
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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September 23, 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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101-10-BZ	54 Crosby Street, Manhattan

DOCKET

New Case Filed Up to September 14, 2010

154-10-A

540 Bedford Avenue, Bedford Avenue between Ross & Wilson Streets., Block 2181, Lot(s) 35, Borough of **Brooklyn, Community Board: 1**. Appeal of Revocation R71 district.

155-10-BZ

149-61 Willets Point Boulevard, Corner parcel bound by Willets Point Boulevard, 150th Street and 24th Avenue., Block 4675, Lot(s) 34, Borough of **Queens, Community Board: 7**. Variance to allow mixed use building, contrary to use regulations. R3-1 district.

156-10-BZ

1204 37th Street, South side of 37th Street between 12th Avenue and 14th Avenue., Block 5295, Lot(s) 4, Borough of **Brooklyn, Community Board: 12**. Variance (§72-21) to allow residential buildings, contrary to rear yard (ZR 23-47) and minimum distance between windows and lot lines (ZR 23-861) regulations. M1-2/R6A zoning district. M2-1 district.

157-10-BZ

1208 37th Street, South side of 37th Street between 12th Avenue and 14th Avenue., Block 5295, Lot(s) 104, Borough of **Brooklyn, Community Board: 12**. Variance (§72-21) to allow residential buildings, contrary to rear yard (ZR 23-47) and minimum distance between windows and lot lines (ZR 23-861) regulations. M1-2/R6A zoning district.. M2-1 district.

158-10-BZ

1214 37th Street, South side of 37th Street between 12th Avenue and 14th Avenue., Block 5295, Lot(s) 105, Borough of **Brooklyn, Community Board: 12**. Variance (§72-21) to allow residential buildings, contrary to rear yard (ZR 23-47) and minimum distance between windows and lot lines (ZR 23-861) regulations. M1-2/R6A zoning district. M2-1 district.

159-10-BZ

1220 37th Street, South side of 37th Street between 12th Avenue and 14th Avenue., Block 5295, Lot(s) 106, Borough of **Brooklyn, Community Board: 12**. Variance (§72-21) to allow residential buildings, contrary to rear yard (ZR 23-47) and minimum distance between windows and lot lines (ZR 23-861) regulations. M1-2/R6A zoning district. M2-1 district.

160-10-BZ

1226 37th Street, South side of 37th Street between 12th Avenue and 14th Avenue., Block 5295, Lot(s) 107, Borough of **Brooklyn, Community Board: 12**. Variance (§72-21) to allow residential buildings, contrary to rear yard (ZR 23-47) and minimum distance between windows and lot lines (ZR 23-861) regulations. M1-2/R6A zoning district. M2-1 district.

161-10-BZ

1232 37th Street, South side of 37th Street between 12th Avenue and 14th Avenue., Block 5295, Lot(s) 108, Borough of **Brooklyn, Community Board: 12**. Variance (§72-21) to allow residential buildings, contrary to rear yard (ZR 23-47) and minimum distance between windows and lot lines (ZR 23-861) regulations. M1-2/R6A zoning district. M2-1 district.

162-10-BZ

1264 37th Street, South side of 37th Street between 12th Avenue and 14th Avenue., Block 5295, Lot(s) 111, Borough of **Brooklyn, Community Board: 12**. Variance (§72-21) to allow residential buildings, contrary to rear yard (ZR 23-47) and minimum distance between windows and lot lines (ZR 23-861) regulations. M1-2/R6A zoning district. M2-1 district.

163-10-BZ

1270 37th Street, South side of 37th Street between 12th Avenue and 14th Avenue, Block 5295, Lot(s) 112, Borough of **Brooklyn, Community Board: 12**. Variance (§72-21) to allow residential buildings, contrary to rear yard (ZR 23-47) and minimum distance between windows and lot lines (ZR 23-861) regulations. M1-2/R6A zoning district. M2-1 district.

164-10-BZ

1276 37th Street, South side of 37th Street between 12th Avenue and 14th Avenue., Block 5295, Lot(s) 113, Borough of **Brooklyn, Community Board: 12**. Variance to allow residential building, contrary to use regulations. M2-1 district.

165-10-BZ

1304 37th Street, South side of 37th Street between 12th Avenue and 14th Avenue., Block 5300, Lot(s) 9, Borough of **Brooklyn, Community Board: 12**. Variance (§72-21) to allow residential buildings, contrary to rear yard (ZR 23-47) and minimum distance between windows and lot lines (ZR 23-861) regulations. M1-2/R6A zoning district. M2-1

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district.

166-10-BZ

1310 37th Street, South side of 37th Street between 12th Avenue and 14th Avenue., Block 5300, Lot(s) 109, Borough of **Brooklyn, Community Board: 12**. Variance (§72-21) to allow residential buildings, contrary to rear yard (ZR §23-47) and minimum distance between windows and lot lines (ZR §23-861) regulations. M1-2/R6A zoning district. M2-1 district.

167-10-BZ

1316 37th Street, South side of 37th Street between 12th Avenue and 14th Avenue., Block 5300, Lot(s) 110, Borough of **Brooklyn, Community Board: 12**. Variance (§72-21) to allow residential buildings, contrary to rear yard (ZR §23-47) and minimum distance between windows and lot lines (ZR §23-861) regulations. M1-2/R6A zoning district. M2-1 district.

168-10-BZ

1322 37th Street, South side of 37th Street between 12th Avenue and 14th Avenue., Block 5300, Lot(s) 111, Borough of **Brooklyn, Community Board: 12**. Variance (§72-21) to allow residential buildings, contrary to rear yard (ZR §23-47) and minimum distance between windows and lot lines (ZR §23-861) regulations. M1-2/R6A zoning district. M2-1 district.

169-10-BZ

1328 37th Street, South side of 37th Street between 12th Avenue and 14th Avenue., Block 5300, Lot(s) 112, Borough of **Brooklyn, Community Board: 12**. Variance (§72-21) to allow residential buildings, contrary to rear yard (ZR §23-47) and minimum distance between windows and lot lines (ZR §23-861) regulations. M1-2/R6A zoning district. M2-1 district.

170-10-BZ

1334 37th Street, South side of 37th Street between 12th Avenue and 14th Avenue., Block 5300, Lot(s) 113, Borough of **Brooklyn, Community Board: 12**. Variance (§72-21) to allow residential buildings, contrary to rear yard (ZR §23-47) and minimum distance between windows and lot lines (ZR §23-861) regulations. M1-2/R6A zoning district. M2-1 district.

171-10-BZ

1362 37th Street, South side of 37th Street between 12th Avenue and 14th Avenue., Block 5300, Lot(s) 115, Borough of **Brooklyn, Community Board: 12**. Variance (§72-21) to allow residential buildings, contrary to rear yard (ZR §23-47) and minimum distance between windows and lot lines (ZR §23-861) regulations. M1-2/R6A zoning district. M2-1 district.

172-10-BZ

1368 37th Street, South side of 37th Street between 12th Avenue and 14th Avenue., Block 5295, Lot(s) 116, Borough of **Brooklyn, Community Board: 12**. Variance (§72-21) to allow residential buildings, contrary to rear yard (ZR §23-47) and minimum distance between windows and lot lines (ZR §23-861) regulations. M1-2/R6A zoning district. M2-1 district.

173-10-BZ

65-06 Fresh Pond Road, West side of Fresh Pond Road 45.89' south of corner of Linden Street & Fresh Pond Road., Block 3526, Lot(s) 67, Borough of **Queens, Community Board: 5**. Special Permit (73-03) for proposed gym and physical culture establishment. C2-4 IN R6B district.

174-10-BZ

36-29 Bell Boulevard, Bell Boulevard, between 36th Avenue and 38th Avenue., Block 6176, Lot(s) 61 p/o 2, Borough of **Queens, Community Board: 11**. Special Permit to permit reduction in required parking. R4/C2-2 district.

175-10-BZ

3400 Baychester Avenue, Northeast corner of Baychester and Tillotson Avenue, Block 5257, Lot(s) 47, Borough of **Bronx, Community Board: 12**. Special Permit (§11-411) to permit the re-establishment of term of a previously approved Automotive Service Station (UG 16B) within a R4 zoning district. R4 district.

176-10-A

62 Brighton 2nd Place, Located on the east side of Brighton 2nd Place approximately 65 feet north of Brighton 2nd Lane., Block 8662, Lot(s) 155, Borough of **Brooklyn, Community Board: 13**. Construction not fronting a mapped street, contrary to General City Law 36. R6 district.

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177-10-BZ

8 Orange Avenue, Southwesterly corner of the intersection of Decker Avenue and Orange Avenue., Block 1061, Lot(s) 72, Borough of **Staten Island, Community Board: 1.** Variance to allow a three-story, single family dwelling, contrary to bulk regulations. R3A district.

178-10-BZ

943 East 24th Street, East side of East 24th Street between Avenue I and Avenue J., Block 7588, Lot(s) 27, Borough of **Brooklyn, Community Board: 14.** Special Permit (§73-622) to legalize and for the enlargement of a single family home. R2 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 5, 2010, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, October 5, 2010, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

26-94-BZ

APPLICANT – Rampulla Associates Architects, for Joseph D'Alessio, owner.

SUBJECT – Application July 29, 2010 – Extension of Term of a previously granted Special Permit (§73-242) for a (UG6) eating and drinking establishment which expires on June 6, 2011. C3A (SSRD) zoning district.

PREMISES AFFECTED – 141 Mansion Avenue, west of McKee Avenue, Block 5201, Lot 33, Borough of Staten Island.

COMMUNITY BOARD #3SI

33-99-BZ

APPLICANT – Rothkrug, Rothkrug & Spector, for RCPI Trust, owner; Talla New York Incorporated, lessee.

SUBJECT – Application June 14, 2010 – Extension of Term of previously granted Special Permit (§73-36) for the continued operation of a Physical Culture Establishment (The Sports Club/LA) which expired on January 11, 2010; waiver of the rules. C5-3(MID) zoning district.

PREMISES AFFECTED – 630 5th Avenue, block bounded by 5th Avenue, East 50th Street and Rockefeller Plaza, Block 1266, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #5M

344-03-BZ

APPLICANT – Goldman, Harris LLC, for City of New York, owner; Nick's Lobster House, lessee.

SUBJECT – Application August 11, 2010 – Extension of Term of a previously approved Special Permit (§73-242) permitting an eating and drinking establishment located within a C3 zoning district.

PREMISES AFFECTED – 2777 Flatbush Avenue, between Flatbush and Mill Basin, Block 8591, Lot p/o 980, p/o 175, Borough of Brooklyn.

COMMUNITY BOARD #18BK

179-07-BZ

APPLICANT – Sheldon Lobel, PC, for 74-21 Queens Boulevard, LLC, owner.

SUBJECT – Application July 13, 2007 – Dismissal for Lack of Prosecution - Variance (§72-21) to allow a seven-story hotel building contrary to floor area regulations (§33-122). C8-1 zoning district.

PREMISES AFFECTED – 74-21 Queens Boulevard, located on north of Queens Boulevard, 25' from the intersection of Queens and 76th Street, Borough of Queens.

COMMUNITY BOARD #4Q

APPEALS CALENDAR

113-10-BZY

APPLICANT – Rothkrug Rothkrug Weinberg & Spector, for Plaza Group 36 LLC, owner.

SUBJECT – Application June 22, 2010 – Extension of time (§11-331) to complete construction of a minor development commenced under the prior R6 zoning. R5B zoning district.

PREMISES AFFECTED – 30-86 36th Street, west side of 36th Street, 152' north of 31st Avenue, Block 650, Lot 80, Borough of Queens.

COMMUNITY BOARD #1Q

125-10-A

APPLICANT – Simons & Wright, for Sofia Gazgalis & Spyridon Gazgalis, owner.

SUBJECT – Application July 8, 2010 – Appeal challenging the interpretation of ZR §23-22 as it applies to the required density factor for existing buildings in an R5B zoning district.

PREMISES AFFECTED – 346 Ovington Avenue, between 4th and 3rd Avenues, Block 5891, Lot 35, Borough of Brooklyn.

COMMUNITY BOARD #10BK

CALENDAR

OCTOBER 5, 2010, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, October 5, 2010, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

309-09-BZ

APPLICANT – Harold Weinberg, P.E., for Ralph Stroffolino, owner.

SUBJECT – Application November 20, 2009 – Variance (§72-21) to allow a mixed use building, contrary to lot coverage (§23-145), side yard (§35-541) and height (§35-542) regulations. R6A/C2-3 zoning district.

PREMISES AFFECTED – 2173 65th Street, between Bay Parkway and 21st Avenue, Block 5550, Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #11BK

104-10-BZ

APPLICANT – Moshe M. Friedman, P.E., for Congregation Ohr Yisroel Inc., owner.

SUBJECT – Application June 8, 2010 – Variance (§72-21) to permit the extension and conversion of an existing residential building to a synagogue and rectory. The proposal is contrary to lot coverage and floor area (§24-11) front yard (§24-34), side yard (§24-35) and wall height and sky exposure plane (§24-521). R5 zoning district.

PREMISES AFFECTED – 5002 19th Avenue, aka 1880-1890 50th Street, south side of 50th Street, west of 19th Avenue, Block 5461, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #12BK

105-10-BZ

APPLICANT – Eric Palatnik, for Misha Keylin, owner.

SUBJECT – Application October 2, 2010 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to side yards (§23-461). R4A zoning district.

PREMISES AFFECTED – 269 77th Street, between 3rd Avenue and Ridge Boulevard, Block 5949, Lot 54, Borough of Brooklyn.

COMMUNITY BOARD #10BK

108-10-BZ

APPLICANT – Roberts Organization (LRNC Myrtle Avenue NY LLC) for 5432-50 Myrtle Avenue LLC, owner.

SUBJECT – Application June 11, 2010 – Special Permit (§73-36) to legalize the operation of a physical culture establishment (*Lucille Roberts*) in an existing two-story building. C4-3 zoning district.

PREMISES AFFECTED – 54-32 Myrtle Avenue,

intersection of Myrtle Avenue and Madison Street, Block 3544, Lot 27, Borough of Queens.

COMMUNITY BOARD #5Q

126-10-BZ

APPLICANT – Sheldon Lobel, P.C., for Canarsie Plaza, LLC, owner; 1720 Hutchinson River Parkway, lessee.

SUBJECT – Application July 8, 2010 – Special Permit (§73-36) to allow the operation of the proposed physical culture establishment (*Canarsie Fitness*) in a two-story building under construction. M1-1 zoning district.

PREMISES AFFECTED – 856 Remsen Avenue, south side of Remsen Avenue, Block 7920, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #18BK

Jeff Mulligan, Executive Director

MINUTES

REGULAR MEETING TUESDAY MORNING, SEPTEMBER 14, 2010 10:00 A.M.

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

SPECIAL ORDER CALENDAR

1715-61-BZ

APPLICANT – Mitchell S. Ross, for 21st Century Cleaners Corporation, owner.

SUBJECT – Application June 22, 2010 – Extension of Term (§11-411) for a dry cleaning establishment (UG 6A), which expired on June 5, 2007; Extension of Time to obtain a certificate of occupancy, which expired on December 14, 2000; Waiver of the Rules. R3X zoning district.

PREMISES AFFECTED – 129-02 Guy R. Brewer Boulevard, south west corner of 129th Avenue and Guy R. Brewer Boulevard, Block 2276, Lot 59, Borough of Queens.

COMMUNITY BOARD #12Q

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 Montanez5
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an extension of time to obtain a certificate of occupancy, which expired on June 8, 2010; and

WHEREAS, a public hearing was held on this application on August 3, 2010 after due notice by publication in *The City Record*, and then to decision on September 14, 2010; and

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

WHEREAS, City Council Member Thomas White, Jr. provided written testimony in support of this application, and requested that the Board permit the applicant to maintain the size of the existing curb cut along 129th Avenue, contrary to the previously-approved plans; and

WHEREAS, the subject site is located on the southwest corner of 129th Avenue and Guy R. Brewer Boulevard, within an R3X zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since June 5, 1962 when, under the subject calendar number, the Board granted a variance to permit the change in use of an existing one-story five-car garage located in a residence use district to retail stores, for a term of 25 years; and

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

WHEREAS, most recently, on December 8, 2009, the Board granted an extension of the term for ten years from the expiration of the previous grant, to expire on June 5, 2017; a condition of the grant was that a certificate of occupancy be obtained by June 8, 2010; and

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

WHEREAS, the applicant states that a new certificate of occupancy was not obtained because, due to financing concerns, the owner has been unable to reduce the size of the curb cut along 129th Avenue in accordance with the BSA-approved plans; and

WHEREAS, the applicant requests additional time to reduce the size of the curb cut, at which point it will be able to proceed with obtaining a new certificate of occupancy; and

WHEREAS, based upon the above, the Board finds that the requested extension of time 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 June 5, 1962, so that as amended this portion of the resolution shall read: “to permit an extension of time to obtain a certificate of occupancy, to expire on September 14, 2011; *on condition* that the use and operation of the site shall substantially conform to the previously approved plans; and *on further condition*:

THAT a new certificate of occupancy shall be obtained by September 14, 2011;

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. 402636849)

Adopted by the Board of Standards and Appeals, September 14, 2010.

637-74-BZ

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for 56th Realty LLC c/o Glenwood Management Corporation, owner.

SUBJECT – Application July 1, 2010 – Extension of Term for transient parking in a garage accessory to a multiple dwelling which expired on May 6, 2010; Waiver of the Rules. C1-9(TA)/R8 zoning district.

PREMISES AFFECTED – 1048-62 Second Avenue, East 55th Street, East 56th Street, First Avenue and Second Avenue, Block 1348, Lot 49, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: James Power.

ACTION OF THE BOARD – Application granted on condition.

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THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of the term for a previously granted variance for a transient parking garage, which expired on May 6, 2010; 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 closure and decision on the same date; and

WHEREAS, Community Board 6, Manhattan, recommends approval of this application; and

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

WHEREAS, the subject site is located on a corner through lot bounded by East 55th Street to the south, Second Avenue to the west, and East 56th Street to the north; and

WHEREAS, the site is located partially in a C1-9 zoning district within the Special Transit Land Use District and partially in an R8 zoning district, and is occupied by a 32-story residential/commercial building; and

WHEREAS, the cellar, sub-cellar, and a portion of the first floor are occupied by a 300-space accessory parking garage; and

WHEREAS, on May 6, 1975, under the subject calendar number, the Board granted a variance pursuant to Section 60(3) of the Multiple Dwelling Law (“MDL”) to permit a maximum of 100 surplus parking spaces to be used for transient parking for a term of 15 years; and

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

WHEREAS, most recently, on September 12, 2000, the Board granted a ten-year extension of term, which expired on May 6, 2010; and

WHEREAS, the applicant now requests an additional extension of term; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution having been adopted on May 6, 1975, so that, as amended, this portion of the resolution shall read: “to permit the extension of the term of the grant for an additional 10 years from May 6, 2010, to expire on May 6, 2020; *on condition* that the use and operation of the site shall substantially conform to the previously approved plans and that all work shall substantially conform to drawings filed with this application and marked ‘Received July 1, 2010’ – (2) sheets

and ‘August 12, 2010’-(1) sheet; and *on further condition*:

THAT this term shall expire on May 6, 2020;

THAT signage shall comply with the underlying zoning district regulations;

THAT all residential leases shall indicate that the spaces devoted to transient parking can be recaptured by residential tenants on 30 days notice to the owner;

THAT a sign providing the same information about tenant recapture rights be located in a conspicuous place within the garage, permanently affixed to the wall;

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

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

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

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

(DOB Application No. 120360572)

Adopted by the Board of Standards and Appeals, September 14, 2010.

98-97-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for 278 Eighth Associates, owner; TSI West 23 LLC d/b/a New York Sports Club, lessee.

SUBJECT – Application May 19, 2010 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of a Physical Culture Establishment (*New York Sports Club*) which expired on November 1, 2006; Amendment to change the hours of operations; Waiver of the Rules. C2-7A zoning district.

PREMISES AFFECTED – 270 Eighth Avenue, northeast corner of Eighth Avenue and West 23rd Street, Block 775, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES –

For Applicant: Fredrick A Becker.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an extension of term of a previously granted special permit for a physical culture establishment (PCE), which expired on November 1, 2006, and an amendment to change the hours of operation; and

WHEREAS, a public hearing was held on this

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application on August 3, 2010, after due notice by publication in *The City Record*, and then to decision on September 14, 2010; and

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

WHEREAS, Community Board 4, Manhattan, states that it has no objection to this application; and

WHEREAS, the PCE is located on a corner through lot bounded by West 24th Street to the north, Eighth Avenue to the west, and West 23rd Street to the south, within a C2-7A zoning district; and

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

WHEREAS, the PCE use is located on the second floor, with an entrance at the first floor, and occupies a total floor area of 19,760 sq. ft.; and

WHEREAS, the Board has exercised jurisdiction over the subject site since February 24, 1998 when, under the subject calendar number, the Board granted a special permit for a PCE in the subject building for a term of ten years, to expire on November 1, 2006; and

WHEREAS, the applicant now seeks to extend the term of the special permit for ten years; and

WHEREAS, the applicant also requests an amendment to change the hours of operation of the PCE; and

WHEREAS, the current hours of operation of the PCE are Monday through Thursday, from 6:00 a.m. to 11:00 p.m.; Friday, from 6:00 a.m. to 10:00 p.m.; and Saturday and Sunday, from 9:00 a.m. to 6:00 p.m.; and

WHEREAS, the applicant proposes to increase the hours of operation to: Monday through Thursday, from 5:30 a.m. to 11:00 p.m.; Friday, from 5:30 a.m. to 10:00 p.m.; and Saturday and Sunday, from 8:00 a.m. to 9:00 p.m.; and

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

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, as adopted on February 24, 1998, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from November 1, 2006, to expire on November 1, 2016, and to permit the noted change in the hours of operation, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received May 19, 2010”- (5) sheets; and *on further condition*:

THAT the term of this grant shall expire on November 1, 2016;

THAT the hours of operation shall be: Monday through Thursday, from 5:30 a.m. to 11:00 p.m.; Friday, from 5:30 a.m. to 10:00 p.m.; and Saturday and Sunday, from 8:00 a.m. to 9:00 p.m.;

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

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; 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. 100849664)

Adopted by the Board of Standards and Appeals, September 14, 2010.

221-97-BZ

APPLICANT – Ellen Hay, Wachtel & Masyr, LLP, for DFD Development Limited Partnership, owner; Crunch Kips Bay LLC, lessee.

SUBJECT – Application April 29, 2010 – Extension of Term of a previously granted Special Permit (§73-36) for the operation of a physical culture establishment which expired on June 16, 2008; Amendment for a change in ownership from *Bally Total Fitness* to *Crunch*; Waiver of the Rules. C2-5/R-8 zoning district.

PREMISES AFFECTED – 550 Second Avenue, east side of Second Avenue at southeast corner of East 30th Street, Block 936, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: Ellen Hay.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an extension of term of a previously granted special permit for a physical culture establishment (PCE), which expired on June 16, 2008, and an amendment to reflect a change in the operator of the PCE; and

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

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

WHEREAS, Community Board 6, Manhattan, states that it has no objection to this application; and

WHEREAS, the PCE is located on the east side of Second Avenue between East 30th Street and East 33rd Street, within a C2-5 (R8) zoning district; and

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

WHEREAS, the PCE has 1,100 sq. ft. of floor area on

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the first floor of the subject building, with an additional 20,675 sq. ft. of floor space located in the cellar; and

WHEREAS, the Board has exercised jurisdiction over the subject site since June 16, 1998 when, under the subject calendar number, the Board granted a special permit for a PCE in the subject building for a term of ten years, to expire on June 16, 2008; and

WHEREAS, the applicant now seeks to extend the term of the special permit for ten years; and

WHEREAS, the applicant also seeks an amendment to reflect the change of ownership and operation of the PCE since the prior grant; and

WHEREAS, the PCE is now operated as Crunch Fitness; and

WHEREAS, the Board notes that the Department of Investigation has approved the change of ownership and operation of the PCE; and

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

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, as adopted on June 16, 1998, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from June 16, 2008, to expire on June 16, 2018, and to permit the noted change in operator of the PCE, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked ‘Received April 29, 2010’-(5) sheets; and *on further condition*:

THAT the term of this grant shall expire on June 16, 2018;

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

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

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

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

THAT the 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. 101375851)

Adopted by the Board of Standards and Appeals, September 14, 2010.

200-98-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for 633 Realty LLC, owner; TSI East 41 LLC d/b/a New York Sports Club, lessee.

SUBJECT – Application July 27, 2010 – Extension of Term

of a previously granted Special Permit (§73-36) for the continued operation of a Physical Culture Establishment (*New York Sports Club*) which expired on April 30, 2008; Waiver of the Rules. C5-3(Mid) zoning district.

PREMISES AFFECTED – 633 Third Avenue, east side of Third Avenue, between East 40th and East 41st Streets, Block 1312, Lots 1401, 1456, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of term of a previously granted special permit for a physical culture establishment (PCE), which expired on April 30, 2008; and

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

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

WHEREAS, Community Board 6, Manhattan, states that it has no objection to this application; and

WHEREAS, the PCE is located on the east side of Third Avenue between East 40th Street and East 41st Street, in a C5-3 zoning district within the Special Midtown District; and

WHEREAS, the site is occupied by a 41-story commercial building; and

WHEREAS, the PCE has 240 sq. ft. of floor area on the first floor of the subject building, with an additional 22,593 sq. ft. of floor space located in the cellar; and

WHEREAS, the Board has exercised jurisdiction over the subject site since September 15, 1998 when, under the subject calendar number, the Board granted a special permit for a PCE in the subject building for a term of ten years, to expire on April 30, 2008; and

WHEREAS, the applicant now seeks to extend the term of the special permit for ten years; and

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

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, as adopted on September 15, 1998, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from April 30, 2008, to expire on April 30, 2018, *on condition* that all work shall substantially conform to drawings as they apply to the

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objections above noted, filed with this application marked "Received August 4, 2010"-(4) sheets; and *on further condition*:

THAT the term of this grant shall expire on April 30, 2018;

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

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

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

THAT the 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. 120246661)

Adopted by the Board of Standards and Appeals, September 14, 2010.

290-99-BZ

APPLICANT – Rothkrug, Rothkrug & Spector, for Almi Greenwich Associates, owner; Equinox Fitness Club, lessee. SUBJECT – Application April 6, 2010 – Extension of Term of a previously granted Variance (§72-21) for the continued operation of a Physical Culture Establishment (*Equinox*) which expired on March 28, 2010. C1-6/R6 zoning district. PREMISES AFFECTED – 99/101 Greenwich Avenue, south west corner of Greenwich Avenue and West 12th Street, Block 615, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Todd Dale.

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, this is an application for a reopening, an extension of term of a previously granted variance for a physical culture establishment (PCE), which expired on March 28, 2010, and an amendment to change the hours of operation; and

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

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

WHEREAS, Community Board 2, Manhattan, recommends approval of this application, on condition that

the applicant resolve all signage violations; and

WHEREAS, the PCE is located on the southwest corner of Greenwich Avenue and West 12th Street, in a C1-6/R6 zoning district within the Greenwich Village Historic District; and

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

WHEREAS, the PCE use occupies the entire building, with a total floor area of 31,988 sq. ft. on the first through fourth floors, and an additional 8,781 sq. ft. of floor space at the cellar; and

WHEREAS, the Board has exercised jurisdiction over the subject site since March 28, 2000 when, under the subject calendar number, the Board granted a variance to permit the conversion and enlargement of an existing two-story building into a four-story PCE, for a term of ten years, which expired on March 28, 2010; and

WHEREAS, most recently, on August 14, 2001, the Board amended the grant to permit the installation of an accessory swimming pool at the cellar level of the PCE; and

WHEREAS, the applicant now seeks to extend the term of the special permit for ten years; and

WHEREAS, the applicant also requests an amendment to change the hours of operation of the PCE; and

WHEREAS, the current hours of operation of the PCE are Monday through Thursday, from 6:00 a.m. to 11:00 p.m.; Friday, from 6:00 a.m. to 10:00 p.m.; and Saturday and Sunday, from 8:00 a.m. to 8:00 p.m.; and

WHEREAS, the applicant proposes to increase the hours of operation to: Monday through Thursday, from 5:30 a.m. to 11:00 p.m.; Friday, from 5:30 a.m. to 10:00 p.m.; and Saturday and Sunday, from 8:00 a.m. to 9:00 p.m.; and

WHEREAS, at hearing, the Board questioned whether the applicant had addressed the Environmental Control Board violations related to signage at the site; and

WHEREAS, in response to the concerns raised by the Board and the Community Board, the applicant states that the violations were issued for temporary signage that was installed on the site, which has since been removed from the subject building; and

WHEREAS, based upon its review of the record, the Board finds the requested extension of term and amendment 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 on March 28, 2000, so that as amended this portion of the resolution shall read: "to extend the term for a period of ten years from March 28, 2010, to expire on March 28, 2020, and to permit the noted change in the hours of operation, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 6, 2010"- (6) sheets; and *on further condition*:

THAT the term of this grant shall expire on March 28, 2020;

THAT the hours of operation shall be: Monday through Thursday, from 5:30 a.m. to 11:00 p.m.; Friday, from 5:30 a.m. to 10:00 p.m.; and Saturday and Sunday, from 8:00 a.m. to

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9:00 p.m.;

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

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

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

THAT the 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. 120288036)

Adopted by the Board of Standards and Appeals, September 14, 2010.

395-60-BZ

APPLICANT – Sheldon Lobel, P.C., for Ali A. Swati, owner.

SUBJECT – Application June 17, 2010 – Extension of Time to obtain a Certificate of Occupancy for a previously granted Automotive Repair Shop and Convenience Store use which expired on May 17, 2010. R-5 zoning district.

PREMISES AFFECTED – 2557-2577 Linden Boulevard, north side of Linden Boulevard, between Euclid Avenue and Pine Street, Block 4461, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Elizabeth Safien.

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

656-69-BZ

APPLICANT – Rothkrug, Rothkrug & Spector LLC, for JVM Company, LLC, owner.

SUBJECT – Application May 6, 2010 – Extension of Term of a (UG9) parking lot accessory to an existing funeral home establishment which expired on May 27, 2010; Extension of Time to obtain a Certificate of Occupancy; waiver of the rules. R-5 zoning district.

PREMISES AFFECTED – 2617/23 Harway Avenue, aka 208/18 Bay 43rd Street. North west corner Harway Avenue and Bay 43rd Street. Block 6897, Lots 1 & 2, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES –

For Applicant: Todd Dale.

ACTION OF THE BOARD – Laid over to October 5, 2010, at 10 A.M., for continued hearing.

60-90-BZ

APPLICANT – EPDSCO, Incorporated for Nissim Kalev, owner.

SUBJECT – Application May 18, 2010 – Extension of Term

of a previously granted Special Permit (§73-211) for the continued use of a Gasoline Service Station (*Citgo*) and Automotive Repair Shop which expired on February 25, 2001; Waiver of the Rules. C2-1/R3X zoning district.

PREMISES AFFECTED – 525 Forest Avenue, north side of Forest Avenue between Lawrence Avenue and Davis Avenue, Block 148, Lot 29, Borough of Staten Island.

COMMUNITY BOARD #1SI

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

11-93-BZ

APPLICANT – Sheldon Lobel, P.C., for Joykiss Management, LLC, owner.

SUBJECT – Application March 26, 2009 – Extension of Term (§§11-411 & §11-412) to allow the continued operation of an Eating and Drinking establishment (UG 6) which expired on March 15, 2004; Amendment to legalize alterations to the structure; Waiver of the Rules. C2-2 and R3-2 zoning districts.

PREMISES AFFECTED – 46-45 Kissena Boulevard aka 140-01 Laburnum Avenue, Northeast corner of the intersection formed by Kissena Boulevard and Laburnum Avenue, Block 5208, Lot 32, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Elizabeth Safien.

THE VOTE TO REOPEN HEARING –

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

Negative:.....0

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.

322-98-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for HUSA Management Company, LLC, owner; TSI West 125 LLC d/b/a New York Sports Club, lessee.

SUBJECT – Application May 26, 2010 – Extension of Term of a previously granted Special Permit (§73-36) for the operation of a Physical Culture Establishment (*New York Sports Club*) which expired on March 23, 2009; Amendment

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to legalize the increase in floor area; Waiver of the Rules. C4-4(125) zoning district.

PREMISES AFFECTED – 300 West 125th Street, south side of West 12th Street between Saint Nicholas Avenue and Fredericks Douglas Boulevard, Block 1951, Lots 22, 25, 27, 28, 29, 33, 39, Borough of Manhattan.

COMMUNITY BOARD #10M

APPEARANCES –

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD – Laid over to October 5, 2010, at 10 A.M., for continued hearing.

294-99-BZ

APPLICANT – Rothkrug, Rothkrug & Spector, for 521 5th Avenue Partners, LLC, owner; Equinox- 43rd Street, Incorporated, lessee.

SUBJECT – Application June 1, 2010 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of a Physical Culture Establishment (*Equinox*) which expired on May 9, 2010. C5-3(MID) & C5-2.5(MID) zoning district.

PREMISES AFFECTED – 521 5th Avenue, north east corner of 5th Avenue and East 43rd Street, Block 1278, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Todd Dale.

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

161-00-BZ

APPLICANT – Stuart A. Klein, Esquire, for Stellar Sutton, LLC, owner; Mario Badescu Skin, Incorporated, lessee.

SUBJECT – Application June 9, 2010 – Extension of Term of a previously granted Variance (§72-21) for the operation of a Physical Culture Establishment (*Bodescu Skin Care*) which expired on June 2, 2010; Extension of Time to obtain a Certificate of Occupancy. R8B zoning district.

PREMISES AFFECTED – 320 East 52nd Street, between 1st and 2nd Avenue, Block 1344, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: Jay Goldstein.

ACTION OF THE BOARD – Laid over to October 5, 2010, at 10 A.M., for continued hearing.

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: 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 September 21, 2010, at 10 A.M., for decision, hearing closed.

164-04-BZ

APPLICANT – Sheldon Lobel, P.C., 2241 Westchester Avenue Realty Corporation, owner; Castle Hill Fitness Group, LLC, lessee.

SUBJECT – Application April 5, 2010 – Extension of Time to obtain a Certificate of Occupancy for a previously granted physical culture establishment (*Planet Fitness*) which expired on February 7, 2007; Amendment to change operator, hours of operation and interior modification; Waiver of the Rules. C2-1/R6 zoning district.

PREMISES AFFECTED – 2241 Westchester Avenue, northwest corner of Westchester Avenue and Glebe Avenue, Block 3963, Lot 57, Borough of Bronx.

COMMUNITY BOARD #10BX

APPEARANCES –

For Applicant: Elizabeth Safien.

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.

APPEALS CALENDAR

298-09-A

APPLICANT – Breezy Point Cooperative Inc., for Ann Baci, owner.

SUBJECT – Application October 23, 2009 – Reconstruction and enlargement of an existing single family home not fronting a legally mapped street, contrary to General City Law Section 36. R4 zoning district.

PREMISES AFFECTED – 109 Beach 217th Street, east side Beach 217th Street, 160' south of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

MINUTES

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 October 6, 2009, acting on Department of
Buildings Application No. 420047942, reads in pertinent part:

“A1 – The site and building is 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% of total
perimeter of building fronting directly upon a
legally mapped street or frontage space and
therefore contrary to Section C27-291 of the
Administrative Code of the City of New
York; and

WHEREAS, a public hearing was held on this
application on May 18, 2010 after due notice by publication in
the *City Record*, with a continued hearing on June 8, 2010, and
then to decision on September 14, 2010; and

WHEREAS, by letter dated August 5, 2010 the Fire
Department states that it has reviewed the proposal and notes
that the proposed building is to be constructed on an existing
public street that is 37.10 feet in width, and that Fire Code
Section 503.8.2 requires new and altered buildings located on
streets less than 38 feet in width to be protected throughout by
a sprinkler system designed and installed in accordance with
the Building Code; and

WHEREAS, the letter from the Fire Department further
states that it grants a modification from compliance with Fire
Code Section 503.8.2 based on the fact that the unobstructed
street width is substantially in compliance with Fire Code
Section 503.8.2, with only a de minimus shortfall of two
inches; 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 October 6, 2009, acting on
Department of Buildings Application No. 420047942 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 October 23, 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
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 14, 2010.

315-08-A

APPLICANT – Stuart A. Klein, Esq., for Bayrock/Sapir
Organization, LLC, owner.

SUBJECT – Application December 23, 2008 – An appeal
seeking the revocation of permits for a condominium hotel
on the basis that the approved plans allow for exceeding of
maximum permitted floor area. M1-6 zoning.

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

COMMUNITY BOARD #2M

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to October
5, 2010, at 10 A.M., for deferred decision.

237-09-A & 238-09-A

APPLICANT – Rothkrug Rothkrug & Spector, LLP for
Safet Dzemovski, owner.

SUBJECT – Application July 31, 2009 – Proposed
construction in the bed of a mapped street, contrary to
General City Law Section 35. R3X zoning district.

PREMISES AFFECTED – 81 & 85 Archwood Avenue, aka
5219 Amboy Road, east side of Archwood Avenue, 198.25’
north of Amboy Road, Block 6321, Lot 152 & 151, Borough
of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Todd Dale.

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

10-10-A

APPLICANT – Law Office of Fredrick A. Becker, for
Joseph Durzieh, owner.

SUBJECT – Application January 25, 2010 – Appeal seeking
a determination that the owner has acquired a common law
vested right to continue development commenced under the
prior zoning district. R6 zoning district.

PREMISES AFFECTED – 1882 East 12th Street, west side,
of East 12th Street, 75’ north of Avenue S, Block 6817, Lot
41, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD – Laid over to October
5, 2010, at 10 A.M., for deferred decision.

MINUTES

REGULAR MEETING
TUESDAY MORNING, SEPTEMBER 14, 2010
1:30 P.M.

121-10-A

APPLICANT – Rothkrug, Rothkrug & Spector LLP, for 25-50 FLB LLC, owner.

SUBJECT – Application July 1, 2010 – An appeal challenging the Department of Buildings determination that a demolition permit signoff was required before issuance of an alteration permit, as per BC 28-105.3 of the NYC Building Code. R2A zoning district.

PREMISES AFFECTED – 25-50 Francis Lewis Boulevard aka 166-43 168th Street, southwest corner of Francis Lewis Boulevard and 168th Street, Block 4910, Lot 16, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Adam Rothkrug, Todd Dale, Gino Lurko and Paul Rifino.

For Opposition: , DOB, Marc Bresky, Assembly Rory Lacman, Tony Avella, Peter Brancazio, Ronni Brancazio, James a. Soressi, Gloria Clark, Henry Euler and Terri Pouymari.

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

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 and Teresa Llorente.

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 September 21, 2010, at 10 A.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: P.M.

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

ZONING CALENDAR

21-10-BZ

CEQR #10-BSA-047X

APPLICANT – Richard Lobel, P.C., for Aquila Realty Company, Incorporated, owner.

SUBJECT – Application February 12, 2010 – Special Permit (§73-243) to legalize an eating and drinking establishment with a drive-through. C1-2/R4A zoning district.

PREMISES AFFECTED – 2801 Roebling Avenue, aka 1590 Hutchison River Parkway, southeast corner of Roebling Avenue and Hutchinson River Parkway, Block 5386, Lot 1, Borough of Bronx.

COMMUNITY BOARD #10BX

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 Bronx Borough Commissioner, dated March 31, 2010, acting on Department of Buildings Application No. 220010048, reads:

“BSA approval required for drive-thru in conjunction with existing eating & drinking establishment (UG 6) as per ZR 73-243;” and

WHEREAS, this is an application under ZR §§ 73-243 and 73-03, to permit, on a site within a C1-2 (R4A) zoning district, the operation of an accessory drive-through facility in conjunction with an as-of-right eating and drinking establishment (Use Group 6), contrary to ZR § 32-15; and

WHEREAS, a public hearing was held on this application on May 25, 2010, with continued hearings on July 27, 2010 and August 24, 2010, and then to decision on September 14, 2010; and

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

WHEREAS, Community Board 10, Bronx, recommends approval of this application; and

WHEREAS, the operator of the site, represented by separate counsel, submitted written and oral testimony in

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support of this application, with the following additional requests: (1) that the hours of operation be extended to 6:00 a.m. to 2:00 a.m., daily; and (2) that the signage at the site not be limited to that reflected on the plans, but rather that the Board only require that the signage comply with C1 district regulations; and

WHEREAS, the subject site is located on the southeast corner of Roebing Avenue and Hutchinson River Parkway, within a C1-2 (R4A) zoning district; and

WHEREAS, the subject site has a total lot area of 12,517 sq. ft. and is occupied by a Burger King restaurant; and

WHEREAS, on June 2, 1987, under BSA Cal. No. 473-86-BZ, the Board granted a special permit for the development of a drive-through facility accessory to an eating and drinking establishment, for a term of five years; the special permit lapsed on June 2, 1992; and

WHEREAS, the applicant seeks to re-establish the special permit for a period of five years; and

WHEREAS, the applicant states that the site is operated in substantial compliance with the Board-approved plans from the 1987 grant; and

WHEREAS, under ZR § 73-243, the application must demonstrate that: (1) the drive-through facility provides reservoir space for not less than ten automobiles; (2) the drive-through facility will cause minimal interference with traffic flow in the immediate vicinity; (3) the eating and drinking establishment with accessory drive-through facility complies with accessory off-street parking regulations; (4) the character of the commercially-zoned street frontage within 500 feet of the subject premises reflects substantial orientation toward the motor vehicle; (5) the drive-through facility will not have an undue adverse impact on residences within the immediate vicinity; and (6) there will be adequate buffering between the drive-through facility and adjacent residential uses; and

WHEREAS, the applicant submitted a site plan indicating that the drive-through facility provides reservoir space for a ten-car queue; and

WHEREAS, the applicant represents that the facility will cause minimal interference with traffic flow in the immediate vicinity of the subject site; and

WHEREAS, in support of this representation, the applicant states that the drive-thru facility does not generate more traffic flow than would be generated by other as-of-right commercial uses, and that cars visiting the drive-through enter the site on Roebing Avenue, with minimal impact on the flow of traffic, and exit the site on the Hutchinson River Parkway Extension, a one-way street; and

WHEREAS, the applicant represents that the facility fully complies with the accessory off-street parking regulations for the C1-2 (R4A) zoning district; and

WHEREAS, in support of this representation, the applicant submitted a proposed site plan providing 11 accessory off-street parking spaces, which is more than the requirement of ten parking spaces; and

WHEREAS, the applicant represents that the facility conforms to the character of the commercially zoned street frontage within 500 feet of the subject premises, which reflects substantial orientation toward the motor vehicle; and

WHEREAS, the applicant submitted photographs of the premises and the surrounding area, which support this representation; and

WHEREAS, the applicant represents that the drive-through facility will not have an undue adverse impact on residences within the immediate vicinity of the subject premises; and

WHEREAS, the applicant represents that the fact that the proposed drive-through facility has operated at this site without complaints since 1987, when the Board granted the original special permit, is evidence that it does not have an adverse impact on residences in the surrounding area; and

WHEREAS, the applicant states that the adjacent residential building to the east of the subject site does not have any windows on the wall facing the subject site; and

WHEREAS, at hearing, the Board raised concerns about the mural located on the side of the adjacent residential building; and

WHEREAS, in response, the applicant states that the owner of the site will work with the adjacent residential neighbor to either remove or mitigate the mural; and

WHEREAS, the applicant represents that adequate buffering between the drive-through facility and adjacent residential uses is provided; and

WHEREAS, specifically, the applicant submitted a site plan which reflects that an opaque fence with a height of six feet separates the site from the adjacent residential building, and that a planting area will be provided along the fence adjacent to the rear yard of the residential building, as well as along the Roebing Avenue frontage; and

WHEREAS, at hearing, the Board directed the applicant to comply with the street tree requirement for the underlying zoning district; and

WHEREAS, in response, the applicant submitted a revised site plan reflecting that a new street tree will be planted along both the Roebing Avenue frontage and the Hutchinson River Parkway Extension frontage; and

WHEREAS, the applicant states that the current hours of operation are: Sunday through Wednesday, from 6:00 a.m. to 1:00 a.m., and Thursday through Saturday, from 6:00 a.m. to 2:00 a.m.; and

WHEREAS, as noted above, the operator of the site, represented by separate counsel, requests that the hours of operation be extended to 6:00 a.m. to 2:00 a.m., daily, in order to comply with the corporate business plan of the operator; and

WHEREAS, the Board finds the request from the operator of the site to extend the hours of operation to be appropriate; and

WHEREAS, as to the request from the operator of the site regarding signage, the Board does not object to the Department of Buildings approving signage that differs from the approved plans, provided that all signage complies with C1 district regulations; 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

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-243 and 73-03; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 10BSA047X dated February 12, 2010; and

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

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration 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 §§ 73-243 and 73-03 to permit, on a site within a C1-2 (R4A) zoning district, the operation of an accessory drive-through facility in conjunction with an as-of-right eating and drinking establishment (Use Group 6), contrary to ZR § 32-15; *on condition* “that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked ‘Received June 20, 2010’ - (4) sheets, and ‘Received August 13, 2010’ - (1) sheet; and *on further condition*:

THAT the term of this grant shall expire on September 14, 2015;

THAT the premises shall be maintained free of debris and graffiti;

THAT parking and queuing space for the drive-through shall be provided as indicated on the BSA-approved plans;

THAT all landscaping and/or buffering shall be maintained as indicated on the BSA-approved plans;

THAT exterior lighting shall be directed away from the nearby residential uses;

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

THAT all signage shall conform with the underlying C1 zoning district 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 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 plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, September 14, 2010.

63-10-BZ
CEQR #10-BSA-069Q

APPLICANT – Gerald J. Caliendo, RA, AIA, for 163-18 Jamaica Realty Inc., owner; Lucille Roberts Health Clubs, Inc., lessee.

SUBJECT – Application April 28, 2010 – Special Permit (§73-36) to legalize the operation of a physical culture establishment on the second floor of a seven-story commercial building. C6-3 zoning district.

PREMISES AFFECTED – 163-18 Jamaica Avenue, south side of Jamaica, 126’ east of Guy Brewer Boulevard, Block 10151, Lot 7, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Sandy Anagnostou.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Superintendent, dated August 13, 2010, acting on Department of Buildings Application No. 420127491, reads in pertinent part:

“Proposed physical culture establishment is contrary to ZR 32-10. Physical culture establishment in a C6-3 zoning district (DJ Special District) requires special permit from BSA as per ZR 73-36;” and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located in a C6-3 zoning district within the Downtown Jamaica Special District, the legalization of a physical culture establishment (PCE) on the second floor of a seven-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 a continued hearing on August 17, 2010, and then to decision on September 14, 2010; and

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

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Montanez; and

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

WHEREAS, the subject site is located on the south side of Jamaica Avenue, between Guy Brewer Boulevard and 165th Street, in a C6-3 zoning district within the Downtown Jamaica Special District; and

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

WHEREAS, the PCE will occupy a total floor area of 9,086 sq. ft. on the second floor of the subject building; and

WHEREAS, on December 19, 2000, under BSA Cal. No. 31-00-BZ, the Board granted a special permit for the operation of a PCE at the subject premises for a term of ten years; a condition of the grant was that a certificate of occupancy be obtained within one year of the grant, which expired on December 19, 2001; and

WHEREAS, the applicant states that because it never obtained a certificate of occupancy for the site and never filed for an extension of time to obtain a certificate of occupancy, the subject application was filed for a new special permit for the PCE; and

WHEREAS, the PCE is operated as Lucille Roberts; and

WHEREAS, the proposed hours of operation are: Monday through Friday, from 9:00 a.m. to 9:00 p.m.; and Saturday and Sunday, from 9:00 a.m. to 2:00 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 Board finds that this action will neither 1) alter the essential character of the surrounding neighborhood; 2) impair the use or development of adjacent properties; nor 3) be detrimental to the public welfare; and

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

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

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

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

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617.2; 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. 10BSA069Q, dated July 7, 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 in a C6-3 zoning district within the Downtown Jamaica Special District, the legalization of a physical culture establishment on the second floor of a seven-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received August 3, 2010"- (4) sheets; and *on further condition*:

THAT the term of this grant shall expire on September 14, 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 14, 2010.

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86-10-BZ

APPLICANT – Sheldon Lobel, P.C., for STM Development, LLC, owners.

SUBJECT – Application May 12, 2010 – Special Permit (§§11-411 & 11-412) for the re-instatement of a previously granted Variance for a UG16 manufacturing use which expired on June 10, 1980; the legalization of 180 square foot enlargement at the rear of the building; waiver of the rules. R-5 zoning district.

PREMISES AFFECTED – 93-08 95th Avenue, south side of 95th Avenue, Block 9036, Lot 3, Borough of Queens.

COMMUNITY BOARD #9Q

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 Queens Borough Commissioner, dated April 26, 2010, acting on Department of Buildings Application No. 420465412, reads in pertinent part:

“The continued operation of Use Group 16 custom woodworking shop in an R5 zoning district is contrary to Section 22-10 and BSA Cal. No. 282-58-BZ and must be referred to the Board of Standards and Appeals for approval;” and

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reinstatement of a prior variance to permit a manufacturing use (Use Group 16) in an R5 zoning district pursuant to ZR § 11-411, and an amendment to legalize an enlargement at the rear of the building pursuant to ZR § 11-412; and

WHEREAS, a public hearing was held on this application on August 3, 2010, after due notice by publication in the *City Record*, with a continued hearing on August 17, 2010, and then to decision on September 14, 2010; and

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

WHEREAS, Community Board 9, Queens, recommends approval of this application; and

WHEREAS, the premises is located on the south side of 95th Avenue between 93rd Street and 94th Street, within an R5 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since November 18, 1958 when, under BSA Cal. No. 282-58-BZ, the Board granted a variance to permit the occupancy of the subject building by a factory for a term of five years; and

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

WHEREAS, most recently, on June 10, 1975, the Board extended the term for an additional five years, which expired on June 10, 1980; and

WHEREAS, the term of the variance has not been extended since its expiration on June 10, 1980, and

WHEREAS, the applicant represents, however, that the use of the site for manufacturing purposes has been continuous since the initial grant; and

WHEREAS, in support of the continuous manufacturing use of the site since the expiration of the term of the variance, the applicant submitted Sanborn maps from 1980, 1985, 1988, 1995, and 2004, which all reflect manufacturing use on the subject site; and

WHEREAS, the applicant now proposes to reinstate the prior grant to legalize the use of the site as a custom woodworking shop (Use Group 16); 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 for a term of not more than ten years; and

WHEREAS, the applicant also seeks to amend the grant to legalize an enlargement at the rear of the site, which is used for the storage of materials; and

WHEREAS, pursuant to ZR § 11-412, the Board may allow the enlargement of a building on a premises subject to a pre-1961 variance, provided that the building may not be enlarged in excess of 50 percent of the floor area of such building occupied or utilized by the use on December 15, 1961; and

WHEREAS, the applicant states that the proposed enlargement comprises 180 sq. ft. of floor area, while the subject building had a floor area of 1,800 sq. ft. as of December 15, 1961; therefore, the proposed enlargement represents a ten percent increase in the pre-1961 floor area of the building; and

WHEREAS, at hearing, the Board directed the applicant to remove the graffiti from the building frontage on 95th Avenue, and to comply with the Community Board’s request that a street tree be planted at the site; and

WHEREAS, in response, the applicant submitted photographs reflecting that the graffiti has been removed from the building, and submitted revised plans reflecting that a street tree will be planted along 95th Avenue; and

WHEREAS, the Board has determined that evidence in the record supports the findings required to be made under ZR §§ 11-411 and 11-412.

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, as amended, and makes each and every one of the required findings under ZR §§ 11-411 and 11-412 for a reinstatement of a prior Board approval of a manufacturing use at the subject site, now occupied by a custom woodworking shop (Use Group 16), and for an amendment to legalize a 180 sq. ft. enlargement at the rear of the subject building, within an R5 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 August 12, 2010”-(5) sheets; and *on further condition*:

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THAT this permit shall be for a term of ten years, to expire on September 14, 2020;

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, September 14, 2010.

92-08-BZ

APPLICANT – Riker Danzig, for Boquen Realty, LLC, owner.

SUBJECT – Application April 14, 2008 – Variance (§72-21) to allow for Use Group 6 below the floor level of the second story in an existing building, contrary to use, rear yard and floor area regulations (§42-14, §43-12 and §43-26). M1-5B zoning district.

PREMISES AFFECTED –13 Crosby Street, east side of Crosby Street between Grand and Howard Street, Block 233, Lot 4, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES –

For Applicant: Juan D. Reyes, Jack Freeman, John Furth Peachy and Lisamarie Dixon.

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 1:30 P.M., for decision, hearing closed.

6-09-BZ

APPLICANT – Rampulla Associate Architects, for Joseph Romano, owner.

SUBJECT – Application January 2, 2009 – Variance (§72-21) to permit the legalization of an existing Automotive Repair Facility (UG 16B), contrary to ZR §32-10. C4-1 (Special South Richmond Development District & Special Growth Management District) zoning district.

PREMISES AFFECTED – 24 Nelson Avenue, south side from the corner of Nelson Avenue & Giffords Glenn, Block 5429, Lot 29 & 31, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Phillip Rampulla and Henry Salmon.

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

192-09-BZ

APPLICANT – Richard Lobel, for Leon Mann, owner.

SUBJECT – Application June 16, 2009 – Variance (§72-21) to allow for the construction of a department store (UG10), contrary to use regulations (§§22-00, 32-00). R6 and R6/C2-3 zoning districts.

PREMISES AFFECTED – 912 Broadway, northeast corner of the intersection of Broadway and Stockton Street, Block 1584, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES –

For Applicant: Richard Lobel.

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

194-09-BZ

APPLICANT – Sheldon Lobel, P.C., for Dabes Realty Company, Incorporated, owner.

SUBJECT – Application June 17, 2009 – Variance to allow the construction of a four story mixed use building contrary to floor area (§23-141), open space (§23-141), lot coverage (§23-141), front yard (§23-45), height (§23-631), open space used for parking (§25-64) and parking requirements (§25-23); and to allow for the enlargement of an existing commercial use contrary to §22-10. R3-2 zoning district.

PREMISES AFFECTED – 2113 Utica Avenue, 2095-211 Utica Avenue, East side of Utica Avenue between Avenue M and N, Block 7875, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD # 18BK

APPEARANCES –

For Applicant: Josh Rhinesmith and Charles Sosik.

ACTION OF THE BOARD – Laid over to November 9, 2010, at 1:30 P.M., for continued hearing.

251-09-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Bethany House of Worship Incorporated, owner.

SUBJECT – Application August 28, 2009 – Variance (§72-21) to permit the development of a two-story community facility (*Bethany Church*). The proposal is contrary to §§ 24-34 (front yard) and 25-31 (parking). R3-2 zoning district.

PREMISES AFFECTED – 130-34 Hawtree Creek Road, West side of Hawtree Creek Road, 249.93 feet north of 133rd Avenue. Block 11727, Lot 58, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES –

For Applicant: Eric Palatnik.

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

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29-10-BZ

APPLICANT – Sheldon Lobel, P.C., for R.A.S. Associates, owner; Mojave Restaurant, lessee.

SUBJECT – Application March 4, 2010 – Special Permit (§73-52) to allow for an outdoor eating and drinking establishment within a residential district. C1-2 and R5 zoning districts.

PREMISES AFFECTED – 22-32/36 31st Street, Ditmas Boulevard and 23rd Avenue, Block 844, Lot 49, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: Irving Minkin and Frances Rocco.

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

43-10-BZ

APPLICANT – Gerald J. Caliendo, R.A., AIA, for Cammastro Corp./Maria Pilato, owner; First Club One LLC/Spiro Tsadilas, lessee.

SUBJECT – Application March 30, 2010 – Special Permit (§73-244) to allow an eating and drinking establishment without restrictions and no limitation on entertainment and dancing. C2-2/R5 zoning district.

PREMISES AFFECTED – 23-70 Steinway Street, west side of Steinway Street, 17.65’ north of Astoria Boulevard North, Block 803, Lot 75, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: Sandy Anagnostou and Charles Pilate.

For Opposition: Rose Niebyslici.

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

66-10-BZ

APPLICANT – Eric Palatnik, P.C., for Yury, Aleksandr, Tatyana Dreysler

SUBJECT – Application May 3, 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) and side yards (§23-461). R3-1 zoning district.

PREMISES AFFECTED – 1618 Shore Boulevard, South side of Shore Boulevard between Oxford and Norfolk Streets. Block 8757, Lot 86, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Eric Palatnik and Sergey Tishaev.

For Opposition: Judy Barrow.

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

85-10-BZ

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: 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 September 21, 2010, at 1:30 P.M., for decision, hearing closed.

91-10-BZ

APPLICANT – Eric Palatnik, P.C., for Lawrence Kimel, owner.

SUBJECT – Application May 17, 2010 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to open space, lot coverage and floor area (§23-141); side yard (§23-461); rear yard (§23-47) and perimeter wall height (§23-631). R3-1 zoning district.

PREMISES AFFECTED – 123 Coleridge Street, south of Hampton Street, Block 8735, Lot 35, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Eric Palatnik.

For Opposition: Judy Barrow.

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

95-10-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Raymond Kohanbash, owner.

SUBJECT – Application May 27, 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); side yard (§23-461) and less than the required rear yard (§23-47). R3-2 zoning district.

PREMISES AFFECTED – 2216 Quentin Road, south side of Quentin Road between East 22nd Street and East 23rd Street, Block 6805, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Lyra Altman.

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

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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.

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: Boris Saks.

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 September 21, 2010, at 1:30 P.M., for decision, hearing closed.

100-10-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Gittie Wertenteil and Ephrem Wertenteil, owners.

SUBJECT – Application June 2, 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), side yard (§§23-461 & 23-48) and less than the required rear yard (§23-47). R3-2 zoning district.

PREMISES AFFECTED – 2512 Avenue R, south side of Avenue R between Bedford Avenue and East 26th Street, Block 6831, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to October 5, 2010, at 1:30 P.M., for decision, hearing closed.

101-10-BZ

APPLICANT – Sheldon Lobel, P.C., for Crosby 54 LLC, owners.

SUBJECT – Application June 4, 2010 – Variance (§72-21) to allow a commercial use below the floor level of the second story, contrary to use (§42-14(D)(2)(b)). M1-5B zoning district.

PREMISES AFFECTED – 54 Crosby Street, west side of Crosby Street between Broome and Spring Streets, Block

483, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Jordan Most.

For Opposition: Howard Zipser, Lawrence F. Flick, Walter Catham and Josha Simons.

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

Jeff Mulligan, Executive Director

Adjourned: P.M.