
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, Nos. 13-14

April 7, 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

DOCKET	206
CALENDAR of April 12, 2011	
Morning	207
Afternoon	207/208

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, March 29, 2011**

Morning Calendar209

Affecting Calendar Numbers:

164-60-BZ	100-20 Metropolitan Avenue, Queens
230-98-BZ	5820 Bay Parkway, Brooklyn
197-00-BZ	420 Lexington Avenue, Manhattan
289-00-BZ	160 Water Street, Manhattan
197-02-BZ	2825 Nostrand Avenue, Brooklyn
215-06-BZ	202-06 Hillside Avenue, Queens
236-07-BZ	53-65 Hope Street, Brooklyn
433-65-BZ	15 West 72 nd Street, Manhattan
703-80-BZ	2994/3018 Cropsey Avenue, Brooklyn
406-82-BZ	2411 86 th Street, Brooklyn
95-97-BZ	69-47 Austin Street, Queens
289-99-BZ	265 Hull Avenue, Staten Island
276-02-BZ	160 Norfolk Street, Brooklyn
154-10-A	540 Bedford Avenue, Brooklyn
12-11-A	44 Beach 221 st Street, Queens
96-10-A & 97-10-A	673 & 675 Hunter Avenue, Staten Island
137-10-A	103 Beach 217 th Street, Queens
185-10-A	115 Beach 216 th Street, Queens

Afternoon Calendar223

Affecting Calendar Numbers:

175-10-BZ	3400 Baychester Avenue, Bronx
183-10-BZ	873 Belmont Avenue, aka 240 Milford Street, Brooklyn
187-07-BZ	4677 Hylan Boulevard, Staten Island
169-09-BZ	186 Sanit George's Crescent, Bronx
127-10-BZ	45 Coleridge Street, Brooklyn
128-10-BZ	147-58 77 th Road, Queens
134-10-BZ	107 Union Street, Brooklyn
156-10-BZ thru 164-10-BZ	1204, 1208, 1214, 1220, 1226, 1232, 1264, 1270, 1276 37 th Street, Brooklyn
165-10-BZ thru 172-10-BZ	1304, 1310, 1316, 1322, 1328, 1334, 1362, 1368 37 th Street, Brooklyn
177-10-BZ	8 Orange Avenue, Staten Island
218-10-BZ	123 East 98 th Street, Brooklyn
7-11-BZ	177 Dyckman Street, Manhattan

DOCKET

New Case Filed Up to March 29, 2011

27-11-BZ

86-88 Franklin Street, 75.17 easterly of intersection of Church Street and Franklin Street., Block 175, Lot(s) 8, Borough of **Manhattan, Community Board: 1**. Special Permit (73-36) to allow the operation of a physical culture establishment. C6-2A zoning district. C6-2A district.

28-11-BZ

291 Broadway, Northwest corner of Broadway and Reade Street, Block 150, Lot(s) 38, Borough of **Manhattan, Community Board: 1**. Special Permit (§73-36) to leagize the operation of a physical culture establishment. C6-4 zoning district. C6-4 district.

29-11-A

318 Lafayette Street, Northwest corner of Houston and Lafayette Streets., Block 522, Lot(s) 24, Borough of **Manhattan, Community Board: 2**. An appeal challenging the Department of Building's determination that the sign permit lapsed on February 27, 2001 . M1-5B Zonign District . M1-5B district.

30-11-A

318 Lafayette Street Street, Northwest corner of Houston and Lafayette Streets., Block 522, Lot(s) 24, Borough of **Manhattan, Community Board: 2**. An Appeal challenging the Department of Building's determination that the sign permit lapsed on Ferburary 27, 2001 . M1-5B Zoning District . M1-5B district.

31-11-BZ

1665 Jerome Avenue, West side of Jerome Avenue between Featherbed Lane and Clifford Place., Block 2861, Lot(s) 35, Borough of **Bronx, Community Board: 5**. Variance (§72-21) to allow a mixed use community facility and commerical building contrary to use (ZR 32-12), floor area (ZR 33-123), rear yard (ZR 33-292), and height and setback (ZR 33-432) regulations. C8-3 zoning district. C8-3 district.

32-11-A

6 Graham Place, South side 230' west of mapped Beach 201st Street., Block 16350, Lot(s) 400, Borough of **Queens, Community Board: 14**. Proposed construction not fronting on a mapped street, contrary to General City Law Section 36, Article 3 within an R4 zoning district. R4 district.

33-11-BZ

1050 Forest Avenue, Between Manor Road and Raymond Place., Block 315, Lot(s) 39, Borough of **Staten Island, Community Board: 1**. Variance (§72-21) to allow for a two-story animal hospital. R3-2/R-2 district.

34-11-BZ

272 Driggs Avenue, North side of Driggs Avenue 85.29' west of Eckford Street in Brooklyn., Block 2681, Lot(s) 38, Borough of **Brooklyn, Community Board: 1**. Special Permit (§73-36) to allow the operation of a physical culture establishment. C2-4 Ovrlay/R6B 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

APRIL 12, 2011, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, April 12, 2011, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

1069-27-BZ

APPLICANT – Law Office of Fredrick A. Becker, for 6702 New Utrecht Avenue LLC by Frank Momando, owner.

SUBJECT – Application February 23, 2011–Extension of Term (§11-411) of a previously granted Variance for the continued operation of an automatic automobile laundry, simonizing room and offices which expired on March 6, 2011 and an Extension of Time to obtain a Certificate of Occupancy. C1-2/R5 zoning district.

PREMISES AFFECTED – 6702-6724 New Utrecht Avenue, bounded by New Utrecht Avenue, 15th Avenue and Ovington Avenue/68th Street, Block 5565, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #11BK

982-83-BZ

APPLICANT – H Irving Sigman, for Barone Properties, Inc., owner.

SUBJECT – Application February 22, 2011 – Extension of Term/Time/Amend/C of O/Waiver (11-411, 11-412) to reopen, for a term of 10 years.

PREMISES AFFECTED – 191-20 Northern Boulevard, southwest corner of 192nd Street, Block 5513, Lot 27, Borough of Queens.

COMMUNITY BOARD #11Q

APPEALS CALENDAR

228-10-BZY

APPLICANT – Akerman Senterfitt, for 180 Lidlow Development, LLC, owner.

SUBJECT – Application December 15, 2010 – Extension of time (§11-332) to complete construction under the prior C6-1 zoning district regulations. C4-4A zoning district.

PREMISES AFFECTED – 180 Ludlow Street, east side of Ludlow Street, 125' south of Houston Street, Block 412, Lots 48-50, Borough of Manhattan.

COMMUNITY BOARD #3M

229-10-BZY

APPLICANT – Akerman Senterfitt, for 163 Orchard Street, LLC, owner.

SUBJECT – Application December 17, 2010 – Extension of time (§11-332) to complete construction of a minor development commenced under the prior C6-1 zoning district. C4-4A Zoning District.

PREMISES AFFECTED – 163 Orchard Street, Orchard and Houson Streets, between Sytanton and Rivington Street, Block 416, Lot 58, Borough of Manhattan.

COMMUNITY BOARD #3M

APRIL 12, 2011, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, April 12, 2011, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

46-10-BZ

APPLICANT – Eric Palatnik, P.C., for 1401 Bay LLC, owner.

SUBJECT – Application April 8, 2010 – Special Permit (§73-44) to permit a reduction in required parking for ambulatory and diagnostic treatment center. C4-2 zoning district.

PREMISES AFFECTED – 1401 Sheepshead Bay Road, Avenue Z and Sheepshead Bay Road, Block 7459, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

54-10-BZ

APPLICANT – Eric Palatnik, P.C., for Richard Valenti as Trustee, owner; Babis Krasanakis, lessee.

SUBJECT – Application April 19, 2010 – Special Permit (§73-44) to permit reduction in required parking spaces for an ambulatory diagnostic or treatment center. C4-2 zoning district.

PREMISES AFFECTED – 150(c) Sheepshead Bay Road, aka 1508 Avenue Z, south side of Avenue Z, between East 15th and East 16th Street, Block 7460, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #15BK

CALENDAR

1-11-BZ

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

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

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

COMMUNITY BOARD #2BK

Jeff Mulligan, Executive Director

MINUTES

REGULAR MEETING TUESDAY MORNING, MARCH 29, 2011 10:00 A.M.

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

SPECIAL ORDER CALENDAR

230-98-BZ

APPLICANT – Mitchell S. Ross, Esq., for JC's Auto Enterprises, Limited, owners.

SUBJECT – Application July 22, 2010 – Extension of Term of a previously granted Variance (§72-21) for an automotive repair shop and car sales which expired on June 22, 2010. R-5 zoning district.

PREMISES AFFECTED – 5820 Bay Parkway, northwest corner of 59th Street, Block 55508, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Todd Dale.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, this is an application for a reopening, an extension of term for an automotive repair and sales business, which expired on June 22, 2010, and an amendment to permit a 20-year extension of term; and

WHEREAS, a public hearing was held on this application on December 7, 2010 after due notice by publication in *The City Record*, with continued hearings on January 11, 2011, February 1, 2011 and March 8, 2011, and then to decision on March 29, 2011; and

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

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

WHEREAS, the subject premises is located on the northeast corner of Bay Parkway and 59th Street, within an R5 zoning district; and

WHEREAS, the site is occupied by a one-story garage building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since 1948 when, under BSA Cal. No. 594-24-BZ, the Board granted a variance to permit automotive repair and sales at the site; and

WHEREAS, the grant was subsequently amended and

the term extended at various times; and

WHEREAS, the grant was re-established in 1982, under BSA Cal. No. 736-82-BZ, which permitted additional automotive repair services; and

WHEREAS, on June 22, 1999, under the subject calendar number, the Board granted a variance to again legalize the existing automotive repair and sales business; the term of the variance was for one year, to expire on June 22, 2000; and

WHEREAS, on October 30, 2001, the Board granted a ten-year extension of term, to expire on June 22, 2010, and approved the sub-division of the lot which resulted in an as-of-right use at 5810 Bay Parkway and the subject use at 5824 Bay Parkway; and

WHEREAS, most recently, on January 23, 2007, the Board granted an extension of time to obtain a certificate of occupancy; and

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

WHEREAS, the applicant also seeks an amendment to permit a 20-year extension of the term; and

WHEREAS, at hearing, the Board directed the applicant to provide notification of the proposed amendment to permit a 20-year term to all property owners within a 200-ft. radius of the site; and

WHEREAS, in response, the applicant submitted proof of notification for property owners within a 200-ft. radius of the site; and

WHEREAS, the Board notes that all of the submissions that have been received from the adjacent property owners have been in support of the proposed 20-year term; and

WHEREAS, at hearing, the Board questioned whether the side overhead door on 59th Street and its accompanying curb cut were still in use; and

WHEREAS, in response, the applicant submitted photographs reflecting that the side overhead door on 59th Street is no longer in use and the accompanying curb cut has been removed to accommodate street parking; and

WHEREAS, at hearing, the Board directed the applicant to remove the temporary banners and signs from the site and to confirm that the signage on the site otherwise complies with C1 district regulations; and

WHEREAS, in response, the applicant submitted photographs which reflect that the temporary banners and signs have been removed from the site and submitted a signage analysis which reflects that the signage on the site complies with C1 district regulations; and

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

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated June 22, 1999, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from June 22, 2010, to expire on June 22, 2030, *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

MINUTES

THAT the term of this grant shall expire on June 22, 2030;

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

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

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. 320188747)

Adopted by the Board of Standards and Appeals, March 29, 2011.

197-00-BZ

APPLICANT – Rothkrug Rothkrug & Spector, for SLG Graybar Sublease, LLC, owner; Equinox 44th Street, Inc., lessee.

SUBJECT – Application January 4, 2011 – Extension of Term of a special permit (§73-36) for the operation of a physical culture establishment (*Equinox*) which expired on December 4, 2010. C5-3(Mid) zoning district.

PREMISES AFFECTED – 420 Lexington Avenue, west side of Lexington Avenue, 208’-4” north of East 42nd Street, Block 1290, Lot 60, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Todd Dale.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Otley-Brown, Commissioner Hinkson and Commissioner Montanez

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an extension of the term of a previously granted special permit for a physical culture establishment (“PCE”), which expired on December 5, 2010; and

WHEREAS, a public hearing was held on this application on March 1, 2011 after due notice by publication in the *City Record*, and then to decision on March 29, 2011; and

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

WHEREAS, the subject premises is located on the west side of Lexington Avenue between 43rd and 44th Streets, in a C5-3 zoning district within the Special Midtown District; and

WHEREAS, the zoning lot is occupied by a 30-story commercial building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since December 5, 2000 when, under the subject calendar number, the Board granted a special permit for the establishment of a PCE occupying 10,950 sq. ft. of floor area on the first floor, 11,750 sq. ft. of floor area on what is known as the “upper first floor;” and 5,870 sq. ft. of floor area on the mezzanine level, for a total of 28,570 sq. ft. of floor area; and

WHEREAS, the grant was for a term of ten years, to expire on December 5, 2010; and

WHEREAS, on August 22, 2006, the Board amended the grant to allow for an increase of 5,781 sq. ft. of total floor area, from 28,570 sq. ft. to 34,351 sq. ft., with the addition of 2,248 sq. ft. of floor area on the first floor, 1,510 sq. ft. of floor area on the upper first floor, and 2,023 sq. ft. of floor area on the mezzanine level; and

WHEREAS, on November 25, 2008, the Board amended the grant to allow for a further enlargement of the PCE, to include the addition of 1,010 sq. ft. of floor area on the first floor, resulting in an increase in total floor area occupied by the PCE from 34,351 sq. ft. to 35,361 sq. ft.; and

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

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

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, as adopted on December 5, 2000, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from December 5, 2010, to expire on December 5, 2020, *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT the term of this grant shall expire on December 5, 2020;

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

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

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

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

(DOB Application. No. 102690081)

Adopted by the Board of Standards and Appeals, March 29, 2011.

MINUTES

289-00-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for 160 Water Street Associates, owner; TSI Water Street LLC d/b/a New York Sports Club, lessee.

SUBJECT – Application October 29, 2010 – Extension of Term of a previously approved Special Permit (§73-36) for the continued operation of a Physical Cultural Establishment (*New York Sports Club*) which expires on March 6, 2011. C5-5 (LM) zoning district.

PREMISES AFFECTED – 160 Water Street, northwest corner of Water Street and Fletcher Street, Block 70, Lot 43, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Fredrick A. Becker.

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, an extension of the term of a previously granted special permit for a physical culture establishment (“PCE”), which expired on March 6, 2011, and an amendment for a change in the hours of operation at the site; and

WHEREAS, a public hearing was held on this application on February 15, 2011, after due notice by publication in *The City Record*, with a continued hearing on March 15, 2011, and then to decision on March 29, 2011; and

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

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

WHEREAS, the PCE is located on the northwest corner of Water Street and Fletcher Street, in a C5-5 zoning district within the Special Lower Manhattan District; and

WHEREAS, the subject site is occupied by a 24-story commercial building; and

WHEREAS, the PCE occupies a total of 11,079 sq. ft. of floor area in portions of the first floor and first floor mezzanine of the subject building, with an additional 8,900 sq. ft. of floor space located in the cellar; and

WHEREAS, the Board has exercised jurisdiction over the subject site since March 6, 2001 when, under the subject calendar number, the Board granted a special permit for the establishment of a PCE in the subject building for a term of ten years, to expire on March 6, 2011; and

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

WHEREAS, the applicant also requests an amendment for a change in the hours of operation of the PCE; and

WHEREAS, the prior grant limited the PCE to the following hours of operation: Monday through Thursday, from 6:00 a.m. to 11:00 p.m.; Friday, from 6:00 a.m. to 9:00 p.m.;

and Saturday and Sunday, from 9:00 a.m. to 7:00 p.m.; and

WHEREAS, the applicant now proposes the following hours of operation for the PCE: Monday through Thursday, from 5:30 a.m. to 10:00 p.m.; Friday, from 5:30 a.m. to 9:00 p.m.; Saturday, from 9:00 a.m. to 5:00 p.m.; and closed on Sunday; and

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

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, as adopted on March 6, 2001, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from March 6, 2011, to expire on March 6, 2021, *on condition* that the use and operation of the site shall comply with the drawings filed with this application and marked ‘Received October 29, 2010’–(6) sheets and ‘March 3, 2011’- (1) sheet; and *on further condition*:

THAT the term of this grant shall expire on March 6, 2021;

THAT the hours of operation for the PCE shall be: Monday through Thursday, from 5:30 a.m. to 10:00 p.m.; Friday, from 5:30 a.m. to 9:00 p.m.; Saturday, from 9:00 a.m. to 5:00 p.m.; and closed on Sunday;

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

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.” (DOB Application No. 102784195)

Adopted by the Board of Standards and Appeals, March 29, 2011.

197-02-BZ

APPLICANT – Gary Silver Architects, for Nostrand Kings Management, owner; No Limit LLC, lessee.

SUBJECT – Application November 9, 2010 – Extension of Term of a previously approved Special Permit (§73-36) permitting the operation of a Physical Culture Establishment which expired on November 26, 2007; Extension of Time to obtain a Certificate of Occupancy; Waiver of the Rules. C2-2/R3-2 zoning district.

PREMISES AFFECTED – 2825 Nostrand Avenue, East side of Nostrand Avenue 129.14 feet south of the corner of Kings Highway. Block 7692, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES –

For Applicant: Albert Morango.

ACTION OF THE BOARD – Application granted on

MINUTES

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, reopening, an extension of the term of a previously granted special permit for a physical culture establishment (“PCE”), which expired on November 26, 2007, and an extension of time to obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on February 8, 2011, after due notice by publication in *The City Record*, with a continued hearing on March 15, 2011, and then to decision on March 29, 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 18, Brooklyn, recommends approval of this application, with the condition that the surrounding property and parking area be maintained and kept clean; and

WHEREAS, the PCE is located on a through lot bounded by East 31st Street to the east and Nostrand Avenue to the west, between Kings Highway and avenue P, within a C2-2 (R3-2) zoning district; and

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

WHEREAS, the PCE occupies a total of 13,884 sq. ft. of floor area in portions of the first floor and mezzanine of the subject building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since November 26, 2002 when, under the subject calendar number, the Board granted a special permit for the establishment of a PCE in the subject building for a term of five years, to expire on November 26, 2007; a condition of the grant was that a certificate of occupancy be obtained for the site; and

WHEREAS, the applicant now requests an extension of the term of the special permit for an additional ten years, and an extension of the time to obtain a certificate of occupancy; and

WHEREAS, at hearing, the Board directed the applicant to clean the graffiti from the site and to remove the dumpster at the rear which blocked egress from the site; and

WHEREAS, in response, the applicant submitted a contract with a cleaning company reflecting that the graffiti will be cleaned from the site by April 1, 2011, and submitted correspondence with an adjacent tenant indicating that they will no longer block the egress from the building; and

WHEREAS, additionally, the applicant notes that the operating control of the PCE has changed and seeks approval of this change; and

WHEREAS, the PCE is now operated as Forum Fitness Club; and

WHEREAS, the Board notes that the Department of

Investigation has approved the change of operation of the PCE; and

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

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens* and *amends* the resolution, as adopted on November 26, 2002, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from November 26, 2007, to expire on November 26, 2017, *on condition* that all work shall substantially conform to drawings filed with this application and marked ‘Received February 23, 2011’ –(4) sheets; and *on further condition*:

THAT the term of this grant shall expire on November 26, 2017;

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

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

THAT a certificate of occupancy shall be obtained by March 29, 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 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. 300627908)

Adopted by the Board of Standards and Appeals, March 29, 2011.

215-06-BZ

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

SUBJECT – Application October 20, 2010 – Extension of Term of an existing Gasoline Service Station (*Gulf*) with accessory convenience store which expires on July 24, 2011; Extension of Time to obtain a Certificate of Occupancy which expired on June 17, 2010; Waiver of the Rules. C1-2/R4 zoning district.

PREMISES AFFECTED – 202-06 Hillside Avenue, southeast corner of Hillside Avenue and 202nd Street, Block 10496, Lot 52, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Josh Rinesmith.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

MINUTES

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, and an extension of time to obtain a certificate of occupancy for a gasoline service station (Use Group 16) with accessory uses; and

WHEREAS, a public hearing was held on this application on January 25, 2011, after due notice by publication in *The City Record*, with a continued hearing on March 1, 2011, and then to decision on March 29, 2011; and

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

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

WHEREAS, the site is located on the southeast corner of Hillside Avenue and 202nd Street, within a C1-2 (R4) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 24, 1956 when, under BSA Cal. No. 327-55-BZ, the Board granted a variance to permit the construction of a gasoline service station, lubricatorium, non-automatic car wash, minor auto repair shop (with hand tools only), and the parking of motor vehicles awaiting service, for a term of 15 years; and

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

WHEREAS, on December 10, 1996, under BSA Cal. No. 327-55-BZ, the Board reopened and amended the resolution to permit the replacement of the accessory building with a convenience store and attendants' area and the erection of a canopy over four new pump islands; and

WHEREAS, the original variance, as extended, expired on July 24, 2001; and

WHEREAS, on July 17, 2007, under the subject calendar number, the Board reinstated the prior variance for an automotive service station for a term of ten years, to expire on July 24, 2011; a condition of the grant was that a new certificate of occupancy be obtained by January 24, 2008; and

WHEREAS, most recently, on March 17, 2009, the Board granted an extension of time to obtain a certificate of occupancy, to expire on June 17, 2010; and

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

WHEREAS, at hearing, the Board questioned whether the signage at the site was in compliance with the underlying C1 district regulations; and

WHEREAS, in response, the applicant submitted photographs reflecting that excess signage has been removed from the site, and submitted a revised signage analysis and revised plans reflecting that the signage at the site complies with C1 district regulations; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of term and

extension of time to obtain a certificate of occupancy are appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated July 17, 2007, so that as amended this portion of the resolution shall read: "to grant an extension of the term for a period of ten years from July 24, 2011, to expire on July 24, 2021, and an extension of time to obtain a certificate of occupancy to March 29, 2012; *on condition* that the use and operation of the site shall comply with the drawings filed with this application and marked 'Received February 23, 2011'-(5) sheets; and *on further condition*:

THAT the term of this grant shall expire on July 24, 2021;

THAT all signage at the site shall comply with C1 district regulations;

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

THAT a certificate of occupancy shall be obtained by March 29, 2012;

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

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

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. 400524072)

Adopted by the Board of Standards and Appeals March 29, 2011.

236-07-BZ

APPLICANT – Jay A. Segal, Esq./Greenberg Traurig, LLP, for Hope Lofts LLC c/o Stein, Simpston & Rosen, PA, owner; 53 Hope Street LLC c/o Gershon & Company, lessee.

SUBJECT – Application December 2, 2010 – Amendment to previously approved Special Permit (§73-46) to allow additional dwelling units and waiver of parking spaces. M1-2/R6A (MX-8) zoning district.

PREMISES AFFECTED – 53-65 Hope Street, north side of Hope Street, between Havemeyer Street and Marcy Avenue, Block 2369, Lots 40 & 47, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Randall Miner.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

MINUTES

Commissioner Montanez5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application for an amendment to a previously approved special permit that allowed a reduction in the number of accessory parking spaces for a proposed residential conversion; and

WHEREAS, a public hearing was held on this application on March 1, 2011, after due notice by publication in *The City Record*, and then to decision on March 29, 2011; and

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

WHEREAS, Community Board 1, Brooklyn, recommends disapproval of this application; and

WHEREAS, the subject site is located on the south side of Hope Street, between Havemeyer Street and Marcy Avenue, and has a lot area of 26,228 sq. ft.; and

WHEREAS, the subject site is located within an M1-2/R6A (MX-8) zoning district; and

WHEREAS, the site comprises three lots; Lot 40 is currently occupied by a 102,691 sq. ft. six-story commercial building and Lots 38 and 47 are two vacant lots that adjoin Lot 40; and

WHEREAS, the Board has exercised jurisdiction over the subject site since February 12, 2008 when, under the subject calendar number, the Board granted a special permit under ZR § 73-46 to allow a reduction in the required number of accessory parking spaces for a proposed residential conversion of an existing building from 46 spaces to 11 spaces, contrary to ZR § 25-23; and

WHEREAS, the applicant now requests an amendment to permit an increase in the number of proposed dwelling units, and a corresponding increase in the number of required accessory parking spaces being waived by the Board; and

WHEREAS, specifically, the applicant seeks to increase the proposed number of dwelling units in the subject building from 92 to 117, which results in an increase in the required number of accessory parking spaces from 46 to 59; the applicant proposes to provide 11 parking spaces as approved in the Board's prior grant; and

WHEREAS, as discussed in the Board's prior grant, there is no practical possibility of providing more than 11 parking spaces onsite due to an insufficient amount of open space on the site and the prohibitive cost of structural changes necessary to provide the required spaces within the building, and there is no practical possibility of providing the required number of spaces on a site located within 1,200 feet of the nearest boundary of the zoning lot; and

WHEREAS, the applicant asserts that the proposed increase in the number of dwelling units will not generate a significant parking demand; and

WHEREAS, the applicant states that the 11 onsite spaces will be adequate to meet any increase in parking demand that results from the additional dwelling units because: (1) the most recent U.S. Census data show that vehicle ownership among

area renters is approximately 32 percent, significantly less than the 50 percent parking demand presumed by ZR § 25-23; (2) the subject building would contain predominantly studio and one-bedroom apartments, which would most likely be occupied by singles and childless couples without cars; (3) the subject building is relatively well-served by mass transit; (iv) the area is conducive to traveling by bicycle; and (5) there are several alternatives to car ownership within a short walk of the subject building, including car service, a Zipcar location and an automobile rental facility; and

WHEREAS, the applicant also submitted a parking survey which indicates that there is sufficient available curbside and off-street parking in the surrounding neighborhood to accommodate any parking overflow that results from the proposed increase in dwelling units; and

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

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, as adopted on February 12, 2008, so that as amended this portion of the resolution shall read: "to permit an increase in the number of proposed dwelling units, from 92 to 117; *on condition* that any and all work shall substantially conform to drawings filed with this application and marked 'Received March 24, 2011' – fourteen (14) sheets; and *on further condition*:

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)/configuration(s) not related to the relief granted." (DOB Application No. 302307457)

Adopted by the Board of Standards and Appeals, March 29, 2011.

164-60-BZ

APPLICANT – Carl A. Sulfaro, Esq., for Luciani Enrica Melchiorre, owner; Steven Scott, Inc., lessee.

SUBJECT – Application December 7, 2010 – Extension of Term (§11-411) for an automotive service station (UG 16B) (*Sunoco*) with accessory uses which expired on April 10, 2010; Waiver of the Rules. C1-3/R3-2 zoning district.

PREMISES AFFECTED – 100-20 Metropolitan Avenue, southeast corner of Metropolitan Avenue and 70th Road, Block 3895, Lot 32, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES –

For Applicant: Steven Sulfaro.

THE VOTE TO CLOSE HEARING –

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

MINUTES

Negative:.....0
ACTION OF THE BOARD – Laid over to May 3, 2011, at 10 A.M., for decision, hearing closed.

433-65-BZ

APPLICANT – Andrea Claire/Peter Hirshman, for 15 West 72 Owner Corporation, owner; Mafair Garage Corporation, lessee.

SUBJECT – Application July 22, 2010 – Extension of Term of an approval pursuant to the Multiple Dwelling Law for transient parking, which expired on June 22, 2010. R8B/R10A zoning district.

PREMISES AFFECTED – 15 West 72nd Street, 200’-2½ west of Central Park West 72nd Street, Block 1125, Lot 24, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES –

For Applicant: Peter Hirshman.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to April 12, 2011, at 10 A.M., for decision, hearing closed.

703-80-BZ

APPLICANT – Joseph P. Morsellino, for Louis N. Petrosino, owner.

SUBJECT – Application July 1, 2010 – Extension of Term of a previously granted Variance (§72-21) for the continued operation of an existing scrap metal storage establishment which expires on December 2, 2010; Amendment to legalize the enclosure of an open storage area. C8-1 zoning district.

PREMISES AFFECTED – 2994/3018 Cropsey Avenue, southwest corner of Bay 54th Street, Block 6947, Lot 260, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to May 24, 2011, at 10 A.M., for continued hearing.

406-82-BZ

APPLICANT – Eric Palatnik, P.C., for Adolf Clause & Theodore Thomas, owner; Hendel Products, lessee.

SUBJECT – Application February 7, 2011 – Extension of Time to obtain a Certificate of Occupancy for a Special Permit (§73-243) for an eating and drinking establishment (*McDonald's*) with accessory drive-thru, which expired on January 22, 2009; waiver of the rules. C1-3/R5 zoning district.

PREMISES AFFECTED – 2411 86th Street, northeast corner of 24th Avenue and 86th Street, Block 6859, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES –

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to May 3, 2011, at 10 A.M., for decision, hearing closed.

95-97-BZ

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

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

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

COMMUNITY BOARD #6Q

APPEARANCES –

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD – Laid over to May 3, 2011, at 10 A.M., for continued hearing.

289-99-BZ

APPLICANT – Vito J. Fossella, LPEC, for Frances Gomez, owner.

SUBJECT – Application January 22, 2010 – Extension of Term of a variance (§72-21) for a parking facility accessory to a permitted use (UG16 automotive repair and accessory sales) which expired on December 12, 2010. C8-1/R3-1 zoning district.

PREMISES AFFECTED – 265 Hull Avenue, northeast side of Hull Avenue, 100’ southeast of corner formed by the intersection of Hull Avenue and Hylan Boulevard, Block 3668, Lots 12, 13, 14, 27, 28 & 29, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Sameh M. El-Meniawy.

ACTION OF THE BOARD – Laid over to May 3, 2011, at 10 A.M., for continued hearing.

276-02-BZ

APPLICANT – Eric Palatnik, P.C., for Elad Ryba, owner.

SUBJECT – Application September 13, 2010 – Extension of Time to Complete Construction and an Amendment to a previously approved Special Permit (§73-622) to an existing one family dwelling, contrary to lot coverage and floor area (§23-141) and side yard (§23-461). R3-1 zoning district.

MINUTES

PREMISES AFFECTED – 160 Norfolk Street, west side, 300’ north of Oriental Boulevard and south of Shore Boulevard, Block 8756, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Eric Palatnik.

For Opposition: Susan Klapper.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to May 3, 2011, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

154-10-A

APPLICANT – Isaac Rosenberg, for Congregation Yetev Lev D’Satmar, owner.

SUBJECT – Application August 25, 2010 – Appeal challenging a determination by Department of Buildings to revoke permits and approvals based on failure to provide owner authorization in accordance with §28-104.8.2 of the Administrative Code. R7-1 Zoning District.

PREMISES AFFECTED – 540 Bedford Avenue, between Ross and Wilson Streets, Block 2181, Lot 35, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES – None.

ACTION OF THE BOARD – Appeal Denied.

THE VOTE TO GRANT –

Affirmative:.....0

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

THE RESOLUTION –

WHEREAS, this appeal comes before the Board in response to a Final Determination letter dated July 26, 2010 by the Brooklyn Borough Commissioner of the Department of Buildings (“DOB”) (the “Final Determination”), with respect to DOB Application No. 300443777; and

WHEREAS, the Final Determination states, in pertinent part:

By letter dated June 9, 2010, the Department of Buildings (“the Department”) revoked the approval and permit for Job Application No. 300443777 at 540 Bedford Avenue, Brooklyn (the “Premises”). Pursuant to Section 28-104.8.2 of the Administrative Code of the City of New York, the job application must include a signed statement by the owner that the applicant is authorized to make the job application. In addition, Section BC 105.2 of the New York City Construction Codes requires an owner or authorized agent to obtain a Department issued permit before construction work

may be lawfully commenced. As described in the June 9, 2010 letter and as further described in the Department’s June 23, 2010 letter, the approval and permit were revoked because the Department was not provided with sufficient information to determine that the applicant and/or purported agent of the owner have authority to act on behalf of the owner of the Premises, Congregation Yetev Lev D’Satmar, a religious corporation; and

WHEREAS, a public hearing was held on this appeal on January 25, 2011, after due notice by publication in *The City Record*, and then to decision on March 29, 2011; and

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

WHEREAS, the appeal is brought on behalf of a religious group associated with Isaac (aka Isack) Rosenberg and Berl Friedman (the “Appellant” or the “Friedman Faction”); and

WHEREAS, representatives of a religious group associated with Jenoe Kahan (the “Opposition” or the “Kahan Faction”) provided written and oral testimony in opposition to the appeal; and

WHEREAS, the Appellant and the Opposition are involved in a dispute over the leadership of Congregation Yetev Lev D’Satmar (the “Congregation”), a religious corporation; and

WHEREAS, DOB, the Appellant, and the Opposition have been represented by counsel throughout this appeal; and

WHEREAS, the appeal concerns the authorization requirement in the Administrative Code (AC), at § 28-104.8.2, which DOB invoked when it revoked the permits for construction at the site; and

PROCEDURAL HISTORY

WHEREAS, on September 22, 1995, Sandor Weiss, R.A. filed an application (DOB Application No. 300443777) at DOB for the Appellant, which Mr. Rosenberg signed on behalf of the Congregation; and

WHEREAS, on April 8, 1998, DOB approved the application and issued the permit (the “Permit”) on April 24, 1998 to Mr. Friedman; and

WHEREAS, on December 3, 1998 and March 2, 1999, DOB reissued the Permit to Mr. Friedman; and

WHEREAS, on January 1, 2000, the Permit expired; and

WHEREAS, on December 15, 2006, Avinoam Shalom renewed the Permit, which expired on June 15, 2007; and

WHEREAS, on April 22, 2010, Mordechai Danino renewed the Permit; and

WHEREAS, on May 6, 2010, the April 22, 2010 Permit was superseded and DOB issued the new Permit to Mr. Rosenberg; and

WHEREAS, on May 7, 2010, DOB received a complaint from a representative of the Kahan Faction regarding the issuance of the April 22, 2010 Permit to Mr. Rosenberg; and

WHEREAS, in its complaint, the Kahan Faction stated that since 2001, the Congregation has been involved in a leadership dispute about the control of the Congregation’s Board of Directors; and

MINUTES

WHEREAS, the Kahan Faction claimed that Mr. Kahan was the president of the Congregation and that neither Mr. Rosenberg nor Mr. Friedman were authorized to act on behalf of the Congregation; and

WHEREAS, the Kahan Faction stated that the Permit should be rescinded since, pursuant to court order, Mr. Kahan, as president of the Congregation, is the only person authorized to act on behalf of the Congregation; and

WHEREAS, on May 7, 2010, DOB received a complaint from the representative of the Friedman Faction stating that Mr. Friedman was the president of the Congregation and Mr. Rosenberg was the vice-president of the Congregation and that, in accordance with a court order, Mr. Friedman and Mr. Rosenberg should be the exclusive parties DOB deals with in respect to the job application and Permit and that Mr. Kahan does not have authority to act on behalf of the Congregation; and

WHEREAS, on May 12, 2010, based on the complaints of both factions, DOB issued a Letter of Intent to Revoke Approval and Permits; and

WHEREAS, subsequently, DOB met with both factions, separately, and reviewed the litigation history regarding the dispute; and

WHEREAS, the litigation history includes: Matter of Congregation Yetev Lev D'Satmar v. Kahana, 2007 NY Slip Op 9068 (N.Y. 2007); Frankel v. Congregation Yetev Lev D'Satmar, 2008 NY Slip Op 51779U (N.Y. Sup. Ct. 2008); and Frankel v. Congregation Yetev Lev D'Satmar, 2010 NY Slip Op 467 (N.Y. App. Div. 2d Dep't 2010); and

WHEREAS, on June 9, 2010, based on a review of the information provided by both factions and the relevant court decisions, DOB determined that it had not been provided with sufficient information to determine whether the Permit applicant had authority to act on behalf of the Congregation; and

WHEREAS, on June 23, 2010, in response to a request from the Friedman Faction for further explanation, DOB issued a letter which states that in the absence of a court order resolving the ownership dispute, DOB is unable to determine whether an applicant acting on behalf of Mr. Friedman or on behalf of Mr. Kahan had the proper authority to act on behalf of the Congregation; and

WHEREAS, on July 26, 2010, in response to a request from the Appellant, DOB issued the Final Determination stating that the Permit was revoked based on noncompliance with Administrative Code Section 28-104.8 and Construction Code Section 105.2; and

THE PROVISIONS OF THE BUILDING CODE RELEVANT TO THIS APPEAL

WHEREAS, the relevant sections of the Administrative Code state in pertinent part:

§ 28-104.8 Applications. All applications shall comply with sections 28-104.8.1 through 28-104.8.4.

§ 28-104.8.1 Applicant statements. The application shall contain the following signed and sealed statements by the applicant: 1. A statement certifying that the applicant is authorized by the

owner to make the application and certifying that, to the best of the applicant's knowledge and belief, the construction documents comply with the provisions of this code or the 1968 building code, if applicable, and other applicable laws and rules; if there exist practical difficulties in the way of carrying out the strict letter of the code, laws or rules, the applicant shall set forth the nature of such difficulties in such signed statement . . .

§ 28-104.8.2 Owner statement. The application shall contain a signed statement by the owner, cooperative owners' corporation, or condominium owners' association stating that the applicant is authorized to make the application and, if applicable, acknowledging that construction documents will be accepted with less than full examination by the department based on the professional certification of the applicant. Such statement shall list the owner's full name and address, as well as the names of the principal officers, partners or other principals if a corporation, partnership or other entity. Principal officers of a corporation shall be deemed to include the president, vice presidents, secretary and treasurer; and

WHEREAS, the relevant section of the Construction Code states in pertinent part:

§ 105.2 Required. Any owner or authorized agent who intends to construct, add to, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, add to, alter, repair, remove, convert or replace any gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application for construction document approval in accordance with Chapter 1 of Title 28 of the *Administrative Code* and this chapter and obtain the required permit; and

THE APPELLANT'S POSITION

WHEREAS, the Appellant's primary assertions in support of its position that DOB should continue to recognize the Friedman Faction are: (1) DOB issued initial permits were issued to the Friedman Faction before any dispute arose; (2) there is not any court order removing the Friedman Faction's authority; (3) the Kahan Faction's challenge to the Friedman Faction's authority is not proof that the Friedman Faction no longer maintains authority; and (4) DOB's continued issuance of approvals to the Friedman Faction is not in conflict with the Administrative Code or any other regulation; and

WHEREAS, the Appellant states that the Congregation holds the deed for the property located at 540 Bedford Avenue and that Mr. Friedman is the president of the Congregation and Mr. Rosenberg is the vice-president of the Congregation; and

WHEREAS, the Appellant states that construction on a new synagogue building, which is nearly 50 percent complete, began in 1995 and that the plans have remained relatively unchanged since the initial approval; and

WHEREAS, the Appellant asserts that Messrs. Friedman

MINUTES

and Rosenberg have always been in charge of the construction on behalf of the Congregation and at the time of application, there was not any dispute that Mr. Friedman was the duly authorized president of the Congregation; and

WHEREAS, the Appellant notes that all permits have been issued through Messrs. Friedman and Rosenberg; and

WHEREAS, the Appellant provided a timeline of permits issued to either Mr. Rosenberg or Mr. Friedman from 1994 to 1999; and

WHEREAS, the Appellant asserts that the dispute within the Congregation only arose in 2001, six years after the application was filed and approved and several permits were issued to Messrs. Friedman and Rosenberg on behalf of the Congregation as contractor and owner; and

WHEREAS, accordingly, the Appellant asserts that the recent renewal permit issued in line with the initial application and permits is proper and should not have been revoked based on a dispute that began after the initial permit was issued; and

WHEREAS, the Appellant states that it is not requesting that DOB adjudicate the dispute between the factions, but, rather that DOB continue to recognize the Friedman Faction since it was the original filer of the application and permit holder; and

WHEREAS, the Appellant cites to decisions by third-parties and governmental authorities, which have determined that they must continue to recognize the authority of those who interacted with them, “the status quo,” before the dispute began; and

WHEREAS, specifically, the Appellant cites to a Memorandum from the Mayor of the Village of Kiryas Joel in Orange County, New York and the attorney for the Board of Washington Cemetery in New Jersey for the principle that when confronted with a leadership dispute, the status quo of the party with control before the dispute began should be maintained; and

WHEREAS, the Appellant concedes that its examples of other authorities applying a status quo principle are not binding on DOB or the Board and the Appellant states that it agrees with DOB that DOB nor the Board can determine which of the competing factions represents the Congregation; and

WHEREAS, however, the Appellant states that because the Friedman Faction was originally recognized by DOB as having authority, prior to any leadership dispute, DOB should continue to grant it the right to build until a court determines otherwise; and

WHEREAS, as to the courts’ involvement, the Appellant states that in 2001, a dispute arose in the Satmar religious community over the leadership of the Congregation when Mr. Kahan claimed to be the Congregation’s president; and

WHEREAS, as a result of the dispute, New York state courts and Rabbinical courts issued injunctions against proceeding with construction; and

WHEREAS, the Appellant asserts that the most recent court decision, dated January 19, 2010, from the Appellate Division, Second Department confirmed that the judicial system will not recognize the Kahan Faction as having any legal authority in the Congregation; and

WHEREAS, the Appellant cites to the January 19, 2010

decision for the point that the court rejected the Kahan Faction’s claims for control:

Contrary to the [Kahan Faction’s] contention, [prior court decisions] did not confer any legal rights upon them. The [Kahan Faction’s] present action is merely an attempt to obtain a judicial determination that their faction is authorized to act on behalf of the Congregation, which is precisely the issue the Court of Appeals held to be nonjusticiable. *See Frankel v. Congregation Yetev Lev D’Satmar*; and

WHEREAS, the Appellant asserts that the Kahan Faction has failed to obtain any court determination that Mr. Friedman is no longer the president of the Congregation or that the Kahan Faction has any legal authority in the Congregation; and

WHEREAS, as to the effect of the Kahan Faction’s claims, the Appellant urged DOB to rely on (1) common sense and fairness and (2) the fact that the courts have rejected the Kahan Faction’s challenge of authority; and

WHEREAS, the Appellant asserts that the burden of proof rests with the challenger, the Kahan Faction, to prove its challenge to the Friedman Faction’s authority; and

WHEREAS, the Appellant concludes that since the court has not determined that the Kahan Faction has a legitimate claim, there is no rational basis for DOB to refuse to continue to issue approvals to the Friedman Faction; and

WHEREAS, the Appellant asserts that DOB should not accept or consider a claim about the authority of the Congregation until the Kahan Faction can affirmatively prove in a court of law that it represents the Congregation; and

WHEREAS, the Appellant asserts that a challenge is not proof and the status quo has not changed, thus DOB should continue to issue permits to the Friedman Faction and should follow the courts and not make any assessment as to the leadership question; and

WHEREAS, as to the requirements of the AC, the Appellant asserts that its actions reflect compliance; and

WHEREAS, specifically, the Appellant states that it complies with AC §§ 28-104.2.10 and 28-105.10.1 because (1) no false statement or misrepresentation has occurred and (2) the Kahan Faction’s challenge does not imply that the approval had been issued in error; and

WHEREAS, the Appellant disagrees with DOB’s assertion that every time an applicant files a PW-2: Work Permit Application form, it must comply with the Administrative Code and Construction Code requirement, including AC § 28-104.8; and

WHEREAS, the Appellant asserts that the PW-2 is a continuation of the PW-1 and does not carry the requirement for compliance with AC § 28-104.8; and

WHEREAS, the Appellant also cites to New York Religious Corporations Law Section 703(c) for the provision that “[e]ach director shall hold office until the expiration of the term of which he is elected or appointed, and until his successor has been elected or appointed and qualified;” and

WHEREAS, the Appellant contends that since Mr. Friedman was the president of the Congregation before the dispute commenced, and the court has not recognized a successor, Mr. Friedman remains in legal capacity as the

MINUTES

president, authorized to act on behalf of the Congregation; and

WHEREAS, the Appellant concludes that, absent a court directive to the contrary, DOB should continue to recognize the Friedman Faction as the authorizing party for approval and permitting purposes; and

THE DEPARTMENT OF BUILDINGS' POSITION

WHEREAS, DOB states that it revoked the Permit because it did not have adequate information which demonstrated that the Permit application was signed by an applicant authorized by the owner, the Congregation, as required by AC § 28-104.8 and BC § 105.2; and

WHEREAS, DOB states that when it receives a complaint that a job application was filed without the proper owner authorization, it will investigate the complaint and require the applicant to produce documentary evidence that the application complies with the owner authorization requirement of AC § 28-104.8; and

WHEREAS, DOB states that such evidence may include production of a deed, a lease, a certificate of incorporation, and/or a court order indicating the rightful owner of the property and/or a ruling regarding who may act on behalf of the rightful owner of the property; and

WHEREAS, DOB states that, in the absence of such documentary evidence, it is unable to determine whether the application complies with AC § 28-104.8; and

WHEREAS, as noted above, DOB received complaints from the Friedman Faction and the Kahan Faction arguing that each controls the Congregation's Board of Directors and therefore, is the only faction authorized to act on behalf of the Congregation; and

WHEREAS, DOB adds that in communication with the two parties, each claimed that the history of actions at the site and prior court decisions prove that its respective faction is the only one authorized to act on behalf of the Congregation; and

WHEREAS, DOB notes that the court decisions reflect that New York State civil courts have repeatedly declined to decide which faction controls the Congregation's Board of Directors; specifically, Matter of Congregation Yetev Lev D'Satmar, Inc. v. Kahana, 2007 NY Slip Op 9068 (N.Y. 2007), which dealt with the controversy over whether Mr. Friedman or Mr. Kahan was elected to serve as president of the Congregation, the New York State Court of Appeals decided that the civil court could not decide the matter. The Court of Appeals stated:

Contrary to petitioners' position, Berl Friedman's religious standing within the Congregation is essential to resolution of this election dispute. Petitioners ask this Court not only to determine the validity of the respondents' election but also to recognize that petitioners, including Berl Friedman, are elected officers and the authorized governing body of the Congregation. With such membership issues at the center of this election dispute, matters of an ecclesiastical nature are clearly at issue. These particular issues must be resolved by the members of the Congregation, and cannot be determined by this Court. (Id. at 5);

and

WHEREAS, additionally, DOB states that following the Court of Appeals decision, the New York State Supreme Court, Kings County, was again presented with an action regarding the dispute between the two factions - Frankel v. Congregation Yetev Lev D'Satmar, 2008 NY Slip Op 51779U (N.Y. Sup. Ct. 2008) - a case involving three actions before the New York State Supreme Court, including an action brought by the Kahan Faction seeking an injunction to enjoin the Friedman Faction from asserting control over the Congregation; and

WHEREAS, DOB asserts that in the Supreme Court action, the court denied the request for the injunction, but did not rule which faction controlled the Congregation; rather, the court stated that "the Court of Appeals has now made it perfectly clear that the civil courts cannot determine which Faction is in legitimate control of the Board of the Congregation and thus which Faction is 'authorized' to manage its affairs," (Id. at 2) and held that "upon careful review of the parties' submissions and the various claims and counterclaims asserted in their pleadings, this court concludes that the three pending cases cannot be resolved by applying neutral principals of law and accordingly must be dismissed since they are non-justiciable," (Id.); and

WHEREAS, DOB adds, that the court held:

The Injunction action is nothing more than another disingenuous attempt by one of the Factions to obtain relief which is beyond the reach of the court. To grant the Kahan Faction such broad sweeping declaratory and injunctive relief would run afoul of the language and clear import of the decisions by the Appellate Division and the Court of Appeals that the secular courts cannot declare which board is the authorized governing body of the Congregation empowered to act on its behalf. It bears repeating the language by the Appellate Division: "the dispute over the rightful board of the Congregation . . . cannot be decided by application of neutral principal of law" (supra, 31 AD3d at 542). Most importantly, the Court of Appeals has determined that a resolution of the dispute between the two Factions would require "impermissible inquiries" into religious doctrine (supra, 9 NY3d at 286 9 NY3d at 286). (Id. at 5-6); and

WHEREAS, DOB also cites to Frankel v. Congregation Yetev Lev D'Satmar, 2010 NY Slip Op 467 (N.Y. App. Div. 2d Dep't 2010), in which the plaintiff-appellant Kahan Faction appealed the New York State Supreme Court's decision regarding the injunction denial; the New York State Appellate Division, Second Department affirmed the New York State Supreme Court's decision and held:

Here, in Action No. 3, the plaintiffs' Faction seeks a judgment declaring that the defendants' Faction is not authorized to act on behalf of the Congregation, based on the Supreme Court's "directive" in the prior matter that the status quo,

MINUTES

which, according to the plaintiffs, consists of their de facto control of the Congregation, be left intact. Contrary to the appellants' contention, the statement in the Supreme Court's order did not confer any legal rights upon them. The plaintiffs' present action is merely an attempt to obtain a judicial determination that their Faction is authorized to act on behalf of the Congregation, which is precisely the issue that the Court of Appeals held to be nonjusticiable (see *Matter of Congregation Yetev Lev D'Satmar, Inc. v Kahan*, 9 NY3d at 287-288 of *Congregation Yetev Lev D'Satmar, Inc. v Kahan*, 9 NY3d at 287-288). Accordingly, the Supreme Court properly granted the motion of the defendants in Action No. 3 to dismiss the complaint in that action pursuant to CPLR 3211(a)(2). (Id. at 2); and

WHEREAS, based on DOB's review of the aforementioned court decisions, it determined that the New York State court system has refused to decide whether the Kahan Faction or the Friedman Faction has control of the Congregation's Board of Directors; therefore, in the absence of a court-ordered decision, DOB states that it is unable to determine which faction is authorized to act on behalf of the Congregation and thereby, which faction can authorize an applicant to submit an application on behalf of the Congregation pursuant to AC § 28-104.8; and

WHEREAS, in response to the Appellant's supplemental statement that DOB should continue to issue permits to the Friedman Faction since Mr. Rosenberg signed the original job application dated September 22, 1995 and since Mr. Friedman pulled the original Permit on April 24, 1998 and thus that would maintain the status quo based on the original job applications, DOB asserts that the dispute over the Congregation's election of either Mr. Friedman or Mr. Kahan as president of the Board of Directors did not occur until May 2001, years after the Job Application was originally filed and the first Permit was issued. See Matter of Congregation Yetev Lev D'Satmar, Inc. v. Kahana, 2007 NY Slip Op 9068 (N.Y. 2007) at 2; and

WHEREAS, therefore, DOB states that the status quo regarding who may act on behalf of the Congregation has changed since the original job application and Permit issuance; and

WHEREAS, additionally, DOB states that in order to renew a permit, the permit applicant must submit a new PW-2:Work Permit Application form and every time an applicant files a PW-2:Work Permit Application form, the application must comply with the Administrative Code and Construction Code requirements, including the owner authorization requirement of AC § 28-104.8; and

WHEREAS, accordingly, as stated above, DOB determined that the Permit application does not comply with the owner authorization requirement of AC § 28-104.8 and thus the Permit must be revoked; and

WHEREAS, DOB notes that the Appellant cites decisions allegedly made by the Board of Washington Cemetery in New Jersey and the Village of Kiryas Joel with

respect to owner authorization; and

WHEREAS, DOB states that it enforces the Administrative Code, the Construction Codes, the New York City Zoning Resolution and other applicable rules and regulations and is not bound by decisions of these non-governmental and governmental entities; therefore, any actions taken by these other entities do not have bearing on DOB's requirement to enforce the owner authorization provisions of the Administrative Code and the Construction Code; and

WHEREAS, finally, DOB states that in addition to the aforementioned legal issues regarding required owner authorization in the Administrative Code and the Construction Code, should the Permit be reinstated, DOB would be faced with the practical difficulty of having to accept job applications and issue permits to separate individuals claiming to act on behalf of the owner; and

THE OPPOSITION'S POSITION

WHEREAS, the Opposition makes the following two primary arguments (1) that the Appellant has mischaracterized the relevant history and the definition of the status quo and (2) usage, control, and responsibility of the site has been with the Kahan Faction since the leadership dispute began, thus, the Friedman Faction's assertions about the status quo are meritless; and

WHEREAS, the Opposition asserts that Mr. Kahan and Mr. Friedman were appointed as co-presidents of the Congregation in 1998, so the status quo is different than what the Appellant asserts; and

WHEREAS, the Opposition asserts that the New York State courts, including the Appellate Division, Second Department, has allowed the Kahan Faction to take a wide array of actions for the Congregation including work at the site within the ordinary course of business; and

WHEREAS, the Opposition asserts that other court orders issued in 2001 permitted Mr. Kahan and/or prevented Messrs. Friedman and Rosenberg from acting for the Congregation; and

WHEREAS, the Opposition cites to an October 22, 2004 court decision, which "left intact the status quo in terms of day to day operations of the Congregation and its institutions" and cites that the Friedman Faction stated that the Kahan Faction had been the status quo for a period in that it was responsible for operating expenses and maintenance of the Congregation's buildings; and

WHEREAS, the Opposition asserts that several courts have authorized or acknowledged the authority of the Kahan Faction to take action for the Congregation, including the refinancing of the site, and there is not any order that authorizes the Friedman Faction to take action for the Congregation that has not been stayed, reversed, or vacated; and

WHEREAS, as to the operations at the site, the Opposition states that the Kahan Faction has been using, controlling, and exercising responsibility over the site as reflected, in part, by DOB issuing temporary place of assembly permits to the Kahan Faction on several occasions since the leadership dispute arose; and

WHEREAS, the Opposition states that the Kahan Faction

MINUTES

has hosted several large events at the site, pays for insurance of the site, and has been issued permits for a fence installation and other work at the site; and

WHEREAS, the Opposition asserts that its examples of exercising control over the site support its claims to authority and, at the very least, re-define the status quo at relevant periods; and

CONCLUSION

WHEREAS, the Board supports DOB's denial of continued approvals to either the Friedman Faction or the Kahan Faction for the following primary reasons: (1) DOB is correct to require compliance with AC § 28-104.8's authorization requirement; (2) there is a substantial basis for questioning the identity of the duly authorized party; and (3) DOB does not have the jurisdiction to settle a dispute between the factions and establish the rightful party; and

WHEREAS, as to the requirement for authorization, all parties acknowledge that owner's authorization is required for initial permits and, as to subsequent approvals, the Board cites to Part 12 of the PW-2: Work Permit Application, which states "[i]n accordance with AC § 28-104.8 of the Administrative Code, I hereby declare I am authorized by the owner of the above-referenced premises to make this application for a permit to perform the work described herein;" and

WHEREAS, further, the Board notes that the PW-2 instructions state that "the applicant is required to certify they received authorization from the owner to obtain a permit to perform work on the premises referenced in the application;" and

WHEREAS, accordingly, the Board finds that it is appropriate for DOB to require compliance with AC § 28-104.8's authorization requirement throughout the approval process; and

WHEREAS, in light of the requirement for a reiteration of ownership authorization throughout the approval process, the Board supports DOB's position that when a reasonable question is raised about the appropriateness of one party's authority over another, it may halt subsequent approvals pending resolution of the dispute; and

WHEREAS, the Board agrees with DOB and supports its decision that, based on the subject facts, the doubt raised by the objecting Kahan Faction was significant enough to rise to the level of DOB being unable to conclude which party possesses the authority to secure approvals for the Congregation; and

WHEREAS, the Board recognizes that the dispute between the factions has lasted for at least a decade, has been the subject of at least six court decisions, and that the courts have determined that the dispute is not centered in neutral principles of law, so they do not have jurisdiction to decide which party has legal authority over the site; and

WHEREAS, the Board is unconvinced by the Appellant's argument about maintaining the status quo and notes that the courts, like DOB, have questioned how to define the status quo given the complicated leadership controversy; and

WHEREAS, further, as the Appellant concedes, it has not provided any binding authority as to the application of a status quo principle; and

WHEREAS, as to DOB's jurisdiction over the dispute, the Board notes that in other instances when more than one party meaningfully asserts authority over a site, the court, not DOB, must decide the dispute; and

WHEREAS, the Board follows the New York State case law, DOB's position, and the Appellant's concession that DOB's purview does not include mediation of ownership disputes and the court is the appropriate forum for resolving such disputes; and

WHEREAS, the Board notes that due to the religious nature of this dispute, New York State courts have determined that they must abstain from resolving the dispute and that it should appropriately be decided in a religious forum; and

WHEREAS, accordingly, the Board has determined that DOB appropriately seeks owner's authorization for continued approvals and that DOB may reject both parties claims given the significant longstanding dispute between them, which the courts have not resolved; and

WHEREAS, the Board agrees with DOB that there are practical difficulties as well as an inappropriate assertion of jurisdiction over the dispute if DOB were to accept authorization from either party in the absence of a court order resolving the dispute and naming the party with authority over the site; and

WHEREAS, the Board recognizes that DOB's policy for requiring the undisputed authorization is rooted in practical public policy concerns about construction practices and safety as well as administrative efficiency; and

WHEREAS, therefore, the Board accepts DOB's policy and reasoning for withholding approvals in the subject case pending the resolution of the dispute of authority; and

Therefore it is Resolved that the instant appeal, seeking a reversal of the Final Determination of the Brooklyn Borough Commissioner, dated July 26, 2010, is hereby denied.

Adopted by the Board of Standards and Appeals, March 29, 2011.

12-11-A

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

SUBJECT – Application February 3, 2011 – Reconstruction and enlargement of an existing single-family dwelling not fronting on a mapped street, contrary to General City Section 36. R4 zoning district.

PREMISES AFFECTED – 44 Beach 221st Street, west side of Beach 221st Street, 100' north of Breezy Point Boulevard, Block 16350, Lot p/o 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Gary Lenhart.

For Administration: Anthony Scadulo, FDNY.

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

MINUTES

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner dated January 20, 2011 acting on Department of Buildings Application No. 420234847, reads in pertinent part:

“The street giving access to the existing building to be altered is not duly placed on the official map of the City of New York, therefore:

- A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law; and
- B) Existing dwelling to be altered does not have at least 8% of total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to Section C27-291 (C26-401.1) of the Administrative Code of the City of New York;” and

WHEREAS, a public hearing was held on this application on March 29, 2011, after due notice by publication in the *City Record*, and then to closure and decision on the same date; and

WHEREAS, by letter dated February 16, 2011, the Fire Department states that it waives the requirement for a sprinkler system for the subject home and has no further objections to the proposal; and

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

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated January 20, 2011, acting on Department of Buildings Application No. 420234847, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received February 3, 2011” - one (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

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

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

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

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

Adopted by the Board of Standards and Appeals, March 29, 2011.

96-10-A & 97-10-A

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

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

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

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Todd Dale.

ACTION OF THE BOARD – Laid over to May 17, 2011, at 10 A.M., for continued hearing.

137-10-A

APPLICANT – Joseph A. Sherry, for Breezy Point Cooperative Incorporated, owner; Richard & Jane O'Brien, lessees.

SUBJECT – Application August 3, 2010 – Reconstruction and enlargement of an existing single-family home not fronting on a mapped street, contrary to General City Law Section 36. R4 zoning district.

PREMISES AFFECTED – 103 Beach 217th Street, 40' south of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Joseph A. Sherry.

For Opposition: Anthony Scaduto, FDNY.

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

185-10-A

APPLICANT – Joseph A. Sherry, for Breezy Point Cooperative Incorporated, owner; Raymond & Regina Walsh, lessees.

SUBJECT – Application September 24, 2010 – Proposed construction not fronting on a mapped street, contrary to General City Law Section 36 within an R4 zoning district.

PREMISES AFFECTED – 115 Beach 216th Street, east side Beach 216th south of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Joseph A. Sherry.

For Opposition: Anthony Scaduto, FDNY.

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

Jeff Mulligan, Executive Director

Adjourned: P.M.

MINUTES

**REGULAR MEETING
TUESDAY AFTERNOON, MARCH 29, 2011
1:30 P.M.**

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

ZONING CALENDAR

175-10-BZ

APPLICANT – Sheldon Lobel, P.C., for Leemilt's Petroleum, Inc., owner.

SUBJECT – Application September 1, 2010 – Special Permit (§11-411) for an Extension of Term of a previously approved Automotive Service Station (UG 16B) which expired on December 18, 2001; Extension of Time to obtain a certificate of occupancy which expired on September 21, 1994; Waiver of the Rules of Practice and Procedures. R4 zoning district.

PREMISES AFFECTED – 3400 Baychester Avenue, Northeast corner of Baychester and Tillotson Avenue, Block 5257, Lot 47, Borough of Bronx.

COMMUNITY BOARD #12BX

APPEARANCES –

For Applicant: Josh Rinesmith.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Bronx Borough Commissioner, dated August 23, 2010, acting on Department of Buildings Application No. 220074693, reads in pertinent part:

“The continued operation of the automotive service station at the premises, which is located in an R4 district, is contrary to ZR § 22-10 and BSA Cal. No. 492-56-BZ and must be referred to the BSA for approval;” and

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reinstatement, an extension of term, and an extension of time to obtain a certificate of occupancy for a prior Board approval of an automobile service station with accessory uses (Use Group 16) in an R4 zoning district, pursuant to ZR § 11-411; and

WHEREAS, a public hearing was held on this application on December 7, 2010, after due notice by publication in the *City Record*, with continued hearings on January 11, 2011 and March 1, 2011, and then to decision on March 29, 2011; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Vice-

Chair Collins, Commissioner Hinkson, and Commissioner Ottley-Brown; and

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

WHEREAS, the premises is located on the northeast corner of Baychester Avenue and Tillotson Avenue, within an R4 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since December 18, 1956 when, under BSA Cal. No. 492-56-BZ, the Board granted a variance to permit the construction and maintenance of a gasoline service station with minor auto repairs, office and sales, car washing and lubrication in a residence and retail use district, 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 September 21, 1993, the Board granted a ten-year extension of term, which expired on December 18, 2001; and

WHEREAS, the term of the variance has not been extended since its expiration on December 18, 2001, 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

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, at hearing, the Board questioned whether there were used car sales at the site; and

WHEREAS, in response, the applicant submitted an affidavit from the operator stating that the service station at the site provides general repair services for vehicles sold at two affiliated used car dealerships, but that no cars are sold at the subject site; and

WHEREAS, at hearing, the Board directed the applicant to repair the fence along the northwestern lot line, and to provide evidence that it filed an application with the Department of Buildings (“DOB”) to legalize repairs made to the masonry retaining wall at the site; and

WHEREAS, in response, the applicant submitted photographs reflecting that the fence along the northwestern lot line has been repaired, and provided a copy of the DOB application filed to legalize the repairs to the masonry retaining wall 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, and

MINUTES

extension of time to obtain a certificate of occupancy for a prior Board approval of an automobile service station with accessory uses (UG 16), *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received September 1, 2010"-(4) sheets; and *on further condition*:

THAT this permit shall be for a term of ten years, to expire on March 29, 2021;

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

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

THAT a new certificate of occupancy be obtained by March 29, 2021;

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

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

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

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

Adopted by the Board of Standards and Appeals, March 29, 2021.

183-10-BZ

APPLICANT – Rothkrug, Rothkrug & Spector LLP, for Cornerstone Residence LLC, owner.

SUBJECT – Application September 20, 2010 – Variance (§72-21) for the construction of a detached two-story, two family residence, contrary to front yard (§23-45) and side yard requirements (§23-461). R5 zoning district.

PREMISES AFFECTED – 873 Belmont Avenue, aka 240 Milford Street, northwest corner of Belmont Avenue and Milford Street, Block 4024, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES –

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated August 20, 2010, acting on Department of Buildings Application No. 320173254, reads in pertinent part:

- “1. Proposed front yard is contrary to Section 23-45 of the Zoning Resolution and requires a

variance from the Board of Standards and Appeals.

- 2. Proposed side yard is contrary to Section 23-461 of the Zoning Resolution and requires a variance from the Board of Standards and Appeals;” and

WHEREAS, this is an application under ZR § 72-21, to permit, within an R5 zoning district, the proposed construction of a two-story two-family home that does not comply with the zoning requirements for front yards and side yards, contrary to ZR §§ 23-45 and 23-461; and

WHEREAS, a public hearing was held on this application on December 14, 2010 after due notice by publication in *The City Record*, with continued hearings on February 1, 2011 and March 1, 2011, and then to decision on March 29, 2011; and

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

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

WHEREAS, the site is located on the northeast corner of Belmont Avenue and Milford Street, within an R5 zoning district; and

WHEREAS, the site has a width of 20 feet, a depth of 90 feet, and a total lot area of 1,800 sq. ft.; and

WHEREAS, the site is currently vacant; and

WHEREAS, the applicant proposes to construct a two-story two-family home; and

WHEREAS, the proposed home will have the following complying parameters: a floor area of 1,979 sq. ft. (1.1 FAR); a lot coverage of approximately 55 percent; a side yard with a width of 21'-9½" along the northern lot line; a front yard with a depth of 10'-0" along the southern lot line; a wall height of 19'9"; a total height of 24'-3"; and parking for two cars; and

WHEREAS, however, the applicant proposes to have a front yard with a depth of 2'-0" along the eastern lot line (a front yard with a minimum depth of 18'-0" is required), and a side yard with a width of 1'-0" along the western lot line (a side yard with a minimum width of 5'-0" is required); and

WHEREAS, the applicant originally proposed to construct a two-story two-family home with a side yard of 3'-0" along the western lot line and no front yard along the eastern lot line; and

WHEREAS, at the direction of the Board, the applicant revised its plans to the current proposal, which provides a front yard with a depth of 2'-0" along the eastern lot line; and

WHEREAS, the Board notes that the subject lot is undersized as defined by ZR § 23-32; and

WHEREAS, the applicant represents that it satisfies the requirements of ZR § 23-33, which permits the construction of a two-family home on an undersized lot provided that the lot was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of

MINUTES

application for a building permit; and

WHEREAS, in support of this, the applicant submitted deeds reflecting that the site has existed in its current configuration since before December 15, 1961 and its ownership has been independent of the ownership of the two adjoining lots; and

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

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject site in compliance with underlying district regulations: the subject site is a vacant and narrow corner lot; and

WHEREAS, the applicant represents that the pre-existing lot width of 20'-0" cannot feasibly accommodate a complying development; and

WHEREAS, the applicant states that the subject site is a corner lot, which requires two front yards with depths of 18'-0" and 10'-0", respectively, and two side yards with a total width of 13'-0" and a minimum width of 5'-0" each; and

WHEREAS, the applicant states that the building would have a maximum exterior width of 5'-0" and constrained floor plates if the front and side yard regulations were complied with fully; and

WHEREAS, accordingly, the applicant represents that the front and side yard waivers are necessary to create a building with a sufficient width; and

WHEREAS, the applicant notes that the surrounding area is characterized by lots with widths comparable to that of the subject site, but that the majority of them are occupied by homes built prior to December 15, 1961 or are interior lots with different yard requirements; and

WHEREAS, the applicant submitted a corner lot study which analyzed building construction on corner lots within a two-block radius of the site; and

WHEREAS, the study, which covered a 15-block area, reflects that of the 60 corner lots analyzed only eight were vacant in the past decade, and of these eight lots new building construction has only occurred on those lots in common ownership with adjacent lots, or on those lots adjacent to pre-existing buildings that are located on the lot line; and

WHEREAS, specifically, the study shows that four of the eight lots are under common ownership with an adjacent lot, which allowed the corner lots to be developed with residential buildings similar in size to the proposed home because the new residential buildings were not required to provide an interior side yard and could therefore provide both front yards and still have a sufficient width to be feasible; and

WHEREAS, the study also shows that one of the eight corner lots in the vicinity of the site is adjacent to a pre-existing building located on the lot line, which enabled the corner lot to construct a building that shared the party wall with the adjacent building as permitted under ZR § 23-49, and therefore that lot was similarly not required to provide an interior side yard; and

WHEREAS, the applicant states that the other three

corner lots, each with a width of 20 feet, remain vacant; and

WHEREAS, the applicant states that the subject lot is neither under common ownership with an adjacent lot nor located adjacent to a pre-existing building located on the lot line, and therefore the narrow width of the site in conjunction with its corner lot location necessitates the requested front and side yard waivers; and

WHEREAS, as to the uniqueness of such conditions, the applicant notes that there are only three other sites within the study area that are similarly constricted; and

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

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

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

WHEREAS, the applicant notes that the proposed bulk is compatible with nearby residential development; and

WHEREAS, the applicant submitted photographs of the surrounding corner lots which reflects that the majority of existing buildings do not provide complying front yards; and

WHEREAS, specifically, the photographs submitted by the applicant show that of the 32 corner lots closest to the subject site, 24 of the lots are non-complying with R5 yard requirements; and

WHEREAS, the applicant notes that the streetscape along Belmont Avenue would not be interrupted by the proposed home because a complying front yard will be provided at that frontage; and

WHEREAS, the applicant further notes that the proposed waivers will not affect the light and air enjoyed by the adjacent neighbor to the north, as the proposed northern side yard exceeds the requirements of the R5 zoning district; and

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

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title, but is rather a result of the pre-existing unique physical conditions cited above; and

WHEREAS, as noted above, the applicant originally proposed to construct a two-story two-family home with no front yard along the eastern lot line; and

WHEREAS, at the Board's direction, the applicant revised the proposal to reflect a two-story two-family home with a front yard of 2'-0" along the eastern lot line; and

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

WHEREAS, thus, the Board has determined that the evidence in the record supports the findings required to be

MINUTES

made under ZR § 72-21.

Therefore it is Resolved that the Board of Standards and Appeals issues a Type II Declaration under 6 NYCRR Part 617.5 and 617.13, §§ 5-02(a), 5-02(b)(2), and 6-15 of the Rules of Procedure for City Environmental Quality Review, and makes the required findings under ZR § 72-21 to permit, within an R5 zoning district, a two-story two-family home that does not comply with the zoning requirements for front yards and side yards, contrary to ZR §§ 23-45 and 23-461; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received January 21, 2011”– (3) sheets and March 14, 2011”-(1) sheet; and *on further condition*:

THAT the parameters of the proposed building shall be as follows: a floor area of 1,979 sq. ft. (1.1 FAR); a lot coverage of approximately 55 percent; a side yard with a minimum width of 1’-0” along the western lot line; a side yard with a width of 21’-9½” along the northern lot line; a front yard with a minimum depth of 2’-0” along the eastern lot line; a front yard with a depth of 10’-0” along the southern lot line; a wall height of 19’9”; a total height of 24’-3”; and parking for two cars, as per the BSA-approved plans;

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

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

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, March 29, 2011.

187-07-BZ

APPLICANT – Dennis D. Dell’Angelo, for Michael Modatsos, owner.

SUBJECT – Application August 1, 2010 – Variance (§72-21) to permit accessory parking for an existing eating and drinking establishment, contrary to use regulations (§22-00). R3X zoning district.

PREMISES AFFECTED – 4677 Hylan Boulevard, North side of Hylan Boulevard 175.03 feet west of Arden Avenue. Block 5408, Lot 43, Borough of Staten Island.

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Dennis D. Dell’Angelo.

For Opposition: William O’Neil.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins,

Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5
Negative:.....0

ACTION OF THE BOARD – Laid over to May 3, 2011, at 1:30 P.M., for decision, hearing closed.

169-09-BZ

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

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

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

COMMUNITY BOARD #7BX

APPEARANCES –

For Applicant: Josh Rinesmith, John Becker and Barbara Cohen.

ACTION OF THE BOARD – Laid over to May 17, 2011, at 1:30 P.M., for continued hearing.

127-10-BZ

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

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

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

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Lyra J. Altman.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to May 3, 2011, at 1:30 P.M., for decision, hearing closed.

128-10-BZ

APPLICANT – Eric Palatnik, P.C., for Merhay Yagaduyev, owner; Jewish Center of Kew Gardens Hill Inc., lessee.

SUBJECT – Application July 13, 2010 – Variance (§72-21) to permit proposed synagogue, religious school and Rabbi’s

MINUTES

residence (*Jewish Center of Kew Gardens*) contrary to floor area and lot coverage (§24-11), height, setback and sky exposure plane (§24-521), front yard (§24-34), side yards (§24-35), side setback (§24-551), and minimum distance between windows (§24-672 and §23-863). R4 zoning district.

PREMISES AFFECTED – 147-58 77th Road, 150th Street and 77th Road, Block 6688, Lot 31, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Eric Palatnik and Sandy Anagnostou.

ACTION OF THE BOARD – Laid over to May 10, 2011, at 1:30 P.M., for continued hearing.

134-10-BZ

APPLICANT – Stuart Beckerman, for Passiv House Xpermental LLC, owner.

SUBJECT – Application July 30, 2010 – Variance (§72-21) to allow a residential building, contrary to floor area (§43-12), height (§43-43), and use (§42-10) regulations. M1-1 zoning district.

PREMISES AFFECTED – 107 Union Street, north side of Union Street, between Van Brunt and Columbia Streets, Block 335, Lot 42, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to May 3, 2011, at 1:30 P.M., for deferred decision.

156-10-BZ thru 164-10-BZ

APPLICANT – Rothkrug, Rothkrug & Spector LLP, for City of New York c/o Housing Preservation Development (HPD), owner.

SUBJECT – Application August 26, 2010 – Variance (§72-21) to allow residential buildings, contrary to rear yard (§23-47) and minimum distance between windows and lot lines (§23-861) regulations. M1-2/R6A zoning district.

PREMISES AFFECTED – 1204, 1208, 1214, 1220, 1226, 1232, 1264, 1270, 1276 37th Street, South side of 37th Street between 12th Avenue and 14th Avenue, Block 5295, Lots 4, 104, 105, 106, 107, 108, 111, 112, 113, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Adam Rothkrug.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to May 3, 2011, at 1:30 P.M., for decision, hearing closed.

165-10-BZ thru 172-10-BZ

APPLICANT – Rothkrug, Rothkrug & Spector LLP, for City of New York c/o Housing Preservation Development (HPD), owner.

SUBJECT – Application August 26, 2010 – Variance (§72-21) to allow residential buildings, contrary to rear yard (§23-47) and minimum distance between windows and lot lines (§23-861) regulations. M1-2/R6A zoning district.

PREMISES AFFECTED – 1304, 1310, 1316, 1322, 1328, 1334, 1362, 1368 37th Street, South side of 37th Street between 12th Avenue and 14th Avenue, Block 5300, Lots 9, 109, 110, 111, 112, 113, 115, 116, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Adam Rothkrug.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to May 3, 2011, at 1:30 P.M., for decision, hearing closed.

218-10-BZ

APPLICANT – Simons & Wright LLC, for Bermuda Realty LLC, owner.

SUBJECT – Application November 19, 2010 – Special Permit (§73-19) for the construction of a four-story school (*Brownsville Ascend Charter School*). C8-2 zoning district.

PREMISES AFFECTED – 123 East 98th Street, aka 1 Blake Avenue, corner of the intersection of East 98th and Blake Avenue between Ralph Avenue and Union Street, Block 3531, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES –

For Applicant: Emily Simons and Jeffrey Smithline.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to April 12, 2011, at 1:30 P.M., for decision, hearing closed.

177-10-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLC, for Cee Jay Real Estate Development, owner.

SUBJECT – Application September 9, 2010 – Variance (§72-21) for the construction of a detached three-story single family home, contrary to open space (§23-141); front yard (§23-45) and side yard (§23-461). R3A zoning district.

PREMISES AFFECTED – 8 Orange Avenue, south west corner of Decker Avenue and Orange Avenue, Block 1061, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

MINUTES

For Applicant: Adam Rothkrug.

For Opposition: Jeannine Borkowski, Eileen Martin, John Donnarama, Joanne Donnarama, Maro Buonniaqgio.

ACTION OF THE BOARD – Laid over to May 10, 2011, at 1:30 P.M., for continued hearing.

7-11-BZ

APPLICANT – Sheldon Lobel, P.C., for NRP LLC II, owners; Dyckman Fitness Group, LLC, lessee.

SUBJECT – Application January 26, 2011 – Special Permit (§73-36) to legalize the operation of a physical culture establishment (*Planet Fitness*. C4-4 zoning district.

PREMISES AFFECTED – 177 Dyckman Street, southeast corner of the intersection of Dyckman Street and Vermilyea Avenue, Block 2224, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES –

For Applicant: Elizabeth Safian.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to May 3, 2011, at 1:30 P.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: P.M.