the subject site within the M1-1 zoning district is too small to accommodate the floor plates of a modern manufacturing facility; and

WHEREAS, the applicant submitted a 400-foot radius diagram indicating that no site in the surrounding area with a size and shape comparable to the subject site was used for a conforming manufacturing use; and

WHEREAS, the applicant represents that, as a consequence of its irregular shape and the location of the zoning district boundary line, the subject site is infeasible for as-of-right manufacturing use; and

WHEREAS, as to the site's underdeveloped condition, the applicant submitted a survey indicating that the buildings within the subject R5 district had an average FAR of 1.14, and the buildings within the subject M1-1 district along McDonald Avenue had an average FAR of 1.01; and

WHEREAS, the applicant states that the existing home on the subject site has a floor area of 2,572 sq. ft. (0.68 FAR); and

WHEREAS, the applicant notes that approximately 4,001 sq. ft. of floor area is permitted on the subject site (1.07 FAR); approximately 1,289 sq. ft. (1.25 FAR) of developable floor area located within the R5 portion of the site; and approximately 2,712 sq. ft. (1.0 FAR) of developable floor area located within the M1-1 portion of the site; and

WHEREAS, thus, the applicant represents that the site is significantly underdeveloped as approximately 1,429 sq. ft. of floor area is currently unused; and

WHEREAS, the applicant notes that the proposed

enlargement would develop 1,286 sq. ft. of the available floor area; and

WHEREAS, the applicant further states that the proposed enlargement cannot be accommodated as of right within the M1-1 portion of the subject site because of the site's configuration and the location of the existing home; and

WHEREAS, the Board notes that homes in the surrounding neighborhood similar in size to the existing home may increase their square footage as of right, while the subject site cannot be enlarged without a variance from the Board; and

WHEREAS, as to the existing building's above-grade floor, the applicant states that the first floor of the existing home is located 4'-2" above grade, and the first and second stories of the home have 10'-0" floor-to-floor heights; and

WHEREAS, the applicant further states that the existing home has a height of 23'-2"; and

WHEREAS, the applicant represents that a perimeter wall height of 32'-8" is therefore necessary in order to provide a floor-to-ceiling height of 8'-8" on the proposed third floor; and

WHEREAS, thus, the applicant further represents that the requested waiver for 2'-8" of the perimeter wall height is necessary in order to provide a livable floor-to-ceiling height on the proposed third floor; 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 compliance with the applicable zoning regulations; and

WHEREAS, as discussed above, the applicant notes that the subject site is an irregularly shaped triangular lot, with approximately 1,031 sq. ft. of lot area within an R5 zoning district and approximately 2,712 sq. ft. of lot area within an M1-1 zoning district; and

WHEREAS, the applicant represents that, given the location of the existing residential building and the zoning district boundary at the site, no conforming manufacturing use is feasible at the subject site; and

WHEREAS, the Board agrees that due to the unique physical conditions on the site, there is no reasonable possibility that development in strict conformance with zoning will provide a reasonable return; and

WHEREAS, the applicant represents that the proposed building 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, as to use, the applicant states that the proposed use is permitted as of right within the R5 zoning district; and

WHEREAS, the applicant represents that Lawrence Avenue, between McDonald Avenue and 47th Street, is occupied by an abundance of residential uses; and

WHEREAS, the applicant has submitted a 400-foot radius diagram of the area indicating that 14 sites located on Lawrence Avenue between McDonald Avenue and 47th Street

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are occupied by homes, including the adjoining site to the west; and

WHEREAS, as to bulk, the applicant notes that the proposed 1.02 FAR is compliant with the permitted FAR in the R5 district; and

WHEREAS, the survey submitted by the applicant indicates that buildings within the subject R5 district have an average FAR of 1.14, and that buildings in the neighboring M1-1 district along McDonald Avenue have an average FAR of 1.01; and

WHEREAS, the radius diagram submitted by the applicant indicates that there are several three-story homes in the surrounding area, including the home located directly across the street from the subject site; and

WHEREAS, based upon the above, 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, but is the result of the site's pre-existing shape and a zoning district boundary line that bisects the pre-existing lot; and

WHEREAS, the Board notes that the application as originally filed contemplated that the eastern side of the proposed third floor would cantilever over the lower floors by 2'-4", creating a total floor area of 4,004 sq. ft. (1.06 FAR); and

WHEREAS, at hearing, the Board questioned the applicant's need for the third floor cantilever; and

WHEREAS, in response to the Board's concerns, the applicant submitted revised plans indicating the removal of the cantilevered third floor overhang and the reduction of the total floor area to 3,858 sq. ft. (1.02 FAR); and

WHEREAS, accordingly, the Board finds the requested waivers to be the minimum necessary to afford the owner relief; and

WHEREAS, based upon the above, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; 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 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, on a site located partially within an R5 zoning district and partially within an M1-1 zoning district, the proposed enlargement of a two-story residential building, which does not conform to district use regulations and does not comply with the zoning requirements for perimeter wall height in the M1-1 zoning district, contrary to ZR §§ 42-00 and 43-43, and does not comply with the zoning requirements for floor area, perimeter wall height, side yard and rear yard in the R5 zoning district, contrary to ZR §§ 23-141(b), 23-631(d), 23-461(b), and 23-47;

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 2, 2009"-(12) sheets and "March 24, 2009"-(1) sheet; and *on further condition*:

THAT the following are the bulk parameters of the proposed building: a total floor area of 3,858 sq. ft. (1.02 FAR), a perimeter wall height of 32'-8", a side yard with a width of 6'-2 1/4" along the eastern lot line, and a rear yard of 27'-3", as indicated on the BSA-approved plans;

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

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

THAT construction shall proceed in accordance with ZR § 72-23; 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, March 24, 2009.

162-08-BZ

CEQR #08-BSA-094M

APPLICANT – The Law Office of Fredrick A. Becker, for 150 East 93rd Street Corporation, owner.

SUBJECT – Application June 12, 2008 – Special Permit (§73-621) to allow for the enlargement of an existing building contrary to floor area and lot coverage regulations §23-145 and §35-31; C1-8X District.

PREMISES AFFECTED – 150 East 93rd Street, southeast corner of East 93rd Street and Lexington Avenue, Block 1521, Lot 51, Borough of Manhattan.

COMMUNITY BOARD #8M

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 Montanez5

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Manhattan Borough Commissioner dated December 5, 2008, acting on Department of Buildings Application No. 103369196, reads in pertinent part:

“Proposed vertical enlargement increases degree of FAR non-compliance by less than 10 percent of the maximum permitted, contrary to ZR 23-145 and ZR 35-31;” and

WHEREAS, this is an application under ZR §§ 73-621

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and 73-03, to permit, within a C1-8X zoning district, the proposed vertical enlargement of a mixed-use residential/commercial building which does not comply with the zoning requirements for floor area, contrary to ZR §§ 23-144 and 35-31; and

WHEREAS, a public hearing was held on this application on December 16, 2008, after due notice by publication in *The City Record*, with continued hearings January 27, 2009 and March 3, 2009, and then to decision on March 24, 2009; and

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

WHEREAS, Community Board 8, Manhattan, recommends approval of this application; and

WHEREAS, Manhattan Borough President Scott M. Stringer, State Assembly Member Jonathan Bing, State Assembly Member Micah Z. Kellner, and Council Member Jessica Lappin provided written testimony recommending disapproval of this application; and

WHEREAS, representatives of the Carnegie Hill Neighbors, Defenders of the Historic Upper East Side, 93rd Street Beautification Association, Brewery Hill Block Association, and Civitas submitted written and/or oral testimony citing concerns with the effects that the proposed enlargement would have on neighborhood character; and

WHEREAS, residents of neighboring properties testified in opposition to the application citing the adverse effects that the proposed enlargement would have on their access to light and air; and

WHEREAS, the subject site is located on the southeast corner of the intersection of Lexington Avenue and East 93rd Street within a C1-8X zoning district; and

WHEREAS, the subject site has a total lot area of approximately 7,345 sq. ft., and is occupied by an 11-story and penthouse multi-family dwelling with a floor area of approximately 64,940 sq. ft. (8.84 FAR); and

WHEREAS, the applicant proposes a second-floor vertical enlargement of 1,218 sq. ft. to an existing penthouse unit; and

WHEREAS, the applicant seeks an increase in the total floor area from approximately 64,940 sq. ft. (8.84 FAR), to approximately 66,158 sq. ft. (9.01 FAR); the maximum floor area permitted is approximately 66,104 sq. ft. (9.0 FAR); and

WHEREAS, the applicant represents that the proposed floor area exceeds the maximum permitted floor area by approximately 55 sq. ft. 1, or less than one percent; and

WHEREAS, the initial application identified the entire proposed 1,218 sq. ft. penthouse enlargement as exceeding the maximum permitted floor area; and

WHEREAS, the initial request was based on a lot area calculated at 7,005 sq. ft. and a maximum permitted floor area calculated at 63,045 sq. ft., on the basis of the 9.0 FAR permitted for the subject site; and

WHEREAS, the applicant subsequently determined that the lot area had been miscalculated and that, based on the permitted FAR, approximately 1,163 sq. ft. could be built as-of-right; and

WHEREAS, the applicant then revised the special permit application to request an increase in the maximum permitted floor area of 55 sq. ft.; and

WHEREAS, the Board notes that ZR § 73-621 permits the enlargement of a residential building such as the subject multi-family dwelling if the following requirements are met: (1) the proposed FAR does not exceed 110 percent of the maximum permitted; (2) in districts where there are lot coverage limits, the proposed lot coverage does not exceed 110 percent of the maximum permitted; and (3) the proposed enlargement creates no new non-compliance nor increases the amount or degree of any existing non-compliance; and

WHEREAS, as to the FAR, the applicant states that an application under ZR § 73-621 would permit an FAR of 9.9 on the subject site and a floor area of 69,345 sq. ft. -- an increase of 3,241 sq. ft. over the permitted floor area; and

WHEREAS, the Board notes that the subject application is to allow approximately 55 sq. ft. of additional floor area above what is permitted as of right, well below the permitted limit; and

WHEREAS, the Board further notes that the proposed 9.01 FAR reflects an increase of less than one percent of the maximum permitted FAR of 9.0 which is less than the 10 percent increase allowed under the special permit; and

WHEREAS, as to lot coverage, the applicant states that Quality Housing regulations appertaining to the subject site provide for a maximum permitted lot coverage of 80 percent and that the an application under ZR § 73-621 would allow for a maximum lot coverage of 88 percent; and

WHEREAS, the applicant represents that the existing lot coverage of the subject site is 82 percent and is an existing non-compliance; and

WHEREAS, the applicant states that, as the proposed enlargement is to an existing penthouse, the grant of the special permit will not increase the existing lot coverage or decrease the amount of open space; and

WHEREAS, the Board notes that the penthouse addition would be within the contextual envelope prescribed by the C1-8X district and therefore would not create any new non-compliances or increase the degree of existing non-compliance; and

WHEREAS, accordingly, the Board has determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 73-621; and

WHEREAS, the applicant represents that the proposed enlargement will not: (1) alter the essential character of the surrounding neighborhood; (2) impair the use or development of adjacent properties; (3) be detrimental to the public welfare; or (4) interfere with any pending public improvement project; and

WHEREAS, the applicant states that the proposed enlargement will increase the floor area of one existing penthouse unit and will not increase the number of dwelling units in the subject building; and

1 Difference due to rounding.

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WHEREAS, as to the concerns of neighbors regarding the effects of the enlargement on light and air, a response by the applicant states and the Board agrees that the addition of approximately 55 sq. ft. allowed by the special permit would not significantly diminish the amount of available light and air; and

WHEREAS, the Board notes that the Environmental Assessment Statement submitted by the applicant analyzed the potential shadows created by the proposed penthouse, and not just the 55 sq. ft. increment, and found no impacts; and

WHEREAS, the applicant further states that the additional floor area sought comprises two linear feet of building area at the rear of the addition, and that an addition of that size would have no adverse impacts on shadows, light or air; and

WHEREAS, a number of elected officials and community residents testified that the proposed enlargement was inappropriate with the context of the surrounding area; and

WHEREAS, the applicant states the subject C1-8X zoning district allows for a maximum street wall height of 120 feet and a maximum building height of 170 feet; and

WHEREAS, the applicant further states that the proposed enlargement would reach a height of 135 feet and would comply with the height and setback requirements of the subject zoning district; and

WHEREAS, the applicant represents that the proposed height of the subject building is comparable to that of five buildings in the immediate area located respectively at the southeast and northeast corners of East 92nd Street and Lexington Avenue, the northeast corner of East 93rd Street and Lexington Avenue, the southeast corner of East 94th Street and Lexington Avenue, and the southwest corner of East 92nd Street and Lexington Avenue; and

WHEREAS, applicant submitted photomontages indicating that the visibility of the proposed enlargement will be minimal from certain points to the north and south of the subject site, and will be nonexistent from 93rd Street; and

WHEREAS, at hearing, several civic organizations (the "Opposition") testified that the grant of the special permit could discourage a potential extension of the Carnegie Hill Historic District by the Landmarks Preservation Commission ("LPC"); and

WHEREAS, in response, a submission by the applicant notes that the subject building is not a landmark and is not located in a landmark district or a historic district; and

WHEREAS, the applicant further states that the LPC has evaluated requests to expand the Carnegie Hill Historic District to include the subject site, but that no action is pending; and

WHEREAS, the applicant states additionally that landmarking of the subject site would be unlikely to preclude development of the proposed enlargement because the LPC has permitted rooftop enlargements on individual landmarks and in historic districts where the enlargement was minimally visible, as in the instant case; and

WHEREAS, the Board notes that the site is neither an individual landmark, nor is it located within a historic district; and

WHEREAS, the Board further notes that the proposed

increase in floor area of approximately 55 sq. ft. is modest and is well within the parameters of the special permit; and

WHEREAS, at the last hearing, members of the Opposition testified that the Board should continue the hearing to ensure the accuracy of the applicant's revised zoning lot calculations, which resulted in a reduction in the requested square footage from 1,218 sq. ft. to 55 sq. ft.; and

WHEREAS, the Board's approval will be limited to only 55 sq ft above the allowable maximum FAR and the Board will request that, prior to the issuance of permits, DOB review and verify the existing zoning lot size and 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 requisite findings pursuant to ZR § 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 §§ 73-621 and 73-03, to permit, within a C1-8X zoning district, the proposed vertical enlargement of a mixed-use residential/commercial building, which does not comply with the zoning requirements for floor area, contrary to ZR §§ 23-144 and 35-31; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received February 25, 2009"-(9) sheets and "March 23, 2009"-(1) sheet; and *on further condition*:

THAT the following shall be the bulk parameters of the proposed enlargement: a floor area increase of 55 sq. ft. above the maximum permitted FAR, a total floor area of 66,158 sq. ft., and an FAR of 9.01, as shown on the BSA approved plans;

THAT the above condition shall appear on the certificate of occupancy;

THAT prior to the issuance of the building permit, DOB shall review and verify the existing zoning lot size and the existing and proposed floor area calculations;

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 substantial construction shall be completed within four years of the date of this resolution; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning

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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, March 24, 2009.

97-08-BZ

APPLICANT – Eric Palatnik, P.C., for Chesky Berkowitz, owner; Central UTA, lessee.

SUBJECT – Application April 18, 2008 – Special Permit (§73-19) to allow the proposed legalization of the existing yeshiva (Use Group 3 school). M1-1 district.

PREMISES AFFECTED – 84 Sanford Street, between Park Avenue and Myrtle Avenue, Block 1736, Lot 14, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES –

For Applicant: Eric Palatnik, Rabbi Glanz, Hiram Rothkrug and Shteirman.

For Opposition: Michael McGaw and Charlene Phipps, CB #3.

ACTION OF THE BOARD – Laid over to April 21, 2009, at 1:30 P.M., for continued hearing.

99-08-BZ

APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for Cee Jay Real Estate Development Company, owner.

SUBJECT – Application April 21, 2008 – Variance (§72-21) to construct a three story with cellar single family home on an irregular triangular lot what does not meet the rear yard requirement (§23-47) in an R3-2 (SRD) zoning district.

PREMISES AFFECTED – 102 Drumgoole Road, South side of Drumgoole Road, 144.62 ft. west of the intersection of Drumgoole Road and Wainwright Avenue, Block 5613, Lot 221, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Todd Dole.

ACTION OF THE BOARD – Laid over to April 21, 2009, at 1:30 P.M., for continued hearing.

169-08-BZ

APPLICANT – James Chin & Associates, LLC, for Jeffrey Bennett, owner.

SUBJECT – Application June 24, 2008 – Variance (§ 72-21) to allow the residential redevelopment of an existing five-story commercial building. Six residential floors and six (6) dwelling units are proposed; contrary to use regulations (§42-00 & § 111-104 (e)). M1-5 (TMU- Area B-2) district.

PREMISES AFFECTED – 46 Laight Street, north side of Laight Street, 25’ of frontage on Laight Street, Block 220, Lot 35, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: James, Chin, Ivan Khoury and Robert Pauls.

ACTION OF THE BOARD – Laid over to April 28, 2009, at 1:30 P.M., for continued hearing.

235-08-BZ

APPLICANT – Eric Palatnik, P.C., for Agudath Taharath Mishpachan, owners.

SUBJECT – Application September 16, 2008 – Variance (§72-21) to permit the expansion of a Use Group 3 Mikvah.

The proposal is contrary to ZR §33-12 (Maximum floor area ratio) and §33-431 (Maximum height of walls and required setbacks). C2-3/R4 district.

PREMISES AFFECTED – 1508 Union Street, located at the southwest corner of Union Street and Albany Avenue, Block 1279, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES –

For Applicant: Eric Palatnik, Deity Leverton, David Shteirman, Sheina Levin and Yossi Stern.

ACTION OF THE BOARD – Laid over to April 28, 2009, at 1:30 P.M., for continued hearing.

236-08-BZ

APPLICANT – Sheldon Lobel, for Joey Aini, owner.

SUBJECT – Application September 18, 2008 – Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary floor area (§23-141) and the permitted perimeter wall height (§23-631) in an R2X (OPSD) zoning district.

PREMISES AFFECTED – 1986 East 3rd Street, west side of East 3rd Street, 100’ south of Avenue S, Block 7105, Lot 152, Borough of Brooklyn.

COMMUNITY BOARD #15BK

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 April 7, 2009, at 1:30 P.M., for decision, hearing closed.

250-08-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Sari Dana and Edward Dana, owners.

SUBJECT – Application October 10, 2008 – Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary floor area (§23-141) and less than the required rear yard (§23-47) in an R2X (OP) Special Ocean Parkway District.

PREMISES AFFECTED – 1925 East 5th Street, east side of East 5th Street between Avenues R and S, Block 6681, Lot 490, Borough of Brooklyn.

COMMUNITY BOARD #15BK

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APPEARANCES –

For Applicant: Lyra Altman.

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 7, 2009, at 1:30 P.M., for decision, hearing closed.

253-08-BZ

APPLICANT – Law Office of Fredrick A. Becker for Paula Digrazia and Lisa Tapani, owner.

SUBJECT – Application October 15, 2008 – Variance (§72-21) to legalize a prior enlargement at the rear of the home and to allow for a new enlargement to an existing single family home on a narrow zoning lot. This variance seeks to vary floor area ratio, open space lot coverage (§23-141(b)); side yards (§23-461(a) & (§23-48) and less than the required rear yard (§23-47) in an R-4 zoning district.

PREMISES AFFECTED – 2623 East 11th Street, East side of East 11th Street between Avenue Z and William Court, Block 7455, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Lyra Altman.

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 21, 2009, at 1:30 P.M., for decision, hearing closed.

274-08-BZ

APPLICANT – Jesse Masyr, Esq., Wachtel & Masyr, LLP, for West Broadway 220 LLC (47 Grand Street), owner; West Broadway 330 LLC (431, 43 Grand Street), lessee.

SUBJECT – Application November 10, 2008 – Variance pursuant to §72-21 to allow for an increase in floor area, variation in height and setback requirements and retail use below the level of the second story, contrary to §42-14, §43-12 and §43-43. M1-5A & M1-5B Districts.

PREMISES AFFECTED – 41-47 Grand Street (a/k/a 330 West Broadway) southwest corner of Grand Street and West Broadway, Block 227, Lots 19, 20, 22, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Ethan Goodman, Morris Adjmi, Jess Walker, Alan Popal, Jack Freeman, Dan Aizer, Erez Itzhaki, Jack Forewa and Dirk McCall.

For Opposition: Shelly Friedman, Robert Wisniewski, Ingrid Wegaud, Darlene Lulkes, Carole Fredman, Sharon Leysea, Pryor Dodge, Marie Evans, Carol Gable and Mark Shefflin.

ACTION OF THE BOARD – Laid over to May 12,

2009, at 1:30 P.M., for continued hearing.

306-08-BZ

APPLICANT – Sheldon Lobel, P.C., for Third and Fifty-Eight. LLC,owner; Evergreen Spa, Inc., lessee.

SUBJECT – Application December 18, 2008 – Special Permit (§73-36) to allow the operation of a physical culture establishment in the cellar of an existing 21-story mixed-use building. The proposal is contrary to ZR §32-10. C5-2 district.

PREMISES AFFECTED – 969 Third Avenue a/k/a 200 East 58th Street, Block 1331, Lot 7501, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: Elizabeth Safian.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to April 21, 2009, at 1:30 P.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: P.M.