
BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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

Volume 95, Nos. 23-24

June 17, 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

CONTENTS

DOCKET	348
CALENDAR of June 22, 2010	
Morning	349
Afternoon	349/350

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, June 8, 2010**

Morning Calendar351

Affecting Calendar Numbers:

336-98-BZ	312/18 Flatbush Avenue, Brooklyn
337-98-BZ	324/34 Flatbush Avenue, Brooklyn
7-00-BZ	90 Lafayette Street, Manhattan
200-00-BZ	107-24 37 th Avenue, aka 37-16 108 th Street, Queens
151-05-BZ	100 Varick Street, Manhattan
589-31-BZ	159-02 Meyer Avenue, Queens
887-54-BZ	218-01 Northern Boulevard, Queens
834-60-BZ	140 Vanderbilt Avenue, Brooklyn
739-76-BZ	212-95 26 th Avenue, Queens
11-93-BZ	46-45 Kissena Boulevard, aka 140-01 Laburnum Avenue, Queens
280-98-BZ	2936 Hylan Boulevard, Staten Island
201-01-BZ	2591 Atlantic Avenue, Brooklyn
242-02-BZ	1 North Railroad Street, Staten Island
111-06-BZ	136 Norfolk Street, Brooklyn
49-10-A thru 52-10-A	28, 26, 22, 20 Winchester Avenue, Staten Island
43-08-A	144-25 Bayside Avenue, Queens
3-10-A & 4-10-A	144-25 Bayside Avenue, Queens
315-08-A	246 Spring Street, Manhattan
298-09-A	109 Beach 217 th Street, Queens
10-10-A	1882 East 12 th Street, Brooklyn
23-10-A thru 26-10-A	39-39 223 rd Street and 223-01/15/19 Mia Street, Queens

Afternoon Calendar359

Affecting Calendar Numbers:

186-08-BZ	3065 Atlantic Avenue, Brooklyn
28-09-BZ	133 Taaffe Place, Brooklyn
162-09-BZ	30-33 Steinway Street, Queens
282-09-BZ	54-19 Myrtle Avenue, Queens
30-10-BZ	1384 East 22 nd Street, Brooklyn
92-08-BZ	13 Crosby Street, Manhattan
192-09-BZ	912 Broadway, Brooklyn
254-09-BZ thru 256-09-BZ	101-03/05/07 Astoria Boulevard, Queens
270-09-BZ	1910 Homecrest Avenue, Brooklyn
297-09-BZ	180 Ludlow Street, Manhattan
13-10-BZ	79 Amherst Street, Brooklyn
34-10-BZ	429 Broome Street, Manhattan
40-10-BZ	150 Kenilworth Place, Brooklyn
48-10-BZ	2965 Veterans Road West, Staten Island
59-10-BZ	519 Eighth Avenue, Manhattan

DOCKET

New Case Filed Up to June 8, 2010

93-10-BZ

198 Varet Street, South side 170'6' west of White Street, between White Street and Bushwick Avenue, Block 3117, Lot(s) 24, Borough of **Brooklyn, Community Board:** Variance to permit the enlargement of an existing school contrary to bulk regulations..

94-10-A

27-24 21st Street, West side of 21st Street south of Astoria Boulevard., Block 539, Lot(s) 35, Borough of **Queens, Community Board: 1.** C22 district.

95-10-BZ

2216 Quentin Road, South side of Quentin Road between East 22nd Street and East 23rd Street., Block 6805, Lot(s) 6, Borough of **Brooklyn, Community Board: 15.** Special Permit (73-622) for the enlargement of a single family home. R3-2 district.

96-10-A

673 Hunter Avenue, North side of Hunter Avenue, bed of Jay Street., Block 3864, Lot(s) 99, Borough of **Staten Island, Community Board: 2.** Construction within and not fronting a mapped street, contrary to Section 35 of the General City Law, Article 3. R3-1 district.

97-10-A

675 Hunter Avenue, North side of Hunter Avenue, bed of Jay Street., Block 3864, Lot(s) 98, Borough of **Staten Island, Community Board: 2.** Construction within and not fronting a mapped street, contrary to General City Law, Article 3. R3-1 district.

98-10-BZ

44 Lispenard Street, On Lispenard Street, Block 194, Lot(s) 7503, Borough of **Manhattan, Community Board: 1.** Special Permit (73-03, 73-621) for a new enlargement. M1-5 TMU district.

99-10-BZ

2302 Avenue S, Located on the southeast corner of Avenue S and East 23rd Street., Block 7302, Lot(s) 1, Borough of **Brooklyn, Community Board: 15.** Special Permit (73-622) for the enlargement of a single family home. R3-2 district.

100-10-BZ

2512 Avenue R, South side of Avenue R between Bedford Avenue and East 26th Street., Block 6831, Lot(s) 5, Borough of **Brooklyn, Community Board: 15.** Special Permit (73-622) for the enlargement of single family home. R3-2 district.

101-10-BZ

54 Crosby Street, West side of Crosby Street between Broome and Spring Streets., Block 483, Lot(s) 29, Borough of **Manhattan, Community Board: 2.** Variance to allow a retail building , contrary to use regulations. M1-5B district.

102-10-A

48 Tioga Walk, West side of Tioga Walk +/-88.5' south of the mapped 6th Avenue., Block 16350, Lot(s) P/O 400, Borough of **Queens, Community Board: 14.** Construction within the mapped street, contrary to GCL. R4 district.

103-10-BZ

1036 East 24th Street, West side of East 24th Street between Avenue J and Avenue K., Block 7605, Lot(s) 60, Borough of **Brooklyn, Community Board: 14.** Special Permit (73-622) for the enlargement of a single family home. R2 district.

104-10-BZ

5002 19th Avenue, Corner formed by the Southerly side of 50th Street with the westerly side of 19th Avenue., Block 5461, Lot(s) 39, Borough of **Brooklyn, Community Board: 12.** Variance to permit a synagouge and rectory, contrary to bulk regulations. R5 district.

105-10-BZ

269 77th Street, Between 3rd Avenue and Ridge Boulevard., Block 5949, Lot(s) 54, Borough of **Brooklyn, Community Board: 10.** Special Permit (73-622) for the enlargement of a single family home. R-4A 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

JUNE 22, 2010, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, June 22, 2010, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

16-92-BZ

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

SUBJECT – Application April 21, 2009 – Extension of Time to obtain a Certificate of Occupancy which expired on May 26, 2009. Amendment of the August 26, 2008 BSA resolution to incorporate the King Street portion of the premises within the scope of the variance to facilitate a tax lot subdivision and permit a UG 16 warehouse and storage use in the King Street portion of the premises. R5/C1-3 zoning district.

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

COMMUNITY BOARD #6BK

268-98-BZ

APPLICANT – Sheldon Lobel, P.C., for 1252 Forest Avenue Realty Corporation, owner.

SUBJECT – Application April 14, 2010 – Extension of Term for the continued use of a Gasoline Service Station with accessory Convenience Store (*7-Eleven*) which expired on August 10, 2009; Extension of Time to obtain a Certificate of Occupancy which expired on August 10, 2000; Waiver of the Rules. C2-1/R3-2 zoning district.

PREMISES AFFECTED – 1252 Forest Avenue, southwest corner of Forest Avenue and Jewett Avenue, Block 388, Lot 54, Borough of Staten Island.

COMMUNITY BOARD #1SI

44-99-BZ

APPLICANT – Phillip L. Rampulla, for Michael Bottalico, owner.

SUBJECT – Application April 21, 2010 – Extension of Term for the continued use of an Automotive Repair Shop (UG16) which expired on February 1, 2010; Waiver of the Rules. R3A zoning district.

PREMISES AFFECTED – 194 Brighton Avenue, south side of Brighton Avenue, west of Summer Place, Block 117, Lot 20, Borough of Staten Island.

COMMUNITY BOARD #1SI

JUNE 22, 2010, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, June 22, 2010, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

219-09-BZ thru 223-09-BZ

APPLICANT – Gerald J. Caliando, RA, for Daniel, Incorporated / East 147th Street LLC, owner.

SUBJECT – Application July 10, 2009 – Variance pursuant to §72-21 to allow for five, two family residential buildings, contrary to ZR §42-00. M1-2 district.

PREMISES AFFECTED – 802, 804, 806, 808 and 810 East 147th Street, South side of East 147th Street, east of the intersection of East 147th Street and Tinton Avenue. Block 2582, Lots 10, 11, 110, 111 and 112, Borough of Bronx.

COMMUNITY BOARD # 1BX

326-09-BZ

APPLICANT – Bryan Cave LLP, for Flushing Commomd LLC c/o Rockefeller Development Corporation, owner.

SUBJECT – Application December 11, 2009 – Special Permit (ZR §73-66) to allow for the development of four mixed use buildings which exceed the height regulations around airports. C4-3 zoning district.

PREMISES AFFECTED – 38-15 138th Street, 37-10 Union Street, Block bounded by 37th Avenue on north, 138th Street on west, 39th on south, Union Street on east, Block 4978, Lot p/o 25, Borough of Queens.

COMMUNITY BOARD #7Q

65-10-BZ

APPLICANT – Eric Palatnik, P.C., for Anna Shteerman, owner.

SUBJECT – Application May 3, 2010 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area, lot coverage and open space (§23-141) and less than the required rear yard (§23-47). R3-1 zoning district.

PREMISES AFFECTED – 55 Beaumont Street, east side of Beaumont Street, south of Hampton Avenue, Block 8728, Lot 83, Borough of Brooklyn.

COMMUNITY BOARD #15BK

CALENDAR

70-10-BZ

APPLICANT – Sheldon Lobel, P.C., for Macedonia A.M.E. Church (Lot 46), owner; NYC Department of HPD (p/o lot 25), lessee.

SUBJECT – Application May 6, 2010 – Special Permit (ZR §73-66) to allow for the construction of a 14 story mixed use building to exceed the maximum height limits around airports, contrary to ZR 61-21. C4-3 zoning district.

PREMISES AFFECTED – 37-08 Union Street Southwest corner of the intersection formed by Union Street and 37th Avenue, Block 4978, Lot 46, p/o lot 25, Borough of Queens.

COMMUNITY BOARD #7Q

Jeff Mulligan, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, JUNE 8, 2010
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

336-98-BZ

APPLICANT – Rothkrug, Rothkrug & Spector LLP, for 312 Flatbush Avenue LLC, owner; Crunch LLC d/b/a Crunch, lessee.

SUBJECT – Application May 11, 2010 – Extension of Time to obtain a Certificate of Occupancy of a previously granted Special Permit (§73-36) for the operation of a Physical Culture Establishment (*Crunch Fitness*) which expired on February 11, 2010; waiver of the rules. C2-4 zoning district. **PREMISES AFFECTED** – 312/18 Flatbush Avenue, Northwest corner of the intersection of Flatbush Avenue and Sterling Place, Block 1057, Lot 14, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Trevis Savage.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez4

Absent: Vice Chair Collins.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of time to obtain a certificate of occupancy for a physical culture establishment (“PCE”), which expired on February 11, 2010; and

WHEREAS, a public hearing was held on this application on May 25, 2010, after due notice by publication in *The City Record*, and then to decision on June 8, 2010; and

WHEREAS, the PCE is located on the northwest corner of the intersection of Flatbush Avenue and Sterling Place; and

WHEREAS, the site consists of two adjacent lots – Lot 19 (324/34 Flatbush Avenue) and Lot 14 (312/18 Flatbush Avenue) within a C4-2 (R7A) zoning district; and

WHEREAS, the site is located in portions of the cellar and on the first floor and second floor of a two-story commercial building; and

WHEREAS, the PCE has a total floor area of 16,135 sq. ft., with an additional 2,697 sq. ft. of space in the cellar; and

WHEREAS, the Board has exercised jurisdiction over the subject site since November 23, 1999 when, under the subject calendar numbers, the Board granted special permits for each address, to expire on November 23, 2009; and

WHEREAS, on August 11, 2009, the Board granted an

extension of term and an amendment to legalize the use of the cellar space, extend the PCE use on the first floor from 629 sq. ft. of floor area to 2,515 sq. ft. of floor area at 324/34 Flatbush Avenue, and to reflect the change in ownership and operation of the PCE; and

WHEREAS, a condition of the grant was that a certificate of occupancy be obtained by February 11, 2010; and

WHEREAS, the applicant represents that a certificate of occupancy was not obtained by the specified date due in part to the restructuring of the corporate owner; and

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

WHEREAS, at hearing, the Board questioned whether the site complies with regulations associated with egress between the buildings; and

WHEREAS, in response, the applicant submitted a letter from the architect stating that compliance with egress regulations will be verified with the Department of Buildings; and

WHEREAS, based upon its review of the record, the Board finds the requested extension of time to obtain a certificate of occupancy is appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, as adopted on November 23, 1999, so that as amended this portion of the resolution shall read: “to extend the time to obtain a certificate of occupancy to June 8, 2011, *on condition* that all use and operations shall substantially conform to BSA-approved plans associated with the prior grant; and *on further condition*:

THAT a certificate of occupancy shall be obtained by June 8, 2011;

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 DOB shall review egress for compliance with all relevant regulations;

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. 300740063)

Adopted by the Board of Standards and Appeals, June 8, 2010.

MINUTES

337-98-BZ

APPLICANT – Rothkrug, Rothkrug & Spector LLP, for 312 Flatbush Avenue LLC, owner; Crunch LLC d/b/a Crunch, lessee.

SUBJECT – Application May 11, 2010 – Extension of Time to obtain a Certificate of Occupancy of a previously granted Special Permit (§73-36) for the operation of a Physical Culture Establishment (*Crunch Fitness*) which expired on February 11, 2010; waiver of the rules. C2-4 zoning district. PREMISES AFFECTED – 324/34 Flatbush Avenue, Northwest corner of the intersection of Flatbush Avenue and Sterling Place. Block 1057, Lot 19, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Trevis Savage.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez4

Absent: Vice Chair Collins.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of time to obtain a certificate of occupancy for a physical culture establishment (“PCE”), which expired on February 11, 2010; and

WHEREAS, a public hearing was held on this application on May 25, 2010, after due notice by publication in *The City Record*, and then to decision on June 8, 2010; and

WHEREAS, the PCE is located on the northwest corner of the intersection of Flatbush Avenue and Sterling Place; and

WHEREAS, the site consists of two adjacent lots – Lot 19 (324/34 Flatbush Avenue) and Lot 14 (312/18 Flatbush Avenue) within a C4-2 (R7A) zoning district; and

WHEREAS, the site is located in portions of the cellar and on the first floor and second floor of a two-story commercial building; and

WHEREAS, the PCE has a total floor area of 16,135 sq. ft., with an additional 2,697 sq. ft. of space in the cellar; and

WHEREAS, the Board has exercised jurisdiction over the subject site since November 23, 1999 when, under the subject calendar numbers, the Board granted special permits for each address, to expire on November 23, 2009; and

WHEREAS, on August 11, 2009, the Board granted an extension of term and an amendment to legalize the use of the cellar space, extend the PCE use on the first floor from 629 sq. ft. of floor area to 2,515 sq. ft. of floor area at 324/34 Flatbush Avenue, and to reflect the change in ownership and operation of the PCE; and

WHEREAS, a condition of the grant was that a certificate of occupancy be obtained by February 11, 2010; and

WHEREAS, the applicant represents that a certificate of occupancy was not obtained by the specified date due in part to the restructuring of the corporate owner; and

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

WHEREAS, at hearing, the Board questioned whether the site complies with regulations associated with egress between the buildings; and

WHEREAS, in response, the applicant submitted a letter from the architect stating that compliance with egress regulations will be verified with the Department of Buildings; and

WHEREAS, based upon its review of the record, the Board finds the requested extension of time to obtain a certificate of occupancy is appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, as adopted on November 23, 1999, so that as amended this portion of the resolution shall read: “to extend the time to obtain a certificate of occupancy to June 8, 2011, *on condition* that all use and operations shall substantially conform to BSA-approved plans associated with the prior grant; and *on further condition*:

THAT a certificate of occupancy shall be obtained by June 8, 2011;

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 DOB shall review egress for compliance with all relevant regulations;

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. 300740063)

Adopted by the Board of Standards and Appeals, June 8, 2010.

7-00-BZ

APPLICANT – Friedman & Gotbaum, for Trustees of the New York City Rescue Mission, owners.

SUBJECT – Application February 18, 2009 – Extension of Time to Complete Construction of a previously granted Variance (§72-21) for the enlargement of a UG3 non-profit homeless shelter (New York City Rescue Mission) which expired on March 11, 2009; waiver of the rules. C6-2A zoning district.

PREMISES AFFECTED – 90 Lafayette Street, northwest corner of Lafayette and White Streets, Block 195, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Lori Cuisinier.

ACTION OF THE BOARD – Application granted on condition.

MINUTES

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez4
Absent: Vice Chair Collins.....1
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of time to complete construction for the enlargement of an existing homeless shelter (Use Group 3); and

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

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

WHEREAS, the application is brought on behalf of the Trustees of the NYC Rescue Mission, a non-profit entity; and

WHEREAS, the subject premises is located on the northwest corner of Lafayette Street and White Street, within a C6-2A zoning district; and

WHEREAS, on May 30, 2000, under the subject calendar number, the Board granted a variance, pursuant to ZR § 72-21, to permit the enlargement of the existing shelter at the premises; and

WHEREAS, the applicant states that the original variance granted waivers for the operation of a Use Group 3 community facility use in an M1-5 zoning district, and for a front wall height of 88 feet, which exceeded the maximum permitted height and penetrated the sky exposure plane; and

WHEREAS, the applicant notes that the site was rezoned from an M1-5 zoning district to a C6-2A zoning district on June 4, 2008; and

WHEREAS, the applicant states that the use is now permitted as-of-right in the C6-2A zoning district, however the proposed building remains non-compliant with the underlying district height regulations; and

WHEREAS, a condition of the original grant was that substantial work be completed by May 30, 2004, in accordance with ZR § 72-23; and

WHEREAS, on August 11, 2004 the Board granted an extension of time to complete construction for 18 months, to expire February 10, 2005; and

WHEREAS, on September 11, 2007, the Board granted an extension of time to complete construction for an additional 18 months, to expire March 11, 2009; and

WHEREAS, the applicant represents that construction was delayed as funding requirements were being met; and

WHEREAS, the applicant represents that the NYC Rescue Mission has initiated a new fundraising campaign for the expansion of the mission as previously approved by the Board; and

WHEREAS, the applicant represents that the work has been divided into four phases, and that Phase I, II and III are fully complete and Phase IV is expected to be completed within 18 months; and

WHEREAS, accordingly, the applicant requests a further

extension of time to complete construction; and

WHEREAS, based upon its review of the record, the Board finds that an additional extension of time to complete construction and obtain a certificate of occupancy is appropriate, with the 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, dated May 30, 2000, so that as amended this portion of the resolution shall read: “to grant an extension of the time to complete construction for a period of four years from the date of this grant; *on condition* that any and all work shall substantially conform to the approved drawings and *on further condition*:

THAT construction shall be completed by June 8, 2014;

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. 102242627)

Adopted by the Board of Standards and Appeals, June 8, 2010.

200-00-BZ

APPLICANT – Eric Palatnik, P.C., for Blans Development Corporation, owner.

SUBJECT – Application February 5, 2010 – Extension of Term (§72-01 & §72-22) of a variance (§72-21) to allow a physical culture establishment (Squash Fitness Center) to operate in a C1-4 zoning district, which will expire on July 17, 2011; Extension of Time to obtain a certificate of occupancy, which expired on January 28, 2010; Waiver of the Rules.

PREMISES AFFECTED – 107-24 37th Avenue aka 37-16 108th Street, Southwest corner of 37th Avenue and 108th Street, Block 1773, Lot 10, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES –

For Applicant: Trevis Savage.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez4
Absent: Vice Chair Collins.....1
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an extension of the term for a physical culture establishment (“PCE”), which expires July 17, 2011, and an extension of time to obtain a certificate of occupancy, which expired on January

MINUTES

28, 2010; and

WHEREAS, a public hearing was held on this application on April 20, 2010, after due notice by publication in *The City Record*, with a continued hearing on May 18, 2010, and then to decision on June 8, 2010; and;

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

WHEREAS, Community Board 3, Queens, recommends approval of this application; and

WHEREAS, the site is located at the southwest corner of 37th Avenue and 108th Street, within a C1-4 (R6B) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 17, 2001 when, under the subject calendar number, the Board granted a variance pursuant to ZR § 72-21, to permit the legalization of an existing PCE on the first floor and a portion of the second floor of an existing two-story mixed-use manufacturing/office building within a C1-4 (R6B) zoning district for a term of five years to expire July 17, 2006; and

WHEREAS, on May 11, 2004, the grant was amended to permit the expansion of the PCE onto the entire second floor; and

WHEREAS, on August 21, 2007, under the subject calendar number, the Board reopened the variance to extend the term of the variance for an additional five years, to expire on July 17, 2011; and

WHEREAS, on August 19, 2008, the Board granted an extension of time to obtain a certificate of occupancy, to expire on February 19, 2009; and

WHEREAS, by letter dated January 12, 2009, the Board clarified that the PCE approved by the Board is located on the second floor only; and

WHEREAS, most recently, on July 28, 2009, the Board granted an extension of time to obtain a certificate of occupancy, to expire on January 28, 2010; and

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

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

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

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated July 17, 2001, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years, to expire on June 8, 2020, and to grant an extension of time to obtain a certificate of occupancy, to expire on June 8, 2011; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received February 5, 2010” – (4) sheets; and *on further condition*:

THAT the term of this grant shall expire on June 8, 2020;

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

THAT a certificate of occupancy shall be obtained by June 8, 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. 402567254)

Adopted by the Board of Standards and Appeals, June 8, 2010.

151-05-BZ

APPLICANT – John R. Sore c/o Shalimar Management, for 100 Varick Street, LLC, owner.

SUBJECT – Application May 10, 2010 – Extension of Time to Complete Construction of a previously granted Variance (§72-21) for the construction of a 10-story residential building which expires on August 8, 2010. M1-6 zoning district.

PREMISES AFFECTED – 100 Varick Street, easterly side of Varick Street between Broome Street and Watts Street, Block 477, Lot 35, 42, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: John R. Sore.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez4

Absent: Vice Chair Collins.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an extension of time to complete construction of a previously granted variance to permit, within an M1-6 zoning district, the construction of an eight-story residential building, which expires on August 8, 2010; and

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

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

WHEREAS, the subject site is located on the east side of Varick Street, between Broome Street and Watts Street, within an M1-6 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the site since August 8, 2006 when, under the subject calendar number, the Board granted a variance to permit the proposed construction of an eight-story, 61-unit residential building; and

MINUTES

WHEREAS, substantial construction was to be completed by August 8, 2010, in accordance with ZR § 72-23; and

WHEREAS, the applicant states that it has demolished the two existing buildings on the site, performed cleanup work, and conducted soil borings which indicated that bedrock suitable for bearing does not exist until a depth of 100 feet, and the subsurface conditions will substantially increase foundation costs for the proposed development; and

WHEREAS, the applicant states that due to funding delays, additional time is necessary to complete the project; thus, the applicant now requests an extension of time to complete construction; and

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

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated August 8, 2006, so that as amended this portion of the resolution shall read: “to grant an extension of the time to complete construction for a term of four years, to expire on August 8, 2014; *on condition*:

THAT substantial construction shall be completed by August 8, 2014;

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. 103625436)

Adopted by the Board of Standards and Appeals, June 8, 2010.

589-31-BZ

APPLICANT – Eric Palatnik, P.C., for Asha Ramnath, owner.

SUBJECT – Application March 5, 2010 – Amendment pursuant (§11-413) to permit the proposed change of use group from UG16 (Gasoline Service Station) to UG16 (Automotive Repair) with accessory used car sales. R3-2 zoning district.

PREMISES AFFECTED – 159-02 Meyer Avenue, intersection of Mayer Avenue, 159th Street, Linden Boulevard, Block 12196, Lot 1, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Trevis Savage.

ACTION OF THE BOARD – Laid over to July 13, 2010, at 10 A.M., for continued hearing.

887-54-BZ

APPLICANT – Eric Palatnik, Esq., for 218 Bayside Operating LLC, owner.

SUBJECT – Application March 5, 2010 – Extension of Term (§11-411) for the continued use of gasoline station (*British Petroleum*) with accessory convenience store (*7-Eleven*) which expires on September 23, 2010. C2-2/R6B zoning district.

PREMISES AFFECTED – 218-01 Northern Boulevard, between 218th and 219th Street, Block 6321, Lot 21, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Trevis Savage.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....4

Negative:.....0

Absent: Vice Chair Collins.....1

ACTION OF THE BOARD – Laid over to June 15, 2010, at 10 A.M., for decision, hearing closed.

834-60-BZ

APPLICANT – Sheldon Lobel, P.C., for Cumberland Farms, Incorporated, owner.

SUBJECT – Application October 20, 2009 – Extension of Term for the continued use of a Gasoline Service Station (*Gulf*) with minor auto repairs which expired on March 7, 2006; Extension of Time to obtain a Certificate of Occupancy which expired on March 2, 2000; Amendment to legalize an accessory convenience store and Waiver of the Rules. C2-4/R-7A, R-5B zoning district.

PREMISES AFFECTED – 140 Vanderbilt Avenue, northwest corner of Myrtle Avenue and Vanderbilt Avenue, Block 2046, Lot 84, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES –

For Applicant: Josh Rinesmith.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....4

Negative:.....0

Absent: Vice Chair Collins.....1

ACTION OF THE BOARD – Laid over to June 15, 2010, at 10 A.M., for decision, hearing closed.

739-76-BZ

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

SUBJECT – Application April 28, 2010 – Extension of Term for a UG15 Amusement Arcade (*Peter Pan Games*) which expired on April 10, 2010 and an Extension of Time to obtain a Certificate of Occupancy which expired on May 18, 2009. C4-1 zoning district.

PREMISES AFFECTED – 212-95 26th Avenue, 26th Avenue

MINUTES

and Bell Boulevard, Block 5900, Lot 2, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Joseph Morsellino.

ACTION OF THE BOARD – Laid over to June 22, 2010, at 10 A.M., for continued hearing.

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: Josh Rinesmith.

ACTION OF THE BOARD – Laid over to July 27, 2010, at 10 A.M., for continued hearing.

280-98-BZ

APPLICANT – Rampulla Associates Architects, for MARS Holding, LLC, owner.

SUBJECT – Application February 13, 2010 – Extension of Term of a variance (§72-21) for the continued operation of a UG4 Dental Office which expired on February 8, 2010; Amendment to convert the basement garage into dental office floor area. R-2 zoning district.

PREMISES AFFECTED – 2936 Hylan Boulevard, east side of Hylan Boulevard, 100' north of Isabella Avenue, Block 4015, Lot 14, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Phillip L. Rampulla.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....4

Negative:.....0

Absent: Vice Chair Collins.....1

ACTION OF THE BOARD – Laid over to June 15, 2010, at 10 A.M., for decision, hearing closed.

201-01-BZ

APPLICANT – Sheldon Lobel, P.C., for J.H.N. Corporation, owner.

SUBJECT – Application January 27, 2010 – Extension of Term (§72-01 & §72-22) of a previously approved variance permitting the operation of a automobile laundry, lubrication and accessory automobile supply store (UG16b);

Amendment seeking to legalize changes and increase in floor area; and Waiver of the Rules. C4-1 zoning district.

PREMISES AFFECTED – 2591 Atlantic Avenue, northwest corner of Atlantic Avenue and Sheffield Avenue, Block 3668, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES –

For Applicant: Josh Rinesmith.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....4

Negative:.....0

Absent: Vice Chair Collins.....1

ACTION OF THE BOARD – Laid over to July 13, 2010, at 10 A.M., for decision, hearing closed.

242-02-BZ

APPLICANT – Joseph Fullam, for Helen Fullam, owner.

SUBJECT – Application March 25, 2010 – Amendment to a previously granted Variance (§72-21) for the construction of a two family residence contrary to parking requirement (§25-21) and (§25-622). R3X/SR zoning district.

PREMISES AFFECTED – 1 North Railroad Street, west side of North Railroad between Belfield Avenue and Burchard Court, Block 6274, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Joseph Fullam.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....4

Negative:.....0

Absent: Vice Chair Collins.....1

ACTION OF THE BOARD – Laid over to June 22, 2010, at 10 A.M., for decision, hearing closed.

111-06-BZ

APPLICANT – Sheldon Lobel, P.C., for Alex Lyublinskiy, owner.

SUBJECT – Application to reopen pursuant to court remand (Appellate Division) to revisit the findings of a Special Permit (§73-622) for the in-part legalization of an enlargement to a single family residence. This application seeks to vary open space and floor area (§23-141); side yard (§23-48) and perimeter wall height (§23-631) regulations. R3-1 zoning district.

PREMISES AFFECTED – 136 Norfolk Street, west side of Norfolk Street between Shore Boulevard and Oriental Boulevard, Block 8756, Lot 14, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

For Opposition: Susan Klapper and Judith Baron.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown,

MINUTES

Commissioner Hinkson and Commissioner Montanez.....4
Negative:.....0
Absent: Vice Chair Collins.....1
ACTION OF THE BOARD – Laid over to July 13, 2010, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

49-10-A thru 52-10-A

APPLICANT – Philip L. Rampulla, for Daniel Master, owner.

SUBJECT – Application April 9, 2010 – Proposed construction of four single family homes not fronting on a mapped street, contrary to General City Law Section 36. R3-1 zoning district.

PREMISES AFFECTED – 28, 26, 22, 20 Winchester Avenue, south side of Winchester Avenue, east of Tennyson Drive, Block 5320, Lot 45, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Philip Rampulla.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez4

Absent: Vice Chair Collins.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Commissioner, dated March 26, 2010, acting on Department of Buildings Application Nos. 520030154, 520030136, 520030127, and 520030145, reads in pertinent part:

“The street giving access to the proposed construction of a new building Use Group 2 in R3-1 (SRD) Zoning District is not duly placed on the official Map of the City of New York and therefore is referred to the Board of Standards and Appeals (BSA) for approval;” and

WHEREAS, this is an application for permission to build four single-family semi-detached homes that do not front on a mapped street, contrary to General City Law Section 36; and

WHEREAS, a public hearing was held on this application on June 8, 2010, after due notice by publication in the *City Record*, with closure and decision on the same date; and

WHEREAS, by letter dated May 10, 2010, the Fire Department states that it has no objection to the proposal, as the proposed buildings are to be constructed on a street that is 38 feet in width, in accordance with New York City Fire Code Section FC 503.8.2; and

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

Therefore it is Resolved that the decision of the Staten Island Borough Commissioner, dated March 26, 2010, acting

on New Building Permit Nos. 520030154, 520030136, 520030127, and 520030145, is hereby 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 drawings filed with the application marked “Received May 25, 2010” - (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

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

THAT a Builder’s Pavement Plan be filed and approved before DOB issues any permits;

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, June 8, 2010.

43-08-A

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

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

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Calvin Wong.

ACTION OF THE BOARD – Laid over to July 13, 2010, at 10 A.M., for continued hearing.

3-10-A & 4-10-A

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

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

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Calvin Wong.

ACTION OF THE BOARD – Laid over to July 13, 2010, at 10 A.M., for continued hearing.

MINUTES

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 –

For Applicant: Stuart A. Klein.

ACTION OF THE BOARD – Laid over to July 27, 2010, at 10 A.M., for adjourned hearing.

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 notfronting 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 –

For Applicant: Loretta Papa.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....4

Negative:.....0

Absent: Vice Chair Collins.....1

ACTION OF THE BOARD – Laid over to July 13, 2010, at 10 A.M., for decision, hearing closed.

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: Lyra Altman

For Opposition: Stuart A. Klein.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....4

Negative:.....0

Absent: Vice Chair Collins.....1

ACTION OF THE BOARD – Laid over to July 13, 2010, at 10 A.M., for decision, hearing closed.

23-10-A thru 26-10-A

APPLICANT – Richard Bowers of Akerman Senterfitt, LLP, for Mia & 223rd Street Management Corp., owner.

SUBJECT – Application February 23, 2010 – Appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced under the prior zoning district regulations. R1-2 zoning district.

PREMISES AFFECTED – 39-39 223rd Street and 223-01/15/19 Mia Drive, between 223rd Street and Cross Island Parkway, Block 6343, Lots 154-157, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Calvin Wong.

For Opposition: Stuart A. Klein and Patricia Marin.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....4

Negative:.....0

Absent: Vice Chair Collins.....1

ACTION OF THE BOARD – Laid over to July 13, 2010, at 10 A.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: P.M.

MINUTES

**REGULAR MEETING
TUESDAY AFTERNOON, JUNE 8, 2010
1:30 P.M.**

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

ZONING CALENDAR

186-08-BZ

CEQR #09-BSA-066K

APPLICANT – Petrus Fortune, P.E., for Kevin Mast, Chairman, Followers of Jesus Mennonite Church, owner. SUBJECT – Application July 10, 2008 – Special Permit (§73-19) to allow the legalization and enlargement of a school (*Followers of Jesus Mennonite Church & School*) in a former manufacturing building, contrary to ZR §42-10. M1-1 zoning district.

PREMISES AFFECTED – 3065 Atlantic Avenue, northwest corner of Atlantic Avenue and Shepherd Avenue, Block 3957, Lot 45, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES –

For Applicant: James E. Gochnauer.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez4

Absent: Vice Chair Collins.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated July 1, 2009, acting on Department of Buildings Application No. 310051591, reads in pertinent part:

“ZR 42-00. Proposed Use Group 3 is not permitted in a manufacturing district. As per ZR 73-19 the Board of Standards and Appeals (BSA) can issue a special permit for the school aspect of the project;” and

WHEREAS, this is an application under ZR §§ 73-19 and 73-03 to permit, on a site within an M1-1 zoning district, the legalization of a school (Use Group 3), contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on September 15, 2009, after due notice by publication in the *City Record*, with continued hearings on October 6, 2009 and November 17, 2009, and then to decision on June 8, 2010; and

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

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

WHEREAS, the Cypress Hills Local Development Corporation provided testimony in support of this application; and

WHEREAS, several members of the community testified in support of this application; and

WHEREAS, the application is brought on behalf of the Followers of Jesus Mennonite Church (the “Church”), and will be operated by the Followers of Jesus School (the “School”); and

WHEREAS, the site is located on the southwest corner of Atlantic Avenue and Shepherd Avenue, in an M1-1 zoning district; and

WHEREAS, the site has a lot area of 6,061 sq. ft.; and

WHEREAS, the site is currently occupied by a two-story factory building that was most recently occupied as a church and is now occupied by the School; and

WHEREAS, the applicant proposes to renovate the existing building for continued use as a kindergarten through twelfth grade school (Use Group 3) and church building with a floor area of 12,757 sq. ft.; and

WHEREAS, the applicant represents that the proposed school meets the requirements of the special permit authorized by ZR § 73-19 for permitting a school in an M-1 zoning district; and

WHEREAS, ZR § 73-19 (a) requires an applicant to demonstrate the inability to obtain a site for the development of a school within the neighborhood to be served and with a size sufficient to meet the programmatic needs of the school within a district where the school is permitted as-of-right; and

WHEREAS, the applicant states that the School initially operated in the same rented facilities as the Church, but that the Church was relocated to a separate facility due to the growth of the congregation and the increased enrollment at the School from 17 students to more than 30; and

WHEREAS, the applicant further states that the School presently serves 40 students from first grade through twelfth grade, and that to accommodate the continued growth of the School as well as the addition of a kindergarten program, the proposed building will serve an estimated 80 students from kindergarten through twelfth grade; and

WHEREAS, the applicant further states that in order to satisfy its program of providing a strong academic education in a Christian setting, the new facility will house the programs of both the Church and the School; and

WHEREAS, specifically, the proposal provides for the following uses: (1) a general meeting and assembly space for both Church and School use and an office/prayer room at the first floor; (2) five classrooms, offices, and a library/conference room at the second floor; and (3) a dining area accessory to the Church and fellowship hall to accommodate the School’s domestic arts program at the basement; and

WHEREAS, the applicant states that the School’s program requires a two-story building with a floor area of at least 8,000 sq. ft., a lot area of at least 5,000 sq. ft., a flexible floor plate configuration to accommodate both the larger

MINUTES

assembly space needed for the congregation's sanctuary and the smaller classroom space, and an enclosed outside space for recreational use; and

WHEREAS, the applicant represents that the School's program also requires the use of an existing building to avoid the costs of new construction and provide the least disruption to the ongoing programs of the Church and the School; and

WHEREAS, the applicant states that the School has an additional programmatic need to be located in the Cypress Hills neighborhood, where the Church's congregation as well as the student body reside; and

WHEREAS, the applicant states that the Cypress Hills community is a densely-populated residential area characterized by small homes and businesses which has few large buildings or vacant lots suitable for the proposed School that are not already occupied and are available for purchase; and

WHEREAS, the applicant states that it evaluated the feasibility of two buildings in the Cypress Hills neighborhood: (1) 616 Jamaica Avenue; and (2) 91 Richmond Street; and

WHEREAS, the applicant represents that the building at 616 Jamaica Avenue was found to be too small because it was a one-story building that did not have sufficient floor area to accommodate the School's programmatic need for a large auditorium, classrooms, special purpose rooms, and recreational space; and

WHEREAS, the applicant further represents that the building at 91 Richmond Street was inadequate because the interior layout was not suitable for the construction of classrooms, and the church that owned the building ultimately decided it was not interested in selling it; and

WHEREAS, in addition, the applicant states that while it preferred to renovate an existing building to avoid the additional time and costs associated with constructing on a vacant lot, nevertheless it conducted a review of vacant lots available within a one-quarter mile radius of the subject site to determine if there were any available vacant lots that could satisfy the programmatic needs of the School; and

WHEREAS, the applicant determined that all of the vacant lots in the surrounding area were either too small to satisfy the School's programmatic needs, prohibitively expensive when costs of construction were considered, or not immediately available for purchase; and

WHEREAS, the applicant states that none of the sites investigated were therefore found to be able to accommodate the proposed school; and

WHEREAS, the applicant maintains that the results of the site search show that there is no practical possibility of obtaining a site of adequate size in a nearby zoning district where a school would be permitted as-of-right; and

WHEREAS, therefore, the Board finds that the requirements of ZR § 73-19 (a) are met; and

WHEREAS, ZR § 73-19 (b) requires an applicant to demonstrate that the proposed school is located no more than 400 feet from the boundary of a district in which such a school is permitted as of right; and

WHEREAS, the applicant submitted a radius diagram which reflects that an R5 zoning district is located immediately to the north of the site on both sides of Shepherd Avenue, where the proposed use would be permitted as-of-right; and

WHEREAS, therefore, the Board finds that the requirements of ZR § 73-19 (b) are met; and

WHEREAS, ZR § 73-19 (c) requires an applicant to demonstrate how it will achieve adequate separation from noise, traffic and other adverse effects of the surrounding non-residential district; and

WHEREAS, the applicant represents that, although the site is within an M1-1 zoning district, the surrounding area is largely developed with residential and commercial uses which are compatible with the proposed school; and

WHEREAS, the applicant states that the north side of the building abuts a church and that Shepherd Avenue to the north is a quiet residential street characterized by two-story homes in the adjacent R5 zoning district, and that across Shepherd Avenue to the east is a fast food restaurant which generates minimal noise; and

WHEREAS, the applicant further states that an auto repair shop is located adjacent to the west of the site, and Atlantic Avenue is a heavily-trafficked six-lane street located to the south of the site; and

WHEREAS, the applicant states that adequate separation from noise, traffic and other adverse effects of the surrounding M1-1 zoning district will be provided through the building's existing solid masonry exterior walls and double-glazed windows facing the auto repair shop to the west, and the installation of double-glazed windows on the east and south sides of the building, facing the fast food restaurant and Atlantic Avenue, respectively; and

WHEREAS, the Board finds that the conditions surrounding the site, the construction of the building, and the installation of double-glazed windows will adequately separate the school from noise, traffic and other adverse effects of any of the uses within the surrounding M1-1 zoning district; thus, the Board finds that the requirements of ZR § 73-19 (c) are met; and

WHEREAS, ZR § 73-19 (d) requires an applicant to demonstrate how the movement of traffic through the street on which the school will be located can be controlled so as to protect children traveling to and from the school; and

WHEREAS, the applicant states that the students enrolled at the School reside in the surrounding community, and that approximately one-half of the students are anticipated to walk to school, approximately one-third of the students are anticipated to arrive by car, and the remainder are anticipated to arrive by public transportation; and

WHEREAS, the applicant further states that there is a bus stop located directly in front of the School on Atlantic Avenue which will provide transportation for a number of students, and there are several other public schools within a ten-block radius of the School with crossing guards located at the critical intersections along Atlantic Avenue, which provides the students crossing from the bus stop on the far side of Atlantic Avenue with assistance in crossing the street to the

MINUTES

School; and

WHEREAS, the applicant also requested the installation of “No Standing – School Zone” signage from the Department of Transportation (“DOT”), to be located in front of the School on Shepherd Avenue to provide a safe loading and unloading zone for parent drop-off of students; and

WHEREAS, the applicant submitted a letter from DOT responding to the applicant’s request, which stated that the requested signage was unnecessary because there is no school busing for the subject site; and

WHEREAS, the Board finds that the above-mentioned measures can control traffic so as to protect children going to and from the school; and

WHEREAS, therefore, the Board finds that the requirements of ZR § 73-19 (d) are met; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-19; and

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

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 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 (EAS) 09BSA066K, dated June 2, 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, the New York City Department of Environmental Protection’s (DEP) Bureau of Environmental Planning and Analysis has reviewed the project for potential hazardous materials and air quality impacts; and

WHEREAS, the applicant submitted the April 2010 Indoor Air Sampling (Soil Vapor Intrusion) report to DEP for review and approval; and

WHEREAS, DEP in its May 3, 2010 letter, stated that the report revealed that the VOC concentrations were either non-detectable or below the New York State Department of Health’s Guidance Levels and that the report is acceptable; and

WHEREAS, DEP requested that a Remedial Closure Report be submitted to DEP for review and approval upon

completion of the renovation; and

WHEREAS, DEP accepts the Revised Construction Health & Safety Plan, dated May 28, 2010; and

WHEREAS, DEP reviewed the applicant’s air quality screening analysis for boilers and determined that the proposed project is not anticipated to result in significant stationary source air quality impacts; and

WHEREAS, based on the results of noise monitoring, a closed window condition with a minimum of 35 dBA window-wall attenuation and alternate means of ventilation (central air-conditioning or other DEP-approved means of ventilation) shall be maintained in order to achieve an interior noise level of 45 dBA; 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, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-19 and 73-03 and grants a special permit, to allow the proposed operation of a school (Use Group 3), on a site within an M1-1 zoning district; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received July 10, 2008” (1) sheet and “Received September 29, 2009” (4) sheets, and *on further condition*:

THAT prior to the issuance by DOB of a temporary or permanent Certificate of Occupancy, the applicant or successor shall obtain from DEP a Notice of Satisfaction;

THAT 35 dBA of window-wall noise attenuation with central air-conditioning or other DEP-approved means of ventilation shall be provided in the subject building;

THAT substantial construction be completed in accordance with ZR § 73-70;

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) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 8, 2010.

MINUTES

28-09-BZ

CEQR #09-BSA-074K

APPLICANT – Moshe M. Friedman, P.E., for 133 Equity Corp., owner.

SUBJECT – Application February 17, 2009 – Variance (§72-21) to permit a four-story residential building on a vacant lot, contrary to use regulations (§42-10). M1-1 zoning district.

PREMISES AFFECTED – 133 Taaffe Place, east side of Taaffe Place, 142'-2.5" north of intersection of Taaffe Place and Myrtle Avenue, Block 1897, Lot 4, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES –

For Applicant: Moshe M. Friedman.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez4

Absent: Vice Chair Collins.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Superintendent, dated February 12, 2009, acting on Department of Buildings Application No. 310122621 reads:

“Proposed multiple dwelling (UG 2) in the subject M1-1 district is contrary to ZR 42-10, and must be referred to the Board of Standards and Appeals. There are no applicable bulk, parking or yard regulations”;

WHEREAS, this is an application under ZR § 72-21 to permit, within an M1-1 zoning district, the construction of a four-story, three-unit residential building, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on September 22, 2009, after due notice by publication in the *City Record*, with continued hearings on January 26, 2010 and March 16, 2010, and then to decision on June 8, 2010; and

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

WHEREAS, the adjacent neighbor to the rear of the site provided testimony at hearing raising concerns that excavation would take place at the rear lot line and construction would extend into the rear yard; and

WHEREAS, the site is located on the east side of Taaffe Place between Park Avenue and Myrtle Avenue, within an M1-1 zoning district; and

WHEREAS, the subject site has a width of 25 feet, a depth of approximately 83 feet, and a total lot area of 2,080 sq. ft.; and

WHEREAS, the site is currently vacant; and

WHEREAS, the applicant represents that the site had historically been occupied by residential use from approximately 1887 until 1994, when the existing residential

building was demolished due to fire damage; and

WHEREAS, in support of this statement, the applicant submitted a copy of an 1887 Sanborn Map and a 1941 certificate of occupancy reflecting residential occupancy of the site, and a demolition application filed by the City of New York on December 14, 1994; and

WHEREAS, the applicant proposes to construct a four-story three-unit residential building with a floor area of 4,571 sq. ft. (2.2 FAR) and a rear yard with a depth of 30'-0”;

WHEREAS, the applicant initially proposed to construct a four-story three-unit residential building with a floor area of 6,073 sq. ft. (2.92 FAR) and a rear yard with a depth of approximately 15'-4”;

WHEREAS, during the course of the hearing process, the Board directed the applicant to reduce the size of the building and increase the size of the rear yard; and

WHEREAS, the applicant first revised its plans to provide a four-story three-unit residential building with a floor area of 4,846 sq. ft. (2.33 FAR) and a rear yard with a depth of 23'-0”;

WHEREAS, the Board directed the applicant to further reduce its building, at which point the applicant revised its plans to the current proposal; and

WHEREAS, residential use is not permitted in the M1-1 district; therefore, the applicant seeks a variance to permit the non-conforming use; and

WHEREAS, the applicant states that the following are unique physical conditions which create an unnecessary hardship in developing the site in conformance with applicable regulations: the site’s narrow width and shallow depth; and

WHEREAS, the applicant represents that the 25-ft. width and 83-ft. depth of the subject site is too narrow to accommodate a building with a loading dock and is too small to provide adequately sized floor plates to support a commercial or manufacturing use; and

WHEREAS, as to the uniqueness of this condition, the applicant submitted a land use map indicating that all conforming developments in the surrounding area were located on lots with widths and/or depths exceeding that of the subject site; and

WHEREAS, specifically, the land use map reflects that there are only five lots in the subject M1-1 district within 400 feet of the site that have conforming uses and are 25'-0” wide or less, and all of these lots are deeper and larger than the subject site; and

WHEREAS, the applicant represents that such analysis supports the assertion that the size of the site is infeasible for conforming manufacturing or commercial development; and

WHEREAS, the Board notes that while the surrounding area includes several lots of similar size, such lots are primarily occupied by residential uses; and

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

WHEREAS, the applicant submitted a feasibility study that analyzed: (1) a conforming one-story manufacturing

MINUTES

building with a total floor area of 2,080 sq. ft.; and (2) the proposed four-story residential building; and

WHEREAS, the feasibility study concluded that a conforming development would not realize a reasonable return; and

WHEREAS, based upon the above, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict conformance with zoning district regulations will provide a reasonable return; and

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and

WHEREAS, the applicant represents that the surrounding area is a mix of residential, commercial, and manufacturing uses; and

WHEREAS, the applicant states that the proposed residential use is consistent with the character of the area, which includes many residential buildings; and

WHEREAS, in support of the above statements, the applicant submitted a land use map showing the various uses in the vicinity of the site, which indicates that a number of residential buildings are located in the area surrounding the subject site; and

WHEREAS, specifically, the two adjacent lots to the south of the site are occupied by residential buildings, and the adjacent lot to the north is occupied by a mixed-use residential/commercial building; and

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

WHEREAS, as to bulk, the applicant notes that the proposed 2.2 FAR is within the zoning district parameters of the adjacent R6 district, and that the rear yard of 30 feet is consistent with R6 regulations; and

WHEREAS, at hearing, an adjacent neighbor raised concerns regarding the excavation of the rear lot line and construction in the rear yard at the site; and

WHEREAS, in response, the applicant stated that there will be no excavation or construction in the rear yard of the site, except for the potential removal of contaminated soil; and

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

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title, but is due to the unique conditions of the site; and

WHEREAS, as noted above, the applicant initially proposed to construct a four-story three-unit residential building with a floor area of 6,073 sq. ft. (2.92 FAR) and a rear yard with a depth of approximately 15'-4"; and

WHEREAS, during the course of the hearing process, the Board directed the applicant to reduce the size of the building and increase the size of the rear yard; and

WHEREAS, the applicant first revised its plans to provide a four-story three-unit residential building with a floor area of 4,846 sq. ft. (2.33 FAR) and a rear yard with a depth of 23'-0"; and

WHEREAS, the Board directed the applicant to further reduce its building, at which point the applicant revised its plans to the current proposal; and

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

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

WHEREAS, the project is classified as 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 (EAS) 09BSA074K, dated June 1, 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, the New York City Department of Environmental Protection's (DEP) Bureau of Environmental Planning and Analysis has reviewed the project for potential hazardous materials; and

WHEREAS, DEP reviewed the Phase II Environmental Investigation and in its May 5, 2010 letter, requested a Remedial Action Plan and a Construction Health and Safety Plan be submitted to DEP for review and approval; 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, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance, to permit, within an M1-1 zoning district, the construction of a four-story, three-unit residential building, which is contrary to ZR § 42-10, *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 11, 2010"-(11) sheets; and *on further*

MINUTES

condition:

THAT the following shall be the bulk parameters of the proposed building: four stories, a maximum floor area of 4,571 sq. ft. (2.2 FAR); a height of 40'-0"; and a rear yard with a minimum depth of 30'-0", as shown on the BSA-approved plans;

THAT this grant is contingent upon final approval from DEP before the issuance of construction permits other than permits needed for soil remediation;

THAT a Remedial Action Plan and a Construction Health and Safety Plan be submitted to DEP for review and approval prior to the commencement of any construction or demolition activities at the site;

THAT prior to the issuance of any building permit that would result in grading, excavation, foundation, alteration, building or other permit respecting the subject site which permits soil disturbance for the proposed project, the applicant or successor shall obtain a Notice to Proceed from DEP;

THAT prior to the issuance by DOB of a temporary or permanent Certificate of Occupancy, the applicant or successor shall obtain a Notice of Satisfaction from DEP; THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

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

THAT construction shall proceed in accordance with ZR § 72-23; and

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

Adopted by the Board of Standards and Appeals, June 8, 2010.

162-09-BZ

CEQR #09-BSA-107Q

APPLICANT – Sheldon Lobel, P.C., for Steinway 30-33, LLC, owner; Steinway Fitness Group, LLC d/b/a Planet Fitness, lessee.

SUBJECT – Application April 27, 2009 – Special Permit (§73-36) to allow the legalization of a physical culture establishment (*Planet Fitness*) in the cellar, first, and second floors in an existing two-story building; Special Permit (§73-52) to extend the C4-2A zoning district regulations 25 feet into the adjacent R5 zoning district. C4-2A/R5 zoning districts.

PREMISES AFFECTED – 30-33 Steinway Street, east side of Steinway Street, south of 30th Avenue, Block 680, Lot 32, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: Elizabeth Safain.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez4
Absent: Vice Chair Collins.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Superintendent, dated April 15, 2009, acting on Department of Buildings Application No. 410236935, reads in pertinent part:

“Proposed change of use to physical culture establishment...must be referred to the BSA for approval;” and

WHEREAS, this is an application under ZR §§ 73-36, 73-52 and 73-03, to permit, on a site partially within a C4-2A zoning district and partially within an R5 zoning district, the extension of the C4-2A zoning district regulations 25 feet into the R5 zoning district, and the legalization of a physical culture establishment (PCE) in the cellar, first floor, and second floor of a two-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on December 8, 2009 after due notice by publication in *The City Record*, with continued hearings on January 26, 2010, February 23, 2010, April 20, 2010, and May 25, 2010, and then to decision on June 8, 2010; and

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

WHEREAS, Community Board 1, Queens, recommends approval of this application; and

WHEREAS, the subject site is located on a through lot with frontage on Steinway Street and Newtown Road, between 30th Avenue and 31st Avenue; and

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

WHEREAS, the PCE occupies a total floor area of 9,606 sq. ft. on a portion of the first floor and the entire second floor, with an additional 8,335 sq. ft. of floor space located in the cellar; and

WHEREAS, the PCE is operated as Planet Fitness; and

WHEREAS, the proposed hours of operation are: Monday through Thursday, 24 hours; Friday, from 12:00 a.m. to 10:00 p.m.; and Saturday and Sunday, from 7:00 a.m. to 7:00 p.m.; and

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

WHEREAS, at hearing, the Board raised concerns regarding: (1) the storage of garbage at the rear of the site, within the R5 zoning district; and (2) whether the sprinklers in the building were ever inspected and approved by the Department of Buildings (“DOB”); and

WHEREAS, in response, the applicant submitted revised plans reflecting that garbage will be stored in the cellar, and states that garbage collection occurs five times a week, Sunday through Thursday; and

MINUTES

WHEREAS, additionally, the applicant submitted documentation reflecting that the sprinkler system in the building passed inspection on May 20, 2010, and was scheduled to receive sign-off from DOB; 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 applicant also requests a special permit pursuant to ZR § 73-52 to extend the C4-2A zoning district regulations 25 feet into the portion of the zoning lot located within an R5 district; and

WHEREAS, the applicant states that the majority of the zoning lot is located within a C4-2A zoning district that runs parallel to Steinway Street and extends 95 feet into the site, but that the remaining portion of the zoning lot is located within an R5 zoning district; and

WHEREAS, the portion of the site that is within the C4-2A zoning district occupies approximately 8,317 sq. ft. (87 percent) of the zoning lot, and the portion of the site that is within the R5 zoning district occupies approximately 1,198 sq. ft. (13 percent) of the zoning lot; and

WHEREAS, the R5 portion fronts on Newtown Road and occupies a triangular portion of the site, located to the east of the C4-2A portion; and

WHEREAS, the C4-2A district permits PCE use pursuant to ZR § 73-36; the R5 district permits only residential uses; and

WHEREAS, the applicant states that the subject building, and the commercial use therein, extends only 10 feet into the R5 zoning district; therefore, by allowing the C4-2A use regulations to apply to 25 feet of the total width of the R5 portion of the lot, the proposed PCE use will be permitted in the subject building; and

WHEREAS, however, a very small triangular-shaped portion of the lot will remain solely within the R5 district, even after the boundary line is moved 25 feet east, and may only be used for community facility or residential use; and

WHEREAS, ZR § 73-52 provides that when a zoning lot, in single ownership as of December 15, 1961, is divided by district boundaries in which two or more uses are permitted, the Board may permit a use which is permitted in the district in which more than 50 percent of the lot area of the zoning lot is located to extend not more than 25 feet into the remaining portion of the zoning lot where such use is not permitted, provided: (a) that, without any such extension, it would not be economically feasible to use or develop the remaining portion of the zoning lot for a permitted use; and (b) that such extension will not cause impairment of the essential character or the future use or development of the surrounding area; and

WHEREAS, as to the threshold single ownership requirement, the applicant submitted deeds establishing that the subject property existed in single ownership since prior to December 15, 1961; and

WHEREAS, accordingly, the Board finds that the applicant has provided sufficient evidence showing that the zoning lot was in single ownership prior to December 15,

1961 and continuously from that time onward; and

WHEREAS, as to the threshold 50 percent requirement, as discussed above, approximately 8,317 sq. ft. of the site's total lot area is located within the C4-2A zoning district, which is more than the required 50 percent of lot area; and

WHEREAS, as to the first finding, the applicant represents that it would not be economically feasible to use or develop the R5 portion of the zoning lot for a permitted use; and

WHEREAS, specifically, the applicant states that the R5 portion is irregularly shaped, with a width of approximately 88 feet and a depth ranging from 38 feet to nearly zero feet at its narrowest point, and the applicable front, rear and side yard regulations would make it impossible to develop a complying building on the irregular site; and

WHEREAS, the applicant further states that the R5 portion of the site has a lot area of 1,198 sq. ft., which does not satisfy the minimum lot area requirement of at least 3,800 sq. ft. for detached residences and 1,700 sq. ft. for other residences in R5 districts; and

WHEREAS, based upon the above, the Board finds that it would not be economically feasible to use or develop the remaining portion of the zoning lot, zoned R5, for a permitted use; and

WHEREAS, as to the second finding, the applicant states that the proposed development is consistent with existing land use conditions and anticipated projects in the immediate area; and

WHEREAS, specifically, the applicant states that the PCE is operated in an existing building located primarily within a C4-2A zoning district, and that the surrounding buildings fronting Steinway Street predominantly contain offices and retail establishments; and

WHEREAS, accordingly, the Board finds that the proposed extension of the C4-2A zoning district portion of the lot into the R5 portion will not cause impairment of the essential character or the future use or development of the surrounding area, nor will it be detrimental to the public welfare; 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 proposed action 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, 73-52 and 73-03; and

WHEREAS, the Board notes that the PCE has been in operation since December 1, 2008, without a special permit; and

MINUTES

WHEREAS, accordingly, the Board has determined that the term of the grant shall be reduced for the period of time between December 1, 2008 and the date of this grant; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 17.2; 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.09BSA107Q, dated April 24, 2009; and

WHEREAS, the EAS documents that the operation of the PCE would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; 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, 73-52 and 73-03, to permit, on a site partially within a C4-2A zoning district and partially within an R5 zoning district, the extension of the C4-2A zoning district regulations 25 feet into the R5 zoning district, and the legalization of a PCE in the cellar, first floor, and second floor of a two-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received January 19, 2010" – three (3) sheets and "Received May 21, 2010" – one (1) sheet; and *on further condition*:

THAT the term of this grant shall expire on December 1, 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 all massages shall be performed by New York State licensed massage therapists;

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

THAT a Certificate of Occupancy shall be obtained by June 8, 2011;

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, June 8, 2010.

282-09-BZ CEQR #10-BSA-024Q

APPLICANT – Steven Williams, P.E., for KC&V Realty, LLC, owner; Richard Ortiz, lessee.

SUBJECT – Application October 7, 2009 – Special Permit (§73-36) to legalize the operation of a physical culture establishment (*Ritchie's Gym*) on the third floor of a four-story commercial building, C4-3 zoning district.

PREMISES AFFECTED – 54-19 Myrtle Avenue, northeast corner of Myrtle Avenue, intersection of Palmetto Street and Myrtle Avenue, Block 3445, Lot 9, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez4

Absent: Vice Chair Collins.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Superintendent, dated January 19, 2010, acting on Department of Buildings Application No. 420089353, reads:

“32-10. Proposed physical culture establishment is not permitted as of right in a C4-3 district, secure approval from Board of Standards and Appeals;” and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C4-3 zoning district, the legalization of a physical culture establishment (“PCE”) on the third floor of a four-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on March 2, 2010 after due notice by publication in *The City Record*, with a continued hearing on May 25, 2010 and May 25, 2010, and then to decision on June 8, 2010; and

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

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

MINUTES

WHEREAS, the subject site is located on the northeast corner of Myrtle Avenue and Palmetto Street, within a C4-3 zoning district; and

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

WHEREAS, the PCE occupies a total floor area of 6,150 sq. ft., comprising the entire third floor of the building; and

WHEREAS, the PCE is operated as Ritchie's Gym; and

WHEREAS, the proposed hours of operation 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 6:00 p.m.; and

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

WHEREAS, at hearing, the Board questioned whether the signage at the site, particularly the painted mural on the Palmetto Street side of the building, was in compliance with C4 district signage regulations, and directed the applicant to remove any non-complying signage; and

WHEREAS, in response, the applicant submitted photographs reflecting that the mural on Palmetto Street has been removed; and

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

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

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

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

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

WHEREAS, the Board notes that the PCE has been in operation since January 1, 2002, without a special permit; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 17.2; 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. 10-BSA-024Q, dated September 8, 2009; and

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

Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site within a C4-3 zoning district, the legalization of a physical culture establishment on the third floor of an existing four-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received February 11, 2010" – Four (4) sheets; and *on further condition*:

THAT the term of this grant shall expire on June 8, 2015;

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 signage shall comply with C4 district regulations;

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 a new Certificate of Occupancy shall be obtained by June 8, 2011;

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, June 8, 2010.

MINUTES

30-10-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Susan Shalitzky, owner.

SUBJECT – Application March 8, 2010 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to open space and floor area (§23-141) and less than the required rear yard (§23-47). R-2 zoning district. PREMISES AFFECTED – 1384 East 22nd Street, west side of East 22nd Street, between Avenues M and N, Block 7657, Lot 56, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lyra Altman.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez4

Absent: Vice Chair Collins.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated February 8, 2010, acting on Department of Buildings Application No. 320125342, reads:

“The proposed enlargement of the existing one-family residence in an R-2 zoning district:

1. Creates non-compliance with respect to floor area by exceeding the allowable floor area ratio and is contrary to Section 23-141 of the Zoning Resolution.
2. Creates non-compliance with respect to the open space ratio and is contrary to Section 23-141 of the Zoning Resolution.
3. Creates non-compliance with respect to the rear yard and is contrary to Section 23-47 of the Zoning Resolution;” and

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

WHEREAS, a public hearing was held on this application on May 11, 2010 after due notice by publication in *The City Record*, with a continued hearing on May 25, 2010, and then to decision on June 8, 2010; and

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

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

WHEREAS, a neighbor provided testimony in opposition to the application, citing concerns about the effect the enlargement would have on the adjacent property; and

WHEREAS, the subject site is located on the west side of East 22nd Street between Avenue M and Avenue N, in an

R2 zoning district; and

WHEREAS, the subject site has a total lot area of 4,000 sq. ft., and is occupied by a single-family home with a floor area of 2,085 sq. ft. (0.52 FAR); and

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

WHEREAS, the applicant seeks an increase in the floor area from 2,085 sq. ft. (0.52 FAR) to 4,046 sq. ft. (1.01 FAR); the maximum permitted floor area is 2,000 sq. ft. (0.50 FAR); and

WHEREAS, the applicant proposes to provide an open space ratio of 120 percent (150 percent is the minimum required); and

WHEREAS, the proposed enlargement will provide a rear yard with a depth of 20’-0” (a minimum rear yard of 30’-0” is required); and

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

WHEREAS, in response, the applicant submitted revised plans showing that portions of the foundation walls, first and second floor walls, and portions of the floor beams on the first and second floor are being retained; and

WHEREAS, as to the neighbor’s concerns, the Board notes that the proposal provides for complying side yards and fits within the permitted building envelope; and

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

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

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

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

Therefore it is resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622 and 73-03, to permit, within an R2 zoning district, the enlargement of a single-family home, which does not comply with the zoning requirements for FAR, open space ratio and rear yard, contrary to ZR §§ 23-141 and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked “Received March 8, 2010”-(3) sheets, “May 19, 2010”-(5) sheets, “May 26, 2010”-(6) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 4,046 sq. ft. (1.01

MINUTES

FAR); a maximum open space ratio of 120 percent; a side yard with a minimum width of 5'-0" along the northern lot line; a side yard with a minimum width of 8'-0" along the southern lot line; a rear yard with a minimum depth of 20'-0"; a maximum wall height of 23'-0", and a maximum total height of 37'-6", as illustrated on the BSA-approved plans;

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

THAT DOB shall review any porches for compliance;

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

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

THAT substantial construction be completed in accordance with ZR § 73-70; and

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

Adopted by the Board of Standards and Appeals, June 8, 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.

ACTION OF THE BOARD – Laid over to July 13, 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 July 13, 2010, at 1:30 P.M., for continued hearing.

254-09-BZ thru 256-09-BZ

APPLICANT – Ivan F. Khoury, for Kearney Realty Corporation, owner.

SUBJECT – Application September 4, 2009 – Variance (§72-21) to legalize three existing homes, contrary to front yard (§23-45) and rear yard (§23-47) regulations. R3-2 zoning district.

PREMISES AFFECTED – 101-03/05/07 Astoria Boulevard aka 27-31 Kearney Street, north side of Astoria Boulevard & northeasterly side of Kearney Street, Block 1659, Lot 51, 53, 56, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES –

For Applicant: Ivan F. Khoury and Rebecca Pytosh.

ACTION OF THE BOARD – Laid over to July 13, 2010 at 1:30 P.M., for continued hearing.

270-09-BZ

APPLICANT – Richard Lobel, for Jack Kameo, owner.

SUBJECT – Application September 21, 2009 – Variance (§72-21) for the construction of a single family home on a vacant corner lot, contrary to floor area (§23-141), side yards (§23-461) and front yard (§23-47). R4-1 zoning district.

PREMISES AFFECTED – 1910 Homecrest Avenue, Bound by East 12th Street and Homecrest Avenue, eastside of Avenue S, Block 7291, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

ACTION OF THE BOARD – Laid over to June 22, 2010, at 1:30 P.M., for continued hearing.

297-09-BZ

APPLICANT – Marvin Mitzner, Esq., for 180 Ludlow Development LLC, owner.

SUBJECT – Application October 20, 2009 – Variance (§72-21) to allow for the conversion of a recently constructed commercial building for residential use, contrary to rear yard regulations (§23-47). C4-4A zoning district.

PREMISES AFFECTED – 180 Ludlow Street, east side of Ludlow Street approximately 125' south of East Houston Street, Block 412, Lot 48, 49, 50, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES –

For Applicant: Ian Rasmussen.

ACTION OF THE BOARD – Laid over to August 24, 2010, at 1:30 P.M., for adjourned hearing.

MINUTES

13-10-BZ

APPLICANT – Eric Palatnik, P.C., for Yakov Platnikov, owner.

SUBJECT – Application January 27, 2010 – Special Permit (§73-622) for the enlargement of an existing two-family home to be converted to a single family home, contrary to lot coverage and floor area (§23-141); side yards (§23-461) and rear yard (§23-47). R3-1 zoning district.

PREMISES AFFECTED – 79 Amherst Street, east side of Amherst Street, north Hampton Avenue, Block 8727, Lot 24, Borough of Brooklyn.

COMMUNITY BOARD # 15BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to July 13, 2010, at 1:30 P.M., for continued hearing.

34-10-BZ

APPLICANT – James Chin & Associates, LLC, for Harry Tran, owner; Shu Ying Zhao, lessee.

SUBJECT – Application March 18, 2010 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*York Spa Beauty Care*) in the cellar and first floor of an existing five-story building. M1-5B zoning district.

PREMISES AFFECTED – 429 Broome Street, south side of Broome Street, from the corner formed by Broome and Crosby Street, Block 473, Lot 18, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Mindy Chin.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....4

Negative:.....0

Absent: Vice Chair Collins.....1

ACTION OF THE BOARD – Laid over to July 13, 2010, at 1:30 P.M., for decision, hearing closed.

40-10-BZ

APPLICANT – Sheldon Lobel, PC, for Campworth LLC, owner.

SUBJECT – Application March 22, 2010 – Variance (§72-21) to allow for an existing building to be converted for commercial use, contrary to ZR 22-10. C4-4A/R5B zoning district.

PREMISES AFFECTED – 150 Kenilworth Place, through-lot between Campus Road and Kenilworth Place, Block 7556, Lot 71, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Jordan Most and Babara Cohen.

ACTION OF THE BOARD – Laid over to July 13, 2010, at 1:30 P.M., for continued hearing.

48-10-BZ

APPLICANT – Rampulla Associates Architects, for Outerbridge Commons, LP, owner; 2965 Veterans Road West, owners.

SUBJECT – Application April 9, 2010 – Special Permit (§73-36) to allow a physical culture establishment (*Retro Fitness*). M1-1 zoning district/Special South Richmond District.

PREMISES AFFECTED – 2965 Veterans Road West, Veterans Road West and Tyrellan Avenue, Block 7511, Lots 1, 75 & 150, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Phillip Rampulla.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....4

Negative:.....0

Absent: Vice Chair Collins.....1

ACTION OF THE BOARD – Laid over to July 13, 2010, at 1:30 P.M., for decision, hearing closed.

59-10-BZ

APPLICANT – Sheldon Lobel, P.C., for Kaufman 8th Avenue Associates, owner; Bension Salon Inc., lessee.

SUBJECT – Application April 23, 2010 – Special Permit (§73-36) to allow a physical culture establishment (*Luxe Den Salon & Spa*). M1-6/C6-4M zoning district.

PREMISES AFFECTED – 519 Eighth Avenue, southwest corner of West 36th Street and Eighth Avenue, Block 759, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES –

For Applicant: Jordan Most.

ACTION OF THE BOARD – Laid over to July 27, 2010, at 1:30 P.M., for continued hearing.

Jeff Mulligan, Executive Director

Adjourned: P.M.