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# BULLETIN

OF THE  
NEW YORK CITY BOARD OF STANDARDS  
AND APPEALS

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Volume 97, Nos. 4-5

February 2, 2012

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## DIRECTORY

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188-78-BZ	8102 New Utrecht Avenue, Brooklyn
11-93-BZ	46-45 Kissena Boulevard, Queens
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**Affecting Calendar Numbers:**

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142-11-BZ	207 West 75 <sup>th</sup> Street, Manhattan
158-11-BZ	2166 Nostrand Avenue, Brooklyn
159-11-BZ	212-01 26 <sup>th</sup> Avenue, Queens

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# DOCKET

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New Case Filed Up to January 24, 2012

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## 4-12-BZ

432-440 Park Avenue, northwest corner of Park Avenue and East 56th Street., Block 1292, Lot(s) 33,43,45,46, Borough of **Manhattan, Community Board: 05**. Special Permit (§73-36) to permit the operation of a physical culture establishment. C5-3/C5-2.5 (MID) zoning district. C5-3/C5-2.5(MiD district).

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## 5-12-BZ

812 Dahill Road, northwest corner of Dahill Road and 19th Avenue, Block 5445, Lot(s) 39, Borough of **Brooklyn, Community Board: 12**. Variance (§72-21) to permit an addition of a third floor to an existing residential building (two family) in an R5 district (Borough Park-optional provisions for certain R5 and R6 districts in Brooklyn) is contrary to ZR 23-146 © Front Yards, ZR 23-146 (d) Side Yards. R5-Boro Park district.

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## 6-12-BZ

39-06 52nd Street, Block 128, Lot(s) 39, 40, Borough of **Queens, Community Board: 02**. Variance (§72-21) to permit 3 family construction and attic to existing 3 family building. R-4 district.

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## 7-12-BZ

419 West 55th Street, between 9th and 10th Avenues., Block 1065, Lot(s) 21, Borough of **Manhattan, Community Board: 04**. This application is filed pursuant to Z.R.§73-36, as amended to request a special permit to allow the proposed physical culture establishment ("PCE") a spinning center in a C6-2/R8 zoning district. C6-2/R8 district.

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## 8-12-BZ

705 Gravesend Neck Road, north side of Gravesend Neck Road between 7th Street and East 8th Street., Block 7159, Lot(s) 39, Borough of **Brooklyn, Community Board: 15**. This application is filed pursuant to ZR§73-622, as amended, to request a special permit to allow the enlargement of a single family residence located in a residential (R4) zoning district in the Special Ocean Parkway District. R4(OP) district.

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## 9-12-BZ

186 Girard Street, corner of Oriental Boulevard and Girard Street, Block 8749, Lot(s) 278, Borough of **Brooklyn, Community Board: 15**. Special Permit (§73-622) to permit the enlargement of an existing single family home and to vary ZR23-141 with respect to floor area ratio. R3-1 district.

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## 10-12-BZ

114-01 95th Avenue, northeast corner of 95th Avenue and 114th Street, Block 9400, Lot(s) 37, Borough of **Queens, Community Board: 9**. Application filed to permit legalization of an existing cellar and two story, two-family detached dwelling that does not provide two required front yards contrary to ZR§23-45, and does not provide a required side yard per ZR§23-461. R5 district.

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## 11-12-BZ

3599 Bedford Avenue, East side of Bedford Avenue between Avene N and Avenue O., Block 7679, Lot(s) 13, Borough of **Brooklyn, Community Board: 14**. This application is filed pursuant to ZR§ 73-622, as amended, to request a special permit to allow the legalization of an enlargement to a single family residence located in a residential (R2) zoning district. R2 district.

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## 12-12-BZ

100 Varick Street, located on the east side of Varick Street, between Broome and Watts Streets, Block 477, Lot(s) 35 &42(tent.35), Borough of **Manhattan, Community Board: 02**. This application seeks variances of ZR Sections 42-10, 43-43 & 44-43 (pursuant to ZR Sections 72-01 & 72-01) to facilitate the construction of a new, 14-story residential building with ground floor retail in an M1-6 district.

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## 13-12-BZ

22-21 33rd Street, East side of 33rd, 200' south of corner formed by the intersection of Ditmars Boulevard and 33rd Street., Block 832, Lot(s) 22, Borough of **Queens, Community Board: 1**. New vertical and horizontal enlargement of 1-story on top of the existing building and 2 stories rear extension. Change the use from 2-family house to community facility as new place of Worship (Mosque). R5B district.

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## 15-12-A

29-01 Borden Avenue, bounded by Newton Creek, Borden Avenue, Hunters Point Avenue, 30th Street., Block 292, Lot(s) 1, Borough of **Queens, Community Board: 4**. Appeal from determination of Queens Borough Commissioner of the Department of Buildings (1) establishment of non-conforming accessory sign as before February 27, 2001 and (2) proof that discontinuance of accessory use in connection with a sign at the subject property did not occur for a period of two or more years. M3-1 Zoning district. M3-1 district.

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# DOCKET

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**16-12-BZ**

148 Nostrand Avenue, northwest corner of Nostrand Avenue and Willoughby Avenue., Block 1753, Lot(s) 42, 53, Borough of **Brooklyn, Community Board: 3**. Special Permit pursuant to ZR§73-19 to allow for school to be located within a M1-2 zoning district, contrary to ZR§42-00. M1-2 zoning district. M1-2 district.

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**17-12-A**

409 Seabreeze Walk, north side of Seabreeze Walk, Block 16350, Lot(s) 400, Borough of **Queens, Community Board: 14**. Proposed building not fronting a mapped street contrary to Art 3 Sect. 36 GCL and Sect 27-291 Admin. Code of City of New York. The building is in the bed of a mapped street contrary to Art. 3 Sect 35 of the General City Law. Private disposal system in the bed of a mapped street contrary to D.O.B. policy. R4 zoning district. R4 district.

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**18-12-A**

377 Bayside Avenue, Block 16340, Lot(s) 50, Borough of **Queens, Community Board: 15**. Proposed building and site not fronting a mapped street contrary to Art. 3 Sect. 36 GCL and Sect. C27-291 of Admin. Code. R4 Zoning District. R4 district.

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**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.**

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# CALENDAR

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**FEBRUARY 7, 2012, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, February 7, 2012, 10:00 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## **SPECIAL ORDER CALENDAR**

### **348-75-BZ**

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

SUBJECT – Application October 31, 2011 – Waiver of the Rules of Practice and Procedure and an extension of the term of the variance.

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

**COMMUNITY BOARD #1SI**

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### **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 a previously approved variance which permitted a high speed auto laundry (Use Group 16B) which expired on October 30, 2011. C1-2(R5) zoning district.

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

**COMMUNITY BOARD #11BK**

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### **148-10-BZ**

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

SUBJECT – Application June 23, 2011 – Amendment (§73-622) for the enlargement of an existing single family home. This application seeks to vary open space and floor area (§23-141) and less than the required rear yard (§23-47) and side yard (23-461) in an R3-2 zoning district.

PREMISES AFFECTED – 1559 East 29<sup>th</sup> Street, between Avenue P and Kings Highway, Block 7690, Lot 20, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

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**APPEALS CALENDAR**

### **149-11-A thru 151-11-A**

APPLICANT – Sheldon Lobel, P.C., for Eastern 7 Inc., owner.

SUBJECT – Application September 16, 2011 – Application filed pursuant to New York City Charter Sections 666.7 to vary the prohibition against construction within 30' of the street line of Eastern Parkway as set forth in Administrative Code Section 18-112 and cited in New York City Building Code Section 3201.3.1, to allow the construction of three 2-family homes at the premises. R6 zoning district.

PREMISES AFFECTED – 1789, 1793 & 1797 St. John's Place, northeast corner of intersection formed by St. John's Place and Eastern Parkway, Block 1471, Lot 65, 67, 68, Borough of Brooklyn.

**COMMUNITY BOARD #16BK**

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### **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 based on lack of adjacent property owner authorization. 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**

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**FEBRUARY 7, 2012, 1:30 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday afternoon, February 7, 2012, at 1:30 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## **ZONING CALENDAR**

### **104-11-BZ**

APPLICANT – Eric Palatnik, P.C., for Leonard Gamss, owner.

SUBJECT – Application July 25, 2011 – Special Permit (§73-622) for the Legalization of an enlargement to an existing single family home, contrary to floor area, lot coverage and open space (§23-141(b)) and less than the required rear yard (§23-47). R3-2 zoning district.

PREMISES AFFECTED – 1936 East 26<sup>th</sup> Street, between Avenues S and T, Block 7304, Lot 21, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

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# CALENDAR

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**177-11-BZ**

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

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

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

**COMMUNITY BOARD #1BX**

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**188-11-BZ**

APPLICANT – Bryan Cave LLP/Frank E. Chaney, Esq., for Hudson Spring Partners, LP, owner.

SUBJECT – Application December 9, 2011– Variance (§72-21) to allow for the conversion of floors 2-6 from commercial use to residential use, contrary to use regulations ZR 42-10. M1-6 zoning district.

PREMISES AFFECTED – 286 Spring Street, southeast corner of Spring Street and Hudson Street, Block 579, Lot 5, Borough of Manhattan.

**COMMUNITY BOARD #2M**

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*Jeff Mulligan, Executive Director*

# MINUTES

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

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

**SPECIAL ORDER CALENDAR**

**18-09-BZ**

APPLICANT – Stuart A. Klein, for Ascot Properties Ltd., owner; Gold’s Gym, lessee.

SUBJECT – Application October 6, 2011 – Extension of Term of a special permit (§73-36) for the continued operation of a physical culture establishment (*Gold's Gym*) which expired on November 1, 2011. C6-5 zoning district. PREMISES AFFECTED – 250 West 54<sup>th</sup> Street, between Broadway and 8<sup>th</sup> Avenue, Block 1025, Lot 54, Borough of Manhattan.

**COMMUNITY BOARD #5M**

APPEARANCES –

For Applicant: Christopher Slowik

**ACTION OF THE BOARD** – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an extension of the term of a previously granted special permit for a physical culture establishment (“PCE”), which expired on November 1, 2011; and

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

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

WHEREAS, the PCE is located on the south side of West 54<sup>th</sup> Street between Broadway and Eighth Avenue, in a C6-5 zoning district within the Theater Subdistrict of the Special Midtown District; and

WHEREAS, the PCE occupies a total of approximately 20,000 sq. ft. of floor area in portions of the first, second and third floor of a 12-story commercial building; and

WHEREAS, the PCE is operated as Gold’s Gym; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 28, 2009 when, under the subject calendar number, the Board granted a special permit to legalize a PCE in the subject building for a term of ten years from the date it began operating, to expire on November 1, 2011; and

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

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

*Therefore it is Resolved* that the Board of Standards and Appeals *reopens and amends* the resolution, as adopted on July 28, 2009, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from November 1, 2011, to expire on November 1, 2021, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked ‘Received October 6, 2011’-(5) sheets and ‘November 22, 2011’-(1) sheet; and *on further condition*:

THAT the term of this grant shall expire on November 1, 2021;

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

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.” (DOB Application No. 110405491)

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

**141-66-BZ**

APPLICANT – The Law Office of Fredrick A. Becker, for Rising Wolf Garage LLC, owner.

SUBJECT – Application June 29, 2011 – Extension of Term of a previously granted Variance (§72-21) for the continued operation of a UG 8 motor vehicle storage facility (*Rising Wolf Motorcycle Parking Garage*) which expired on July 1, 2010; Amendment to enclose open parking area; and Waiver of the Rules. R7-2 zoning district.

PREMISES AFFECTED – 338 East 9<sup>th</sup> Street, Block 450, Lot 23, Borough of Manhattan.

**COMMUNITY BOARD #3M**

APPEARANCES –

For Applicant: Fredrick A. Becker and Michael Wesnick.

THE VOTE TO CLOSE HEARING –

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

**ACTION OF THE BOARD** – Laid over to February 14, 2012, at 10 A.M., for decision, hearing closed.

# MINUTES

## 248-75-BZ

APPLICANT – Alfonso Duarte, P.E., for 444 East 86<sup>th</sup> 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 86<sup>th</sup> Street, west side of York Avenue, Block 1565, Lot 29, Borough of Manhattan.

### COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Alfonso Duarte.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** – Laid over to February 14, 2012, at 10 A.M., for decision, hearing closed.

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## 188-78-BZ

APPLICANT – Eric Palatnik, P.C., for Anthony Berardi, owner.

SUBJECT – Application August 4, 2011 – Amendment (§11-413) to a previously granted Variance (§72-21) to add (UG16) automobile body with spray painting booth and automobile sales to an existing (UG16) automobile repair and auto laundry. R5 zoning district.

PREMISES AFFECTED – 8102 New Utrecht Avenue, southwest corner of New Utrecht Avenue and 81<sup>st</sup> Street, Block 6313, Lot 31, Borough of Brooklyn.

### COMMUNITY BOARD #11BK

**ACTION OF THE BOARD** – Laid over to February 28, 2012, at 10 A.M., for continued hearing.

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## 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: Jordan Most.

**ACTION OF THE BOARD** – Laid over to February 28, 2012, at 10 A.M., for continued hearing.

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## 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: Eric Palatnik.

**ACTION OF THE BOARD** – Laid over to February 28, 2012, at 10 A.M., for continued hearing.

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## 248-08-BZ

APPLICANT – New York City Board of Standards

OWNER – Joseph Alexander/New Covenant Christian Church, Inc.

SUBJECT – Application October 6, 2008 – Dismissal for Lack of Prosecution --Variance (§72-21) to permit the development of a religious-based school and church, contrary to floor area (§24-11), rear yard (§24-36), and parking (§25-31) regulations. R5 zoning district.

PREMISES AFFECTED – 3550 Eastchester Road, eastern side of Eastchester Road between Hicks Street and Needham Avenue, Block 4726, Lot 7, 36, 38, Borough of Bronx.

### COMMUNITY BOARD #12BX

APPEARANCES –

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** – Laid over to February 28, 2012, at 10 A.M., for dismissal calendar.

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## 58-10-BZ

APPLICANT – Sheldon Lobel, P.C., for Eckford II Realty Corp., owner; Quick Fitness, lessee.

SUBJECT – Application November 30, 2011 – Extension of Time to obtain a Certificate of Occupancy of a Special Permit (§73-36) for the operation of a Physical Culture Establishment (*Quick Fitness*) which expired on August 3, 2011. M1-2/R6A zoning district.

PREMISES AFFECTED – 16 Eckford Street, east side of Eckford Street, between Engert Avenue and Newton Street, Block 2714, Lot 1, Borough of Brooklyn.

### COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** – Laid over to February

# MINUTES

14, 2012, at 10 A.M., for decision, hearing closed.

## APPEALS CALENDAR

### 8-11-A

APPLICANT – Beach Haven Group, LLC, for MTA/SBRW, lessee.

SUBJECT – Application January 26, 2011 – Proposed reconstruction of a tennis club located within the bed of a mapped street (Atwater Court and Colby Court), contrary to General City Law Section 35. R5 zoning district.

PREMISES AFFECTED – 2781 Shell Road, Atwater Court bounded by Shell Road and West 3<sup>rd</sup> Street, Colby Court bounded by Bokee Court and Atwater Court, Block 7232, Lot 1, 70, Borough of Brooklyn.

### COMMUNITY BOARD #13BK

APPEARANCES – None.

**ACTION OF THE BOARD** – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated December 28, 2010, acting on Department of Buildings Application No. 320178874, reads in pertinent part:

“Proposed construction or development in the bed of final mapped street is contrary to Section 35 of the General City Law and must be referred to the Board of Standards and Appeals;” and

WHEREAS, this is a proposal for the upgrade and reconfiguration of a non-commercial tennis club (Use Group 4), consisting of the construction of 14 tennis courts covered by temporary dome structures rising to a maximum height of 40 feet, a one-story club house building, and approximately 26 accessory parking spaces, within the bed of two mapped streets, Atwater Court and Colby Court, within an R5 zoning district; and

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

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

WHEREAS, by letter dated September 22, 2011, the Fire Department states that it has reviewed the subject proposal and has no objections; and

WHEREAS, by letter dated March 10, 2011, the Department of Transportation (“DOT”) states that it has reviewed the subject proposal and has no objections; and

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

WHEREAS, by letter dated February 8, 2011, the Department of Environmental Protection (“DEP”) states that: (1) there are no existing City sewers within the referenced location; (2) there is an existing eight-inch diameter City water main in mapped Colby Court between Shore Parkway and mapped Atwater Court and an existing eight-inch diameter City water main in mapped Atwater Court between West Third Street and mapped Colby Court; and (3) City Drainage Plan No. 1316B reflects for a future ten-inch diameter sanitary sewer and 12-inch diameter storm sewer to be installed in mapped Colby Court between Shore Parkway and mapped Atwater Court and for a future ten-inch diameter sanitary sewer and 12-inch diameter storm sewer in mapped Atwater Court between Shell Road and mapped Colby Court; and

WHEREAS, DEP further states that it requires the applicant to submit a revised survey/plan showing the following: (1) the width of the mapped portion of Colby Court between Bokee Court and Avenue Z and the width of the mapped portion of Atwater Court between Shell Road and mapped Colby Court; (2) the distance from the easterly lot line to the end cap of the eight-inch diameter City water main in mapped Atwater Court; (3) a 33-ft. wide sewer corridor in the bed of mapped Colby Court between mapped Bokee Court and mapped Atwater Court for the installation, maintenance and/or reconstruction of the future ten-inch diameter sanitary sewer, 12-inch diameter storm sewer and the existing eight-inch diameter City water main; and (4) a 32-ft. wide sewer corridor in the bed of mapped Atwater Court between Shell Road and mapped Colby Court for the installation, maintenance and/or reconstruction of the future ten-inch diameter sanitary sewer and 12-inch diameter storm sewer; and

WHEREAS, in response to DEP’s request, the applicant submitted a drawing to DEP which shows: (1) a 35-ft. wide sewer corridor in the mapped Colby Court between mapped Bokee Court and mapped Atwater Court; (2) a 35-ft. wide sewer corridor in the bed of mapped Atwater Court between mapped Shell Road and mapped Colby Court; (3) that new valves will be installed on the eight-inch diameter water main lines 18 inches from the curb line in the sidewalk area; and (4) that maintenance of the existing water main inside the property will be the responsibility of the owner; and

WHEREAS, by letter dated November 22, 2011, DEP states that it reviewed the revised drawing and that it has no further objections, provided a Deed Restriction Document stating that the parcels cannot be sold separately be recorded in the City Register and submitted to the Brooklyn Records office prior to the issuance of a connection permit; and

WHEREAS, in response, the applicant submitted a Deed Restriction Document recorded in the City Register, stating: (1) the applicant is responsible for the cost of the maintenance of the water mains located beneath Colby Court and Atwater Court; (2) DEP shall have access to the sewer corridor; and (3) the applicant cannot sell or otherwise transfer the parcels individually; and

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

*Therefore it is Resolved* that the decision of the Brooklyn

# MINUTES

Borough Commissioner, dated December 28, 2010, acting on Department of Buildings Application Nos. 320178874 is modified by the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received January 10, 2012" – (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

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

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

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, January 24, 2012.

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## 170-11-A & 171-11-A

APPLICANT – Randy M. Mastro of Gibson, Dunn & Crutcher, LLP, for Win Restaurant Equipment and Supply Corporation, owner; Fuel Outdoor, LLC, lessee.

SUBJECT – Application October 28, 2011– Appeal seeking a common law vested right for a sign under the prior zoning regulations, which were amended on February 27, 2001. M1-5B

PREMISES AFFECTED – 318 Lafayette Street, north west corner of Houston and Lafayette Streets, Block 522, Lot 24, Borough of Manhattan.

### COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Trevis D. Lenkner.

**ACTION OF THE BOARD** – Appeal granted.

**THE VOTE TO GRANT** –

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

Negative:.....0

**THE RESOLUTION** –

WHEREAS, this is an appeal requesting a Board determination that the owner of the premises has obtained the right to maintain two advertising signs under the common law doctrine of vested rights; and

WHEREAS, a public hearing was held on this application on December 13, 2011, after due notice by publication in *The City Record* and then to decision on January 24, 2012; 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 site is located on a through lot on the north side of Houston Street with frontage on Crosby Street and Lafayette Street; and

WHEREAS, the site is occupied by a five-story commercial building and the Houston Street and Lafayette Street facades are each occupied by one indirectly illuminated vinyl advertising sign (respectively, the "South Sign" and "East Sign"); and

WHEREAS, the applicant proposes to maintain the two advertising signs (the "Signs"); and

WHEREAS, the subject site is currently located and was at all relevant times located within an M1-5B zoning district; as of the June 29, 1999 Landmark Preservation Commission's (LPC) designation, the site is within the Noho Historic District; and

WHEREAS, the Signs comply with the former M1-5B zoning district parameters, specifically with respect to sign size, height, and illumination; and

WHEREAS, however, on February 27, 2001 (the "Enactment Date"), the City Council voted to adopt amendments to the Article IV, Chapter 2 of the Zoning Resolution to impose restrictions on height, size, and illumination of advertising signs in certain M1-5B zoning districts, including the subject zoning district; and

WHEREAS, accordingly, the Signs do not comply with current zoning regulations; and

WHEREAS, the applicant asserts that it maintained the Signs, pursuant to permits issued in 1999, until 2006 when the Department of Buildings (DOB) audited both applications, issued zoning and Code objections, and notified the applicant of its intent to revoke the permits; and

WHEREAS, following a series of meetings regarding the Signs and permits, on February 22, 2011, DOB issued final determinations that included the determination that both sign permits lapsed because work was not completed as of the Enactment Date; DOB also stated: "2/27/01, the effective date of the text amendment governing advertising signs, the construction authorized by the permit(s) was not completed because the sign[s] that w[ere] constructed . . . failed to conform to the approved plans"; and

WHEREAS, accordingly, the applicant filed two companion appeals, pursuant to BSA Cal. Nos. 29-11-A and 30-11-A, challenging DOB's determination that both sign permits lapsed on the Enactment Date in 2001; DOB asserted that the permits lapsed because the applicant failed to complete construction in accordance with the approved plans as required under ZR § 11-332; and

WHEREAS, the companion appeal applications are adjourned pending the outcome of the subject vesting applications, which the applicant filed for alternative relief; the applicant stated that it will withdraw the appeals if it succeeds in establishing the vesting criteria; and

WHEREAS, as a threshold matter in determining this appeal, the Board must find that the construction was conducted pursuant to valid permits; and

WHEREAS, the applicant states that on June 10, 1999,

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DOB issued permits for two indirectly illuminated signs at 318 Lafayette Street: Permit No. 101997706 (the "East Sign Permit") and Permit No. 101997699 (the "South Sign Permit") (together, the "Sign Permits"), authorizing the installation of two indirectly illuminated advertising signs pursuant to M1-5B sign regulations in effect at that time; and

WHEREAS, the plans associated with the South Sign Permit reflect a horizontal dimension of 60 feet, a vertical dimension of 70 feet, a surface area of 4,200 sq. ft., and indirect illumination; and

WHEREAS, the plans associated with the East Sign Permit reflect a horizontal dimension of 40 feet, a vertical dimension of 55 feet, a surface area of 2,200 sq. ft., and indirect illumination; and

WHEREAS, the Board notes that the DOB plans (form PW1) for the South Sign Permit were attached to the application for the East Sign Permit (and vice versa) and asked the applicant to explain the discrepancy; and

WHEREAS, in response, the applicant explained that it was an administrative error traced to the small cartographic legend on each permit application which has a directional arrow pointing to the incorrect building wall; and

WHEREAS, further, the applicant states that the Sign Permits and plans reflect the proper dimensions and wall designations with just the wrong directional arrow in the legend; and

WHEREAS, DOB determined that the Sign Permits lapsed by operation of law on the Enactment Date because the plans did not comply with the new sign regulations and the applicant did not affirmatively establish its vested rights between the Enactment Date and DOB's 2011 final determination on the matter; and

WHEREAS, however, by letter dated January 19, 2012, DOB states that the Sign Permits were lawfully issued, authorizing installation of the Signs prior to the Enactment Date; and

WHEREAS, DOB stated at hearing in the associated appeal applications that it would allow the approved sign plans to be corrected to reflect the as-built conditions through a post-approval amendment and that such a correction would not disturb its determination that the permits were lawfully issued and thus valid; and

WHEREAS, DOB and the applicant agree that the as-built Signs were installed contrary to plan, as discussed below in more detail; the applicant asserts and has provided evidence to support its assertion that the Signs' dimensions have remained the same since their installation; this has not been contested nor has the continuity status of the Signs since the Enactment Date; and

WHEREAS, the Board has reviewed the record and agrees that the Sign Permits were lawfully issued to the owner of the subject premises prior to the Enactment Date; and

WHEREAS, the Board notes that when work proceeds under a valid permit, a common law vested right to continue construction after a change in zoning generally exists if: (1) the owner has undertaken substantial construction; (2) the owner has made substantial expenditures; and (3) serious loss will result if the owner is denied the right to proceed under the prior

zoning; and

WHEREAS, specifically, as held in Putnam Armonk, Inc. v. Town of Southeast, 52 A.D.2d 10 (2d Dept. 1976), where a restrictive amendment to a zoning ordinance is enacted, the owner's rights under the prior ordinance are deemed vested "and will not be disturbed where enforcement [of new zoning requirements] would cause 'serious loss' to the owner," and "where substantial construction had been undertaken and substantial expenditures made prior to the effective date of the ordinance"; and

WHEREAS, however, notwithstanding this general framework, as discussed by the court in Kadin v. Bennett, 163 A.D.2d 308 (2d Dept. 1990) "there is no fixed formula which measures the content of all the circumstances whereby a party is said to possess 'a vested right'. Rather, it is a term which sums up a determination that the facts of the case render it inequitable that the State impede the individual from taking certain action"; and

WHEREAS, as to substantial construction, first the applicant notes that the construction of the South Sign varies from the approved plans in that the installed South Sign has a horizontal dimension of 76 feet (versus 60 feet reflected on the plans), a vertical dimension of 55 feet (versus 70 feet reflected on the plans), and a surface area of 4,180 sq. ft. (versus 4,200 sq. ft. reflected on the plans); the approved and as-built conditions both have a height of approximately 72'-8"; and

WHEREAS, the applicant notes that the construction of the East Sign varies from the approved plans in that the installed East Sign has a horizontal dimension of 46 feet (versus 40 feet reflected on the plans), a vertical dimension of 30 feet (versus 55 feet reflected on the plans), and a surface area of 1,380 sq. ft. (versus 2,200 sq. ft. reflected on the plans); the approved and as-built conditions both have a height of approximately 60 feet; and

WHEREAS, due to the fact that the approved and as-built conditions differ, for the purposes of the vesting analysis, the applicant identified the portions of the as-built signs and sign hardware and lighting fixtures which fit within the parameters of the approved signs; and

WHEREAS, accordingly, because of the variation, the applicant did not credit the entirety of the as-built signs towards its substantial construction analysis, but only the portions of the as-built signs which overlap with the approved signs and would have been a part of the signs if installed in full accordance with the approved plans; and

WHEREAS, the applicant states that prior to the Enactment Date, the owner had completed the following work within the parameters of the approved South Sign: a sign area with a horizontal dimension of 60 feet, a vertical dimension of 55 feet, and a surface area of 3,300 sq. ft.; when compared against the South Sign reflected on the approved plans, the amount of work completed is 78.6 percent of the 4,200 sq. ft. sign; and

WHEREAS, additionally, the applicant states that it installed eight of the eight light fixtures (100 percent); and 27 of 50 required mounting clips (54 percent) required for

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the installation of the approved South Sign; and

WHEREAS, the applicant notes that it installed two additional lighting fixtures for the South Sign, but only credited the eight which would be required to illuminate the sign as reflected on the approved plans; and

WHEREAS, the applicant states that prior to the Enactment Date, the owner had completed the following work within the parameters of the approved East Sign: a sign area with a horizontal dimension of 40 feet, a vertical dimension of 30 feet, and a surface area of 1,200 sq. ft.; when compared against the East Sign reflected on the approved plans, the amount of work completed is 54.5 percent of the 2,200 sq. ft. sign; and

WHEREAS, additionally, the applicant states that it installed six of the six light fixtures (100 percent); and 25 of 43 required mounting clips (58 percent) required for the installation of the approved East Sign; and

WHEREAS, the applicant states that it derived percentages by examining what portion of the current sign hardware falls within the dimensions of the signs if they had been constructed pursuant to permit specifications; and

WHEREAS, in support of the assertion that the Signs were installed after the permit issuance on June 10, 1999 and prior to the Enactment Date, the applicant submitted the following evidence: photographs taken by LPC prior to June 1999 (to establish the Signs were not yet in place prior to the permit issuance); a photograph taken in late 1999, which show that the Signs were installed; a photograph taken between February and May 2000 to show the Signs were installed; an aerial survey from June 20, 2000 to show that the Signs were installed; and a photograph from August 5, 2000 to show that the Signs were installed; and

WHEREAS, the applicant also submitted (1) an affidavit from an employee of the sign company who oversaw permitting, installation, and maintenance of signs from 1999 to 2006 asserting that the Signs were completed as seen and described and have been maintained accordingly; (2) a copy of 1998 DOB Bureau of Electrical Control permits to perform electrical work; and (3) communication from a sign installation company from 1997, which describes the installation of exterior electrical fixtures, consistent with what was installed to illuminate the Signs; and

WHEREAS, the Board has reviewed the representations as to the amount and type of work completed before the Enactment Date and the documentation submitted in support of these representations, and agrees that it establishes that substantial work was performed; and

WHEREAS, the Board concludes that the total amount of work completed when measured as a percentage of the total amount of work required to complete the approved signs achieves the level of substantial construction; and

WHEREAS, as to expenditure, the applicant states that the principal expenditures to construct the Signs are planning, hardware, and labor expenses; and

WHEREAS, the applicant states that prior to the Enactment Date, the owner expended \$26,250 on materials and installation for the South Sign and \$18,500 on materials and

installation for the East Sign; and

WHEREAS, as proof of the expenditures, the applicant has submitted an affidavit from the sign company representative who oversaw the work attesting to the industry standards for such a project in 1999; and

WHEREAS, the applicant provided additional figures in its analysis including: (1) the amount of expenditures incurred for work within the permitted sign dimensions: \$19,817.90 for the South Sign and \$16,055.50 for the East Sign and (2) the total expenditures necessary to complete the approved signs: \$24,985 for the South Sign and \$20,055.46 for the East Sign; and

WHEREAS, the applicant concluded that the percentage of expenditures incurred relative to the total expenditures necessary to complete the approved signs are: \$19,817.90/\$24,985 or 79.3 percent for the South Sign and \$16,055.50/\$20,055.46 or 80.1 percent for the East Sign; and

WHEREAS, the Board considers the amount of expenditures significant when compared with the total required costs; and

WHEREAS, again, the Board's consideration is guided by the percentages of expenditure cited by New York courts considering how much expenditure is needed to vest rights under a prior zoning regime; and

WHEREAS, as to serious loss, the Board considers not only whether certain improvements and expenditures could not be recouped under the new zoning, but also considerations such as the diminution in income that would occur if the new zoning were imposed and the reduction in value between the proposal and that which would be permitted under the new zoning; and

WHEREAS, the applicant notes that the current zoning regulations and the LPC's jurisdiction not in effect at the time of the Sign Permits' issuance present considerable constraints; and

WHEREAS, the applicant states that if the owner is not permitted to vest under the former zoning, the Signs' surface area would decrease from the existing 4,180 sq. ft. for the South Sign and 1,380 sq. ft. for the East Sign to a maximum surface area of between 500-750 sq. ft., depending on whether they maintain their indirect illumination and other accessory signage at the site; but, in any event, the total surface area of indirectly illuminated advertising signage on the site may not exceed 1,418.75 sq. ft.; and

WHEREAS, in addition to the reduction in surface area, by zoning, the applicant asserts that LPC would only approve a painted sign of a maximum of 20 percent the size of the wall on the south wall and no sign would be permitted on the east wall due to the presence of windows; neither sign would be permitted to be indirectly illuminated as they are now; and

WHEREAS, in support of these assertions, the applicant submitted a letter dated October 7, 2005 from LPC, which details the restrictions it imposes on signs within historic districts; and

WHEREAS, by letter dated April 23, 2003 and

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introduced into the record for the companion appeal applications, LPC states that it accepts that the Signs were established prior to the historic district designation and, thus, LPC approval is not required; and

WHEREAS, all parties agree that if vesting is not established, the property owner would be subject to LPC approval; and

WHEREAS, in sum, the applicant asserts that a painted, non-illuminated sign with a surface area of 750 sq. ft. would be permitted on the south wall and no sign would be permitted on the east wall; and

WHEREAS, as to economic loss, the applicant states that it currently receives \$40,381.28 per month for the South Sign and \$8,500 per month for the East Sign for a monthly total of \$48,881.28; and

WHEREAS, the applicant estimates the rent under current regulations to be \$2,500 for the South Sign and \$0 for the East Sign for a monthly total of \$2,500; the applicant estimates that the monthly loss would be \$46,381.28 and that the monthly and annual percentage loss would be 95 percent; and

WHEREAS, the applicant included lease agreements to support its assertions as to the current income and an affidavit from the sign company to support the projections for the expected income for complying signs; and

WHEREAS, the Board agrees that the constraints on complying signs, coupled with the loss of income, constitutes a serious economic loss, and that the evidence submitted by the applicant supports this conclusion; and

WHEREAS, in sum, the Board has reviewed the representations as to the work performed, the expenditures made, and serious loss, and the supporting documentation for such representations, and agrees that the applicant has satisfactorily established that a vested right to maintain the Signs had accrued to the owner of the premises as of the Enactment Date.

*Therefore it is Resolved* that this appeal made pursuant to the common law doctrine of vested rights requesting a reinstatement of Permit Nos. 101997706 and 101997699, as well as all related permits for various work types, either already issued or necessary to obtain final DOB approval, is granted for two years from the date of this grant.

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

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## 206-10-A thru 210-10-A

APPLICANT – Philip L. Rampulla, for Island Realty Associate, LLC, owner.

SUBJECT – Application November 1, 2010 – Proposed construction of a single family home located within the bed of a mapped street, contrary to General City Law Section 35 and §72-01-(g). R1-2 zoning district.

PREMISES AFFECTED – 3399, 3403, Richmond Road and 14, 15, 17 Tupelo Court, Block 2260, Lot 24, 26, 64, 66, 68, Borough of Staten Island.

## COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Philip L. Rampulla and Max Gurvitch.

For Opposition: Carol Donovan and Richard Herb.

For Administration: Anthony Scaduto, Fire Department.

**ACTION OF THE BOARD** – Laid over to February 28, 2012, at 10 A.M., for continued hearing.

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## 118-11-A

APPLICANT – Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Jean Scanlon, lessee.

SUBJECT – Application August 18, 2011 – Proposed building not fronting a mapped street, contrary General City Law 36, and in the bed of a mapped street, contrary to General City Law 35, with a private disposal system in the bed of a mapped street contrary to Department of Buildings’ policy.

PREMISES AFFECTED – 811 Liberty Lane, Block 16350, Lot 300, Borough of Queens.

## COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Joseph A. Sherry.

For Administration: Anthony Scaduto, Fire Department.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** – Laid over to February 7, 2012, at 10 A.M., for decision, hearing closed.

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## 125-11-A

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

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

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

## COMMUNITY BOARD #3M

APPEARANCES –

For Applicant: Marvin B. Mitzner.

For Opposition: Jessica Napomiachi of Council Member Rosie Mendez Office and Andito Lloyd

For Administration: Mark Davis, Department of Buildings.

**ACTION OF THE BOARD** – Laid over to February 28, 2012, at 10 A.M., for continued hearing.

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*Jeff Mulligan, Executive Director*

*Adjourned: P.M.*

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

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

**ZONING CALENDAR**

**92-11-BZ**

**CEQR #11-BSA-111K**

APPLICANT – Sheldon Lobel, P.C., for Eugene and Margaret Loevinger, owners.

SUBJECT – Application June 24, 2011 – Special Permit (§73-622) for the enlargement of an existing single-family home contrary to floor area and open space (§23-141(a)); side yard (§23-461) and less than the required rear yard (§23-47). R-2 zoning district.

PREMISES AFFECTED – 1349 East 26<sup>th</sup> Street, east side of East 26<sup>th</sup> Street, 390' south of Avenue M, Block 7662, Lot 28, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

**APPEARANCES –**

For Applicant: Josh Rinesmith.

**ACTION OF THE BOARD –** Application granted on condition.

**THE VOTE TO GRANT –**

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

Negative:.....0

**THE RESOLUTION –**

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated May 25, 2011, acting on Department of Buildings Application No. 320297059, reads in pertinent part:

Proposed plans are contrary to ZR 23-141(a) in that the proposed floor area ratio (FAR) exceeds the permitted 50%.

Proposed plans are contrary to ZR 23-141(a) in that the proposed open space ratio (OSR) is less than the required 150%.

Plans are contrary to ZR 23-461(a) in that the existing minimum side yard is less than the required minimum 5'-0".

Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than 30'-0"; and

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

WHEREAS, a public hearing was held on this application on November 22, 2011, after due notice by

publication in *The City Record*, with a continued hearing on December 13, 2011, and then to decision on January 24, 2012; and

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

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

WHEREAS, the subject site is located on the east side of East 26<sup>th</sup> Street, between Avenue M and Avenue N, within an R2 zoning district; and

WHEREAS, the subject site has a total lot area of 3,000 sq. ft., and is occupied by a single-family home with a floor area of 1,863 sq. ft. (0.62 FAR); and

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

WHEREAS, the applicant seeks an increase in the floor area from 1,863 sq. ft. (0.62 FAR) to 2,994 sq. ft. (1.0 FAR); the maximum permitted floor area is 1,500 sq. ft. (0.50 FAR); and

WHEREAS, the applicant proposes to provide an open space ratio of 58 percent (150 percent is the minimum required); and

WHEREAS, the applicant proposes to maintain the existing side yard along the southern lot line with a width of 3'-0", and to provide a side yard along the northern lot line with a width of 6'-8" (two side yards with a minimum width of 5'-0" each, and a total width of 13'-0", are required); and

WHEREAS, the applicant states that pursuant to ZR § 23-48, four inches may be subtracted from the minimum combined side yard regulations for every foot by which the lot width is less than the required minimum width of 40'-0"; therefore, since the subject lot has a width of 30'-0", the required total width of the side yards can be reduced by 3'-4" from 13'-0", to the proposed width of 9'-8"; and

WHEREAS, the Board notes that, as required by ZR § 23-48(b), the applicant submitted deeds and other evidence establishing that the subject zoning lot was owned separately and apart from all other adjoining tracts of land, both on December 15, 1961 and on the date of the application for a building permit; and

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

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

WHEREAS, the applicant submitted a chart and an area map reflecting that there are at least seven homes within a 200-ft. radius of the site with an FAR of 1.0 or greater, including five homes located on the subject block; and

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

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

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

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

Therefore it is resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-622 and 73-03, to permit, within an R2 zoning district, the enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio, open space ratio, side yards, and rear yard, contrary to ZR §§ 23-141, 23-461 and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received November 9, 2011"-(11) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 2,994 sq. ft. (1.0 FAR); a minimum open space ratio of 58 percent; a side yard with a minimum width of 3'-0" along the southern lot line; a side yard with a minimum width of 6'-8" along the northern lot line; and a rear yard with a minimum depth of 20'-0", as illustrated on the BSA-approved plans;

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

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

THAT DOB shall review and approve compliance with the planting requirements under ZR § 23-451;

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

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

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

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## 106-11-BZ CEQR #12-BSA-006Q

APPLICANT – Sheldon Lobel, P.C., for Tag Court Square, LLC, owner; Long Island City Fitness Group, LLC, owner.  
SUBJECT – Application August 2, 2011 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Planet Fitness*). M1-5/R7-3/Long Island City zoning district.

PREMISES AFFECTED – 27-28 Thomson Avenue, triangular zoning lot with frontages on Thomson Street and Court Square, adjacent to Sunnyside Yards. Block 82, Lots 7501 (1001), Borough of Queens.

### COMMUNITY BOARD #2Q

APPEARANCES –

For Applicant: Josh Rinesmith.

**ACTION OF THE BOARD** – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated July 12, 2011, acting on Department of Buildings Application No. 420348270, reads in pertinent part:

Proposed change of use to a physical culture establishment is contrary to ZR Section 32-10 and must be referred to the BSA for approval pursuant to ZR Section 73-36; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located in an M1-5/R7-3 zoning district within the Queens Plaza Subdistrict of the Special Long Island City District, the operation of a physical culture establishment ("PCE") in a portion of the first floor of an eight-story mixed-use residential/commercial condominium building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on October 18, 2011, after due notice by publication in *The City Record*, with a continued hearing on December 13, 2011, and then to decision on January 24, 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 2, Queens, states that it has no objection to this application; and

WHEREAS, the subject site is a triangular-shaped corner lot located between Thomson Avenue and Court Square in an M1-5/R7-3 zoning district within the Queens Plaza Subdistrict of the Special Long Island City District; and

WHEREAS, the site has 517 feet of frontage on Thomson Avenue, 376 feet of frontage on Court Square, and a total lot area of 76,785 sq. ft.; and

WHEREAS, the subject site is occupied by an eight-

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story mixed-use residential / commercial condominium building; and

WHEREAS, the proposed PCE will occupy 15,966 sq. ft. of floor area on a portion of the first floor; and

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

WHEREAS, the proposed PCE will be open 24 hours per day, seven days per week; and

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

WHEREAS, the applicant states that the Special Long Island City District and Queens Plaza Subdistrict regulations do not prohibit the use of the first floor of the subject building for the proposed PCE use; and

WHEREAS, at hearing, the Board directed the applicant to clarify the sound attenuation measures proposed for the PCE and confirm that the use will not adversely affect the residential apartments located above the PCE space; and

WHEREAS, in response, the applicant submitted revised plans and a report from a sound engineer stating that airborne and structureborne sound attenuation measures will be installed that meet or exceed the Noise Control Code limits, and which will reduce the noise transmission levels from the PCE to the residential apartments above to a level of 7 dBA above the ambient noise level during overnight hours; 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. 12BSA006Q, dated August 2, 2011; and

WHEREAS, the EAS documents that the operation of the PCE would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows;

Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

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

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

*Therefore it is Resolved* that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site located in an M1-5/R7-3 zoning district within the Queens Plaza Subdistrict of the Special Long Island City District, the operation of a physical culture establishment on a portion of the first floor of an eight-story mixed-use residential/commercial condominium building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received December 5, 2011" - (4) sheets, and *on further condition*:

THAT the term of this grant shall expire on January 24, 2022;

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

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

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

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

THAT sound attenuation measures shall be installed in the PCE as shown on the Board-approved plans;

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

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

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

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

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

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

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**128-11-BZ**

**CEQR #12-BSA-010K**

APPLICANT – Law Office of Fredrick A. Becker, for Levana Pinhas and David Pinhas, owners.

SUBJECT – Application August 31, 201 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area, open space and lot coverage (§23-141); side yard (23-461) and less than the required rear yard (§23-47). R3-2 zoning district.

PREMISES AFFECTED – 1860 East 23<sup>rd</sup> Street, west side of East 23<sup>rd</sup> Street, between Avenue R and Avenue S, Block 6828m Kit 31, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

APPEARANCES –

For Applicant: Lyra J. Altman.

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

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

Negative:.....0

**THE RESOLUTION** –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated August 8, 2011, acting on Department of Buildings Application No. 320325028, reads in pertinent part:

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

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

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

Proposed plans are contrary to ZR 23-461 in that the proposed side yard is less than the minimum required.

Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than the minimum required; and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, in an R3-2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area, open space ratio, lot coverage, side yards, and rear yard, contrary to ZR §§ 23-141, 23-461 and 23-47; and

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

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

WHEREAS, Community Board 15, Brooklyn,

recommends approval of this application; and

WHEREAS, the subject site is located on the west side of East 23<sup>rd</sup> Street, between Avenue R and Avenue S, within an R3-2 zoning district; and

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

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

WHEREAS, the applicant seeks an increase in the floor area from 2,127 sq. ft. (0.53 FAR) to 3,964 sq. ft. (0.99 FAR); the maximum permitted floor area is 2,000 sq. ft. (0.50 FAR); and

WHEREAS, the applicant proposes to provide an open space ratio of 61 percent (150 percent is the minimum required); and

WHEREAS, the applicant proposes to provide a lot coverage of 42 percent (35 percent is the maximum permitted); and

WHEREAS, the applicant proposes to maintain the existing side yard along the northern lot line with a width of 4'-3 5/16", and to maintain the existing side yard along the southern lot line with a width of 8'-10 1/2" (two side yards with minimum widths of 5'-0" each are required); and

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

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

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

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

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

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

*Therefore it is resolved*, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-622 and 73-03, to permit, within an R3-2 zoning district, the enlargement of a single-family home, which does not comply with the zoning requirements for floor area, open space ratio, lot coverage, side yards, and rear yard, contrary to ZR §§ 23-141, 23-461 and 23-47; *on condition*

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that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received November 16, 2011"-(7) sheets and "January 11, 2012"-(2) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 3,964 sq. ft. (0.99 FAR); a minimum open space ratio of 61 percent; a maximum lot coverage of 42 percent; a side yard with a minimum width of 4'-3 5/16" along the northern lot line; a side yard with a minimum width of 8'-10 1/2" along the southern lot line; and a rear yard with a minimum depth of 20'-0", as illustrated on the BSA-approved plans;

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

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

THAT DOB shall review and approve compliance with the planting requirements under ZR § 23-451;

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

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

Adopted by the Board of Standards and Appeals, January 24, 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 February 14, 2012, at 1:30 P.M., for deferred decision.

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## 21-11-BZ

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

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

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

## COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** – Laid over to March 6, 2012, at 1:30 P.M., for adjourned hearing.

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## 47-11-BZ

APPLICANT – Law Office of Fredrick A. Becker, for USA Outreach Corp., by Shaya Cohen, owner.

SUBJECT – Application April 13, 2011 – Variance (§72-21) to allow a three-story yeshiva (*Yeshiva Zichron Aryeh*) with dormitories, contrary to use (§22-13), floor area (§§23-141 and 24-111), side setback (§24-551) and parking regulations (§25-31). R2 zoning district.

PREMISES AFFECTED – 1213 Bay 25<sup>th</sup> Street, west side of Bay 25<sup>th</sup> Street, between Bayswater Avenue and Healy Avenue. Block 15720, Lot 67, Borough of Queens.

## COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Lyra J. Altman, David Shteierman and Joseph Hersh.

For Opposition: Council Member James Sanders, Jr., Enid Glabman, Eugene Falik, Phyllis Rudnick, Harvey Ridnick, Norman Silverman.

THE VOTE TO CLOSE HEARING –

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

**ACTION OF THE BOARD** – Laid over to February 28, 2012, at 1:30 P.M., for decision, hearing closed.

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## 66-11-BZ

APPLICANT – Jesse Masyr, Wachtel & Masyr LLP, for Whole Foods Market Group, owner.

SUBJECT – Application May 13, 2011 – Variance (§72-21) to permit a UG6 food store (*Whole Foods*) larger than 10,000 square feet, contrary to use regulations (§42-12). M2-1 zoning district.

PREMISES AFFECTED – 172-220 Third Street, block bounded by 3<sup>rd</sup> Street, 3<sup>rd</sup> Avenue, 4<sup>th</sup> Street Basin and Gowanus Canal, Block 978, Lot 1, 7, 16, 19, 23, 30, 32, Borough of Brooklyn.

APPEARANCES –

For Applicant: Jerry Johnson, Paul Curcid and Paul Bagle.

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For Opposition: Marlene Donnelly, Laura Senkevitch, Victoria Hagmon, Anita Durst, Jennifer Gardner, Naomi Seixas, Adam Kendall, Ellen Driscoll, Diane Buxbaum, Martin Bisi, Robert La Valva, Cassandra Weston, Gary Melot, Rebecca Davis, Roger Westerman, Rosemarie Padovano, N. Elbogen and Patrick Ferton.

Additional (neither for or against): Peter Pottier of Council Member Diana Reyna.

**THE VOTE TO CLOSE HEARING –**

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

Negative:.....0

**ACTION OF THE BOARD –** Laid over to February 28, 2012, at 1:30 P.M., for decision, hearing closed.

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**73-11-BZ**

APPLICANT – Rampulla Associates Architects, for Tora Development, LLC, owners.

SUBJECT – Application May 26, 2011 – Variance (§72-21) to allow a three-story, 87-unit residential building, contrary to use regulations of (§32-11), height (§23-631) and parking (§25-23) regulations. C3A/SRD zoning district.

PREMISES AFFECTED – 70 Tennyson Drive, north side Tennyson Drive, between Nelson Avenue and Cleveland Avenue, Block 5212, Lot 70, Borough of Staten Island.

**COMMUNITY BOARD #2SI**

APPEARANCES –

For Applicant: Philip Rampulla.

**ACTION OF THE BOARD –** Laid over to February 14, 2012, at 1:30 P.M., for deferred decision.

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**115-11-BZ**

APPLICANT – Law Office of Fredrick A. Becker, for Thomas Schick, owner.

SUBJECT – Application August 15, 2011 – Special Permit (§73-622) for the enlargement of an existing single family residence contrary to floor area and open space (§23-141); side yard (§23-461) and less than the required rear yard (§23-47). R-2 zoning district.

PREMISES AFFECTED – 1110 East 22<sup>nd</sup> Street, between Avenue J and Avenue K, Block 7603, Lot 62, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

APPEARANCES –

For Applicant: Lyra J. Altman.

**THE VOTE TO CLOSE HEARING –**

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

Negative:.....0

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

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**121-11-BZ**

APPLICANT – The Law Office of Fredrick A. Becker, for Convent Avenue Baptist Church, owners.

SUBJECT – Application August 22, 2011 – Variance to legalize a two story and basement rear yard enlargement to a church (*Convent Avenue Baptist Church*), contrary to permitted rear yard regulations (§24-33), and lot coverage (§24-11). R7-2 zoning district.

PREMISES AFFECTED – 351 Convent Avenue, aka 420 West 145<sup>th</sup> Street and 418 West 145<sup>th</sup> Street, southeast corner of Convent Avenue and West 145<sup>th</sup> Street, Block 2050, Lot 42 & 47, Borough of Manhattan.

**COMMUNITY BOARD #9M**

APPEARANCES –

For Applicant: Fredrick A. Becker.

For Opposition: William Nance.

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

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**129-11-BZ**

APPLICANT – Jeffrey Chester, Esq. GSHLLP, for Carroll Street One LLC, owner.

SUBJECT – Application September 2, 2011 – Variance (§72-21) to allow for the construction of a residential building, contrary to use regulations (§42-00). M1-2 zoning district.

PREMISES AFFECTED – 465 Carroll Street, north side of Carroll Street, 100' from the corner of 3<sup>rd</sup> Avenue. Block 447, Lot 43. Borough of Brooklyn.

**COMMUNITY BOARD #6BK**

APPEARANCES –

For Applicant: Jeffrey Chester.

For Opposition: Sebastian Giuliano.

**ACTION OF THE BOARD –** Laid over to February 28, 2012, at 1:30 P.M., for continued hearing.

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**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 75<sup>th</sup> Street, north side of West 75<sup>th</sup> Street, between Broadway and Amsterdam Avenue, Block 1167, Lot 28, Borough of Manhattan.

**COMMUNITY BOARD #7M**

For Applicant: Caroline Harris and Robert Pauls.

For Opposition: Council Member Gale A. Brewer, Mark Diller of CB 7, Steven Basshov, Brian Cook, Pat Kiernan.

**ACTION OF THE BOARD –** Laid over to March 20, 2012, at 1:30 P.M., for continued hearing.

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## **158-11-BZ**

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 –

For Applicant: Fredrick A. Becker.

For Opposition: William Nance.

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

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## **159-11-BZ**

APPLICANT – Eric Palatnik, P.C., for Cord Meyer Development, LLC, owner; JWSTKD II, lessee.

SUBJECT – Application October 21, 2011 – Special Permit (§73-36) to permit the legalization of an existing Physical Culture Establishment (*Hi Performance Tai Kwon Do*). C4-1 zoning district.

PREMISES AFFECTED – 212-01 26<sup>th</sup> Avenue, 26<sup>th</sup> Avenue between Bell Boulevard and Corporal Kennedy Street, Block 5900, Lot 2, Borough of Queens.

### **COMMUNITY BOARD #7Q**

APPEARANCES –

For Applicant: Fredrick A. Becker.

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

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*Jeff Mulligan, Executive Director*

*Adjourned: P.M.*