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# 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.

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Volume 96, No. 21

May 25, 2011

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### DIRECTORY

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EILEEN MONTANEZ

*Commissioners*

Jeffrey Mulligan, *Executive Director*

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95-97-BZ            69-47 Austin Street, Queens  
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94-10-A              27-24 21<sup>st</sup> Street, Queens  
96-10-A & 97-10-A   673 & 675 Hunter Avenue, Staten Island  
14-11-A              1221 East 22<sup>nd</sup> Street, Brooklyn

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227-09-BZ           100-14 Roosevelt Avenue, Queens  
197-10-BZ thru     59, 63 & 67 Fillmore Street, Staten Island  
  199-10-BZ  
227-10-BZ           204-12 Northern Boulevard, Queens  
3-11-BZ              1221 East 22<sup>nd</sup> Street, Brooklyn  
4-11-BZ              1747-1751 East 2<sup>nd</sup> Street, aka 389 Quentin Road, Brooklyn  
10-11-BZ &         115, 121 Finely Avenue, Staten Island  
  11-11-BZ  
19-11-BZ              1271 East 24<sup>th</sup> Street, Brooklyn

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**Affecting Calendar Numbers:**

127-10-BZ           45 Coleridge Street, Brooklyn

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# DOCKET

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New Case Filed Up to May 17, 2011  
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**64-11-BZ**

32-28 49th Street, Between Northern Boulevard & New Town Road., Block 734, Lot(s) 47, Borough of **Staten Island, Community Board: 01**. Special Permit (73-36) to allow the operation of a physical cultural establishment. C8-1 district.  
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**65-11-BZ**

1750 East Gun Hill Road, Large zoning lot with frontage on East Gun Hill Road, Gunther Avenue and Bergen Avenue., Block 4494, Lot(s) 1, Borough of **Bronx, Community Board: 11**. Special Permit (§73-36) to allow the operation of a physical culture establishment in portion of an existing one-story building. The premises is located in a C2-1/R3-2 zoning district. The proposal is contrary to Section 32-31. C2-1/R3-2 district.  
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**66-11-BZ**

172-220 Third Street, Block bounded by 3rd Street, 3rd Avenue, 4th Street Basin and Gowanus Canal., Block 978, Lot(s) 1,7,16,19,23,30,32, Borough of **Brooklyn, Community Board: 06**. Variance (§72-21) to permit a food store (UG6), contrary to use regulations. M2-1 zoning district. M2-1 district.  
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**67-11-BZ**

1430 East 29th Street, West side of 29th Street between Avenue N and Kings Highway., Block 7682, Lot(s) 60, Borough of **Brooklyn, Community Board: 14**. Special Permit (§73-622) for the enlargement of existing single family home contrary to floor area and open space (§23-141) side yard and (§23-47) rear yard. R2 district.  
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**68-11-BZ**

1636 East 23rd Street, West side of East 23rd Street between Avenue P and Quentin Road., Block 6785, Lot(s) 20, Borough of **Brooklyn, Community Board: 15**. Special Permit (§73-622) for enlargement of existing single family home, contrary to floor area and open space (§23-141); rear yard (§23-47) and side yard (§23-461). R3-2 zoning district. R3-2 district.  
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**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.**

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# CALENDAR

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**JUNE 7, 2011, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, June 7, 2011, 10:00 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**SPECIAL ORDER CALENDAR**

**502-60-BZ**

APPLICANT – Patrick O' Connell P.E. for Raymond Edwards, owner; Angel R. Hernandez, lessee.  
SUBJECT – Application February 23, 2011 – Extension of Term (§11-411) of a previously approved variance permitting the use of a parking lot (UG 8) for the parking and storage of more than five (5) motor vehicles which expired on January 20, 2011. C2-4/R7-2 zoning district.  
PREMISES AFFECTED – 4452 Broadway, Broadway & Fairview Avenue. Block 2170, Lot 62 & 400. Borough of Manhattan.

**COMMUNITY BOARD #12M**  
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**739-76-BZ**

APPLICANT – Eric Palatnik, P.C. for Cord Meyer Development, LLC, owner; Peter Pan Games of Bayside; lessee.  
SUBJECT – Application April 19, 2011 – Extension of Term of a previously granted Special Permit (§73-35) for the continued operation of an Amusement arcade (Peter Pan Games) which expired on April 10, 2011. C4-1 zoning district.  
PREMISES AFFECTED – 212-95 26<sup>th</sup> Avenue, 26<sup>th</sup> Avenue and Bell Boulevard. Block 5900, Lot 2. Borough of Queens.

**COMMUNITY BOARD #7Q**  
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**586-87-BZ**

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Frasca Real Estate Incorporated, owner; 65<sup>th</sup> Street Auto Service Center, Incorporated, lessee.  
SUBJECT – Application April 5, 2011 – Extension of Term (§11-411) for the continued operation of an existing gasoline service station (Emporium) with lubritorium, auto repairs and the sale of new/used cars which expired on July 12, 2008; waiver of the rules. R5B/C2-3 zoning district.  
PREMISES AFFECTED – 1302/12 65<sup>th</sup> Street, southeast corner of intersection of 65<sup>th</sup> Street and 13<sup>th</sup> Avenue, Block 5754, Lot 8, Borough of Brooklyn.

**COMMUNITY BOARD #10BX**  
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**APPEALS CALENDAR**

**176-10-A**

APPLICANT – Sheldon Lobel, P.C., for LIV Realty LLC, owner.  
SUBJECT – Application September 8, 2010 – Proposed construction of a residential building not fronting a mapped street contrary to General City Law Section 36. R6 Zoning District.  
PREMISES AFFECTED – 62 Brighton 2<sup>nd</sup> Place, east side, Block 8662, Lot 155, Borough of Brooklyn.  
**COMMUNITY BOARD #13BK**  
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**JUNE 7, 2011, 1:30 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday afternoon, June 7, 2011, at 1:30 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**ZONING CALENDAR**

**230-09-BZ**

APPLICANT – Peter Hirshman, for Mr. Filipp T Tortora, owner.  
SUBJECT – Application July 20, 2009 – Variance (§72-21) for the construction of a three story, three family residence on a vacant undersized lot contrary to front yard regulations (§23-45). R-5 zoning district.  
PREMISES AFFECTED – 1700 White Plains Road, northeast corner of White Plains and Van Nest Avenue, Block 4033, Lot 31, Borough of Bronx.  
**COMMUNITY BOARD #11BX**  
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**194-10-BZ**

APPLICANT – Eric Palatnik, P.C., for Revekka Kreposterman, owner.  
SUBJECT – Application October 26, 2010 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area §23-141. R3-1 zoning district.  
PREMISES AFFECTED – 175 Exeter Street, north of Oriental Avenue, Block 8737, Lot 17, Borough of Brooklyn.  
**COMMUNITY BOARD #15BK**  
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**21-11-BZ**

APPLICANT – Eric Palatnik, P.C., for 1810-12 Voorhies Avenue, LLC, owner.  
SUBJECT – Application February 28, 2011 – Special Permit (§73-44) to permit the reduction in required parking for an ambulatory or diagnostic treatment facility. C1-2/R4 zoning district.

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PREMISES AFFECTED – 1810 Voorhies Avenue, south side of Voorhies Avenue, between East 19<sup>th</sup> Street and Sheepshead Bay Road, Block 8772, Lot 3, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

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**24-11-BZ**

APPLICANT – Jay A. Segal, Esq., Greenberg Traurig, LLP, for LaSalle New York City, Inc., owner; WCL Academy of New York LLC, lessee.

SUBJECT – Application March 8, 2011 – Variance (§72-21) to permit the construction of an elevator and vestibule in the courtyard of the R8B portion of a school building (*WCL Academy*) which is contrary to, FAR (§24-11) lot coverage (§24-11) and permitted obstruction requirements (§24-51).

PREMISES AFFECTED – 44-50 East 2<sup>nd</sup> Street, north side of East 2<sup>nd</sup> Street, between First and Second Avenues, Block 444, Lot 59, Borough of Manhattan.

**COMMUNITY BOARD #3M**

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*Jeff Mulligan, Executive Director*

# MINUTES

**REGULAR MEETING  
TUESDAY MORNING, MAY 17, 2011  
10:00 A.M.**

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

**SPECIAL ORDER CALENDAR**

**188-78-BZ**

APPLICANT – Mark Verkhosky, for Anthony Beradi, owner; Spiro Ioannou, lessee.

SUBJECT – Application May 4, 2010 – Amendment (§11-412) to a Variance (§72-21) to add automobile body and sales (UG16) to an existing (UG16) automobile repair and laundry. R-5 zoning district.

PREMISES AFFECTED – 8102 New Utrecht Avenue, southwest corner of New Utrecht Avenue and 81<sup>st</sup> Street, Block 6313, Lot 31, Borough of Brooklyn.

APPEARANCES – None.

**ACTION OF THE BOARD** – Application withdrawn.

**THE VOTE TO WITHDRAW** –

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

Negative:.....0

Adopted by the Board of Standards and Appeals, May 17, 2011.

**95-97-BZ**

APPLICANT – The Law Office of Fredrick A. Becker, for 700 West 178<sup>th</sup> Street Associates, LLC, owner; TSI Forest Hills LLC d/b/a New York Sports Club, lessee.

SUBJECT – Application October 14, 2010 – Extension of Term of a Special Permit (§73-36) for the continued operation of a physical culture establishment (*New York Sports Club*) which expired on May 1, 2007; Waiver of the Rules. C4-5X zoning district.

PREMISES AFFECTED – 69-47 Austin Street, northwest corner of Austin Street and 70<sup>th</sup> Avenue, Block 3237, Lot 30, Borough of Queens.

**COMMUNITY BOARD #6Q**

APPEARANCES –

For Applicant: Lyra J. Altman.

**ACTION OF THE BOARD** – Laid over to June 7, 2011, at 10 A.M., for deferred decision.

**156-03-BZ**

APPLICANT – Steven M. Sinacori, Esq., of Akerman Senterfitt, for RKO Plaza LLC & Farrington Avenue Developers, LLC, owner.

SUBJECT – Application November 30, 2009 – Amendment to a variance (§72-21) for a proposed 17-story mixed-use

development. The amendment seeks to increase the number of dwelling units from 200 to 357, accessory parking from 229 spaces to 360 spaces, and the amount of retail space. C2-2/R6 zoning district.

PREMISES AFFECTED – 135-35 Northern Boulevard, north side of Northern Boulevard, between Prince Street and Farrington Street, Block 4958, Lot 38 & 48, Borough of Queens.

**COMMUNITY BOARD #7Q**

APPEARANCES –

For Applicant: Howard Goldman, Jack Freeman, Jay Valgora and Susan Cannoll.

**ACTION OF THE BOARD** – Laid over to June 14, 2011, at 10 A.M., for continued hearing.

**101-05-BZ**

APPLICANT – Friedman & Gotbaum, LLP by Shelly S. Friedman, Esq., for 377 Greenwich LLC c/o Ira Drukler, owner.

SUBJECT – Application April 7, 2011 – Amendment to a Variance (§72-21) for a seven-story hotel with penthouse (*The Greenwich Hotel*). The amendment seeks to legalize the penthouse footprint and modify the penthouse façade. C6-2A/Tribeca Mixed Use (A-1) zoning district.

PREMISES AFFECTED – 377 Greenwich Street, east side of Greenwich Street on the corner formed by intersection of south of North Moore Street and east side of Greenwich Street, Block 187, Lot 16, Borough of Manhattan.

**COMMUNITY BOARD #1M**

APPEARANCES –

For Applicant: Shelly Friedman.

**THE VOTE TO CLOSE HEARING** –

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

Negative:.....0

**ACTION OF THE BOARD** – Laid over to June 7, 2011, at 10 A.M., for decision, hearing closed.

**APPEALS CALENDAR**

**94-10-A**

APPLICANT – Borah, Goldstein, Altschuler, Nahins & Goidel, P.C., for Twenty-Seven-Twenty Four Realty Corporation, owner.

SUBJECT – Application May 26, 2010 – Appeal challenging the Department of Buildings' determination that signs located on the north and south walls of the subject building are not a continuous legal nonconforming use. C2-2 Zoning district.

PREMISES AFFECTED – 27-24 21<sup>st</sup> Street, west side of 21<sup>st</sup> Street south of Astoria Boulevard, Block 539, Lot 35, Borough of Queens.

**COMMUNITY BOARD #1Q**

APPEARANCES –

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For Applicant: Marnie R. Kudow, Elizabeth Booth, Vincent Sokinich and Norman Mirsky.

For Opposition: John Egnatos Beene.

**ACTION OF THE BOARD** – Laid over to July 12, 2011, at 10 A.M., for continued hearing.

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## 96-10-A & 97-10-A

APPLICANT – Rothkrug Rothkrug & Spector, for Hub Development Corporation, owner.

SUBJECT – Application June 1, 2010 – Proposed construction of a single family home located within the bed of a mapped street (Jay Street), contrary to General City Law Section 35. R3-1 Zoning District.

PREMISES AFFECTED – 673 & 675 Hunter Avenue, north side of Hunter Avenue, bed of Jay Street, Block 3864, Lot 98 & 99, Borough of Staten Island.

### COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Todd Dale.

**ACTION OF THE BOARD** – Laid over to June 14, 2011, at 10 A.M., for continued hearing.

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## 14-11-A

APPLICANT – Law Office of Fredrick A. Becker, for Chaya Schron and Eli Shron, owners.

SUBJECT – Application February 2, 2011 – Appeal challenging a determination by the Department of Buildings that a proposed cellar to a single family home is contrary to accessory use as defined in §12-10 in the zoning resolution. R2 zoning district.

PREMISES AFFECTED – 1221 East 22<sup>th</sup> Street, between Avenues K and L, Block 7622, Lot 21, Borough of Brooklyn.

### COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lyra J. Altman.

For Opposition: John Egnatos Beene.

**ACTION OF THE BOARD** – Laid over to June 21, 2011, at 10 A.M., for continued hearing.

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## REGULAR MEETING TUESDAY AFTERNOON, MAY 17, 2011 1:30 P.M.

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

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## ZONING CALENDAR

### 90-10-BZ

#### CEQR #10-BSA-073Q

APPLICANT – James Chin & Associates, LLC, for Chan Ahn, owner.

SUBJECT – Application August 14, 2010 – Variance (§72-21) to permit a house of worship (*Korean Central Presbyterian Church*), contrary to front yard (§24-34), side yard (§24-35), and rear yard (§24-36). R2A zoning district. PREMISES AFFECTED – 58-06 Springfield Boulevard, corner of the west side of Springfield Boulevard, west north side of the Horace Harding Expressway, Block 7471, Lots 7 and 48, Borough of Queens.

#### COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Mindy Chin.

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

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated April 20, 2011, acting on Department of Buildings Application No. 400644781, reads in pertinent part:

Variance is needed under ZR 72-21 to permit in an R2A zoning district, an existing church contrary to the following ZR sections: 24-35(a) Required side yard setback of 11'-8" not being provided or the space erected beyond the height of 10'-2" and 23'-4" and violating the non-compliant side yard walls of 10'-2" and ZR 24-36. Not providing the required 30'-0" rear yard; and

WHEREAS, this is an application for a variance pursuant to ZR § 72-21, to permit, on a site within an R2A zoning district, the legalization of an existing church (Use Group 4), which does not comply with side yard and rear yard regulations, contrary to ZR §§ 24-35 and 24-36; and

WHEREAS, a public hearing was held on this application on March 1, 2011, after due notice by publication in *The City Record*, with a continued hearing on April 12, 2011, and then to decision on May 17, 2011; and

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

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and

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

WHEREAS, State Senator Tony Avella provided written testimony in support of the proposal; and

WHEREAS, this application is brought on behalf of the Korean Central Presbyterian Church, a non-profit religious entity (the "Church"); and

WHEREAS, the subject site is located on an irregularly-shaped zoning lot consisting of two tax lots (Lot 7 and Lot 45) with a total lot area of 56,225 sq. ft., within an R2A zoning district; and

WHEREAS, Lot 7 is bounded by 58<sup>th</sup> Avenue to the north, Springfield Boulevard to the east, and the Horace Harding Expressway to the south, and has approximately 405 feet of frontage on Springfield Boulevard, a depth ranging between 89 feet and 147 feet, and a total lot area of 50,625 sq. ft.; and

WHEREAS, Lot 45 abuts the southwest corner of Lot 7 and is a corner lot with frontage on 220<sup>th</sup> Street and the Horace Harding Expressway, with a width of 40 feet, a depth of 140 feet, and a lot area of 5,600 sq. ft.; and

WHEREAS, the Lot 7 portion of the site is currently occupied by a two-story community facility building occupied by a church (Use Group 4), with a total floor area of 25,224 sq. ft. (0.45 FAR), as well as 67 parking spaces located on the northern portion of the lot; the Lot 45 portion of the site is currently and will remain vacant; and

WHEREAS, the applicant states that prior to December 15, 1961, the site was occupied by a one-story and cellar building occupied by a garden supply center, including a sales office, storage building, and greenhouses; and

WHEREAS, on October 27, 1966, under BSA Cal. No. 1065-66-BZ, the Board granted a variance to permit the construction of a two-story enlargement to the sales office and storage building of the existing garden supply center; and

WHEREAS, the applicant notes that the site has been occupied by the Church since 1994, and the applicant seeks to legalize an enlargement to the Church which increased the degree of non-compliance with side and rear yard regulations; and

WHEREAS, the applicant notes that, due to the large size of the subject lot, and its frontage on three streets, corner lot regulations apply to the portions of Lot 7 within 100 feet of the street lines of 58<sup>th</sup> Avenue and the Horace Harding Expressway, respectively, and interior lot regulations apply to the remainder of the lot, which has a width of approximately 200 feet and has a frontage only on Springfield Boulevard; and

WHEREAS, the applicant states that the church building is situated such that corner lot regulations apply to the southern portion of the building within 100 feet of the Horace Harding Expressway, where the main sanctuary and a portion of the gymnasium are currently located, and interior lot regulations apply to the remainder of the building; therefore, the vertical enlargement at the rear of the church building increased the degree of non-compliance with both side yard and rear yard regulations; and

WHEREAS, the pre-existing building provided a side yard/rear yard with a depth of 5'-11" along the western lot line of Lot 7 with a height ranging from 10'-2" to 23'-4", which were pre-existing legal non-complying conditions (a rear yard with a depth of 30 feet is required for the portion of Lot 7 that qualifies as an interior lot, and a side yard with a depth of 11'-8" is required for the portion of Lot 7 that qualifies as a corner lot); and

WHEREAS, the enlargement of the church building, which vertically extended the pre-existing walls at the rear of the building, was constructed on the footprint of the pre-existing building and maintains the existing non-complying side yards and rear yard; however, increasing the height of the rear walls of the subject building increased the degree of the pre-existing non-compliances with side and rear yard regulations; and

WHEREAS, specifically, the enlargement increased the height of the existing walls at the rear of the current main sanctuary from 10'-2" to between 18'-2" and 35'-0", without providing the required side yard of 11'-8" above the height of the pre-existing non-complying wall; the enlargement also increased the height of the existing walls at the rear of the current gymnasium from 23'-4" to 28'-0", without providing the required side yard of 11'-8" for the corner lot portion of the gymnasium or the 30'-0" rear yard for the interior lot portion of the gymnasium above the height of the pre-existing non-complying wall; and

WHEREAS, the proposal provides for the following uses: (1) meeting rooms at the cellar; (2) the main sanctuary, multi-purpose room/gymnasium, assembly room, children's worship room, kitchen, cry room, choir practice room, classrooms, offices and administrative rooms on the first floor; (3) a sanctuary balcony at the first floor mezzanine; and (4) meeting rooms and assembly rooms at the second floor; and

WHEREAS, the applicant states that the following are the primary programmatic needs of the Church which necessitate the requested variance: (1) to provide sufficient space for the current Church and to accommodate for future growth; (2) to provide an indoor crucifix and other indoor religious symbols at a sufficient height; and (2) to provide a gymnasium/multi-purpose room which can accommodate the needs of the Church; and

WHEREAS, the applicant states that approximately 300 to 400 people currently attend the church services in the main sanctuary on Sundays, and that number is expected to grow in future years; and

WHEREAS, the applicant represents that a significantly larger number of people attend the services for the Christmas and Easter holidays; and

WHEREAS, the applicant states the main sanctuary can only accommodate 357 people at the first floor, and that the vertical enlargement of the main sanctuary was necessary in order to provide a 202 person balcony for the main sanctuary to accommodate the size of the growing congregation; and

WHEREAS, the applicant represents that the Church's religious doctrine requires it to maintain an indoor crucifix and other symbols of its religion erected high above the ground; and

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WHEREAS, the applicant states that these religious requirements also necessitated the increase of the pre-existing height of the main sanctuary; and

WHEREAS, as to the height of the gymnasium/multi-purpose room, the applicant states that the Church has a programmatic need of providing a recreation facility for community outreach and youth programs for the surrounding community and members of the Church; and

WHEREAS, the applicant represents that sports such as volleyball and basketball are a critical component of the Church's community outreach and youth programs, and these activities require a facility with high ceilings, thereby necessitating an increase in the pre-existing height of the gymnasium/multi-purpose room; and

WHEREAS, the applicant states that the requested waivers enable the Church to legalize the existing building, maintain the use it has accommodated for over ten years, and meet its programmatic needs; and

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

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

WHEREAS, the Board notes that the applicant provided evidence of the Church's status as a non-profit religious institution; and

WHEREAS, the applicant need not address ZR § 72-21(b) since the Church is a not-for-profit organization and the proposed development will be in furtherance of its not-for-profit mission; and

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

WHEREAS, the applicant states that that the proposed/existing use and floor area are permitted as-of-right in the subject zoning district and only the vertical extension of the pre-existing non-complying yards is contrary to zoning district regulations; and

WHEREAS, the applicant further states that the subject church building has existed at the site at its current size for more than ten years; and

WHEREAS, the applicant further states that, while the vertical enlargement at the rear of the site increases the degree of non-compliance as to the yards, the subject building has a maximum height of 35 feet, which is permitted in the underlying R2A zoning district; and

WHEREAS, the applicant also submitted a 400-ft. radius diagram which reflects that the adjacent homes to the rear of

the church building front on 220<sup>th</sup> Street and have rear yards facing the main sanctuary and gymnasium with depths ranging from 55 feet to 65 feet, thereby providing between 61 feet and 71 feet of open space between the rear of the church building and the rear of the adjacent homes; and

WHEREAS, the Board notes that the site could be developed as-of-right with a building with greater floor area, if all yards were provided; and

WHEREAS, the Board further notes that the enlargement does not create any new non-compliance but rather increases the degree of existing non-compliance; and

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

WHEREAS, the applicant states that the hardship was not self-created and that no development that would meet the programmatic needs of the Church could occur on the existing lot; and

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

WHEREAS, the Board notes that the building complies with all bulk and use regulations, with the exception of the non-complying yards; and

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

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

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617.12 (a) and 617.5; 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) 10BSA073Q, dated March 8, 2010; and

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

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

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

*Therefore it is Resolved* that the Board of Standards and Appeals issues a Negative Declaration determination prepared

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in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance, to permit, on a site within an R2A zoning district, the legalization of an enlargement to an existing church (Use Group 4), which does not comply with side yard and rear yard regulations, contrary to ZR §§ 24-35 and 24-36; *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 13, 2011” – One (1) sheet and “Received April 8, 2011” – Eight (8) sheets; and *on further condition*:

THAT the building parameters shall be as reflected on the approved plans;

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

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

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

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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, May 17, 2011.

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## 169-09-BZ

APPLICANT – Sheldon Lobel, for Saint Georges Crescent, LLC, owner.

SUBJECT – Application June 8, 2009 – Variance (§72-21) to allow a multi-family residential building, contrary to floor area (§23-145), rear yard (§23-47), height and setback (§23-633), rear setback (§23-663), minimum distance between windows and lot lines (§23-861), and maximum number of dwelling units (§23-22) regulations. R8 zoning district.

PREMISES AFFECTED – 186 Saint George’s Crescent, east side of St. George’s Crescent, 170’ southeast of the corner formed by the intersection of Van Cortland Avenue, and Grand Concourse, Block 3312, Lot 12, Borough of Bronx.

## COMMUNITY BOARD #7BX

APPEARANCES –

For Applicant: Josh Rinesmith.

**ACTION OF THE BOARD** – Laid over to June 21, 2011, at 1:30 P.M., for continued hearing.

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## 227-09-BZ

APPLICANT – Gerald J. Caliendo, R.A., for David Rosero/Chris Realty Holding Corporation, lessee.

SUBJECT – Application July 10, 2009 – Variance (§72-21) to allow a two-story commercial building, contrary to use regulations (§22-10). R6B zoning district.

PREMISES AFFECTED – 100-14 Roosevelt Avenue, south side of Roosevelt Avenue, 109.75’ west of the corner of 102<sup>nd</sup> Street and Roosevelt Avenue, Block 1609, Lot 8, Borough of Queens.

## COMMUNITY BOARD #4Q

APPEARANCES – None.

**ACTION OF THE BOARD** – Laid over to July 12, 2011, at 1:30 P.M., for adjourned hearing.

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## 197-10-BZ thru 199-10-BZ

APPLICANT – Antonio S. Valenziano, AIA, for John Merolo, owner.

SUBJECT – Application October 26, 2010 – Variance (§72-21) to allow three residential buildings in a manufacturing district, contrary to use regulations (§42-10). M1-1 zoning district.

PREMISES AFFECTED – 59, 63 & 67 Fillmore Street, 491.88’ west of York Avenue, Block 61, Lot 27, 29, 31, Borough of Staten Island.

## COMMUNITY BOARD #1SI

APPEARANCES – None.

**ACTION OF THE BOARD** – Laid over to June 7, 2011, at 1:30 P.M., for deferred decision.

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## 227-10-BZ

APPLICANT – Eric Palatnik, P.C., for Power Test Realty Company Limited Partnership, owner.

SUBJECT – Application December 14, 2010 – Reinstatement (§11-411) of a previously approved variance permitting the operation of an automotive service station (UG 16B) (*Getty*) which expired on October 11, 2000; Amendment to legalize fuel dispensing islands; Extension of Time to obtain a certificate of occupancy which expired on November 17, 1993; Waiver of the rules. C2-2/R3-2 zoning district.

PREMISES AFFECTED – 204-12 Northern Boulevard, Northern Boulevard and 204<sup>th</sup> Street. Block 7301, Lot 11, Borough of Queens.

## COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** – Laid over to July 12, 2011, at 1:30 P.M., for continued hearing.

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## 3-11-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Chaya Schron and Eli Shron, owners.

SUBJECT – Application January 10, 2011 – Special Permit (§73-622) for the enlargement of a single family home, contrary to floor area and open space (§23-141) and less than the required rear yard (§23-47). R2 zoning district.

PREMISES AFFECTED – 1221 East 22<sup>nd</sup> Street, between Avenue K and Avenue L, Block 7622, Lot 21, Borough of Brooklyn.

### COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lyra J. Altman.

**ACTION OF THE BOARD** – Laid over to June 21, 2011, at 1:30 P.M., for continued hearing.

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## 4-11-BZ

APPLICANT – Law Office of Fredrick A. Becker, for 1747 East 2<sup>nd</sup> Street, LLC, owner.

SUBJECT – Application January 10, 2011 – Variance (§72-21) to allow a three-story synagogue, contrary to lot coverage (§24-11), floor area (§113-51), wall height and total height (§113-55), front yard (§113-542), side yards (§113-543), encroachment into required setback and sky exposure plane (§113-55), and parking (§25-18, 25-31, and 113-561). R5 zoning district.

PREMISES AFFECTED – 1747-1751 East 2<sup>nd</sup> Street, aka 389 Quentin Road, northeast corner of East 2<sup>nd</sup> Street and Quentin Road, Block 6634, Lot 49, Borough of Brooklyn.

### COMMUNITY BOARD # 15BK

APPEARANCES –

For Applicant: Lyra J. Altman.

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

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## 10-11-BZ & 11-11-BZ

APPLICANT – Rampulla Associates Architects, for Charles Cannizaro, owner.

SUBJECT – Application February 3, 2011 – Variance (§72-21) to allow two, single family homes contrary to front yard (§23-45) and rear yard regulations (§23-47). R3-1 zoning district.

PREMISES AFFECTED – 115, 121 Finely Avenue, north of Finely Avenue, 100' southwest of Marine Way, Block 4050, Lot 53, 56, 59, Borough of Staten Island.

### COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Philip Rampulla.

For Opposition: Michael Calantuano and Frank Marchiano.

**ACTION OF THE BOARD** – Laid over to June 21, 2011, at 1:30 P.M., for continued hearing.

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## 19-11-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Chaya Brown and Yechiel Fastag, owners.

SUBJECT – Application February 24, 2011 – Special Permit (§73-622) for the enlargement of an existing single family residence, contrary to floor area and open space (§23-141); side yards (§23-461) and less than the required rear yard (§23-47). R2 zoning district.

PREMISES AFFECTED – 1271 East 24<sup>th</sup> Street, east side of East 24<sup>th</sup> Street, between Avenue L and Avenue M, Block 7642, Lot 15, Borough of Brooklyn.

### COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lyra J. Altman.

**ACTION OF THE BOARD** – Laid over to June 14, 2011, at 1:30 P.M., for continued hearing.

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*Adjourned: P.M.*

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## \*CORRECTION

This resolution adopted on May 3, 2011, under Calendar No. 127-10-BZ and printed in Volume 96, Bulletin Nos. 17-19, is hereby corrected to read as follows:

### 127-10-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Aleksandr Goldshmidt and Inna Goldshmidt, owners.

SUBJECT – Application July 12, 2010 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, open space, lot coverage (§23-141), exceeds the maximum perimeter wall height (§23-631) and less than the required rear yard (§23-47). R3-1 zoning district.

PREMISES AFFECTED – 45 Coleridge Street, east side of Coleridge Street, between Shore Boulevard and Hampton Avenue, Block 8729, Lot 65, Borough of Brooklyn.

### COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Lyra J. Altman.

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

**THE VOTE TO GRANT** –

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

Negative:.....0

**THE RESOLUTION** –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated June 10, 2010, acting on Department of Buildings Application No. 320148416, reads in pertinent part:

Proposed plans are contrary to ZR 23-141 in that the proposed building exceeds the maximum permitted floor area ratio.

Proposed plans are contrary to ZR 23-141 in that the proposed open space is less than the minimum required open space.

Proposed plans are contrary to ZR 23-141 in that the proposed lot coverage exceeds the maximum permitted lot coverage.

Proposed plans are contrary to ZR 23-631 in that the proposed perimeter wall height exceeds the maximum permitted perimeter wall height.

Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than the minimum required rear yard; and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, in an R3-1 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area, open space, lot coverage, rear yard and perimeter wall height contrary to ZR §§ 23-141, 23-47 and 23-631; and

WHEREAS, a public hearing was held on this application on January 11, 2011, after due notice by publication in *The City Record*, with continued hearings on

February 8, 2011, March 8, 2011 and March 29, 2011, and then to decision on May 3, 2011; 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 15, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the east side of Coleridge Street between Shore Boulevard and Hampton Avenue, within an R3-1 zoning district; and

WHEREAS, the subject site has a total lot area of 6,000 sq. ft., and is occupied by a single-family home with a floor area of 2,921 sq. ft. (0.49 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 2,921 sq. ft. (0.49 FAR) to 5,943 sq. ft. (0.99 FAR); the maximum permitted floor area is 3,000 sq. ft. (0.50 FAR); and

WHEREAS, the applicant proposes to provide an open space ratio of 61 percent (65 percent is the minimum required); and

WHEREAS, the applicant proposes to provide a lot coverage of 38 percent (35 percent is the maximum permitted); and

WHEREAS, the applicant proposes to provide a rear yard with a depth of approximately 22'-0" (a minimum rear yard depth of 30'-0" is required); and

WHEREAS, the applicant proposes to provide a rear yard with a depth of approximately 22'-0" (a minimum rear yard depth of 30'-0" is required); and

WHEREAS, the applicant proposes to provide a perimeter wall height of approximately 21'-6 1/4" (a maximum perimeter wall height of 21'-0" is permitted); and

WHEREAS, the Board notes that the special permit under ZR § 73-622 allows a perimeter wall height to exceed the permitted height in an R3-1 zoning district, provided that the perimeter wall height is equal to or less than the perimeter wall height of an adjacent single- or two-family detached or semi-detached residence with an existing non-complying perimeter wall facing the street; and

WHEREAS, in support of the requested waiver for perimeter wall height, the applicant provided a survey establishing the height of the adjacent building; and

WHEREAS, the Board notes that the adjacent single family home at 53 Coleridge Street has a perimeter wall height of 21'-6 1/4"; and

WHEREAS, at hearing, the Board directed the applicant to establish the adjacent home's perimeter wall height and to revise its plans so as not to exceed its height; and

WHEREAS, the applicant represents that the perimeter wall of the proposed home, as revised, therefore falls within the scope of the special permit; and

WHEREAS, the Board has determined that the applicant has submitted sufficient information to establish that applicant may match the pre-existing perimeter wall of the adjacent home, which exceeds a height of 21'-0"; and

WHEREAS, based upon its review of the record, the

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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, in an R3-1 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area, open space, lot coverage, rear yard and perimeter wall height contrary to ZR §§ 23-141, 23-47 and 23-631; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked “Received April 21, 2011”-(14) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of approximately 5,943 sq. ft. (.99 FAR); a minimum open space of 61 percent; a maximum lot coverage of 38 percent; a rear yard with a minimum depth of approximately 22'-0"; and a maximum perimeter wall height of approximately 21'-6 1/4", as illustrated on the BSA-approved plans;

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

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

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

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

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

Adopted by the Board of Standards and Appeals, May 3, 2011.

**Bulletin No. 21, Vol. 96, dated May 25, 2011.**

**\*The resolution has been revised to correct the FAR which read: “(0.9 FAR)” now reads: “(.99 FAR)”. Corrected in**