
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 95, No. 39

September 29, 2010

DIRECTORY

MEENAKSHI SRINIVASAN, *Chair*

CHRISTOPHER COLLINS, *Vice-Chair*

DARA OTTLEY-BROWN

SUSAN M. HINKSON

EILEEN MONTANEZ

Commissioners

Jeffrey Mulligan, *Executive Director*

Becca Kelly, *Counsel*

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

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

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DOCKET

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179-10-BZ

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180-10-A

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181-10-BZ

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182-10-BZ

1082 East 23rd Street, West side of East 23rd Street between Avenue J and Avenue K @ 100' north of Avenue K., Block 7604, Lot(s) 79, Borough of **Brooklyn, Community Board: 14**. Special Permit (73-622) for the enlargement of a single family home. R2 district.

183-10-BZ

873 Belmont Avenue, Northwest corner of Belmont Avenue and Milford Street., Block 4024, Lot(s) 36, Borough of **Brooklyn, Community Board: 5**. Variance to permit a two family dwelling, contrary to use regulations. R5 district.

184-10-A

20 Olive Walk, West side of Olive Walk, 230.0 feet north of Breezy Point Boulevard., Block 16350, Lot(s) 400, Borough of **Queens, Community Board: 14**. Construction not fronting a mapped street, contrary to General City Law. R4 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

OCTOBER 19, 2010, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, October 19, 2010, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

180-99-BZ

APPLICANT – Michael T. Cetera, AIA, for Geulah, LLC, owner.

SUBJECT – Application June 4, 2010 – Extension of Term of a previously granted Variance (§72-21) for a non-conforming (UG9A) catering establishment which expired on April 4, 2010; waiver of the rules. R-6 zoning district.

PREMISES AFFECTED – 564/66 East New York Avenue, south side, 329'-7" east of Brooklyn Avenue, Block 4793, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #9BK

175-05-BZ

APPLICANT – Eric Palatnik, P.C., for Athanasios Amaxus, owner.

SUBJECT – Application September 9, 2010 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) to construct a four story multiple dwelling with accessory parking which expires on January 9, 2011. M1-1 zoning district.

PREMISES AFFECTED – 18-24 Luquer Street, between Hicks Street and Columbia Street, Block 520, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #16BK

369-05-BZ

APPLICANT – Eric Palatnik, P.C., for Randy Lee, owner.

SUBJECT – Application September 9, 2010 – Extension of Time to Complete Construction a previously approved Variance (§72-21) to construct a four story multiple dwelling which expires on October 17, 2010. R3-2(HS) zoning district.

PREMISES AFFECTED – 908 Clove Road, between Broadway and Bement Avenue, Block 323, Lot 42, Borough of Staten Island.

COMMUNITY BOARD #1SI

238-07-BZ

APPLICANT – Goldman Harris LLC, for OCA Long Island City LLC; OCAII & III c/o O'Connor Capital, owner.

SUBJECT – Application July 1, 2010 – In-Part Legalization for an Amendment of minor modification of a previously approved Variance (§72-21) to allow the Mixed Use Building or the Dormitory Building to be constructed and occupied prior to the construction and occupancy of the other building. M-4/R6A (LIC) and M1-4 zoning districts. PREMISES AFFECTED – 5-11 47th Avenue, 46th Road at north, 47th Avenue at south, 5th Avenue at west, Vernon Boulevard at east. Block 28, Lot 12, 15, 17, 18, 21, 38. Borough of Queens

COMMUNITY BOARD #2Q

141-08-BZ

APPLICANT – Sheldon Lobel, PC, for DoRay 46, Incorporated, owner.

SUBJECT – Application May 7, 2008 – Dismissal for Lack of Prosecution - Variance (§72-21) to allow for a mixed use building contrary to floor area, lot coverage (§23-145), height (§35-24), and street wall requirements (§101-41). R6A/C2-4 zoning district, DB.

PREMISES AFFECTED – 46-48 Third Avenue, northeast corner of the intersection of Third Avenue and Atlantic Avenue, Block 185, Lot 25, 26, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEALS CALENDAR

366-05-A

APPLICANT – Deirdre A. Carson, for Greenberg Traurig, LLP, for Prospect Terrace, LLC, owner.

SUBJECT – Application August 20, 2010 – Extension of time to complete construction and obtain a Certificate of Occupancy for a previously granted Appeals application to determine Common Law Vested rights under the prior R5 zoning regulations which expired on August 22, 2010. R5-B zoning district.

PREMISES AFFECTED – 1638 8th Avenue, east side of Eighth Avenue, between Windsor Place and Prospect Avenue, Block 1112, Lots 52 & 54, Borough of Brooklyn.

COMMUNITY BOARD #7BK

111-10-A

APPLICANT – Victor K. Han, R.A., AIA, for Seungho Kim, owner.

SUBJECT – Application June 18, 2010 – Appeal challenging Department of Building's determination that the proposed hotel is not within 1000 ft. of the entrance or exit of a limited access expressway, freeway, parkway, or highway, which prohibits direct vehicular access to the abutting land as per ZR §32-14. C2-2 Zoning District.

PREMISES AFFECTED – 211-08 Northern Boulevard,

CALENDAR

southeast side of Northern Boulevard, southeast of 211th Street, Block 7313, Lot 5, Borough of Queens.

COMMUNITY BOARD #11Q

OCTOBER 19, 2010, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, October 19, 2010, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

55-10-BZ

APPLICANT – Eric Palatnik, P.C., for FAS Main Street Family Limited Partnership, owner.

SUBJECT – Application April 19, 2010 – Special Permit (§73-44) to permit a reduction in required parking for an ambulatory or diagnostic treatment center. C4-2/C4-3 zoning districts.

PREMISES AFFECTED – 40-22 Main Street, northwest corner of Main Street, northwest corner of Main Street and 40th Street, Block 5036, Lot 42, Borough of Queens.

COMMUNITY BOARD #7Q

103-10-BZ

APPLICANT – Law Office of Frederick A. Becker, for Zehava Kraitenberg and Larry Kraitenberg, owners.

SUBJECT – Application June 7, 2010 – In-Part Legalization of a Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area, open space (§23-141), side yard requirement (§23-461) and less than the required rear yard (§23-47). R2 zoning district.

PREMISES AFFECTED – 1036 East 24th Street, west side of East 24th Street, between Avenue J and Avenue K, Block 7605, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #14BK

129-10-BZ

APPLICANT – Andrea M. Harris, for Paul Trinchese, owner; Gustavo Larrea, lessee.

SUBJECT – Application July 16, 2010 – Special Permit (§73-36) to legalize the operation of a physical culture establishment (*Traditional Karate of America*). M1-2 zoning district.

PREMISES AFFECTED – 98-18 103rd Avenue, cross street of 103rd Avenue and 99th Street, Block 9121, Lot 9, Borough of Queens.

COMMUNITY BOARD #9Q

131-10-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for 841-853 Broadway Associates, owner; Jivamukti Yoga Center, lessee.

SUBJECT – Application July 21, 2010 – Special Permit (§73-36) to legalize the operation of a physical culture establishment (*Jivamukti Yoga Studio*). C6-4 (US)/C6-1 zoning districts.

PREMISES AFFECTED – 841 Broadway, northwest corner of Broadway and East 13th Street, Block 565, Lot 15, Borough of Manhattan.

COMMUNITY BOARD #2M

152-10-BZ

APPLICANT – Peter Poruczynski, RA, for Jeannie Kontopirakis, owner.

SUBJECT – Application August 17, 2010 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area, open space and lot coverage §23-141. R2 zoning district.

PREMISES AFFECTED – 158 85th Street, 85th Street frontage. Block 6032, Lot 31. Borough of Brooklyn.

COMMUNITY BOARD #10BK

Jeff Mulligan, Executive Director

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**REGULAR MEETING
TUESDAY MORNING, SEPTEMBER 21, 2010
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

16-92-BZ

APPLICANT – Sheldon Lobel, PC, for High Tech Park, Inc., owner.

SUBJECT – Application April 21, 2009 – Extension of Time to obtain a Certificate of Occupancy; Amendment to expand the variance into portion of the lot fronting on King Street to allow a warehouse and storage use (UG 16) and to facilitate a tax lot subdivision; Extension of Term. R5/C1-3 zoning district.

PREMISES AFFECTED – 72/84 Sullivan Street, aka 115 King Street, north side of Sullivan Street, east of Van Brunt Street, Block 556, Lot Tent.43, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Elisabeth 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 reopening, an extension of time to obtain a certificate of occupancy, which expired on May 26, 2009, an extension of term, which expires on September 22, 2010, and an amendment to a variance permitting carpentry and metalworking uses on a site partially within an R5 zoning district and partially within a C1-3 zoning district; and

WHEREAS, a public hearing was held on this application on June 22, 2010, after due notice by publication in *The City Record*, with a continued hearing on July 27, 2010, and then to decision on September 21, 2010; 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, certain neighborhood residents provided oral testimony in opposition to the initial application; and

WHEREAS, the site is a through lot with 210 feet of frontage on the south side of King Street and 183.25 feet of frontage on the north side of Sullivan Street, between Van Brunt Street and Richard Street, partially within an R5 zoning district and partially within a C1-3 zoning district; and

WHEREAS, the subject site has a total lot area of

approximately 39,000 sq. ft. and consists of two tentative tax lots: (1) tentative lot 43, which is located on the portion of the site with frontage along Sullivan Street and is occupied by two industrial buildings with a total floor area of 22,738 sq. ft., which are occupied by warehouse (Use Group 16) uses, a carpentry shop, office use, and accessory parking (the “Sullivan Street Lot”); and (2) tentative lot 15, which is located on the portion of the site with frontage along King Street and is occupied by a vacant industrial building (the “King Street Lot”); and

WHEREAS, the site has been under the Board’s jurisdiction since April 20, 1948 when, under BSA Cal. No. 1053-47-BZ, the Board granted a variance to permit, in a residential district, the construction and maintenance of a commercial building on King Street using more than the area permitted and without the required rear yard, for a term of ten years; and

WHEREAS, on October 7, 1958, the Board amended the variance to permit the construction of a two-story extension of the building onto the Sullivan Street portion of the site; and

WHEREAS, on February 4, 1969, under BSA Cal. No. 815-68-BZ, the Board granted a variance under ZR § 11-412 to permit a further enlargement in lot area and an increase in the accessory parking area; and

WHEREAS, on July 21, 1981, under BSA Cal. No. 334-81-BZ, the Board granted a variance pursuant to ZR § 72-21, to permit the erection of a one-story enlargement, which was subsequently amended to extend the time to obtain building permits and complete construction; and

WHEREAS, on September 22, 1992, under the subject calendar number, the Board granted a variance to legalize a change in use from refrigerator repair with accessory parking (Use Group 17) to auto repair and warehouse (Use Group 16) and office use (Use Group 6), and to legalize the enlargement of the lot area, for a term of ten years to expire on September 22, 2002; and

WHEREAS, most recently, on August 26, 2008, the Board modified the plot plan to reduce the size of the subject site by removing the King Street Lot from the grant, the Board also legalized the carpentry and metalworking uses at the site, permitted amendments to the plans, and extended the term for eight years from the expiration of the prior grant, to expire on September 22, 2010; a condition of the grant was that a certificate of occupancy be obtained by May 26, 2009; and

WHEREAS, the Board notes that the King Street Lot was eliminated from the prior grant with the understanding that the applicant would seek a subdivision of the Sullivan Street Lot and the King Street Lot, and that the King Street Lot would conform with all requirements of the Zoning Resolution; and

WHEREAS, the applicant notes that the definition of “zoning lot” under ZR § 12-10, provides that “a zoning lot may be subdivided provided such subdivision does not create a new non-compliance or increase the degree of non-compliance of such building;” and

WHEREAS, the applicant states that the King Street Lot is improved with a non-complying building constructed pursuant to the original variance granted in 1948; therefore, the applicant represents that the Department of Buildings (“DOB”)

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has not permitted the subdivision of the site because such subdivision would create a new non-compliance on the King Street Lot, as it was removed from the Board's jurisdiction in the prior grant; and

WHEREAS, accordingly, the applicant now requests that the Board re-incorporate the King Street Lot into the variance in order to facilitate the subdivision of the site so that the applicant can obtain a certificate of occupancy for the Sullivan Street Lot and bring the King Street Lot into conformance with the Zoning Resolution; and

WHEREAS, the applicant initially sought to re-incorporate the King Street Lot into the variance as a Use Group 16 use for a period of two to three years, after which the site would be subdivided and the King Street Lot would be brought into conformance; and

WHEREAS, in support of its request for short term Use Group 16 use of the King Street Lot, the applicant represents that the inability to subdivide the site following the prior Board grant left the owner with a non-conforming building without any viable legal use, which caused financial hardship due to the inability to sell the King Street Lot and the expenses related to carrying the property without any rental income and maintaining the vacant building; and

WHEREAS, the Board notes that the current configuration of the site, with the King Street Lot removed from the grant, was the result of a proposal that the applicant entered into of its own volition during the course of the hearing process for the prior grant; and

WHEREAS, the Board further notes that the instant application was filed on April 21, 2009, that Board staff issued a Notice of Objections on June 18, 2009, and that due to the applicant's failure to respond to the Notice of Objections, the application was placed on the dismissal calendar on April 13, 2010 and again on May 25, 2010 before the applicant responded to the Notice of Comments; and

WHEREAS, therefore, the Board finds that some of the alleged financial hardship could have been averted by a timelier prosecution of the application before the Board; and

WHEREAS, the Board further notes that the prior grant, which eliminated the King Street Lot from the variance, was based on the Board's concerns about the impacts of the then-existing uses of the King Street Lot on the surrounding residential neighborhood, its determination that trucks servicing the premises were adding to existing traffic congestion, and the concerns raised by the neighborhood residents; and

WHEREAS, several neighborhood residents testified in opposition to the initial application, citing concerns that allowing a Use Group 16 use to return to the site would result in the reoccurrence of the issues that led to the elimination of the King Street Lot in the prior grant, specifically illegal parking, noise, and a lack of compatibility with the neighborhood context; and

WHEREAS, accordingly, the Board directed the applicant to revise its proposal to reflect that there will only be conforming uses on the King Street Lot; and

WHEREAS, in response, the applicant submitted revised plans reflecting that the King Street Lot will be limited to

conforming uses; and

WHEREAS, the Board notes that by re-incorporating the King Street Lot into the variance, it intends to facilitate the subdivision of the site into two tentative lots, consisting of the King Street Lot (tentative lot 15) and the Sullivan Street Lot (tentative lot 43), and to allow the vacant non-complying building on the King Street Lot to remain but to only allow conforming uses within the building as well as on the remainder of the King Street Lot; and

WHEREAS, the applicant also seeks to extend the term of the variance, which expires on September 22, 2010, and to extend the time to obtain a certificate of occupancy, which expired on May 26, 2009; and

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

Therefore it is Resolved that the Board of Standards and Appeals *reopens*, and *amends* the resolution, as adopted September 22, 1992, so that as amended this portion of the resolution shall read: "to modify the plot plan to enlarge the size of the subject site to its previously existing parameters, to permit an extension of the term for ten years from the expiration of the prior grant, to expire on September 21, 2015, and to permit an extension of time to obtain a certificate of occupancy, to September 21, 2011; *on condition* that the use and operation of the site and any and all work on the site shall substantially conform to the previously approved plans and to the drawings filed with this application marked "Received September 17, 2010"- (1) sheet; and *on further condition*:

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

THAT the term shall expire on September 21, 2015;

THAT the site be maintained free of debris, graffiti and illegally-parked vehicles;

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

THAT the site shall be brought into compliance with the BSA-approved plans and a certificate of occupancy shall be obtained by September 21, 2011;

THAT prior to the issuance of a Certificate of Occupancy, the applicant shall obtain tax lot subdivision approval from DOB;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; 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. 301113916)

Adopted by the Board of Standards and Appeals, September 21, 2010.

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136-01-BZ

APPLICANT – Eric Palatnik, P.C., for Cel Net Holdings Corporation, owners.

SUBJECT – Application June 23, 2010 – Extension of Time to Complete Construction and Obtain a Certificate of Occupancy for a Variance (§72-21) which permitted non-compliance in commercial floor area and rear yard requirements which expired on July 12, 2010. M1-4/R7A(LIC) zoning district.

PREMISES AFFECTED – 11-11 44th Drive, east of 11th Street, Block 447, Lot 13, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: Trevis Savage.

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 reopening and an extension of time to complete construction and obtain a certificate of occupancy for a previously granted variance; and

WHEREAS, a public hearing was held on this application on August 17, 2010, after due notice by publication in *The City Record*, with a continued hearing on September 14, 2010, and then to decision on September 21, 2010; and

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

WHEREAS, the subject site is located on the north side of 44th Drive, between 11th Street and 21st Street, within an M1-4 (R7A) zoning district; and

WHEREAS, on June 11, 2002, the Board granted an application under ZR § 72-21, to permit, in an M1-4 zoning district, an increase in floor area for a wholesale office with accessory storage (Use Group 10) and the legalization of the existing encroachment into the rear yard; and

WHEREAS, substantial construction was to be completed by June 11, 2006 in accordance with ZR § 72-23; and

WHEREAS, on March 28, 2006, the Board granted an extension of time to complete construction and obtain a certificate of occupancy, to expire on March 28, 2008; and

WHEREAS, most recently, on January 12, 2010, the Board granted an extension of time to complete construction and obtain a certificate of occupancy, which expired on July 12, 2010, and an amendment to the approved plans to reflect that the previously-approved enlargement had been eliminated and that the total floor area of the proposed building will remain at 31,784 sq. ft.; and

WHEREAS, the applicant now requests an additional extension of time to complete construction and obtain a certificate of occupancy; and

WHEREAS, the applicant states that all of the zoning-related work has been completed at the site, but that additional

time is necessary to complete enhancements to the building's structural support system, sprinkler system, mechanical system, and fireproofing, before a certificate of occupancy can be obtained; and

WHEREAS, based upon the above, the Board finds that the requested extension of time and amendment to the plans are 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 June 11, 2002, so that as amended this portion of the resolution shall read: "to permit an extension of time to complete construction and obtain a certificate of occupancy, to expire on March 21, 2012; *on condition* that the use and operation of the site shall substantially conform to the previously approved plans; and *on further condition*:

THAT substantial construction shall be completed by March 21, 2012;

THAT a new certificate of occupancy shall be obtained by March 21, 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. 400849748)

Adopted by the Board of Standards and Appeals, September 21, 2010.

752-29-BZ

APPLICANT – Jack Gamill, P.E. for Marial Associates of New Jersey, L.P., owner; Bay Ridge Honda, lessee.

SUBJECT – Application May 21, 2010 – Extension of Term of a previously granted Variance (§72-21) for the continued operation of Automotive Repair and Dealership (*Honda*) which expired on April 22, 2010. C4-2 zoning district.

PREMISES AFFECTED – 8801-8809 4th Avenue, Block 6065, Lot 6. Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Frank Sellitto and Harold Weinberg.

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 October 19, 2010, at 10 A.M., for decision, hearing closed.

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558-71-BZ

APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for WB Management of NY LLC, owner.

SUBJECT – Application March 26, 2010 – Amendment to a previously granted Variance (§72-21) to permit the change of a UG6 eating and drinking establishment to a UG6 retail use without limitation to a single use; minor reduction in floor area; increase accessory parking and increase to the height of the building façade. R3-1 zoning district.

PREMISES AFFECTED – 1949 Richmond Avenue, east side of Richmond Avenue at intersection with Amsterdam Place, Block 2030, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Todd Dale.

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 October 19, 2010, at 10 A.M., for decision, hearing closed.

826-86-BZ, 827-86-BZ and 828-86-BZ

APPLICANT – Eric Palatnik, for North Shore Tower Apartment, Inc., owner; Continental Communications, lessee.

SUBJECT – Application August 26, 2010 – Extension of Time to obtain a Certificate of Occupancy which expired on July 26, 2010 for a Special Permit (§73-11) to allow non-accessory radio towers and transmitting equipment on the roof of a 33-story multiple dwelling (*North Shore Towers*). R3-2 zoning district.

PREMISES AFFECTED – 269-10, 270-10, 271-10 Grand Central Parkway, northeast corner of 267th Street, Block 8489, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Trevis Savage.

ACTION OF THE BOARD – Laid over October 19, 2010, at 10 A.M., for continued hearing.

914-86-BZ

APPLICANT – Stuart A. Klein, Esq., for Union Temple of Brooklyn, owner; Eastern Athletic, Incorporation, lessee.

SUBJECT – Application March 31, 2010 – Extension of Term of a previously granted Variance (§72-21) for the continued operation of a Physical Culture Establishment (*Eastern Athletic*) which expired on May 17, 2009; Extension of Time to obtain a Certificate of Occupancy which expired on November 12, 1998; Amendment to the interior layout and the hours of operation; Waiver of the Rules. R8X zoning district.

PREMISES AFFECTED – 1-19 Eastern Parkway, north side of Eastern Parkway, between Plaza Street, east and Underhill Avenue, Block 1172, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES –

For Applicant: Jay Goldstein.

ACTION OF THE BOARD – Laid over to October 26, 2010, at 10 A.M., for continued hearing.

855-87-BZ

APPLICANT – Glen V. Cutrona, AIA, for Michael Beck, owner; Mueller Distributing, lessee.

SUBJECT – Application June 15, 2010 – Amendment to a previously granted Variance (§72-21) to remove the term for a (UG16) warehouse with (UG6) offices on the mezzanine level. R3A zoning district.

PREMISES AFFECTED – 15 Irving Place, bound by Van Duzer Street and Delford Street, Block 639, Lot 10, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Glen V. Cutrona.

ACTION OF THE BOARD – Laid over October 26, 2010, at 10 A.M., for continued hearing.

214-00-BZ

APPLICANT – Harold Weinberg, for Caliv LLC, owner.

SUBJECT – Application October 10, 2008 – Extension of Time to obtain a Certificate of Occupancy for a Special Permit (§73-242) for an eating and drinking establishment; Extension of Term; Amendment to the site plan; and Waiver of the Rules. C3 zoning district.

PREMISES AFFECTED – 2777 Plumb 2nd Street, northeast corner of Harkness Avenue, Block 8841, Lot 500, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Frank Sellitto and Harold Weinberg.

ACTION OF THE BOARD – Laid over to October 26, 2010, at 10 A.M., for adjourned hearing.

124-05-BZ

APPLICANT – Deirdre A. Carson, for The Estate of Armand P. Arman c/o 482 Greenwich, LLC, owner; 482 Greenwich, LLC (Joint Venture Partner), lessee.

SUBJECT – Application June 15, 2010 – Amendment to a Variance (§72-21) for the construction of a mixed-use building to allow an increase in dwelling units, increase in street wall height and reduction of overall building height; Extension of Time to Complete Construction which expires on September 12, 2010. C6-2A zoning district.

PREMISES AFFECTED – 382 Greenwich Street, northwest intersection of Greenwich and Canal Streets, Block 595, Lot 52, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Randall Miner

For Opposition: Patrick McDonough.

MINUTES

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 October 5, 2010, at 10 A.M., for decision, hearing closed.

181-06-BZ

APPLICANT – Goldman Harris LLC, for 471 VE LLC c/o Vella Group, owner; 471 VE LLC c/o Vella Group, lessee. SUBJECT – Application September 21, 2010 – Amendment to a previously granted Variance (§72-21) to change the permitted ground floor retail to residential in a nine-story building. M1-5/Area B-2 (TMU) zoning district.

PREMISES AFFECTED – 471 Washington Street, southeast corner of Washington Street and Canal Street, Block 595, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Caroline Harris and Vivian Kreiger.

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 October 19, 2010, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

138-10-A

APPLICANT – Melvin A. Glickman, P.E. – NYCEDC, for NYC Department of Small Business Services, owners.

SUBJECT – Application August 6, 2010 – Construction of a NYPD vehicle storage facility, to be located within the bed of a mapped street, contrary to General City Law 35. M1-1 Zoning District.

PREMISES AFFECTED – 174-20 North Boundary Road, Rockaway Boulevard to the north, Farmers Boulevard to the west, Guy R. Brewer Boulevard to the east, Block 14260, Lot 110, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: David Kane.

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 Commissioner, dated July 22, 2010, acting on Department of

Buildings Application No. 420190992, reads in pertinent part: “Proposed NB in bed of mapped street contrary to GCL 35; and

WHEREAS, this is an application brought by the New York City Economic Development Corporation (“EDC”) acting on behalf of the New York City Police Department (“NYPD”), to permit the proposed construction of a new vehicle storage facility and administration building on a site within the bed of a mapped street, Nassau Expressway, contrary to Section 35 of the General City Law; and

WHEREAS, a public hearing was held on this application on September 14, 2010, after due notice by publication in the *City Record*, and then to decision on September 21, 2010; and

WHEREAS, the project site was filed with the City Planning Commission on August 19, 2008 for site selection pursuant to Section 197-c of the New York City Charter; and

WHEREAS, after public review, the City Planning Commission approved site selection of the property for NYPD’s vehicle storage facility on December 17, 2008; and

WHEREAS, by letter dated August 10, 2010, the Fire Department states that it has reviewed the subject proposal and has no objections; and

WHEREAS, by letter dated August 26, 2010, the Department of Environmental Protection (“DEP”) states that it has reviewed the subject proposal and that the latest Drainage Plan No. 42-SW(13) and 42S(20) Sheet No. 7, calls for an 8’-0” by 17’-0” storm sewer south of Rockaway Boulevard, crossing the site, and requires that the applicant submit a survey/plan showing: (1) the total width of the mapped street, Nassau Expressway, and the width of the widening portion of the street; and (2) that DEP requires a 15’-0” right of way on each side of the 8’-0” by 17’-0” storm sewer, in addition to the width of the aforementioned storm sewer for the maintenance and/or reconstruction of this sewer; and

WHEREAS, in response, the applicant submitted a Memorandum of Understanding/ Easement document and a revised site plan dated September 9, 2010, reflecting a 15’-0” wide sewer easement/right of way on both sides of the 8’-0” by 17’-0” storm sewer, which will serve for the installation, maintenance and/or reconstruction of the existing and future 8’-0” by 17’-0” storm sewer at the site; and

WHEREAS, by letter dated September 10, 2010, DEP states that it has reviewed the revised site plan and Memorandum of Understanding and has no objections to the subject proposal; and

WHEREAS, by letter dated March 12, 2010, the New York State Department of Transportation (“DOT”) states that while it has no objection to the proposed establishment of a vehicle parking/storage facility, it does not approve of the administration building as proposed; and

WHEREAS, subsequently, the parties prepared a Memorandum of Agreement addressing DOT’s concerns with the proposed administration building; and

WHEREAS, by letter dated September 14, 2010, DOT states that it has reviewed the subject proposal and has no objections, provided that a Memorandum of Agreement is executed by all parties involved; and

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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 July 22, 2010, acting on Department of Buildings Application No. 420190992, is 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 September 10, 2010"-(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 prior to the issuance of a Building Permit the applicant shall provide DOB and the Board with a copy of the Memorandum of Agreement executed between the New York City Economic Development Corporation, the New York City Police Department and the New York State Department of Transportation, and any other necessary parties;

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 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, September 21, 2010.

43-08-A

APPLICANT – Akerman Senterfitt, for Bell Realty, owner.
SUBJECT – Application February 28, 2008 – Proposed construction in the bed of mapped street contrary to the General City Law Section 35. R2A zoning district.

PREMISES AFFECTED – 144-25 Bayside Avenue, between 29th Road and Bayside Avenue, Block 4786, Lot 41 (tent) 43, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Calvin Wong.

ACTION OF THE BOARD – Laid over to November 9, 2010, at 10 A.M., for continued hearing.

3-10-A & 4-10-A

APPLICANT – Akerman Senterfitt, for Bell Realty, owner.
SUBJECT – Application January 5, 2010 – Proposed construction in the bed of mapped street contrary to the General City Law Section 35. R2A zoning district.

PREMISES AFFECTED – 144-25 Bayside Avenue and 29-46 145th Street, between 29th Road and Bayside Avenue, Block 4786, Lot 41 (tent) 48, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Calvin Wong.

ACTION OF THE BOARD – Laid over to November 9, 2010, at 10 A.M., for continued hearing.

137-08-A thru 139-08-A

APPLICANT – Philip L. Rampulla, for Joseph Noce, owner.
SUBJECT – Application May 5, 2008 – Proposed construction of a one-family residence within the bed of a legally mapped street, contrary to General City Law Section 35. R1-2 zoning district.

PREMISES AFFECTED – 50, 55, 60 Blackhorse Court, south side of Richmond Road, 176.26' south of Blackhorse Court, Block 4332, Lots 34, 28, 30, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Philip L. Rampulla.

ACTION OF THE BOARD – Laid over October 26, 2010, at 10 A.M., for continued hearing.

274-09-A

APPLICANT – Fire Department of New York, for Di Lorenzo Realty, Co, owner; 3920 Merritt Avenue, lessee.
SUBJECT – Application September 25, 2009 – Application to modify Certificate of Occupancy to require automatic wet sprinkler system throughout the entire building.

PREMISES AFFECTED – 3920 Merritt Avenue, aka 3927 Mulvey Avenue, 153' north of Merritt and East 233rd Street, Block 4972, Lot 12, Borough of Bronx.

COMMUNITY BOARD #12BX

APPEARANCES –

For Applicant: Anthony Scaduto.

For Opposition: Joel A. Miele Jr. and Gene Delorenzo.

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 October 26, 2010, at 10 A.M., for decision, hearing closed.

MINUTES

123-10-A & 124-10-A

APPLICANT – Fire Department of the city of New York
OWNER – DiLorenzo Realty Corporation
LESSEES – Flair Display Incorporated
SUBJECT – Application July 6, 2010 – Application to modify Certificate of Occupancy to require automatic wet sprinkler system throughout the entire building.
PREMISES AFFECTED – 3931, 3927 Mulvey Avenue, 301.75' north of East 233rd Street. Block 4972, Lot 60, 62 Borough of the Bronx.

COMMUNITY BOARD #12BX

APPEARANCES –

For Applicant: Anthony Scaduto.
For Opposition: Joel A. Miele Jr. and Gene Delorenzo.

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 October 26, 2010, at 10 A.M., for decision, hearing closed.

38-10-A

APPLICANT – Jack Lester, Esquire for Anthony Naletilic.
OWNER – K.J. Chung/Jesus Covent Church.
SUBJECT – Application March 22, 2010 – Appeal challenging the Department of Building's issuance of a building permit for a house of worship/community facility which waived parking per §25-35. R2A zoning district.
PREMISES AFFECTED – 26-18 210th Street, corner lot on 27th Avenue and 210th Street, Block 5992, Lot 36, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES – None.

ACTION OF THE BOARD – Laid over October 19, 2010, at 10 A.M., for postponed hearing.

Jeff Mulligan, Executive Director

Adjourned: P.M.

REGULAR MEETING

TUESDAY AFTERNOON, SEPTEMBER 21, 2010

1:30 P.M.

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

ZONING CALENDAR

325-09-BZ

CEQR #10-BSA-033K

APPLICANT – Sheldon Lobel, P.C., for Congregation Yetev Lev 11th Avenue, owner.

SUBJECT – Application December 7, 2009 – Variance (§72-21) to permit the proposed four-story and mezzanine synagogue (*Congregation Yetev Lev*), contrary to lot coverage (§24-11), rear yard (§24-36) and initial setback of front wall (§24-522). R6 zoning district.

PREMISES AFFECTED – 1364 & 1366 52nd street, south side of 52nd Street, 100' west of 14th Avenue, Block 5663, Lot 31 & 33, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Richard Lobel

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated April 1, 2009, acting on Department of Buildings Application No. 302065011, reads in pertinent part:

“Proposed maximum lot coverage, community facility, is contrary to ZR 24-11.

Proposed rear yards, community facility, is contrary to ZR 24-36.

Proposed initial setback of front wall, community facility, is contrary to ZR 24-522;” and

WHEREAS, this is an application for a variance pursuant to ZR § 72-21, to permit, on a site within an R6 zoning district, the construction of a four-story and mezzanine community facility building to be occupied by a synagogue (Use Group 4), which does not comply with lot coverage, rear yard, and setback requirements for community facilities, contrary to ZR §§ 24-11, 24-36 and 24-522; and

WHEREAS, a public hearing was held on this application on March 9, 2010, after due notice by publication in *The City Record*, with continued hearings on April 13, 2010, June 15, 2010 and August 3, 2010, and then to decision on September 21, 2010; and

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

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Chair Collins, Commissioner Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 12, Brooklyn, recommends approval of the application, with the condition that the applicant meet with the neighbor to the rear to agree on the back windows and other privacy issues; and

WHEREAS, City Council Member Simcha Felder provided written testimony in support of this application; and

WHEREAS, City Council Member David G. Greenfield provided written testimony in support of this application; and

WHEREAS, certain members of the community provided written and oral testimony in support of this application; and

WHEREAS, an adjacent neighbor, represented by counsel, provided written and oral testimony in opposition to this application (hereinafter, the "Opposition"), with the following primary concerns: (1) the applicant has not demonstrated how the requested relief serves the congregation's programmatic needs; (2) the applicant did not fully respond to the concerns raised by the Board at hearing; (3) the alleged growth in the congregation from 2007 to the present is not credible; and (4) the work being performed on the site does not conform to the previously approved plans; and

WHEREAS, the Opposition also objected to the Board's decision to reopen the case on September 21, 2010 solely to accept revised drawings from the applicant prior to the closure and decision of the case on that date, and argues that the Board must postpone the decision date to afford the Opposition time to review the drawings and make an additional submission in response; and

WHEREAS, the Board notes that the revised drawings accepted into the record on September 21, 2010 represent the exact same proposal submitted to the Board for consideration on July 7, 2010, which was provided to the Opposition at that time; and

WHEREAS, further, the Board notes that the only changes to the drawings include an architect's signature and seal on all drawings, and technical corrections, neither of which substantially changes the subject proposal; and

WHEREAS, accordingly, the Board is not persuaded by the Opposition's contention that the Board must leave the case open to afford the Opposition additional time to respond to the applicant's revised drawings; and

WHEREAS, this application is brought on behalf of Congregation Yetev Lev, a non-profit religious entity (the "Synagogue"); and

WHEREAS, the subject premises is located on the south side of 52nd Street between 13th Avenue and 14th Avenue, within an R6 zoning district; and

WHEREAS, the site has a frontage of 75'-0" on 52nd Street, a depth of 100'-2", and a total lot area of 7,512.5 sq. ft.; and

WHEREAS, the subject site is currently under construction based on plans for an as-of-right three-story synagogue approved in 2007, pursuant to New Building Permit No. 30231537-01-NB; and

WHEREAS, the applicant proposes to construct a four-story synagogue building with a mezzanine level above the

second floor; and

WHEREAS the proposed synagogue will have the following parameters: a floor area of 27,414 sq. ft. (36,060 sq. ft. is the maximum permitted); an FAR of 3.65 (4.8 is the maximum permitted); a lot coverage of 93.5 percent above the first floor, at the second floor and second floor mezzanine; (65 percent is the maximum permitted); a rear yard of 6'-0" above the first floor, at the second floor and second floor mezzanine (a rear yard of 30'-0" is required); and an initial front setback distance of 4'-0" (a minimum initial setback of 20'-0" is required at a height of 60'-0"); and

WHEREAS, the applicant initially proposed to construct a synagogue with a floor area of 28,597 sq. ft. (3.8 FAR), 100 percent lot coverage at the second floor and second floor mezzanine, and no rear yard at the second floor and second floor mezzanine; and

WHEREAS, in response to concerns raised by the Board and the Opposition, the applicant submitted revised plans reflecting the current proposal, with a floor area of 27,414 sq. ft. (3.65 FAR), a lot coverage of 93.5 percent at the second floor and second floor mezzanine and 65 percent at the third and fourth floor, a rear yard with a depth of six feet at the second floor and second floor mezzanine and 35'-0" at the third and fourth floor, and a 6'-0" reduction in the height of a portion of the building that encroaches into the rear yard; and

WHEREAS, the proposal provides for the following uses: (1) two mikvahs and a study hall at the cellar level; (2) accessory prayer rooms and space for the congregation on the first floor; (3) the main sanctuary on the second floor; (4) an observatory/prayer area for female members of the congregation on the second floor mezzanine; (5) accessory study rooms on the third floor; and (6) a library, Rabbi's office and administrative offices on the fourth floor; and

WHEREAS, the applicant states that the following are the primary programmatic needs of the Synagogue which necessitate the requested variances: (1) to accommodate the current congregation and the future growth in the congregation's membership; (2) to locate the accessory prayer rooms at the first floor level; (3) to provide separate areas of prayer for men and women; and (4) to accommodate the Synagogue's religious services and community outreach programs; and

WHEREAS, the applicant further states that the congregation currently worships in a rented space in a building located one block west of the subject site, at 1245 52nd Street, which is inadequate to serve the current congregation and meet the programmatic needs of the Synagogue; and

WHEREAS, the applicant represents that the requested waivers are necessary to accommodate the size of the congregation, which consists of over 1,000 dues paying families and is expected to grow steadily over the next few years; and

WHEREAS, the applicant further represents that the Synagogue anticipates approximately 400-450 daily visitors, with approximately 500 male members and 200 female members attending each Sabbath during the service and on Jewish holidays and celebrations; and

WHEREAS, the Opposition argues that the number of

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congregants alleged by the Synagogue is not credible, given that the as-of-right three-story synagogue proposed in 2007 had a smaller capacity, and the applicant's initial submissions listed a smaller number of congregants; and

WHEREAS, the Board notes that the applicant has submitted a list of congregants which supports the applicant's representation regarding the number of members of the Synagogue; and

WHEREAS, the applicant states that the Synagogue will be open seven days a week from 4:30 a.m. to 12:00 a.m., hosting routine daily religious services and study programs divided into morning, mid-day, and evening services; and

WHEREAS, the applicant states that the Synagogue also provides important programs to the community, serving children, teenagers and adults in religious services and educational classes daily; and

WHEREAS, the applicant represents that the Synagogue has an additional programmatic need to locate its accessory prayer rooms at the first floor level; and

WHEREAS, the applicant states that the Synagogue requires accessory prayer rooms to accommodate daily prayers; the prayer rooms are designed to accommodate 35 to 75 people, and upwards of 100 people on the Sabbath and Jewish holidays; and

WHEREAS, the applicant states that new services in the prayer rooms begin every 15 to 20 minutes, therefore there is a programmatic need to place the prayer rooms in an efficient location for circulation purposes, as there will be a large number of congregants entering and exiting the prayer rooms at any given time; and

WHEREAS, the applicant represents that the prayer rooms must be located on the first floor because many congregants use the mikvahs in the cellar on a daily basis prior to attending the prayer sessions, and locating the prayer rooms above the first floor would create difficulties in circulation as congregants would enter the synagogue at the first floor, descend the stairs to the cellar to utilize the mikvahs, then climb up multiple flights of stairs to the prayer rooms, before ultimately exiting back on the first floor; and

WHEREAS, the applicant notes that the main sanctuary at the second floor can hold 489 occupants, which is barely sufficient to satisfy the Synagogue's programmatic needs; therefore, it is unable to place both the main sanctuary and the smaller prayer rooms on the same floor while accommodating the size of the congregation; and

WHEREAS, the applicant states that, since the prayer rooms must be located at the ground floor level, the main sanctuary must be located at the second floor; and

WHEREAS, in support of its programmatic need regarding the location of the prayer rooms and sanctuary, the applicant submitted a number of examples of other synagogues where the prayer rooms are located at or below ground level and the sanctuary space is above; and

WHEREAS, the applicant notes that the requested lot coverage and rear yard waivers are necessary in order to provide sufficient space at the second floor to accommodate the male congregants in the main sanctuary while also providing the DOB-required safe area at that level; and

WHEREAS, the applicant states that Jewish Law requires the Synagogue to have separate, private prayer spaces for the men and women of the congregation; and

WHEREAS, therefore, the Synagogue has an additional programmatic need to place the women's observatory/prayer area at the mezzanine level above the main sanctuary on the second floor; and

WHEREAS, the applicant represents that the requested lot coverage and rear yard waivers are required at the mezzanine level in order to both accommodate for the separate women's prayer area and the DOB-required safe area at that level, as well as to provide a large opening with a double height space above the main sanctuary that is befitting of a large sanctuary; and

WHEREAS, in support of the need for a double height space in the main sanctuary, the applicant submitted photographs of other sanctuaries with double height spaces, and provided a letter from a Rabbi regarding the religious need for the double height space in the main sanctuary; and

WHEREAS, the applicant states that the Synagogue has an additional programmatic need of accommodating its religious and educational services, as well as its community outreach programs; and

WHEREAS, the applicant represents that the requested front setback waiver is necessary in order to create a more efficient building by providing a floor plate large enough to accommodate the Kollel program and other offices used for religious and educational services at the fourth floor, rather than constructing an inefficient fifth floor and providing an additional setback to accommodate these programs; and

WHEREAS, the applicant represents that the proposed building can accommodate the religious services and programs of the Synagogue and will better accommodate the size of its congregation; and

WHEREAS, the Opposition contends that the applicant has not demonstrated a nexus between the programmatic needs of the Synagogue and the requested relief, and that the applicant has not provided the Board with all of the information requested during the hearing process; and

WHEREAS, based upon the above, the Board finds that the applicant has submitted sufficient evidence to demonstrate how the requested relief serves the Synagogue's programmatic needs, and further finds that the applicant has satisfied the concerns raised by the Board during the hearing process; and

WHEREAS, in response to concerns raised by the Board and the Opposition at hearing, the applicant submitted plans for an as-of-right scenario, as well as a lesser variance scenario in which the women's prayer room on the mezzanine level is relocated from the rear of the building to the front; the plans reflected that neither the as-of-right nor lesser variance scenarios could accommodate the programmatic needs of the Synagogue; and

WHEREAS, the Board acknowledges that the Synagogue, as a religious institution, is entitled to significant deference under the law of the State of New York as to zoning and as to its ability to rely upon programmatic needs in support of the subject variance application; and

WHEREAS, specifically, as held in Westchester

MINUTES

Reform Temple v. Brown, 22 NY2d 488 (1968), a religious institution's application is to be permitted unless it can be shown to have an adverse effect upon the health, safety, or welfare of the community, and general concerns about traffic and disruption of the residential character of a neighborhood are insufficient grounds for the denial of an application; and

WHEREAS, based upon the above, the Board finds that the programmatic needs of the Synagogue create unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, the applicant need not address ZR § 72-21(b) since the Synagogue is a not-for-profit organization and the proposed development will be in furtherance of its not-for-profit mission; 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, the applicant states that that the proposed use and floor area are permitted in the subject zoning district; and

WHEREAS, the Board notes that the requested waivers allow the Synagogue to accommodate its program within a four-story and mezzanine building, rather than providing additional program space in a five- or six-story building; and

WHEREAS, the applicant notes that although the first floor of the proposed synagogue is built to the rear lot line, because a community facility is a permitted obstruction up to a height of 23 feet and because the building is setback above the mezzanine level, the requested lot coverage and rear yard waivers are only necessary for the second floor and second floor mezzanine portion of the building; and

WHEREAS, specifically, the applicant notes that the building is set back at the rear yard six feet at the second floor and second floor mezzanine, and 35 feet at the third and fourth floors; and

WHEREAS, the applicant provided a shadow analysis which studied the effect of the proposal on the adjacent properties to the rear and to the west of the subject site; and

WHEREAS, the shadow analysis submitted by the applicant reflects that the proposed synagogue does not result in any potentially adverse significant shadow impacts on the adjacent properties; and

WHEREAS, the Opposition argues that the applicant has failed to explain why the Synagogue now requires a building with a greater bulk than the three-story as-of-right synagogue reflected in the approved 2007 plans for the subject site; and

WHEREAS, the Board notes that the applicant has submitted sufficient evidence to demonstrate how the Synagogue's programmatic needs necessitate the relief requested in the current proposal; and

WHEREAS, the Board further notes that the applicant's prior consideration of an as-of-right building is not relevant to the Board's analysis of the current proposal; and

WHEREAS, the Opposition also contends that work on

the site does not conform to the approved plans; and

WHEREAS, in response, the applicant submitted letters from the architect and engineer confirming that the work on the site conforms with the approved plans; and

WHEREAS, the Board notes that the proposed plans are signed and sealed by a registered architect and that the conformance of the construction at the site to the approved plans is subject to Department of Buildings ("DOB") review; and

WHEREAS, accordingly, the Board finds that this action will neither 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 applicant states that the hardship was not self-created and that no development that would meet the programmatic needs of the Synagogue could occur on the existing lot; and

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

WHEREAS, the Board notes that the development of the proposed Synagogue is entirely as-of-right, with the exception of the non-compliant lot coverage, front setback, and rear yard; and

WHEREAS, as noted above, the applicant initially proposed to construct a synagogue with a floor area of 28,597 sq. ft. (3.8 FAR), 100 percent lot coverage at the second floor and second floor mezzanine, and no rear yard at the second floor and second floor mezzanine; and

WHEREAS, in response to concerns raised by the Board and the Opposition, the applicant submitted revised plans reflecting the current proposal, with a floor area of 27,414 sq. ft. (3.65 FAR), a lot coverage of 93.5 percent at the second floor and second floor mezzanine and 65 percent at the third and fourth floor, a rear yard with a depth of six feet at the second floor and second floor mezzanine and 35'-0" at the third and fourth floor, and a 6'-0" reduction in the height of a portion of the building that encroaches into the rear yard; and

WHEREAS, accordingly, the Board finds the requested waivers to be the minimum necessary to afford the Synagogue the relief needed both to meet its programmatic needs and to construct a building that is compatible with the character of the neighborhood; and

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No. 10BSA033K, dated December 7, 2009; and

WHEREAS, the EAS documents that the operation of the PCE would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows;

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Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance, to permit, on a site within an R6 zoning district, the construction of a four-story and mezzanine community facility building to be occupied by a synagogue (Use Group 4), which does not comply with lot coverage, rear yard, and setback requirements for community facilities, contrary to ZR §§ 24-11, 24-36 and 24-522, *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 September 17, 2010”–(12) sheets and “Received September 20, 2010”–(1) sheet and *on further condition*:

THAT the building parameters shall be: a floor area of 27,414 sq. ft.; an FAR of 3.65; lot coverage of 93.5 percent above the first floor; a rear yard with a depth of 6’-0” above the first floor; and an initial front setback of 4’-0” at a height of 60’-0”, as indicated on the BSA-approved plans;

THAT any change in control or ownership of the building shall require the prior approval of the Board;

THAT the use shall be limited to a house of worship (Use Group 4);

THAT no commercial catering shall take place onsite;

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

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;

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, September 21, 2010.

85-10-BZ

CEQR #10-BSA-072X

APPLICANT – Sheldon Lobel, P.C., for 309-315 East Fordham Road LLC, owner; Fordham Fitness Group LLC, lessee.

SUBJECT – Application May 12, 2010 – Special Permit (§73-36) to legalize the operation of a physical culture establishment (*Planet Fitness*) on the first and second floors of an existing two-story building. C4-4 zoning district.

PREMISES AFFECTED – 309-311 East Fordham Road, Northwest corner of Kingbridge Road and East Fordham Road. Block 3154, Lot 94, Borough of the Bronx.

COMMUNITY BOARD #7BX

APPEARANCES –

For Applicant: Richard Lobel.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....5

THE RESOLUTION –

WHEREAS, the decision of the Bronx Borough Superintendent, dated April 14, 2010, acting on Department of Buildings Application No. 220051690, reads in pertinent part:

“Proposed change of use to a physical culture establishment is contrary to ZR Section 32-10 and must be referred to the BSA for approval pursuant to ZR Section 73-36;” and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located within a C4-4 zoning district, the legalization of a physical culture establishment (PCE) on the first and second floors of a two-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on July 27, 2010, after due notice by publication in *The City Record*, with continued hearings on August 17, 2010 and September 14, 2010, and then to decision on September 21, 2010; and

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

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

WHEREAS, the subject site is located on the northwest corner of East Kingsbridge Road and East Fordham Road, within a C4-4 zoning district; and

WHEREAS, the site is occupied by a two-story commercial building; and

WHEREAS, the PCE will occupy a total floor area of 16,044 sq. ft. on a portion of the first floor and the entire second floor of the subject building; and

WHEREAS, the PCE is operated as Planet Fitness; and

WHEREAS, the proposed hours of operation are: Monday through Thursday, 24 hours per day; Friday, from

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12:00 a.m. to 10:00 p.m.; and Saturday and Sunday, from 7:00 a.m. to 7:00 p.m.; and

WHEREAS, the applicant represents that the services at the PCE include facilities for instruction and programs for physical improvement; and

WHEREAS, the Fire Department submitted a letter dated August 12, 2010, stating that the proposed PCE use requires the installation of a sprinkler system; and

WHEREAS, in response, the applicant submitted revised plans reflecting the installation of a sprinkler system, and a final inspection form for the sprinkler system which was reviewed by the Department of Buildings; and

WHEREAS, at hearing, the Board questioned whether the signage on the roof of the building was properly permitted; and

WHEREAS, in response, the applicant submitted photographs reflecting that the signage on the roof has been removed; and

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

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

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

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

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

WHEREAS, the Board notes that the PCE has been in operation since February 1, 2010, without a special permit; and

WHEREAS, accordingly, the Board has determined that the term of the grant shall be reduced for the period of time between February 1, 2010 and the date of this grant; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No. 10BSA072X, dated July 9, 2010; and

WHEREAS, the EAS documents that the operation of the PCE would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure;

Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site within a C4-4 zoning district, the legalization of a physical culture establishment on the first and second floor of a two-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received September 13, 2010"-(3) sheets and "Received July 13, 2010"-(1) sheet; and *on further condition*:

THAT the term of this grant shall expire on February 1, 2020;

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, September 21, 2010.

99-10-BZ

APPLICANT – Fridman Saks, LLP for Dora Weiss, owner.
SUBJECT – Application June 2, 2010 – Special Permit (§73-622) for the in-Part legalization of construction into the side yard on a corner lot and proposed enlargement to an existing single family home, contrary to open space, lot coverage and floor area (§23-141) and side yards (§23-461). R3-2 zoning district.

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PREMISES AFFECTED – 2302 Avenue S, Located on the southeast corner of Avenue S and East 23rd Street. Block 7302, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Fridman Saks LLP

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 May 13, 2010, acting on Department of Buildings Application No. 320121578, reads in pertinent part:

“Proposed minimum open space is less than 65% as required pursuant to ZR 23-141.

Proposed floor area ratio exceeds the 0.5 permitted pursuant to ZR 23-141.

Proposed lot coverage exceeds the 35% permitted pursuant to ZR 23-141.

Proposed extension in side yard measuring 1’-11” is contrary to ZR 23-461;” and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, in an R3-2 zoning district, the proposed enlargement and partial legalization of a single-family home, which does not comply with the zoning requirements for open space, floor area ratio (“FAR”), lot coverage, and side yards, contrary to ZR §§ 23-141 and 23-461; and

WHEREAS, a public hearing was held on this application on August 17, 2010, after due notice by publication in *The City Record*, with a continued hearing on September 14, 2010, and then to decision on September 21, 2010; and

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

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

WHEREAS, the subject site is located on the southeast corner of Avenue S and East 23rd Street, within an R3-2 zoning district; and

WHEREAS, the subject site has a total lot area of 3,000 sq. ft., and is occupied by a single-family home with a floor area of 1,802 sq. ft. (0.60 FAR); and

WHEREAS, the applicant states that the subject home was enlarged pursuant to plans approved by the Department of Buildings in 1993, which permitted a one-story addition and an open porch on the southern corner of the home, as well as another open porch on the northern corner of the home; and

WHEREAS, the applicant further states that the owner subsequently performed additional alterations, including a second story addition on the southern corner of the home

and the covering of the open porch on the northern corner of the home, which the owner now proposes to legalize; 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 1,802 sq. ft. (0.60 FAR) to 2,262 sq. ft. (0.75 FAR); the maximum permitted floor area is 1,500 sq. ft. (0.50 FAR); and

WHEREAS, the applicant proposes to provide an open space of 54 percent (65 percent is the minimum required); and

WHEREAS, the applicant proposes to provide a lot coverage of 46 percent (35 percent is the maximum permitted); and

WHEREAS, the applicant proposes to maintain the existing side yard with a width of 1’-11” along the eastern lot line (a minimum width of 5’-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 ZR §§ 73-622 and 73-03, to permit, within an R3-2 zoning district, the proposed enlargement and partial legalization of a single-family home, which does not comply with the zoning requirements for open space, FAR, lot coverage, and side yards, contrary to ZR §§ 23-141 and 23-461; *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 June 2, 2010”- (6) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 2,262 sq. ft. (0.75 FAR); an open space of 54 percent; a lot coverage of 46 percent; a wall height of 20’-8”; a total height of 26’-10”; a side yard with a minimum width of 1’-11” along the eastern lot line; and a side yard with a minimum width of 10’-0” along the southern lot line, as illustrated on the BSA-approved plans;

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

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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, September 21, 2010.

24-09-BZ

APPLICANT – Sheldon Lobel, PC, for Meadows Park Rehabilitation and Health Care Center, LLC, owners.

SUBJECT – Application February 12, 2009 – Variance to allow the enlargement of a community facility (*Meadow Park Rehabilitation and Health Care Center*), contrary to floor area, lot coverage (§24-11), front yard (§24-34), height (§24-521) and rear yard (§24-382) regulations. R3-2 district.

PREMISES AFFECTED – 78-10 164th Street, Located on the western side of 164th Street between 78th Avenue and 78th Road, Block 6851, Lot 9, 11, 12, 23, 24, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Jordan Most, Sol Greenberger.

For Opposition: Peter Sell and Ken Cohen.

ACTION OF THE BOARD – Laid over to November 16, 2010, at 1:30 P.M., for continued hearing.

267-09-BZ

APPLICANT – NYC Department of Housing Preservation & Development for The City of New York, owner.

SUBJECT – Application September 18, 2009 – Variance (§72-21) to permit one eight-story residential building and two 10-story mixed-use buildings with residential and ground floor retail use, contrary to use regulations (§42-00). M1-1 zoning district.

PREMISES AFFECTED – 1155-75 East Tremont Avenue, (aka 1160 Lebanon Street). Block bounded by Lebanon Street to the north, Morris Park Avenue to the east, East Tremont Avenue to the south and Bronx Park Avenue to the west. Block 4007, Lot 15, Borough of Bronx.

COMMUNITY BOARD #6BX

APPEARANCES –

For Applicant: Ted Weinstein (HPD), Mark Ginsberg and Michael Wadman.

For Opposition: Charles Leonard, Frank Punzurino, Sr.,

Frank Punzurino, Jr., Magdamari Marcano and William Soto.

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 October 26, 2010, at 10 A.M., for decision, hearing closed.

268-09-BZ

APPLICANT – NYC Department of Housing Preservation & Development for The City of New York, owner.

SUBJECT – Application September 18, 2009 – Variance (§72-21) to permit one eight-story residential building and two 10-story mixed-use buildings with residential and ground floor retail use, contrary to use regulations (§42-00). M1-1 zoning district.

PREMISES AFFECTED – 1157-67 East 178th Street, (aka 1176 East Tremont Avenue). Block bounded by East Tremont Avenue to the north, Morris Park Avenue to the east, East 178th Street to the south and Bronx Park Avenue to the west. Block 3909, Lot 8, Borough of Bronx.

COMMUNITY BOARD #6BX

APPEARANCES –

For Applicant: Ted Weinstein (HPD), Mark Ginsberg and Michael Wadman.

For Opposition: Charles Leonard, Frank Punzurino, Sr., Frank Punzurino, Jr., Magdamari Marcano and William Soto.

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 October 26, 2010, at 10 A.M., for decision, hearing closed.

304-09-BZ

APPLICANT – Stuart A. Klein, Esq. for Junius-Glenmore Development, LLC, owner; Women in Need, Inc., lessee.

SUBJECT – Application November 4, 2009 – Variance (§72-21) to allow the erection of a ten-story, mixed-use community facility (*Women In Need*) and commercial building, contrary to floor area (§42-00, 43-12 and 43-122), height and sky exposure plane (§43-43), and parking (§44-21). M1-4 zoning district.

PREMISES AFFECTED – 75-121 Junius Street, Junius Street, bounded by Glenmore Avenue and Liberty Avenue, Block 3696, Lot 1, 10, Borough of Brooklyn.

COMMUNITY BOARD #16BK

APPEARANCES –

For Applicant: Jay Goldstein.

ACTION OF THE BOARD – Laid over to November 23, 2010, at 1:30 P.M., for adjourned hearing.

MINUTES

305-09-BZ

APPLICANT – Davidoff Malito & Hutcher, LLP, for South Queens Boys & Girls Club, Inc., owner.

SUBJECT – Application November 5, 2009 – Variance (§72-21) to permit the enlargement of an existing community facility building (*South Queens Boys & Girls Club*) contrary to floor area (§33-121) and height (§33-431). C2-2/R5 zoning district.

PREMISES AFFECTED – 110-04 Atlantic Avenue, southeast corner of Atlantic Avenue and 110th Street, Block 9396, Lot 1, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to October 26, 2010, at 1:30 P.M., for adjourned hearing.

6-10-BZ

APPLICANT – Sheldon Lobel, P.C. for 2147 Mill Avenue, LLC, owner.

SUBJECT – Application January 8, 2010 – Variance (§72-21) to allow for legalization of an enlargement of a commercial building, contrary to §22-00. R2 zoning district.

PREMISES AFFECTED – 2147 Mill Avenue, Northeast side of Mill Avenue between Avenue U and Strickland Avenue. Block 8463, Lot 65, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES –

For Applicant: Richard Lobel, Senator Carl Kruger, Sal Weedle, Dorothy Turano of CB 18, Robert Sherman, Frank Seddio and Robert Pauls.

ACTION OF THE BOARD – Laid over to October 26, 2010, at 1:30 P.M., for continued hearing.

39-10-BZ

APPLICANT – Eric Palatnik, P.C., for Shiranian Nizi, owner.

SUBJECT – Application March 22, 2010 – Variance (§72-21) for the legalization of a single-family home, contrary to side yards (§23-461). R-5 zoning district.

PREMISES AFFECTED – 2032 East 17th Street, East 17th Street and Avenue T, Block 7321, Lot 20, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Trevis Savage.

ACTION OF THE BOARD – Laid over to October 19, 2010, at 1:30 P.M., for continued hearing.

89-10-BZ

APPLICANT – Francis R. Angelino, Esq., for National Sculpture Society, owner.

SUBJECT – Application May 13, 2010 – Variance (§72-21) to allow for a commercial use below the floor level of the second story, contrary to §§42-14(D)(2)(b). M1-5B zoning district.

PREMISES AFFECTED – 53 Mercer Street, west side between Grand and Broome Streets, Block 474, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Francis R. Angelino.

ACTION OF THE BOARD – Laid over October 26, 2010, at 1:30 P.M., for continued hearing.

92-10-BZ

APPLICANT – Sheldon Lobel, P.C., for Lancaster Incorporated, owners.

SUBJECT – Application May 20, 2010 – Variance (§72-21) to allow for the construction of an elevator in an existing residential building, contrary to floor area, open space (§23-142) and court regulations (§§23-85, 23-87). R7-2 zoning district.

PREMISES AFFECTED – 39 East 10th Street, north side of 10th Street, between University Place and Broadway, Block 562, Lot 38, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Richard Lobel and Robert Pauls.

ACTION OF THE BOARD – Laid over October 26, 2010, at 1:30 P.M., for continued hearing.

106-10-BZ

APPLICANT – Sheldon Lobel, P.C., for Ka Won Realty Corporation, owner; Harmony Spa, lessee.

SUBJECT – Application June 9, 2010 – Special Permit (§73-36) to legalize a physical culture establishment (*Harmony Spa*) on the third floor of an existing four-story commercial building. M1-6 zoning district.

PREMISES AFFECTED – 240 West 38th Street, 3rd Floor, Located on south side of West 38th Street between 7th and 8th Avenue. Block 787, Lot 64, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Jordan Most.

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 October 19, 2010, at 10 A.M., for decision, hearing closed.

MINUTES

112-10-BZ

APPLICANT – Sheldon Lobel, P.C., for John Grant, owner.
SUBJECT – Application June 18, 2010 – Special Permit (§73-44) to permit reduction in required parking in connection with change of use from UG 16 to UG 6 in an existing building. M1-1 zoning district.

PREMISES AFFECTED – 915 Dean Street, north side of Dean Street between Classon and Grand Avenues, Block 1133, Lot 64, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES –

For Applicant: Jordan Most.

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 October 19, 2010, at 10 A.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: P.M.