
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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DOCKET

New Case Filed Up to July 12, 2011

89-11-BZ

2224 Avenue S, South west corner of Avenue S and East 23rd Street, Block 7301, Lot(s) 9, Borough of **Brooklyn, Community Board: 15**. Application filed pursuant to Section 73-622 of the Zoning Resolution of the City of New York, as amended, to request a special permit to allow the enlargement of a single family residence located in a residential R3-2 zoning district. R3-2 district.

90-11-BZ

23 Windom Avenue, Property is on the East Side of Windom Avenue , 210 feet south of Cedar Avenue, Block 3120, Lot(s) 19, Borough of **Staten Island, Community Board: 02**. Variance (§72-21) to allow for the legalization of a semi-detached home located on a zoning lot which is contrary to lot area and lot width (ZR §23-32), rear yard (ZR 23-47), parking location (ZR 25-141) and floor area (ZR 23-141). R3-1 zoning district. R3-1 district.

91-11-BZ

25 Windom Avenue, Property is on the East Side of Windom Avenue, 240 feet south Cedar Avenue, Block 3102, Lot(s) 18, Borough of **Staten Island, Community Board: 02**. Variance (§72-21) to allow for the legalization of a semi-detached home located on a zoning lot which is contrary to lot area and lot width (ZR §23-32). R3-1 zoning district. R3-1 district.

92-11-BZ

1349 East 26th Street, Located on the east side of East 26th Street, approximately 390 feet south of Avenue M, Block 7662, Lot(s) 28, Borough of **Brooklyn, Community Board: 14**. Special Permit (§73-622) to permit the enlargement of a single-family residence located within an R2 zoning district, contrary to floor area, open space, side yard and rear yard regulations. R2 district.

93-11-BZ

1536 62nd Street, 380' northwesterly of the corner formed by the intersection of the northeasterly side of 63rd st with the northwesterly side of 16th Avenue., Block 5530, Lot(s) 19, Borough of **Brooklyn, Community Board: 11**. Special permit filed to pursue the conversion of an existing building approved from a Factory (Use Group 17) & Trade School (Use Group 16) to Retail & Warehouse (Use Group 6&16), & School (use Group 3) M1-1 district.

94-11-BZ

149-06 Northern Boulevard, Southeast of Northern Boulevard, 0' Southeast of 149th Street, Block 5017, Lot(s) 11, Borough of **Queens, Community Board: 07**. Special Permit (§73-36) to facilitate the use of a portion of a new building as a physical culture establishment in a C2-2/R6A&R5 Zoning District. C2-2/R6A&R5 district.

95-11-A

385 Bayside Drive, Northside Bayside Drive 30 feet East of mapped beach 182nd Street, Block 16340, Lot(s) p/o 50, Borough of **Queens, Community Board: 14**. Reconstruction and enlargement of a single family dwelling located with in a bed of a mapped street contrary to General City Law Section 35 in an R4 district. R4 district.

96-11-BZ

514-516 East 6th Street, Southside of East 6th Street, between Avenue A and Avenue B, Block 401, Lot(s) 17,18, Borough of **Manhattan, Community Board: 03**. Variance (§72-21) to allow for a residential building contrary to floor area (ZR 23-145) and dwelling units (ZR 23-22). R7B zoning district. R7B district.

97-11-BZ

1730 Cross Bronx Expressway, Northwest Corner of Rosedale Avenue and Cross Bronk Expressway, Block 3894, Lot(s) 28 (28,29), Borough of **Bronx, Community Board: 9**. Variance filed pursuant to ZR 72-21 for a 364 Square foot enlargement to the existing Structure and to legalize the enlargement of the zoning lot to include (8) additional parking spaces, accessory to an existing use group 16 automotive service station wi R-5 district.

98-11-A

2812-2814 Voorhies Avenue, South side of Voorhies Avenue between East 28th and East 29th Streets, Block 8791, Lot(s) 5,6,tentative 106, Borough of **Brooklyn, Community Board: 15**. Appeal of the Borough Commissioner's final determination regarding a denied zoning challenge to a zoning approval of a house of worship due to no off-street parking being provided by the developer R4 district.

99-11-A

16 Brighton 7th Walk, between Brighton 7th Street and Brighton 8th Street, Block 8667, Lot(s) 774, Borough of **Brooklyn, Community Board: 13**. Application seeking to legalize an alteration of a two family residence which does not front upon a legally mapped street, contrary to General

DOCKET

City Law 36. R6 Zoning District R6 district.

100-11-A

157 Ocean Avenue, Premises is situated on the east side of Ocean Avenue, 74 feet south of Oceanside Avenue, Block 16530, Lot(s) 400, Borough of **Brooklyn, Community Board: 14**. Proposed reconstruction of a single family home located within the bed of a mapped street contrary to General City Law Section 35. R4 Zoning District. Queens district.

101-11-BZ

1152 East 24th Street, W/S of East 234th Street 400' South of Avenue "K", Block 7623, Lot(s) 67, Borough of **Brooklyn, Community Board: 14**. Special Permit (73-622) to permit the enlargement at the rear of an existing two story residence resulting in 3,745 sq ft of floor area and an enlargement of the attic. R2 zoning district R2 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

JULY 26, 2011, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 26, 2011, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

887-54-BZ

APPLICANT – Eric Palatnik, P.C., for Napa Realty Corporation, owner.

SUBJECT – Application July 5, 2011 – Extension of Time to obtain a Certificate of Occupancy for an existing gasoline service station (*British Petroleum*) with accessory convenience store (7-Eleven) which expired on June 15, 2011. C2-2/R6B zoning district.

PREMISES AFFECTED – 218-01 Northern Boulevard, between 218th and 219th Streets, Block 6321, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #11BK

713-55-BZ

APPLICANT – Walter T. Gorman, P.E., for East River Petroleum Realty LLC, owner; Brendan Utopia Mobil, lessee.

SUBJECT – Application–Extension of Term (§11-411) of a previously approved variance of the zoning variance for the continued operation of a gasoline service station (Mobil) which expired on December 11, 2011. C2-2/R3-1 zoning district.

PREMISES AFFECTED – 181-05 Horace Harding Expressway, north side block front between Utopia and 182nd Street, Block 7065, Lot 8, Borough of Queens.

COMMUNITY BOARD #11Q

742-70-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for 830 Bay Street, LLC, owner.

SUBJECT – Application May 27, 2011 – Extension of Term of a previously granted Variance (§72-21) for the continued operation of an automotive service station which expired on May 18, 2011; Extension of Time to obtain a Certificate of Occupancy which expired on February 26, 2009 and waiver of the rules. C1-1/R3-2 zoning district.

PREMISES AFFECTED – 830 Bay Street, southwest corner of Bay Street and Vanderbilt Avenue, Block 2836, Lot 15, Borough of Staten Island.

COMMUNITY BOARD #1SI

51-07-BZ

APPLICANT – Sheldon Lobel, P.C., for 70-50 Kissena Boulevard LLC, owner.

SUBJECT – Application May 26, 2011 – Amendment to a previously granted Variance (§72-21) to legalize the change of use from a (Use Group 6) one story retail building to a (Use Group 3) community facility with minor changes to the exterior façade and interior layout. R-4 zoning district.

PREMISES AFFECTED – 70-44/52 Kissena Boulevard, southeast corner of 70th Road and Kissena Boulevard, Block 6656, Lot 52, Borough of Queens.

COMMUNITY BOARD #8Q

JULY 26, 2011, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, July 26, 2011, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

221-08-BZ

APPLICANT – Sheldon Lobel, P.C., for Chris Xu, owner.

SUBJECT – Application August 28, 2008 – Variance (§72-21) to permit the development of a transient hotel, contrary to district use regulations. M2-1 zoning district.

PREMISES AFFECTED – 34-08 Collins Place, north side of Collins Place, 34th Avenue, College Point Boulevard and 35th Avenue, Block 4945, Lot 34, Borough of Queens.

COMMUNITY BOARD #7Q

60-11-BZ

APPLICANT – Sheldon Lobel, P.C., for Zvi Turk and Miriam Turk, owners.

SUBJECT – Application May 5, 2011– Special Permit (§73-622) for the enlargement of existing single family home, contrary to floor area and open space (§23-141); side yard (§23-461) and less than the required rear yard (§23-47). R2 zoning district.

PREMISES AFFECTED – 1214 East 29th Street, west side of East 29th Street and Avenue L, Block 7646, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #14BK

Jeff Mulligan, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, JULY 12, 2011
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

1250-65-BZ

APPLICANT – Peter Hirshman, for 87th Street Owners Corporation, owner; Park 87th Corporation, lessee.

SUBJECT – Application April 21, 2011 – Extension of Term for transient parking in an existing multiple dwelling which expired on March 21, 2011. R8B zoning district.

PREMISES AFFECTED – 55 East 87th Street, 107.67’ west of Park Avenue, Block 1499, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Trevis Savage.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an extension of the term for a previously granted variance for a transient parking garage, which expired on March 21, 2011; and

WHEREAS, a public hearing was held on this application on June 14, 2011, after due notice by publication in *The City Record*, and then to decision on July 12, 2011; and

WHEREAS, Community Board 8, Manhattan, recommends approval of this application; and

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

WHEREAS, the subject premises is located on the north side of East 87th Street between Madison Avenue and Park Avenue, within an R8B zoning district; and

WHEREAS, the site is occupied by a 14-story residential building; and

WHEREAS, the cellar is occupied by a 57-space accessory garage; and

WHEREAS, on March 22, 1966, under the subject calendar number, the Board granted a variance pursuant to Section 60(3) of the Multiple Dwelling Law (“MDL”) to permit a maximum of 17 surplus parking spaces to be used for transient parking, for a term of 15 years; and

WHEREAS, subsequently, the grant was amended and

the term extended at various times; and

WHEREAS, most recently, on June 18, 2002, the Board granted a ten-year extension of term, which expired on March 22, 2011; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution having been adopted on March 22, 1966, so that, as amended, this portion of the resolution shall read: “to permit the extension of the term of the grant for an additional ten years from March 22, 2011, to expire on March 22, 2021; *on condition* that the use and operation of the site shall substantially conform to the previously approved plans; and *on further condition*:

THAT this term shall expire on March 22, 2021;

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

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

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

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB Application No. 102947590)

Adopted by the Board of Standards and Appeals, July 12, 2011.

739-76-BZ

APPLICANT – Eric Palatnik, P.C. for Cord Meyer Development, LLC, owner; Peter Pan Games of Bayside; lessee.

SUBJECT – Application April 19, 2011 – Extension of Term of a Special Permit (§73-35) for the continued operation of an Amusement arcade (*Peter Pan Games*) which expired on April 10, 2011. C4-1 zoning district.

PREMISES AFFECTED – 212-95 26th Avenue, 26th Avenue and Bell Boulevard. Block 5900, Lot 2. Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Trevis Savage.

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 reopening and an extension of the term of a special permit, which expired on April 10, 2011; and

WHEREAS, a public hearing was held on this application on June 7, 2011, after due notice by publication in *The City Record*, and then to decision on July 12, 2011; and

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

WHEREAS, the subject site is located on the northwest corner of the intersection at 26th Avenue and Bell Boulevard, within a C4-1 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since February 8, 1977 when, under the subject calendar number, the Board granted an application pursuant to ZR § 73-35, to permit the conversion of a retail store in a shopping center to an amusement arcade for a term of one year; and

WHEREAS, on May 6, 1997, under the subject calendar number, the Board permitted the relocation of the arcade from 212-65 26th Avenue to 212-95 26th Avenue; and

WHEREAS, the grant was extended and amended at various other times; most recently on June 22, 2010 when the Board granted a one-year extension to the term of the special permit, to expire on April 10, 2011, and eliminated the requirement to obtain a new certificate of occupancy; and

WHEREAS, the applicant notes that the current certificate of occupancy, issued in 2000, does not have an expiration date, so it remains active; and

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

WHEREAS, at hearing, the Board questioned whether the relocation of certain amusement machines since the most recent grant blocked the egress and circulation for the exits; and

WHEREAS, in response, the applicant submitted photographs of the site which demonstrate that the amusement machines do not block the egress and circulation for the exits, and an affidavit stating that the amusement machines will remain placed in such a manner as to ensure that the egresses will continue to be maintained and that no exits will be blocked; and

WHEREAS, based upon the submitted evidence, the Board finds that the proposed extension of term is appropriate, with conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, said resolution having been adopted on February 8, 1977, as later amended, so that, as amended, this portion of the resolution shall read: “to grant a one-year extension of the term of the special permit, to expire on April 10, 2012; *on condition* that the use and operation of the site shall substantially conform to the

previously approved plans; and *on further condition*:

THAT the term of this grant shall be for one year from the expiration of the prior grant, to expire on April 10, 2012;

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

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the operation of the arcade at the subject premises shall comply with the previously approved Board plans, and 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. 401710430)

Adopted by the Board of Standards and Appeals, July 12, 2011.

111-01-BZ

APPLICANT – Eric Palatnik, P.C. for Barge Realty, Incorporated, owner; Wendy's International, lessee.

SUBJECT – Application February 23, 2011 – Extension of term of a previously granted Special Permit (§73-243) for an accessory drive-thru facility at an eating and drinking establishment (*Wendy's*) which expired February 1, 2011; Amendment for minor modification to previous conditions on the site. C1-2 (R5) zoning district.

PREMISES AFFECTED – 9001 Ditmas Avenue, Corner of Ditmas Avenue and Remsen Avenue. Block 8108, Lot 6. Borough of Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES –

For Applicant: Trevis Savage.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening, an extension of the term of a special permit for a drive-through facility at an existing eating and drinking establishment, which expired on February 1, 2011, and an amendment for a modification to the previously approved plans; and

WHEREAS, a public hearing was held on this application on May 10, 2011, after due notice by publication in *The City Record*, with a continued hearing on June 14, 2011, and then to decision on July 12, 2011; and

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

MINUTES

Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 17, Brooklyn, recommends approval of this application; and

WHEREAS, the site is located on a corner lot bounded by Remsen Street to the south, Ditmas Avenue to the east, and East 91st Street to the north, within a C1-2 (R5) zoning district; and

WHEREAS, the subject site is occupied by an existing eating and drinking establishment (a Wendy's fast food restaurant), with a drive-through facility and 25 accessory parking spaces; and

WHEREAS, the Board has exercised jurisdiction over the subject site since August 14, 2001 when, under the subject calendar number, the Board granted a special permit authorizing the operation of this establishment with an accessory drive-through facility; and

WHEREAS, on February 1, 2005, the grant was amended to allow for an extension of the hours of operation of the drive-through, for a term of one year; and

WHEREAS, most recently, on October 17, 2006, the Board granted a five year extension of term, which expired on February 1, 2011, and an amendment to permit a further increase in the hours of operation of the drive-through to Sunday through Wednesday, from 10:00 a.m. to 2:00 a.m., and Thursday through Saturday, from 10:00 a.m. to 3:00 a.m.; and

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

WHEREAS, the applicant also requests an amendment to reflect minor changes to the layout of the site, as well as the addition of a second menu board on the site; and

WHEREAS, at hearing, the Board directed the applicant to provide landscaping in compliance with the previously-approved plans and to improve certain site conditions; and

WHEREAS, in response, the applicant submitted a revised site plan and photographs reflecting: (1) the planting of shrubbery along the East 19th Street side of the site and along the rear of adjacent Lot 60; (2) the trimming of the large trees along the parking area; (3) the installation of signage alerting drivers to a handicapped crossing area; and (4) the re-installation of the stop sign at the end of the drive-through; and

WHEREAS, the Board also directed the applicant to confirm that the site remains in compliance with the findings of ZR § 73-243 as well as the conditions from the previous grants; and

WHEREAS, in response, the applicant documented that the site continues to meet the requirements of ZR §73-243, and provided a table establishing the site's compliance with relevant conditions from the previous grants; and

WHEREAS, the applicant notes that the site does not comply with the condition requiring the parking lot to be closed and chained off at 11:00 p.m. each night, because compliance with this condition is not feasible due to the operation of the drive-through past 11:00 p.m. each night; and

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

Therefore it is Resolved that the Board of Standards and

Appeals *reopens* and *amends* the resolution, dated August 14, 2001, so that as amended, this portion of the resolution shall read: "to permit the extension of the term of the special permit for an additional five years from February 1, 2011, to expire on February 1, 2016, and to permit the noted modifications to the site; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked 'Received February 23, 2011'-(3) sheets and 'May 31, 2011'-(1) sheet; and *on further condition*:

THAT the term of this grant shall expire on February 1, 2016;

THAT there shall be no change in the operator of the subject eating and drinking establishment without the prior approval of the Board;

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

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

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT all garbage removal shall be performed between the hours of 6:00 a.m. and 1:00 a.m.;

THAT the hours of operation for the drive-through shall be limited to: Sunday through Wednesday, from 10:00 a.m. to 2:00 a.m.; and Thursday through Saturday, from 10:00 a.m. to 3:00 a.m.;

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

THAT a new certificate of occupancy shall be obtained by July 12, 2012;

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 App. No. 320267073)

Adopted by the Board of Standards and Appeals, July 12, 2011.

156-03-BZ

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

SUBJECT – Application November 30, 2009 – Amendment to a variance (§72-21) for a proposed 17-story mixed-use development. The amendment seeks to increase the number of dwelling units from 200 to 357, accessory parking from 229 spaces to 360 spaces, and the amount of retail space. C2-2/R6 zoning district.

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

MINUTES

Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Howard Goldman.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an amendment to a previously granted variance which permitted, in a C2-2 (R6) zoning district, the construction of a 17-story mixed-use residential/commercial/community facility building; and

WHEREAS, a public hearing was held on this application on May 17, 2011, after due notice by publication in The City Record, with a continued hearing on June 14, 2011, and then to decision on July 12, 2011; and

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

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

WHEREAS, Queens Borough President Helen Marshall recommends approval of this application, with the condition that the applicant provide the senior center with all necessary facilities, as agreed to in the prior Board grant; and

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

WHEREAS, certain members of the community provided oral and written testimony in opposition to the applicant's proposal, citing concerns with the potential impact on neighborhood character and traffic in the surrounding area; and

WHEREAS, the subject site is located on the north side of Northern Boulevard, between Prince Street and Farrington Street, within a C2-2 (R6) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the site since December 13, 2005 when, under the subject calendar number, the Board granted a variance to permit the proposed development of a 200-unit, 17-story mixed-use commercial/community facility/residential building, with ground level retail, second floor community facility space, and 229 accessory parking spaces in a three-level below-grade parking garage; and

WHEREAS, on May 29, 2007, the Board issued a letter of substantial compliance permitting the following changes to the proposal: (1) the elimination of one floor, reducing the building to 16 stories with an average floor to ceiling height of 10'-2" instead of 9'-4"; (2) the expansion of the footprint of floors seven through 16 to redistribute the floor area from the floor that has been eliminated; (3) the modification of the size of certain units; and (4) the redesign of the inner courts; and

WHEREAS, most recently, on January 12, 2010, the Board granted an extension of time to complete construction for a term of two years, to expire on January 12, 2012; and

WHEREAS, the applicant now proposes the following modifications to the previously approved plans: (1) an increase in the number of dwelling units from 200 to 357; (2) a reduction in the average unit size from 1,437 sq. ft. to 787 sq. ft.; (3) an increase in the number of accessory parking spaces from 229 to 385; (4) a 6,503 sq. ft. reduction in the residential floor area (from 287,313 sq. ft. to 280,810 sq. ft.) and a corresponding 6,503 sq. ft. increase in the commercial floor area (from 10,957 sq. ft. to 17,460 sq. ft.) through the addition of a retail mezzanine between the first and second floors; (5) the relocation of the community facility space from the second floor to the third floor; (6) a reduction in the depth of the rear yard from 31'-5" to 30'-0"; and (7) a reduction in the initial setback distance from 20'-0" to 15'-0"; and

WHEREAS, the applicant states that the proposed changes will not result in any new non-compliance nor increase the degree of any non-compliance from the previous approval; and

WHEREAS, the applicant represents that, since the time of the original grant, the approved project has become financially infeasible and that the proposed amendment will enable the owner to realize a reasonable return on the site; and

WHEREAS, the applicant further represents that the proposed amendment will allow for a greater mix of one-bedroom and studio apartments, a smaller average unit size, and a change from condominium units to rental apartments, which is necessary in order to increase the marketability of the units and receive a reasonable return on the site; and

WHEREAS, at hearing, the Board questioned whether the proposed number of units could be reduced and whether proposed apartment unit mix and sizes are typical; and

WHEREAS, the applicant represents that the proposed apartment unit mix and sizes are typical for a rental project of this size, and that a reduction in the number of units could jeopardize the project's financial viability; and

WHEREAS, specifically, the applicant states that the proposed residential unit mix will consist of 40 studio units, 166 one bedroom units, 71 one bedroom plus home office units, 74 two-bedroom units, and six three-bedroom units; and

WHEREAS, the applicant submitted a letter from its architect citing four current projects in Queens with average unit sizes comparable to the 787 sq. ft. average unit size of the proposed building; and

WHEREAS, the applicant also submitted an analysis from a residential marketing firm comparing the proposed unit mix and average unit size with that of five new rental buildings throughout the City, which concluded that market demand is stronger for smaller sized units and the mix and size of the units in the proposed projects is within the normal range for large rental projects; and

WHEREAS, at hearing, the Board directed the applicant to provide an analysis of the originally approved

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condominium development and an analysis of the originally approved development with rental apartments, updated with current income, expense and development cost assumptions; and

WHEREAS, in response, the applicant submitted a financial analysis reflecting that the originally approved development with rental apartments would not realize a reasonable return, while the originally approved condominium development would result in a minimal measure of financial feasibility; and

WHEREAS, however, the financial analysis states that the originally approved condominium project could not be successfully developed because construction financing for the 200-unit condominium project could not be obtained; and

WHEREAS, in support of the claim that financing for the originally-approved 200-unit condominium project would be difficult or impossible to obtain, the applicant submitted: (1) letters from independent experts discussing the limited availability of condominium and construction financing; (2) a monthly report from the New York City Office of Management and Budget stating that condominium prices and transaction have been falling in volume; (3) examples of stalled condominium projects throughout the City; and (4) articles discussing the depressed nature of the condominium sales market; and

WHEREAS, the applicant provided an updated environmental analysis to show that the proposed changes do not alter the conclusions of the negative declaration issued by the Board in its 2005 approval; and

WHEREAS, at hearing, the Board raised concerns about the traffic impacts that would result from the increased number of units and parking spaces at the site; and

WHEREAS, in response, the applicant submitted a traffic and parking assessment which reflects that the proposed amendment would result in a maximum of 26 additional hourly vehicle trips during the PM and Saturday peak periods, which is approximately one-half of the 50-vehicle per hour threshold size that warrants further assessment pursuant to the CEQR Technical Manual, and is therefore not a significant increase; and

WHEREAS, pursuant to ZR §§ 72-01 and 72-22, the Board may permit an amendment to an existing variance; and

WHEREAS, based upon its review of the evidence, the Board finds that the requested amendment does not alter the Board's findings made for the original variance; and

WHEREAS, accordingly, the Board finds that the proposed variance, as amended, continues to reflect the minimum variance and the Board has determined that it is appropriate, with certain conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated December 13, 2005, so that as amended this portion of the resolution shall read: "to permit the noted modifications to the approved plans; *on condition* that all work shall substantially conform to drawings filed with this application and marked "Received April 11, 2011"- (15) 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) and/or configuration(s) not related to the relief granted."

(DOB Application No. 401622669)

Adopted by the Board of Standards and Appeals, July 12, 2011.

161-06-BZ

APPLICANT – Eric Palatnik, P.C., for Webster Affordable Solutions, owner.

SUBJECT – Application April 25, 2011 – Extension of Time to complete construction of a Variance (§72-21) for the construction of two eight-story mixed-use residential/commercial/community facility buildings which expires on September 11, 2011. C8-2 zoning district.

PREMISES AFFECTED – 3349 Webster Avenue, Webster Avenue, south of Gun Hill Road, Block 3355, Lot 121, Borough of Bronx.

COMMUNITY BOARD #7BX

APPEARANCES –

For Applicant: Trevis Savage.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

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Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an extension of time to complete construction of a previously granted variance to permit the construction of two eight-story mixed-use residential / commercial / community facility buildings, which expires on September 11, 2011; and

WHEREAS, a public hearing was held on this application on May 24, 2011, after due notice by publication in *The City Record*, with a continued hearing on June 21, 2011, and then to decision on July 12, 2011; and

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

WHEREAS, the subject site is located on the west side of Webster Avenue, 200 feet south of East Gun Hill Road, within a C4-4 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the site since September 11, 2007 when, under the subject calendar number, the Board granted a variance to permit the proposed construction of two eight-story mixed-use residential/commercial/community facility buildings, contrary to ZR § 32-10; and

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WHEREAS, substantial construction is to be completed by September 11, 2011, in accordance with ZR § 72-23; and

WHEREAS, the applicant states that due to financing delays, additional time is necessary to complete the project; thus, the applicant now requests an extension of time to complete construction; and

WHEREAS, the applicant notes that at the time of the original grant the subject site was located within a C8-2 zoning district; however, on March 23, 2011 the City Council adopted the Webster Avenue/Bedford Park/Norwood Rezoning, which rezoned the site to a C4-4 district; and

WHEREAS, the applicant notes that the proposed use conforms with the new C4-4 zoning district; however, the applicant states that it has not yet reviewed whether the rezoning has triggered additional non-compliances on the subject site, but if it is determined that additional relief is necessary as a result of the rezoning, it will file a separate application for an amendment before the Board; and

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

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated September 11, 2007, so that as amended this portion of the resolution shall read: “to grant an extension of the time to complete construction for a term of four years, to expire on September 11, 2015; *on condition:*

THAT substantial construction shall be completed by September 11, 2015;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB Application No. 201050469 & 201050478)

Adopted by the Board of Standards and Appeals, July 12, 2011.

281-39-BZ

APPLICANT – Eric Palatnik, P.C., for 1599 Lexington Avenue Corporation, owner.

SUBJECT – Application May 3, 2011 – Extension of Term (§11-411) of a variance permitting the operation of an automotive service station (UG 16B) with accessory uses which expired on May 18, 2009; Waiver of the Rules. C1/R7-2 zoning district.

PREMISES AFFECTED – 1605 Lexington Avenue, southeast corner of 102nd Street, Block 1629, Lot 150, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES –

For Applicant: Trevis Savage.

ACTION OF THE BOARD – Laid over to August 23, 2011, at 10 A.M., for continued hearing.

677-53-BZ

APPLICANT – Rothkrug Rothkrug & Spector, for James Marchetti, owner.

SUBJECT – Application April 22, 2010 – Extension of Term (§11-411) of a Variance for the operation of a UG16 Auto Body Repair Shop (*Carriage House*) with incidental painting and spraying which expired on March 24, 2007; Extension of Time to Obtain a Certificate of Occupancy which expired on January 13, 1999; Amendment (§11-412) to enlarge the building; Waiver of the Rules. R4/C2-2 zoning district.

PREMISES AFFECTED – 61-26/30 Fresh Meadow Lane, west side of Fresh Meadow Lane, 289’ northerly of the intersection with 65th Avenue, Block 6901, Lot 48, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Todd Dale.

ACTION OF THE BOARD – Laid over to August 16, 2011, at 10 A.M., for continued hearing.

827-55-BZ

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

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

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

COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Trevis Savage.

ACTION OF THE BOARD – Laid over to August 23, 2011, at 10 A.M., for adjourned hearing.

662-56-BZ

APPLICANT – Rothkrug, Rothkrug & Spector LLP, for Flatbush Holdings LLC, owner.

SUBJECT – Application April 6, 2011 – Extension of Term (§11-411) of a previously approved variance which permitted a public parking lot (UG 8), which expired on January 23, 2011; Waiver of the Rules. C1-2/R5 zoning district.

PREMISES AFFECTED – 3875 Flatbush Avenue, Northerly side of Flatbush Avenue, 100’ east of the intersection of Flatlands Avenue. Block 7821, Lots 21, 23. Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES –

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For Applicant: Todd Dale.

ACTION OF THE BOARD – Laid over to August 16, 2011, at 10 A.M., for continued hearing.

926-86-BZ

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

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

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

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Jordan Most.

ACTION OF THE BOARD – Laid over to August 23, 2011, at 10 A.M., for continued hearing.

586-87-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Frasca Real Estate Incorporated, owner; 65th Street Auto Service Center, Incorporated, lessee.

SUBJECT – Application April 5, 2011 – Extension of Term (§11-411) for the continued operation of an existing gasoline service station (*Emporium*) with lubritorium, auto repairs and the sale of new/used cars which expired on July 12, 2008; waiver of the rules. R5B/C2-3 zoning district.

PREMISES AFFECTED – 1302/12 65th Street, southeast corner of intersection of 65th Street and 13th Avenue, Block 5754, Lot 8, Borough of Brooklyn.

COMMUNITY BOARD #10BX

APPEARANCES –

For Applicant: Todd Dale.

ACTION OF THE BOARD – Laid over to August 16, 2011, at 10 A.M., for continued hearing.

188-96-BZ

APPLICANT – Mitchell S. Ross, Esq., for 444 Soundview Services Stations, Incorporated c/o William McCombs, owner; Scott Greco, lessee.

SUBJECT – Application June 22, 2010 – Extension of Term (§11-411) of a variance for the continued operation of a Gasoline Service Station (*Gulf*) with accessory convenience store which expired January 6, 2008; Waiver of the rules. R5 zoning district.

PREMISES AFFECTED – 444 Soundview Avenue, north side of Soundview Avenue and west of Underhill Avenue, Block 3498, Lot 51, Borough of Bronx.

COMMUNITY BOARD #9BX

APPEARANCES –

For Applicant: Mitchell S. Ross.

ACTION OF THE BOARD – Laid over to August 23, 2011, at 10 A.M., for continued hearing.

APPEALS CALENDAR

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.

For Administration: John A. Yacavone, Fire Department.

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 Staten Island Borough Commissioner, dated May 10, 2010, acting on Department of Buildings Application Nos. 520030680 and 520030671 reads in pertinent part:

“Proposed construction in the bed of a finally mapped street is contrary to Article III, Section 35 of the General City Law, and must be referred to the Board of Standards and Appeals;” and

WHEREAS, this is an application to permit the proposed construction of two single-family homes located within the bed of a mapped street, Jay Street, contrary to Section 35 of the General City Law; and

WHEREAS, a public hearing was held on this application on February 8, 2011, after due notice by publication in the *City Record*, with continued hearings on March 29, 2011, May 17, 2011 and June 14, 2011, and then to decision on July 12, 2011; and

WHEREAS, Community Board 2, Staten Island, recommends disapproval of this application; and

WHEREAS, by letter dated December 16, 2010, the Department of Transportation (“DOT”) states that it has reviewed the project and has no objections; and

WHEREAS, DOT states that the applicant’s property is not included in the agency’s ten-year capital plan; and

WHEREAS, by letter dated June 24, 2010, the Department of Environmental Protection (“DEP”) states that there is an existing six-inch diameter City water main in the bed of Jay Street, north of lot 99, and an existing ditch

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(watercourse) in the bed of Jay Street between Hunter Avenue and Jefferson Avenue, and that Amended Drainage Plan No.OB-5(S-2)8 calls for a future ten-inch diameter sanitary sewer and an 83-inch by 53-inch (66-inch equivalent diameter) storm sewer in Jay Street between Hunter Avenue and Jefferson Avenue; and

WHEREAS, DEP further states that it requires the applicant to submit a survey/plan showing the following: (1) the width of the widening portion of the street between Hunter Avenue and Jefferson Avenue; (2) the vertical and horizontal distances from the limits of the ditch (watercourse) to the lot lines and the property lines of lot 99; (3) a 35-ft. wide sewer corridor in the bed of the mapped street, Jay Street, for the installation, maintenance and/or reconstruction of the future ten-inch diameter sanitary sewer and an 83-inch by 53-inch (66-inch equivalent diameter) storm sewer; and (4) the distance from the end cap of the six-inch diameter water main in the bed of Jay Street to the northerly lot line of lot 99; and

WHEREAS, in response to DEP's requests, the applicant states that there is a pending amendment to the Drainage Plan included in DEP's Mid-Island Bluebelt Storm Water Management Initiative which includes the subject site, and that as part of the amendment it is proposed to demap Jay Street north of the subject site, eliminating the future sewers referenced in the DEP letters; and

WHEREAS, by letter dated December 16, 2010, DEP states that the following information is also required: (1) the vertical and horizontal distance from the limits of the ditch (watercourse) to the lot lines and the property lines of lot 99, because DEP requires a 15-ft. wide easement from the top of the bank of the ditch for the purpose of maintenance and/or inspection of the existing watercourse; and (2) a 35-ft. wide sewer corridor in the bed of the mapped portion of Jay Street for the installation, maintenance, and/or reconstruction of the future ten-inch diameter sanitary sewer and the 83-inch by 53-inch (66-inch diameter equivalent) storm sewer; and

WHEREAS, DEP further states that the amendment of the Drainage Plan for the site in conjunction with DEP Mid-Island Bluebelt Storm Water Management Initiative is a proposal for the future, and that it cannot approve the subject application until the amendment of the Drainage Plan is complete; and

WHEREAS, in response, the applicant states that, since it is DEP policy not to issue letters of approval for applications with pending Drainage Plan amendments, it is impractical to delay the instant application for an amendment that could take a minimum of one year or more to complete; and

WHEREAS, the applicant also submitted a site plan reflecting DEP's request for a 35-ft. wide sewer corridor in the bed of Jay Street for the installation of future storm and sanitary sewers, which reflects that if such an easement were required it would render the subject lots unbuildable because the total width of the site is approximately 47 feet in width at Hunter Street, narrowing to a width of approximately 27 feet to the north, and the requested 35-ft. wide easement would result in two parcels consisting of a small approximately six-inch wide triangular parcel to the west and a narrow 12'-6" wide lot to the east; and

WHEREAS, by letter dated March 21, 2011, DEP states that (1) it requires a 15-ft. wide easement from the top of the bank on both sides of the existing watercourse plus the width of the ditch, for the purpose of maintenance, construction and/or reconstruction of the existing watercourse, and (2) it is reviewing the applicant's letter concerning the sewer corridor for future sewers; and

WHEREAS, as to the watercourse, the applicant states that there is no watercourse on the site and submitted a survey which notes that there are "no streams or watercourses in the property;" and

WHEREAS, by letter dated June 6, 2011, DEP states that a representative of the Engineering Field Investigation Unit conducted an investigation of the site to verify the existence of the watercourse but was unable to complete the investigation due to the lack of access because of heavy vegetation, and that the applicant needs to clear the vegetation in order for DEP to complete the investigation; and

WHEREAS, in response, the applicant states that it is not possible to clear the vegetation at the site without obtaining a Freshwater Wetland Permit from the New York State Department of Environmental Conservation ("DEC") due to the site's location adjacent to DEC protected wetlands, which is both time consuming and expensive, and which the applicant contends should not be required given that it already provided a survey that notes that there are "no streams or watercourses in the property;" and

WHEREAS, the Board understands that DEP has remaining concerns regarding the existence of a watercourse on the site, despite the submission of a licensed survey into the record which indicates that there is no watercourse on the site; and

WHEREAS, the Board notes that the applicant has agreed to obtain any and all necessary approvals from DEP and DEC, which will resolve the issue of the need for a sewer corridor easement and the presence of a watercourse on the site; and

WHEREAS, by letter dated July 12, 2011 the Fire Department states that it has reviewed the subject proposal and has no objection; 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 Staten Island Borough Commissioner, dated May 10, 2010, acting on Department of Buildings Application Nos. 520030680 and 520030671, is modified by the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received July 12, 2011" – (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 all necessary DEC and DEP approvals shall be obtained prior to the issuance of DOB permits;

THAT the homes shall be sprinklered in accordance with

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the BSA-approved plans;

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

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

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

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

Adopted by the Board of Standards and Appeals, July 12, 2011.

195-10-BZY

APPLICANT – Eric Palatnik, P.C., for Michael Batalia, owner.

SUBJECT – Application October 26, 2010 – Extension of time (§11-332) to complete construction of a minor development commenced under the prior M1-3D zoning. M1-2/R5B zoning district.

PREMISES AFFECTED – 38-28 27th Street, between 38th and 39th Avenue, Block 387, Lot 31, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: Trevis Savage.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application under ZR § 11-332, to permit an extension of time to complete construction and obtain a certificate of occupancy for a minor development currently under construction at the subject site; and

WHEREAS, a public hearing was held on this application on May 3, 2011, after due notice by publication in *The City Record*, with a continued hearing on June 7, 2011, and then to decision on July 12, 2011; and

WHEREAS, the site was inspected by Chair Srinivasan, Vice-Chair Collins, Commissioner Montanez; and

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

WHEREAS, the subject site is located on the west side of 27th Street, between 38th Avenue and 39th Avenue, in a M1-2/R5D zoning district within the Special Long Island City Mixed-Use District, Dutch Kills Sub-district; and

WHEREAS, the site has a total lot area of 11,716 sq. ft.; and

WHEREAS, the site is proposed to be developed with a 13-story hotel building (the “Building”); and

WHEREAS, the Building is proposed to have a floor area of 57,152 sq. ft. (5.0 FAR) and a total height of 126 feet; and

WHEREAS, the Building complies with the former M1-3D zoning district parameters; and

WHEREAS, however, on October 7, 2008 (hereinafter, the “Enactment Date”), the City Council voted to enact the Dutch Kills Rezoning, which rezoned the site from M1-3D to M1-2/R5D; and

WHEREAS, the Building does not comply with the current M1-2/R5D zoning district parameters as to height and floor area; and

WHEREAS, on May 29, 2008, New Building Permit No. 402632246-01-NB (the “Permit”) was issued by the Department of Buildings (“DOB”) permitting construction of the proposed 13-story hotel building; and

WHEREAS, as of the Enactment Date, the applicant had obtained permits for the development and had completed 100 percent of its foundations, such that the right to continue construction was vested pursuant to ZR § 11-331, which allows DOB to determine that construction may continue under such circumstances; and

WHEREAS, however, only two years are allowed for completion of construction and to obtain a certificate of occupancy; and

WHEREAS, accordingly, because the two-year time limit has expired and construction is still ongoing, the applicant seeks relief pursuant to ZR § 11-30 *et seq.*, which sets forth the regulations that apply to a reinstatement of a permit that lapses due to a zoning change; and

WHEREAS, first, the Board notes that ZR § 11-31(c)(1) defines construction such as the proposed development, which involves the construction of a single building which is non-complying under an amendment to the Zoning Resolution, as a “minor development”; and

WHEREAS, for a “minor development,” an extension of time to complete construction, previously authorized under a grant for an extension made pursuant to ZR § 11-331, may be granted by the Board pursuant to ZR § 11-332; and

WHEREAS, ZR § 11-332 reads, in pertinent part: “[I]n the event that construction permitted in Section 11-331 (Right to construct if foundations completed) has not been completed and a certificate of occupancy including a temporary certificate of occupancy, issued therefore within two years after the effective date of any applicable amendment . . . the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit. The Board may renew such building permit for two terms of not more than two years each for a minor development . . . In granting such an extension, the Board shall find that substantial construction has been completed and substantial expenditures made, subsequent to the granting of the permit, for work required by any applicable law for the use or development of the property pursuant to the permit.”; and

WHEREAS, as a threshold issue, the Board must determine that proper permits were issued, since ZR § 11-31(a)

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requires: “[F]or the purposes of Section 11-33, relating to Building Permits Issued Before Effective Date of Amendment to this Resolution, the following terms and general provisions shall apply: (a) A lawfully issued building permit shall be a building permit which is based on an approved application showing complete plans and specifications, authorizes the entire construction and not merely a part thereof, and is issued prior to any applicable amendment to this Resolution. In case of dispute as to whether an application includes "complete plans and specifications" as required in this Section, the Commissioner of Buildings shall determine whether such requirement has been met.”; and

WHEREAS, the applicant represents that all of the relevant DOB permits were lawfully issued to the owner of the subject premises; and

WHEREAS, by letter dated November 22, 2010, DOB stated that the Permit was lawfully issued, authorizing construction of the proposed Building prior to the Enactment Date; and

WHEREAS, the Board has reviewed the record and agrees that the Permit was lawfully issued to the owner of the subject premises prior to the Enactment Date and was timely renewed until the expiration of the two-year term for construction; and

WHEREAS, turning to the substantive findings of ZR § 11-332, the Board notes that there is no fixed standard in an application made under this provision as to what constitutes substantial construction or substantial expenditure in the context of new development; and

WHEREAS, the Board also observes that the work to be measured under ZR § 11-332 must be performed after the issuance of the permit; and

WHEREAS, similarly, the expenditures to be assessed under ZR § 11-332 are those incurred after the permit is issued; and

WHEREAS, as is reflected below, the Board only considered post-permit work and expenditures, as submitted by the applicant; and

WHEREAS, the Board further notes that any work performed after the two-year time limit to complete construction and obtain a certificate of occupancy cannot be considered for vesting purposes; accordingly, only the work performed as of October 7, 2010 has been considered; and

WHEREAS, in written statements and testimony, the applicant represents that, since the issuance of the Permit, substantial construction has been completed and substantial expenditures were incurred; and

WHEREAS, the applicant states that work on the proposed development subsequent to the issuance of the permit includes: 100 percent of the foundation, 100 percent of sewer and water connection installation, 94 percent of structural concrete work, 12 percent of drywell and metal work, three percent of electrical work, and the installation of exterior elevators; and

WHEREAS, in support of this statement, the applicant has submitted the following: construction tables; financial records; a list of expenditures; a detailed check register; and photographs of the site; and

WHEREAS, the Board has reviewed all documentation and agrees that it establishes that the aforementioned work was completed subsequent to the issuance of the valid permits; and

WHEREAS, as to costs, the applicant represents that the total expenditure paid for the development is \$4,706,782, or 39 percent, out of the approximately \$12,047,523 cost to complete; and

WHEREAS, as noted above, the applicant has submitted financial records, a list of expenditures, and a detailed check register as evidence of the payments made by the applicant; and

WHEREAS, the applicant contends that this percentage constitutes a substantial expenditure sufficient to satisfy the finding in ZR § 11-332; and

WHEREAS, based upon its review of all the submitted evidence, the Board finds that substantial construction was completed and that substantial expenditures were made since the issuance of the initial permits; and

WHEREAS, therefore, the Board finds that the applicant has adequately satisfied all the requirements of ZR § 11-332, and that the owner is entitled to the requested reinstatement of the permits, and all other permits necessary to complete the proposed development; and

WHEREAS, accordingly, the Board, through this resolution, grants the owner of the site a two-year extension of time to complete construction, pursuant to ZR § 11-332.

Therefore it is Resolved that this application made pursuant to ZR § 11-332 to renew New Building Permit No. 402632246-01-NB, as well as all related permits for various work types, either already issued or necessary to complete construction, is granted, and the Board hereby extends the time to complete the proposed development and obtain a certificate of occupancy for one term of two years from the date of this resolution, to expire on July 12, 2013.

Adopted by the Board of Standards and Appeals, July 12, 2011.

182-06-A thru 211-06-A

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

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

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

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Jessica Loeser.

For Opposition: John A. Yacavone, Fire Department.

ACTION OF THE BOARD – Laid over to August 16, 2011, at 10 A.M., for continued hearing.

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REGULAR MEETING
TUESDAY AFTERNOON, JULY 12, 2011
1:30 P.M.

94-10-A

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

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

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

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: Marnie R. Kudow.

For Opposition: John Egnatos Beene.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to August 16, 2011, at 10 A.M., for decision, hearing closed.

52-11-A

APPLICANT – New York City Economic Development Corporation, for Department of Small Business Services, owner.

SUBJECT – Application March 30, 2011 – Variance pursuant to NYC Building Code (Appendix G, Section G304.1.2) to allow for a portion of a structure to be located below a flood zone. C2-8 zoning district.

PREMISES AFFECTED – South Street & John Street, East South Street, at John Street, under the FDR Drive. Block 73, Lots 2 & 8. Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Nicole Dooskin and Chab Burke.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to July 26, 2011, at 10 A.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: P.M.

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

ZONING CALENDAR

118-10-BZ

APPLICANT – Eric Palatnik, P.C., for Arkady Nabatov, owner.

SUBJECT – Application June 28, 2010 – Reinstatement (§11-411 & §11-413) of an approval permitting the operation of an automotive service station (UG 16B), with accessory uses, which expired on December 9, 2003; amendment to legalize a change in use from automotive service station to automotive repair, auto sales and hand car washing. R4 zoning district.

PREMISES AFFECTED – 2102/24 Avenue Z, aka 2609/15 East 21st Street. Block 7441, Lot 371. Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated January 6, 2011, acting on Department of Buildings Application No. 320151544, reads in pertinent part:

“Proposed reinstatement of previously approved variance and proposed change in use to auto repair with auto sales and other lawful accessory uses is contrary to BSA Calendar #1423-39-BZ and therefore must be referred to the BSA;” and

WHEREAS, this is an application for a reinstatement of a prior Board approval and an amendment to legalize a change in use from a gasoline service station to an automotive repair station with accessory auto sales on the site, pursuant to ZR §§ 11-411 and 11-413; and

WHEREAS, a public hearing was held on this application on March 15, 2011, after due notice by publication in *The City Record*, with continued hearings on April 5, 2011, May 10, 2011, and June 7, 2011, and then to decision on July 12, 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 15, Brooklyn,

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recommends disapproval of this application; and

WHEREAS, New York State Assembly Member Steven H. Cymbrowitz recommends disapproval of this application; and

WHEREAS, certain members of the community provided testimony in opposition to the application (the "Opposition"), citing concerns with the poor maintenance of the site, the overcrowded conditions on the site, and the traffic created by the different uses on the site; and

WHEREAS, the site is an irregular-shaped lot bounded by Avenue Z to the north, East 22nd Street to the east, Jerome Avenue to the south, and East 21st Street to the west, within an R4 zoning district; and

WHEREAS, the site has a total lot area of 7,965 sq. ft., and is currently occupied by an automotive repair station with accessory auto sales; and

WHEREAS, the Board has exercised jurisdiction over the subject site since December 9, 1958 when, under BSA Cal. No. 1423-39-BZ, the Board granted a variance to permit the site to be occupied by a gasoline service station, lubricatorium, car wash, minor auto repairs, office, and sales and storage, for a term of 15 years; and

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

WHEREAS, most recently, on February 22, 1995, the Board granted a ten-year extension of term, which expired on December 9, 2003; and

WHEREAS, the applicant now seeks to reinstate the variance granted under BSA Cal. No. 1423-39-BZ and to amend the grant to reflect a change in use from a gasoline service station to an automotive repair station with accessory uses including auto sales; and

WHEREAS, although the term expired in 2003, the applicant represents that the automotive-related (Use Group 16) use has been continuous from 1958 to the present; and

WHEREAS, pursuant to ZR § 11-411, the Board may extend the term of an expired variance; and

WHEREAS, pursuant to ZR § 11-413, the Board may approve a change from one non-conforming use to another non-conforming use, under certain conditions; and

WHEREAS, as to the change in use, the applicant represents that the gasoline service station use at the site has been discontinued and submitted documentation reflecting that the gasoline pumps have been removed and sealed, and submitted a Department of Environmental Conservation ("DEC") Spill Report reflecting that a spill at the site was closed on April 4, 2006; and

WHEREAS, the applicant currently operates an automotive repair station with auto sales and other accessory uses including hand car washing, the sale of lubricants, accessories and supplies at the site; and

WHEREAS, at hearing, the Board raised concerns about the conditions on the site, including (1) the non-compliance with conditions from previous grants related to the parking of cars on the sidewalk, (2) the failure to provide landscaping in accordance with the previously-approved plans, (3) the use of the curb cut on East 22nd Street which is not on the previously-approved plans, (4) the overcrowded conditions and poor

circulation on the site, (5) the location of a portion of the fence on the sidewalk, and (6) the excessive amount of signage on the site; and

WHEREAS, in response, the applicant submitted revised plans reflecting the planting of five street trees along Jerome Avenue and two street trees along Avenue Z, the removal of the curb cut on East 22nd Street, the installation of a wrought iron fence with sliding gates along Avenue Z and a solid masonry fence with metal pickets along Jerome Avenue and East 22nd Street, and the reduction in the number of parking spaces on the site from 24 to 13; and

WHEREAS, the applicant also submitted photographs reflecting the removal of the portion of the fence located on the sidewalk, and a survey reflecting that the current fencing is located within the subject property line; and

WHEREAS, the applicant also submitted a revised signage plan reflecting the elimination of excess signage and compliance with C1 district signage regulations; and

WHEREAS, the Board notes that it has remaining concerns regarding the site's ability to accommodate the requested auto sales, given the size limitations of the site, the space constraints that may arise from including auto sales on the site, the poor maintenance of the site since the prior Board grant, and the concerns raised by the Opposition; and

WHEREAS, accordingly, the Board is not persuaded that the proposed operation of the site with auto sales would be efficient, and therefore finds it appropriate to limit the use of the site to an automotive repair station without accessory auto sales at this time; and

WHEREAS, however, the Board may reconsider the appropriateness of including auto sales on the site in the future; and

WHEREAS, based upon its review of the record, the Board finds that the evidence in the record supports the findings required to be made under ZR §§ 11-411 and 11-413, and a reinstatement and change in use are appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review, as amended, and makes each and every one of the required findings under ZR §§ 11-411 and 11-413, for a reinstatement of a prior Board approval of a gasoline service station and the legalization of a change in use from gasoline service station to automotive repair station; *on condition* that any and all use shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received June 28, 2011"-(5) sheets; and *on further condition*:

THAT this grant shall be for a term of five years, to expire on July 12, 2016;

THAT fencing and landscaping shall be installed in conformance with the BSA-approved plans by July 12, 2012;

THAT no auto sales or auto painting shall take place on the site;

THAT the site shall only be accessed from Avenue Z;

THAT all lighting shall be directed downward and away

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from adjacent residences;

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

THAT all signage shall comply with C1 district zoning regulations;

THAT the hours of operation shall be Monday through Saturday, from 8:00 a.m. to 7:00 p.m., and closed on Sunday;

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

THAT a certificate of occupancy shall be obtained by July 12, 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; 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, July 12, 2011.

19-11-BZ

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

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

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

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lyra J. Altman.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated February 7, 2011, acting on Department of Buildings Application No. 320245542, reads in pertinent part:

“Proposed plans are contrary to ZR 23-141 in that the proposed building exceeds the maximum permitted floor area ratio of .50.

Proposed plans are contrary to ZR 23-141 in that the proposed open space ratio is less than the minimum required open space of 150.

Proposed plans are contrary to ZR 23-47 in that the

proposed rear yard is less than the minimum required rear yard of 30 feet.

Proposed plans are contrary to ZR 23-461 in that the proposed side yard straight-line extension is less than the 5 foot minimum side yard permitted;” and

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

WHEREAS, a public hearing was held on this application on May 17, 2011 after due notice by publication in *The City Record*, with a continued hearing on June 14, 2011, and then to decision on July 12, 2011; and

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

WHEREAS, Community Board 14, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the east side of East 24th Street, between Avenue L and Avenue M, within an R2 zoning district; and

WHEREAS, the subject site has a total lot area of 3,740 sq. ft., and is occupied by a single-family home with a floor area of 1,999 sq. ft. (0.53 FAR); and

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

WHEREAS, the applicant seeks an increase in the floor area from 1,999 sq. ft. (0.53 FAR) to 3,763 sq. ft. (1.01 FAR); the maximum permitted floor area is 1,875 sq. ft. (0.50 FAR); and

WHEREAS, the applicant proposes to provide an open space ratio of 57 percent (150 percent is the minimum required); and

WHEREAS, the applicant proposes to maintain the existing side yard along the southern lot line with a width of 4’-2½” (a minimum width of 5’-0” is required for each side yard); and

WHEREAS, the proposed enlargement will provide a rear yard with a depth of 20’-0” (a minimum rear yard depth of 30’-0” is required); and

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

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

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

WHEREAS, the Board finds that, under the conditions

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

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

Therefore it is resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-622 and 73-03, to permit, within an R2 zoning district, the enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio, open space ratio, side yards, and rear yard, contrary to ZR §§ 23-141, 23-461 and 23-47; on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received June 1, 2011"-(11) sheets and "June 27, 2011"-(1) sheet; and on further condition:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 3,763 sq. ft. (1.01 FAR); an open space ratio of 57 percent; a side yard with a minimum width of 4'-2½" along the southern lot line; and a rear yard with a minimum depth of 20'-0", as illustrated on the BSA-approved plans;

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

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

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

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

Adopted by the Board of Standards and Appeals, July 12, 2011.

23-11-BZ

APPLICANT – Sheldon Lobel, P.C., for 484 Fulton Owner, LLC, owner; 490 Fulton Street Fitness Group, LLC, lessee. SUBJECT – Application March 3, 2011 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Planet Fitness*). C5-4 (DB) zoning district. PREMISES AFFECTED – 490 Fulton Street, west side of Bond Street, between Fulton Street and Livingston Street, Block 159, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES –

For Applicant: Jordan Most.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision on behalf of the Brooklyn Borough Commissioner, dated April 15, 2011, acting on Department of Buildings Application No. 320238765, reads in pertinent part:

"The use of a physical culture establishment is contrary to ZR 32-10 and requires a special permit from the Board of Standards and Appeals as per ZR 73-36;" and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located in a C5-4 zoning district within the Special Downtown Brooklyn District, the operation of a physical culture establishment (PCE) at portions of the first and second floors of a five-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on May 24, 2011, after due notice by publication in *The City Record*, with a continued hearing on June 14, 2011, and then to decision on July 12, 2011; and

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

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

WHEREAS, the subject site is located on a corner through lot bounded by Fulton Street to the north, Bond Street to the east, and Livingston Street to the west, in a C5-4 zoning district within the Special Downtown Brooklyn District; and

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

WHEREAS, the proposed PCE will occupy 17,739 sq. ft. of floor area on portions of the first and second floor; and

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

WHEREAS, the proposed hours of operation for the PCE are: 24 hours a day from Monday at 12:00 a.m. through Friday at 10:00 p.m.; and Saturday and Sunday, from 7:00 a.m. to 7:00 p.m.; and

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

WHEREAS, at hearing, the Board raised concerns about the impact of the proposed 24-hour weekday operation of the PCE on the dormitory use proposed on the third through fifth floors of the subject building; and

WHEREAS, in response, the applicant submitted a letter from the architect stating that soundproofing will be installed between the PCE's second floor ceiling and the dormitory uses on the third floor, and that tint glazing will be installed on all second floor windows to reduce light

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transmission from the PCE to the dormitory use; and

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

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

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

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No. 11BSA066K, dated March 1, 2011; and

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

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site located in a C5-4 zoning district within the Special Downtown Brooklyn District, the operation of a physical culture establishment at portions of the first and second floors of a five-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received July 5, 2011"- (7) sheets and *on further condition*:

THAT the term of this grant shall expire on July 12, 2021;

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

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

THAT a soundproofing assembly shall be installed between the second floor ceiling of the PCE and the third floor, in accordance with the BSA-approved plans;

THAT tint glazing shall be installed on all second floor windows, in accordance with the BSA-approved plans;

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

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

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

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

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

Adopted by the Board of Standards and Appeals, July 12, 2011.

34-11-BZ

CEQR #11-BSA-074K

APPLICANT – Joan Humphreys/A & H Architecture PC, for Keith W. Bails/272 Driggs Avenue Corporation, owner; Adriane Stare/Caribou Baby d/b/a Stollenwerck Stare LLC, 272 Driggs Avenue, lessee.

SUBJECT – Application March 29, 2011 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Caribou Baby*). C2-4 Overlay/R6B zoning district.

PREMISES AFFECTED – 272 Driggs Avenue, north side of Driggs Avenue 85.29' west of Eckford Street, Block 2681, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Joan Humphreys.

For Administration: John Yacavone, Fire Department.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated March 8, 2011, acting on Department

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of Buildings Application No. 320265388, reads in pertinent part:

“ZR 32-10. Proposed physical culture establishment is not permitted in C2-4 zone and requires a special permit from the Board of Standards and Appeals per ZR 73-36;” and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located within C2-4 (R6B) zoning district, the operation of a physical culture establishment (PCE) at the first floor of a three-story mixed-use commercial/residential building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on June 14, 2011, after due notice by publication in *The City Record*, and then to decision on July 12, 2011; and

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

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

WHEREAS, the subject site is located on the north side of Driggs Avenue between Leonard Street and Eckford Street, within a C2-4 (R6B) zoning district; and

WHEREAS, the site is occupied by a three-story mixed-use commercial/residential building; and

WHEREAS, the PCE will occupy a total floor area of 587 sq. ft. on the first floor, with associated retail space occupying the remaining 1,625 sq. ft. of floor area on the first floor; and

WHEREAS, the PCE will be operated as Caribou Baby; and

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

WHEREAS, by letter dated June 9, 2011, the Fire Department requests that the Board require the applicant to install an interior fire alarm system both in the PCE and in the first floor retail space; and

WHEREAS, in response, the applicant agreed to install the fire safety measures requested by the Fire Department; and

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

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

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

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No. 11BSA074K, dated May 20, 2011; and

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

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site within a C2-4 (R6B) zoning district, the operation of a physical culture establishment at the first floor of a three-story mixed-use commercial/residential building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received May 20, 2011”- (1) sheet and “Received June 28, 2011”- (2) sheets and *on further condition*:

THAT the term of this grant shall expire on July 12, 2021;

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, July 12, 2011.

49-11-BZ

APPLICANT – Sheldon Lobel, P.C., for A & G Real Estate, LLC, owner; Barry Bootcamp, lessee.

SUBJECT – Application April 15, 2011 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Barry's Bootcamp*). C6-3A zoning district.

PREMISES AFFECTED – 135 West 20th Street, north side of West 20th Street, between 6th and 7th Avenues, Block 796, Lot 18, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES –

For Applicant: Jordan Most.

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 Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Superintendent, dated June 8, 2011, acting on Department of Buildings Application No. 120612774, reads in pertinent part:

“Physical culture establishment is not permitted as-of-right in C6-3A District and requires a BSA Special Permit per ZR Section 73-36 (ZR 32-10);”
and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located within a C6-3A zoning district, the operation of a physical culture establishment (PCE) at the cellar and first floor of a six-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on June 14, 2011, after due notice by publication in *The City Record*, and then to decision on July 12, 2011; and

WHEREAS, Community Board 4, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on the north side of West 20th Street, between Sixth Avenue and Seventh Avenue, within a C6-3A zoning district; and

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

WHEREAS, the PCE will occupy 3,561 sq. ft. of floor area on the first floor, with an additional 2,873 sq. ft. of floor space located at the cellar level; and

WHEREAS, the PCE will be operated as Barry’s

Bootcamp; and

WHEREAS, the proposed hours of operation are: 5:00 a.m. to 11:00 p.m., daily; and

WHEREAS, the applicant represents that the services at the PCE include facilities for classes, instruction and programs for physical improvement, body building, weight reduction and aerobics; and

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

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

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

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No. 11BSA084M, dated June 1, 2011; and

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

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36

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and 73-03, to permit, on a site within a C6-3A zoning district, the operation of a physical culture establishment at the first floor and cellar of a six-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received June 1, 2011" –(5) sheets and *on further condition*:

THAT the term of this grant shall expire on July 12, 2021;

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, July 12, 2011.

24-09-BZ

APPLICANT – Sheldon Lobel, PC, for Meadows Park Rehabilitation and Health Care Center, LLC, owners.

SUBJECT – Application February 12, 2009 – Variance to allow the enlargement of a community facility (*Meadow Park Rehabilitation and Health Care Center*), contrary to floor area, lot coverage (§24-11), front yard (§24-34), height (§24-521) and rear yard (§24-382) regulations. R3-2 district.

PREMISES AFFECTED – 78-10 164th Street, Located on the western side of 164th Street between 78th Avenue and 78th Road, Block 6851, Lot 9, 11, 12, 23, 24, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Jordan Most.

ACTION OF THE BOARD – Laid over to July 26, 2011, at 1:30 P.M., for deferred hearing.

227-09-BZ

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

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

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

COMMUNITY BOARD #4Q

APPEARANCES –

For Applicant: Sandy Anagnostov.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to August 16, 2011, at 1:30 P.M., for decision, hearing closed.

95-10-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Raymond Kohanbash, owner.

SUBJECT – Application May 27, 2010 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area, open space and lot coverage (§23-141); side yard (§23-461) and less than the required rear yard (§23-47). R3-2 zoning district.

PREMISES AFFECTED – 2216 Quentin Road, south side of Quentin Road between East 22nd Street and East 23rd Street, Block 6805, Lot 6, 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 July 26, 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 –

For Applicant: Todd Dale.

For Opposition: Jeannie Borkowski, Joanne Donnaruma, John Donnaruma and Eileen Martin.

ACTION OF THE BOARD – Laid over to August 16, 2011, at 1:30 P.M., for continued hearing.

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227-10-BZ

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

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

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

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to August 23, 2011, at 1:30 P.M., for continued hearing.

230-10-BZ

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

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

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

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Eric Palatnik.

For Opposition: Laura Krasner, Alfred Genlomp, Koifman Janna, Alfred Gellomp and Jerome Fox.

ACTION OF THE BOARD – Laid over to August 16, 2011, at 1:30 P.M., for continued hearing.

1-11-BZ

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

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

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

COMMUNITY BOARD #2BK

APPEARANCES –

For Applicant: Don Weston.

ACTION OF THE BOARD – Laid over to August 23, 2011, at 1:30 P.M., for continued hearing.

2-11-BZ

APPLICANT – Cozen O’Connor, for 117 Seventh Avenue South Property Company, LP, owner.

SUBJECT – Application January 4, 2011 – Variance (§72-21) to allow for a residential and community facility enlargement to an existing commercial building, contrary to setback (§33-432) and open space regulations (§23-14). C4-5 zoning district.

PREMISES AFFECTED – 117 Seventh Avenue South, southeast corner of Seventh Avenue South and West 10th Street, Block 610, Lot 16, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to August 23, 2011, at 1:30 P.M., for adjourned hearing.

24-11-BZ

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

SUBJECT – Application March 8, 2011 – Variance (§72-21) to permit the construction of an elevator and vestibule in the courtyard of a school building (*WCL Academy*) contrary to floor area (§24-11), lot coverage (§24-11) and permitted obstruction requirements (§24-51). C6-2A/R8B zoning district.

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

COMMUNITY BOARD #3M

APPEARANCES –

For Applicant: Randell Minor.

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 July 26, 2011, at 1:30 P.M., for decision, hearing closed.

28-11-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for 291 Broadway Realty Associates LLC, owner; Garuda Thai Inc. dba The Wat, lessee.

SUBJECT – Application March 24, 2011 – Special Permit (§73-36) to legalize the operation of a physical culture establishment (*The Wat*). C6-4 zoning district.

PREMISES AFFECTED – 291 Broadway, northwest corner of Broadway and Reade Street, Block 150, Lot 38, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING –

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

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Commissioner Montanez.....5
Negative:.....0

ACTION OF THE BOARD – Laid over to August 16, 2011, at 1:30 P.M., for decision, hearing closed.

31-11-BZ

APPLICANT – Goldman Harris LLC, for Bronx Sheperds Restoration Corporation, owner.

SUBJECT – Application March 28, 2011 – Variance (§72-21) to allow a mixed use community facility and commercial building, contrary to use (§32-12), floor area (§33-123), rear yard (§33-292), and height and setback (§33-432) regulations. C8-3 zoning district.

PREMISES AFFECTED – 1665 Jerome Avenue, west side of Jerome Avenue between Featherbed Lane and Clifford Lane, Block 2861, Lot 35, Borough of Bronx.

COMMUNITY BOARD #5BX

APPEARANCES –

For Applicant: Caroline Harris, Ted Jefferson, Susan MacPhearson, Victor Body Lawson, Mark London and Thomasina Bushby.

ACTION OF THE BOARD – Laid over to August 23, 2011, at 1:30 P.M., for continued hearing.

38-11-BZ

APPLICANT – Eric Palatnik, P.C., for Arveh Schimmer, owner.

SUBJECT – Application April 5, 2011 – Special Permit (§73-622) for the enlargement of an existing two family home to be converted into a single family home, contrary to floor area and open space (§23-141(a)); side yard (§23-461(a)) and less than the required rear yard (§23-47). R-2 zoning district.

PREMISES AFFECTED – 1368 East 27th Street, between Avenue M and N, Block 7662, Lot 80, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Eric Palatnik.

For Administration: John A. Yacavone, Fire Department.

ACTION OF THE BOARD – Laid over to August 16, 2011, at 1:30 P.M., for continue hearing.

Jeff Mulligan, Executive Director

Adjourned: P.M.