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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

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DOCKET

New Case Filed Up to March 20, 2012

51-12-A

46 Tioga Walk, East of Beach 216 Street, 45' north of 6th Avenue, Block 16350, Lot(s) 400, Borough of **Queens, Community Board: 14**. The proposed re-construction of the existing building is located on a site where the building lies partially in the bed of a mapped Beach 216 Street as per Art.3 Sect.#35 of the GCL and contrary to the Department of Building policy. The proposed upgrade of the private disposal system is not located in the bed of a mapped street. R4 district.

52-12-A

35 Janet Lane, north of Janet Lane, east of Beach 203 Street., Block 16350, Lot(s) 400, Borough of **Queens, Community Board: 14**. The proposed re-construction of the existing building is located on a site where the building lies in the bed of a mapped street as per Art 3 Sect. 35 of the GCL, is not fronting a mapped street as per Art 3 Sect. 36 GCL and contrary to the Department of Buildings policy. The proposed upgrade of the private disposal system is located in the bed of a mapped street. R4 district.

53-12-BZ

1232 East 27th Street, west side of East 27th Street, between Avenue L and Avenue M., Block 7644, Lot(s) 59, Borough of **Brooklyn, Community Board: 14**. This application is filed pursuant to Z.R.§73-622, as amended to request a special permit to allow the enlargement of a single family residence located in a residential (R2) zoning district. R2 district.

54-12-BZ

65-39 102nd Street, north side of 102nd Street,northeast corner of 66th Avenue, Block 2130, Lot(s) 14, Borough of **Queens, Community Board: 6**. Construction of a new four story community facility (Use Group4) and residential building (Use Group 2) with three dwellings units in an R5 zoning district. R5 district.

55-12-BZ

762 Wythe Avenue, corner of Penn Street, Wythe Avenue and Rutledge Street, Block 2216, Lot(s) 19, Borough of **Brooklyn, Community Board: 1**. Application to legalize the existing use group 3 religious based not for profit school which is contrary to ZR§42-00 and therefore requires a special permit from the NYC BSA. M1-2 district.

56-12-BZ

168 Norfolk Street, located between Shore Boulevard and Oriental Boulevard, Block 8756, Lot(s) 25, Borough of **Brooklyn, Community Board: 15**. The premises is improved with an existing residential structure (single family home) which is a two story dwelling without a cellar, the requested approval seeks permission to enlarge the existing single family residential structure in accordance with the provisions of Z.R.§73-622. R3-1 district.

57-12-BZ

2670 East 12th Street, between Shore Parkway and Gilmore Court., Block 7455, Lot(s) 85, Borough of **Brooklyn, Community Board: 15**. This application is filed pursuant to Z.R.§73-622, as amended to request a Special Permit to enlarge a one-story dwelling in a residential zonig district (R4) and to vary the lot coverage, floor area, open space, rear yard and side yard requirements of the zoning resolution. R4 district.

58-12-BZ

3960 Bedford Avenue, west side of Bedford Avenue between Avenue R and Avenue S., Block 6830, Lot(s) 30, Borough of **Brooklyn, Community Board: 15**. Special Permt (ZR 73-622) for 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. R3-2 district.

59-12-BZ

240-27 Depew Avenue, north side of Depew Avenue, 106.23' east of 40th Avenue., Block 8103, Lot(s) 25, Borough of **Queens, Community Board: 11**. Variance (72-210 Proposed reconstruction of an existing landmarked building with non-complying front yard (ZR 23-45) in the bed of a mapped street. R1-2 zoning district. R1-2 district.

60-12-A

240-27 Depew Avenue, north side of Depew Avenue, 106.23' east of 40th Avenue., Block 8103, Lot(s) 25, Borough of **Queens, Community Board: 11**. Proposed reconstruction and enlargement of an existing landmarked single family dwelling in the bed of 40th Avenue contrary to General City Law Section 35 . R1-2 Zoning District . R1-2 district.

DOCKET

61-12-BZ

216 Lafayette Street, between Spring Street and Broome Street, with approximately 25' of frontage along Lafayette Street., Block 482, Lot(s) 28, Borough of **Manhattan, Community Board: 02**. This application is filed pursuant ZR§72-21, as amended, to request a variance of Section 42-14(D)(2)(b) in order to permit a UG6 restaurant in a portion of the cellar and first floor of the existing two-story and cellar building located at the premises. M1-5B district.

65-12-BZ

1140 East 28th Street, west side of East 28th Street distant 313 south of Avenue K., Block 7627, Lot(s) 62, Borough of **Brooklyn, Community Board: 14**. Existing one family dwelling to be enlarged at rear all floors, the second floor will be enlarged at front, add new attic. R2 district.

66-12-BZ

223-237 St. Nicholas Avenue, aka 305 W. 121st Street and 300 W.122nd Street. West side of St. Nicholas Avenue, between W. 121st Street and W. 122nd Street., Block 1948, Lot(s) 30, 35, Borough of **Manhattan, Community Board: 10**. Variance 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 foot store, a privately operated preschool and 164 non-subsidized, middle income apartments. R7A,R8A/C2-4 district.

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

CALENDAR

APRIL 3, 2012, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, April 3, 2012, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

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 – Pursuant to (ZR 11-411) an Extension of Term for the continued operation of an Automotive Repair Shop with no body work which expired on January 31, 2011; Waiver of the Rules. R-5 zoning district.

PREMISES AFFECTED – 1135 East 222nd Street, northwest corner of Eastchester Road, Block 4900, Lot 12, Borough of Bronx.

COMMUNITY BOARD #12BX

808-55-BZ

APPLICANT – Sheldon Lobel, P.C., for 35 Bell Realty Inc., owner; Cumberland Farms, Inc., lessee.

SUBJECT – Application February 14, 2012 – Pursuant to ZR 11-411 for an Extension of Term for the continued operation of a gasoline service station (*Gulf*) with accessory convenience store which expired on March 27, 2012; Waiver of the Rules. C2-2/R4 zoning district.

PREMISES AFFECTED – 35-04 Bell Boulevard, southwest corner of the intersection formed by Bell Boulevard and 35th Avenue, Block 6169, Lot 6, Borough of Queens.

COMMUNITY BOARD #11Q

64-96-BZ

APPLICANT – Vassalotti Associates Architects, LLP, for Michael Koloniaris and Nichol Koloniaris, owners.

SUBJECT – Application January 10, 2012 – Extension of Term for the continued operation of a UG16B automotive repair shop (*Meniko Autoworks, Ltd.*) which expired on December 11, 2011. C1-2/R3A zoning district.

PREMISES AFFECTED – 148-20 Cross Island Parkway, East south of 14th Avenue, Block 4645, Lot 3, Borough of Queens.

COMMUNITY BOARD #7Q

256-02-BZ

APPLICANT – Goldman Harris LLC, for 160 Imlay Street Real Estate, owner.

SUBJECT – Application February 10, 2012 – Extension of Time to Complete Construction of a previously granted Variance (72-21) for the development of a vacant six story manufacturing building, and the addition of three floors, for residential UG2 which expired on March 18, 2012. M2-1 zoning district.

PREMISES AFFECTED – 160 Imlay Street, bounded by Imlay, Verona and Commerce Streets and Atlantic Basin.

COMMUNITY BOARD #6BK

APPEALS CALENDAR

173-11-A

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Southside Manhattan View LLC, 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 R4 zoning. R4-1 Zoning district.

PREMISES AFFECTED – 68-10 58th Avenue, south side of 58th Avenue, 80' east of intersection of 58th Avenue and Brown Place, Block 2777, Lot 11, Borough of Queens.

COMMUNITY BOARD #5Q

25-12-A

APPLICANT – Slater & Beckerman, LLP for F.B Capital Inc., owners

SUBJECT – Application February 2, 2012 – Appeal challenging a Department of Buildings determination that an illegal non complying residential portion of a building in the required rear yard may be reconstructed pursuant to ZR §54-41. R8B Zoning District.

PREMISES AFFECTED – 110 East 70th Street, south side of East 70th Street, between Park Avenue and Lexington Avenue, block 1404, Lot 67, Borough of Manhattan.

COMMUNITY BOARD #8M

27-12-A

APPLICANT – Greenberg Traurig, LLP, for F.B. Capital, LLC, owner.

SUBJECT – Application February 6, 2012 – Appeal challenging a Department of Buildings determination that the reconstruction of a building that did not solely contain a one family residence and had more than 75% of the floor area demolished is contrary to ZR Section 54-41. R8B (LH-1A) Zoning District.

PREMISES AFFECTED – 110 East 70th Street, north side of East 70th Street, 125' east of Park Avenue and 260' west of Lexington Avenue, Block 1404, Lot 67, Borough of Manhattan.

CALENDAR

COMMUNITY BOARD #8M

APRIL 3, 2012, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, April 3, 2012, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

93-11-BZ

APPLICANT – Moshe M. Friedman, P.E., for Yeshiva Ore Mordechai, owners.

SUBJECT – Application June 23, 2011 – Special Permit (ZR §73-19) to allow, in a M1-1 zoning district, the conversion of the third and fourth floors in an existing four-story factory and warehouse building to a Use Group 3 school (*Yeshiva Ore Mordechai*).

PREMISES AFFECTED – 1536 62nd Street, aka 1535 63rd Street, Block 5530, Lot 19, Borough of Brooklyn.

COMMUNITY BOARD #4BK

107-11-BZ

APPLICANT – Sheldon Lobel, P.C., for Congregation Yeshiva Bais Yitzchok, owners.

SUBJECT – Application August 3, 2011 – Variance (§72-21) to permit the enlargement of a synagogue (*Congregation Yeshiva Bais Yitzchok*) contrary to the bulk requirements for community facility buildings. R4-1 district.

PREMISES AFFECTED – 1643 East 21st Street, east side of 21st Street between Avenue O and P, Block 6768, Lot 84, Borough of Brooklyn.

COMMUNITY BOARD #14BK

22-12-BZ

APPLICANT – Francis R. Angelino, Esq., for Lerad Company, owner.

SUBJECT – Application February 1, 2012 – Special Permit (73-36) to allow in a C1-9 zoning district the proposed enlargement of an existing Physical Culture Establishment (*SoulCycle*). The existing PCE has a prior BSA special permit approval (BSA Calendar No. 20-10-BZ).

PREMISES AFFECTED – 1470 Third Avenue, northwest corner of East 83rd Street and Third Avenue, Block 1512, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #8M

Jeff Mulligan, Executive Director

MINUTES

REGULAR MEETING TUESDAY MORNING, MARCH 20, 2012 10:00 A.M.

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

SPECIAL ORDER CALENDAR

11-93-BZ

APPLICANT – Sheldon Lobel, P.C., for Jovkiss Management, LLC, owner; East Manor Restaurant, lessee.
SUBJECT – Application November 1, 2011 – Extension of Time to obtain a Certificate of Occupancy for a UG6 Eating and Drinking Establishment (*Eastern Pavilion Chinese Restaurant*) which expired on October 5, 2011. C2-2/R3-2 zoning district.

PREMISES AFFECTED – 46-45 Kissena Boulevard, northeast corner of the intersection formed by Kissena Boulevard and Laburnum Avenue, Block 5208, Lot 32, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Nora Martins.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez4

Negative:.....0

Absent: Commissioner Ottley-Brown.....1

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an extension of time to obtain a certificate of occupancy for the operation of a restaurant (Use Group 6) in a C2-2 (R3-2) zoning district, which expired on October 5, 2011; and

WHEREAS, a public hearing was held on this application on December 13, 2011, after due notice by publication in the City Record, with continued hearings on January 24, 2012 and February 28, 2012, and then to decision on March 20, 2012; 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, the site is located on the northeast corner of Kissena Boulevard and Laburnum Avenue, within a C2-2 (R3-2) zoning district; and

WHEREAS, the subject site has a total lot area of 40,830 sq. ft.; and

WHEREAS, the site is occupied by a one-story building operated as a restaurant (Use Group 6); and

WHEREAS, the Board has exercised jurisdiction over the subject site since May 6, 1958 when, under BSA Cal. No. 788-57-BZ, the Board granted a variance to permit the

construction of a one-story storage garage and motor vehicle repair shop, with two gasoline dispensing pumps, for a term of 20 years; and

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

WHEREAS, on March 15, 1994, under the subject calendar number, the Board granted a special permit under ZR § 11-413 to permit the change of use from motor vehicle storage and repair to an eating and drinking establishment with accessory parking, for a term of ten years, which expired on March 15, 2004; and

WHEREAS, most recently, on October 5, 2010, the Board granted a ten-year extension of term from the expiration of the prior grant, to expire on March 15, 2014, and an amendment pursuant to ZR § 11-412 to permit certain modifications to the building that fit within the ZR § 12-10 definition of “incidental alterations,” including the modification of internal partitions on the ground floor, the addition of an open overhang at the rear of the building, and the replacement of the building façade; a condition of the grant was that a certificate of occupancy be obtained by October 5, 2011; and

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

WHEREAS, the Board notes that, while certain modifications to the building were permitted in the October 5, 2010 grant, the Board determined that it did not have the authority to grant the other building modifications the applicant proposed to legalize, including the construction of a two-story enlargement at the rear of the building, the construction of a glass enclosure used for storage on the northern side of the building, and the construction of bulkheads providing roof access, because the Board had previously permitted a new non-conforming use on the site pursuant to ZR § 11-413 in the March 15, 1994 grant, and ZR § 11-412 states that “no structural alterations, extensions or enlargements shall be authorized for a new-non-conforming use authorized under the provisions of Section 11-413 (Change of use);” and

WHEREAS, accordingly, the Board directed the applicant to remove the enlargement located at the rear of the building, the glass enclosure, and the bulkhead, as these areas contributed to floor area and were therefore impermissible enlargements under ZR § 11-412; and

WHEREAS, the applicant states that subsequent to the Board’s grant, the two-story enlargement at the rear of the building and the rooftop bulkheads have been removed, but that a permit had not been obtained to remove the glass enclosure; and

WHEREAS, at hearing, the Board directed the applicant to remove the glass enclosure on the northern side of the building and to remove the storage trailer and refrigerator unit that have been added to the rear of the site since the Board’s prior grant; and

WHEREAS, in response, the applicant submitted photographs reflecting the removal of the glass enclosure, the storage trailer and the refrigerator unit; and

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

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Therefore it is Resolved, that the Board of Standards and Appeals reopens and amends the resolution, as adopted on March 15, 1994, to grant a one-year extension of time to obtain a certificate of occupancy, to expire on March 20, 2013; 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 use of the site shall be limited to a restaurant (Use Group 6) with accessory parking;

THAT all signage shall comply with C2 zoning district regulations;

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

THAT a new certificate of occupancy shall be obtained by March 20, 2013;

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

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

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.

(DOB Application No. 400475776)

Adopted by the Board of Standards and Appeals, March 20, 2012.

11-01-BZ

APPLICANT – Vassalotti Associates Architects, LLP, for P.J. Christy, Inc., owner.

SUBJECT – Application August 8, 2011 – Extension of Term for a gasoline service station (BP British Petroleum) which expired on August 7, 2011 and Extension of Time to obtain a Certificate of Occupancy which expired on July 26, 2006. C1-2/R5 zoning district.

PREMISES AFFECTED – 586/606 Conduit Boulevard, Pitkin Avenue and Autumn Avenue on the west, Block 4219, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES –

For Applicant: Todd Dale.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez4

Negative:.....0

Absent: Commissioner Ottley-Brown.....1

THE RESOLUTION –

WHEREAS, this is an application for a reopening, an extension of term for a gasoline service station (Use Group 16) with an accessory convenience store, and an extension of time to obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on January 24, 2012, after due notice by publication in *The City Record*, with a continued hearing on February 28, 2012, and then to decision on March 20, 2012; and

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

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

WHEREAS, the subject site is a triangular-shaped lot comprising the entirety of Block 4219, bounded by Conduit Boulevard to the north, Pitkin Avenue to the south, and Autumn Avenue to the west, within a C1-2 (R5) zoning district; and

WHEREAS, the site has 177 feet of frontage along Conduit Boulevard, 159 feet of frontage along Pitkin Avenue, 96.5 feet of frontage along Autumn Avenue, and a total lot area of 9,144 sq. ft.; and

WHEREAS, the Board has exercised jurisdiction over the subject site since May 23, 1961 when, under BSA Cal. No. 535-60-BZ, the Board granted a variance to permit the construction of a gasoline service station, lubricatorium, minor auto repairs, car washing, utility room, office, sales, ground sign, and parking and storage of motor vehicles, for a term of 15 years; and

WHEREAS, subsequently, the grant was amended and the term extended at various times, until its expiration on May 23, 1991; and

WHEREAS, on August 7, 2001, under the subject calendar number, the Board granted an application under ZR § 11-411 to re-establish the expired variance for a gasoline service station with accessory uses, and to convert the existing automotive repair facility and offices into an accessory convenience store, for a term of ten years; a condition of the grant was that a new certificate of occupancy be obtained by August 7, 2002; and

WHEREAS, on July 26, 2005, the Board granted a one-year extension of time to complete construction and obtain a certificate of occupancy; and

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

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

WHEREAS, the applicant notes that subsequent to the Board's most recent grant, it obtained a temporary certificate of occupancy, which expired on November 10, 2011; and

WHEREAS, at hearing, the Board directed the applicant to confirm that the signage on the site complies with the underlying C1 district signage regulations; and

WHEREAS, in response, the applicant submitted a signage analysis reflecting that the site complies with C1 district signage regulations; and

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

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Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated August 7, 2001, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from August 7, 2011, to expire on August 7, 2021, and to grant a one-year extension of time to obtain a certificate of occupancy, to expire on March 20, 2013; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked ‘Received January 5, 2012’-(1) sheet and ‘March 20, 2012’-(1) sheet; and *on further condition*:

THAT the term of this grant will expire on August 7, 2021;

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

THAT the above conditions will be reflected on the certificate of occupancy;

THAT a new certificate of occupancy will be obtained by March 20, 2013;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB Application No. 301092715)

Adopted by the Board of Standards and Appeals, March 20, 2012.

327-04-BZ

APPLICANT – Sheldon Lobel, P.C., for Beth Gavriel Bukharian Congregation, owner.

SUBJECT – Application June 5, 2009 – Amendment to a Variance (§72-21) to increase the size of an existing Synagogue and School (*Beth Gavriel*) and alter the facade. R1-2 zoning district.

PREMISES AFFECTED – 66-35 108th Street, east side of 108th Street, east side of 108th Street, between 66th Road and 67th Avenue, Block 2175, Lot 1, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES –

For Applicant: Nora Martins.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez4

Negative:.....0

Absent: Commissioner Ottley-Brown.....1

THE RESOLUTION –

WHEREAS, this is an application for an amendment to a previously approved variance for the enlargement of a building occupied by a synagogue and religious school, within an R1-2

zoning district; and

WHEREAS, a public hearing was held on this application on January 31, 2012, after due notice by publication in *The City Record*, with a continued hearing on February 28, 2012, and then to decision on March 20, 2012; 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 6, Queens, states that it has no objection to this application; and

WHEREAS, the subject site is located on the east side of 108th Street, between 66th Road and 67th Avenue, within an R1-2 zoning district; and

WHEREAS, this application is submitted on behalf of Beth Gavriel Bukharian Congregation (the “Synagogue”); and

WHEREAS, the Board has exercised jurisdiction over the subject site since June 7, 2005 when, under the subject calendar number, the Board granted a variance to permit the enlargement of an existing building occupied by both a synagogue and a religious school, which did not comply with the underlying zoning regulations for floor area, front yard, height, and setback, contrary to ZR §§ 24-11, 24-34, 24-521, and 24-551; and

WHEREAS, on September 15, 2009, the Board granted an extension of time to complete construction and obtain a certificate of occupancy, to expire on September 15, 2012; and

WHEREAS, the applicant states that the enlargement approved in the 2005 grant consisted of (1) the addition of a first and second floor above the existing basement on the south side of the building, to provide additional classrooms for the school, and (2) the addition of a cellar, basement, first, and second floor enlargement to the north side of the building, to provide a gymnasium at the cellar level, to relocate the synagogue to the basement and first floor level, and to provide a study hall and library at the second floor; and

WHEREAS, the applicant further states that the building, as previously approved, had the following parameters: a floor area of 27,820 sq. ft. (1.39 FAR) (the maximum permitted floor area is 10,000 sq. ft. (0.50 FAR)); three front yards with depths of 27’-0” along the southern lot line, 15’-0” along the western lot line, and 10’-0” along the northern lot line (three front yards with minimum depths of 15’-0” each are required); a side yard with a width of 8’-0” along the eastern lot line (a side yard with a minimum width of 8’-0” is required); a height of 33’-2”, and encroachment into the sky exposure plane; and

WHEREAS, the applicant now requests an amendment to permit the extension of the enlargement at the cellar level, the creation of a sub-cellar, changes to the interior layout of the proposed enlargement at the cellar, basement, first, and second floor levels, and the modification of the proposed building façade; and

WHEREAS, specifically, the applicant proposes to: (1) split the approved double-height gymnasium on the north side of the building into two levels (a sub-cellar and cellar), with the sub-cellar containing a recreation area/indoor playground and storage room, and the cellar containing a general purpose room/school cafeteria and accessory kitchen; (2) extend the

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cellar level along the west side of the existing building and underneath the existing basement on the south side of the existing building, with the new proposed cellar space occupied by a mikvah, an accessory synagogue kitchen, and bathrooms; (3) replace the auditorium/lunchroom on the basement level with an accessory synagogue dining room; (4) alter the layout of the women's balcony on the first floor to provide a better view of the main synagogue below; (5) add a conference room, remove the resource room, and rearrange the storage rooms, offices, and bathrooms at the first floor to provide six classrooms and one computer room rather than the approved five classrooms; (6) replace the approved library and study hall at the second floor with three study rooms with movable walls; and (7) change the façade on the proposed enlarged building; and

WHEREAS, the applicant represents that the proposed amendment is necessary to meet the programmatic needs of the Synagogue, as the mikvah is an important programmatic need of an Orthodox synagogue, and the closest existing mikvah in the surrounding area is located in Flushing, Queens; and

WHEREAS, the applicant states that the division of the double-height cellar gymnasium into a sub-cellar level recreation area and a cellar level general purpose room/school cafeteria satisfies both the school's programmatic need for recreation and cafeteria space, and the Synagogue's programmatic need for a separate dining room by enabling the basement space previously approved for a lunchroom/auditorium to be used for an accessory synagogue dining room; and

WHEREAS, the applicant further states that the programmatic needs of the school are essentially the same as those specified in the Board's 2005 grant, and that the proposed amendment provides a more efficient layout, allowing for the addition of a computer room and a classroom; and

WHEREAS, the applicant states that the additional floor space proposed by this amendment (approximately 12,300 sq. ft.) does not contribute to floor area because it is located below grade on the sub-cellar and cellar levels, and that the proposed enlarged building, as amended, actually provides a slightly smaller floor area of 27,393 sq. ft. (1.37 FAR) than the previously approved building, and maintains the same height and yard dimensions; accordingly, no new waivers are required by the proposed amendment; and

WHEREAS, the applicant further states that the proposed amendment does not trigger any additional parking requirements beyond the six previously-approved spaces; and

WHEREAS, the applicant states that the anticipated pedestrian and vehicular traffic will not significantly differ from the conditions anticipated pursuant to the 2005 grant, as the majority of families in the congregation live within walking distance of the synagogue and are obligated to walk to services for reasons of religious observance on the Sabbath and holidays; and

WHEREAS, the applicant further states that attendance at the daily services and evening lectures is very limited, with only 20-25 attendees at daily morning services and ten to 15 attendees at the evening lectures

WHEREAS, the applicant further states that

approximately 95 percent of the students arrive and depart the school by school bus, and students are only dropped off or picked up by car on rare occasions when they are arriving late or need to leave early; and

WHEREAS, the applicant notes that the mikvah has a separate entrance from 67th Avenue, and it is only anticipated to be used by approximately ten women daily because religious observance dictates that women can only use the mikvah beginning 30 minutes past sundown for a duration of one hour; and

WHEREAS, at hearing, the Board directed the applicant to provide additional landscaping on the site; and

WHEREAS, in response, the applicant submitted revised plans reflecting that landscaping will be provided along the 66th Road frontage and partially along the side lot line; and

WHEREAS, based upon the above, the Board finds that the requested amendments to the variance are appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, as adopted on June 7, 2005, so that as amended this portion of the resolution shall read: "to permit the noted modifications to the approved plans; *on condition* that the use shall substantially conform to drawings as filed with this application, marked 'Received December 9, 2011'– (12) sheets and 'February 14, 2012'–(1) sheet; and *on further condition*:

THAT landscaping will be provided and maintained as indicated on the BSA-approved plans;

THAT substantial construction will be completed by March 20, 2016, in accordance with ZR § 72-23;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted." (DOB Application No. 401994828)

Adopted by the Board of Standards and Appeals, March 20, 2012.

442-42-BZ

APPLICANT – Eric Palatnik, P.C., for Cropsey-20th Avenue Corp, owner.

SUBJECT – Application November 17, 2011 – Amendment (§11-412) to enlarge an existing gasoline service station (*Shell*) and legalize the conversion of repair bays to an accessory convenience store. R-5 zoning district.

PREMISES AFFECTED – 2001/2011 Cropsey Avenue, northeast corner of 20th Avenue and Cropsey Avenue, Block 6442, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES –

For Applicant: Eric Palatnik.

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ACTION OF THE BOARD – Laid over to April 24, 2012, at 10 A.M., for continued hearing.

764-56-BZ

APPLICANT – Alfonso Duarte, P.E., for Anthony Panvini, owner.

SUBJECT – Application December 2, 2011 – Extension of Term (§11-411) of a variance permitting the operation of an automotive service station (UG 16B) with accessory uses and the sale of used cars (UG 16B), which expires on October 22, 2012. C1-2/R3-2 zoning district.

PREMISES AFFECTED – 200-05 Horace Harding Expressway, north side between Hollis Ct., Boulevard and 201st Street, Block 741, Lot 325,000.00, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Alfonso Duarte.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Hinkson and Commissioner Montanez.....4

Negative:.....0

Absent: Commissioner Ottley-Brown.....1

ACTION OF THE BOARD – Laid over to April 24, 2012, at 10 A.M., for decision, hearing closed.

820-67-BZ

APPLICANT – Willy C. Yuin, R.A., for Rick Corio, Pres. Absolute Car, owner.

SUBJECT – Application October 28, 2011 – Extension of Term of an approved Variance (§72-21) for the operation of a automotive repair shop (UG16) which expired on November 8, 2011. R-3A zoning district.

PREMISES AFFECTED – 41Barker Street, east side of 414.19’ south Woodruff Lane, Block 197, Lot 34, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to May 1, 2012, at 10 A.M., for adjourned hearing.

348-75-BZ

APPLICANT – Eric Palatnik, P.C., for Moises A. Villa Delgado, owner.

SUBJECT – Application October 31, 2011 – Extension of the term of an approved variance that expired on March 9, 1996 to allow for a UG 16 animal hospital, contrary to use regulations. Waiver of the Rules. R3-2 zoning district

PREMISES AFFECTED – 1050 Forest Avenue, between Manor Road and Raymond Place, Block 315, Lot 39, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Hinkson and Commissioner Montanez.....4

Negative:.....0

Absent: Commissioner Ottley-Brown.....1

ACTION OF THE BOARD – Laid over to April 3, 2012, at 10 A.M., for decision, hearing closed.

1259-79-BZ

APPLICANT – Sheldon Lobel, P.C., for 29 West 26th Street, LLC c/o Madison Realty Capital, L.P., owner.

SUBJECT – Application December 15, 2011 – Extension of Time to Complete Construction of a Variance (§72-21) to convert the fourth and sixth floors of an existing building from manufacturing lofts to residential use which expired on April 27, 2011; Extension of Time to obtain a Certificate of Occupancy which expired on October 27, 2011; waiver of the Rules. M1-6 zoning district.

PREMISES AFFECTED – 29 West 26th Street, north side of West 26th Street, 350’ east of 6th Avenue, Block 828, Lot 16, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Nora Martins.

ACTION OF THE BOARD – Laid over to April 24, 2012, at 10 A.M., for continued hearing.

286-00-BZ

APPLICANT – Law Offices of Mitchell S. Ross, for Whitewall Properties II, LLC, owner; New York Health and Racquet Club, lessee.

SUBJECT – Application January 27, 2012 – Extension of Term of a Special Permit (§73-36) for a physical culture establishment (*New York Health and Racquet Club*) located on the first and second floors of a 20-story mixed-use building, which expired on March 27, 2011; Waiver of the Rules. C6-3A/C6-4M zoning district.

PREMISES AFFECTED – 60 West 23rd Street, northeast corner of Sixth Avenue and West 23rd Street, Block 824, Lot 11, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Mitchell S. Ross.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Hinkson and Commissioner Montanez.....4

Negative:.....0

Absent: Commissioner Ottley-Brown.....1

ACTION OF THE BOARD – Laid over to April 3, 2012, at 10 A.M., for decision, hearing closed.

135-01-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Go Go Leasing Corp., owner.

SUBJECT – Application November 29, 2011 – Extension of Term (§11-411) of an approved variance which permitted a

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high speed auto laundry (UG 16B) which expired on October 30, 2011; Extension of Time to obtain a Certificate of Occupancy which expired on October 30, 2002; Waiver of the Rules. C1-2(R5) zoning district.

PREMISES AFFECTED – 1815/17 86th Street, 78'-8.3" northwest 86th Street and New Utrecht Avenue, Block 6344, Lot 69, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES –

For Applicant: Todd Dale.

ACTION OF THE BOARD – Laid over to May 1, 2012, at 10 A.M., for adjourned hearing.

203-07-BZ

APPLICANT – Sheldon Lobel, P.C., for Gastar Inc., owner.
SUBJECT – Application December 30, 2011 – Amendment to a previous variance (§72-21) which allowed for the construction of a mixed use building, contrary to floor area and open space regulations. The amendment requests changes to the interior layout which would decrease medical office space, increase the number of dwelling units from 28 to 36, and increase parking from 58 to 61 spaces. R6/C2-2 zoning district.

PREMISES AFFECTED – 137-35 Elder Avenue, northwest corner of Main Street and Elder Avenue. Block 5140, Lot 40. Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Nora Martins.

ACTION OF THE BOARD – Laid over to April 24, 2012, at 10 A.M., for continued hearing.

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: Eric Palatnik.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Hinkson and Commissioner Montanez.....4

Negative:.....0

Absent: Commissioner Ottley-Brown.....1

ACTION OF THE BOARD – Laid over to April 3, 2012, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

659-76-A

APPLICANT –Walter T. Gorman, P.E., for Daniel and Lauren Mirkin, owners.

SUBJECT – Application November 15, 2011 – Amendment to an approved Appeal to the Building Code to continue a UG 4 second floor occupancy in a wood frame structure which expired on November 9, 2011. C1-3 /R5B zoning district.

PREMISES AFFECTED – 253 Beach 116th Street, west side, 240' south of Newport Avenue, Block 16212, Lot 19, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: John Ronan.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez4

Negative:.....0

Absent: Commissioner Ottley-Brown.....1

THE RESOLUTION –

WHEREAS, this is an application for an amendment of a previously granted appeal which legalized the occupancy of a non-profit institution within the second-floor of a wood frame building, to permit the elimination the term and removal of the limitation that the second floor be occupied by a non-profit use; and

WHEREAS, a public hearing was held on this application on February 28, 2012 after due notice by publication in *The City Record*, and then to decision on March 20, 2012; and

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

WHEREAS, the site is located on the west side of Beach 116th Street, between Newport Avenue and Rockaway Beach Boulevard, within a C1-3 (R5B) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since November 9, 1976 when, under BSA Cal. No. 659-76-A, the Board granted an appeal of a decision by the Department of Buildings (“DOB”), to legalize the second story occupancy of the existing wood frame building by a non-profit institution, for a term of five years; and

WHEREAS, subsequently, the grant was extended and amended by the Board on various occasions; and

WHEREAS, most recently, on January 8, 2002, the Board extended the term for a period of ten years from the expiration of the prior grant, to expire on November 9, 2011; and

WHEREAS, the applicant now requests an amendment to permit the elimination of the term, and the removal of the limitation that the second floor be occupied by a non-profit institution; and

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WHEREAS, the applicant states that the owner of the subject building is an optometrist who maintains his professional office (Use Group 6) at the first floor, and receives a modest supplement to his income when he is able to lease the space on the second floor; and

WHEREAS, the applicant further states that the primary use of the building, as professional offices (Use Group 6) is permitted as-of-right in the subject zoning district, and that use of the second floor will be limited to Use Group 4 uses because there would be a maximum FAR of 1.0 if a Use Group 6 tenant occupied the second floor (the FAR for the subject building is 1.35); and

WHEREAS, the applicant represents that the elimination of the term is warranted because it will mitigate the financial burden on the owner of returning to the Board periodically to continue his longstanding practice at this site; and

WHEREAS, the applicant notes that significant fire safety measures have been installed in the building, including smoke detectors, a fire alarm and signal system, and an automatic sprinkler system; and

WHEREAS, at hearing, the Board raised concerns that the current certificate of occupancy does not reflect that there is a fire alarm installed at the site; and

WHEREAS, in response, the applicant states that the new certificate of occupancy will clarify all of the fire safety measures that have been implemented on the site; and

WHEREAS, by letter dated February 7, 2012, the Fire Department states that it has no objections to this application; and

WHEREAS, the applicant submitted photographs and a signage analysis reflecting that the awning at the site has been removed and replaced with complying signage; and

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

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, as adopted on November 9, 1976, so that as amended this portion of the resolution shall read: “to permit the elimination of the term of the grant and the removal of the requirement that the second floor be occupied by a non-profit institution; *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 November 15, 2012”-(2) sheets; and *on further condition*:

THAT all fire safety measures will be reflected on the certificate of occupancy;

THAT a new certificate of occupancy will be obtained by March 20, 2013;

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

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

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

plan(s)/configuration(s) not related to the relief granted.” (DOB App. No. 401242277)

Adopted by the Board of Standards and Appeals, March 20, 2012.

243-09-BZY

APPLICANT – Mirza M. Rahman, for South Jamaica Property, LLC, owner.

SUBJECT – Application December 2, 2011 – Extension of Time (§11-332) to complete construction of a minor development and obtain a Certificate of Occupancy commenced under the prior R6 Zoning district. R4-1 Zoning district.

PREMISES AFFECTED – 87-12 175th Street, corner of 175th Street and Warwick, Block 9830, Lot 32, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez4

Negative:.....0

Absent: Commissioner Ottley-Brown.....1

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 February 28, 2012, after due notice by publication in *The City Record*, and then to decision on March 20, 2012; 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, the subject site is located on the southwest corner of 175th Street and Warwick Crescent, in an R4-1 zoning district; and

WHEREAS, the subject site has 39 feet of frontage along 175th Street, a depth of 110 feet, and a total lot area of 5,427 sq. ft.; and

WHEREAS, the site is proposed to be developed with a seven-story mixed-use residential/community facility building (the “Building”); and

WHEREAS, the Building is proposed to have a total floor area of 20,394 sq. ft. (3.75 FAR); and

WHEREAS, the development complies with the former R6 zoning district parameters; and

WHEREAS, however, on September 10, 2007 (hereinafter, the “Enactment Date”), the City Council voted to adopt The Jamaica Plan Rezoning, which rezoned the site from R6 to R4-1; and

WHEREAS, on April 25, 2007, New Building Permit No. 402527262-01-NB (hereinafter, the “New Building

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Permit”) was issued by the Department of Buildings (“DOB”) permitting construction of the 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, on December 8, 2009, the Board granted a two-year extension of time to complete construction and obtain a certificate of occupancy for the proposed development, pursuant to ZR § 11-332; 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) 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 Board finds that, as discussed in the initial vesting determination on December 8, 2009, the Permit was lawfully issued to the owner of the subject premises prior to the Enactment Date; 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 December 8, 2011 has been considered; and

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

WHEREAS, the Board notes that on December 8, 2009, when it granted the first extension of time to complete construction pursuant to ZR § 11-332, the applicant had established that the following work had been completed on the site: 30 percent of the superstructure; 20 percent of the steel work and stairs; 15 percent of the masonry; and three percent of the plumbing work; and

WHEREAS, the applicant represents that, since the time of the initial grant, it has completed: 100 percent of the superstructure; 100 percent of the steel work and stairs; 100 percent of the masonry; 100 percent of the metal joists, deck, and concrete slab; 75 percent of the framing and sheetrock; 74 percent of the doors and windows; 66 percent of the plumbing work; 61 percent of the mechanical ventilation; 44 percent of the electrical work; and 14 percent of the air conditioning units; and

WHEREAS, in support of this statement, the applicant has submitted the following: a construction schedule detailing the work completed since the issuance of the New Building Permit and since the initial extension of time under ZR § 11-332; a breakdown of the construction costs by line item and percent complete; copies of cancelled checks; invoices; and photographs of the building’s interior and exterior; 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 permit; and

WHEREAS, as to costs, the Board notes that on December 8, 2009, when it granted the first extension of

MINUTES

time to complete construction pursuant to ZR § 11-332, the applicant had established that the total expenditure paid for the development was \$352,315, or 15 percent, of the \$2,336,238 cost to complete; and

WHEREAS, the applicant represents that it has spent an additional \$1,047,306 since the initial grant, and that the cost to complete the project has risen to \$2,360,104; and

WHEREAS, thus, the applicant represents that the total expenditure paid for the development is now \$1,399,621, or 59 percent of the \$2,360,104 cost to complete; and

WHEREAS, as noted, the applicant has submitted copies of cancelled checks and invoices; 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 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 New Building Permit, 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; and

Therefore it is Resolved that this application made pursuant to ZR § 11-332 to renew Building Permit No. 402527262-01-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 March 20, 2014.

Adopted by the Board of Standards and Appeals, March 20, 2012.

233-10-A

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Alco Builders Incorporated, owners.

SUBJECT – Application December 23, 2010 – Appeal seeking a common law vested right to continue development commenced under the prior R6 Zoning District. R4-1 zoning district.

PREMISES AFFECTED – 90-22 176th Street, between Jamaica and 90th Avenues, Block 9811, Lot 61(tent), Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Todd Dale.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Hinkson and Commissioner Montanez.....4

Negative:.....0

Absent: Commissioner Ottley-Brown.....1

ACTION OF THE BOARD – Laid over to April 3, 2012, at 10 A.M., for decision, hearing closed.

99-11-A

APPLICANT – Eric Palatnik, P.C., for Naila Aatif, owner.

SUBJECT – Application July 8, 2011 – Legalization of changes to a two-family residence which does not front upon a legally mapped street, contrary to General City Law Section 36. R6 Zoning District

PREMISES AFFECTED – 16 Brighton 7th Walk, between Brighton 7th Street and Brighton 8th Street. Block 8667, Lot 774, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to May 15, 2012, at 10 A.M., for continued hearing.

119-11-A

APPLICANT – Bryan Cave LLP, for Kimball Group, LLC, owner.

SUBJECT – Application August 17, 2011 – Appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced under prior zoning regulations in effect on July 14, 2005. R4 zoning district.

PREMISES AFFECTED – 2230-2234 Kimball Street, between Avenue U and Avenue V, Block 8556, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to April 3, 2012, at 10 A.M., for adjourned hearing.

161-11-A

APPLICANT – Quinn McCabe, LLP, for Britton Property, Inc., owner.

SUBJECT – Application October 14, 2011 – Appeal seeking to vacate a Stop Work Order and rescind revocation of building permits issued for failure to obtain authorization from the adjacent property owner. R7B Zoning District.

PREMISES AFFECTED – 82-20 Britton Avenue, east side of Britton Avenue between Broadway and Layton Street, Block 1517, Lot 3, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES –

For Applicant: Christopher P. McCabe.

For Opposition: Amelia Arcamone-Makinano.

For Administration: Lisa Orrantia of Department of Buildings.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Hinkson and Commissioner Montanez.....4

Negative:.....0

Absent: Commissioner Ottley-Brown.....1

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ACTION OF THE BOARD – Laid over to May 1, 2012, at 10 A.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: P.M.

REGULAR MEETING
TUESDAY AFTERNOON, MARCH 20, 2012
1:30 P.M.

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

ZONING CALENDAR

108-11-BZ thru 111-11-BZ

CEQR #12-BSA-008R

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

SUBJECT – Application August 8, 2011 – Variance (§72-21) to permit the construction of four semi-detached one-family dwellings that do not provide ground floor commercial use, contrary to §32-433. C1-1/R3-1 zoning district.

PREMISES AFFECTED – 10, 12, 14 & 16 Hett Avenue, East side of Hett Avenue, 99.52 feet south of the intersection of Hett Avenue and New Dorp Lane. Block 4065, Lots 27, 25, 24 & 21, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez4

Negative:.....0

Absent: Commissioner Ottley-Brown.....1

THE RESOLUTION –

WHEREAS, the decisions of the Staten Island Borough Commissioner, dated July 8, 2011 and July 14, 2011, acting on Department of Buildings Application Nos. 520047075, 520047084, 520047066, and 520047057, read in pertinent part:

All uses on the ground floor located in a C1-1 within R3-1 district is limited to non-residential uses as per section 32-433 of the NYC Zoning Resolution; and

WHEREAS, this is an application under ZR § 72-21, to permit, in a C1-1 (R3-1) zoning district, the construction of four semi-detached two-story single-family homes (Use Group 2) which do not conform to the district use requirement that the ground floors be limited to non-residential uses, contrary to ZR § 32-433; and

WHEREAS, a public hearing was held on this application on January 31, 2012 after due notice by publication in *The City Record*, with a continued hearing on February 28, 2012, and then to decision on March 20, 2012; and

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

WHEREAS, Community Board 2, Staten Island,

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recommends approval of this application; and

WHEREAS, the subject site is located on the east side of Hett Avenue, between New Dorp Lane and Beacon Place, within a C1-1 (R3-1) zoning district; and

WHEREAS, the site consists of four tax lots, each with 25 feet of frontage on Hett Avenue, a depth of 100 feet, and a lot area of 2,500 sq. ft.; and

WHEREAS, the site is currently vacant; and

WHEREAS, the applicant proposes to construct four semi-detached, two-story, single-family homes, each with a floor area of 1,500 sq. ft. (0.60 FAR) and two off-street parking spaces; and

WHEREAS, because residential use is not permitted on the ground floor in the subject C1-1 (R3-1) zoning district, the applicant seeks a use variance to permit the proposed ground floor residential use; and

WHEREAS, the applicant states that the following are unique physical conditions which create unnecessary hardship and practical difficulties in developing the site in full compliance with zoning regulations: (1) the absence of a storm sewer connection; (2) the high water table; and (3) the location on a narrow, one-way street that terminates 100 feet from the site; and

WHEREAS, as to the lack of a storm sewer connection, the applicant states that commercial development would require a storm sewer extension which would not be necessary for residential development; and

WHEREAS, the applicant submitted a letter from an engineering consultant stating that the Department of Environmental Protection ("DEP") would require the extension of the existing 15-inch storm sewer located at the corner of Hett Avenue and New Dorp Lane for a mixed-use development on the site because the storm sewer is within 200 feet from the subject property and the development would have commercial occupancies; and

WHEREAS, the letter from the engineering consultant further states that the extension of the storm sewer would require the installation of approximately 180 linear feet of private sewer in the city street to front the property, which would add approximately \$180,000 to development costs; and

WHEREAS, as to the high water table, the applicant submitted boring tests that reflect a ground water table at a depth of only seven to eight feet; and

WHEREAS, the applicant states that the high water table makes it more difficult to construct and maintain dry cellars; and

WHEREAS, the applicant further states that the potential absence of cellars adversely affects the commercial development due to the lack of storage space that could be provided, and because raising the ground floor to allow for construction of a cellar or basement for a non-residential use would necessitate the installation of ADA accessible ramps, significantly increasing the cost of construction, and would increase the height of the overall building, limiting the residential occupancy on the upper floors; and

WHEREAS, the applicant notes that raising the ground floor to allow for construction of a cellar would actually be beneficial for residential development, as it accommodates a

driveway and garage without a steep change in grade, and allows for windows at the cellar level; and

WHEREAS, as to the site's location, the applicant states that Hett Avenue is a 50-ft. wide, one-way street which terminates 100 feet north of the subject site at New Dorp Lane; and

WHEREAS, the applicant represents that the low volume of traffic and residential character on the mid-block inhibits the commercial use of the site; and

WHEREAS, the applicant further states that Hylan Boulevard, a major commercial arterial, is located only a few blocks to the west of the site, which contributes to the lack of demand for commercial use at this mid-block, residential location; and

WHEREAS, the applicant notes that the City Council approved modifications to the Lower Density Growth Management regulations in January 2011, to allow first floor residential enlargements to existing residential buildings and first floor residential use located on the "side street" frontage of corner lots that include commercial frontage on a primary commercial street (such residential use being permitted a minimum of 30 feet from the corner); and

WHEREAS, the applicant represents that these modifications reflect an acknowledgement of the difficulty of providing first floor commercial uses on properties located on side streets that are distant from primary commercial streets, and creates an unusual situation in which a completely residential section could be constructed immediately adjacent to the north of the site on the lot which fronts on both New Dorp Lane and Hett Avenue, provided it was located more than 30 feet from the intersection; and

WHEREAS, the applicant notes that the subject site is located in a small C1-1 commercial overlay that extends 200 feet from New Dorp Lane over the course of two-and-one-half blocks, and there are only four commercial uses within the commercial overlay (all fronting on New Dorp Lane), while all of the interior lots within the commercial overlay are occupied solely by residential uses; and

WHEREAS, the applicant represents that the majority of commercial overlays in the vicinity of the site have a depth of only 100 feet, and if the subject C1-1 commercial overlay had a depth of 100 feet instead of 200 feet, the proposed ground floor residential use would be permitted as-of-right; and

WHEREAS, the applicant states that the only other commercial overlays in the surrounding area with a depth of 200 feet are predominantly mapped over tax lots that exceed 100 feet in depth, and appear to have been purposely mapped to reflect the existing commercial lots and development, while the subject commercial overlay does not contain a lot with a depth greater than 103 feet, and therefore the extension of the commercial overlay 200 feet from New Dorp Lane was unnecessary; and

WHEREAS, the applicant submitted a letter from a real estate broker describing the failed efforts to market the property for mixed-use development for several months, despite the fact that there were complete plans ready for filing with the Department of Buildings for four mixed-use buildings with ground floor commercial use; and

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WHEREAS, the Board finds that the aforementioned unique physical conditions, when considered in the aggregate, create unnecessary hardship and practical difficulty in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, the applicant submitted a feasibility study which analyzed: (1) an as-of-right mixed-use development consisting of four attached three-story mixed-use buildings with ground floor commercial use and residential use above; (2) an alternative as-of-right mixed-use development consisting of four attached, three-story mixed-use buildings with ground floor medical use space and residential use above; and (3) the proposed development consisting of four semi-detached two-story single-family homes; and

WHEREAS, the study concluded that neither of the as-of-right scenarios would result in a reasonable return, but that the proposed building would realize a reasonable return; and

WHEREAS, based upon the above, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict compliance with zoning will provide a reasonable return; and

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

WHEREAS, the applicant represents that the surrounding area is characterized predominantly by one- to three-story residential buildings; and

WHEREAS, the applicant submitted a 400-ft. radius diagram which reflects that the surrounding area contains exclusively residential uses with the exception of four sites which contain commercial uses within mixed-use buildings fronting on New Dorp Lane, which is the primary east/west thoroughfare in the neighborhood; and

WHEREAS, the applicant states that the proposed buildings comply with all bulk requirements within the C1-1 (R3-1) zoning district, and that the only non-conformance relates to the residential use of the first floor; and

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

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

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

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

WHEREAS, the project is classified as an unlisted action pursuant to pursuant to 6 NYCRR, Part 617; 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 (EAS) CEQR No. 12BSA008R, dated August 8, 2011; and

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a site within a C1-1 (R3-1) zoning district, the proposed construction of four semi-detached two-story single-family homes (Use Group 2) which do not conform to the district use requirement that the ground floors be limited to non-residential uses, contrary to ZR § 32-433; *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 December 22, 2011"- ten (10) sheets; and *on further condition*:

THAT the following are the bulk parameters for each of the four proposed semi-detached buildings: a total floor area of 1,500 sq. ft. (0.60 FAR); a wall height of 26'-0"; a total height of 35'-0"; and two off-street parking spaces, as indicated on the BSA-approved plans;

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

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

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

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

Adopted by the Board of Standards and Appeals, March 20, 2012.

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158-11-BZ

CEQR #12-BSA-030K

APPLICANT – Rothkrug Rothkrug & Spector LLP, for C and A Capital, LLC, owner; Blink Nostrand, Inc., lessee.

SUBJECT – Application October 11, 2011 – Special Permit (§73-36) to allow a physical culture establishment (*Blink*). C4-4A zoning district.

PREMISES AFFECTED – 2166 Nostrand Avenue, east side of Nostrand Avenue, 180.76' south of intersection of Nostrand Avenue and Flatbush Avenue, Block 7557, Lot 124, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez4

Negative:.....0

Absent: Commissioner Ottley-Brown.....1

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated September 26, 2011, acting on Department of Buildings Application No. 320243544, reads in pertinent part:

Proposed physical culture establishment in a C4-4A zoning district is contrary to Section 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 C4-4A zoning district, the operation of a physical culture establishment (PCE) at a portion of the first floor and the entire second and third floor of a three-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on December 13, 2011, after due notice by publication in *The City Record*, with a continued hearing on February 28, 2012, and then to decision on March 20, 2012; and

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

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

WHEREAS, the subject site is an irregular-shaped through lot bounded by Hillel Place to the north, Nostrand Avenue to the east, and Campus Road to the south, within a C4-4A zoning district; and

WHEREAS, the site has 31.2 feet of frontage on Hillel Place, 120 feet of frontage on Nostrand Avenue, 55.1 feet of frontage on Campus Road, and a total lot area of 12,234 sq. ft.; and

WHEREAS, the subject site is currently vacant; and

WHEREAS, the applicant proposes to construct a three-story commercial building on the site, with the proposed PCE occupying 15,981 sq. ft. of floor area on a portion of the

first floor and the entire second and third floors; 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 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. 12BSA030K, dated October 10, 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

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each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site located in a C4-4A zoning district, the operation of a physical culture establishment at a portion of the first floor and the entire second and third floors of a three-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received October 10, 2011” - (4) sheets and “Received November 29, 2011” - (1) sheet, and *on further condition*:

THAT the term of this grant will expire on March 20, 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 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 the proposed building will be reviewed by DOB for compliance with all bulk regulations of the Zoning Resolution;

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

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, March 20, 2012.

177-11-BZ

CEQR #12-BSA-041X

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for St Anns ABH Owner LLC, owners.

SUBJECT – Application November 16, 2011 – Special Permit (§73-36) to permit a physical culture establishment (*Blink Fitness*) within portions of an existing building. C2-3(R7X) zoning district.

PREMISES AFFECTED – 601 East 156th Street, aka 800 St. Ann’s Avenue, north east corner of East 156th Street and St. Ann’s Avenue, Block 2618, Lot 7501, Borough of Bronx.

COMMUNITY BOARD #IBX

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez4

Negative:.....0

Absent: Commissioner Ottley-Brown.....1

THE RESOLUTION –

WHEREAS, the decision of the Bronx Borough Commissioner, dated November 14, 2011, acting on Department of Buildings Application No. 220147801, reads in pertinent part:

Proposed physical culture establishment in a C2-3 (R7X) zoning district is contrary to ZR 32-10, and requires a special permit from the Board of Standards and Appeals pursuant to ZR 73-36; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located in a C2-3 (R7X) zoning district, the operation of a physical culture establishment (PCE) at a portion of the cellar and first floor of an 11-story mixed-use commercial/residential building, contrary to ZR § 32-10; 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 6, 2012, and then to decision on March 20, 2012; and

WHEREAS, Community Board 1, Bronx, waived the hearing for this application; and

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

WHEREAS, the subject site consists of several tax lots combined into a single zoning lot bounded by East 159th Street to the north, Eagle Avenue to the east, East 156th Street to the south, and St. Ann’s Avenue to the west; and

WHEREAS, the applicant states that the subject site was rezoned in 2008 from M1-1 to C2-3 (R7X) to permit development of St. Ann’s Terrace, a multi-building, mixed-use, New York Housing Partnership development, which includes 641 mixed-income rental units, 50,000 sq. ft. of commercial space, and underground parking for up to 459 spaces; and

WHEREAS, the applicant further states that the proposed PCE will be located within a portion of the building known as 601 East 156th Street, an 11-story mixed-use commercial/ residential building; and

WHEREAS, the proposed PCE will occupy 13,645 sq. ft. of floor area at the first floor, with an additional 2,722 sq. ft. of floor space located in the cellar; 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, at hearing, the Board directed the applicant to clarify the sound attenuation measures proposed for the PCE and to confirm that the use will not adversely

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affect the residential apartments located above the PCE space; and

WHEREAS, in response, the applicant submitted revised plans reflecting that the noise abatement measures that will be provided at the cellar and first floor to ensure that the maximum interior noise level of 45 dBA in the residential portions of the building is not exceeded will include, but will not be limited to: (1) background music in general workout areas will be from low volume speakers mounted to mitigate sound vibration; (2) thick rubber floor tiles will be located in all workout areas to absorb any impact noise from the equipment being dropped; and (3) all mechanical equipment will be located in insulated rooms; 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. 12BSA041X, dated November 14, 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 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 C2-3 (R7X) zoning district, the operation of a physical culture establishment at a portion of the cellar and first floor of an 11-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 March 2, 2012" - (4) sheets, and *on further condition*:

THAT the term of this grant will expire on March 20, 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 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 sound attenuation measures will be provided as indicated on the BSA-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

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, March 20, 2012.

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31-10-BZ

APPLICANT – Eric Palatnik, P.C., for 85-15 Queens Realty, LLC, owner.

SUBJECT – Application March 16, 2010 – Variance (§72-21) to allow for a commercial building, contrary to use (§22-00), lot coverage (§23-141), front yard (§23-45), side yard (§23-464), rear yard (§33-283), height (§23-631) and location of uses within a building (§32-431) regulations. C1-2/R6, C2-3/R6, C1-2/R7A, R5 zoning districts.

PREMISES AFFECTED – 85-15 Queens Boulevard, aka 51-35 Reeder Street, north side of Queens Boulevard, between Broadway and Reeder Street, Block 1549, Lot 28, 41, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to April 3, 2012, at 1:30 P.M., for deferred decision.

102-11-BZ

APPLICANT – H. Irving Sigman, for S & I Property Management, LLC, owner.

SUBJECT – Application July 20, 2011 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*New York Spa*). M1-1 (CP) zoning district.

PREMISES AFFECTED – 131-23 31st Avenue, northwest corner of the intersection of 31st Avenue & Whitestone Expressway (West Service Road). Block 4361, Lot 27. Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Richard Lobel, Barney Sigman and James Heineman.

ACTION OF THE BOARD – Laid over to April 24, 2012, at 1:30 P.M., for continued hearing.

142-11-BZ

APPLICANT – Goldman Harris LLC, for The Phillippe at W75st NY, LLC, owner.

SUBJECT – Application September 9, 2011 – Variance (§72-21) to allow a new residential building, contrary to height and setback (§23-692), rear setback (§23-633), and lot coverage (§23-145) regulations. C4-6A zoning district.

PREMISES AFFECTED – 207 West 75th Street, north side of West 75th Street, between Broadway and Amsterdam Avenue, Block 1167, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #7M

For Applicant: Caroline Harris.

For Opposition: Mark Diller of CB 7 and Steven Basshov.

ACTION OF THE BOARD – Laid over to May 8, 2012, at 1:30 P.M., for continued hearing.

176-11-BZ

APPLICANT – Eric Palatnik, P.C., for Alla Lubimor, owner.

SUBJECT – Application November 14, 2011 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to lot coverage and floor area (§23-141(b)); side yards (§23-461(a)) and less than the required rear yard (§23-47). R3-1 zoning district.

PREMISES AFFECTED – 150 Norfolk Street, between Oriental and Shore Boulevard, Block 8756, Lot 19, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to April 24, 2012, at 1:30 P.M., for continued hearing.

182-11-BZ

APPLICANT – Sheldon Lobel, P.C., for 775 Broadway Acquisition LLC c/o The Jackson Group LLC, owner; 777 Broadway Fitness Group, lessee.

SUBJECT – Application December 5, 2011 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Planet Fitness*). C4-3 zoning district.

PREMISES AFFECTED – 777 Broadway, located on the east corner of the intersection formed by Broadway and Summer Place. Block 3131, Lot 6. Borough of Brooklyn.

COMMUNITY BOARD #4BK

APPEARANCES –

For Applicant: Richard Lobel and Josh Rinesmith.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Hinkson and Commissioner Montanez.....4

Negative:.....0

Absent: Commissioner Ottley-Brown.....1

ACTION OF THE BOARD – Laid over to April 3, 2012, at 1:30 P.M., for decision, hearing closed.

197-11-BZ

APPLICANT – Sheldon Lobel, P.C., for 329 Wyckoff Realty, LLC, owner; Wyckoff Fitness Group, LLC, lessee.

SUBJECT – Application December 30, 2011 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*Planet Fitness*) on a portion of the first and second floors of an existing two-story building. C4-3 zoning districts.

PREMISES AFFECTED – 329 Wyckoff Avenue, northeast corner of the intersection formed by Wyckoff and Myrtle Avenues and Palmetto Street, Block 3444, Lot 33, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES –

For Applicant: Richard Lobel and Josh Rinesmith.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Hinkson and Commissioner Montanez.....4

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Negative:.....0
Absent: Commissioner Ottley-Brown.....1

ACTION OF THE BOARD – Laid over to April 3, 2012, at 1:30 P.M., for decision, hearing closed.

3-12-BZ

APPLICANT – Sheldon Lobel, P.C., for Mr. Michael Weissman, owner.

SUBJECT – Application January 4, 2012 – Special Permit (§73-622) for the enlargement an existing single family home, contrary to floor area (§23-141(b)) and side yard (§23-461(b)) requirements. R4 zoning district.

PREMISES AFFECTED – 1913 East 28th Street, east side of East 28th Street, 100' south of Avenue S. Block 7307, Lot 88. Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

ACTION OF THE BOARD – Laid over to April 24, 2012, at 1:30 P.M., for continued hearing.

Jeff Mulligan, Executive Director

Adjourned: P.M.

*CORRECTION

This resolution adopted on February 14, 2012, under Calendar No. 248-75-BZ and printed in Volume 97, Bulletin No. 8, is hereby corrected to read as follows:

248-75-BZ

APPLICANT – Alfonso Duarte, P.E., for 444 East 86th Street Owners Corp., owner; Quick Park, lessee.

SUBJECT – Application August 8, 2011 – Extension of Term permitting the use of a maximum of 50 transient parking spaces within an accessory garage granted by the Board pursuant to §60 (3) of the Multiple Dwelling Law, which expired on October 14, 2010; Waiver of the Rules. R8B, R10 and C1-5 zoning districts.

PREMISES AFFECTED – 1621 York Avenue, aka 436 East 86th Street, west side of York Avenue, Block 1565, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Alfonso Duarte.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Montanez.....4

Negative:.....0

Absent: Commissioner Hinkson.....1

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 a previously granted variance for a transient parking garage, which expired on October 14, 2010; and

WHEREAS, a public hearing was held on this application on December 13, 2011, after due notice by publication in *The City Record*, with a continued hearing on January 24, 2012, and then to decision on February 14, 2012; and

WHEREAS, Community Board 8, Manhattan, recommends approval of this application; 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, the subject premises is an irregular-shaped lot with approximately 143 feet of frontage on the south side of East 86th Street and 50 feet of frontage on the west side of York Avenue, partially within an R10 zoning district, partially within an R10A zoning district, and partially within a C1-5 (R10A) zoning district; and

WHEREAS, the site is occupied by a 37-story residential building; and

WHEREAS, the cellar and a portion of the first floor are occupied by a 126-space accessory parking garage; and

WHEREAS, on October 14, 1975, under the subject calendar number, the Board granted a variance pursuant to

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Section 60(3) of the Multiple Dwelling Law to permit a maximum of 50 surplus parking spaces on the first floor 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 September 12, 2000, the Board granted a ten-year extension of term, which expired on October 14, 2010; and

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

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

WHEREAS, at hearing, the Board directed the applicant to clarify the signage and hours of operation of the site; and

WHEREAS, in response, the applicant submitted a revised plan and signage analysis reflecting that the signage complies with C1 district signage regulations except that the illuminated sign projects six inches beyond the maximum permitted projection across the street line; and

WHEREAS, the applicant states that the illuminated sign is the only sign that is visible to motorists travelling in either direction along York Avenue, since the garage entrance is otherwise hidden from motorists' view; and

WHEREAS, the applicant states that the hours of operation for the garage are as follows: Monday through Wednesday, from 6:00 a.m. to 12:00 a.m.; Thursday and Friday, from 6:00 a.m. to 2:00 a.m.; and Saturday and Sunday, from 7:00 a.m. to 2:00 a.m.; 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 *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution having been adopted on October 14, 1975, 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 October 14, 2010, to expire on October 14, 2020; *on condition* that all use and operations shall substantially conform to plans filed with this application marked Received 'August 8, 2011'-(2) sheets and Received 'January 10, 2012'-(1) sheet; and *on further condition*:

THAT this term will expire on October 14, 2020;

THAT all residential leases must 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 must be located in a conspicuous place within the garage, permanently affixed to the wall;

THAT all signage will be in accordance with the BSA-approved plans;

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

THAT the layout of the parking lot will 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. 102824650)

Adopted by the Board of Standards and Appeals, February 14, 2012.

***The resolution has been revised to add Approved Plans dated 'Received January 10, 2012'. Corrected in Bulletin Nos. 12-13, Vol. 97, dated March 29, 2012.**

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*CORRECTION

This resolution adopted on March 6, 2012, under Calendar No. 548-79-BZ and printed in Volume 97, Bulletin No. 11, is hereby corrected to read as follows:

548-79-BZ

APPLICANT – Bryan Cave LLP, for 249 West 29 Owners Corp.

SUBJECT – Application December 2, 2011 – Amendment of a previously approved variance (§72-21) which permitted residential use (UG2) on floors 3 through 15. Application seeks to legalize residential use on the 2nd floor, contrary to use regulations §42-481. M1-6D zoning district.

PREMISES AFFECTED – 247-251 West 29th Street, north side of West 29th Street, 170' east of 8th Avenue, Block 779, Lot 10, 12, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Margery Perlmutter.

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 reopening and an amendment to a previously granted variance which permitted the conversion of all floors above the second floor of a 15-story commercial and manufacturing building to residential use, contrary to ZR § 42-00; and

WHEREAS, a public hearing was held on this application on February 14, 2012, after due notice by publication in *The City Record*, and then to decision on March 6, 2012; and

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

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

WHEREAS, the subject site is located on the north side of West 29th Street between Seventh Avenue and Eighth Avenue, within an M1-6D zoning district; and

WHEREAS, the applicant notes that the site was formerly located within an M1-5 zoning district, but on September 21, 2011, the City Council rezoned the site to M1-6D; and

WHEREAS, the site has 75 feet of frontage on West 29th Street, a depth of 100 feet, and a lot area of 7,500 sq. ft.; and

WHEREAS, the site is occupied by a 50-ft. wide 15-story building at 249 West 29th Street (the “249 Building”) and an adjoining 25-ft. wide, two-story building at 247 West 29th Street (the “247 Building”) (together, the “Building”); and

WHEREAS, the Board has exercised jurisdiction over the subject site since January 15, 1980 when, under the subject

calendar number, the Board granted a variance pursuant to ZR § 72-21, which permitted the conversion of all floors above the second floor of the commercial and manufacturing building to residential use, contrary to ZR § 42-00; and

WHEREAS, subsequently, the grant was amended on several occasions to permit changes in the number of dwelling units on certain floors, changes to the interior layout of the Building, and the addition of a greenhouse on the exterior balcony of the tenth floor; and

WHEREAS, the applicant now seeks to amend the grant to permit the further conversion of the three commercial units on the second floor to residential use; and

WHEREAS, the applicant states that the original variance requested conversion of the second floor of the Building, which at the time was occupied by an active conforming use, to residential as well, however the Board excluded the second floor from the variance approval; and

WHEREAS, the applicant states that in the years since the variance was granted, the owners of the three units on the second floor have had difficulty finding long-term replacement tenants, and all of the commercial spaces on the second floor are now occupied as live-work spaces; and

WHEREAS, the applicant represents that converting the second floor to residential use is necessary to provide a reasonable return because the owners are unlikely to find commercial tenants for the second floor units for the following reasons: (1) the floor plates and size of the units at the second floor are too small to be attractive to many manufacturing or commercial uses; (2) the layout of the second floor imposes hardships on the suitability and marketability of that floor for conforming uses; and (3) there is only one lobby and elevator for both the residential and commercial tenants, which creates access, egress, and security issues; and

WHEREAS, as to the physical structure of the Building, the applicant states that the Building has small floor plates with units containing less than 2,100 sq. ft. each, and are too small to accommodate the types of commercial and manufacturing uses that operate in the surrounding area; and

WHEREAS, the Board notes that the unique building conditions, which support the findings for the original variance for the third through 15th floors, namely that those floors were not viable for a conforming use due to the building’s inadequate floor plates, there was a lack of interest in such spaces for commercial use, and the decline of the manufacturing sector in the area that led to extensive vacancies, also apply to the second floor; and

WHEREAS, as to the layout of the second floor, the applicant notes that the second floor of the 249 Building is 50 feet wide and approximately 88 feet deep (4,400 sq. ft.), and is occupied by two of the second floor units, while the second floor of the 247 Building is 25 feet wide and approximately 88 feet deep (2,210 sq. ft.), and is occupied by one of the second floor units; and

WHEREAS, the applicant states that for structural reasons there is a four-ft. wide penetration through the party wall that connects the 249 Building and the 247 Building, which separates the first and second floors of the Building into two parts; and

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WHEREAS, the applicant further states that the opening in the party wall to allow access between the 247 Building and the 249 Building is limited by structural considerations, so it is not possible to treat the two portions as a single contiguous 6,610 sq. ft. space, which would be more marketable for conforming uses; and

WHEREAS, the applicant states that the elevator and stair cores, which occupy approximately 1,120 sq. ft., are located in the 249 Building and are the only means of access to the unit in the 247 Building; and

WHEREAS, the applicant represents that installing separate stairs and an elevator in the 247 Building solely to access one unit would be cost prohibitive and would significantly reduce the size of the retail space on the first floor, further reducing the Building's revenue; and

WHEREAS, as to the access issues, the applicant states that there is only one passenger elevator, while the freight elevator is manually operated and there is no full-time elevator operator on staff because it is cost prohibitive; and

WHEREAS, the applicant states that because visitors and employees of the commercial tenants at the second floor cannot use the manual freight elevator and there is no full-time elevator operator, commercial and residential tenants must share a common lobby and elevator, which results in an inappropriate mixing of public and private occupancies that poses a significant security risk to residential tenants; and

WHEREAS, the applicant represents that modification of the existing service corridor to provide separate, 36-inch wide clear access into the building by commercial tenants and their guests would require redirecting service risers and flues, repurposing a portion of the existing disused elevator shaft into a lobby area in order to be ADA-accessible, and converting the existing freight elevator from manual to automatic which would cost in excess of \$415,000; and

WHEREAS, as noted above, the subject site was rezoned from an M1-5 zoning district to an M1-6D zoning district on September 21, 2011; and

WHEREAS, the applicant states that in M1-6D zoning districts, ZR § 42-481 permits residential use in existing buildings where the building to be converted contains less than 40,000 sq. ft. of floor area; and

WHEREAS, however, the applicant notes that the Building contains approximately 62,500 sq. ft. of floor area and therefore is not eligible for as-of-right residential conversion pursuant to ZR § 42-481; and

WHEREAS, the applicant represents that the recent rezoning of the site to M1-6D reflects that residential uses are consistent with the surrounding neighborhood, which is characterized by a mix of manufacturing, commercial and residential uses; 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 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 January 15, 1980, so that as amended this portion of the resolution shall

read: "to permit the noted modification to the plans to reflect the conversion of the second floor to residential use, contrary to ZR § 42-481; *on condition* that all work shall substantially conform to drawings filed with this application and marked 'Received December 2, 2011'-(3) 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. 120883491)

Adopted by the Board of Standards and Appeals, March 6, 2012.

***The resolution has been revised to correct Approved Plans which read: 'Received December 2, 2011'-(4) sheets now reads: 'Received December 2, 2011'-(3) sheets. Corrected in Bulletin Nos. 12-13, Vol. 97, dated March 29, 2012.**