

---

# BULLETIN

## OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

---

Volume 94, No. 18

May 7, 2009

---

### DIRECTORY

**MEENAKSHI SRINIVASAN, *Chair***

**CHRISTOPHER COLLINS, *Vice-Chair***

**DARA OTTLEY-BROWN**

**SUSAN M. HINKSON**

**EILEEN MONTANEZ**

*Commissioners*

**Jeffrey Mulligan, *Executive Director***

**Roy Starrin, *Deputy Director***

**Margaret P. Stix, *Counsel***

---

<b>OFFICE -</b>	<b>40 Rector Street, 9th Floor, New York, N.Y. 10006</b>
<b>HEARINGS HELD -</b>	<b>40 Rector Street, 6th Floor, New York, N.Y. 10006</b>
<b>BSA WEBPAGE @</b>	<b><a href="http://www.nyc.gov/html/bsa/home.html">http://www.nyc.gov/html/bsa/home.html</a></b>

<b>TELEPHONE - (212) 788-8500</b>
<b>FAX - (212) 788-8769</b>

### CONTENTS

DOCKET .....289

**CALENDAR** of May 19, 2009

Morning .....290

Afternoon .....290

---

# CONTENTS

---

**MINUTES of Regular Meetings,  
Tuesday, April 28, 2009**

Morning Calendar .....291

**Affecting Calendar Numbers:**

853-53-BZ	2402/16 Knapp Street, Brooklyn
240-55-BZ	207-22 Northern Boulevard, Queens
111-71-BZ	185-25 N. Conduit Boulevard, Queens
209-04-BZ	109-09 15 <sup>th</sup> Avenue, Queens
237-04-BZ	5722 Faraday Avenue, Bronx
727-86-BZ	240 East 58 <sup>th</sup> Street, Manhattan
336-98-BZ & 337-98-BZ	324/34 Flatbush Avenue, Brooklyn
301-03-BZ	1103 East 22 <sup>nd</sup> Street, Brooklyn
185-04-BZ	2275 East 2 <sup>nd</sup> Street, Brooklyn
180-08-A thru 184-08-A	3236/44 Schley Avenue, Bronx
292-08-A	123 87 <sup>th</sup> Street, Brooklyn
5-09-A	7 Manville Lane, Queens
267-08-A	2 Devon Walk, Queens
277-08-BZY thru 287-08-BZY	23-63 Opal Lane, Staten Island

Afternoon Calendar .....299

**Affecting Calendar Numbers:**

40-08-BZ	3957 Laconia Avenue, Bronx
161-08-BZ	136 Dover Street, Brooklyn
298-08-BZ	1156 East 22 <sup>nd</sup> Street, Brooklyn
303-08-BZ	34-67 Francis Lewis Boulevard, Queens
203-07-BZ	137-35 Elder Avenue, Queens
222-07-BZ	110 West 26 <sup>th</sup> Street, Manhattan
169-08-BZ	46 Laight Street, Manhattan
228-08-BZ	2802 Avenue R, Brooklyn
229-08-BZ	866 East 9 <sup>th</sup> Street, Brooklyn
234-08-BZ	1702 Avenue Z, Brooklyn
235-08-BZ	1508 Union Street, Brooklyn
246-08-BZ	4400 Third Avenue, Bronx
259-08-BZ	98 South 4 <sup>th</sup> Street, Brooklyn
266-08-BZ	2007 New York Avenue, Brooklyn
275-08-BZ	98 South 4 <sup>th</sup> Street, Brooklyn
314-08-BZ	437 West 13 <sup>th</sup> Street, Manhattan
8-09-BZ	125 Fulton Street, Manhattan
20-09-BZ	54-44 Little Neck Parkway, Queens

---

# DOCKETS

---

New Case Filed Up to April 28, 2009

-----

**160-09-A**

112-15 Northern Boulevard, Between 112th Street and 112th Place., Block 1706, Lot(s) 25, Borough of **Queens, Community Board: 3**. Appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced under the prior C2-4 /R6 zoning district . C2-4 /R6A

-----

**161-09-BZ**

580 Carroll Street, Carroll Street/Garfield Place between Fourth and Fifth Avenue., Block 961, Lot(s) 13, Borough of **Brooklyn, Community Board: 6**. Variance (72-21) for the development of two residential buildings (20 dwelling units) contrary to rear yard equivalent, floor area, lot coverage, minimum distance between buildings and minimum distance between legally required window regulations (ZR 23-532, 23-145, 23-711, 23-861). R6B District

-----

**162-09-BZ**

30-33 Steinway Street, Located on the east side of Steinway Street, approximately 315 feet south of 30th Avenue., Block 680, Lot(s) 32, Borough of **Queens, Community Board: 1**. Special Permit (73-36) to allow legalization of a physical culture establishment.

-----

**163-09-A**

115 Beach 220 Street, East side of Beach 220 Street (unmapped street) south of Breezy Point Boulevard (mapped street)., Block 16350, Lot(s) 400, Borough of **Queens, Community Board: 14**. Proposed reconstruction and enlargement of an existing single family home not fronting on an official mapped street contrary to General City Law Section 36 . R4 zoning 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

---

**MAY 19, 2009, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, May 19, 2009, 10:00 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

-----

## **SPECIAL ORDER CALENDAR**

### **165-93-BZ**

APPLICANT – Francis R. Angelino, Esq., for Claudia Stone & Goran Sare, owners.

SUBJECT – Application April 3, 2009 – Extension of Term of a previously granted Variance (§72-21) for a UG6 art gallery on the first floor of an existing three story and cellar mixed use front building in an R8B zoning district which expired on April 12, 2009.

PREMISES AFFECTED – 113 East 90<sup>th</sup> Street, between Park and Lexington Avenues, Block 1519, Lot 7, Borough of Manhattan.

**COMMUNITY BOARD #8M**

-----

**MAY 19, 2009, 1:30 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday afternoon, May 19, 2009, at 1:30 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

-----

## **ZONING CALENDAR**

### **100-08-BZ & 101-08-A**

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

SUBJECT – Application April 21, 2008 – Variance (§72-21) for the construction of a two story with basement, single family residence on a irregularly shaped vacant lot that extends into a mapped, unbuilt street which is contrary to General City Law Section 35. This application seeks to vary front yard (§23-45) in an R3-2 zoning district.

PREMISES AFFECTED – 205 Wolverine Street, northwest of intersection of Wolverine Street and Thomas Street, Block 4421, Lot 167, Borough of Staten Island.

**COMMUNITY BOARD #3SI**

-----

### **241-08-BZ**

APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for Devonshire Enterprises, Inc., owner.

SUBJECT – Application September 25, 2008 – Variance (§72-21) to permit a one-story commercial building (Use Group 6) on a vacant lot. The proposal is contrary to ZR

Section 32-10. R3-1 district.

PREMISES AFFECTED – 546 Midland Avenue aka 287 Freeborn Street, southwest corner of the intersection of Freeborn Street and Midland Avenue, Block 3803, Lot 29, Borough of Staten Island.

**COMMUNITY BOARD #2SI**

-----

### **295-08-BZ**

APPLICANT – Akerman Senterfitt Stadtmauer Bailkin, for Ronald & Meryl Bratt, owners.

SUBJECT – Application November 25, 2008 – Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary lot coverage and floor area (§23-141), side yards (§23-461) and does not comply with the required perimeter wall height (§23-631) in an R3-2 zoning district.

PREMISES AFFECTED – 1934 East 26<sup>th</sup> Street, east side between Avenue S and T, Block 7304, Lot 20, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

-----

### **25-09-BZ**

APPLICANT – Law Offices of Howard Goldman LLC., for AJJ Canal LLC, owner and Champion Fitness LLC, lessee.

SUBJECT – Application February 13, 2009 – Special Permit (§73-36) to allow the legalization of an existing physical culture establishment on the third floor of a three-story commercial building. The proposal is contrary to ZR §42-10. M1-5B district.

PREMISES AFFECTED – 277 Canal Street, Northwest corner of Canal and Broadway. Block 209, Lot 1, Borough of Manhattan.

**COMMUNITY BOARD #2M**

-----

### **30-09-BZ**

APPLICANT – Sheldon Lobel, P.C., for 136-33 37<sup>th</sup> Avenue Realty, LLC, owner.

SUBJECT – Application February 23, 2009 – Special Permit pursuant to §73-44 to reduce the amount of required parking spaces for commercial and medical offices uses from 153 to 97 spaces. C4-3 zoning district.

PREMISES AFFECTED – 136-33 37<sup>th</sup> Avenue, north side of 37<sup>th</sup> Avenue, between Main Street and Union Street, Block 4977, Lot 95, Borough of Queens.

**COMMUNITY BOARD #7Q**

-----

*Jeff Mulligan, Executive Director*

# MINUTES

**REGULAR MEETING  
TUESDAY MORNING, APRIL 28, 2009  
10:00 A.M.**

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

**SPECIAL ORDER CALENDAR**

**853-53-BZ**

APPLICANT – Walter T. Gorman, P.E., for Knapp LLC, owner; ExxonMobil Corporation, lessee.

SUBJECT – Application March 4, 2009 – Extension of Time/waiver to obtain a Certificate of Occupancy for a Gasoline Service Station (Mobil) in a C-2/R3-2 which expired on January 22, 2009.

PREMISES AFFECTED – 2402/16 Knapp Street, south west corner of Avenue Z, Block 7429, Lot 10, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

APPEARANCES –

For Applicant: Cindy Bachan.

**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 time to obtain a certificate of occupancy for a gasoline service station, which expired on January 22, 2009; and

WHEREAS, a public hearing was held on this application on March 31, 2009 after due notice by publication in *The City Record*, and then to decision on April 28, 2009; and

WHEREAS, the site is located on the southwest corner of Knapp Street and Avenue X, in a C2-2 (R3-2) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since June 22, 1954 when, under the subject calendar number, the Board granted a variance to permit the premises to be occupied by a gasoline service station with accessory uses 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 July 22, 2008 for a term of ten years from the expiration of the prior grant, to expire on October 23, 2009; a condition of the grant was that a new certificate of occupancy be obtained by January 22, 2009; and

WHEREAS, the applicant represents that a certificate of occupancy was not obtained by the stipulated date due to a delay in obtaining approval by the Department of Buildings (“DOB”) of the subject site’s fire suppression system; and

WHEREAS, the applicant therefore seeks a six-month extension of time to obtain a certificate of occupancy; and

WHEREAS, based upon its review of the record, the Board finds the requested extension of time to obtain a certificate of occupancy 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 June 22, 1954, so that as amended this portion of the resolution shall read: “to grant a six-month extension of time to obtain a certificate of occupancy, to expire on October 28, 2009; *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 October 28, 2009;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB Application No. 310091708)

Adopted by the Board of Standards and Appeals April 28, 2009.

**240-55-BZ**

APPLICANT – Joseph P. Morsellino, Esq., for DLC Properties LLC, owner; Helms Brother's, lessee.

SUBJECT – Application March 11, 2009 – Extension of Time to complete construction of a second story addition (5,000sf) to an existing commercial building in a C2-2(R6B) & R4 zoning district which expired on February 13, 2009.

PREMISES AFFECTED – 207-22 Northern Boulevard, Northern Boulevard and 208<sup>th</sup> Street, Block 7305, Lot 19, Borough of Queens.

**COMMUNITY BOARD #11Q**

APPEARANCES –

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

# MINUTES

WHEREAS, this is an application for a reopening and an extension of time to complete construction of a second story addition to an existing commercial building, which expired on February 13, 2009; and

WHEREAS, a public hearing was held on this application on March 31, 2009 after due notice by publication in *The City Record*, and then to decision on April 28, 2009; and

WHEREAS, the subject site is located on the south side of Northern Boulevard between 208<sup>th</sup> Street and Oceania Street, partially within a C2-2 (R6B) zoning district and partially within an R4 zoning district; and

WHEREAS, the site is improved upon with a 5,000 sq. ft. one-story commercial building occupied by an automotive repair shop and accessory retail area; and

WHEREAS, the Board has exercised jurisdiction over the subject site since December 13, 1955 when, under the subject calendar number, the Board granted a variance to permit the reconstruction of an automotive repair facility in a residential zoning district; and

WHEREAS, subsequently, the grant was amended and extended several times; and

WHEREAS, on March 6, 2001, the Board granted a special permit to allow the construction of a second floor to the existing commercial building to be occupied by office and storage space; the time to complete construction expired on March 6, 2003; and

WHEREAS, subsequent grants extended the amount of time to complete construction and obtain a certificate of occupancy for terms of two years; and

WHEREAS, most recently, on February 13, 2007, the Board granted an extension of time to complete construction for an additional two years, to expire on February 13, 2009; and

WHEREAS, the applicant represents that construction was scheduled for the summer of 2008, but did not receive final approval due to unforeseeable adverse economic conditions; and

WHEREAS, the applicant states that the construction is now scheduled for the summer of 2010; and

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

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction 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 December 13, 1955, so that as amended this portion of the resolution shall read: “to grant a three-year extension of time to complete construction, to expire on April 28, 2012; *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 substantial construction shall be completed by April 28, 2012;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB Application No. 401113816)

Adopted by the Board of Standards and Appeals, April 28, 2009.

## 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

### APPEARANCES –

For Applicant: Cindy Bachan.

**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 time to obtain a certificate of occupancy for a gasoline service station, which expired on October 16, 1997; and

WHEREAS, a public hearing was held on this application on April 7, 2009 after due notice by publication in *The City Record*, and then to decision on April 28, 2009; and

WHEREAS, the subject premises is located on a through-block site fronting on 144<sup>th</sup> Avenue to the north, Springfield Boulevard to the east and North Conduit Avenue to the south, within a C2-2 (R3-2) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since June 22, 1971 when, under the subject calendar number, the Board granted a special permit to permit the reconstruction of an automobile service station with accessory uses on the site; and

WHEREAS, on July 18, 1972, the Board granted the applicant an extension of time to obtain permits and complete construction and an amendment to permit the relocation of the gasoline pumps; and

WHEREAS, subsequent grants further extended the time

# MINUTES

to complete construction and obtain a certificate of occupancy; and

WHEREAS, on February 7, 1984, in conjunction with a change to a self-service gasoline station under BSA Cal. No. 699-83-A, the Board permitted the erection of a steel canopy over three new gasoline pump islands with new self-serve pumps, the installation of an 8'-0" by 20'-0" kiosk, and a reduction in the size of the existing accessory building; and

WHEREAS, on June 25, 1985, the Board extended the time to complete construction; and

WHEREAS, most recently, on October 16, 1996, the Board amended the resolution to permit the demolition of the existing kiosk and the erection of a new accessory building to house a convenience store; a condition of the grant was that a new certificate of occupancy be obtained by October 16, 1997; and

WHEREAS, notwithstanding that all previous resolutions under the subject calendar number refer to the subject site as "Lot 68," the premises is instead located on a portion of Lot 63 with the aforementioned boundaries extending to a depth of approximately 151'-4 1/2" along 144<sup>th</sup> Avenue and a depth of approximately 156'-5" along North Conduit Avenue; and

WHEREAS, the applicant states that the previous resolutions referred to "Lot 68" because the applicant intended to subdivide Lot 63 to create a new tax lot denominated as Lot 68 which would be occupied by the subject gasoline service station; and

WHEREAS, pursuant to a Declaration of Zoning Lot Restrictions (the "Declaration") executed February 8, 1994 and recorded March 17, 1994, the lessee, Shell Oil Company, agreed to treat the aforementioned portion of Lot 63 as a Zoning Lot, in accordance with the Zoning Resolution; and

WHEREAS, the applicant states that the Declaration was executed for the purpose of establishing Lot 68 as a separate zoning lot for the gasoline service station; and

WHEREAS, the applicant states that the effort to secure a separate zoning lot was discontinued; and

WHEREAS, the certificate of occupancy issued on July 25, 1995 for the subject gasoline service station identifies its location as "P/O Lot 63;" and

WHEREAS, thus, the premises has been and continues to be located on a part of Lot 63; and

WHEREAS, the applicant now seeks a six-month extension of time to obtain a certificate of occupancy; and

WHEREAS, the applicant represents that a certificate of occupancy was not obtained by the stipulated date due to administrative oversight; and

WHEREAS, based upon its review of the record, the Board finds the requested extension of time to obtain a certificate of occupancy 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 June 22, 1971, so that as amended this portion of the resolution shall read: "to grant a

six-month extension of time to obtain a certificate of occupancy, to expire on October 28, 2009; on condition that the use and operation of the site shall substantially conform to drawings filed with this application marked "Received March 16, 2009"-(6) sheets; and on further condition:

THAT a certificate of occupancy shall be obtained by October 28, 2009;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB Application No. 400612413)

Adopted by the Board of Standards and Appeals April 28, 2009.

-----

## 209-04-BZ

APPLICANT – Joseph P. Morsellino, for Waterfront Resort, Incorporated, owner.

SUBJECT – Application March 23, 2009 – Extension of Time to Complete Construction of a previously granted Variance (§72-21) to permit the conversion and enlargement of an existing industrial building to residential use in an M2-1 zoning district which expires on July 19, 2009.

PREMISES AFFECTED – 109-09 15<sup>th</sup> Avenue, northwest corner of 15<sup>th</sup> Avenue and 110<sup>th</sup> Street, Block 4044, Lot 60, Borough of Queens.

## COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION:

WHEREAS, this is an application for a reopening and an extension of time to complete construction of a previously granted variance to permit the enlargement of an existing industrial building in an M2-1 zoning district and its conversion to residential use, which expires on July 19, 2009; and

WHEREAS, a public hearing was held on this application on April 7, 2009 after due notice by publication in *The City Record*, and then to decision on April 28, 2009; and

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

WHEREAS, the subject site is located on the northwest corner of 15<sup>th</sup> Avenue and 110<sup>th</sup> Street, within an M2-1 zoning

# MINUTES

district; and

WHEREAS, the site is currently occupied by a three-story warehouse building, with a total floor area of 42,000 sq. ft.; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 19, 2005 when, under the subject calendar number, the Board granted a variance to permit the conversion enlargement of an existing industrial building and its conversion to residential use; and

WHEREAS, substantial construction is to be completed by July 19, 2009, in accordance with ZR § 72-23; and

WHEREAS, the applicant represents that additional time is necessary due to unexpected delays in obtaining the required waterfront certification from the City Planning Commission (“CPC”) pursuant to ZR § 62-711, along with other necessary permits and entitlements; and

WHEREAS, the applicant further represents that construction has not been completed due to unforeseen economic conditions resulting in the withdrawal of the construction financing commitment made to the previous owner; and

WHEREAS, the applicant states that the property was transferred to the current owner in November 2008, and that approval of a new construction loan is contingent upon the grant of an extension of time to complete construction by the Board; and

WHEREAS, thus, the applicant now requests a three-year extension of time to complete construction; and

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

*Therefore it is Resolved* that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated July 19, 2005, so that as amended this portion of the resolution shall read: “to grant an extension of the time to complete construction for a term of three years from the expiration of the previous grant, to expire on July 19, 2012; *on condition:*

THAT substantial construction shall be completed by July 19, 2012;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB Application No. 401843617)

Adopted by the Board of Standards and Appeals, April 28, 2009.

-----

## 237-04-BZ

APPLICANT – Sheldon Lobel, P.C., for Anthony Perez Cassino, owner.

SUBJECT – Application March 3, 2009 – Extension of Time to Complete Construction for a previously granted Variance (§72-21) to permit the proposed construction of a two family detached home on a vacant lot, which expired on February 8, 2009, in an R3-1 zoning district.

PREMISES AFFECTED – 5722 Faraday Avenue, southeast corner of Valles Avenue, Block 5853, Lot 2198, Borough of Bronx.

### COMMUNITY BOARD #8BX

APPEARANCES –

For Applicant: Josh Rinesmith.

**ACTION OF THE BOARD** – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a reopening and an extension of time to complete construction of a two-family detached home, which expired on February 8, 2009; and

WHEREAS, a public hearing was held on this application on March 31, 2009 after due notice by publication in *The City Record*, and then to decision on April 28, 2009; and

WHEREAS, the subject site is located on the southeast corner of Faraday Avenue and Valles Avenue, within an R3-1 zoning district; and

WHEREAS, the subject premises is a vacant site with a total lot area of 2,530 sq. ft.; and

WHEREAS, the Board has exercised jurisdiction over the subject site since February 8, 2005 when, under the subject calendar number, the Board granted a variance to permit the construction of a two-family detached home (Use Group 2); and

WHEREAS, substantial construction was to be completed by February 8, 2009, in accordance with ZR § 72-23; and

WHEREAS, the applicant represents that additional time is necessary due to difficulties in connecting the proposed home to the existing sewer line, which required approval by the Department of Environmental Protection (“DEP”); and

WHEREAS, the applicant further represents that boring tests conducted at the site prompted the Department of Buildings (“DOB”) to request a water drainage plan from the owner; and

WHEREAS, the applicant states that preparation of the water drainage plan and its subsequent approval by DOB took approximately 12 months; and

WHEREAS, the applicant represents that the owner has expended in excess of \$73,000 in payment of engineering, architectural, and filing fees to secure DEP and DOB approvals since the date of the Board’s grant; and

# MINUTES

WHEREAS, the applicant states that the owner is now in the final stages of obtaining DOB and DEP approvals; and

WHEREAS, the applicant notes that on December 7, 2004, the City Council rezoned the site from an R3-2 zoning district to an R3-1 zoning district; however, the Board's subsequent grant reflected an R3-2 zoning district for the subject site; and

WHEREAS, the Board notes that all bulk regulations remain the same under the new R3-1 district as under the prior R3-2 district; and

WHEREAS, the applicant states that subsequent to the Board's grant the applicant amended its application to reflect the change in zoning and to indicate that the application complies in all respects with an R3-1 zoning district; and

WHEREAS, the applicant submitted a reconsideration letter, dated July 17, 2006, establishing DOB's approval of the application, notwithstanding the rezoning; and

WHEREAS, thus, the applicant requests a three-year extension of time to complete construction; and

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

*Therefore it is Resolved* that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated February 8, 2005, so that as amended this portion of the resolution shall read: "to grant an extension of the time to complete construction for a term of three years from the expiration of the previous grant, to expire on February 8, 2012; *on condition:*

THAT substantial construction shall be completed by February 8, 2012;

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

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

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

(DOB Application No. 200842348)

Adopted by the Board of Standards and Appeals, April 28, 2009.

-----

## 727-86-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for Suco Selimaj, owner.

SUBJECT – Application January 24, 2009 – Extension of Term of a previously granted Variance (§72-21) to allow an eating and drinking establishment (UG6) at the cellar, basement and first floor of a three story building in an R8B zoning district which expired on January 17, 2009.

PREMISES AFFECTED – 240 East 58<sup>th</sup> Street, south side of East 58<sup>th</sup> Street, 140' west of Second Avenue, Block 1331, Lot 30, Borough of Manhattan.

**COMMUNITY BOARD #6M**

APPEARANCES –

For Applicant: Fredrick A. Becker.

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 19, 2009, at 10 A.M., for decision, hearing closed.

-----

## 336-98-BZ & 337-98-BZ

APPLICANT – Rothkrug, Rothkrug & Spector LLP for 312 Flatbush Avenue LLC, owner; AGT Crunch, lessee.

SUBJECT – Application December 31, 2008 – Application filed pursuant to §73-11to Extend the term of a special permit granted pursuant to §73-36 authorizing a physical culture establishment (PCE) (Crunch Fitness), extend the PCE to include additional area in the cellar and on the first floor, permit a change in operator and extend the time to obtain a certificate of occupancy. The subject site is located in a C2-4 zoning district.

PREMISES AFFECTED – 312/18 & 324/34 Flatbush Avenue, 157' west of the northwest corner of the intersection of Flatbush Avenue and Sterling Place, Block 1057, Lot 14, Borough of Brooklyn.

**COMMUNITY BOARD # 6BK**

APPEARANCES –

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** – Laid over to May 19, 2009, at 10 A.M., for an adjourned hearing.

-----

## 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 22<sup>nd</sup> Street, between Avenue J and Avenue K, Block 7604, Lot 31, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

APPEARANCES –

For Applicant: Lyra Altman.

**ACTION OF THE BOARD** – Laid over to May 12, 2009, at 10 A.M., for deferred decision.

-----

## 185-04-BZ

APPLICANT – Sheldon Lobel, P.C., for Raymond Chakkalo, owner.

SUBJECT – Application March 23, 2009 – Extension of Time/waiver to complete construction of a previously

# MINUTES

granted Special Permit (§73-622) for the enlargement of an existing home in an R4 (Special Ocean Parkway) district which expired on January 11, 2009.

PREMISES AFFECTED – 2275 East 2<sup>nd</sup> Street, east side of 2<sup>nd</sup> Street, between Avenue W and Gravesend Neck Road, Block 7154, Lot 64, Borough of Brooklyn.

## COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Josh Rinesmith.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** – Laid over to May 19, 2009, at 10 A.M., for decision, hearing closed.

## 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

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 Bronx Borough Commissioner, dated June 23, 2008, acting on Department of Buildings Application Nos. 210050898, 210051593, 210051584, 210051600 and 210050923, reads in pertinent part:

“Proposed construction in the bed of a mapped street as indicated on the tax lot and/or zoning map, is contrary to General City Law Section 35;” and

WHEREAS, these applications request permission to build four three-story, single-family detached homes partially in the bed of Shore Drive, a mapped street; and

WHEREAS, a public hearing was held on these applications on April 7, 2009, after due notice by publication in the *City Record*, and then to decision on April 28, 2009; and

WHEREAS, Community Board 10, Bronx, recommends disapproval of this proposal; and

WHEREAS, the applicant proposes to subdivide Lots 7, 107 and 25 to create (Tentative) Lots 7, 108, 109, 110, and 111 (the “subject lots”); and

WHEREAS, on March 5, 1991, under BSA Cal. No. 655-87-A, the Board granted the previous owner of Lots 7 and 107 permission to enlarge a single family home pursuant to Section 35 of the General City Law; however, the grant lapsed and the property was subsequently acquired by the current owner; and

WHEREAS, by letter dated August 4, 2008, the Fire Department stated that it had no objections to the proposed construction on Tentative Lots 7 and 108, but that it objected to the proposed construction on Tentative Lots 109 and 110 because the sites did not comply with Chapter 5 of the new Fire Code; and

WHEREAS, by letters dated August 19, 2008 and October 2, 2008, the Fire Department states that it has re-evaluated the proposed construction and withdraws its objection; and

WHEREAS, by letter dated August 15, 2008, the Department of Environmental Protection (“DEP”) states that it has reviewed the application and advises the Board that there are no existing sewers and/or water mains in the bed of Schley Avenue between Eastchester Bay and Clarence Avenue, and that there are no existing sewers and/or water mains in Shore Drive between Schley Avenue and Wilcox Avenue; and

WHEREAS, DEP also notes that, as per Amended Drainage Plan No. 45D13 45C20 (R-1) dated October 14, 1987, there is a future 12-inch diameter sanitary sewer and a future 15-inch diameter storm sewer in Shore Drive between Clarence Avenue and Wilcox Avenue, and there is a 30-inch diameter storm sewer in Schley Avenue between Eastchester Bay and Clarence Avenue; and

WHEREAS, DEP requested that the applicant submit a survey/plan indicating the mapped width of Schley Avenue east of Shore Drive; and

WHEREAS, DEP further requested that the applicant provide a 32-foot wide sewer corridor in Shore Drive between Schley Avenue and Wilcox Avenue for the installation, maintenance and/or reconstruction of the future 12-inch diameter sanitary sewer and 15-inch diameter storm sewer and a 32-foot wide sewer corridor in Schley Avenue east of Shore Drive up to Eastchester Bay for the installation maintenance and/or reconstruction of the future 30-inch diameter storm sewer; and

WHEREAS, DEP further requested that the applicant provide the distance from existing water main end caps and sewer manholes to lot lines in Schley Avenue between Shore Drive and Wilcox Avenue, and submit a copy of the as-built sewer records and water main field cards; and

WHEREAS, in response, the applicant submitted a revised site plan, dated February 19, 2009, indicating a proposed 30-foot sewer corridor/easement in the bed of Shore Drive east of Schley Avenue to the property line, which will be available for the purposes of installation, maintenance and/or reconstruction of the future 30-inch diameter storm sewer in Schley Avenue; and

WHEREAS, in addition, the applicant submitted a survey

# MINUTES

indicating that Lots 5, 7, 95 and 101 through 104 front an existing 2'-6" by 2'-6" combined sewer in Schley Avenue between Clarence Avenue and Wilcox Avenue and submitted evidence that Lots 95, 101, 102, 103, and 104 have Certificates of Inspection for the connections to the 2'-6" by 2'-6" combined sewer in Schley Avenue; thus, the DEP notes that the future 12-inch diameter sanitary sewer and 15-inch diameter storm sewer may not be required; and

WHEREAS, by letter dated March 11, 2009, DEP states that it has reviewed the revised proposal and has no further objections; and

WHEREAS, by letter dated November 14, 2008, the Department of Transportation ("DOT") states that it has reviewed the application and advises the Board that that the applicant is required to provide a ten-foot sidewalk in front of the subject lots; and

WHEREAS, in response, the applicant submitted a revised site plan providing the requested ten-foot sidewalk on Schley Avenue; and

WHEREAS, by letter dated March 12, 2009, DOT states that it has reviewed the revised proposal and has no further objections; and

WHEREAS, DOT states that the subject lots are not included in the agency's Capital Improvement Program; 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 Bronx Borough Commissioner, dated June 23, 2008, acting on New Building Permit Nos. 210050898-NB, 210051593-NB, 210051584-NB, 210051600-NB and 210050923-NB, 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 February 23, 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 DOB shall review the proposed lot subdivision prior to the issuance of any permit;

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

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

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

Adopted by the Board of Standards and Appeals, April 28, 2009.

## 5-09-A

APPLICANT – Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Michele Nagel, lessee.

SUBJECT – Application January 13, 2009 – Proposed

reconstruction and enlargement of an existing single family not fronting a mapped street and the upgrade of a private disposal system is in the bed of a private service road contrary to Department of Buildings Policy. R4 Zoning District.

PREMISES AFFECTED – 7 Manville Lane, north side of Manville Lane, 206.70' east of Beach 203<sup>rd</sup> Street, Block 16350, Lot 400, Borough of Queens.

## COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Loretta Papa.

**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 January 6, 2009, acting on Department of Buildings Application No. 410163200, reads in pertinent part:

"A1 – The site and building are not fronting on an official mapped street, therefore no permit or certificate of occupancy can be issued as per Art 3, Sect. 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8 percent of total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 (C26-401.1) of the Administrative Code of the City of New York;" and

A2 – The upgraded private disposal system is in the bed of a private service road contrary to Department of Buildings Policy;" and

WHEREAS, a public hearing was held on this application on April 28, 2009 after due notice by publication in the *City Record*, then to closure and decision on the same date; and

WHEREAS, by letter dated April 20, 2009, the Fire Department states that it has reviewed the subject proposal and has no objections; and

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

*Therefore it is Resolved* that the decision of the Queens Borough Commissioner, dated January 6, 2009, acting on Department of Buildings Application No. 410163200, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received January 13, 2009"–one (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

# MINUTES

Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

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

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

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

Adopted by the Board of Standards and Appeals, April 28, 2009.

-----

## **277-08-BZY thru 287-08-BZY**

APPLICANT – Eric Palatnik, P.C., for Opal Builders, LLC, owner.

SUBJECT – Application November 19, 2008 – Extension of time to complete construction (§11-332) and obtain a Certificate of Occupancy of a minor development commenced prior to the text amendment of the zoning district regulations. R3-X SSRRD (Area LL).

PREMISES AFFECTED – 23, 26, 27, 35, 39, 43, 47, 55, 59, and 63 Opal Lane, bounded Idaho Avenue, Bloomingdale Road and Amboy Road, Block 6993, Lot 20, 4,19,18,17,16,15,14,12,11,10, Borough of Staten Island.

### **COMMUNITY BOARD #3SI**

APPEARANCES –

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 April 28, 2009, at 10 A.M., for decision, hearing closed.

-----

## **267-08-A**

APPLICANT – Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Robert & Mary Baldrian, owners.

SUBJECT – Application October 31, 2008 – Proposed reconstruction and enlargement of an existing single family home located within the bed of a mapped street (Oceanside Avenue) contrary to General City Law Section 35 and does not front a mapped street contrary to General City Law Section 36 with a private disposal system located within the bed of the service road contrary to Department of Buildings policy. R4 zoning district

PREMISES AFFECTED – 2 Devon Walk, east side of Devon Walk, 24’ south of paved Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

### **COMMUNITY BOARD #14Q**

APPEARANCES –

For Applicant: Loretta Papa.

**ACTION OF THE BOARD** – Laid over to May 19,

2009, at 10 A.M., for continued hearing.

-----

## **292-08-A**

APPLICANT – Robert Cunningham, for Robert Cunningham, lessee.

SUBJECT – Application March 17, 2009 – An Appeal Challenging Department of Buildings interpretation that §23-49-(a) Special Provisions for Party or Side Lot lines Walls is not applicable to this site. R3-1 zoning district.

PREMISES AFFECTED – 123 87<sup>th</sup> Street, north side of 87<sup>th</sup> Street, 480’ west from northwest corner of 87<sup>th</sup> Street and Ridge Boulevard, Block 6042, Lot 67, Borough of Brooklyn.

### **COMMUNITY BOARD #10BK**

APPEARANCES –

For Applicant: Robert Cunningham.

For Administration: Amandus Derr, 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 12, 2009, at 10 A.M., for decision, hearing closed.

-----

*Jeff Mulligan, Executive Director*

*Adjourned: P.M.*

# MINUTES

**REGULAR MEETING  
TUESDAY AFTERNOON, APRIL 28, 2009  
1:30 P.M.**

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

**ZONING CALENDAR**

**40-08-BZ**

**CEQR #08-BSA-061X**

APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for Laconia Land Corporation, owner.

SUBJECT – Application February 25, 2008 – Special Permit (§§11-411 & 11-413) to allow the re-instatement and extension the term, to amend the previous BSA approval of an Automotive Service Station (UG 16) to a Automotive Repair Facility (UG 16). The application seeks to subdivide the zoning lot and allow a portion to be developed as of right in a C1-2/R5 zoning district.

PREMISES AFFECTED – 3957 Laconia Avenue, Northwest corner of east 224<sup>th</sup> Street, Block 4871, Lot 1, Borough of Bronx.

**COMMUNITY BOARD #1BX**

APPEARANCES –

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

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

Negative:.....0

**THE RESOLUTION:**

WHEREAS, the decision of the Bronx Borough Commissioner, dated January 24, 2008, acting on Department of Buildings Application No. 210009603 reads, in pertinent part:

“Proposed extension of term of variance permitting gasoline service station (UG 16) in a C1-2(R5) zoning district and proposed change in use to automobile repair facility (UG16) and subdivision of a portion of the premises are contrary to ZR section 32-10 and approval of the Board of Standards and Appeals under Cal. No. 150-54-BZ”; and

WHEREAS, this is an application for a reinstatement of a prior Board approval and an extension of term, pursuant to ZR § 11-411, a legalization of a change in use from a gasoline service station with accessory automotive repairs (UG 16) to an automotive service station without the sale of gasoline (UG 16), pursuant to ZR § 11-413 and a subdivision of the subject site; and

WHEREAS, initially, the instant application additionally proposed an enlargement to an existing service station building; the applicant subsequently submitted a revised

application eliminating the proposed enlargement; and

WHEREAS, a public hearing was held on this application on November 25, 2008 after due notice by publication in the *City Record*, with continued hearings on January 27, 2009, March 3, 2009, and April 7, 2009, and then to decision on April 28, 2009; and

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

WHEREAS, Community Board 12, Bronx, recommended disapproval of an earlier iteration of this application; and

WHEREAS, a neighboring resident testified in opposition to the application, citing poorly maintained site conditions; and

WHEREAS, the premises is located on the northwest corner of Laconia Avenue and East 224<sup>th</sup> Street in a C1-2 (R5) zoning district; and

WHEREAS, the subject site has a total lot area of approximately 8,746 sq. ft.; and

WHEREAS, the site is currently occupied by a 1,223 sq. ft. one-story automotive service station building, with accessory parking for 15 vehicles awaiting service; and

WHEREAS, on July 27, 1954, under BSA Cal. No. 150-54-BZ, the Board granted a variance to permit the erection and maintenance of a gasoline service station with accessory uses at the site for a term of fifteen years; and

WHEREAS, the variance was subsequently extended by the Board at various times, most recently on May 8, 1990 under BSA Cal. No. 150-54-BZ, to permit an extension of term for a gasoline service station with accessory uses for a term of ten years from the expiration of the previous grant, expiring on December 4, 1999; and

WHEREAS, the applicant represents that the premises is improved upon with an existing automotive service station without the sale of gasoline (UG 16); and

WHEREAS, the applicant further represents that the only change to the site since the most recent extension is the discontinuance of gasoline sales; a UG 16 automotive repair use has been continuous since the expiration noted above; and

WHEREAS, the applicant now proposes to reinstate the prior grant and to legalize the existing use; and

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

WHEREAS, pursuant to ZR § 11-413, the Board may grant a request for a change in use from one non-conforming use to another non-conforming use in the same use group; and

WHEREAS, the applicant additionally proposes to amend the grant to permit a subdivision of existing Lot 1 into two tax lots: Lot 1 (the "subject lot"), with frontage along the northwest corner of East 224<sup>th</sup> Street to a depth of between 134.87 feet and 109.51 feet, and Lot 75 (the "adjacent lot") which will lie north of the subject lot with 56.44 feet of frontage of along Laconia Avenue and a depth of between 106 feet and 101.84; and

WHEREAS, the instant application includes an application to the Real Property Assessment Bureau seeking

# MINUTES

the formal designation of tentative lot 1 and tentative lot 75 to effect the severance of the subject lot, which will remain under the jurisdiction of the Board, from the adjacent lot, which will be developed as an-as-of-right use; and

WHEREAS, the subject lot is proposed to remain occupied by the automotive service station; and

WHEREAS, at hearing, the Board asked how vehicles awaiting repairs could be accommodated on the subject lot after the subdivision; and

WHEREAS, in response, a submission by the applicant states that approximately 15 vehicles are repaired each week by the existing service station and submitted a parking diagram indicating that a minimum of 15 vehicles could be parked on the subject lot; and

WHEREAS, the applicant further submitted photographs showing that serviced vehicles which had been stored at the site were removed; and

WHEREAS, at hearing, the Board asked whether the site complied with signage requirements for the C-1 zoning district; and

WHEREAS, in response, the applicant submitted a signage analysis and revised plans indicating the existing and proposed signage; and

WHEREAS, at hearing, the Board asked whether the fuel tanks for the prior gasoline service station use had been sealed or removed; and

WHEREAS, in response, the applicant submitted a notarized letter dated January 8, 2000 from a licensed tank installer stating that he had sealed eight 550-gallon steel tanks at the subject site after purging, cleaning, testing and filling them with K-slurry; and

WHEREAS, the applicant additionally submitted a tank removal affidavit executed on November 22, 2006 by another licensed tank installer stating that a 550-gallon fuel tank was filled with sand and permanently sealed as of that date; and

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

*Therefore it is Resolved* that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR 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 each and every one of the required findings under ZR §§ 11-411 and 11-413, for a reinstatement of a prior Board approval, an extension of term, a legalization of a change in use from a gasoline service station with accessory automotive repairs (UG 16), to an automotive service station without the sale of gasoline (UG 16), and a subdivision of the site; *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received February 24, 2009"-(4) sheets and "March 30, 2009"-(1) sheet and; and *on further condition*:

THAT this permit shall be for a term of ten years, to expire on April 28, 2019;

THAT the hours of operation shall be from 9:00 a.m. to 5:00 p.m., Monday through Saturday;

THAT no repairs or servicing of automobiles shall take

place on the sidewalk;

THAT no more than 15 automobiles shall be parked on the site;

THAT no gas pumps shall be installed on the site;

THAT the lot shall be kept free of dirt and debris;

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

THAT a certificate of occupancy shall be obtained by April 28, 2010;

THAT the layout of the property, location and size of the fence shall be as approved by the Department of Buildings;

THAT all signage shall comply with C1 zoning regulations;

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

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

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

Adopted by the Board of Standards and Appeals, April 28, 2009.

-----

## 161-08-BZ

APPLICANT – Eric Palatnik, P.C., for Oleg F. Kaplun, owner.

SUBJECT – Application June 10, 2008 – Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary floor area, open space and lot coverage (§23-141) and less than the required rear yard (§23-47) in an R3-1 zoning district.

PREMISES AFFECTED – 136 Dover Street, between Hampton Street and Oriental Boulevard, Block 8735, Lot 80, Borough of Brooklyn.

## COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Superintendent, dated May 20, 2008, acting on Department of Buildings Application No. 310107737 reads, in pertinent part:

“The application has been disapproved for the following reasons:

1. Proposed floor area ratio is contrary to ZR 23-141(a).

# MINUTES

2. Proposed open space is contrary to ZR 23-141(a).
3. Proposed lot coverage is contrary to ZR 23-141(a).
4. Proposed rear yard is contrary to ZR 23-47;" and

WHEREAS, this is an application under Z.R. §§ 73-622 and 73-03, to permit, in an R3-1 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio (FAR), open space, lot coverage, and rear yards, contrary to Z.R. §§ 23-141 and 23-47; and

WHEREAS, a public hearing was held on this application on January 27, 2009, after due notice by publication in *The City Record*, with continued hearings on February 24, 2009, March 3, 2009, and April 7, 2009, and then to decision on April 28, 2009; and

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

WHEREAS, Community Board 15, Brooklyn, recommends disapproval of this application; and

WHEREAS, the subject site is located on the west side of Dover Street, between Hampton Avenue and Oriental Boulevard, within an R3-1 zoning district; 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 1,999 sq. ft. (0.5 FAR); and

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

WHEREAS, the applicant seeks an increase in the floor area from 1,999 sq. ft. (0.5 FAR) to 3,678 sq. ft. (0.92 FAR); the maximum permitted floor area is 2,000 sq. ft. (0.50 FAR); and

WHEREAS, the proposed enlargement provides 36 percent of lot coverage (a maximum of 35 percent is permitted) and 64 percent of open space (a minimum of 65 percent is required); and

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

WHEREAS, at hearing the Board questioned which portions of the original home were being retained; and

WHEREAS, in response, the applicant submitted revised plans indicating the portions of the existing home that are being retained; 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 Z.R. § 73-622 and 73-03, to permit, within an R3-1 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for FAR, open space, lot coverage, and rear yards, contrary to Z.R. §§ 23-141 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 April 14, 2009"-(15) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a floor area of 3,678 sq. ft. (0.92 FAR); a lot coverage of 36 percent; an open space of 64 percent; and a rear yard with a minimum depth of 23'-2 1/2", as illustrated on the BSA-approved plans;

THAT DOB shall review and approve compliance with the planting requirements under ZR § 23-451;

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;

THAT substantial construction be completed in accordance with ZR § 73-70; 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, April 28, 2009.

-----

## **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 22<sup>nd</sup> Street, between Avenue J and Avenue K, Block 7603, Lot 81, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

APPEARANCES –

# MINUTES

For Applicant: Lewis E. Garfinkel.

**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 06, 2008, acting on Department of Buildings Application No. 310201607, reads:

1. Proposed plans are contrary to ZR 23-141(a) in that the proposed floor area ratio (FAR) exceeds the permitted 50 percent.
2. Proposed plans are contrary to ZR 23-141(a) in that the proposed open space ratio (OSR) is less than the required 150 percent.
3. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than 30'-0";" and

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

WHEREAS, a public hearing was held on this application on April 7, 2009, after due notice by publication in *The City Record*, and then to decision on April 28, 2009; and

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

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

WHEREAS, the subject site is located on the west side of East 22<sup>nd</sup> Street, between Avenue J and Avenue K, within an R2 zoning district; 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 2,258 sq. ft. (0.56 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 2,258 sq. ft. (0.56 FAR) to 2,370 sq. ft. (0.59 FAR); the maximum floor area permitted is 2,000 sq. ft. (0.50 FAR); and

WHEREAS, the applicant proposes to provide an open space ratio of 94 percent (150 percent is the minimum required); and

WHEREAS, the proposed enlargement will provide a rear yard with a depth of 23'-9" (a minimum rear yard of 30'-0" is required); 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 Z.R. § 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 FAR, open space ratio and rear yards, contrary to Z.R. §§ 23-141 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 March 4, 2009"–(10) sheets and "Received April 8, 2009"–(1) sheet; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a floor area of 2,370 sq. ft. (0.59 FAR); an open space ratio of 94 percent; and a rear yard with a minimum depth of 23'-9", as illustrated on the BSA-approved plans;

THAT DOB shall review and approve compliance with the planting requirements under ZR § 23-451;

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;

THAT substantial construction be completed in accordance with ZR § 73-70; 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, April 28, 2009.

## 303-08-BZ

APPLICANT – Carl A. Sulfaro, Esq., for Luciano Calandra, owner; Lou-Cal Auto Service, Inc., lessee.

SUBJECT – Application December 10, 2008 – Special Permit filed pursuant to §11-411 of the zoning resolution to re-establish an expired variance which permitted the

# MINUTES

erection and maintenance of a gasoline service station with accessory uses (UG 16) C2-2/R5-B zoning district.

PREMISES AFFECTED – 34-67 Francis Lewis Boulevard, northeast corner of 35<sup>th</sup> Avenue, Block 6077, Lot 43, Borough of Queens.

## COMMUNITY BOARD # 11Q

### APPEARANCES –

For Applicant: Carl A. Sulfaro.

**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 November 19, 2008, acting on Department of Buildings Application No. 410125387, reads in pertinent part:

“Proposal to continue to occupy the premises as a gasoline service station with accessory uses on the first floor level and offices on the second floor level at a facility now located within a C2-2 zoning district within R5-B as indicated on zoning map # 10c is contrary to ZR § 35-25 and inconsistent with the terms and conditions of BSA Cal. No. 1446-39-BZ which expired on March 5, 2002 and is hereby denied;” and

WHEREAS, this is an application for a special permit pursuant to ZR § 11-411, to reinstate a prior variance which allowed the operation of a gasoline service station with accessory uses (Use Group 16) in a C2-2 (R5-B) zoning district; and

WHEREAS, a public hearing was held on this application on February 24, 2009, after due notice by publication in the *City Record*, with a continued hearing on April 7, 2009, and then to decision on April 28, 2009; and

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

WHEREAS, Community Board 11, Queens, recommends approval of this application, with conditions; and

WHEREAS, Council Member Tony Avella provided testimony in support of this application, provided that the conditions requested by the community board were satisfied; and

WHEREAS, the premises is located on the northeast corner of the intersection at Francis Lewis Boulevard and 35<sup>th</sup> Avenue, within a C2-2 (R5-B) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since March 5, 1957 when, under BSA Cal. No. 1446-39-BZ Vol. IV, the Board granted a variance to permit the premises to be occupied as a gasoline service station with accessory uses, 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, on June 15, 1993, under BSA Cal. No.

1446-39-BZ Vol. IV, the grant was amended to allow the designation of six parking spaces as accessory off-street parking for the second floor livery office, and the grant was extended for a term of ten years, to expire on March 5, 2002; and

WHEREAS, most recently, on June 22, 1999, under BSA Cal. No. 1446-39-BZ Vol. IV, the grant was amended to allow the erection of a 24’-0” by 42’-0” canopy over the existing gasoline pump islands; and

WHEREAS, the term of the variance has not been extended since its expiration on March 5, 2002; and

WHEREAS, the applicant represents, however, that the use of the site as a gasoline service station with accessory uses has been continuous since the expiration noted above; and

WHEREAS, the applicant now proposes to reinstate the prior grant and seeks a special permit pursuant to ZR § 73-01(d); and

WHEREAS, the applicant has requested a ten-year extension of term; and

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

WHEREAS, in response to concerns raised by the Community Board, the applicant submitted revised plans and an affidavit from the owner/operator of the premises indicating that there will be no overnight parking of commercial vehicles at the site; the revised plans also indicate that the trash receptacle has been relocated toward Francis Lewis Boulevard; 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, the Board has determined that evidence in the record supports the findings required to be made under ZR §§ 11-411 and 73-03.

*Therefore it is Resolved* that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR 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 each and every one of the required findings under ZR §§ 11-411 and 73-03 for a reinstatement of a prior Board approval and an extension of term for a gasoline service station with accessory uses (Use Group 16) in a C2-2 (R5-B) zoning district; *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked “Received December 10, 2008”-(4) sheets and “March 20, 2009”-(1) sheet; and *on further condition*:

THAT this permit shall be for a term of ten years, to expire on April 28, 2019;

THAT there shall be no overnight parking of commercial vehicles at the site;

THAT the lot shall be kept free of graffiti, dirt and debris;

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

THAT a new certificate of occupancy be obtained by April 28, 2010;

# MINUTES

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.

Adopted by the Board of Standards and Appeals, April 28, 2009.

-----

## 203-07-BZ

APPLICANT – Sheldon Lobel, P.C., for Gastar, Inc., owner.

SUBJECT – Application August 17, 2007 – Variance (§72-21) to allow a new thirteen (13) story mixed-use building containing twenty (20) dwelling units, ground floor retail and third and fourth floor community facility (medical) uses; contrary to bulk and parking regulations (§35-311 & §36-21). R6/C2-2 district.

PREMISES AFFECTED – 137-35 Elder Avenue (a/k/a 43-49 Main Street) located at the northwest corner of Main Street and Elder Avenue, Block 5140, Lot 40, Borough of Queens.

### COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Richard Lobel and Barbara Cohen.

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 19, 2009, at 1:30 P.M., for decision, hearing closed.

-----

## 222-07-BZ

APPLICANT – Stuart A. Klein, Esq., for Century Realty Corp./Randall Co. LLC., owner.

SUBJECT – Application September 27, 2007 – Variance pursuant to §72-21 to legalize residential uses on the second and third floor of an existing building. M1-6 District.

PREMISES AFFECTED – 110 West 26<sup>th</sup> Street, between Sixth Avenue and Seventh Avenue, Block 801, Lot 49, Borough of Manhattan.

### COMMUNITY BOARD #4M

APPEARANCES –

For Applicant: Abigail Patterson and Barbara Cohen.

**ACTION OF THE BOARD** – Laid over to June 9, 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: Ivan Khoury and Barbara Cohen.

**ACTION OF THE BOARD** – Laid over to June 16, 2009, at 1:30 P.M., for continued hearing.

-----

## 228-08-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Sephardic Mikvah Israel by Isaac Hidary, owner.

SUBJECT – Application September 3, 2008 – Variance (§72-21) to permit the construction of a one-story mikvah (ritual bath). The proposal is contrary to ZR §§ 24-34 (front yards) and 24-35 (side yards). R3-2 district.

PREMISES AFFECTED – 2802 Avenue R, a/k/a 1801-1811 East 28<sup>th</sup> Street, southeast corner of Avenue R and East 28<sup>th</sup> Street, Block 6834, Lot 1, Borough of Brooklyn.

### COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Lyra Altman.

For Opposition: Eric Palatnik and Stuart Klein, Rabbi Shinerman, Martin Cohen and Ed Jaworski.

**ACTION OF THE BOARD** – Laid over to June 9, 2009, at 1:30 P.M., for continued hearing.

-----

## 229-08-BZ

APPLICANT – Sheldon Lobel, P.C. for Edward Haddad, owner.

SUBJECT – Application September 3, 2008 – Variance (§72-21) for the construction of a new single family home. This application seeks to vary floor area (§23-141), less than the minimum side yards (§23-461) and the location of the required off street parking to the front yard (§25-62) in an R2X zoning district.

PREMISES AFFECTED – 866 East 8<sup>th</sup> Street, West side of East 8<sup>th</sup> Street, north of Avenue I, and adjacent to railroad, Block 6510, Lot 25, Borough of Brooklyn.

### COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Richard Lobel.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** – Laid over to May 19,

---

# MINUTES

---

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

## **234-08-BZ**

APPLICANT – Eric Palatnik, P.C., for 1702 Avenue Z, Inc., owner.

SUBJECT – Application September 9, 2008 – Special Permit (§73-36) to allow the proposed Physical Culture Establishment at the cellar and a portion of the first and second floors in a seven-story mixed-use building. The proposal is contrary to ZR §32-10. C4-2 district.

PREMISES AFFECTED – 1702 Avenue Z, southeast of the corner formed by Avenue Z and East 17<sup>th</sup> Street, Block 7462, Lot 1, Borough of Brooklyn.

### **COMMUNITY BOARD #15BK**

APPEARANCES –

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** – Laid over to June 9, 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 and David Shteirman,

**ACTION OF THE BOARD** – Laid over to May 19, 2009, at 1:30 P.M., for continued hearing.  
-----

## **246-08-BZ**

APPLICANT – Slater & Beckerman, LLP, for St. Barnabas Hospital, owner.

SUBJECT – Application October 3, 2008 – Special Permits pursuant to §73-481 and §73-49 to allow for the construction of a five story parking garage and rooftop parking and Variance pursuant to §72-21 to allow for an accessory sign contrary to §22-331 and §22-342. R7-1 District.

PREMISES AFFECTED – 4400 Third Avenue, block bounded by Third Avenue and East 184<sup>th</sup> Street, Quarry Road, and East 181<sup>st</sup> Street, Block 3064, Lot 1, 20 tent 100, Borough of The Bronx.

### **COMMUNITY BOARD #6BX**

APPEARANCES –

For Applicant: Neil Weisband.

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 19, 2009, at 1:30 P.M., for decision, hearing closed.  
-----

## **259-08-BZ**

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

SUBJECT – Application October 20, 2008 – Variance (§72-21) to permit the proposed expansion to an existing supermarket. The proposal is contrary to ZR §52-41 (increase in the degree of non-conforming use of the building. R4 district.

PREMISES AFFECTED – 242-02 61<sup>st</sup> Avenue, Douglaston Parkway at 61<sup>st</sup> Avenue, Block 8266, Lot 185, Borough of Queens.

### **COMMUNITY BOARD #11Q**

APPEARANCES –

For Applicant: Jeffrey A. Chester, Edward Weinstein, Barbara Cohen, Rosemarie Guidice, Susan Seinfeld, Eliott Socci, Marie Marsina, Arline Abdalian, Miriam Levine, Stanley Leavitt, Susan Barla Bazil, Ralenda Ferrer and Shirley Grinkel.

**ACTION OF THE BOARD** – Laid over to May 19, 2009, at 1:30 P.M., for continued hearing.  
-----

## **266-08-BZ**

APPLICANT – Lewis E. Garfinkel R.A., for Harold Willig, owner.

SUBJECT – Application October 28, 2008 – Special Permit (§73-621) for the enlargement of an existing single family home. This application seeks to vary §34-141(b) as the proposed floor area ratio (FAR) exceeds what is permitted in an R-4 zoning district.

PREMISES AFFECTED – 2007 New York Avenue, east side of New York Avenue between Avenue K and Avenue L, Block 7633, Lot 25, Borough of Brooklyn.

### **COMMUNITY BOARD #18BK**

APPEARANCES –

For Applicant: Lewis E. Garfinkel.

**ACTION OF THE BOARD** – Laid over to May 19, 2009, at 1:30 P.M., for continued hearing.  
-----

## **275-08-BZ**

APPLICANT – Eric Palatnik, P.C., for South Side House LLC, owner.

SUBJECT – Application November 20, 2008 – Special Permit (§73-36) to allow a physical culture establishment on the ground floor of an existing building. The proposal is contrary to ZR §42-10. M1-2/R6 (MX8) district.

PREMISES AFFECTED – 98 South 4<sup>th</sup> Street, south side of South 4<sup>th</sup> Street, between Bedford Avenue and Berry Street, Block 2443, Lot 13, Borough of Brooklyn.

### **COMMUNITY BOARD #1BK**

APPEARANCES –

---

# MINUTES

---

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** – Laid over to May 19, 2009, at 1:30 P.M., for deferred decision.

-----

**314-08-BZ**

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for 437-51 West 13<sup>th</sup> Street, LLC, owner.

SUBJECT – Application December 22, 2008 – Variance pursuant to §72-21 to allow for the construction of a 12 story commercial building contrary to bulk regulations §§43-12, 43-43, 43-26 and use regulations §42-12. M1-5 District.

PREMISES AFFECTED – 437-447 West 13<sup>th</sup> Street, 862-868 Washington Street, southeast portion, block bounded by West 13<sup>th</sup>, West 14<sup>th</sup> and Washington Streets, Tenth Avenue, Block 646, Lots 19, 20, Borough of Manhattan.

**COMMUNITY BOARD #2M**

APPEARANCES –

For Applicant: Gary Tarnoff, David Reck of Community Board #2, Marc G.-Langan, Randy Gerner, Jack Freeman, Jeff Rubin, Paul Pariser, Jaseara Lee, David del Viller, Roman Luba, Annie Washburn, David Robin, Gachot, Zach Winestine and others.

For Opposition: Richard Meryman, Elizabeth Solomon, Elaine Sg and Lindy Roy.

**ACTION OF THE BOARD** – Laid over to June 16, 2009, at 1:30 P.M., for continued hearing.

-----

**8-09-BZ**

APPLICANT – Sheldon Lobel, P.C., for CMG Group, LLC, owner; Facial and Tanning Consulting, Inc., lessee.

SUBJECT – Application January 22, 2009 – Special Permit (§73-36) to allow the operation of a physical culture establishment on the second floor of an existing two-story commercial building. The proposal is contrary to ZR §32-10. C6-4 district.

PREMISES AFFECTED – 125 Fulton Street, north side of Fulton Street, between Nassau Street and William Street, Block 91, Lot 11, Borough of Manhattan.

**COMMUNITY BOARD #1M**

APPEARANCES –

For Applicant: Josh Rinesmith.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** – Laid over to June 9, 2009, at 1:30 P.M., for decision, hearing closed.

-----

**20-09-BZ**

APPLICANT – MetroPCS New York, LLC, for Valerie Arms Apt. Corp., owner; MetroPCS New York, LLC, lessee.

SUBJECT – Application February 10, 2009 – Special

Permit (§§73-03, 73-30), to permit in an R3-2 within a C1-2 district, a non-accessory radio tower.

PREMISES AFFECTED – 54-44 Little Neck Parkway, north west of intersection of Little Neck Parkway and Nassau Boulevard, Block 8256, Lot 108, Borough of Queens.

**COMMUNITY BOARD #11Q**

APPEARANCES – None.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** – Laid over to June 9, 2009, at 1:30 P.M., for decision, hearing closed.

-----

*Jeff Mulligan, Executive Director*

*Adjourned: P.M.*