
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

Volume 97, No. 31

August 1, 2012

DIRECTORY

MEENAKSHI SRINIVASAN, *Chair*

CHRISTOPHER COLLINS, *Vice-Chair*

DARA OTTLEY-BROWN

SUSAN M. HINKSON

EILEEN MONTANEZ

Commissioners

Jeffrey Mulligan, *Executive Director*

Becca Kelly, *Counsel*

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

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

CONTENTS

DOCKET	523
CALENDAR of August 14, 2012	
Morning	524
Afternoon	525

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, July 24, 2012**

Morning Calendar526

Affecting Calendar Numbers:

319-53-BZ	1135 East 222 nd Street, Bronx
120-02-BZ	42-46 Avenue A, Manhattan
238-07-BZ	5-11 47 th Avenue, Queens
238-08-BZ	876 Kent Avenue, Brooklyn
311-71-BZ	1907 Crospey Avenue, Brooklyn
301-85-BZ	58 East 86 th Street, Manhattan
71-93-BZ	153-01 Bayside Avenue, Queens
336-98-BZ & 337-98-BZ	312/18 & 324/34 Flatbush Avenue, Brooklyn
17-12-A	409 Seabreeze Walk, Queens
18-12-A	377 Bayside Avenue, Queens
149-05-A	32-09 211 th Street, Queens
125-11-A	514-516 East 6 th Street, Manhattan
155-11-A	480 Stratford Road, Brooklyn
162-11-A	179 Ludlow Street, Manhattan
103-12-A	74-76 Adelphi Street, Brooklyn
155-12-BZY	511 Ninth Avenue, Manhattan

Afternoon Calendar533

Affecting Calendar Numbers:

21-11-BZ	1810 Voorhies Avenue, Brooklyn
58-12-BZ	3960 Bedford Avenue, Brooklyn
64-12-BZ	163-02 Jamaica Avenue, Queens
165-11-BZ	1561 50 th Street, Brooklyn
168-11-BZ	2085 Ocean Parkway, Brooklyn
193-11-BZ	215 Exeter Street, Brooklyn
10-12-BZ	114-01 95 th Avenue, Queens
13-12-BZ	22-21 33 rd Street, Queens
65-12-BZ	1140 East 28 th Street, Brooklyn
70-12-BZ	78 Franklin Street, Manhattan
76-12-BZ	148 Norfolk Street, Brooklyn
105-12-BZ	450 Castle Hill Avenue, Bronx
107-12-BZ	600/18 Third Avenue, Manhattan
116-12-BZ	1477 Third Avenue, Manhattan

Correction538

Affecting Calendar Numbers:

148-10-BZ	1559 East 29 th Street, Brooklyn
-----------	---

DOCKET

New Case Filed Up to July 24, 2012

210-12-BZ

44 West 28th Street, between Broadway and Avenue of the Americas, Block 829, Lot(s) 68, Borough of **Manhattan, Community Board: 5**. CrossFit Physical culture establishment to be located on second story of existing 16-story building. Some CrossFit classes are currently being held at the site. C6-4X and M1-6 district.

233-12-BZ

246-12 South Conduit Avenue, bounded by 139th Avenue, 246th Street and South Conduit Avenue., Block 13622, Lot(s) 7, Borough of **Queens, Community Board: 13**. Variance (§72-21) to legalize an advertising sign in a residential zone, contrary to use regulations, ZR 22-00. R3X zoning district. R3X district.

234-12-BZ

1776 Eastchester Road, east of Basset Avenue, west of Marconi Street, approx. 385' north of intersection of Basset Avenue and Eastchester Road., Block 4226, Lot(s) 16, Borough of **Bronx, Community Board: 11**. Special permit to allow physical culture establishment within proposed seven-story enlargement of existing two-story building. M1-1 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

AUGUST 14, 2012, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, August 14, 2012, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

68-94-BZ

APPLICANT – Troutman Sanders, LLP, for Bay Plaza Community Center, LLP, owner; Bally's Total Fitness of Greater New York, lessee.

SUBJECT – Application June 26, 2012 – Extension of Time to Obtain a Certificate of Occupancy for a previously granted Special Permit (§73-36) for the continued operation of a Physical Culture Establishment (*Bally's Total Fitness*) on the first and second floors of the Co-Op City Bay Plaza Shopping Center which expired on June 16, 2012; Waiver of the Rules.C4-3/M1-1 zoning district.

PREMISES AFFECTED – 2100 Bartow Avenue, Baychester Avenue and The Hutchinson River Parkway, Block 5141, Lot 810, Borough of Bronx.

COMMUNITY BOARD #10BX

53-01-BZ

APPLICANT – Sheldon Lobel, P.C., for Charter Management Group, LLC, owner; Eun Sung, Inc., lessee.

SUBJECT – Application April 27, 2012 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of a Physical Culture Establishment (*Silver Star Spa*) in a portion of the first and cellar floors of an existing commercial building which expired on July 10, 2010; Waiver of the Rules. C5-3/C6-4,5 (MID) zoning district.

PREMISES AFFECTED – 6 West 48th Street, located on the south of West 48th Street between Fifth and Sixth Avenues, Block 1263, Lot 43, Borough of Manhattan.

COMMUNITY BOARD #5M

164-07-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Rouse SI Shopping Center LLC, owner; ME Clinic Two LLC, lessee.

SUBJECT – Application April 23, 2012 – Amendment of a previously approved Special Permit (§73-36) which permitted the operation of a Physical Culture Establishment (*Massage Envy*). The amendment seeks to enlarge the use. C4-1 district.

PREMISES AFFECTED – The Crossings @ Staten Island Mall (280 Marsh Avenue), north of Platinum Avenue, west of Marsh Avenue, east of Staten Island Mall Dr., Block 2400, Lot 300, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEALS CALENDAR

172-11-A

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Folarunso Ovalabu, owner.

SUBJECT – Application November 7, 2011 – Appeal seeking determination that the owner of the premises has acquired a common law vested rights to complete construction under the prior R3-2 zoning. R3A zoning district.

PREMISES AFFECTED – 119-43 197th Street, south of intersection of east side of 197th Street and south side of 119th Avenue, Block 12653, Lot 42, Borough of Queens.

COMMUNITY BOARD #12Q

21-12-A

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Pavel Kogan, owner.

SUBJECT – Application January 30, 2012 – Proposed construction of a accessory swimming pool partially within the bed of a mapped street contrary to General City Law Section 35. R1-2 (NA-1) Zoning District.

PREMISES AFFECTED – 55 Louise Lane, west of intersection of north side of Louise Lane and west side of Tiber Place, Block 687, Lot 281, Borough of Staten Island.

COMMUNITY BOARD #2SI

146-12-A

APPLICANT – Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Gayle & Paul Degrazia, lessees.

SUBJECT – Application May 8, 2012 – Proposed alteration and enlargement of an existing single family dwelling not fronting a mapped street is contrary to Article 3, Section 36 of the General City Law and the proposed upgrade of the existing non-conforming private disposal system partially in the bed of the service road is contrary to Building Department policy. R4 zoning district.

PREMISES AFFECTED – 15 Beach 220th Street, east side of Beach 220th Street, 168.5' north of 4th Avenue, Block 16350, Lot p/o400, Borough of Queens.

COMMUNITY BOARD #14Q

CALENDAR

AUGUST 14, 2012, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, August 14, 2012, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

66-12-BZ

APPLICANT – Bryan Cave LLP/Frank E. Chaney, Esq., for Nicholas Parking Corp./Owner of Lot 30, owner; Ladera, LLC, Owner of Lot 35, lessee.

SUBJECT – Application March 20, 2012 – Variance (§72-21) to modify the applicable requirements of the Zoning Resolution for use (ZR§22-10), lot coverage (ZR§24-11) and parking (ZR§25-23) to facilitate development of a mixed use building containing a FRESH Program food store, a privately operated preschool and 164 non-subsidized, middle income apartments. R7A, R8A/C2-4 zoning districts. PREMISES AFFECTED – 223-237 Nicholas Avenue, aka 305 W. 121st Street and W. 122nd Street, Block 1948, Lot 30, 35, Borough of Manhattan.

COMMUNITY BOARD #10M

73-12-BZ

APPLICANT – Jeffrey Chester, Esq./GSHLLP, for 41-19 Bell Boulevard LLC, owner; LRHC Bayside N.Y. Inc., lessee.

SUBJECT – Application March 20, 2012 – Application for a special permit to legalize an existing physical culture establishment (*Lucille Roberts*) in a C2-2 district.

PREMISES AFFECTED – 41-19 Bell Boulevard between 41st Avenue and 42nd Avenue, Block 6290, Lot 5, Borough of Queens.

COMMUNITY BOARD #11Q

160-12-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for CP Associaes LLC c/o Jeffrey Mgmt., owner; Blink 820 Concourse Inc., lessee.

SUBJECT – Application May 25, 2012 – Special Permit to allow Physical Culture Establishment (*Blink*) within existing commercial building.

PREMISES AFFECTED – 820 Concourse Village West, east side of Concourse Village West, 312.29' south of intersection of Concourse Village West and East 161st Street, Block 2443, Lot 91, Borough of Bronx.

COMMUNITY BOARD #4BX

163-12-BZ

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for NYU Hospitals Center, owner; New York University, lessee.

SUBJECT – Application May 31, 2012 – Application for a variance to allow the development of a new biomedical research facility on the main campus of the NYU Langone Medical Center contrary to rear yard equivalent, height, lot coverage, and tower coverage (ZR 24-382, 24-522, 24-11, 24-54). R8 zoning district.

PREMISES AFFECTED – 435 East 30th Street, East 34th Street, Franklin D. Roosevelt (FDR) Drive Service Road, East 30th Street and First Avenue, Block 962, Lot 80, 108, 1001-1107, Borough of Manhattan.

COMMUNITY BOARD #6M

Jeff Mulligan, Executive Director

MINUTES

REGULAR MEETING TUESDAY MORNING, JULY 24, 2012 10:00 A.M.

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

SPECIAL ORDER CALENDAR

319-53-BZ

APPLICANT – Ficara & Associates, P.C., by Majed El
Jamal, for 22nd Street Realty LLC, owner.

SUBJECT – Application August 16, 2011 – Extension of
Term (§11-411) for the continued operation of an
automotive repair shop with no body work which expired on
January 31, 2011; Waiver of the Rules. R5 zoning district.
PREMISES AFFECTED – 1135 East 222nd Street,
northwest corner of Eastchester Road, Block 4900, Lot 12,
Borough of Bronx.

COMMUNITY BOARD #12BX

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on
condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the
Rules of Practice and Procedure, a reopening, and an
extension of term for an automobile repair shop, which
expired on January 31, 2011; and

WHEREAS, a public hearing was held on this
application on April 3, 2012, after due notice by publication
in *The City Record*, with continued hearings on May 8, 2012
and June 19, 2012, and then to decision on July 24, 2012; and

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

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

WHEREAS, the site is a triangular-shaped lot with 125
feet of frontage on the west side of Eastchester Road and
125 feet of frontage on the east side of East 222nd Street,
within an R5 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the
subject site since January 31, 1961 when, under the subject
calendar number, the Board granted a variance to permit the
construction of a gasoline service station with accessory uses in
a retail use district, for a term of 20 years; and

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

WHEREAS, most recently, on April 29, 2003, the Board

granted an extension of term and an amendment to permit the
change of use from an automotive service station (Use Group
16B) to an automotive repair shop with no body repairs (Use
Group 16B), which expired on January 31, 2011; and

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

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

WHEREAS, at hearing, the Board directed the applicant
to confirm that it complies with C1 district signage regulations,
remove the tire storage apparatus from the site, remove the
encroachment onto the sidewalk at the northwest corner of the
site, and relocate the dumpster; and

WHEREAS, in response, the applicant submitted a
signage analysis and photographs reflecting that signage
complies with C1 district regulations, and that the tire storage
apparatus and encroachment onto the sidewalk have been
removed; and

WHEREAS, as to the dumpster, the applicant states that
it will store the dumpster indoors during non-business hours,
but requests that it be permitted to maintain the dumpster at its
current location during business hours; and

WHEREAS, the applicant submitted revised plans with a
note stipulating that the dumpster will be stored indoors during
non-business hours; and

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

Therefore it is Resolved that the Board of Standards and
Appeals *waives* the Rules of Practice and Procedure, *reopens*
and *amends* the resolution, dated January 31, 1961, so that as
amended this portion of the resolution shall read: “to extend the
term for a period of ten years from January 31, 2011, to expire
on January 31, 2021; *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 April 23, 2012’-(1) sheet and ‘June 8, 2012’-(1)
sheet; and *on further condition*:

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

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

THAT the dumpster will be stored indoors during non-
business hours;

THAT all signage will comply with C1 district
regulations;

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

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

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

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

MINUTES

(DOB Application. No. 200767679)
Adopted by the Board of Standards and Appeals, July
24, 2012.

120-02-BZ

APPLICANT – Stuart Klein, Esq., for East Village Gardens Corp., owner; Muscles Metamorphosis, lessee.

SUBJECT – Application March 22, 2012 – Extension of Term of previously granted special permit (§73-36) for the continued operation of a physical culture establishment (*Iron & Silk Fitness Center*) which expired on February 1, 2012; an Amendment for the change in ownership; waiver of the rules. R7A zoning district.

PREMISES AFFECTED – 42-46 Avenue A, corner of Avenue A and East 3rd Street, Block 399, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES –

For Applicant: Jay Goldstein.

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, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an extension of term of a previously granted special permit for a physical culture establishment (PCE), which expired on February 1, 2012, and an amendment to reflect a change in the ownership and operation of the PCE; and

WHEREAS, a public hearing was held on this application on June 19, 2012, after due notice by publication in *The City Record*, and then to decision on July 24, 2012; and

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

WHEREAS, Community Board 3, Manhattan, states that it has no objection to this application; and

WHEREAS, the PCE is located on the northeast corner of Avenue A and East 3rd Street, within an R7A zoning district; and

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

WHEREAS, the PCE occupies 3,300 sq. ft. of floor space located in the cellar; and

WHEREAS, the Board has exercised jurisdiction over the subject site since June 3, 2003 when, under the subject calendar number, the Board granted a special permit for a PCE in the subject building for a term of ten years, to expire on February 1, 2012; and

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

WHEREAS, the applicant also seeks an amendment to reflect the change of ownership and operation of the PCE since

the prior grant; and

WHEREAS, the PCE is now operated as Iron & Silk Fitness; and

WHEREAS, the Board notes that the Department of Investigation has approved the change of ownership and operation of the PCE; and

WHEREAS, the applicant also seeks to legalize minor modifications to the previously-approved plans, including the addition of new partitions in the locker room for added privacy, and a new partition on the gym floor to create a classroom for group exercise; and

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

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, as adopted on June 3, 2003, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from February 1, 2012, to expire on February 1, 2022, and to permit the noted change in the ownership and operation of the PCE and the modifications to the previously-approved plans, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked ‘Received May 23, 2012’- (1) sheet and ‘July 5, 2012’-(2) sheets; and *on further condition*:

THAT the term of this grant shall expire on February 1, 2022;

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 be listed on the certificate of occupancy;

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

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

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

(DOB Application No. 102493730)

Adopted by the Board of Standards and Appeals, July 24, 2012.

238-07-BZ

APPLICANT – Goldman Harris, LLC, for OCA Long Island City, LLC; OCA Long Island City II, LLC, owner; OCA Long Island City III, LLC, lessee.

SUBJECT – Application May 25, 2012 – Extension of Time to Complete Construction of a previously granted Variance (§72-21) to construct a 13-story residential and community facility building which expires on September 28, 2012. M1-4/R6A(LIC) & M1-4 zoning district.

MINUTES

PREMISES AFFECTED – 5-11 47th Avenue, western half of block bounded by 46th Road, 47th Avenue, Vernon Boulevard and 5th Street. Block 28, Lots 12, 15, 17, 18, 21 & 121, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES –

For Applicant: Eugene Travers.

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 time to complete construction of a previously granted variance which permitted, on a site partially in an M1-4 zoning district and partially in an M1-4/R6A district within the Special Long Island City Mixed-Use District, the construction of a 12-story mixed-use residential/commercial retail building (the “Mixed-Use Building”) and a six-story student dormitory building (the “Dormitory Building”) for the City University of New York (“CUNY”) Graduate Center, contrary to use and bulk regulations; and

WHEREAS, a public hearing was held on this application on June 19, 2012, after due notice by publication in *The City Record*, and then to decision on July 24; and

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

WHEREAS, the subject site is a through-block site bounded by Fifth Street to the west, 46th Road to the north, and 47th Avenue to the south, with a total lot area of 66,838 sq. ft.; and

WHEREAS, the Board has exercised jurisdiction over the site since September 23, 2008 when, under the subject calendar number, the Board granted a variance pursuant to ZR § 72-21, which permitted the construction of a 12-story mixed-use residential/commercial retail building and a six-story student dormitory building and faculty housing building connected by a cellar-level accessory parking garage, contrary to ZR §§ 42-00, 117-21, 23-145, 24-632, 23-633, and 23-711; and

WHEREAS, substantial construction was to be completed by September 23, 2012, in accordance with ZR § 72-23; and

WHEREAS, a letter of substantial compliance was issued by the Board on June 10, 2009, to permit certain modifications to the approved plans, and to acknowledge that although the project was originally filed at the Department of Buildings (“DOB”) under a single permit application (NB # 402661945), the project was subsequently filed as two separate projects, with the Mixed-Use Building retaining the original application number, and the Dormitory Building filed under new NB # 420006111; and

WHEREAS, a second letter of substantial compliance was issued by the Board on December 8, 2009, stating that the

Board has no objection to the issuance of a temporary and permanent certificate of occupancy for the Mixed-Use Building prior to the construction of the Dormitory Building and the connection between the two buildings; and

WHEREAS, the applicant states that the issuance of the December 8, 2009 letter was based on the anticipated occupancy of the Dormitory Building by the CUNY Graduate Center; however, subsequent to the issuance of the letter, the CUNY Graduate Center withdrew from the project; and

WHEREAS, most recently, on February 15, 2011, the Board granted an amendment to clarify that either the Mixed-Use Building or the Dormitory Building may be constructed prior to the construction and occupancy of the other building and the connection between the buildings; and

WHEREAS, the applicant notes that the February 15, 2011 amendment allows each building to proceed independently and provides flexibility for the commencement of construction at the earliest possible time; and

WHEREAS, the applicant now requests an extension of time to complete construction; and

WHEREAS, the applicant states that additional time is necessary to complete construction due to financing delays and the need to find an institutional user for the Dormitory Building subsequent to the CUNY Graduate Center’s withdrawal from the project; and

WHEREAS, specifically, the applicant states that it has been actively seeking a new institutional user for the Dormitory Building, and that it cannot secure the financing needed to construct the Dormitory Building until such a user is identified; and

WHEREAS, the applicant states that construction was also delayed due to the need to perform required environmental remediation on the site, which was completed and a Notice of Certificate of Completion received from the New York State Department of Environmental Conservation in April 2011; 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 set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated September 23, 2008, so that as amended this portion of the resolution shall read: “to grant an extension of time to complete construction and obtain a certificate of occupancy for a term of four years, to expire on September 23, 2016; *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT substantial construction will be completed and a certificate of occupancy obtained by September 23, 2016;

THAT any change to the program shall be subject to Board review and approval and that the process for such review shall be determined by the Board;

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

MINUTES

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. 402661945)

Adopted by the Board of Standards and Appeals, July 24, 2012.

238-08-BZ

APPLICANT – Sheldon Lobel, P.C., for S.M.H.C. LLC, owner.

SUBJECT – Application May 25, 2012 – Request for rehearing pursuant to Section 1-10(e) of the Board's Rules of Practice and Procedure for a variance application to allow a new residential building, contrary to use regulations (§42-00). M1-1/R2 zoning district.

PREMISES AFFECTED – 876 Kent Avenue, west side of Kent Avenue, 91’ north of Myrtle Avenue, Block 1897, Lot 56, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES –

For Applicant: Nora Martins.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a re-hearing, pursuant to Section 1-10(e) of the Board’s Rules of Practice and Procedure, of a variance application which the Board previously dismissed for lack of prosecution; and

WHEREAS, a public hearing was held on this application on July 24, 2012, after due notice by publication in The City Record, then to closure and decision on the same date; and

WHEREAS, the subject site is located on the west side of Kent Avenue, between Park Avenue and Myrtle Avenue, partially within an M1-1 zoning district and partially within a C2-3 (R6) zoning district; and

WHEREAS, the site has a width of 25 feet, a depth of 90 feet, and a total lot area of 2,250 sq. ft.; and

WHEREAS, the subject site is currently vacant; and

WHEREAS, on September 19, 2008, an application was made under the subject calendar number for a variance pursuant to ZR § 72-21; the application sought approval for the construction of a four and one-half story residential building, contrary to ZR § 42-00; and

WHEREAS, on February 23, 2010, the Board dismissed the application for lack of prosecution based on the applicant’s failure to respond to the Board’s Notice of Objections which requested, among other things: (1) a revised statement of facts and findings; (2) a revised economic analysis; (3) revised plans; (4) a revised Environmental Assessment Statement; and (5) a lesser

variance scenario; and

WHEREAS, the applicant asserts that there has been a material change in plans since the Board’s dismissal of the variance application in 2010 and requests that the Board rehear the case pursuant to Section 1-10(e) of the Rules of Practice and Procedure which provides: “A request for a rehearing shall not be granted unless substantial new evidence is submitted that was not available at the time of the initial hearing, or there is a material change in plans or circumstances or an application is filed under a different jurisdictional provision of the law”; and

WHEREAS, the applicant asserts that there has been a material change in plans and thus a re-hearing of the use variance is warranted; and

WHEREAS, specifically, the applicant states that it has modified the proposal to reflect a reduction in the floor area, FAR, and lot coverage, and an increase in the open space, rear yard depth, and rear setback as compared to the original proposal; and

WHEREAS, the applicant states that the new proposal reflects a four-story, four unit residential building which complies with all bulk regulations for a Quality Housing building in an R6 zoning district, with the exception of street wall location, as opposed to the original application which did not comply with the R6 district Quality Housing regulations with regard to floor area, FAR, rear setback, and street wall location; and

WHEREAS, the Board has reviewed the record and determined that the applicant has provided substantial evidence which supports the conclusion that there is a material change in plans since the 2008 application; and

WHEREAS, the Board notes that the 2008 application was dismissed for lack of prosecution and that the applicant has agreed to re-submit a complete variance application which provides the documentation requested and addresses the concerns raised in the Notice of Objections issued by the Board pursuant to the 2008 application; and

Therefore it is Resolved that, based upon the above, this application for a re-hearing of the BSA Cal. No. 238-08-BZ is granted.

Adopted by the Board of Standards and Appeals, July 24, 2012.

311-71-BZ

APPLICANT – Eric Palatnik, P.C., for SunCo, Inc. (R&M), owner.

SUBJECT – Application March 13, 2012 – Amendment (§11-412) to permit the conversion of automotive service bays to an accessory convenience store of an existing automotive service station (Sunoco); Extension of Time to obtain a Certificate of Occupancy which expired July 13, 2000; waiver of the rules. R-5 zoning district.

PREMISES AFFECTED – 1907 Crospey Avenue, northeast corner of 19th Avenue. Block 6439, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES –

MINUTES

For Applicant: Trevis Savage.

ACTION OF THE BOARD – Laid over to August 21, 2012, at 10 A.M., for adjourned hearing.

301-85-BZ

APPLICANT – Francis R. Angelino, Esq. for 58 East 86th Street, LLC, owner.

SUBJECT – Application May 8, 2012 – Amendment of a variance (§72-21) which permitted limited retail use in the ground floor and cellar retail within a five story and penthouse residential building. The amendment seeks to expand the uses conditioned by the Board to include other retail (UG 6) uses. R10 (PI) zoning district.

PREMISES AFFECTED – 58 East 86th Street, south side, 113' East of Madison Avenue and Park Avenues. Block 1497, Lot 49. Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Francis R. Angelino, Gerald Rothstein and Tzivya Lernse.

For Opposition: Noel Rimolovski, Richard Jacobson, Robert Leighton, Andrew V. McQuiuing and Lo Van der Valk.

ACTION OF THE BOARD – Laid over to August 21, 2012, at 10 A.M., for continued hearing.

71-93-BZ

APPLICANT – Paul F. Bonfilio, for Vincenzo Farruggio, owner.

SUBJECT – Application January 23, 2012 – Amendment of a variance (§72-21) to allow a 243 sq. ft. addition to an existing house, contrary to front yard (§23-45(a); floor area and lot coverage (§23-141(b)) requirements. R2A zoning district.

PREMISES AFFECTED – 153-01 Bayside Avenue, 308.25' west of 154th Street, between 29th Avenue and Bayside Avenue, Block 4835, Lot 25, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Paul F. Bonfilio.

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 21, 2012, at 10 A.M., for decision, hearing closed.

336-98-BZ & 337-98-BZ

APPLICANT – Rothkrug, Rothkrug & Spector LLP for 312 Flatbush Avenue LLC, owner; AGT Crunch, lessee.

SUBJECT – Application December 31, 2008 – Extension of Time to obtain a certification of occupancy for a special permit (§73-36) for a physical culture establishment (*Crunch Fitness*), which expired on June 8, 2011. C2-4 zoning district.

PREMISES AFFECTED – 312/18 & 324/34 Flatbush Avenue, 157' west of the northwest corner of the intersection of Flatbush Avenue and Sterling Place, Block 1057, Lot 14, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Todd Dale.

ACTION OF THE BOARD – Laid over to August 21, 2012, at 10 A.M., for continued hearing.

APPEALS CALENDAR

17-12-A

APPLICANT – Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Richard and Michelle Kourbage, owners.

SUBJECT – Application January 24, 2012 – Proposed building is not fronting a mapped street, contrary to § 36 General City Law and in the bed of a mapped street, contrary to Art. §35 of the General City Law. Private disposal system in the bed of a mapped street contrary to Department of Buildings' policy. R4 zoning district.

PREMISES AFFECTED – 409 Seabreeze Walk, north side of Seabreeze Walk, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated January 18, 2012, acting on Department of Buildings Application No. 420502511, reads in pertinent part:

- A1- The proposed enlargement is on a site located partially in the bed of a mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 35 of the General City Law
- A2- The site and building is fronting on an official mapped street therefore, no permit or Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York.
- A3- Private disposal system in the bed of a

MINUTES

mapped street contrary to Department of Buildings policy; and

WHEREAS, a public hearing was held on this application on July 10, 2012, after due notice by publication in the *City Record*, hearing closed and then to decision on July 24, 2012; and

WHEREAS, by letter dated July 23, 2012, the Fire Department states that it has reviewed the subject proposal and has no objections provided that the entire building be fully sprinklered in conformity with the sprinkler provisions of Local Law 10 of 1999 as well as Reference Standard 17-2B of the New York City Building Code; and

WHEREAS, by letter dated February 8, 2012, the Department of Environmental Protection states that it has no objection to the subject proposal; and

WHEREAS, by letter dated June 13, 2012, the Department of Transportation (“DOT”) states that it has no objection to the subject proposal; and

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

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

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated January 18, 2012, acting on Department of Buildings Application No. 420502511, is modified by the power vested in the Board by Section 35 and Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received July 10, 2012”-one (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

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

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

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

THAT the home shall be sprinklered in accordance with the BSA-approved plans; 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 24, 2012.

18-12-A

APPLICANT – Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Dennis Dorizas, lessee.

SUBJECT – Application January 24, 2012 – Proposed building is not fronting a mapped street, contrary to §36 General City Law. R4 zoning district.

PREMISES AFFECTED – 377 Bayside Avenue, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated January 18, 2012, acting on Department of Buildings Application No. 420512305, reads in pertinent part:

The site and building is fronting on an official mapped street therefore, no permit or Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York; and

WHEREAS, a public hearing was held on this application on July 10, 2012, after due notice by publication in the *City Record*, and then to decision on July 24, 2012; and

WHEREAS, by letter dated July 23, 2012, the Fire Department states that it has reviewed the subject proposal and has no objections provided that the entire building be fully sprinklered in conformity with the sprinkler provisions of Local Law 10 of 1999 as well as Reference Standard 17-2B of the New York City Building Code; and

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

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated January 18, 2012, acting on Department of Buildings Application No. 420512305, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received July 10, 2012” - one (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

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

THAT DOB will review the proposed plans to ensure

MINUTES

compliance with all relevant provisions of the Zoning Resolution;

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

THAT the home shall be sprinklered in accordance with the BSA-approved plans;
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 24, 2012.

149-05-A

APPLICANT – Eric Palatnik, P.C., for Gregory Broutzas, owner.

SUBJECT – Application May 10, 2012 – Extension of time to complete construction and obtain a certificate of occupancy of a previously granted common law vested rights application which expired on May 12, 2007. R2A Zoning District.

PREMISES AFFECTED – 32-09 211th Street, east of the corner of 32nd Street and 211th Street, Block 6061, Lot 10, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Trevis Savage.

ACTION OF THE BOARD – Laid over to August 21, 2012, at 10 A.M., for continued hearing.

125-11-A

APPLICANT – Law Offices of Marvin B. Mitzner for 514-516 E. 6th Street, LLC, owner.

SUBJECT – Application August 25, 2011 – Appeal challenging the Department of Buildings’ determination to deny the reinstatement of permits that allowed an enlargement to an existing residential building. R7B zoning district.

PREMISES AFFECTED – 514-516 East 6th Street, south side of East 6th Street, between Avenue A and Avenue B, Block 401, Lot 17, 18, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to August 21, 2012, at 10 A.M., for deferred decision.

155-11-A

APPLICANT – Sheldon Lobel, P.C., for 10 Stratford Associates, owners.

SUBJECT – Application October 3, 2011 – Appeal seeking a common law vested right to continue construction commenced under the prior R6 zoning district regulations. R3X zoning district.

PREMISES AFFECTED – 480 Stratford Road, west side of Stratford Road, through to Coney Island Avenue between Dorchester and Ditmas Avenue, Block 5174, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Jordan Most.

ACTION OF THE BOARD – Laid over to August 21, 2012, at 10 A.M., for deferred decision.

162-11-A

APPLICANT – Akerman Senterfitt, LLP, for 179 Ludlow Holding LLC, owners.

SUBJECT – Application October 17, 2011 – Appeal seeking a common law vested right to continue construction commenced under prior C6-1 zoning district regulations. C4-4A zoning district.

PREMISES AFFECTED – 179 Ludlow Street, western side of Ludlow on a block bounded by Houston to the north and Stanton to the south, Block 412, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES –

For Applicant: Kathlyn Schwartz.

ACTION OF THE BOARD – Laid over to September 11, 2012, at 10 A.M., for adjourned hearing.

103-12-A

APPLICANT – Sheldon Lobel, P.C., for 74-47 Adelphi Realty LLC, owner.

SUBJECT – Application April 12, 2012 – Appeal seeking a common law vested right to continue development commenced under the prior R6 zoning district. R5B zoning district.

PREMISES AFFECTED – 74-76 Adelphi Street, west side of Adelphi Street, south of Park Avenue with frontage along Adelphi Street, block 2044, Lot 52, 53, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES –

For Applicant: Jordan Most.

For Opposition: Enid Braun and Scott Oliver.

ACTION OF THE BOARD – Laid over to September 11, 2012, at 10 A.M., for continued hearing.

155-12-BZY

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for 511 Property LLC, owner.

SUBJECT – Application May 11, 2012 – Extension of time (§11-332) to complete construction of a minor development commenced prior to a zoning text amendment related to parking. C1-7(A) Special Hudson Zoning District.

PREMISES AFFECTED – 511 Ninth Avenue, southwest corner of Ninth Avenue and West 39th Street (block bounded by West 38th Street and 10th Avenue), Block 736, Lot 33,

MINUTES

Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES –

For Applicant: Robin Kramer.

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 21, 2012, at 10 A.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: P.M.

REGULAR MEETING TUESDAY AFTERNOON, JULY 24, 2012 1:30 P.M.

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

ZONING CALENDAR

21-11-BZ

APPLICANT – Eric Palatnik, P.C., for 1810-12 Voorhies Avenue, LLC, owner.

SUBJECT – Application February 28, 2011 – Special Permit (§73-44) to permit the reduction in required parking for an ambulatory or diagnostic treatment facility. C1-2/R4 zoning district.

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

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW –

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

Negative:.....0

Adopted by the Board of Standards and Appeals, July 24, 2012.

58-12-BZ

CEQR #12-BSA-091K

APPLICANT – Law Office of Fredrick A. Becker, for Shlomo Dabah, owner.

SUBJECT – Application March 15, 2012 – Special Permit (§73-622) to permit the enlargement of an existing single family home contrary to floor area, lot coverage and opens space (§23-141); side yards (§23-461); less than the required rear yard (§23-47). R3-2 zoning district.

PREMISES AFFECTED – 3960 Bedford Avenue, west side of Bedford Avenue between Avenue R and Avenue S, block 6830, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Lyra 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 16, 2012, acting on Department of Buildings Application No. 320303523, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141 in that the proposed floor area ratio exceeds the maximum permitted
2. Proposed plans are contrary to ZR 23-141 in that the proposed open space ratio is less than the minimum required
3. Proposed plans are contrary to ZR 23-141 in that the proposed lot coverage exceeds the maximum permitted
4. Proposed plans are contrary to ZR 23-461 in that the proposed side yard is less than the minimum required
5. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than the minimum required; and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, in an R3-2 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, lot coverage, 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 June 19, 2012 after due notice by publication in *The City Record*, and then to decision on July 24, 2012; and

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

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the west side of

MINUTES

Bedford Avenue, between Avenue R and Avenue S, within an R3-2 zoning district; and

WHEREAS, the subject site has a total lot area of 4,000 sq. ft., and is occupied by a single-family home with a floor area of 1,948 sq. ft. (0.49 FAR); and

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

WHEREAS, the applicant seeks an increase in the floor area from 1,948 sq. ft. (0.49 FAR) to 2,829 sq. ft. (0.71 FAR); the maximum permitted floor area is 2,000 sq. ft. (0.50 FAR); and

WHEREAS, the applicant proposes to provide an open space of 59 percent (65 percent is the minimum required); and

WHEREAS, the applicant proposes a lot coverage of 41 percent (35 percent is the maximum permitted); and

WHEREAS, the applicant proposes to maintain the existing side yard along the northern lot line with a width of 4'-10" (a minimum width of 5'-0" is required); 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 and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

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

Therefore it is resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-622 and 73-03, to permit, in an R3-2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for FAR, open space, lot coverage, 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 6, 2012"-(6) sheets and "July 10, 2012"-(4) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the

building: a maximum floor area of 2,829 sq. ft. (0.71 FAR); a minimum open space of 59 percent; a maximum lot coverage of 41 percent; a side yard with a minimum width of 4'-10" along the northern lot line; a side yard with a width of 8'-0" 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 will 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 24, 2012.

64-12-BZ CEQR #12-BSA-096Q

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 16302 Jamaica LLC, owner; Blink Jamaica Avenue, Inc., lessee.

SUBJECT – Application March 20, 2012 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Blink Fitness*) within portions of an existing building. C6-3(DP) zoning district.

PREMISES AFFECTED – 163-02 Jamaica Avenue, southeast corner of intersection of Jamaica and Guy R. Brewer Boulevard, block 10151, Lot 1, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Todd Dale.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated March 13, 2012, acting on Department of Buildings Application No. 420537137, reads in pertinent part:

Proposed physical culture establishment in a C6-3 zoning district is contrary to 32-10 ZR and requires a special permit from the BSA (73-36 ZR); and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located in a C6-3 zoning

MINUTES

district within the Special Downtown Jamaica District, the operation of a physical culture establishment (PCE) on a portion of the first floor and the entire second floor of a two-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on June 5, 2012, after due notice by publication in *The City Record*, with a continued hearing on July 10, 2012, and then to decision on July 24, 2012; and

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

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

WHEREAS, the subject site is located on the southeast corner of Jamaica Avenue and Guy R. Brewer Boulevard, in a C6-3 zoning district within the Special Downtown Jamaica District; and

WHEREAS, the site has approximately 126 feet of frontage on Jamaica Avenue and approximately 176 feet of frontage on Guy R. Brewer Boulevard, and a total lot area of 22,125 sq. ft.; and

WHEREAS, the proposed PCE will occupy 16,519 sq. ft. of floor area on a portion of the first floor and the entire second floor; and

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

WHEREAS, the applicant states that the hours of operation for the proposed PCE will be: Monday through Saturday, from 5:30 a.m. to 11:00 p.m., and Sunday, from 7:00 a.m. to 9:00 p.m.; and

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

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

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

WHEREAS, the applicant states that the proposed PCE will comply with the goals of the Special Downtown Jamaica District; 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.12BSA096Q, dated March 16, 2012; 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 C6-3 zoning district within the Special Downtown Jamaica District, the operation of a PCE on a portion of the first floor and the entire second floor of a two-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received May 18, 2012" - Four (4) sheets, and *on further condition*:

THAT the term of this grant will expire on July 24, 2022;

THAT there will 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 must be performed by New York State licensed massage therapists;

THAT the site will be maintained free of graffiti;

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

THAT Local Law 58/87 compliance will be as reviewed and approved by DOB;

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

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

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

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

MINUTES

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 24, 2012.

165-11-BZ

APPLICANT – Sheldon Lobel, P.C., for Agudath Israel Youth of Boro Park, owner.

SUBJECT – Application October 19, 2011 – Variance (§72-21) to enlarge an existing Use Group 4A house of worship (*Agudath Israel Youth of Boro Park*) for an educational center on proposed third and fourth floors and to legalize two interior balconies, contrary to rear yard (§24-36) and lot coverage (§24-11) regulations. R6 zoning district.

PREMISES AFFECTED – 1561 50th Street, near the corner of 16th Avenue, Block 5453, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Richard Lobel.

ACTION OF THE BOARD – Laid over to August 14, 2012 at 1:30 P.M., for continued hearing.

168-11-BZ

APPLICANT – Sheldon Lobel, P.C., for Congregation Bet Yaakob, Inc., owner.

SUBJECT – Application October 27, 2011 – Variance (§72-21) to permit the construction of a Use Group 4A house of worship (*Congregation Bet Yaakob, Inc.*), contrary to floor area (§§113-11, 503, 51, 77-02, 23-141, 24-11), open space and lot coverage (§§23-141, 24-11, 77-02, 113-11), front, side and rear yard (§§113-11, 503, 543, 77-02, 23-464, 47, 471), height and setback (§§113-11, 503, 55, 77-02, 23-631, 633, 24-593), planting and landscaping (§§113-12, 23-45, 23-451, 113-30) and parking (§§113-58, 25-31) regulations.

R5, R6A, and R5 (Ocean Parkway Special District) zoning district.

PREMISES AFFECTED – 2085 Ocean Parkway, L-shaped lot on the corner of Ocean Parkway and Avenue U, Block 7109, Lot 50 (tentative), Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel and Michael Goldblum,

For Opposition: Stuart A. Klein.

ACTION OF THE BOARD – Laid over to August 21, 2012, at 1:30 P.M., for continued hearing.

193-11-BZ

APPLICANT – Eric Palatnik, P.C., for Aleksandr Falikman, owner.

SUBJECT – Application December 21, 2011 – Special Permit (§73-622) for an enlargement of an existing single family home, contrary to floor area, open space and lot

coverage (§23-141(b)); side yard (§23-461) and rear yard (§23-47) regulations. R3-1 zoning district.

PREMISES AFFECTED – 215 Exeter Street, Oriental Boulevard and Esplanade, Block 8743, Lot 42, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Eric Palatnik

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to August 14, 2012, at 1:30 P.M., for decision, hearing closed.

10-12-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Natalie Hardeen, owner.

SUBJECT – Application January 18, 2012– Variance (§72-21) to permit the legalization of an existing cellar and two story, two-family detached dwelling, contrary to front yard (§23-45) and side yard (§23-461) regulations. R-5 zoning district.

PREMISES AFFECTED – 114-01 95th Avenue, northeast corner of 95th Avenue and 114th Street, Block 9400, Lot 37, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES –

For Applicant: Todd Dale.

ACTION OF THE BOARD – Laid over to August 14, 2012, at 1:30 P.M., for continued hearing.

13-12-BZ

APPLICANT – Georgios Georgopoulos, for Abumuktadir Rahman, owner.

SUBJECT – Application January 20, 2012 – Variance (§72-21) to permit the legalization and enlargement of a mosque (*Astoria Islamic Center*), contrary to front yard (§24-34), side yard (§24-35), and parking (§25-31) regulations. R5B zoning district.

PREMISES AFFECTED – 22-21 33rd Street, east side of 33rd Street, 200’ south of corner formed by the intersection of Ditmars Boulevard and 33rd Street, Block 832, Lot 22, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: Isabel Bucaram, Mohammad A. Kuddus, S. A. Islam and Abu Shakir.

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 September 25, 2012, at 1:30 P.M., for decision, hearing

MINUTES

closed.

65-12-BZ

APPLICANT – Lewis E. Garfinkel, for Yisroel Brodt, owner.

SUBJECT – Application March 20, 2012 – Special Permit (§73-622) for the enlargement of existing 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). R2 zoning district.

PREMISES AFFECTED – 1140 East 28th Street, west side of East 28th Street, 313' south of Avenue K, Block 7627, Lot 62, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lewis E. Garfinkel.

ACTION OF THE BOARD – Laid over to August 14, 2012, at 1:30 P.M., for continued hearing.

70-12-BZ

APPLICANT – Francis R. Angelino, Esq., for C.S. Edward Kang, owner; Aqua Studio NY LLC, lessee.

SUBJECT – Application March 23, 2012 – Special Permit (§73-36) for the operation of a physical culture establishment (*Aqua Studio NY LLC*). C6-2A zoning districts.

PREMISES AFFECTED – 78 Franklin Street, between Broadway and Church Street, Block 175, Lot 4, Borough of Manhattan.

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Francis R. Angelino, P. Oubuckowski, and Esther Gauthier.

For Opposition: N. Mario Rivelli and William Bott.

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 14, 2012, at 1:30 P.M., for decision, hearing closed.

76-12-BZ

APPLICANT – Sheldon Lobel, P.C., for Alexander and Inessa Ostrovsky, owner.

SUBJECT – Application April 2, 2012 – Special Permit (§73-622) for the enlargement of an existing single-family home, contrary to floor area, open space and lot coverage (§23-141) and less than the minimum side yards (§23-461). R3-1 zoning district.

PREMISES AFFECTED – 148 Norfolk Street, west side of Norfolk Street, between Oriental Boulevard and Shore Boulevard, Block 8756, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #15K

APPEARANCES –

For Applicant: Richard Lobel.

ACTION OF THE BOARD – Laid over to September 11, 2012 at 1:30 P.M., for continued hearing.

105-12-BZ

APPLICANT – Zaskorski & Notaro Architects, for Alan Mucatel, owner.

SUBJECT – Application April 17, 2012 – Variance (§72-21) to permit the installation of a new elevator within an existing school (*Katharine Dodge Brownell Preschool*), contrary to front yard (§24-33) and lot coverage (§24-11) regulations. R5 zoning district.

PREMISES AFFECTED – 450 Castle Hill Avenue, southeast corner of Castle Hill and Lacombe Avenues, Block 3511, Lot 30, Borough of Bronx.

COMMUNITY BOARD #9BX

APPEARANCES –

For Applicant: Carlo Zaskorski and Alan Mucatel.

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 21, 2012, at 1:30 P.M., for decision, hearing closed.

107-12-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Third Avenue Tower LLC, owner; Blink 600 Third Avenue Inc, lessee.

SUBJECT – Application April 17, 2012 – Special Permit (§73-36) to allow a physical culture establishment (*Blink Fitness*). C5-3, C2.5 and R8B (MiD) zoning district.

PREMISES AFFECTED – 600/18 Third Avenue, aka 159/65 E. 39th Street, aka 150/2 East 40th Street, west side of 3rd Avenue between E. 39th Street and E. 40th Street, Block 895, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: Todd Dale.

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 21, 2012, at 1:30 P.M., for decision, hearing closed.

116-12-BZ

APPLICANT – Francis R. Angelino, Esq., for Spring Swinehart et al., owner; Exceed Fitness, LLC, lessee.

SUBJECT – Application April 24, 2012 – Special Permit (§73-36) to allow a physical culture establishment (*Exceed Fitness*). C1-9 zoning district.

PREMISES AFFECTED – 1477 Third Avenue, between E.

MINUTES

83rd and E. 84th Streets, Block 1529, Lot A, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Francis R. Angelino.

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 21, 2012, at 1:30 P.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: P.M.

***CORRECTION**

This resolution adopted on April 3, 2012, under Calendar No. 148-10-BZ and printed in Volume 97, Bulletin No. 15, is hereby corrected to read as follows:

148-10-BZ

APPLICANT – Eric Palatnik, P.C., for Giselle E. Salamon, owner.

SUBJECT – Application June 23, 2011 – Amendment to an approved special permit (§73-622) for the enlargement of an existing single family home, contrary to open space and floor area (§23-141) and less than the required rear yard (§23-47) and side yard (§23-461). The amendment seeks to correct open space and floor area calculations and adds a waiver to the perimeter wall height. R3-2 zoning district. PREMISES AFFECTED – 1559 East 29th Street, between Avenue P and Kings Highway, Block 7690, Lot 20, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Todd Dale.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an amendment to modify the previously approved plans for an enlargement of an existing single family home; and

WHEREAS, a public hearing was held on this application on February 7, 2012, after due notice by publication in *The City Record*, with a continued hearing on March 20, 2012, and then to decision on April 3, 2012; and

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

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the east side of East 29th Street, between Avenue P and Kings Highway, within an R3-2 zoning district; and

WHEREAS, on November 23, 2010, under the subject calendar number, the Board granted a special permit, pursuant to ZR § 73-622, to permit the enlargement of an existing single-family home, which resulted in non-compliances as to floor area ratio (“FAR”), open space ratio, rear yard, and side yards; and

WHEREAS, the applicant now seeks an amendment to correct the calculations related to FAR, open space, lot coverage, and side yard, and to include an additional waiver for the perimeter wall height; and

WHEREAS, specifically, the applicant seeks to correct

MINUTES

the calculations it provided for the prior approval, to reflect: (1) a reduction in the floor area from 2,414 sq. ft. (0.86 FAR) to 2,308 sq. ft. (0.83 FAR); an increase in the open space from 1,490 sq. ft. (53 percent) to 1,540 sq. ft. (55 percent); (3) a decrease in the lot coverage from 1,310 sq. ft. (47 percent) to 1,236 sq. ft. (45 percent); and (4) an increase in the width of the side yard along the northern lot line from 3'-0" to 3'-6"; and

WHEREAS, the applicant notes that all of the requested corrections reduce the degree of non-compliance approved in the original grant; and

WHEREAS, the applicant also requests an amendment to reflect the correct perimeter wall height of 22'-5" (a maximum perimeter wall height of 21'-0" is permitted); and

WHEREAS, the Board notes that the special permit under ZR § 73-622 allows a perimeter wall height to exceed the permitted height in an R3-2 zoning district, provided that the perimeter wall height is equal to or less than the perimeter wall height of an adjacent single- or two-family detached or semi-detached residence with an existing non-complying perimeter wall facing the street; and

WHEREAS, in support of the requested waiver for perimeter wall height, the applicant provided a streetscape establishing that the adjacent home to the north, 1555 East 29th Street, has a perimeter wall height of 22'-5"; and

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

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

WHEREAS, the applicant represents that no other changes are proposed; and

WHEREAS, accordingly, the Board finds that the requested change is within the scope of the original grant and does not affect the required special permit findings; and

WHEREAS, based upon its review of the record, the Board finds that the proposed amendment is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated November 23, 2010, so that as amended this portion of the resolution shall read: "to permit the noted modifications to the BSA-approved plans; *on condition* that all work and site conditions shall comply with drawings marked "Received February 21, 2012"—(11) sheets; and on further condition:

THAT the following shall be the bulk parameters of the building: a maximum floor area of approximately 2,308 sq. ft. (0.83 FAR); a minimum open space of 55 percent; a maximum lot coverage of 45 percent; a maximum perimeter wall height of 22'-5"; a side yard with a minimum width of 3'-6" along the northern lot line; a side yard with a minimum width of 7'-6" along the southern lot line; and a rear yard with a minimum depth of 20'-0", as illustrated on the BSA-approved plans

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

THAT the Department of Buildings must ensure

compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB Application No. 320155880)

Adopted by the Board of Standards and Appeals, April 3, 2012.

***The resolution has been amended to reflect the changes in the First condition. Corrected in Bulletin No. 31, Vol. 97, dated August 1, 2012.**