
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

Volume 96, No. 44

November 2, 2011

DIRECTORY

MEENAKSHI SRINIVASAN, *Chair*

CHRISTOPHER COLLINS, *Vice-Chair*

DARA OTTLEY-BROWN

SUSAN M. HINKSON

EILEEN MONTANEZ

Commissioners

Jeffrey Mulligan, *Executive Director*

Becca Kelly, *Counsel*

| | |
|------------------------|--|
| OFFICE - | 40 Rector Street, 9th Floor, New York, N.Y. 10006 |
| HEARINGS HELD - | 40 Rector Street, 6th Floor, New York, N.Y. 10006 |
| BSA WEBPAGE @ | http://www.nyc.gov/html/bsa/home.html |

| |
|-----------------------------------|
| TELEPHONE - (212) 788-8500 |
| FAX - (212) 788-8769 |

CONTENTS

DOCKET679

CALENDAR of November 15, 2011

Morning680

Afternoon680/681

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, October 25, 2011**

Morning Calendar682

Affecting Calendar Numbers:

742-59-BZ 136 East 55th Street, Manhattan
 93-95-BZ 149-56/58 Cross Island Parkway, Queens
 92-99-BZ, 94-99-BZ 98-09, 98-25, 98-41, 98-51, 98-33, 98-19 64th Avenue, Queens
 96-99-BZ, 98-99-BZ
 100-99-BZ & 102-99-BZ
 200-00-BZ 107-24 37th Avenue, Queens
 390-61-BZ 148-150 East 33rd Street, Manhattan
 624-68-BZ 188-07 Northern Boulevard, Queens
 593-69-BZ 108-01 Atlantic Avenue, Queens
 608-85-BZ 33-56 11th Street, Queens
 926-86-BZ 217-07 Northern Boulevard, Queens
 118-95-BZ 89-03 57th Avenue, Queens
 17-99-BZ 1736 Leif Ericson Drive, Brooklyn
 75-06-BZ 108-20 71st Avenue, Queens
 182-06-A thru Beach 5th Street and Beach 6th Street, Queens
 211-06-A
 138-11-A 64-01 Woodside Avenue, Queens
 140-11-A thru 69-17 & 69-19 38th Avenue, Queens
 141-11-A

Afternoon Calendar688

Affecting Calendar Numbers:

230-10-BZ 177 Kensington Street, Brooklyn
 18-11-BZ 1025 East 22nd Street, Brooklyn
 48-11-BZ 60 Madison Avenue, aka 54-60 Madison Avenue, aka 23-25 East 26th Street,
 aka 18-20 East 27th Street, Manhattan
 58-11-BZ 20-22 East 91st Street, Manhattan
 72-11-BZ 101-06 Astoria Boulevard, Queens
 43-11-BZ 1296 East 21st Street, Brooklyn
 47-11-BZ 1213 Bay 25th Street, Queens
 81-11-BZ 1380 Metropolitan Avenue, aka 44/64 Metropolitan Oval, Bronx
 82-11-BZ 2020 Homecrest Avenue, Brooklyn
 101-11-BZ 1152 East 24th Street, Brooklyn
 126-11-BZ 87-89 Chambers Street, Manhattan

DOCKET

New Case Filed Up to October 25, 2011

164-11-BZ

2030 Ocean Parkway, western side of Ocean Parkway through to East 5th Street between Avenue T and Avenue U., Block 7108, Lot(s) 16 and 18, Borough of **Brooklyn, Community Board: 15**. The application is filed pursuant to Section 72-21 of the Zoning Resolution of the City of New York, as amended, to request a bulk variance to allow the enlargement of a synagogue previously approved by the BSA at the subject location. R5(OP) and R3-1 district.

165-11-BZ

1561 50th Street, 50th Street, near the corner of 16th Avenue., Block 5453, Lot(s) 51, Borough of **Brooklyn, Community Board: 12**. This application is filed pursuant to Section 72-21 of the Zoning Resolution of the City of New York, as amended, to request a variance of Section 24-36 (rear Yard) and Section 24-11 (lot coverage) in order to permit the enlargement of the existing Use Group 4A house of worship to build an educational center on the proposed third and fourth floors and legalize two interior balconies at the second floor level of the existing building, located within the required rear yard. R6 district.

166-11-BZ

1109 Second Avenue, west side of Second Avenue between East 58th and East 59th Streets., Block 1332, Lot(s) 29, Borough of **Manhattan, Community Board: 6**. Special Permit (§73-36) to continue the operation of the Physical Culture Establishment. C2-8 (TA) zoning district C2-8(TA) district.

167-11-BZ

1677 Bruckner Boulevard, Fiely Avenue through to Metcalf Avenue., Block 3721, Lot(s) 1, Borough of **Bronx, Community Board: 9**. Special Permit (§73-243) to allow for an eating and drinking establishment (use group 6) with an accessory drive-through facility. C1-2/R5 zoning district. C1-2(R5) 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

NOVEMBER 15, 2011, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, November 15, 2011, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

789-45-BZ

APPLICANT – Walter T. Gorman, P.E., for Woodside 56 LLC, owner; Getty Properties Corp., lessee.
SUBJECT – Application July 6, 2011 – Extension of Term of a previously granted Variance (§72-21) for the continued operation of a (UG16) gasoline service station (*Getty*) which expired on July 13, 2006; Extension of Time to Obtain a Certificate of Occupancy which expired February 4, 2005; Waiver of the Rules. M1-1/R5 zoning district.
PREMISES AFFECTED – 56-02/56-20 Broadway, south east corner of 56th Street, Block 1195, Lot 44, Borough of Queens.

COMMUNITY BOARD #2Q

285-52-BZ

APPLICANT – Vassalotti Associates Architects, LLP, for Astoria 42, LLC, owner; Neil Tannor, lessee.
SUBJECT – Application July 8, 2011 – Extension of Term of a previously granted Variance (§72-21) for the continued operation of a gasoline service station (*Getty*) which expired on October 21, 2007; Extension of Time to obtain a Certificate of Occupancy which expired on March 9, 2000 and waiver of the rules. R-5 zoning district.
PREMISES AFFECTED – 30-14 34th Avenue, southwest corner of the intersection of 34th Avenue and 31st Street, Block 607, Lot 29, Borough of Queens.

COMMUNITY BOARD #1Q

APPEALS CALENDAR

116-11-A

APPLICANT – Deidre Duffy, for Breezy Point Cooperative, Inc., owner; Mary Collins, lessee.
SUBJECT – Application August 15, 2011 – Proposed reconstruction and enlargement of an existing single family home street not fronting a legally mapped street contrary to General City Law Sections 36 . R4 Zoning District.
PREMISES AFFECTED – 835 Liberty Lane, west side of Liberty Lane, 139’ north of Marshall Avenue, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

139-11-A

APPLICANT – Gary Lenhart, for The Breezy Point Cooperative, Inc., owner; William Diffendale, lessee.
SUBJECT – Application September 8, 2011– Proposed reconstruction and enlargement to the existing single dwelling partially in the bed of the mapped street 12th Avenue is contrary to Article 3, Section 35 of the General City Law. R4 zoning district.
PREMISES AFFECTED – 63 Hillside Avenue, south side Hillside Avenue, east of mapped Beach 178th Street, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

148-11-A

APPLICANT – Gary Lenhart, for The Breezy Point Cooperative, Inc., owner; Mary and Andrew McNermev, lessee.
SUBJECT – Application September 16, 2011 – 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.
PREMISES AFFECTED – 32 Kildare Walk, 183’ north of Breezy Point, Block 16350, Lot p/o 400, Borough of Queens.

COMMUNITY BOARD #14Q

NOVEMBER 15, 2011, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, November 15, 2011, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

90-11-BZ & 91-11-BZ

APPLICANT – Malcom Kaye, AIA, for Jian Guo, owner.
SUBJECT – Application June 23, 2011 – Variance (§72-21) to allow for the legalization of a semi-detached home located on a zoning lot which is contrary to lot area and lot width (ZR §23-32). R3-1 zoning district.
PREMISES AFFECTED – 23 & 25 Windom Avenue, east side of Windom Avenue, 210’ south of Cedar Avenue, Block 3120, Lot 19, Borough of Staten Island.

COMMUNITY BOARD #2SI

CALENDAR

123-11-BZ

APPLICANT – Ellen Hay, Wachtel & Masyr LLP, for Harrison Retail Associates LLC, owner, SoulCycle 350 Amsterdam, LLC, lessee.

SUBJECT – Application August 24, 2011 – Special Permit (ZR §73-36) to allow the operation of a physical culture establishment (SoulCycle). C2-7A & C4-6A zoning districts.

PREMISES AFFECTED – 350 Amsterdam Avenue, west side Amsterdam Avenue between West 76th Street and West 77th Street. Block 1168, Lots 1001/7501, Borough of Manhattan.

COMMUNITY BOARD #7M

124-11-BZ

APPLICANT – Sheldon Lobel, P.C., for Wagner Associates LLC, owner, 2480 Grand Concourse Fitness Group, LLC, lessee.

SUBJECT – Application August 24, 2011 – Special Permit (ZR §73-36) to allow the operation of a physical culture establishment (Planet Fitness). C4-4 zoning district.

PREMISES AFFECTED – 2488 Grand Concourse, located on the east side of Grand Concourse between East 188th Street and Fordham Road. Block 3153, Lot 9, Borough of Bronx.

COMMUNITY BOARD #5BX

Jeff Mulligan, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, OCTOBER 25, 2011
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

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.

ACTION OF THE BOARD – Application granted on
condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and
an extension of the term for a previously granted variance
for a transient parking garage, which expired on June 14,
2011; 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 decision on
October 25, 2011; and

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

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

WHEREAS, the subject site is located on the south side
of East 55th Street, between Lexington Avenue and Third
Avenue, within a C6-6 zoning district; and

WHEREAS, the site is occupied by a 15-story (including
penthouse) mixed-use commercial/residential building; and

WHEREAS, the cellar and first floor are occupied by a
93-space accessory garage; and

WHEREAS, on June 14, 1960, under the subject calendar
number, the Board granted a variance to permit a maximum of
50 surplus parking spaces to be used for transient parking for a
term of 21 years; and

WHEREAS, subsequently, the grant was amended and

the term extended at various times; and

WHEREAS, most recently, on October 30, 2001, the
Board granted a ten-year extension of term, which expired on
June 14, 2011; and

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

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

WHEREAS, at hearing, the Board noted that the
recapture sign was not permanently affixed in the garage, and
directed the applicant to provide evidence that the sign will be
a permanent installation; and

WHEREAS, in response, the applicant submitted
photographs of a new recapture sign which is permanently
affixed to the wall of the garage; and

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

Therefore it is Resolved that the Board of Standards and
Appeals *reopens* and *amends* the resolution having been
adopted on June 14, 1960, so that, as amended, this portion of
the resolution shall read: "to permit the extension of the term of
the grant for an additional ten years from June 14, 2011, to
expire on June 14, 2021; *on condition:*

THAT this term shall expire on June 14, 2021;

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

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

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

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

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

THAT the Department of Buildings must ensure
compliance with all other applicable provisions of the Zoning
Resolution, the Administrative Code and any other relevant
laws under its jurisdiction irrespective of plan(s) and/or
configuration(s) not related to the relief granted."
(Alt. 102136877)

Adopted by the Board of Standards and Appeals, October
25, 2011.

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.

MINUTES

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.

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 amendment, and an extension of term of a previously granted variance for an eating and drinking (UG 6A) and catering establishment (UG 9), which expired on June 10, 2007; and

WHEREAS, a public hearing was held on this application on July 26, 2011, after due notice by publication in *The City Record*, with continued hearings on August 23, 2011 and September 20, 2011, and then to decision on October 25, 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 7, Queens, recommends approval of this application; and

WHEREAS, the site is located on the south side of the Cross Island Parkway, between 149th Street and 150th Street, within an R3A zoning district; and

WHEREAS, the subject site is occupied by a two-story commercial building occupied by an eating and drinking (UG 6A) and catering (UG 9) establishment; and

WHEREAS, the Board has exercised jurisdiction over the subject site since June 10, 1997 when, under the subject calendar number, the Board granted a variance pursuant to ZR § 72-21 to permit the enlargement of an existing building in what was then an R3-1 zoning district and the conversion of a non-conforming bar, restaurant, and cabaret (Use Group 12) to an eating and drinking and catering establishment for a ten-year term to expire on June 10, 2007; and

WHEREAS, in 2002, the Board approved modifications to the plans by letter; and

WHEREAS, the applicant now seeks to extend the term of the variance for an additional 20 years; and

WHEREAS, the applicant also seeks to eliminate the condition of the prior grant which prohibits valet parking as it has employed valet parking as an effective means of managing traffic overflow and would like to continue the practice; and

WHEREAS, because the applicant sought a 20-year term, the Board directed it to notify affected property owners of the proposed term; and

WHEREAS, the Board did not receive any opposition to the proposed term; and

WHEREAS, at hearing, a neighbor raised concerns about

garbage storage at the rear of the building; and

WHEREAS, in response the applicant agreed to provide an enclosure with wooden slats and a maximum height of six feet at the front of the building; and

WHEREAS, the applicant stated that it needs to obtain a permit from DOB to construct the enclosure and that it could be completed within three months; and

WHEREAS, the neighbor confirmed that valet parking is effective at the site; and

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

Therefore it is Resolved that the Board of Standards and Appeals *waives* its Rules of Practice and Procedure, *reopens*, and *amends* the resolution, as adopted on June 10, 1997, so that as amended this portion of the resolution shall read: “to extend the term for a period of 20 years from June 10, 2007, to expire on June 10, 2027; *on condition* that the use and operation of the site shall substantially conform to drawings filed with this application and marked ‘August 9, 2011’-(3) sheets, ‘August 30, 2011’-(1) sheet and ‘September 12, 2011’-(1) sheet; and *on further condition*:

THAT the term of this grant shall expire on June 10, 2027;

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

THAT a garbage enclosure with wooden slats and a maximum height of six feet be constructed and installed at the front of the building as reflected on the Board-approved plans, by January 25, 2012;

THAT valet parking be permitted at the site;

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.” (DOB Application No. 400525632)

Adopted by the Board of Standards and Appeals, October 25, 2011.

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.

MINUTES

Block 2101 & 2100, Lot 1, 16, 24, 29, 21, 15, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES –

For Applicant: Jordan Most.

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 the term for a previously granted variance for six transient parking garages, which expired on May 30, 2010, and an extension of time to obtain a certificate of occupancy, which expired on May 30, 2001; 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 decision on October 18, 2011; and

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

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

WHEREAS, the subject premises consists of six tax lots located on two separate tax blocks within an R7-1 zoning district; Tax Lots 15, 21 and 29 are located on Tax Block 2100, and Tax Lots 1, 16, and 24 are located on Tax Block 2101; and

WHEREAS, Tax Block 2100 is bounded by 98th Street to the west, 63rd Drive to the north, 99th Street to the east, and 64th Avenue to the south; Tax Block 2101 is bounded by 98th Street to the west, 64th Avenue to the north, 99th Street to the east, and 64th Road to the south; and

WHEREAS, the applicant states that each of the six tax lots on the site is improved with two eight-story residential buildings that are connected by an accessory parking garage at the cellar level; the three garages located on each tax block are connected at the cellar level and effectively operate as a single parking garage; and

WHEREAS, Tax Block 2100 has a total of 180 accessory spaces located in the three accessory parking garages at the cellar level; Lot 15 has a 52-space accessory garage, Lot 21 has a 65-space accessory garage, and Lot 29 has a 63-space accessory garage; and

WHEREAS, Tax Block 2101 has a total of 193 accessory spaces located in the three accessory parking garages at the cellar level; Lot 1 has a 65-space accessory garage, Lot 16 has a 65-space accessory garage, and Lot 24 has a 63-space accessory garage; and

WHEREAS, the Board has exercised jurisdiction over the subject site since February 14, 1968 when, BSA Cal. Nos. 723-67-BZ through 734-67-BZ, the Board granted variances

pursuant to Section 60(3) of the Multiple Dwelling Law (“MDL”), to permit a maximum of 21 surplus parking spaces on Tax Lots 15, 21 and 29 (a total of 63 surplus spaces on Tax Block 2100) and a maximum of 14 surplus parking spaces on Tax Lots 1, 16 and 24 (a total of 42 surplus spaces on Tax Block 2101) to be used for transient parking, for a term of ten years; and

WHEREAS, subsequently, the term of the variance expired on February 14, 1978; and

WHEREAS, on May 30, 2000, the Board granted a new variance pursuant to Section 60(3) of the MDL to permit the continued use of portions of the cellar of the subject site for transient parking for a term of ten years, which expired on May 30, 2010; a condition of the grant was that a certificate of occupancy be obtained by May 30, 2001; and

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

WHEREAS, the applicant submitted a photograph of the signs posted in each garage, which state building residents’ right to recapture the surplus parking spaces; and

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

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution having been adopted on May 30, 2000, so that, as amended, this portion of the resolution shall read: “to permit the extension of the term of the grant for an additional ten years from May 30, 2010, to expire on May 30, 2020, and to grant an extension of time to obtain a certificate of occupancy to October 25, 2012; *on condition* that all work shall substantially conform to drawings filed with this application and marked ‘Received October 7, 2011’ –(3) sheets; and *on further condition*:

THAT this term shall expire on May 30, 2020;

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

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

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

THAT a new certificate of occupancy shall be obtained by October 25, 2012;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or

MINUTES

configuration(s) not related to the relief granted.”
(DOB Application Nos. 908/907/906/903/904/905)

Adopted by the Board of Standards and Appeals, October 25, 2011.

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: Trevis Savage.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of time to obtain a certificate of occupancy, which expired on June 8, 2011; 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 decision on October 25, 2011; and; and

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

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

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

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

WHEREAS, subsequently, the grant has been amended and the term extended by the Board on various occasions; and

WHEREAS, most recently, on June 8, 2010, the Board granted a ten-year extension of term, to expire on June 8, 2020, and an extension of time to obtain a certificate of occupancy, to expire on June 8, 2011; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated July 17, 2001, so that as amended this portion of the resolution shall read: “to grant an extension of time to obtain a certificate of occupancy, to expire on April 25, 2013; *on condition*:

THAT a certificate of occupancy shall be obtained by April 25, 2013;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”
(DOB Application No. 402567254)

Adopted by the Board of Standards and Appeals, October 25, 2011.

390-61-BZ

APPLICANT – Peter Hirshman, for Rapid Park Industries, owner.

SUBJECT – Application February 22, 2011 – Amendment (§11-413) of a variance for a UG8 parking garage (*Rapid Park Industries*) to permit the addition of an auto rental establishment (UG8) in the cellar level; extension of time to obtain a certificate of occupancy which expired on June 29, 2008. R8B zoning district.

PREMISES AFFECTED – 148-150 East 33rd Street, south side of East 33rd Street, 151.9' east of East 33rd Street and Lexington Avenue. Block 888, Lot 51. Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: Peter Hirshman.

ACTION OF THE BOARD – Laid over to November 22, 2011, at 10 A.M., for continued hearing.

624-68-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for MMT Realty Associates LLC, owner.

SUBJECT – Application June 7, 2011 – Extension of Term of a Variance (§72-21) to permit wholesale plumbing supply (UG16), stores and office (UG6) which expired on January 13, 2011; Extension of Time to obtain a Certificate of Occupancy and waiver of the rules. R3-2 zoning district.

PREMISES AFFECTED – 188-07 Northern Boulevard,

MINUTES

north side of Northern Boulevard between Utopia Parkway and 189th Street, Block 5364, Lots 1, 5, 7, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Todd Dale.

For Opposition: Terr Pouymcri.

ACTION OF THE BOARD – Laid over to December 6, 2011, at 10 A.M., for continued hearing.

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 automotiverepair 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: Trevis Savage.

ACTION OF THE BOARD – Laid over to December 6, 2011, at 10 A.M., for continued hearing.

926-86-BZ

APPLICANT – Sheldon Lobel, P.C., for Manes Bayside Realty LLC, owner.

SUBJECT – Application November 1, 2010 – Extension of Term of a variance for the operation of an automotive dealership with accessory repairs (UG 16B) which expired on November 4, 2010; Extension of time to obtain a Certificate of Occupancy which expired on January 6, 2006; Waiver of the Rules. C2-2/R6-B/R3X zoning district.

PREMISES AFFECTED – 217-07 Northern Boulevard, block front on the northerly side of Northern Boulevard between 217th Street and 218th Street, Block 6320, Lot 18, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Jordan Most.

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 December 6, 2011, at 10 A.M., for decision, hearing closed.

118-95-BZ

APPLICANT – Carl A Sulfaro, for White Castle System, Incorporated, owner.

SUBJECT – Application April 11, 2011 – Extension of Term of a previously granted Special Permit (§73-243) for

the continued operation of a drive-thru facility at an eating and drinking establishment (*White Castle*) which expires on July 25, 2011; Extension of Time to obtain a Certificate of Occupancy which expired on May 22, 2008; Waiver of the rules. C1-2/R6 zoning district.

PREMISES AFFECTED – 89-03 57th Avenue, southeast corner of Queens Boulevard and 57th Avenue, Block 1845, Lot 45, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES –

For Application: Steven Sulfaro.

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 November 15, 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: Trevis Savage.

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 November 15, 2011, at 10 A.M., for decision, hearing closed.

608-85-BZ

APPLICANT – Sheldon Lobel, P.C., for J.C. Organization, LLC, owner.

SUBJECT – Application July 18, 2011 – Extension of Term of a variance (§72-21) which permitted a custom Woodworking Shop (UG 16) which expired on June 17, 2011; Amendment to permit a change of use to a (UG16) General Contractors Establishment and to allow the expansion of two existing mezzanines to create a full second floor. R5 zoning district.

PREMISES AFFECTED – 33-56 11th Street, located on the west side of 11th Street, 235' south of 33rd Street, Block 319,

MINUTES

Lot 36, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: Nora Martins.

ACTION OF THE BOARD – Laid over to November 22, 2011, at 10 A.M., for continued hearing.

17-99-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for Cropsey and Mitchell, owners; TSI Brooklyn Belt LLC dba New York Sports Club, lessee.

SUBJECT – Application July 21, 2011 – Extension of Term of a Special Permit (§73-36) for the continued operation of a Physical Culture Establishment (*New York Sports Club*), on portions of the first floor and second floor of the subject premises, which expired on December 29, 2008; Waiver of the Rules. M3-1 zoning district.

PREMISES AFFECTED – 1736 Leif Ericson Drive, west side of Leif Ericson Drive, south of Bay Parkway, block 6419, Lot 198, Borough of Brooklyn.

COMMUNITY BOARD #11BK

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 November 15, 2011, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

182-06-A thru 211-06-A

APPLICANT – Akerman Senterfitt, LLP, for Boymelgreen Beachfront Community, LLC, owners.

SUBJECT – Application April 18, 2011 – Extension of time to complete construction and obtain a Certificate of Occupancy for a previously-granted Common Law Vesting which expired March 19, 2011. R4A zoning district.

PREMISES AFFECTED – 126, 128, 130, 134, 136, 140, 146, 148, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 161, and 163 Beach 5th Street. 150, 152, 154, 156, 158, 160, and 162 Beach 6th Street and 511 SeaGirt Avenue Block 15609, Lots 1, 3, 6, 8, 10, 12, 14, 16, 18, 58, 63, 64, 65, 66, 67, and 68 and Block 15608, Lots 1, 40, 42, 45, 51, 52, 53, 57, 58, 61, 63, 65, 67, and 69. Borough the Queens

COMMUNITY BOARD #14Q

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 November 15, 2011, at 10 A.M., for decision, hearing closed.

138-11-A

APPLICANT – Sheldon Lobel, P.C., for 64-01 Woodside Realty, Inc., owner.

SUBJECT – Application September 7, 2011 – Appeal seeking a common law vested right to complete construction under the prior R6 zoning district regulations. R5D zoning district.

PREMISES AFFECTED – 64-01 Woodside Avenue, between 64th and 65th Street, Block 1295, Lot 75, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES –

For Applicant: Jordan Most.

ACTION OF THE BOARD – Laid over to November 22, 2011, at 10 A.M., for continued hearing.

140-11-A & 141-11-A

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

SUBJECT – Application September 8, 2011 – Appeal seeking a common law vested right to complete construction under the prior R6 zoning district regulations. R5D zoning district.

PREMISES AFFECTED – 69-17 & 69-19 38th Avenue, between the BQE and 69th Street, Block 1282, Lot 64 & 65, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES –

For Applicant: Jordan Most.

ACTION OF THE BOARD – Laid over to November 22, 2011, at 10 A.M., for continued hearing.

Jeff Mulligan, Executive Director

Adjourned: P.M.

MINUTES

**REGULAR MEETING
TUESDAY AFTERNOON, OCTOBER 25, 2011
1:30 P.M.**

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

ZONING CALENDAR

230-10-BZ

APPLICANT – Eric Palatnik, P.C., for Leonid Fishman,
owner.

SUBJECT – Application December 17, 2010 – Special
Permit (§73-622) for the enlargement of a single family
home, contrary to open space, lot coverage and floor area
(§23-141(b)) and perimeter wall height (§23-631(b)). R3-1
zoning district.

PREMISES AFFECTED – 177 Kensington Street, Oriental
Boulevard and Kensington Street, Block 8754, Lot 78,
Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Todd Dale.

ACTION OF THE BOARD – Application granted on
condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough
Commissioner, dated November 19, 2010, acting on
Department of Buildings Application No. 320202721, reads:

“The proposed horizontal and vertical
enlargement of the existing one family residence
in an R3-1 zoning district:

1. Creates a new non-compliance with respect to
lot coverage and is contrary to Section 23-
141(b) of the Zoning Resolution (ZR).
2. Creates a new non-compliance with respect to
floor area and is contrary to Section 23-141(b)
ZR.
3. Creates a new non-compliance with respect to
open space and is contrary to Section 23-141(b)
ZR.
4. Creates a new non-compliance with respect to
perimeter wall height and is contrary to Section
23-631(b) ZR;” and

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

WHEREAS, a public hearing was held on this
application on May 24, 2011, after due notice by publication
in *The City Record*, with continued hearings on July 12,
2011, August 16, 2011 and September 27, 2011, and then to
decision on October 25, 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 15, Brooklyn,
recommends disapproval of this application; and

WHEREAS, representatives of the Manhattan Beach
Community Group provided written and oral testimony in
opposition to this application; and

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

WHEREAS, collectively, the parties who submitted
testimony in opposition to this application are the
“Opposition;” and

WHEREAS, the Opposition raised the following
primary concerns: (1) the proposed FAR, perimeter wall
height, and front yard depth are out of context with the
surrounding area; and (2) the proposed side yard balcony
along the northern side of the home is not permitted; and

WHEREAS, the subject site is located on the east side
of Kensington Street, between Shore Boulevard and Oriental
Boulevard, 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 2,547 sq. ft. (0.42 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 2,547 sq. ft. (0.42 FAR) to 5,760 sq. ft. (0.96
FAR); the maximum permitted floor area is 3,000 sq. ft.
(0.50 FAR); and

WHEREAS, the applicant initially proposed to
increase the floor area to 6,114 sq. ft. (1.02 FAR); and

WHEREAS, in response to concerns raised by the
Board and the Opposition, the applicant provided an interim
proposal which reduced the proposed floor area to 5,974 sq.
ft. (1.0 FAR); at the Board’s direction the applicant further
reduced the floor area to the current proposal of 5,760 sq. ft.
(0.96 FAR); and

WHEREAS, the applicant proposes to provide a lot
coverage of 46 percent (35 percent is the maximum
permitted); and

WHEREAS, the applicant proposes to provide 3,234
sq. ft. of open space (4,466 sq. ft. of open space is the
minimum required); and

WHEREAS, the applicant proposes to provide a
perimeter wall height of 22’-1” (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

MINUTES

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 streetscape and a survey establishing that the adjacent home to the north, 173 Kensington Street, has a perimeter wall height of 23'-8"; and

WHEREAS, therefore, the applicant represents that the perimeter wall of the proposed home matches the existing non-complying perimeter wall height of the adjacent home and falls within the scope of the special permit; and

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

WHEREAS, the Opposition contends that the proposed home is out of context with the surrounding neighborhood because the FAR is excessive; and

WHEREAS, as noted above, the applicant originally proposed a home with a floor area of 6,114 sq. ft. (1.02 FAR), but revised its plans to reflect the current floor area of 5,760 sq. ft. (0.96 FAR) in response to concerns raised by the Board and the Opposition; and

WHEREAS, the applicant submitted a survey of homes within a 400-ft. radius of the site, which indicates that there are at least ten homes within the surrounding area with FARs that exceed the proposed 0.96 FAR; and

WHEREAS, the applicant also submitted a survey of homes within an expanded study area bounded by Oriental Boulevard to the south, Falmouth Street to the west, Hampton Avenue/Shore Boulevard to the north and Pembroke Street to the east, which reflected that 57 homes within the study area have FARs which exceed 0.95 FAR, and 21 homes within the study area have floor areas which exceed 5,000 sq. ft.; and

WHEREAS, the Opposition contends that the methodology of the applicant's FAR study is flawed because it relies on the Primary Land Use Tax Lot Output ("PLUTO") for its FAR data, and there are inaccuracies in the PLUTO database; and

WHEREAS, the Board recognizes that the PLUTO data may have errors, however, it finds that the database can still be relied on to provide a general sense of the FARs in the surrounding neighborhood; and

WHEREAS, the Board notes that the PLUTO database is maintained by the Department of City Planning, and is relied upon for various land use studies; and

WHEREAS, the Opposition contends that the proposed front yard with a depth of 15'-0" is out of context with the surrounding area, which predominantly provides front yards with depths of at least 18'-0", and that the shallower front yard will block light and air to adjacent homes; and

WHEREAS, the Board notes that the proposed front yard depth of 15'-0" is in compliance with the underlying

R3-1 zoning district regulations, and is therefore permitted as-of-right; and

WHEREAS, the Opposition also raised concerns about the proposed balcony along the northern side of the home; and

WHEREAS, in response, the applicant revised its plans to reflect the removal of the subject balcony; and

WHEREAS, at hearing, the Board questioned how much of the existing home is being retained; and

WHEREAS, in response, the applicant submitted revised plans which indicate that portions of the existing cellar, first floor, and second floor walls, and portions of the floor joists at the first floor and second floor will remain; and

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

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

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

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

Therefore it is resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622 and 73-03, to permit, within an R3-1 zoning district, the enlargement of a single-family home, which does not comply with the zoning requirements for floor area, lot coverage, open space, and perimeter wall height, contrary to ZR §§ 23-141 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 October 12, 2011"-(13) sheets and "October 19, 2011"-(1) sheet; and *on further condition:*

THAT the following shall be the bulk parameters of the building: a maximum floor area of 5,760 sq. ft. (0.96 FAR); a maximum lot coverage of 42 percent; a minimum of 3,234 sq. ft. of open space; and a maximum perimeter wall height of 22'-8", as illustrated on the BSA-approved plans;

THAT no balconies shall be permitted along the north side of the home;

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;

MINUTES

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, October 25, 2011.

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.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated February 11, 2011, acting on Department of Buildings Application No. 320246505, reads in pertinent part:

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

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

Plans are contrary to ZR 23-47 in that the proposed rear yard is less than the minimum required.

Proposed plans are contrary to ZR 23-461 in that the proposed side yards are less than the minimum required; and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, in an R2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area, open space ratio, side yards, and rear yard, contrary to ZR §§ 23-141, 23-461 and 23-47; and

WHEREAS, a public hearing was held on this application on August 23, 2011, after due notice by

publication in *The City Record*, with a continued hearing on September 20, 2011, and then to decision on October 25, 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 14, Brooklyn, recommended disapproval of the original application; and

WHEREAS, the subject site is located on the east side of East 22nd Street, between Avenue I and Avenue J, within an R2 zoning district; and

WHEREAS, the subject site has a total lot area of 4,000 sq. ft., and is occupied by a single-family home with a floor area of 2,127 sq. ft. (0.53 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 2,127 sq. ft. (0.53 FAR) to 4,143 sq. ft. (1.04 FAR); the maximum permitted floor area is 2,000 sq. ft. (0.50 FAR); and

WHEREAS, the applicant proposes to provide an open space ratio of 51.5 percent (150 percent is the minimum required); and

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

WHEREAS, the applicant proposes to maintain the existing rear yard with a depth of 16'-10½" for a portion of the home, and to provide a rear yard with a depth of 20'-0" for the remainder of the home (a minimum rear yard depth of 30'-0" is required); and

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood, and will not impair the future use or development of the surrounding area; and

WHEREAS, the applicant provided an analysis of the FAR of three homes in the surrounding area which have an FAR of 1.0 or greater, including 990 East 23rd Street, which is built to an FAR of 1.63; and

WHEREAS, the applicant represents that the Community Board's disapproval of the original application was primarily based on its objection to a ramp that was proposed to be constructed in the rear yard in an earlier iteration of the proposal; the ramp has since been removed from the plans; and

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

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

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

MINUTES

outweighed by the advantages to be derived by the community; and

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

Therefore it is resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-622 and 73-03, to permit, within an R2 zoning district, the enlargement of a single-family home, which does not comply with the zoning requirements for floor area, open space ratio, side yards, and rear yard, contrary to ZR §§ 23-141, 23-461 and 23-47; on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received October 11, 2011"-(12) sheets; and on further condition:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 4,143 sq. ft. (1.04 FAR); a minimum open space ratio of 51.5 percent; no side yard along the northern lot line; and a rear yard with a minimum depth of 16'-10½" for a portion of the home along the northern lot line and a minimum depth of 20'-0" for the remainder of the home, as illustrated on 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 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 DOB shall review and approve compliance with the planting requirements under ZR § 23-451;

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, October 25, 2011.

48-11-BZ

CEQR #11-BSA-083M

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.

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 Manhattan Borough Commissioner, dated May 31, 2011, acting on Department of Buildings Application No. 120622914, reads in pertinent part:

“ZR 32-10. Proposed physical culture or health establishment, including boxing gymnasiums (not permitted under Use Group 9) requires special permit pursuant to ZR 73-36 by the Board of Standards and Appeals;” and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located in a C5-2 zoning district within the Madison Square North Historic District, the operation of a physical culture establishment (PCE) in the cellar of a 12-story mixed-use commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on August 16, 2011, after due notice by publication in *The City Record*, with a continued hearing on September 20, 2011, and then to decision on October 25, 2011; and

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

WHEREAS, the subject site is a through lot bounded by East 27th Street to the north, Madison Avenue to the east, and East 26th Street to the south, in a C5-2 zoning district within the Madison Square North Historic District; and

WHEREAS, the subject site has a total lot area of 14,825 sq. ft. and is occupied by a 12-story commercial building; and

WHEREAS, the proposed PCE will occupy 7,154 sq. ft. of floor space in a portion of the cellar of the 12-story commercial building located on the site; and

WHEREAS, the PCE will be operated as Mendez Boxing; and

WHEREAS, the proposed hours of operation for the PCE are: Monday through Friday, from 6:00 a.m. to 10:00 p.m.; Saturday, from 8:00 a.m. to 6:00 p.m.; and Sunday, from 10:00 a.m. to 5:00 p.m.; and

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

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

WHEREAS, the applicant submitted a Certificate of No Effect from the Landmarks Preservation Commission

MINUTES

("LPC") approving interior alterations at the cellar level of the subject building, dated April 18, 2011; and

WHEREAS, the applicant also submitted a letter from LPC dated July 11, 2011, approving the use of the cellar for the proposed PCE, and stating that the changes are incorporated in the Certificate of No Effect; and

WHEREAS, at hearing, the Board directed the applicant to obtain LPC approval for the proposed signage, which was not reflected on the plans approved by LPC; and

WHEREAS, in response, the applicant submitted an updated letter from LPC dated September 26, 2011, approving new plans reflecting the proposed signage for the site, and stating that these approved changes are incorporated in the Certificate of No Effect and the July 11, 2011 letter from LPC; 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. 11BSA083M, dated July 19, 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 in a C5-2 zoning district within the Madison Square North Historic District, the operation of a physical culture establishment in a portion of the cellar of a 12-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received October 11, 2011" - (3) sheets, and *on further condition*:

THAT the term of this grant shall expire on October 25, 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, October 25, 2011.

58-11-BZ

CEQR #11-BSA-091M

APPLICANT – Friedman & Gotbaum, LLP, for The Trustees of The Spence School, Incorporated, owner.

SUBJECT – Application May 4, 2011 – Variance (§72-21) to permit the expansion of a (UG 3) community facility (*The Spence School*) contrary to lot coverage (§24-11) and rear yard equivalent (§24-382). R8B zoning district.

PREMISES AFFECTED – 20-22 East 91st Street, South side of East 91st Street, 62.17 ft. westerly from the corner formed by the intersection of the southerly side of 91st Street & the westerly side of Madison Avenue. Block 1502, Lot 59 & 12, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Shelly Friedman.

MINUTES

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 decisions of the Manhattan Borough Commissioner, dated April 28, 2011, acting on Department of Buildings Application Nos. 103426892 and 120504418, read in pertinent part:

1. Proposed extension of building portion exceeding 23 feet above curb level in R8B district increases the degree of non-compliance with respect to lot coverage, contrary to ZR 24-11 and ZR 54-31.
2. Proposed extension of building portion exceeding 23 feet above curb level in R8B district increases degree of rear yard equivalent non-compliance for through lot portion, contrary to ZR 24-382 and ZR 54-31.
3. Proposed construction is contrary to plans approved by BSA Cal. No. 390-86-BZ; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site partially within an R8B zoning district and partially within an R10 zoning district, within the Carnegie Hill Historic District, the proposed construction of a connection (the “Connector”) between the rear sides of two buildings on a through lot, that does not comply with zoning parameters for lot coverage and rear yard equivalent, contrary to ZR §§ 24-11, 24-382, and 54-31; and

WHEREAS, the application is brought on behalf of the Spence School (“Spence”), a non-profit educational institution; and

WHEREAS, a public hearing was held on this application on September 13, 2011, after due notice by publication in the *City Record*, and then to decision October 25, 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 8, Manhattan, recommends approval of this application; and

WHEREAS, Carnegie Hill Neighbors provided testimony in opposition to the proposal based on concerns about the height of the Connector and its potential impact on the residents of 21 East 90th Street and 15 East 90th Street; and

WHEREAS, certain neighbors testified in opposition to the application; the primary opponents were the owners of the townhouse to the west of the site at 15 East 90th Street (the “Westerly Neighbors”), the cooperative apartment building at 21 East 90th Street (the “Easterly Neighbors”), and an individual shareholder of the cooperative apartment building (“Ms. Dietrich”); and

WHEREAS, the adjacent neighbors were all

represented by counsel and will be referred to collectively, the “Neighbors” or the “Opposition”; and

WHEREAS, the Westerly Neighbors’ primary concerns are that: (1) Spence has not established a programmatic need for a the proposed height and the included program space is thus not warranted; (2) the request does not constitute the minimum variance; and (3) the proposal will negatively impact 15 East 90th Street’s right to privacy and access to light and air; the Westerly Neighbors also requested that the Board re-open the hearing when they discovered that Spence had recently purchased a building at 412 East 90th Street, which they deemed to be material new evidence; and

WHEREAS, the Easterly Neighbors’ primary concerns are that: (1) Spence cannot rely on its programmatic needs as a hardship but must rather establish the uniqueness finding set forth at ZR § 72-21(a); (2) Spence can accomplish its goals of a two-story connection without the requested zoning variance by an alternative connection or by constructing elsewhere on its site; (3) the height of the portion of the Connector that does not include the second-story passageway is not required to reach the same height as the passageway; (4) the second-story passageway is not required if Spence uses its East 90th Street entrance; (5) the proposal will substantially impair use of adjacent properties; (6) the proposal does not represent the minimum variance; and (7) the historic preservation purpose is unaffected by the Neighbors’ alternatives; and

WHEREAS, Ms. Dietrich’s primary concerns are that: (1) Spence has not substantiated that there is a hardship related to unique physical conditions of the site; (2) Spence has not established a programmatic need for the portion of the Connector that does not contain the second-story passageway; (3) Spence has not addressed the impact the proposal will pose to its neighbors; and (4) Spence has not established that the proposal reflects the minimum variance; and

WHEREAS, the subject site consists of two zoning lots - Lot 12 and Lot 59 - which Spence proposes to merge into a single zoning lot (the “Zoning Lot”); thus, the zoning analysis assumed the merger of the two zoning lots; and

WHEREAS, Lot 59 is located at 22 East 91st Street, on the south side of East 91st Street and Lot 12 is located at 17 East 90th Street, on the north side of East 90th Street, between Madison Avenue and Fifth Avenue; the two lots share a rear lot line for the width of Lot 12; and

WHEREAS, the East 91st Street building (the “Main Building”) has been occupied by Spence since 1929 and is ten stories; Spence acquired the five-story East 90th Street building (the “New Building”) in 2008 to support its programmatic needs; and

WHEREAS, the Main Building is partially within an R8B zoning district (western 70.3 percent) and partially within an R10 zoning district (eastern 29.7 percent) the New Building and the proposed Connector are located entirely within the R8B zoning district; and

WHEREAS, the site has a total lot area of 15,642 sq. ft. and is occupied by 79,742 sq. ft. of floor area with FAR

MINUTES

of 4.38 and 7.29, in the R8B and R10 zoning districts, respectively; floor area of 98,408 sq. ft. and FAR of 5.1 and 10 are permitted across the site, by zoning district; and

WHEREAS, the Main Building was the subject of an April 7, 1987 variance which permitted waivers to lot coverage and rear yard regulations to permit the construction of a three-story and cellar wing on the eastern portion of the site (the "Osborne Wing"); the variance also permitted an increase in the extent of a pre-existing rear yard noncompliance by constructing the Osborne Wing with a 17-ft. rear yard, consistent with the Main Building's rear yard, pursuant to BSA Cal. No. 390-86-BZ; and

WHEREAS, the buildings have pre-existing non-complying bulk conditions including lot coverage, rear yard, height and setback, and building height, which are permitted due to the construction of the buildings prior to December 15, 1961 or by prior variance; and

WHEREAS, Spence proposes to construct the two-story Connector within the existing non-complying rear yard equivalent at the rear of the two buildings; and

WHEREAS, the Connector will have a footprint of 751 sq. ft. and a height of 29.75 feet; and

WHEREAS, the Connector will have two levels below grade and two levels above grade and provide space for academic use, physical education, mechanicals, and connections between the two buildings; and

WHEREAS, the Connector will include a ground floor connection between the two buildings for the full 28 ft. width of the New Building; a 5.5 ft.-wide passageway connecting the buildings' second floors; and 1,031 sq. ft. of new zoning floor area (751 sq. ft. on the ground floor and 280 sq. ft. on the second floor passageway); and

WHEREAS, the proposal will result in lot coverage of 100 percent in the R8B zoning district and 90 percent in the R10 zoning district; and

WHEREAS, the proposal will increase the lot coverage in the R8B zoning district from 87.5 percent to 100 percent (70 percent is the maximum permitted) and maintain 90 percent in the R10 (where 70 percent is the maximum permitted); a lot coverage of 90 percent was permitted by the prior Board grant for the Main Building's Osborne Wing; and

WHEREAS, for a through lot, a rear yard equivalent with a minimum depth of 60 feet is required, the existing rear yard equivalent has a depth of 20 feet, and the proposal does not include any rear yard equivalent; and

WHEREAS, the Connector does not qualify as a complying permitted rear yard obstruction within the rear yard equivalent because its overall height is 6.75 feet more than the 23 ft. limit for such community facility permitted obstructions and because a portion of the proposed enlargement is two stories; and

WHEREAS, because of the aforementioned noncompliance, Spence seeks a variance; and

WHEREAS, the applicant represents that the waivers are sought to enable Spence to construct a facility that meets its programmatic needs; and

WHEREAS, Spence identifies the following primary

programmatic needs: (1) a multi-level connector between the two buildings to allow the school to function as a whole; (2) a connection at the second floor to provide connection between the two buildings' academic centers; (3) a common platform for egress into and out of the Main Building; (4) an important commons space, befitting an educational institution and separate from the academic centers above; (5) a means to accommodate high volumes of trips between the two buildings; (6) a means to reduce travel time between the academic floors of the two buildings, which requires having no fewer than two floors directly connected between the two buildings and that at least one of those passageways occur between the academic floors of the Main Building (floors two through ten) and the closest academic floors of the New Building (floors two through five); and (7) a means to limit the travel/break time between classes to five minutes to support an efficient academic schedule; and

WHEREAS, in addition to the programmatic needs, the applicant also states that there are unique physical conditions inherent in the site, which contribute to a hardship in developing it in full compliance with zoning regulations; those conditions include: the narrow width of the New Building in relation to the Main Building; the historic nature of the buildings and the requirements of the Landmarks Preservation Commission ("LPC"); both buildings' pre-existing zoning non-compliance; the varying floor elevations of the two buildings, which make it difficult to provide connectivity anywhere other than in the connecting rear yards (and by means less obtrusive than a sky bridge at upper floors); the zoning non-compliance that exists even if the second-floor passageway could be included within a height of 23 feet; and the height of the historically important windows on the New Building's rear wall at 28.25 feet; and

WHEREAS, the applicant states that if a second-story connection were not required, the Connector could be limited to a maximum height of 23 feet and one story and thereby qualify as a permitted rear yard obstruction, thus eliminating the rear yard equivalent and lot coverage objections; and

WHEREAS, the applicant notes that both lots exceed the maximum permitted lot coverage and, even without any new construction, the Zoning Lot will not comply with lot coverage regulations; and

WHEREAS, the applicant states that, in essence, the application is to allow for an additional 6.75 feet of height for the Connector and to allow for the internal second-floor passageway; and

WHEREAS, the applicant states that the alternative, which would not trigger any new non-compliance would be a one-story connection in the rear yard that would not exceed 23 feet in height (and also the currently open area on the side yard of the East 90th Street site that is not within its rear yard could also be built up to the same limitations), but that such an alternative would lack a critical second floor connection and would fail to address Spence's needs to provide an effective means for students and faculty to move between the upper academic floors of the two buildings; and

WHEREAS, the applicant asserts that a single ground floor connection cannot sufficiently ease the required travel

MINUTES

times between classes and that an underground passageway would lengthen the route between buildings; and

WHEREAS, the applicant states that as a non-profit educational institution, the Board must grant deference to Spence and allow it to rely on its programmatic needs to form the basis for its waiver requests; the applicant cites to the decisions of New York State courts in support of its claim that the school warrants deference; and

WHEREAS, specifically, the applicant cites to Pine Knolls Alliance Church v. Zoning Board of Appeals of the Town of Moreau, 6 N.Y.3rd 407 (2005); the Pine Knolls court stated as follows:

In assessing a special permit application, zoning officials are to review the effect of the proposed expansion on the public's health, safety, welfare or morals, concerns grounded in the exercise of police power, "with primary consideration given to the over-all impact on the public welfare" (Trustees of Union College, 91 N.Y.2d at 166). Applications may not be denied based on considerations irrelevant to these concerns.

We made clear in Cornell University that it is not the role of zoning officials to second-guess expansion needs of religious and educational institutions; and

WHEREAS, in analyzing the applicant's waiver requests, the Board notes at the outset that Spence, as a nonprofit New York State chartered educational institution, may rely on its programmatic needs, which further its mission, as a basis for the requested waivers; and

WHEREAS, as noted by the applicant, under well-established precedents of the courts and this Board, applications for variances that are needed in order to meet the programmatic needs of non-profit institutions, particularly educational and religious institutions, are entitled to significant deference (*see, e.g., Cornell University v. Bagnardi*, 68 N.Y.2d 583 (1986)); and

WHEREAS, the Board observes that such deference has been afforded to comparable institutions in numerous other Board decisions, certain of which were cited by the applicant in its submissions; and

WHEREAS, the applicant states that Spence has adopted a strategic plan to renovate and reuse the two buildings in more effective ways and that the Connector is the necessary component to join the two buildings; and

WHEREAS, the applicant states that based on an extensive review of its facilities and operations, Spence determined that the most efficient and effective use of its educational programmatic space requires the Connector; and

WHEREAS, the applicant concludes that the lot coverage and rear yard relief is required to meet Spence's programmatic needs and the design imperatives of the historic buildings; and

WHEREAS, the Board finds that the proposed Connector has been designed to be consistent and compatible with adjacent uses and with the scale and character of the surrounding neighborhood and is, therefore, consistent with the standard established by the decision in

Cornell; and

WHEREAS, the Board concurs that the waivers will facilitate construction of a Connector that will meet Spence's articulated needs; and

WHEREAS, in sum, the Board concludes that the applicant has fully explained and documented the need for the waivers to accommodate Spence's programmatic needs; and

WHEREAS, the Board also acknowledges the hardship associated with the physical constraints of the buildings, which are both nearly a century old, and developing the site with historic pre-existing bulk non-compliance; and the interest in preserving and respecting the buildings' historic fabric; and

WHEREAS, the Opposition argues that the applicant has failed to make the finding set forth at ZR § 72-21(a) because: (1) the site does not suffer a unique hardship and programmatic needs cannot be substituted as a basis for the requested waivers; and (2) there are negative impacts to the public welfare which are not outweighed by the proposal's benefits; and

WHEREAS, as to the absence of uniqueness, the Opposition contends that the applicant cannot satisfy the finding set forth at ZR § 72-21(a) because the Zoning Lot is not subject to a unique physical condition which creates a hardship; and

WHEREAS, the Opposition also argues that Spence is not entitled to the deference accorded educational institutions seeking variances to zoning requirements under Cornell because the negative impacts of the proposal outweigh the public benefits and that the deference is only extended to proposals for new buildings and not proposals to enlarge existing buildings; and

WHEREAS, the Board finds that the applicant's submissions, which include statements, plans, and other evidence, provide the required specificity concerning its programmatic space requirements, establish that the requested variances are necessary to satisfy its programmatic needs consistent with Cornell, and that the Opposition has failed to establish that any potential negative impacts either meet the threshold set forth by the courts or outweigh the benefits; and

WHEREAS, in Cornell, the New York Court of Appeals adopted the presumptive benefit standard that had formerly been applied to proposals for religious institutions, finding that municipalities have an affirmative duty to accommodate the expansion needs of educational institutions; and

WHEREAS, the Board finds that the Opposition misapplies the guiding case law and that it cites to other case law that the Board easily distinguishes; and

WHEREAS, as to the guiding case law on educational deference, the Board disagrees with the Opposition and finds that the courts place the burden on opponents of a project to rebut the presumption that an educational institution's proposal is beneficial unless it is established to have an adverse effect upon the health, safety, or welfare of the community; the Board notes that courts specifically state

MINUTES

that general concerns about traffic and disruption of the residential character of a neighborhood are insufficient basis for denying a request (see Westchester Reform Temple v. Brown, 22 N.Y.2d 488 (1968), Cornell, and Pine Knolls); and

WHEREAS, the Board also does not find any basis for the Opposition's assertion that Spence must adopt an alternative in light of the fact that the Board finds Spence's programmatic need for the requested waivers to be credible; and

WHEREAS, the Board notes that where a nonprofit organization has established the need to place its program in a particular location, it is not appropriate for a zoning board to second-guess that decision (see Guggenheim Neighbors v. Bd. of Estimate, June 10, 1988, N.Y. Sup. Ct., Index No. 29290/87), see also Jewish Recons. Syn. of No. Shore v. Roslyn Harbor, 38 N.Y.2d 283 (1975)); and

WHEREAS, furthermore, a zoning board may not wholly reject a request by an educational institution, but must instead seek to accommodate the planned use; (see Albany Prep. Charter Sch. v. City of Albany, 31 A.D.3rd 870 (3rd Dep't 2006); Trustees of Union Col. v. Schenectady City Cnl., 91 N.Y.2d 161 (1997)); and

WHEREAS, the Board disagrees with the Opposition and does not find that the case law limits deference for non-profit educational institutions' programmatic needs to only new institutions and not existing ones seeking to enlarge existing buildings to accommodate their programmatic needs; and

WHEREAS, the Board finds that the Opposition's position is contrary to the decisions of New York State courts and contrary to the Board's many variances for educational institutions which have either been upheld by New York State courts or remain unchallenged; and

WHEREAS, the Board distinguishes other cases that the Opposition cites including Nassau Children's House v. Bd. of Zoning Appeals of Mineola, 77 A.D.2d 898 (1980), which involved a proposal for a children's home that did not meet the findings of a special permit, rather than a zoning variance and East Hampton Lib. v. Zoning Bd. of Appeals of East Hampton, 2011 N.Y. Slip Op 50921(U), May 17, 2011 (Sup. Ct. Suffolk Cty.), which involved the determination that Cornell and the presumption of public benefit required for deference does extend to libraries; the Board agrees with the court in both cases that special permits and variances require different levels of analysis since special permits are specifically contemplated within the zoning framework and variances are not; and

WHEREAS, in sum, the Board has reviewed the Opposition's submissions, as well as the applicant's responses, and finds that the Opposition has failed to rebut the applicant's substantiated programmatic need for the proposed Connector or to offer evidence, much less establish, that the proposed Connector will negatively impact the health, safety, or welfare of the surrounding community in the sense the courts envision; and

WHEREAS, accordingly, the Board finds that the applicant has sufficiently established that Spence's

programmatic needs create an unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, since Spence is a nonprofit institution and each of the required waivers are associated with its educational use and are sought to further its non-profit educational mission, the finding set forth at ZR § 72-21(b) does not have to be made in order to grant the variance requested in this application; and

WHEREAS, the applicant represents that the waivers of lot coverage and rear yard equivalent will not alter the essential neighborhood character, impair the use or development of adjacent property, nor be detrimental to the public welfare; and

WHEREAS, the applicant represents that the proposed Connector is compatible with nearby uses in that the area is characterized by a close urban context in which there are no standard-sized open spaces; specifically, the applicant notes that none of the midblock tax lots provide complying rear yards and that all are paved below grade, serving as terraces for basement floors or as lightwells; and

WHEREAS, the applicant notes that the entire shared property line to the east is occupied by a non-complying portion of the New Building which is windowless and has a height of 18.25 feet, which will be demolished and replaced with the east elevation of the Connector, which will have an initial height of 25 feet (6.75 feet in excess of the existing brick wall) and will provide some degree of transparency; and

WHEREAS, the applicant notes that the zoning contemplates and allows an encroachment at the rear yard to a height of 23 feet for schools and, thus the Opposition should anticipate such a permitted obstruction to a height of 6.75 feet less than the 29.75 ft. height of the proposed Connector; and

WHEREAS, the applicant represents that the proposed Connector is compatible with the scale and bulk of the surrounding area; and

WHEREAS, because the site is within the Carnegie Hill Historic District and the New Building is an individual landmark, the applicant obtained approval for the Connector from the Landmarks Preservation Commission ("LPC") by Certificates of Appropriateness issued January 5, 2011; and

WHEREAS, in its approval, LPC noted that it found that there is no central green space within the interior of the block and, therefore the Connector will not result in the loss of any green space, will enable the elimination of the visible stair and elevator bulkhead at the roof, will not result in the destruction of any significant architectural features, nor will it overwhelm any significant architectural features of the building or detract from the streetscape of the historic district; and

WHEREAS, as to the use, the applicant notes that the school has occupied the Main Building for 82 years and that the Main Building will continue to provide the only entrance to the school; in response to neighbors' concerns, Spence has agreed to restrict use of the New Building's entrance to emergency egress, therefore the traffic flow will not be affected; and

MINUTES

WHEREAS, the applicant states that the proposed facility will result in no significant impacts to traffic or parking in the area because the current well-established number of students and faculty using the buildings will be maintained; and

WHEREAS, the applicant notes that the surrounding area includes many institutions including the Jewish Museum, the Cooper-Hewitt Museum of Design, the Covent of the Sacred Heart, the Day School, St. David's School, Trevor Day School, Dalton School, Nightingale-Bamford School, and the Church of the Heavenly Rest and its Parish House; and

WHEREAS, further, the applicant notes that the Cooper-Hewitt Museum, including its grounds and accessory buildings on East 90th Street, which shares Spence's western and a portion of its southern lot lines, occupies 54.87 percent of the block; and

WHEREAS, the Opposition contends that the Connector is incompatible with the adjacent uses and that there are alternatives which do not reach a height above 23 feet; and

WHEREAS, in response to the Board's and the Opposition's questions about the viability of alternatives, the applicant explained that the alternative, which reduced the height of the portion of the Connector not occupied by the second-story passageway would require the bifurcation of the two historic windows and that it would not be possible to construct a ceiling between the two historic windows on the New Building as there would not be sufficient space to construct the ceiling in the space between the two windows; and

WHEREAS, the Board notes that the Opposition proposed a series of conditions to be included if the Board chose to grant the variance and that Spence agrees to the vast majority of the conditions; and

WHEREAS, the Board notes that subsequent to discussions with the Opposition, Spence and the Opposition have both acknowledged agreements regarding the Connector's conditions including those related to the limited use of the East 90th Street entrance, interior and exterior sound and lighting limitations, the preferred glass material, the translucency of the glass, the height of a masonry wall along the western property line, access to 15 East 90th Street during the construction of a portion of the Connector, and other site improvements not related to the Connector; and

WHEREAS, the conditions include that the lower portion of the western wall will be masonry to a height of 20'-8" unless the Westerly Neighbors provide permission to access their property while the requested glass is installed in which case the masonry would only be to a height of 13'-9", with glass above; the approved plans note that the wall will be masonry unless the Westerly Neighbors grant permission to access their site as required to install the greater extent of glass; and

WHEREAS, the Board has noted certain conditions in its decision, other conditions are reflected on the plans, and the remainder of the conditions not reflected on the plans or in this decision are the subject of private agreements, are not enforceable by the Board, and may be resolved in another

forum; and

WHEREAS, based upon the above, the Board finds that the subject variances will not alter the essential character of the surrounding neighborhood, impair the appropriate use and development of adjacent property, or be detrimental to the public welfare; and

WHEREAS, the applicant states that the unnecessary hardship encountered by compliance with the zoning regulations is created by its programmatic needs in connection with the physical constraints of the two buildings built in the 1920s, which have pre-existing non-complying bulk conditions which constrain any development; and

WHEREAS, the Board notes that neither the purchase of property nor the need by an educational institution to expand its facilities is recognized as a self-created hardship under New York law; and

WHEREAS, the applicant concludes, and the Board agrees, that the practical difficulties and unnecessary hardship that necessitate this application have not been created by Spence or a predecessor in title; and

WHEREAS, the applicant asserts that the second-floor passageway with a width of 5.5 feet is the minimum size passageway that can accommodate the programmatic needs and that the height of 29.75 is the minimum necessary to provide headroom, enclose the second-floor passageway, and respect the Main Building's historic windows; and

WHEREAS, the applicant states that the requested waivers of lot coverage and rear yard equivalent represent the minimum variance necessary to allow Spence to meet its programmatic needs; and

WHEREAS, the Board therefore finds that the requested waivers of lot coverage and rear yard equivalent represent the minimum variance necessary to allow Spence to meet its programmatic needs; and

WHEREAS, accordingly, based upon its review of the record and its site visits, the Board finds that the applicant has provided sufficient evidence to support each of the findings required for the requested variances; and

WHEREAS, as to the Opposition's request that the Board re-open the hearing to address the information that Spence has recently purchased 412 East 90th Street, the Board notes that any proposed use of the new site does not extinguish the programmatic needs of Spence in the Main Building or the New Building specifically because the new site will be used for larger gatherings as opposed to the more routine physical education space proposed within the renovated Main Building and New Building; and

WHEREAS, the Board reviewed the applicant's response regarding the proposed use of the new site as a field house and agrees that its existence does not implicate any of the findings related to the Main Building and the New Building's program and, thus, the Board found there was no basis to re-open the hearing to consider the new site; and

WHEREAS, the project is classified as a Type I action pursuant to Section 617.12 and 617.4 of 6 NYCRR; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has

MINUTES

identified and considered relevant areas of environmental concern about the project documented in the Final Environmental Assessment Statement (EAS) CEQR No.11BSA091M, dated July 26, 2011; and

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

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Type I Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a site partially within an R8B zoning district and partially within an R10 zoning district, within the Carnegie Hill Historic District the proposed construction of a connection between the rear sides of two buildings on a through lot, that does not comply with zoning parameters for lot coverage and rear yard equivalent, contrary to ZR §§ 24-11, 24-382, and 54-31; *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 July 26, 2011” – fourteen (14) sheets; “Received September 20, 2011” – one (1) sheet and “Received October 21, 2011” – four (4) sheets and *on further condition*:

THAT the proposed building shall have the following parameters: (1) floor area of 53,019.63 sq. ft. (R8B zoning district) and 27,783.84 sq. ft. (R10 zoning district); (2) an FAR of 4.47 (R8B zoning district) and 7.29 (R10 zoning district), (3) a lot coverage of 100 percent (R8B zoning district) and 90 percent (R10 zoning district); and (4) the Connector with a maximum height of 29.75 feet, as depicted on the Board-approved plans;

THAT the use of the New Building’s East 90th Street entrance (at 17 East 90th Street) shall be limited to emergency purposes;

THAT there shall be no exterior lighting or sound amplification in the rear yards of 17 East 90th Street or 22 East 91st Street;

THAT no interior lights shall be directed towards 21 East 90th Street or 15 East 90th Street and any lighting (other than emergency lighting) shall be turned off after 9:30 p.m., daily, when not required, and shall be triggered thereafter

only by motion sensors;

THAT the site shall be maintained in good condition, free of debris;

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

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

THAT construction will be substantially completed in accordance with the requirements of ZR § 72-23; and

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

Adopted by the Board of Standards and Appeals, October 25, 2011.

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: Kieron Bachan.

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:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated May 16, 2011, acting on Department of Buildings Application No. 420354850, reads in pertinent part:

“Proposal to extend the term of the zoning variance for a gasoline service station which is located in an R3-2 zoning district is contrary to the last resolution adopted by the Board of Standards and Appeals under Cal. No. 711-56-BZ and contrary to C.O. No. 202651 and must, therefore, be referred to the Board of Standards and Appeals for reinstatement of the variance since the variance has lapsed;” and

WHEREAS, this is an application for 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 a gasoline service station with accessory uses (Use Group 16) within an

MINUTES

R3-2 zoning district, pursuant to ZR § 11-411; 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 20, 2011, and then to decision on October 25, 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 3, Queens, recommends approval of this application, with the following conditions: (1) the term be limited to five years; (2) the building remain graffiti free; (3) all landscaping be maintained in accordance with the approved plans; (4) all existing walls and fencing be repaired and maintained; (5) all perimeter sidewalks and tree planting pits be maintained free of debris; and (6) all banners be removed, lighting upgraded, and surveillance cameras installed; and

WHEREAS, the premises is located on a through lot bounded by Astoria Boulevard to the north, 101st Street to the west, and 31st Avenue to the south, within an R3-2 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since March 31, 1959 when, under BSA Cal. No. 711-56-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 May 21, 1985, the Board granted a ten-year extension of term, which expired on October 8, 1994; and

WHEREAS, the term of the variance has not been extended since its expiration on October 8, 1994, 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 minor modifications to the site plan, including the installation of an air tower, yard light and car vacuum along the easterly side of the site, a modification to the dispenser arrangement previously-approved by the Board, and the conversion of the office and sales area to a snack shop; and

WHEREAS, at hearing, the applicant acknowledged that the site has the following non-compliances with the previously-approved plans: (1) the operation of a U-Haul rental business at the site; (2) the presence of debris within the area behind the service building designated as a landscaping area; (3) promotional signage which was not reflected on the approved plans; (4) failure to landscape the easterly side of the property

in accordance with the approved plans; and (5) the presence of graffiti on the service building; and

WHEREAS, as evidence that these conditions have been brought into compliance, the applicant submitted a U-Haul Dealership Close-Out Notice and an affidavit from the operator of the site stating that the U-Haul rental business has been discontinued, and submitted photographs and revised plans reflecting the removal of debris from the site, the installation of landscaping along the easterly side of the property and behind the service building, the removal of excess signage, and the painting over of graffiti on the service building; and

WHEREAS, at the Board's direction, the applicant also submitted revised drawings reflecting that two new street trees will be planted along the 31st Avenue frontage; and

WHEREAS, the applicant also agreed to the conditions requested by the Community Board, with the exception of the requirement to install surveillance cameras at the site; 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 Board approval of a gasoline 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 September 1, 2011"-(6) sheets; and *on further condition*:

THAT the term of this grant shall be for five years, to expire on October 25, 2016;

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

THAT all signage on the shall comply with C1 district regulations;

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 shall be obtained by October 25, 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.

MINUTES

Adopted by the Board of Standards and Appeals, October 25, 2011.

43-11-BZ

APPLICANT – Harold Weinberg, for David Waknin, owner.

SUBJECT – Application April 12, 2011 – Special Permit (§73-622) for the enlargement of an existing two family home to be converted to a single family home contrary to floor area, lot coverage and open space (§23-141), side yard (§23-461) and less than the required rear yard (§23-47). R3-2 zoning district.

PREMISES AFFECTED – 1296 East 21st Street, west side 220’ south of Avenue R, between Avenues R and S, Block 6826, Lot 19, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Harold Weinberg and Frank Sellitto.

ACTION OF THE BOARD – Off Calendar.

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, David Shteierman, Sara Stern, Elliot Weiss, Moshe Goodman, Aurohom Zlotnich, Raphael Dachs, Joe Hersh, Laurence Brodsky, Menechem Feifer, Shlomo Cohen, Nosson Sepowitz, Andrew Pietyszka, Jonathan Steinberg, Ezra Pacht, Shraga Bernson and others.

For Opposition: Enid Glabman, Eugene Falik, Phyllis Rudrick, Steve Cromity, Lettie DeWitt, S. Kennedy and others.

ACTION OF THE BOARD – Laid over to November 22, 2011, at 1:30 P.M., for continued hearing.

82-11-BZ

APPLICANT – Sheldon Lobel, P.C., for Mr. Livaho Choueka, owner.

SUBJECT – Application June 8, 2011 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area (§23-141); side yard (§23-461); rear yard (§23-47) regulations. R5 zoning district.

PREMISES AFFECTED – 2020 Homecrest Avenue, west side of Homecrest Avenue, 165’ south of Avenue T, Block 7316, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

ACTION OF THE BOARD – Laid over to November 22, 2011, at 1:30 P.M., for continued hearing.

81-11-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Parkchester Preservation Co., LP, owner; Blink Metropolitan Avenue, Inc., lessee.

SUBJECT – Application June 7, 2011 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Blink Fitness*). C4-2 zoning district.

PREMISES AFFECTED – 1380 Metropolitan Avenue aka 44/64 Metropolitan Oval, south side of Parkchester Road, 200’ east of intersection of Parkchester Road and Metropolitan Avenue, Block 3938, Lot 7501, Borough of the Bronx.

COMMUNITY BOARD #9BX

APPEARANCES –

For Applicant: Todd Dale.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to November 22, 2011, at 1:30 P.M., for decision, hearing closed.

101-11-BZ

APPLICANT – Dennis D. Dell’Angelo, for Edward Stern, owner.

SUBJECT – Application July 12, 2011 – Special Permit (§73-622) for the enlargement of an existing two-family home, to be converted to a single-family home, contrary to floor area and open space (§23-141); side yard (§23-461) and less than the required rear yard (§23-47). R2 zoning district.

PREMISES AFFECTED – 1152 East 24th Street, west side of East 234th Street, 400’ south of Avenue K, Block 623, Lot 67, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Dennis D. Dell’Angelo.

For Opposition: Jerome Katz and Steven Krystal.

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

126-11-BZ

APPLICANT – Greenberg Traurig, LLP by Jay A. Segal, Esq., for 87 Chambers LLC and IBC Chambers LLC, owners.

SUBJECT – Application August 19, 2011 – Variance (§72-21) to allow for the construction of a new mixed use building, contrary to lot coverage and rear yard equivalent

MINUTES

(§§23-145 and 23-532) and accessory off-street parking regulations (§13-00). C6-3A/Tribeca Special District.

PREMISES AFFECTED – 87-89 Chambers Street, midblock bounded by Chambers Street, Church Street, Reade Street and Broadway, Block 149, Lot 7, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Jay Segal and David Weh.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to November 22, 2011, at 1:30 P.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: P.M.