
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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DOCKET

New Case Filed Up to July 27, 2010

129-10-BZ

98-18 103rd Avenue, At the cross street of 103rd Avenue and 99th Street., Block 9121, Lot(s) 9, Borough of **Queens, Community Board: .** Special Permit (73-36) to legalize the operation of a physical culture establishment. M1-2 district.

130-10-BZ

1153 85th Street, North side of 85th Street between 11th and 12th Avenue., Block 6320, Lot(s) 56, Borough of **Brooklyn, Community Board: 10.** Special Permit (73-622) for the enlargement of a single family home. R3X district.

131-10-BZ

841 Broadway, Northwest corner of Broadway and East 13th Street., Block 565, Lot(s) 15, Borough of **Manhattan, Community Board: 2.** Special Permit (73-36) to allow legalization of a physical culture establishment. C6-4(US)/C6-1 district.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

AUGUST 17, 2010, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, August 17, 2010, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

637-74-BZ

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

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

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

COMMUNITY BOARD #6M

221-97-BZ

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

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

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

COMMUNITY BOARD #6M

136-01-BZ

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

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

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

COMMUNITY BOARD #1Q

APPEALS CALENDAR

110-10-BZY

APPLICANT – Cozen O’Connor, for Landmark Developers of Rockaway, owners.

SUBJECT – Application June 18, 2010 – Extension of time (11-332) to complete construction of a minor development commenced under the prior R6 zoning. R5A zoning district
PREMISES AFFECTED – 93-06 Shore Front Parkway, north side of Shore Front Parkway from B.94th to B.93rd Street, Block 16130, Lot 11, Borough of Queens.

COMMUNITY BOARD #14Q

123-10-A

APPLICANT – Fire Department of the city of New York
OWNER – DiLorenzo Realty Corporation

LESSESS – Flair Display Incorporated
SUBJECT – Application July 6, 2010 – Modification of existing certificate of occupancy for installation of automatic sprinkler system.

PREMISES AFFECTED – 3931 Mulvey Avenue, 301.75’ north of East 233rd Street. Block 4972, Lot 60, Borough of the Bronx.

COMMUNITY BOARD #12BX

124-10-A

APPLICANT – Fire Department of the city of New York
OWNER – DiLorenzo Realty Corporation

LESSESS – Flair Display Incorporated
SUBJECT – Application July 6, 2010 – Modification of existing certificate of occupancy for installation of automatic sprinkler system.

PREMISES AFFECTED – 3927 Mulvey Avenue, 301.75’ north of East 233rd Street. Block 4972, Lot 162, Borough of the Bronx.

COMMUNITY BOARD #12BX

CALENDAR

AUGUST 17, 2010, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, August 17, 2010, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

277-07-BZ

APPLICANT – Miele Associates, LLP, for Barnik Associates LLC & Lama Holdings, LLC, owner.

SUBJECT – Application December 3, 2007 – Variance (§72-21) proposed to erect a one story Automotive Service Station with accessory convenience store and metal canopy over pump islands on a lot located in a R3-1 zoning district contrary to §22-10 of the Zoning Resolution.

PREMISES AFFECTED – 165-35 North Conduit Avenue, North west corner of North Conduit Avenue & Guy R, Brewer Boulevard. Block 12318, Lot 10, Borough of Queens.

COMMUNITY BOARD #12Q

60-10-BZ

APPLICANT – Sheldon Lobel, P.C., for Soho Thompson Realty, LLC, owner.

SUBJECT – Application April 26, 2010 – Variance (§72-21) to allow for a commercial use below the floor level of the second story, contrary to ZR 42-14(D)(2)(b). M1-5B zoning district.

PREMISES AFFECTED – 54 Thompson Street, northeast corner of Thompson Street and Broome Street, Block 488, Lot 7501, Borough of Manhattan.

COMMUNITY BOARD #2M

99-10-BZ

APPLICANT – Fridman Saks, LLP for Dora Weiss, owner.

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

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

COMMUNITY BOARD #15BK

106-10-BZ

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

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

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

COMMUNITY BOARD #5M

Jeff Mulligan, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, JULY 27, 2010
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

803-61-BZ

APPLICANT – Eric Palatnik, P.C., for Phillip and Martin Blessinger, owner; BP Products North America, Incorporated, lessee.

SUBJECT – Application April 27, 2010 – Extension of Term for the continued use of a Gasoline Service Station (*British Petroleum*) which expires on November 14, 2011; Waiver of the Rules. C2-1/R3-2 zoning districts.

PREMISES AFFECTED – 1416 Hylan Boulevard, corner of Hylan Boulevard, corner of Hylan Boulevard and Reid Avenue, Block 3350, Lot 30, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Todd Dale.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of term for the continued use of an automobile service station, which expires November 14, 2011; and

WHEREAS, a public hearing was held on this application on April 27, 2010, after due notice by publication in *The City Record*, with continued hearings on May 25, 2010 and June 22, 2010, and then to decision on July 27, 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 2, Staten Island, recommends approval of this application; and

WHEREAS, the site is located on the southeast corner of Reid Avenue and Hylan Boulevard, within a C2-1 (R3-2) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since November 14, 1961 when, under the subject calendar number, the Board granted a variance to permit the premises to be occupied by a gasoline service station, lubricatorium, car washing, minor motor vehicle repairs with hand tools only, sale of accessories, and the

parking of more than five motor vehicles, for a term of 20 years; and

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

WHEREAS, on June 9, 1992, the Board granted an extension of term for ten years from the expiration of the prior grant, and permitted the replacement of the existing gasoline pumps and canopy, an enlargement to the existing building to accommodate an attendant's booth, and the rearrangement of the curb cut along Reid Avenue; and

WHEREAS, most recently, on December 9, 2003, the Board granted an extension of term for ten years from the expiration of the prior grant, to expire November 14, 2011; and

WHEREAS, the applicant now requests an additional ten-year term; and

WHEREAS, at hearing, the Board requested that the applicant confirm that the signage on the site is compliant with C2 district regulations; and

WHEREAS, in response, the applicant submitted photographs reflecting that excess signage has been removed, and states that the signage complies with C2 district regulations; and

WHEREAS, pursuant to ZR § 11-411, the Board may permit an extension of term; and

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

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated November 14, 1961, so that as amended this portion of the resolution shall read: "to extend the term for ten years from the date of this grant, to expire on July 27, 2020; *on condition* that all use and operations shall substantially conform to plans filed with this application marked 'Received April 12, 2010' – (3) sheets and 'June 30, 2010'-(1) sheet; and *on further condition*:

THAT the term of the grant shall expire on July 27, 2020;

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

THAT a new certificate of occupancy shall be obtained by July 27, 2011;

THAT signage shall comply with C2 zoning district regulations;

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

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. 520026971)

Adopted by the Board of Standards and Appeals July 27, 2010.

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617-80-BZ

APPLICANT – Eric Palatnik, P.C. for J & S Simcha, Incorporated, owner.

SUBJECT – Application February 5, 2010 – Extension of Term of a previously granted Variance (§72-21) of a UG9 catering establishment which expires on December 9, 2010; an Amendment to the interior layout; Extension of Time to Complete Construction and to obtain a Certificate of Occupancy which expires on March 14, 2010 and Waiver of the Rules. M1-1 zoning district.

PREMISES AFFECTED – 770/780 McDonald Avenue, West side of McDonald Avenue, 20' south of Ditmas Avenue. Block 5394, Lots 1 & 11, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Todd Dale.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a re-opening, an extension of term of a previously granted variance for a Use Group 9 catering establishment, which expires on December 9, 2010, an amendment to the previously-approved plans, and an extension of time to complete construction and obtain a certificate of occupancy, which expired on March 14, 2010; and

WHEREAS, a public hearing was held on this application on March 9, 2010, after due notice by publication in *The City Record*, with continued hearings on April 13, 2010, May 18, 2010, and June 22, 2010, and then to decision on July 27, 2010; and

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

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

WHEREAS, the subject premises is located on the west side of McDonald Avenue between Ditmas Avenue and Avenue F, within an M1-1 zoning district; and

WHEREAS, the site is occupied by a catering establishment building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since September 9, 1980 when, under the subject calendar number, the Board granted a variance pursuant to ZR § 72-21, to legalize the enlargement of an existing building used by a catering establishment, which exceeded the permitted floor area ratio, encroached into the rear yard, and had less than the required accessory parking, for a term of ten years; and

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

WHEREAS, on July 24, 2001, the Board granted an

extension of term and approved an amendment to the plans to permit certain modifications including a height increase of 5'-0" to accommodate an air conditioning system and the addition of an elevator, which expires on December 9, 2010; and

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

WHEREAS, most recently, on April 8, 2008, the Board permitted a two-year extension of time to complete construction and obtain a certificate of occupancy, which expired on March 14, 2010; and

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

WHEREAS, the applicant represents that all previously approved construction at the site has been completed, but that an extension of time is necessary because a certificate of occupancy has not been obtained; and

WHEREAS, the applicant also requests an amendment to permit the installation of a wrought iron fence and planting area at the front of the site along McDonald Avenue, as well as minor changes to the interior layout of the building and the design of the façade, and to remove the condition from the resolution requiring that valet parking be provided on Block 5384, Lot 51; and

WHEREAS, at hearing, the Board raised concerns that the proposed fence at the front of the site was located on the public sidewalk; and

WHEREAS, in response, the applicant acknowledges that the fence is located on the public sidewalk, rather than the subject zoning lot, and submitted a copy of its petition for a revocable consent made to the Department of Transportation ("DOT") to approve the subject fence which encroaches onto City property; and

WHEREAS, the Board does not have the authority to approve the fence encroachment and directed the applicant to remove the fence and planting area from its plans pending the outcome of its petition to DOT for a revocable consent; and

WHEREAS, in response, the applicant submitted revised plans reflecting the removal of the fence and planting area along McDonald Avenue; and

WHEREAS, the Board notes that previous resolutions required the applicant to provide valet parking at 487 Dahill Road (Block 5384, Lot 51), and questioned the applicant's request to remove the condition related to valet parking; and

WHEREAS, in response, the applicant states that it still maintains the separate parking lot located at 487 Dahill Road, but states that valet parking is no longer necessary as the majority of patrons drive to the parking lot and walk from the lot to the subject site, which is approximately one block away; and

WHEREAS, further, the Board questioned whether the applicant was providing sufficient parking in the surrounding area; and

WHEREAS, in response, the applicant submitted a plot plan reflecting that it will continue to maintain the separate parking lot approximately one block from the site, at 487 Dahill Road, which has the capacity to hold 21 vehicles; the

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applicant represents that an on-site attendant will be provided to maneuver the vehicles in and out of the lot as needed; and

WHEREAS, the applicant notes that the site is a religious-themed, community-centered catering hall, and the vast majority of attendants to events arrive on foot, which limits the parking needs at the site; and

WHEREAS, the applicant states that all of the catering hall's events occur during the evening hours with the exception of Bris events, which occur in the morning from 6:00 a.m. to 9:00 a.m. and are easily accommodated either in the off-site parking lot or on the numerous on-street parking spaces that are available at that hour, and that although the facility opens for evening events at 4:00 p.m. Monday through Thursday, the events themselves do not typically begin until 8:00 p.m., with guests arriving at 6:00 p.m. or later; and

WHEREAS, the applicant submitted a parking study which reflects that during the peak evening hours after 7:00 p.m., approximately 243 parking spaces become available to patrons of the catering hall, and that an estimated 198 on-street spaces are available during the evening in close proximity to the site; and

WHEREAS, the applicant concludes that between the 21 off-site accessory parking spaces provided for its patrons at 487 Dahill Road and the availability of numerous on-street parking spaces during the catering hall's evening peak hours, sufficient parking is provided at the subject site; and

WHEREAS, at hearing, the Board raised concerns about violations issued for the roll-down gate located at the back loading area of the site; and

WHEREAS, in response, the applicant submitted revised plans reflecting that the roll-down gate has been removed; and

WHEREAS, based upon the above, the Board finds the requested extensions and amendments appropriate, with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, as adopted on September 9, 1980, and as subsequently extended and amended, so that as amended this portion of the resolution shall read: "to extend the term for a period of ten years from the date of this grant, to expire on July 27, 2020, to extend the time to complete construction and obtain a certificate of occupancy for one year from the date of this grant, to expire on July 27, 2011, and to permit the noted amendments to the previously-approved plans; *on condition* that the use shall substantially conform to drawings as filed with this application, marked 'Received June 8, 2010'-(7) sheets; and *on further condition*:

THAT the term of this grant shall expire on July 27, 2020;

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

THAT a certificate of occupancy shall be obtained by July 27, 2011;

THAT all *conditions from prior resolutions not specifically waived* by the Board remain in effect and shall be listed on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other

jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted." (DOB Application No. 300540029)

Adopted by the Board of Standards and Appeals, July 27, 2010.

189-96-BZ

APPLICANT – John C. Chen, for Ping Yee, owner; Edith D'Angelo-Cnandonga, lessee.

SUBJECT – Application March 15, 2010 – Extension of Term for a previously granted Special Permit (§73-244) of a UG12 Eating and Drinking establishment with entertainment and dancing (*Flamingos*) which expires on May 19, 2010. C2-3/R6 zoning district.

PREMISES AFFECTED – 85-12 Roosevelt Avenue, south side of Roosevelt Avenue 58' eastside of Forley Street, Block 1502, Lot 3, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES –

For Applicant: John C. Chen.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a re-opening and an extension of term of a previously granted special permit for an eating and drinking establishment without restrictions on entertainment (UG 12A), which expired on May 19, 2010, and an amendment to permit minor changes to the first floor layout and the installation of employee lockers in the cellar; 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 June 22, 2010, and then to decision on July 27, 2010; and

WHEREAS, Community Board 4, Queens, recommends disapproval of this application, citing the following concerns: (1) the potential capacity at the site is too high; (2) the use of the site does not fit within the residential character of the surrounding area; (3) parking is inadequate; and (4) the site is not being used as an eating and drinking establishment; and

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

WHEREAS, the subject site is located on the northwest corner of Roosevelt Avenue and Forley Street, with 40 feet of frontage along Roosevelt Avenue and 50 feet of frontage along Forley Street; and

WHEREAS, the site is occupied by an eating and drinking establishment with entertainment, operated as

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Flamingos; and

WHEREAS, the Board has exercised jurisdiction over the subject site since May 19, 1999, when, under the subject calendar number, the Board granted a special permit under ZR § 73-244 to permit the legalization of an existing eating and drinking establishment with entertainment and dancing; and

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

WHEREAS, most recently, on July 17, 2007, the Board granted an additional three-year term and amended the grant to permit an increase in the occupancy from 190 to 200 persons, the conversion of the second floor space from a catering establishment to offices, and minor changes to the interior layout of the site, which expired on May 19, 2010; and

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

WHEREAS, the applicant also seeks to amend the grant to permit an adjustment to the first floor dancing space and the installation of employee lockers in the cellar; and

WHEREAS, although the Community Board expressed concerns about the total occupancy of 400 persons in the premises (200 in the eating and drinking establishment and an additional 200 in the cellar waiting area), the Board notes that the special permit requires that “a minimum of four square feet of waiting area within the zoning lot shall be provided for each person permitted under the occupant capacity” and that therefore the provision of a waiting area for 200 persons is required in order to meet the findings for the special permit; and

WHEREAS, at hearing, the Board questioned whether the applicant was in compliance with a condition of the original grant requiring the applicant to reserve parking for a minimum of 35 cars for patron parking at the parking garage located at 86-10 Roosevelt Avenue; and

WHEREAS, in response to the parking concerns raised by the Board and the Community Board, the applicant submitted an affidavit from the owner of the parking garage at 86-10 Roosevelt Avenue, stating that the garage had 50 parking spaces reserved for patrons of the subject establishment during its hours of operation; and

WHEREAS, at hearing, the Board directed the applicant to remove graffiti located on the top of the roof parapet facing Roosevelt Avenue; and

WHEREAS, in response, the applicant submitted a photograph reflecting that the graffiti has been removed; and

WHEREAS, in response to the Community Board’s concerns about noise at the site, the applicant submitted a contract reflecting that soundproof windows and doors have been installed on the first floor of the site; and

WHEREAS, based upon the above, the Board finds the requested extension and amendment appropriate, with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, as adopted on May 19, 1999, and as subsequently extended and amended, so that as amended this portion of the resolution shall read: “to extend the term for a period of three years from May 19, 2010, to expire on May 19, 2013, *on condition* that the use shall

substantially conform to drawings as filed with this application, marked ‘Received March 15, 2010’–(5) sheets; and *on further condition*:

THAT the term of this grant shall expire on May 19, 2013;

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

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect and shall be listed on the certificate of occupancy;

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.” (DOB Application No. 401982075)

Adopted by the Board of Standards and Appeals, July 27, 2010.

395-60-BZ

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

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

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

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Elizabeth Safien.

ACTION OF THE BOARD – Laid over to August 24, 2010, at 10 A.M., for continued hearing.

16-92-BZ

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

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

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

COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Sheldon Lobel.

For Opposition: Molly Rouzie, Jozsef Keinal, Risha Gorig, Michael C. Cox, Harriet Zucker and other.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to August 24, 2010, at 10 A.M., for decision, hearing closed.

11-93-BZ

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

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

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

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Elizabeth Safien.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to September 14, 2010, at 10 A.M., for decision, hearing closed.

200-98-BZ

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

SUBJECT – Application July 27, 2010 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of a Physical Culture Establishment (*New York Sports Club*) which expired on April 30, 2008; Waiver of the Rules. C5-3(Mid) zoning district.

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

COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: Lyra Atman.

ACTION OF THE BOARD – Laid over to August 17, 2010, at 10 A.M., for continued hearing.

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

APPEARANCES –

For Applicant: Josh Rhinesmith.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to August 17, 2010, at 10 A.M., for decision, hearing closed.

290-99-BZ

APPLICANT – Rothkrug, Rothkrut & Spector, for Almi Greenwich Associates, owner; Equinox Fitness Club, lessee.

SUBJECT – Application April 6, 2010 – Extension of Term of a previously granted Variance (§72-21) for the continued operation of a Physical Culture Establishment (*Equinox*) which expired on March 28, 2010. C1-6/R6 zoning district.

PREMISES AFFECTED – 99/101 Greenwich Avenue, south west corner of Greenwich Avenue and West 12th Street, Block 615, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES –

For Applicant: Todd Dale.

ACTION OF THE BOARD – Laid over to August 17, 2010, at 10 A.M., for continued hearing.

APPEALS CALENDAR

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: Abiguil Patterson.

For Opposition: Paul Selver and John Banks.

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For Administration: Mark Davis, Department of Buildings.
THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to
September 14, 2010, at 10 A.M., for decision, hearing
closed.

217-09-A

APPLICANT – Marvin B. Mitzner, Esq., for 514-516 East
6th Street, owner.

SUBJECT – Application July 7, 2009 – An appeal seeking
to vary the applicable provisions under the Multiple
Dwelling Law as it applies to the enlargement of non-
fireproof tenement buildings. R7-2 zoning district.

PREMISES AFFECTED – 514-516 East 6th Street, south
side of East 6th Street, between Avenue A and B, Block 401,
Lots 17 and 18, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES –

For Applicant: Marvin B. Mitzner.

THE VOTE TO REOPEN HEARING –

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

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to August 3,
2010, at 10 A.M., for decision, hearing closed.

237-09-A & 238-09-A

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

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

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

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Todd Dale.

ACTION OF THE BOARD – Laid over to
September 14, 2010, at 10 A.M., for continued hearing.

10-10-A

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

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

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

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Lyra Altman.

ACTION OF THE BOARD – Laid over to August
24, 2010, at 10 A.M., for deferred decision.

Jeff Mulligan, Executive Director

Adjourned: P.M.

REGULAR MEETING TUESDAY AFTERNOON, JULY 27, 2010 1:30 P.M.

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

ZONING CALENDAR

326-09-BZ

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

SUBJECT – Application December 11, 2009 – Special
Permit (§73-66) to allow for the development of four mixed
use buildings (Flushing Commons) which exceed the height
regulations around airports, contrary to §61-21. 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

APPEARANCES –

For Applicant: Judith Gallent.

ACTION OF THE BOARD – Application granted on
condition.

THE VOTE TO GRANT –

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

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough

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Commissioner, dated November 12, 2009, acting on Department of Buildings Application No. 410186427, reads in pertinent part:

“Proposed height of building exceeds maximum allowable height as per Section 61-21 of the NYC Zoning Resolution;” and

WHEREAS, this is an application under ZR §§ 73-66 and 73-03, to permit, within a C4-3 zoning district, the construction of four buildings which exceed the maximum height limits around airports, contrary to ZR § 61-21; and

WHEREAS, a public hearing was held on this application on June 22, 2010, after due notice by publication in *The City Record*, and then to decision on July 27, 2010; and

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

WHEREAS, the applicant proposes to construct a mixed-use residential/commercial/ community facility development in Downtown Flushing, known as the Flushing Commons, with four buildings that exceed the height limits established under ZR § 73-66, including: (1) a 17-story mixed-use L-shaped building located at the northwest corner of the site with frontage on both 38th Avenue and 138th Street (“Building A”); (2) a 17-story mixed-use building constructed on the same base as Building A (“Building B”); (3) a 16-story mixed-use building located on the southeastern corner of the site with frontage on 39th Avenue near Union Street (“Building C”); and (4) a 13-story office or hotel building located adjacent to Building C and sharing the same base (“Building D”) 1; and

WHEREAS, the applicant notes that the proposed buildings are part of the City’s larger redevelopment plan for Municipal Lot 1, and are the subject of several Uniform Land Use Review Procedure applications seeking, among other things: (1) the disposition of the City-owned site to the New York City Economic Development Corporation for eventual disposition to Flushing Commons LLC; (2) the rezoning of the entire site from a C4-3 zoning district to a C4-4 zoning district; (3) special permits pursuant to ZR §§ 74-743 and 74-744 for waivers of regulations governing height and setback, rear yard equivalent, rear yard setback, location of uses within buildings, minimum distance between buildings, and open space; and (4) a special permit pursuant to ZR § 74-52 for a public parking garage; and

WHEREAS, Community Board 7, Queens, recommends approval of this application, in conjunction

with applications before the City Planning Commission and the City Council, with the condition that the Board follow the Committee Report and the Letter of Agreement from Deputy Mayor Robert Lieber dated April 5, 2010; and

WHEREAS, the Queens Borough President Helen Marshall recommends approval of this application, with conditions related to the overall development of the site; and

WHEREAS, the subject site is located on the majority of the block bounded by 138th Street to the west, 37th Avenue to the north, 39th Avenue to the south and Union Street to the east, within a C4-3 zoning district; and

WHEREAS, the site is currently occupied by a 5.5-acre City-owned parking lot known as Municipal Lot 1; and

WHEREAS, the Board notes that ZR § 61-21 (Restriction on Highest Projection of Building or Structure) restricts the height of buildings or structures within designated flight obstruction areas; and

WHEREAS, specifically, the provision sets forth that the highest projection of any building or structure may not penetrate the most restrictive of either approach surfaces, transitional surfaces, horizontal surfaces, or conical surfaces, within an Airport Approach District of a flight obstruction area; and it may not penetrate the horizontal surface or conical surface within the Airport Circling District of the flight obstruction area; and

WHEREAS, however, pursuant to ZR § 73-66 (Height Regulations around Airports) the Board may grant a special permit to permit construction in excess of the height limits established under ZR §§ 61-21 (Restriction on Highest Projection of Building or Structure) or 61-22 (Permitted Projection within any Flight Obstruction Area), only (1) subsequent to the applicant submitting a site plan, with elevations, reflecting the proposed construction in relation to such maximum height limits, and (2) if the Board finds that the proposed would not create danger and would not disrupt established airways; and

WHEREAS, the provision also provides that, in its review, the Board shall refer the application to the Federal Aeronautics Administration (FAA) for a report as to whether such construction will constitute a danger or disrupt established airways; and

WHEREAS, as to the information submitted by the applicant, the Board notes that the applicant submitted a site plan with elevations reflecting the proposed construction, which includes information about the maximum as-of-right height and the maximum height approved by the FAA for each building; and

WHEREAS, as to the Board’s determination about the safety of the proposed construction with regard to the proximity to the airport, the Board notes that the FAA regulates the heights of buildings within proximity to airports and that since the subject site is located within the flight obstruction area for LaGuardia Airport, it falls within the area regulated by the FAA; and

WHEREAS, the applicant represents that it filed applications with the FAA for review and approval of the four buildings, and the FAA issued a Determination of No Hazard to Air Navigation, approving the proposed buildings

1 For zoning purposes, the proposal consists of three separate buildings that contain five building segments: (1) Building A and Building B, which share a podium and therefore constitute a single building for zoning purposes; (2) Building C and Building D, which also share a podium and therefore constitute a single building for zoning purposes; and (3) Building E, which does not exceed the height limits of ZR § 73-66 and therefore is not a part of this application.

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on August 13, 2009; and

WHEREAS, the applicant notes that each of the buildings were assigned separate latitude and longitude coordinates for the highest points on each building, and that Building C received two separate latitude and longitude coordinates due to its varying height and multiple elevation points; therefore, Building C is identified by the FAA as Building C and D, and Building D is identified by the FAA as Building E; and

WHEREAS, the proposed heights for the buildings are: 204 feet Above Ground Level (“AGL”) and 241 feet Above Mean Sea Level (“AMSL”) for Building A (FAA Building A); 196 feet AGL and 246 feet AMSL for Building B (FAA Building B); 200 feet AGL and 251 feet to 253 feet AMSL for Building C (FAA Building C and D); and 199 feet AGL and 254 feet AMSL for Building D (FAA Building E); and

WHEREAS, the maximum heights approved by the FAA are: 204 feet AGL and 241 feet AMSL for Building A (FAA Building A); 196 feet AGL and 246 feet AMSL for Building B (FAA Building B); 200 feet AGL and 251 feet to 253 feet AMSL for Building C (FAA Building C and D); and 199 feet AGL and 254 feet AMSL for Building D (FAA Building E); and

WHEREAS, the Board notes that the FAA-approved height includes all appurtenances to the building; and

WHEREAS, accordingly, the Board notes that the proposed building heights are equal to those approved by the FAA; and

WHEREAS, the Board notes that the FAA regulations are similar to those found in the ZR but differ slightly based on updated reference points and runway elevations; and

WHEREAS, the applicant has also submitted requests for approval to the Port Authority of New York/New Jersey (PA), which operates LaGuardia Airport; and

WHEREAS, as reflected in a no objection letter dated February 22, 2010, the PA approves of the project and references the FAA reports; and

WHEREAS, the Board notes that its review was limited to the request for an increase in height above that permitted as-of-right, pursuant to the special permit; and

WHEREAS, based upon the above, 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 §§ 73-66 and 73-03; and

WHEREAS, the Board notes that the FAA report states that there is a requirement that the FAA be notified ten days prior to the start of construction (Part I) and five days after construction reaches its greatest height (Part II); and

WHEREAS, the project is classified as a Type I action pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Office of the Deputy Mayor for Economic Development, as Lead Agency, has conducted an

environmental review of the proposed action before the Board, and of the related actions noted above, and has documented relevant information about the project in the Final Environmental Impact Statement (FEIS) CEQR No. 06DME010Q, dated June 11, 2010; and

WHEREAS, the FEIS documents that the project as proposed would have adverse impacts on Open Space, Historic Resources, Shadows, Traffic and Parking, and Transit and Pedestrians, and identifies measures to mitigate the impacts;; and

WHEREAS, the FEIS concludes that the proposed measures are sufficient to mitigate the majority of the adverse impacts of the project.

Therefore it is Resolved, that the Board of Standards and Appeals adopts the CEQR determination of the Office of the Deputy Mayor for Economic Development and makes each and every one of the required findings under ZR §§ 73-66 and 73-03, to permit, within a C4-3 zoning district, the construction of four buildings in a mixed-use residential/commercial/community facility development which exceed the maximum height limits around airports contrary to ZR § 61-21; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted filed with this application marked “Received July 8, 2010”- twenty one (21) sheets and *on further condition*:

THAT the maximum height of the buildings, including all appurtenances, shall be as follows: Building A (FAA Building A) - 204 feet AGL and 241 feet AMSL; Building B (FAA Building B) - 196 feet AGL and 246 feet AMSL; Building C (FAA Building C and D) - 200 feet AGL and 251 feet to 253 feet AMSL; and Building D (FAA Building E) - 199 feet AGL and 254 feet AMSL;

THAT the relief granted is only that associated with ZR § 73-66 and all construction at the site shall be as approved by DOB and must comply with all relevant Building Code and zoning district regulations;

THAT the applicant must comply with all FAA notification requirements associated with the construction at the site;

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 of 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, July 27, 2010.

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22-10-BZ

CEQR #10-BSA-048K

APPLICANT – Harold Weinberg, P.E., for RP Canarsie, LLC, owner; Sunshine Childrens Day Care, lessee.

SUBJECT – Application February 17, 2010 – Special Permit (§73-19) to allow the proposed one-story day care center (*Sunshine Day Care*). C8 zoning district.

PREMISES AFFECTED – 620 East 102nd Street, west side between Farragut Road and Glenwood Road, Block 8170, Lot 42, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES –

For Applicant: Frank Sellitto.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated February 16, 2010, acting on Department of Buildings Application No. 301887929 reads in pertinent part:

“The proposed change in use to a day care center-school in Use Group 3 in a C8-1 zoning district is contrary to Section 32-00 of the Zoning Resolution;”
and

WHEREAS, this is an application under ZR §§ 73-19 and 73-03 to permit, on a site within a C8-1 zoning district, the proposed operation of a daycare center (Use Group 3), contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on June 15, 2010, after due notice by publication in the *City Record*, with a continued hearing on July 13, 2010, and then to decision on July 27, 2010; and

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

WHEREAS, Community Board 18, Brooklyn, recommends approval of this application; and

WHEREAS, the application is brought on behalf of Sunshine Children’s Day Care, a private daycare operator; and

WHEREAS, the site is located on the south side of East 102nd Street, between Farragut Road and Glenwood Road, within a C8-1 zoning district; and

WHEREAS, the site has a lot area of 9,657 sq. ft.; and

WHEREAS, the site is currently occupied by a one-story commercial building with a floor area of approximately 6,343 sq. ft.; and

WHEREAS, the proposed day care center will occupy the entire building, with an accessory parking lot with nine spaces along the western side of the site and open space occupied by a play area at the eastern side of the site; and

WHEREAS, the applicant states that the proposed building will be occupied by an estimated 156 people, including students from three months to five years old, and employees; and

WHEREAS, the applicant states that the proposed daycare use meets the ZR § 12-10 definition of a school, as it is will operate “under a permit issued pursuant to Section 47.03 of the New York City Health Code;” 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 a C8 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’s program requires a minimum lot area of 8,000 sq. ft. and a building with a floor area of at least 6,000 sq. ft.; and

WHEREAS, the applicant further states that the proposed daycare center has an additional programmatic need of being located within the Canarsie neighborhood of Brooklyn, as there are currently no similar uses in the surrounding area; and

WHEREAS, the applicant represents that it conducted a site search, during which it specifically evaluated the feasibility of two Brooklyn buildings located in zoning districts where the proposed daycare center would be permitted as-of-right: 849 East 59th Street and 867 East 98th Street; and

WHEREAS, the applicant states that 849 East 59th Street was found to be structurally unsound, as the building was in poor and unsafe physical condition, and 867 East 98th Street had a lot area of 6,000 sq. ft., which was found to be an insufficient size to accommodate the daycare center’s programmatic needs; and

WHEREAS, the applicant also provided a land use map showing the vacant lots within the catchment area of the daycare center, and found six vacant lots located within a residential zoning district, between the area bounded by Avenue D, East 108th Street, Avenue M, East 96th Street and Farragut Road; and

WHEREAS, however, the applicant states that five of the vacant lots had a lot area below 8,000 sq. ft. and were therefore insufficient in size for the daycare center’s programmatic needs, and the sixth site is occupied by a community garden owned by the Department of Parks and Recreation; and

WHEREAS, the applicant maintains that the results of the site search reflect 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, accordingly, the Board finds that the requirements of ZR § 73-19 (a) are met; and

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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 land use map which reflects that an R5 zoning district is located directly across the street from the subject premises on East 102nd Street; therefore the site is within 400 feet of an R5 zoning district 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 states that the subject block, directly to the south of the site, consists of an open area occupied by a car storage yard for the NYC Transit Authority, but represents that the noise produced at this site is intermittent and is mitigated by the fact that the Transit Authority site is located approximately ten feet below grade, creating a disparity in elevations with the subject site; and

WHEREAS, the applicant further states that Block 8171, located immediately to the north of the site across East 102nd Street, is within an R5 zoning district and consists entirely of one- and two-family homes which are compatible with the proposed daycare center use; and

WHEREAS, the applicant states that adequate separation from noise, traffic and other adverse effects of the surrounding C8-1 zoning district will be provided through the building's existing masonry walls and double-glazed windows; and

WHEREAS, the applicant represents that any adverse effects of the C8-1 zoning district will be further attenuated through the addition of a vestibule at each entrance along East 102nd Street, to better ensure safety and the reduction of street noise at the proposed daycare center; and

WHEREAS, the Board finds that the conditions surrounding the site and the construction of the building will adequately separate the daycare center from noise, traffic and other adverse effects of any of the uses within the surrounding C8-1 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 represents that East 102nd Street is a lightly traveled one-way street which ends at Farragut Road, such that it is not subject to significant amounts of traffic traveling through the neighborhood; and

WHEREAS, the applicant states that all of the children at the proposed daycare center will be five years old or younger, and therefore most, if not all, are expected to be dropped off by their parents via automobile; and

WHEREAS, the applicant notes that the proposed daycare center will provide an on-site parking lot so that vehicular traffic can off-load on the site and not block traffic; and

WHEREAS, the applicant represents that it will seek to have the street in front of the daycare center approved by the Department of Transportation for a no parking zone during the daycare center's hours of operation; however, the applicant states that even if this is not possible, the 60-ft. width of East 102nd Street is sufficient to accommodate both a travel lane and space for cars arriving at the daycare center to drop off children; and

WHEREAS, the Board finds that the above-mentioned measures maintain safe conditions for 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 project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board conducted an environmental review of the proposed action and documented relevant information about the project in the Final Environmental Assessment Statement (EAS) 10BSA048K, dated June 15, 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, based on the results of noise monitoring, a minimum of 20 dBA window-wall attenuation 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 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 §§ 73-19 and 73-03 and grants a special permit, to allow the proposed operation of a daycare center (Use Group 3), on a site within a

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C8-1 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 12, 2010"-(5) sheets; and *on further condition*:

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 a minimum of 20 dBA window-wall attenuation shall be maintained in order to achieve an interior noise level of 45 dBA;

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, July 27, 2010.

37-10-BZ

APPLICANT – Eric Palatnik, P.C., for Hadassah Bakst, owner.

SUBJECT – Application March 22, 2010 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, open space (23-141); side yard (23-461) and rear yard (23-47). R2 zoning district.

PREMISES AFFECTED – 1230 East 27th Street, south of Avenue L, Block 7644, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Hiram Rothkrug.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated March 15, 2010, acting on Department of Buildings Application No. 320123978, reads:

1. Proposed plans are contrary to ZR 23-141(a) in that the proposed Floor Area Ratio (FAR) exceeds the permitted 50%.
2. Proposed plans are contrary to ZR 23-141(a) in that the proposed Open Space Ratio (OSR) is less than the required 150%.
3. Plans are contrary to ZR 23-461(a) in that the existing minimum side yard is less than the required minimum 5'-0".

4. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than 30'-0";" and

WHEREAS, this is an application under 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, side yards and rear yard, contrary to ZR §§ 23-141, 23-461 and 23-47; and

WHEREAS, a public hearing was held on this application on May 18, 2010 after due notice by publication in *The City Record*, with a continued hearing on June 22, 2010, and then to decision on July 27, 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, with the condition that the FAR not exceed 1.0; and

WHEREAS, the subject site is located on the west side of East 27th Street, between Avenue L and Avenue M, within an R2 zoning district; and

WHEREAS, the subject site has a total lot area of 2,500 sq. ft., and is occupied by a single-family home with a floor area of 1,753 sq. ft. (0.70 FAR); and

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

WHEREAS, the applicant seeks an increase in the floor area from 1,753 sq. ft. (0.70 FAR) to 2,555 sq. ft. (1.02 FAR); the maximum permitted floor area is 1,250 sq. ft. (0.50 FAR); and

WHEREAS, the applicant proposes to provide an open space ratio of 40 percent (150 percent is the minimum required); and

WHEREAS, the applicant proposes to maintain the existing side yard with a width of 3'-3" along the southern lot line (a minimum width of 5'-0" is required for each side yard); and

WHEREAS, the proposed enlargement will provide a rear yard with a depth of 28'-0" (a minimum rear yard depth of 30'-0" is required); and

WHEREAS, at hearing the Board questioned whether the proposed dormer on the northern side of the home fit within the permitted bulk envelope and whether the proposed home complied with the sky exposure plane requirements of the underlying zoning district; and

WHEREAS, in response, the applicant submitted revised plans reflecting that the dormer has been eliminated and that the proposed home complies with sky exposure plane requirements; 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

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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, side yards, and rear yard, contrary to ZR §§ 23-141, 23-461, 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 May 3, 2010"-(2) sheets and "June 8, 2010"-(9) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 2,555 sq. ft. (1.02 FAR); an open space ratio of 40 percent; a front yard with a depth of 12'-7"; a side yard with a minimum width of 5'-6" along the northern lot line; a side yard with a minimum width of 3'-3" along the southern lot line; and a rear yard with a minimum depth of 28'-0", as illustrated on the BSA-approved plans;

THAT the floor area in the attic shall be limited to 688 sq. ft.;

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

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

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

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

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

Adopted by the Board of Standards and Appeals, July 27, 2010.

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 §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

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated April 16, 2010, acting on Department of Buildings Application No. 420125304, reads in pertinent part:

“Proposed height of building exceeds maximum allowable height as per ZR 61-21;” and

WHEREAS, this is an application under ZR §§ 73-66 and 73-03, to permit, within a C4-3 zoning district, the construction of a 14-story mixed-use residential / commercial / community facility building which exceeds the maximum height limits around airports, contrary to ZR § 61-21; and

WHEREAS, a public hearing was held on this application on June 22, 2010, after due notice by publication in *The City Record*, and then to decision on July 27, 2010; and

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

WHEREAS, the proposed building is part of the City’s larger redevelopment plan for Municipal Lot 1, a 5.5-acre City-owned parking lot; the proposed building is part of an affordable housing project located on a portion of Municipal Lot 1 and involves the disposition of City-owned property first to the Department of Housing Preservation and Development, and then to the Macedonia Community Development Corporation, which will develop the proposed 14-story mixed-use building; and

WHEREAS, the applicant states that the redevelopment of Municipal Lot 1 involves several Uniform Land Use Review Procedure actions including the rezoning of the entire property (Lots 25 and 46) from a C4-3 zoning district to a C4-4 zoning district; and

WHEREAS, Community Board 7, Queens, states that it took no action on the subject proposal; and

WHEREAS, the Queens Borough President Helen

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Marshall recommends approval of this application, with conditions related to the overall development of the site; and

WHEREAS, the subject site is located on the northwest corner of Union Street and 37th Avenue, within a C4-3 zoning district; and

WHEREAS, the site is currently occupied by a church and a portion of a City-owned parking lot known as Municipal Lot 1; and

WHEREAS, the applicant proposes to enlarge the church and construct a 14-story mixed-use residential/commercial/community facility building, known as Macedonia Plaza; and

WHEREAS, the applicant states that the subject special permit application under ZR § 73-66 applies only to the new 14-story mixed-use building at the site, as the proposed enlargement of the existing church building complies with the height limitations of ZR § 61-21; and

WHEREAS, the Board notes that ZR § 61-21 (Restriction on Highest Projection of Building or Structure) restricts the height of buildings or structures within designated flight obstruction areas; and

WHEREAS, specifically, the provision sets forth that the highest projection of any building or structure may not penetrate the most restrictive of either approach surfaces, transitional surfaces, horizontal surfaces, or conical surfaces, within an Airport Approach District of a flight obstruction area; and it may not penetrate the horizontal surface or conical surface within the Airport Circling District of the flight obstruction area; and

WHEREAS, however, pursuant to ZR § 73-66 (Height Regulations around Airports) the Board may grant a special permit to permit construction in excess of the height limits established under ZR §§ 61-21 (Restriction on Highest Projection of Building or Structure) or 61-22 (Permitted Projection within any Flight Obstruction Area), only (1) subsequent to the applicant submitting a site plan, with elevations, reflecting the proposed construction in relation to such maximum height limits, and (2) if the Board finds that the proposed would not create danger and would not disrupt established airways; and

WHEREAS, the provision also provides that, in its review, the Board shall refer the application to the Federal Aeronautics Administration (FAA) for a report as to whether such construction will constitute a danger or disrupt established airways; and

WHEREAS, as to the information submitted by the applicant, the Board notes that the applicant submitted a site plan with elevations reflecting the proposed construction, which includes information about the maximum as-of-right height and the maximum height approved by the FAA for the subject building; and

WHEREAS, as to the Board's determination about the safety of the proposed construction with regard to the proximity to the airport, the Board notes that the FAA regulates the heights of buildings within proximity to airports and that since the subject site is located within the flight obstruction area for LaGuardia Airport, it falls within the area regulated by the FAA; and

WHEREAS, the applicant represents that it filed an application with the FAA for review and approval of the subject building, and the FAA issued a Determination of No Hazard to Air Navigation, approving the proposed building on February 25, 2009, with the condition that FAA-required lighting and/or markings are installed on the rooftop of the building; and

WHEREAS, the proposed height for the building is 148 feet Above Ground Level ("AGL") and 201'-9" Above Mean Sea Level ("AMSL"); and

WHEREAS, the maximum height approved by the FAA is 170 feet AGL (224 feet AMSL), which includes the FAA-required lighting on the building's rooftop; and

WHEREAS, the Board notes that the FAA-approved height includes all appurtenances to the building; and

WHEREAS, accordingly, the Board notes that the proposed building height is within that approved by the FAA; and

WHEREAS, the Board notes that the FAA regulations are similar to those found in the ZR but differ slightly based on updated reference points and runway elevations; and

WHEREAS, the applicant states that it is requesting Mayoral Overrides for non-compliance with parking, open space, and sky exposure plane regulations, but that the subject application relates solely to the non-compliance with height regulations pursuant to ZR § 61-21; and

WHEREAS, the applicant has also submitted requests for approval to the Port Authority of New York/New Jersey (PA), which operates LaGuardia Airport; and

WHEREAS, as reflected in a no objection letter dated June 22, 2010, the PA approves of the project and references the FAA reports; and

WHEREAS, the Board notes that its review was limited to the request for an increase in height above that permitted as-of-right, pursuant to the special permit; and

WHEREAS, based upon the above, 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 §§ 73-66 and 73-03; and

WHEREAS, the Board notes that the FAA report states that there is a requirement that the FAA be notified ten days prior to the start of construction (Part I) and five days after construction reaches its greatest height (Part II); and

WHEREAS, the project is classified as a Type I action pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Office of the Deputy Mayor for Economic Development, as Lead Agency, has conducted an environmental review of the proposed action before the Board, and of the related actions noted above, and has documented relevant information about the project in the Final Environmental Impact Statement (FEIS) CEQR No. 06DME010Q, dated June 11, 2010; and

WHEREAS, the FEIS documents that the project as

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proposed would have adverse impacts on Open Space, Historic Resources, Shadows, Traffic and Parking, and Transit and Pedestrians, and identifies measures to mitigate the impacts; and

WHEREAS, the FEIS concludes that the proposed measures are sufficient to mitigate the majority of the adverse impacts of the project.

Therefore it is Resolved, that the Board of Standards and Appeals adopts the CEQR determination of the Office of the Deputy Mayor for Economic Development and makes each and every one of the required findings under ZR §§ 73-66 and 73-03, to permit, within a C4-3 zoning district, the construction of a 14-story mixed-use residential / commercial / community facility building which exceeds the maximum height limits around airports, contrary to ZR § 61-21; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted filed with this application marked "Received June 8, 2010"-fifteen (15) sheets and *on further condition*:

THAT the maximum height of the building, including all appurtenances, is 170 feet AGL and 224 feet AMSL;

THAT the relief granted is only that associated with ZR § 73-66 and all construction at the site shall be as approved by DOB and must comply with all relevant Building Code and zoning district regulations;

THAT the applicant must comply with all FAA notification requirements associated with the construction at the site;

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 of 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, July 27, 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 and Jack Freeman.

ACTION OF THE BOARD – Laid over to September 14, 2010, at 1:30 P.M., for continued hearing.

98-08-BZ

APPLICANT – Gerald J. Caliendo, RA, for Property Holdings LLC/Moshik Regev, owner.

SUBJECT – Application April 18, 2008 – Variance (§72-21) to allow a four-story residential building containing four (4) dwelling units, contrary to use regulations (§ 42-00). M1-1 district.

PREMISES AFFECTED – 583 Franklin Avenue, 160' of the corner of Atlantic Avenue and Franklin Avenue, Block 1199, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES –

For Applicant: Sandy Anagnostou.

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

304-09-BZ

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

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

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

COMMUNITY BOARD #16BK

APPEARANCES –

For Applicant: Jay Goldstein.

For Opposition: Bill Wilkins, Devon Prioleau and Joe Costanzo.

ACTION OF THE BOARD – Laid over to September 21, 2010, at 1:30 P.M., for continued hearing.

305-09-BZ

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

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

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

COMMUNITY BOARD #9Q

APPEARANCES –

For Applicant: Ron Mindell, Leo Compton, Bart Huggerty, Jeff Gottlieb and Lisa Atkins.

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

327-09-BZ

APPLICANT – Sheldon Lobel, P.C., for 255 Butler, LLC, owner.

SUBJECT – Application December 17, 2009 – Special Permit (§73-19) to allow a Use Group 3 charter school (*Summit Academy*) with first floor retail use in an existing warehouse. M1-2 zoning district.

PREMISES AFFECTED – 255 Butler Street, corner lot on Nevins Street between Butler and Baltic Streets, Block 405, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Richard Lobel, and Ethan Elden.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to August 17, 2010, at 1:30 P.M., for decision, hearing closed.

6-10-BZ

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

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

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

COMMUNITY BOARD #18BK

APPEARANCES –

For Applicant: Richard Lobel.

ACTION OF THE BOARD – Laid over to September 21, 2010, at 1:30 P.M., for continued hearing.

21-10-BZ

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

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

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

COMMUNITY BOARD #10BX

APPEARANCES –

For Applicant: Richard Lobel.

For Opposition: Lyra J. Altman.

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

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: Josh Rinesmith.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to August 17, 2010, at 1:30 P.M., for decision, hearing closed.

63-10-BZ

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

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

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

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Sandy Anagnostou.

ACTION OF THE BOARD – Laid over to August 17, 2010, at 1:30 P.M., for continued hearing.

64-10-BZ

APPLICANT – Law Office Fredrick A. Becker, for Nechama Sonnenschine and Harry Sonnenschine, owners.

SUBJECT – Application April 29, 2010 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and open space (§23-141); side yards (§23-461 & 23-48) and less than the required rear yard (§23-47). R-2 zoning district.

PREMISES AFFECTED – 1253 East 29th Street, east side of East 29th Street, between Avenue L and Avenue M, Block 7647, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lyra J. Altman.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to August
17, 2010, at 1:30 P.M., for decision, hearing closed.

85-10-BZ

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

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

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

COMMUNITY BOARD #7BX

APPEARANCES –

For Applicant: Elizabeth Safien.

ACTION OF THE BOARD – Laid over to August
17, 2010, at 1:30 P.M., for continued hearing.

88-10-BZ

APPLICANT – Dennis D. Dell’Angelo, for Sarah Weiss,
owner.

SUBJECT – Application May 13, 2010 – Special Permit
(\$73-622) for the enlargement of an existing single family
residence contrary to floor area and open space (§23-141)
and side yards (§23-461). R-2 zoning district.

PREMISES AFFECTED – 1327 East 21st Street, south east
corner of East 21st Street and Avenue L, Block 7639, Lot 41,
Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Dennis D. Dell’Angelo.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

Jeff Mulligan, Executive Director

Adjourned: P.M.