
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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DIRECTORY

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DOCKET

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143-11-A

20 Harborlights Court, east side of Harborlights Court, east of Howard Avenue., Block 615, Lot(s) 36, Borough of **Staten Island, Community Board: 1**. Appeal challenging the Fire Department determination denying a waiver of the requirement that the grade of the fire apparatus road shall not exceed 10 percent as per NYCFire Code Section FC 503.2.7. R-2 Zoning District . R-2 district.

144-11-A

25 Harborlights Court, east side of Harborlights Court, east of Howard Avenue., Block 615, Lot(s) 34, Borough of **Staten Island, Community Board: 1**. Appeal challenging the Fire Department determination denying a waiver of the requirement that the grade of the fire apparatus road shall not exceed 10 percent as per NYCFire Code Section FC 503.2.7. R-2 Zoning District . R-2 district.

145-11-A

35 Harborlights Court, East side of Harborlights, east of Howard Avenue., Block 615, Lot(s) 35, Borough of **Staten Island, Community Board: 1**. Appeal challenging the Fire Department determination denying a waiver of the requirement that the grade of the fire apparatus road shall not exceed 10 percent as per NYCFire Code Section FC 503.2.7. R-2 Zoning District . R-2 district.

146-11-A

40 Harborlights Court, East side of Harborlights Court, east of Howard Avenue., Block 615, Lot(s) 37, Borough of **Staten Island, Community Board: 1**. Appeal challenging the Fire Department determination denying a waiver of the requirement that the grade of the fire apparatus road shall not exceed 10 percent as per NYCFire Code Section FC 503.2.7. R-2 Zoning District . R-2 district.

147-11-BZ

24-47 95th Street, east side of 95th Street between 24th and 25th Avenues, Block 1106, Lot(s) 44, Borough of **Queens, Community Board: 3**. Application filed pursuant to Z.R. Section 72-21 to permit the construction of a single-family residence at the premises which is contrary to the applicable floor area and side yard requirements. R3-2 district.

148-11-A

32 Kildare Walk, west side Kildare Walk, 183' north of Breezy Point., Block 16350, Lot(s) p/o400, Borough of **Queens, Community Board: 14**. The proposed reconstruction and enlargement of an existing single family dwelling not fronting a mapped street is contrary to Article 3, Section 36 of the General City Law. The proposed upgrade of an existing non-conforming private disposal system partially in the bed of the service road is contrary to Building Department policy. R4 zoning district . R4 district.

149-11-A

1789 St. John's Place, located on the northeast corner of the intersection formed by St. John's Place and Eastern Parkway., Block 1471, Lot(s) 65, Borough of **Brooklyn, Community Board: 16**. Application filed pursuant to New York City Charter Sections 666.7 to vary the prohibition against construction within 30' of the street line of Eastern Parkway as set forth in Administrative Code Section 18-112 and cited in New York City Building Code Section 3201.3.1, to allow the construction of three 2-family homes at the premises. R6 zoning district. R6 district.

150-11-A

1793 St. John's Place, northeast corner of the intersection formed by St. John's Place and Eastern Parkway., Block 1471, Lot(s) 67, Borough of **Brooklyn, Community Board: 16**. Application filed pursuant to New York City Charter Sections 666.7 to vary the prohibition against construction within 30' of the street line of Eastern Parkway as set forth in Administrative Code §18-112 and cited in New York City Building Code §3201.3.1, to allow the construction of three 2-family homes at the premises. R6 zoning district. R6 district.

151-11-A

1797 St. John's Place, northeast corner of the intersection formed by St. Johns Place and Eastern Parkway., Block 1471, Lot(s) 68, Borough of **Brooklyn, Community Board: 16**. Application filed pursuant to New York City Charter Sections 666.7 to vary the prohibition against construction within 30' of the street line of Eastern Parkway as set forth in Administrative Code §18-112 and cited in New York City Building Code §3201.3.1, to allow the construction of three 2-family homes at the premises. R6 zoning district. R6 district.

DOCKET

152-11-BZ

240 East 38th Street, East 37th Street, Second Avenue, East 38th Street and Tunnel Exit Street, Block 918, Lot(s) 1001-1026, Borough of **Manhattan, Community Board: 6.** Variance (§72-21) to allow certain modifications to the bonusable plazas and arcades associated with the existing building, contrary to ZR 37-625. C1-9 zoning district. C1-9(TA) district.

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

CALENDAR

OCTOBER 18, 2011, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, October 18, 2011, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

529-52-BZ

APPLICANT - Alfonso Duarte, P.E., for Alacorn-Mordini Enterprises Inc., owner.
SUBJECT – Application June 7, 2011 – Extension of Term for a Variance in an C2-3/R6 district.
PREMISES AFFECTED – 77-11 Roosevelt Avenue, north west corner Roosevelt Avenue & 78th Street. Block 1288, Lot 39, Borough of Queens.
COMMUNITY BOARD #3Q

335-59-BZ

APPLICANT – Alfonso Duarte P.E., for 3485 Atlantic Avenue Realty Corp., owner; Royal Motor Mart Inc., lessee.
SUBJECT – Application July 11, 2011 – Pursuant to ZR §11-411 for an Extension of Term for the continued operation of a lot used for the storage and sale of used cars which expired on December 7, 2009. R-5 zoning district.
PREMISES AFFECTED – 3485/95 Atlantic Avenue, North-East corner Nichols Avenue. Block 4151, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #5BK

727-59-BZ

APPLICANT – Sheldon Lobel, P.C., for Square-Arch Realty Corp., owner.
SUBJECT – Application August 11, 2011 – This application seeks to extend the term of the previously granted variance which permits transient parking in the garage of the residential building at the premises.
PREMISES AFFECTED – 2 Fifth Avenue, corner through lot fronting on Fifth Avenue, Washington Square North and West 8th Street. Block 551, Lot 1, Borough of Manhattan.
COMMUNITY BOARD #2M

252-71-BZ

APPLICANT – Alfonso Duarte, for Alan Pearlstein, owner.
SUBJECT – Application June 23, 2011 – Extension of Term (§11-411) for an additional 10 years to extend the term of variance as per the previous approvals by the Board.
PREMISES AFFECTED – 190-18 Northern Boulevard, Southside Northern Boulevard between 189th and 192nd Streets. Block 5513, Lot 22, Borough of Queens.
COMMUNITY BOARD #11Q

OCTOBER 18, 2011, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, October 18, 2011, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

39-11-BZ

APPLICANT – Bryan Cave LLP, for Kimball Group, LLC, owner.
SUBJECT – Application April 8, 2011 – Variance (§72-21) to legalize a mixed use building, contrary to floor area (§24-162), parking (ZR §25-31), permitted obstructions (§24-33/23-44), open space access (§12-10), side yard setback (§24-55), distance required from windows to lot line (§23-861). R4 zoning district.
PREMISES AFFECTED – 2230-2234 Kimball Street, between Avenue U and Avenue V. Block 8556, Lot 55, Borough of Brooklyn.
COMMUNITY BOARD #18BK

76-11-BZ

APPLICANT – Sheldon Lobel, P.C., for Mr. Eli Braha, owner.
SUBJECT – Application May 26, 2011 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area, open space and lot coverage (§23-141); rear yard (§23-47) and side yard (§23-461). R4/OP zoning district.
PREMISES AFFECTED – 2263 East 2nd Street, approximately 235' south of Gravesend Neck Road, Block 7154, Lot 68, Borough of Brooklyn.
COMMUNITY BOARD #15BK

106-11-BZ

APPLICANT – Sheldon Lobel, P.C., for Tag Court Square, LLC, owner; Long Island City Fitness Group, LLC, owner.
SUBJECT – Application August 2, 2011 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*Planet Fitness*). M1-5/R7-3 (Special Long Island City Mixed Use District) zoning district.
PREMISES AFFECTED – 27-28 Thomson Avenue, triangular zoning lot with frontages on Thomson Street and Court Square, adjacent to Sunnyside Yards. Block 82, Lots 7501 (1001), Borough of Queens.
COMMUNITY BOARD #2Q

Jeff Mulligan, Executive Director

MINUTES

REGULAR MEETING TUESDAY MORNING, SEPTEMBER 20, 2011 10:00 A.M.

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

SPECIAL ORDER CALENDAR

827-55-BZ

APPLICANT – Eric Palatnik, P.C., for BP Products,
Incorporated, owner.

SUBJECT – Application October 5, 2010 – Extension of
Term (§11-411) for the continued operation of a Gasoline
Service Station (*British Petroleum*) which expires on
January 31, 2011. R3-2 zoning district.

PREMISES AFFECTED – 245-20 139th Avenue, southwest
corner of Conduit Avenue. Block 13614, Lot 23, Borough
of Queens.

COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Eric Palatnik.

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 an extension of
term for a previously granted variance for a gasoline service
station with accessory uses, that expired on January 31,
2011; and

WHEREAS, a public hearing was held on this
application on December 14, 2010, after due notice by
publication in *The City Record*, with continued hearings on
January 25, 2011, June 7, 2011, July 12, 2011 and August
23, 2011, and then to decision on September 20, 2011; and

WHEREAS, Community Board 13, Queens,
recommends disapproval of this application; and

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

WHEREAS, the subject site is located on the southwest
corner of 246th Street and Conduit Avenue at 139th Avenue,
within an R3-2 zoning district; and

WHEREAS, the site is occupied by a gasoline service
station with accessory uses (Use Group 16); and

WHEREAS, the Board has exercised jurisdiction over
the site since January 31, 1956 when, under the subject
calendar number, the Board granted a variance to permit the
site to be occupied by a gasoline service station with accessory
uses; and

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

WHEREAS, most recently, on September 10, 2002, the
Board granted a ten-year extension of term, which expired on
January 31, 2011; and

WHEREAS, the applicant now seeks an additional ten-
year extension of term; and

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

WHEREAS, at hearing, the Board raised concerns about
the following site conditions: (1) parked cars on the sidewalk,
(2) signage in excess of the Board approval, and (3) the
presence of graffiti; and

WHEREAS, in response, the applicant submitted (1)
evidence that the owner installed wheel stops to prevent
parking on the sidewalk and (2) photographs of the site, which
reflect the removal of excess signage and graffiti; 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 *reopens* and *amends* the resolution, dated January 31,
1956, so that as amended this portion of the resolution shall
read: “to extend the term for ten years from January 31,
2011, to expire on January 31, 2021; *on condition* that all use
and operations shall substantially conform to plans filed
with this application marked ‘May 24, 2011’-(3) sheets; and
on further condition:

THAT the term of the grant shall expire on January 31,
2021;

THAT all exterior lighting shall be directed downward
and away from adjacent residential uses;

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

THAT all signage shall comply with the Board-approved
signage plan;

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

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

THAT the Department of Buildings must ensure
compliance with all other applicable provisions of the
Zoning Resolution, the Administrative Code and any other
relevant laws under its jurisdiction irrespective of plan(s)
and/or configuration(s) not related to the relief granted.”
(DOB App. No. 401419924)

Adopted by the Board of Standards and Appeals
September 20, 2011.

58-99-BZ

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

SUBJECT – Application May 19, 2011 – Extension of Term
(§11-411) for a gasoline service station (*Gulf*) which expired
on October 26, 2009; Amendment to the previously
approved plans to remove a canopy and Waiver of the
Rules. R3-2 zoning district.

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PREMISES AFFECTED – 18-10 Utopia Parkway, Entire block is bounded by utopia Parkway, 18th Avenue, 169th Street and 19th Avenue. Block 5743, Lot 75, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Josh Rinesmith.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an extension of term for a gasoline service station (Use Group 16) with accessory uses, and an amendment to permit minor modifications to the BSA-approved plans; and

WHEREAS, a public hearing was held on this application on August 16, 2011, after due notice by publication in *The City Record*, and then to decision on September 20, 2011; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by Chair Srinivasan; and

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

WHEREAS, the site occupies the entirety of Block 5743, bounded by 169th Street to the west, 18th Avenue to the north, Utopia Parkway to the east, and 20th Avenue to the south, within a C1-2 (R3-2) zoning district; and

WHEREAS, the site is currently occupied by a gasoline service station (Use Group 16) with accessory uses; and

WHEREAS, the Board has exercised jurisdiction over the subject site since December 1, 1959 when, under BSA Cal. No. 182-52-BZ, the Board granted a variance to permit the construction of a gasoline service with accessory uses, for a term of 15 years; and

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

WHEREAS, on October 26, 1999, under the subject calendar number, the Board granted an application under ZR § 11-411 to re-establish the expired variance for a gasoline service station use and automobile repair facility use, to expire October 26, 2009; and

WHEREAS, most recently, on February 25, 2003, the Board granted an extension of time to obtain a certificate of occupancy and an amendment to permit the erection of a metal canopy over new concrete pump islands; and

WHEREAS, the applicant now seeks to extend the term for an additional ten years; and

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

WHEREAS, the applicant also requests an amendment to reflect that the work permitted under the most recent grant was never commenced; and

WHEREAS, specifically, the applicant states that the two new pump islands and the metal canopy permitted under the February 25, 2003 grant were never constructed; accordingly, the applicant seeks an amendment to legalize the existing conditions; and

WHEREAS, based upon its review of the record, 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 October 26, 1999, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from October 26, 2009, to expire on October 26, 2019; *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 19, 2011’-(5) sheets; and *on further condition*:

THAT the term of this grant shall expire on October 26, 2019;

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

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

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

(DOB Application No. 402280580)

Adopted by the Board of Standards and Appeals, September 20, 2011.

201-02-BZ

APPLICANT – Eric Palatnik, P.C., for Papa Page, LLC, owner.

SUBJECT – Application July 20, 2011 – Extension of Time to Complete Construction of a Variance (§72-21) for the construction of a new automotive service station with accessory convenience store which expired on May 22, 2011 and a waiver of the rules. C1-1/R3X (SRD) zoning district. PREMISES AFFECTED – 6778 Hylan Boulevard, between Page Avenue and Culotta. Block 7734, Lot 13 & 20, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an extension

MINUTES

of time to complete construction and obtain a certificate of occupancy for a previously granted variance to permit, in C1-1 (R3X) zoning district, the construction of an automotive service station (Use Group 16B) with an accessory convenience store, which expired on May 22, 2011; and

WHEREAS, a public hearing was held on this application on August 23, 2011, after due notice by publication in *The City Record*, and then to decision on September 20, 2011; and

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

WHEREAS, the subject site is located on the southeast corner of Hylan Boulevard and Page Avenue, within a C1-1 (R3X) zoning district; and

WHEREAS, on January 28, 2003, under the subject calendar number, the Board granted a variance to permit the construction of an automotive service station with an accessory convenience store; and

WHEREAS, most recently, on May 22, 2007, the Board granted an extension of time to complete construction and obtain a certificate of occupancy, which expired on May 22, 2011; and

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

WHEREAS, the applicant states that additional time is necessary to complete the project due to financing delays; and

WHEREAS, the applicant also seeks an amendment to reflect a change in the Department of Buildings ("DOB") application number since the Board's initial grant, from DOB Application No. 500496643 to DOB Application No. 520046539; and

WHEREAS, the applicant states that there are no proposed changes to the BSA-approved plans, but that a new application number was required at DOB due to the delay in commencing construction under the original application number; and

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

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure *reopens* and *amends* the resolution, dated January 28, 2003, so that as amended this portion of the resolution shall read: "to grant an extension of the time to complete construction for a term of four years, to expire on September 20, 2015; *on condition*:

THAT substantial construction shall be completed by September 20, 2015;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning

Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB Application No. 520046539)

Adopted by the Board of Standards and Appeals, September 20, 2011.

742-59-BZ

APPLICANT – Harold L. Robertson, for David B. Levy/136 E. 55th Street, Inc.

SUBJECT – Application July 14, 2011 – Extension of Term for the continued use of 50 transient parking spaces within an accessory garage in a multiple dwelling building which expired on June 13, 2011. C6-6 zoning district.

PREMISES AFFECTED – 136 East 55th Street, Lexington Avenue and East 55th Street. Block 1309, Lot 50, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: Harold L. Robertson.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to October 25, 2011, at 10 A.M., for decision, hearing closed.

593-69-BZ

APPLICANT – Eric Palatnik, P.C., for Metro New York Dealer Stations, LLC, owner.

SUBJECT – Application May 27, 2011 – Amendment (§11-413) to convert automotive repair bays to an accessory convenience store at an existing gasoline service station (*Shell*). C2-2/R5 zoning district.

PREMISES AFFECTED – 108-01 Atlantic Avenue, Between 108th and 109th Street. Block 9315, Lot 23, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to October 25, 2011, at 10 A.M., for postponed hearing.

86-92-BZ

APPLICANT – Randy M. Gulkis, DDS, owner.

SUBJECT – Application April 29, 2011 – Extension of Term of a Variance (§72-21) for the continued operation of a UG6B dental office which expired on June 11, 2011. R3X zoning district.

PREMISES AFFECTED – 15 First Street, a triangle formed by First Street to the east, Richmond to west and Rose Street to the south. Block 4190, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

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For Applicant: Randy M. Gulkis.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to October
18, 2011, at 10 A.M., for decision, hearing closed.

93-95-BZ

APPLICANT – Akerman Senterfeit, for 149-58 Realty
Company, owner.

SUBJECT – Application April 18, 2011 – Extension of
Term of a Variance (§72-21) for the continued operation of
a (UG 6a) eating and drinking establishment and (UG 9)
catering establishment which expired on June 10, 2007 and
waiver of the rules. R3A zoning district.

PREMISES AFFECTED – 149-56/58 Cross Island
Parkway, between 149th and 150th Streets. Block 4662, Lot
36 & 38. Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Jessica Loeser.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to October
25, 2011, at 10 A.M., for decision, hearing closed.

92-99-BZ, 94-99-BZ, 96-99-BZ, 98-99-BZ, 100-99-BZ, 102-99-BZ

APPLICANT – Sheldon Lobel, P.C., for Walden Terrace
Inc., owner.

SUBJECT – Application June 24, 2011 – Extension of Term
for the continued use of transient parking spaces in a multi-
unit residential building which expired on May 30, 2011;
Extension of Time to obtain a Certificate of Occupancy
which expired on May 30, 2011, and Waiver of the Rules.
R7-1 zoning district.

PREMISES AFFECTED – 98-09, 98-25, 98-41, 98-51, 98-
33, 98-19, 64th Avenue, western portion of the block
bounded by the 64th Avenue to the north, 64th Road to the
south, 98th Street to the west and 99th Street to the east.
Block 2101 & 2100, Lot 1, 16, 24, 29, 21, 15, Borough of
Queens.

COMMUNITY BOARD #6Q

APPEARANCES –

For Applicant: Josh Rinesmith.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to October

25, 2011, at 10 A.M., for decision, hearing closed.

200-00-BZ

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

SUBJECT – Application August 25, 2011 – Extension of
Time to obtain a Certificate of Occupancy of a variance
(\$72-21) to operate a Physical Culture Establishment
(*Squash Fitness Center*) which expired on June 8, 2011;
Waiver of the Rules. C1-4(R6B) zoning district.

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

COMMUNITY BOARD #3Q

APPEARANCES –

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to October
25, 2011, at 10 A.M., for decision, hearing closed.

75-06-BZ

APPLICANT – Eric Palatnik, P.C., for Cord Meyer
Development Company, owner.

SUBJECT – Application April 27, 2011 – Extension of
Time to complete construction of a variance (§72-21) for a
mixed use building contrary to FAR, open space and sky
exposure plane regulations, and an amendment to eliminate
a sub-cellar and modify the building envelope. C1-2/R7-1
district.

PREMISES AFFECTED – 108-20 71st Avenue, northeast
corner of Queens Boulevard and 71st Avenue. Block 2224,
Lot 1, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES –

For Applicant: Eric Palatnik and Anthony Morali.

ACTION OF THE BOARD – Laid over to October
25, 2011, at 10 A.M., for continued hearing.

MINUTES

APPEALS CALENDAR

95-11-A

APPLICANT – Gary Lenhart, for The Breezy Point Cooperative, Inc., owner.

SUBJECT – Application June 30, 2011 – Reconstruction and enlargement of a single family dwelling located within the bed of a mapped street, contrary to General City Law Section 35. R4 zoning district.

PREMISES AFFECTED – 385 Bayside Drive, 30' east of mapped Beach 182nd Street. Block 16340, Lot p/o 50, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Gary Lenhart.

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 June 22, 2011, acting on Department of Buildings Application No. 420354128, reads in pertinent part:

A-1 The existing building to be reconstructed and altered lies within the bed of a mapped street contrary to General City Law Article 3, Section 35

A-2 The proposed upgraded private disposal system is in the bed of a mapped street and or unmapped service road contrary to General City Law Article 3, Section 35 and Department of Buildings Policy; and

WHEREAS, a public hearing was held on this application on September 20, 2011, after due notice by publication in the *City Record*, and then to closure and decision on the same date; and

WHEREAS, by letter dated July 13, 2011, the Fire Department states that it has reviewed the subject proposal and has no objections provided the following conditions are met: (1) the entire building be fully sprinklered in conformity with the sprinkler provisions New York City Fire Code Section 503.8.2, Local Law 10 of 1999 as well as Reference Standard 17-2B of the New York City Building Code; and (2) the entire building be provided with interconnected smoke alarms in accordance with Section 907.2.10 of the NYC Building Code; and

WHEREAS, by letter dated July 22, 2011, the Department of Environmental Protection states that it has no objection to the subject proposal; and

WHEREAS, by letter dated August 16, 2011, the Department of Transportation (“DOT”) states that it has no objection to the subject proposal; and

WHEREAS, DOT states that the subject lot is not currently included in the agency’s Capital Improvement Program; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated June 22, 2011, acting on Department of Buildings Application No. 420354128, is modified by the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received June 30, 2011”– one (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT the home shall be sprinklered and smoke alarms shall be installed in accordance with the BSA-approved plans;

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

THAT DOB shall review the proposed plans to ensure compliance with all relevant provisions of the Zoning Resolution;

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

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

Adopted by the Board of Standards and Appeals, September 20, 2011.

100-11-A

APPLICANT – Deidre Duffy, for Breezy Point Cooperative, Incorporated, owner; John and Roseann Kennedy, lessees.

SUBJECT – Application July 7, 2011 – Reconstruction of a single family home located within the bed of a mapped street, contrary to General City Law Section 35. R4 Zoning District.

PREMISES AFFECTED – 157 Ocean Avenue, east side of Ocean Avenue, 74’ south of Oceanside Avenue. Block 16530, Lot 400, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Deidre Duffy.

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 June 21, 2011 acting on Department of Buildings Application No. 420347262, reads in pertinent part:

“A-1 The existing building to be altered and enlarged

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lies within the bed of a mapped street contrary to General City Law Article 3, Section 35;

A-2 The proposed upgraded private disposal system is in the bed of a mapped street contrary to Department of Buildings Policy;" and

WHEREAS, a public hearing was held on this application on September 20, 2011, after due notice by publication in the *City Record*, and then to closure and decision on the same date; and

WHEREAS, by letter dated July 25, 2011, the Fire Department states that it waives the requirement for a sprinkler system for the subject home and has no further objections to the proposal; and

WHEREAS, by letter dated July 22, 2011, the Department of Environmental Protection states that it has no objection to the subject proposal; and

WHEREAS, by letter dated August 16, 2011, the Department of Transportation ("DOT") states that it has no objection to the subject proposal; and

WHEREAS, DOT further states that the subject lot is not currently included in the agency's Capital Improvement Program; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated June 21, 2011, acting on Department of Buildings Application No. 420347262, is modified by the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received July 11, 2011" - one (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

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

THAT DOB shall review the proposed plans to ensure compliance with all relevant provisions of the Zoning Resolution;

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

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

Adopted by the Board of Standards and Appeals, September 20, 2011.

Jeff Mulligan, Executive Director

Adjourned: P.M.

REGULAR MEETING TUESDAY AFTERNOON, SEPTEMBER 20, 2011 1:30 P.M.

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

ZONING CALENDAR

119-10-BZ

APPLICANT – Sheldon Lobel, P.C., for Samson and Rivka Molinsky, owners.

SUBJECT – Application June 28, 2010 – Variance (§72-21) to allow legalization of an enlargement of a residential building, contrary to front yard (§23-45) and height (§23-631) regulations. R2X zoning district.

PREMISES AFFECTED – 787 Cornaga Avenue, southwest corner of Cornaga Avenue and Mador Court. Block 15571, Lot 133, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Josh Rinesmith.

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 May 27, 2010, acting on Department of Buildings Application No. 402388073, reads in pertinent part:

1. Proposed plans are contrary to Z.R. 23-45 in that the proposed front yard along Mador Court is less than the minimum required front yard of 15'-0" in an R2X district.
2. Proposed plans are contrary to Z.R. 23-631(b) in that the proposed perimeter wall height exceeds the maximum perimeter wall height of 21'-0" in an R2X district; and

WHEREAS, this is an application under ZR § 72-21, to permit, within an R2X zoning district, the legalization of the enlargement of a two-story single-family home that does not comply with the underlying zoning regulations for the front yard and perimeter wall height, contrary to ZR §§ 23-45 and 23-631(b); and

WHEREAS, a public hearing was held on this application on March 15, 2011, after due notice by publication in *The City Record*, with continued hearings on June 14, 2011 and August 23, 2011, and then to decision on September 20, 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 14, Queens, recommends approval of this application; and

WHEREAS, New York State Assembly Member Audrey I. Pheffer recommends approval of this application; and

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

WHEREAS, the site is located on the northwest corner of the intersection of Cornaga Avenue and Mador Court, in an R2X zoning district; and

WHEREAS, the site has 50'-9" of frontage on Cornaga Avenue, a depth 100 feet, and a total lot area of 5,195 sq. ft.; and

WHEREAS, the site is occupied by a two-story single-family home, with a partially completed enlargement; and

WHEREAS, the original home on the site, built in approximately 1925, had a floor area of 1,957 sq. ft. (0.38 FAR), an existing non-complying front yard with a depth of 5'-6" along the eastern lot line, and an existing non-complying perimeter wall height of 22'-3" (the "Original Home"); and

WHEREAS, the applicant states that a portion of the Original Home was damaged by a fire in April 2005, which led to the renovation and subject enlargement of the home; and

WHEREAS, the applicant notes that construction on the subject enlargement commenced following the Department of Building's ("DOB") issuance of a building permit on July 28, 2006, and continued until DOB issued a stop work order on December 7, 2006, before ultimately revoking the permit on September 9, 2008; and

WHEREAS, as discussed in greater detail below, the revocation of the permit was based on DOB's determination that Mador Court qualified as a "street" pursuant to ZR § 12-10(d), and therefore a front yard with a minimum depth of 15'-0" was required along the Mador Court frontage; and

WHEREAS, the applicant notes that at the time of the original DOB approval in 2006, the site was zoned R2, however, the zoning of the site was changed to an R2X district pursuant to the Far Rockaway Neighborhoods Rezoning on August 14, 2008; and

WHEREAS, the applicant states that the rezoning resulted in a second non-compliance because the maximum permitted wall height for the site was reduced from 25'-0" in the prior R2 district to 21'-0" in the current R2X district; and

WHEREAS, the applicant proposes to legalize the enlargement of the home, which extends the legal non-complying front yard along the eastern lot line and the existing perimeter wall height of the home; and

WHEREAS, the proposed home will have the following complying parameters: 2,463 sq. ft. of floor area (0.48 FAR) (the maximum permitted FAR is 1.02), 3,933 sq. ft. of open space (the minimum required open space is 3,695 sq. ft.), a front yard with a depth of 19'-4" along the northern lot line (a front yard with a minimum depth of 15'-0" is required), a side yard with a width of 40'-8" along the southern lot line and a side yard with a width of 9'-11" along the western lot line (two side yards with minimum widths of 8'-0" and 2'-0", respectively, are required), and

one parking spot; and

WHEREAS, however, the applicant proposes to extend the legal non-complying front yard with a depth of 5'-6" along the eastern lot line (a front yard with a minimum depth of 15'-0" is required), and to extend the legal non-complying perimeter wall height of 22'-3" (the maximum permitted perimeter wall height is 21'-0"); and

WHEREAS, the applicant states that requested relief is necessary, for reasons stated below; thus, the instant application was filed; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject site in compliance with underlying district regulations: (1) the narrow width and underbuilt nature of the existing home; (2) the site's location on a corner lot; and (3) the practical difficulties that would result from enlarging the home at the rear or along the western lot line; and

WHEREAS, as to the underbuilt size of the Original Home, the applicant states that the subject site has a width of 50'-9" and a lot area of 5,195 sq. ft., and that the Original Home is significantly underbuilt at 1,957 sq. ft. (0.38 FAR), given that the underlying zoning district permits 0.85 FAR (with bonus floor area available up to 1.02 FAR); and

WHEREAS, the applicant notes that the proposed enlargement would only add 506 sq. ft. of floor area, bringing the home to a total floor area of 2,463 sq. ft. (0.48 FAR), which remains significantly less than what is permitted in the underlying R2X district; and

WHEREAS, the applicant states that, although the size of the subject lot is typical in the surrounding area, because the site is a corner lot it requires two front yards of 15'-0" each; and

WHEREAS, the applicant further states that the front yard requirement along Mador Court at the eastern lot line, in conjunction with the existence of a driveway easement that benefits the adjoining property owner and prohibits construction on the westerly 8'-0" of the lot, requires that any enlargement occur at the front or rear of the home, and limits any complying enlargement to a width of 26'-0"; and

WHEREAS, the applicant represents that an enlargement along the western side of the home is further restricted because it would require significant interior demolition and the redesign of the first and second floor layouts to accommodate the relocation of the home's stair in order to efficiently utilize the space created by the enlargement; and

WHEREAS, the applicant notes that the main portion of the Original Home has a depth of 34'-3" and a width of 26'-0", with a one-story projection along the eastern side of the home that increases the width to 35'-0" at the front of the home, while the rear home maintained a width of 26'-0"; and

WHEREAS, the applicant states that the requested waiver merely enables the owner to provide a front yard along Mador Court that matches the existing non-complying front yard of 5'-6", to allow for the in-fill on the first floor and the vertical extension of the second floor at the existing non-complying width of 35'-0"; and

WHEREAS, the applicant represents that the narrow

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width of the Original Home creates a hardship because the overwhelming character in the surrounding area is for wider homes, and the narrow home creates problems regarding the layout, light and air, and livability of the subject home; and

WHEREAS, the applicant submitted a corner lot survey which analyzed 79 corner lots that are improved with single or two-family homes within the subject R2X zoning district, which reflects that the average lot width of the properties surveyed is 72'-0" and the average building front width is 41'-0", which is significantly greater than the subject lot width of 50'-9" and the maximum permitted width of any enlargement to the home of 26'-0"; and

WHEREAS, the survey submitted by the applicant also reflects that 58 of the homes surveyed (73 percent) have an existing building front width that is equal to or greater than the 35'-0" width proposed, and that of the homes that do not have a building front width of at least 35'-0", 14 homes can be enlarged within the permitted yard envelope to have a maximum building front width of 35'-0" or greater; therefore, a total of 91 percent of the homes surveyed either have a front width of at least 35'-0", or have the capability to enlarge to that width as-of-right; and

WHEREAS, the survey further reflects that, including the subject site, only four of the homes surveyed (five percent) have an existing or maximum front width under 30'-0"; and

WHEREAS, the Board observes that the majority of interior lots range between 45'-0" to 48'-0" in width and are able to accommodate homes with maximum widths ranging between 35'-0" and 38'-0"; and

WHEREAS, the applicant notes that the Original Home's width of 35'-0" is similar to other homes in the surrounding area, but because the width results in an existing non-complying front yard, any additional enlargement would be restricted to 26'-0" in width and would be required to be located at the rear of the site due to the existence of the driveway easement and the practical difficulties associated with an enlargement along the western lot line; and

WHEREAS, the applicant states that an enlargement at the rear would also result in practical difficulties because: (1) the kitchen would need to be relocated and reconfigured to accommodate a rear enlargement; (2) extensive interior demolition and room reconfiguration would be required at the first floor in order to create an open layout where the front of the home is not cut-off from the rear; (3) extensive interior and exterior wall demolition would be required at the second floor in order to create appropriate room layouts; and (4) a more extensive foundation system would be required for a rear enlargement, as opposed to the proposed enlargement which utilizes the existing foundation to support the enlargement; and

WHEREAS, accordingly, the applicant states that locating the enlargement along the eastern portion of the home is the only feasible way to enlarge the home; and

WHEREAS, as to the perimeter wall height, the applicant states that the requested waiver would merely allow the extension of the existing non-complying perimeter wall height to the enlarged portions of the home; and

WHEREAS, the applicant further states that compliance with the current perimeter wall height requirement of 21'-0"

would result in a practical difficulty in enlarging the home because the applicant would not be able to maintain the existing heights of the floors or roof; and

WHEREAS, based upon the above, the Board finds that the cited unique physical conditions create practical difficulties in developing the site in strict compliance with the applicable side yard regulations; and

WHEREAS, the applicant also included an assertion that the practical difficulty and unnecessary hardship in developing the site arise from the reliance in good faith on DOB's approval of its plans and subsequent issuance of a building permit for the proposed enlargement at the site; and

WHEREAS, the applicant's good faith reliance argument is premised on the following: (1) the architect had multiple meetings with DOB prior to the initial approval and permit issuance, but after a subsequent review, which initially resulted in no action, DOB ultimately issued objections stating that Mador Court was a street per ZR § 12-10(d) and therefore the enlargement was located in the required front yard; and (2) the architect's interpretation that Mador Court did not qualify as a "street" under the Zoning Resolution and therefore the subject lot was an interior lot rather than a corner lot, and thus not subject to front yard regulations along the Mador Court frontage; and

WHEREAS, the Board notes that subsection (d) of the ZR § 12-10 definition of "street" states that a street includes: "any other public way that on December 15, 1961, was performing the functions usually associated with a way established on the City Map;" and

WHEREAS, as to the DOB approval process, the project architect states that although the DOB-approved plans make no reference to Mador Court, the plans originally filed with the DOB application labeled the Mador Court right-of-way as "Mador Court (30' Wide Easement)," but that during one of the initial plan examination meetings the plan examiner requested that the reference to "Mador Court" be removed from the drawing because it was not shown on the City Map and was identified on the property survey as an easement; and

WHEREAS, as to the interpretation of the definition of "street," the applicant contends that the architect reasonably believed that Mador Court was not a zoning "street" under ZR § 12-10(d); and

WHEREAS, the architect states that he determined that Mador Court did not qualify as a "street" under the ZR § 12-10(d) definition of "street" because Mador Court was a private right-of-way established by private easement rights that was only dedicated to public use in September 1991, and therefore he did not believe it was a public way as of December 15, 1961; and

WHEREAS, the Board identifies the key questions that have emerged in the good faith reliance inquiry as: (1) whether the permit was void on its face; (2) whether there was any way the applicant could have known about the invalidity of the permit; and (3) whether there were multiple municipal assurances of validity; and

WHEREAS, the Board finds that the applicant has not met the standard to establish that a hardship was incurred

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due to good faith reliance on DOB's approval; and

WHEREAS, primarily, the Board finds that the applicant does not satisfy the analysis due to the second element regarding constructive notice as to the zoning regulation at issue; specifically, the Board disagrees with the applicant that Mador Court's official dedication to public use in September 1991 allows for its characterization as something other than a public way "performing the functions usually associated with a way established on the City Map" on December 15, 1961; and

WHEREAS, the Board notes that the applicant has not appealed DOB's determination that Mador Court meets the ZR § 12-10(d) definition of "street," but rather relies on what it asserts is the architect's reasonable interpretation; and

WHEREAS, the Board finds that an architect's reasonable interpretation is not a substitute for the absence of constructive notice in the good faith reliance inquiry; and

WHEREAS, the Board further notes that the evidence in the record fails to establish that DOB accepted the architect's interpretation that Mador Court did not qualify as a "street" under ZR § 12-10(d), or that DOB instructed the architect to remove the reference to Mador Court from the plans and treat it as an easement; and

WHEREAS, accordingly, the Board rejects the applicant's claim that it relied in good faith on DOB's approval of the plans and subsequent issuance of a building permit; and

WHEREAS, however, as noted above, the applicant asserted that the site is also constrained by unique physical conditions and suffers an unnecessary hardship such that the requested variance is warranted even without a claim based on good faith reliance; and

WHEREAS, the Board has determined that because of the subject lot's unique physical condition, there is no reasonable possibility that compliance with applicable zoning regulations will result in a habitable home; and

WHEREAS, the applicant represents that the proposed variance will not negatively affect the character of the neighborhood, or impact adjacent uses; and

WHEREAS, the applicant notes that the requested waivers are merely extensions of legal non-complying conditions, and that the proposed bulk is compatible with nearby residential development; and

WHEREAS, the applicant submitted a chart reflecting the front yard depths of homes having frontage on Mador Court with a corresponding map indicating their location, which reflects that the front yard depths for these homes range from 11'-2" to 17'-5" as measured from the edge of the Mador Court curb; and

WHEREAS, the applicant represents that although the proposed front yard along Mador Court is less than the other front yards on Mador Court, the subject home has always had a non-complying front yard of 5'-6" (6'-6" from the edge of the Mador Court curb), and that the requested waiver only seeks to legalize the extension of the already existing non-compliance; and

WHEREAS, the applicant notes that it obtained forms of

consent supporting the subject application from 77 out of the 90 properties located within a 400-ft. radius of the site, including all but one of the properties on Mador Court; and

WHEREAS, the applicant states that the proposed waivers will not have an adverse impact on the property located directly across from the site, at 775 Cornaga Avenue, because both of these homes front on Cornaga Avenue and there is over 50'-0" between the Mador Court street walls of the two homes; and

WHEREAS, therefore, 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 Board finds that the hardship herein was not created by the owner or a predecessor in title, but is a result of the historical lot dimensions; and

WHEREAS, as noted above, the proposal complies with all R2X zoning district regulations except for the required front yard and perimeter wall height on a portion of the lot; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Type II Declaration under 6 NYCRR Part 617.5 and 617.13, §§ 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 § 72-21, to permit, within an R2X zoning district, the legalization of the enlargement of a two-story single-family home that does not comply with the underlying zoning regulations related to the front yard and perimeter wall height, contrary to ZR §§ 23-45 and 23-631(b); *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 February 16, 2011"—eleven (11) sheets; and *on further condition*:

THAT the parameters of the proposed building shall be as follows: 2,463 sq. ft. of floor area (0.48 FAR); a front yard with a depth of 19'-4" along the northern lot line; a front yard with a minimum depth of 5'-6" along the eastern lot line; a side yard with a width of 40'-8" along the southern lot line; a side yard with a width of 9'-11" along the western lot line; and a perimeter wall height of 22'-3", as per the BSA-approved plans;

THAT the internal floor layouts on each floor of the proposed building shall be as reviewed and approved by DOB;

THAT there shall be no habitable room in the cellar;

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

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laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 20, 2011.

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 204th Street. Block 7301, Lot 11, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Eric Palatnik.

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 November 18, 2010, acting on Department of Buildings Application No. 420279200, reads in pertinent part:

“Comply with BSA – to extend term of variance granted by the Board of Standards and Appeals BSA Cal. No. 212-51-BZ and obtain new certificate of occupancy;” and

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reinstatement, an extension of term, an extension of time to obtain a certificate of occupancy, and an amendment to permit minor modifications to the approved plans for a prior Board approval of an automobile service station with accessory uses (Use Group 16) in a C2-2 (R3-2) zoning district, pursuant to ZR § 11-411; and

WHEREAS, a public hearing was held on this application on March 1, 2011, after due notice by publication in the *City Record*, with continued hearings on April 12, 2011, May 17, 2011, July 12, 2011 and August 23, 2011 and then to decision on September 20, 2011; 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 11, Queens, recommends disapproval of this application, citing the following concerns: (1) commercial trucks are parked on the

site; (2) old tires are stored on the property; and (3) the fence is in disrepair; and

WHEREAS, members of the surrounding community provided testimony in opposition to this application; and

WHEREAS, the premises is located on the south side of Northern Boulevard, between 204th Street and the Clearview Expressway, within a C2-2 (R3-2) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since October 11, 1955 when, under BSA Cal. No. 212-51-BZ, the Board granted a variance to permit the site to be occupied as a gasoline service station with accessory uses, for a term of 15 years; and

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

WHEREAS, most recently, on November 17, 1992, the Board granted a ten-year extension of term, which expired on October 11, 2000; and

WHEREAS, the term of the variance has not been extended since its expiration on October 11, 2000, and

WHEREAS, the applicant represents, however, that the use of the site as a gasoline service station with accessory uses has been continuous since the initial grant; and

WHEREAS, the applicant now proposes to reinstate the prior grant; and

WHEREAS, the applicant has requested a ten-year extension of term and extension of time to obtain a certificate of occupancy; and

WHEREAS, pursuant to ZR § 11-411, the Board may extend the term of an expired variance for a term of not more than ten years; and

WHEREAS, the applicant also requests an amendment to reflect the replacement of the two old pump islands with four new pump islands; and

WHEREAS, at hearing, the Board directed the applicant to address the Community Board’s concerns regarding truck parking, fencing, and site maintenance, and raised additional concerns about the lack of landscaping, the lack of screening for the adjacent residents, and the excessive signage on the site; and

WHEREAS, in response, the applicant submitted photographs and revised plans reflecting the removal of the tires and other debris from the site, the installation of new fencing with privacy slats, the addition of landscaping, a reduction in the signage to comply with the underlying C2 district signage regulations, and that parking on the site is limited to vehicles awaiting service; and

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

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, issues a Type II determination under 6 NYCRR 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 each and every one of the required findings under ZR § 11-411 to permit the reinstatement, extension of term, extension of time to obtain a certificate of occupancy, and amendment to the previously-approved plans for a prior

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Board approval of an automobile service station with accessory uses (UG 16), *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received August 12, 2011"-(8) sheets; and *on further condition*:

THAT the term of this grant shall be for ten years, to expire on September 20, 2021;

THAT the lot shall be kept free of debris and graffiti;

THAT all signage on the shall comply with C2 district regulations;

THAT parking on the site shall be limited to vehicles awaiting service;

THAT landscaping and fencing shall be maintained in accordance with the BSA-approved plans;

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

THAT a new certificate of occupancy be obtained by September 20, 2012;

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

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

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

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

Adopted by the Board of Standards and Appeals, September 20, 2011.

1-11-BZ

APPLICANT – Martyn & Don Weston Architects, for RAC LLC Realty, owner; Sahadi Importing Company, lessee.

SUBJECT – Application January 3, 2011 – Variance (§72-21) to allow a ground floor enlargement to a pre-existing non complying commercial building, contrary to floor area regulations (§53-31). C2-3/R6 zoning district.

PREMISES AFFECTED – 189-191 Atlantic Avenue, north side of Atlantic Avenue, 240' east of Clinton Street. Block 276, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES –

For Applicant: Don Weston and Charles Sahadi.

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 December 13, 2010, acting on

Department of Buildings Application No. 320235795, reads in pertinent part:

"Proposal to add floor area to an existing non complying building will increase the degree of non compliance and is contrary to Section 53-31 ZR and must be referred to the Board of Standards and Appeals;" and

WHEREAS, this is an application under ZR § 72-21, to permit, in a C2-3 (R6) zoning district within the Brooklyn Heights Historic District, the enlargement of a pre-existing non-complying commercial building, which increases the degree of non-compliance with regard to floor area regulations, contrary to ZR § 53-31; and

WHEREAS, a public hearing was held on this application on April 12, 2011 after due notice by publication in *The City Record*, with continued hearings on June 7, 2011, July 12, 2011, and August 23, 2011, and then to decision on September 20, 2011; and

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

WHEREAS, Community Board 2, Brooklyn, recommends approval of this application; and

WHEREAS, City Council Member Stephen T. Levin recommends approval of this application; and

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

WHEREAS, the subject site is located on the north side of Atlantic Avenue, between Clinton Street and Court Street, in a C2-3 (R6) zoning district within the Brooklyn Heights Historic District; and

WHEREAS, the site has 50 feet of frontage on Atlantic Avenue, a depth of 80 feet, and a total lot area of 4,000 sq. ft.; and

WHEREAS, the site is occupied by a five-story mixed-use building with two Use Group 6 stores at the ground floor and residential units above; and

WHEREAS, the subject building has a pre-existing non-complying total floor area of 14,510 sq. ft. (3.63 FAR) (the maximum permitted total floor area is 8,080 sq. ft. (2.02 FAR)), with a residential floor area of 11,320 sq. ft. (2.83 FAR) (the maximum permitted residential floor area is 8,080 sq. ft. (2.02 FAR)), and a commercial floor area of 3,190 sq. ft. (0.80 FAR) (the maximum permitted commercial floor area is 8,000 sq. ft. (2.0 FAR)); and

WHEREAS, the applicant states that the subject building, which was constructed in 1886, was designed with two separate, rectangular building sections on the east and west side of the building, each approximately 20'-0" in width, with an internal central stair case and a courtyard with a width of 10'-0" located between the two building sections; and

WHEREAS, the applicant notes that the ground floor commercial space in the western section of the building (the "Western Storefront") is currently occupied by a Use Group 6 retail store that is operated in conjunction with ground floor commercial space for the adjacent building to the west, at 187 Atlantic Avenue; and

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WHEREAS, the applicant states that the ground floor commercial space in the eastern section of the building (the "Eastern Storefront") is currently vacant; and

WHEREAS, the applicant states that the Western Storefront was connected to the portion of the store located at 187 Atlantic Avenue in 1985, pursuant to an Alteration Permit issued by the Department of Buildings ("DOB"); and

WHEREAS, however, the applicant states that due to the subject building's unique configuration, there is no connection between the Eastern Storefront and Western Storefront, and therefore the Eastern Storefront is cut-off from the retail store which operates in the Western Storefront; and

WHEREAS, on January 11, 2000, under BSA Cal. No. 46-99-BZ, the Board granted a variance to permit a 270 sq. ft. ground floor enlargement to provide a connection between the two ground floor storefronts; and

WHEREAS, a condition of that grant was that substantial construction be completed by January 11, 2004, pursuant to ZR § 72-23; and

WHEREAS, the applicant states that construction on the enlargement was never commenced due to funding delays; and

WHEREAS, because the prior variance has expired, the Board required the filing of the subject application for a new variance; and

WHEREAS, the applicant now proposes to construct a 270 sq. ft. enlargement at the ground floor of the subject building in order to provide a ground floor connection between the Eastern Storefront and Western Storefront, which will increase the total floor area of the building from 14,510 sq. ft. (3.63 FAR) to 14,780 sq. ft. (3.69 FAR); and

WHEREAS, the proposed enlargement will increase the degree of non-compliance with the total floor area for the site, thus the applicant seeks a variance to permit the enlargement; and

WHEREAS, the applicant states that the following are unique physical conditions which create unnecessary hardship and practical difficulties in developing the site with a complying development: (1) the obsolete design of the building; and (2) the resultant separated retail spaces with small commercial frontage space; and

WHEREAS, as to the obsolete building design, the applicant states that the building was constructed in 1886 and that the long narrow outer courtyard that abuts a central stair accessing the upper floors cuts the building into two separate parts; and

WHEREAS, the applicant states that this condition is unique to the subject building, and that no other site within a 400-ft. radius is occupied by a single building divided into two separate and undersized storefronts at the first floor; and

WHEREAS, the applicant further states that the unique design of the building results in two separate commercial storefronts with approximately 20'-0" of frontage each; and

WHEREAS, the applicant states that the small commercial frontage space which results from the unique building design creates a hardship for the Eastern Storefront because it cannot support a viable retail space separated from the remainder of the store; and

WHEREAS, the applicant represents that the surrounding

area consists primarily of larger storefronts, and that the requested waiver is necessary in order to compete with the larger stores in the vicinity of the site by connecting the Eastern Storefront and the Western Storefront; and

WHEREAS, in support of this statement, the applicant submitted a survey which reflects that large stores with more than 25 feet of frontage constitute 60 percent of the frontage space on commercial streets in the surrounding area; and

WHEREAS, the applicant states that the unique design of the building results in two separate retail units on the ground floor divided by the central stair and outer courtyard, which prevents any connection between the Eastern Storefront and Western Storefront without either enlarging into the outer courtyard or rebuilding the central stair; and

WHEREAS, the applicant states that providing a connection between the two storefronts by rebuilding the central stair results in practical difficulties because: (1) the new stair would have to be completely rebuilt in order to meet the present code requirements; (2) rebuilding the stair would require that all 16 of the residential units above the ground floor be vacated for more than four months; (3) a substantial amount of floor area from the two front apartments on the second floor would be eliminated in order to allow for the transition of the new stair; and (4) the cost associated with rebuilding the stair, relocating the load bearing walls, and rearranging the apartment layouts would be prohibitive; and

WHEREAS, accordingly, the only feasible way to connect the two storefronts is by constructing a small one-story enlargement within the rear courtyard; and

WHEREAS, the applicant notes that the requested waiver merely enables the owner to connect the existing retail spaces by allowing for the in-fill of the rear courtyard at the first floor through the addition of a 270 sq. ft. enlargement, which only increases the degree of floor area non-compliance by four percent; and

WHEREAS, the Board notes that in addition to the evidence submitted in support of the subject application, it also accepts its own determination that the finding set forth at ZR § 72-21(a) was met under BSA Cal. No. 46-99-BZ, which approved the applicant's request for an identical enlargement under substantially similar facts on January 11, 2000; and

WHEREAS, based upon the above, the Board finds that the obsolete design of the building creates unnecessary hardship and practical difficulty in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, the applicant submitted a feasibility study which analyzed: (1) the existing scenario, consisting of two separated stores; (2) a complying scenario, consisting of one large store connected through a rebuilt central stair; and (3) the proposed scenario, consisting of one large store connected through a ground floor enlargement at the rear courtyard; and

WHEREAS, the study concluded that the existing and complying scenarios would not result in a reasonable return, but that the proposed building would realize a reasonable return; and

WHEREAS, based upon the above, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development

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in strict compliance with zoning will provide a reasonable return; and

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

WHEREAS, the applicant represents that the surrounding area is occupied by a mix of residential, commercial, and community facility uses; and

WHEREAS, the applicant states that the proposed 10'-0" by 27'-0" one-story enlargement will be constructed entirely within the existing rear courtyard of the subject building, and therefore will not be able to be seen either from the street or from adjoining rear yards; and

WHEREAS, the applicant further states that the enlargement will merely in-fill the narrow outer courtyard on the first floor level and will be below the level of the adjoining property's rear garden wall; and

WHEREAS, the applicant states that the proposed enlargement will only add 270 sq. ft. of floor area, which constitutes only a four percent increase in the degree of non-compliance with the total floor area permitted on the site; and

WHEREAS, the applicant further states that the total commercial floor area will only be increased up to 3,460 sq. ft. (0.86 FAR), which is still well below the maximum permitted commercial FAR of 2.0; and

WHEREAS, the applicant represents that the proposal will not affect the historical integrity of the subject property; and

WHEREAS, the applicant submitted a Certificate of Appropriateness from the Landmarks Preservation Commission ("LPC") approving work associated with the proposed enlargement, dated April 1, 2011; and

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

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

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

WHEREAS, based upon the above, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21.

Therefore it is Resolved that the Board of Standards and Appeals issues a Type II Declaration under 6 NYCRR Part 617.5 and 617.13, §§ 5-02(a), 5-02(b)(2), and 6-15 of the Rules of Procedure for City Environmental Quality Review, and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, in a C2-3 (R6) zoning district within the Brooklyn Heights Historic District, the enlargement of a pre-existing non-complying commercial building, which increases the degree of non-compliance with regard to floor area regulations, contrary to ZR § 53-31; *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 January 3, 2011" – (3) sheets and "August 15, 2011"-(1) sheet; and *on further condition*:

THAT the following are the bulk parameters of the proposed building: a total floor area of 14,780 sq. ft. (3.69 FAR); a residential floor area of 11,320 sq. ft. (2.83 FAR); and a commercial floor area of 3,460 sq. ft. (0.86 FAR), as indicated on the BSA-approved plans;

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

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

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

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

Adopted by the Board of Standards and Appeals, September 20, 2011.

**64-11-BZ
CEQR #11-BSA-094Q**

APPLICANT – Rampulla Associates Architects, for 3232 49th Realty, LLC, owner; K & G Fitness Group, LLC, lessee.

SUBJECT – Application May 12, 2011 – Special Permit (§73-36) to allow the operation of a physical cultural establishment (*Retro Fitness*). C8-1 zoning district.

PREMISES AFFECTED – 32-28 49th Street, between Northern Boulevard and New Town Road. Block 734, Lot 47, Borough of Queens.

COMMUNITY BOARD #1Q

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 Montanez

Negative:.....5

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated July 15, 2011, acting on Department of Buildings Application No. 420335998, reads in pertinent part:

"The subject property to be used as a physical cultural health establishment is contrary to Section 32-10 ZR and requires a special permit from the NYC Board of Standards & Appeals pursuant to Section 73-36; and;" and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located within a C8-1 zoning district, the operation of a physical culture establishment

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(PCE) on a portion of the first floor of a one-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on August 23, 2011, after due notice by publication in *The City Record*, with a continued hearing on September 13, 2011, and then to decision on September 20, 2011; and

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

WHEREAS, the subject site is located on the north side of 49th Street, between Northern Boulevard and Newtown Road, within a C8-1 zoning district; and

WHEREAS, the subject site has a total lot area of 30,000 sq. ft. and is occupied by a one-story commercial building; and

WHEREAS, the proposed PCE will occupy 15,000 sq. ft. of floor area on a portion of the first floor of the one-story commercial building located on the site; and

WHEREAS, the PCE will be operated as Retro Fitness; and

WHEREAS, the proposed hours of operation for the PCE are: Monday through Friday, from 6:00 a.m. to 11:00 p.m.; and Saturday and Sunday, from 7:00 a.m. to 10:00 p.m.; and

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

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

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

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

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No. 11BSA094Q, dated July 13, 2011; and

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

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

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site located within a C8-1 zoning district, the operation of a physical culture establishment on a portion of the first floor of a one-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received August 30, 2011 - (1) sheet "Received August 18, 2011 - (2) sheets and *on further condition*:

THAT the term of this grant shall expire on September 20, 2021;

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

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

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

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

THAT substantial construction shall 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);

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

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

Adopted by the Board of Standards and Appeals, September 20, 2011.

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231-10-BZ

APPLICANT – Eric Palatnik, PC, for WIEDC (Williamsburg Infant & Early Childhood Development Center), owners.

SUBJECT – Application December 17, 2010 – Variance (§72-21) to permit the development of a six-story school (*Williamsburg Infant and Early Childhood Development center*), contrary to use regulations (§42-11); floor area (§43-122), rear yard (§43-26), and wall height, total height, number of stories, setback, and sky exposure plane (§43-43). M1-1 zoning district.

PREMISES AFFECTED – 430-440 Park Avenue, Between Kent Avenue and Franklin Avenue. Block 1898, Tent. Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES –

For Applicant: Eric Palatnik, Council Member Steven Levin, Assemblyman Joseph Lentol, Rabbi David Wiederman, Gilly Youner, David Lichtman, Esther Israel and Eliezer Israel.

ACTION OF THE BOARD – Laid over to November 15, 2011, at 1:30 P.M., for continued hearing.

18-11-BZ

APPLICANT – Law Office of Fredrick A. Becker, for ZTI Corporation, owner.

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 rear yard (§23-47) regulations. R2 zoning district.

PREMISES AFFECTED – 1025 East 22nd Street, between Avenue I and Avenue J. Block 7586, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lyra J. Altman.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to October 25, 2011, at 1:30 P.M., for decision, hearing closed.

47-11-BZ

APPLICANT – Law Office of Fredrick A. Becker, for USA Outreach Corp., by Shaya Cohen, owner.

SUBJECT – Application April 13, 2011– Variance (§72-21) to allow a three-story yeshiva (*Yeshiva Zichron Aryeh*) with dormitories, contrary to use (§22-13), floor area (§§23-141 and 24-111), side setback (§24-551) and parking regulations (§25-31). R2 zoning district.

PREMISES AFFECTED – 1213 Bay 25th Street, west side of Bay 25th Street, between Bayswater Avenue and Healy Avenue. Block 15720, Lot 67, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Lyra J. Altman and David Shteierman.

For Opposition: Enid Glabman, Olatunji Ojekunle, Eugene Falik and Jay Staple.

ACTION OF THE BOARD – Laid over to October 25, 2011, at 1:30 P.M., for continued hearing.

48-11-BZ

APPLICANT – Richard C. Bonsignore, for Joseph Moinian, owner; Mendez Boxing New York, lessee.

SUBJECT – Application April 13, 2011– Special Permit (§73-36) to allow the operation of a physical culture establishment (*Mendez Boxing*). C5-2 zoning district.

PREMISES AFFECTED – 60 Madison Avenue, aka 54-60 Madison Avenue, aka 23-25 East 26th Street, aka 18-20 East 27th Street, North side of Madison Avenue at East 26th Street and the north east corner to East 27th Street. Block 856, Lot 58, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Richard C. Bonsignore.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to October 25, 2011, at 1:30 P.M., for decision, hearing closed.

72-11-BZ

APPLICANT – Walter t. Gorman, P.E., for Tannor and Rothafel Partnership, owner; Lukoil (Getty Service Station), lessee.

SUBJECT – Application May 24, 2011 – Re-Instatement (§11-411) of a previously approved variance permitting the operation of an automotive service station (UG 16B) which expired on October 8, 1994. R3-2 zoning district.

PREMISES AFFECTED - 101-06 Astoria Boulevard, south east corner of 101st Street. Block 1688, Lot 30. Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES –

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to October 25, 2011, at 1:30 P.M., for decision, hearing closed.

MINUTES

94-11-BZ

APPLICANT – Victor K. Han, RA, AIA, for 149 Northern Plaza, LLC & Seungho Kim, owners. New York Spa & Sauna Corp., lessee.

SUBJECT – Application June 27, 2011 – Special Permit (§73-36) to allow a physical culture establishment (*New York Spa & Sauna*). C2-2/R6A&R5 zoning district.

PREMISES AFFECTED – 149-06 Northern Boulevard, Southeast of Northern Boulevard, 0' Southeast of 149th. Block 5017, Lot 11, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Victor K. Han.

ACTION OF THE BOARD – Laid over to November 15, 2011, at 1:30 P.M., for continued hearing.

Jeff Mulligan, Executive Director

Adjourned: P.M.