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OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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263-14-BZ

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264-14-BZ

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265-14-A

3812 Atlantic Avenue, Atlantic Avenue between Beach 38th Street and Beach 40th Street, Block 7043, Lot(s) 6, Borough of **Brooklyn, Community Board: 13**. Waiver of Section 36, Article 3 of the General City Law, for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties not fronting a mapped street, which are registered in the NYC Build it Back Program property. R3-1 Zoning District. R3-1 district.

266-14-A

3740 Atlantic Avenue, Atlantic Avenue between Beach 38th Street and West 37th Street, Block 7044, Lot(s) 36, Borough of **Brooklyn, Community Board: 13**. Waiver of Section 36, Article 3 of the General City Law, for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties not fronting a mapped street, which are registered in the NYC Build it Back Program property. R3-1 Zoning District. R3-1 district.

267-14-A

3742 Atlantic Avenue, Atlantic Avenue between Beach 38th Street and West 37th Street, Block 7044, Lot(s) 38, Borough of **Brooklyn, Community Board: 13**. Waiver of Section 36, Article 3 of the General City Law, for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties not fronting a mapped street, which are registered in the NYC Build it Back Program property. R3-1 Zoning District. R3-1 district.

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

CALENDAR

NOVEMBER 25, 2014, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, November 25, 2014, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

APPEALS CALENDAR

665-39-A & 107-14-A

APPLICANT – Jesse Masyr, Esq/Fox Rothschild, for City Club Realty, LLC., owner.

SUBJECT – Application May 22, 2014 – Amendment to a previously approved waiver of a non-complying exit stair; and an Appeal filed pursuant to MDL Section 310(2)(a) proposed an addition to the existing building which will require a waiver of MDL Section 26(7)pursuant to Section 310. C6.45 SPD zoning district.

PREMISES AFFECTED – 55-57 West 44th Street, between 5th Avenue and Avenue of the Americas, Block 1260, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #5M

NOVEMBER 25, 2014, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, November 25, 2014, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

125-14-BZ

APPLICANT – Goldman Harris LLC, for 350 East Houston LLC c/o BLDG Management Inc., owner.

SUBJECT – Application June 5, 2014 – Variance (§72-21) to facilitate the construction of a ten-story mixed-use forty - six (46) residential dwelling units and retail on the ground floor and cellar. R8A zoning district.

PREMISES AFFECTED – 11 Avenue C, between East 2nd Street & East Houston Street, Block 384, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #3M

166-14-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 12 West 27 Land, LP, owner; SoulCycle 27th Street, LLC, lessee.

SUBJECT – Application July 10, 2014 – Special Permit (§73-36) to allow for a physical culture establishment (*SoulCycle*) within portion of an existing mixed use building. M1-6 zoning district.

PREMISES AFFECTED – 12 West 27th Street, southside of West 27th Street, 60.5 feet west of Broadway, Block 828, Lot 56, Borough of Manhattan.

COMMUNITY BOARD #5M

Ryan Singer, Executive Director

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REGULAR MEETING TUESDAY MORNING, OCTOBER 28, 2014 10:00 A.M.

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

SPECIAL ORDER CALENDAR

229-84-BZ

APPLICANT – Troutman Sanders LLP, for High Definition Realty, LLC. owner; Bally Total Fitness of Greater New York, lessee.

SUBJECT – Application June 16, 2014 – Extension of Term of a previously approved Special Permit (§73-36) permitting the operation of a physical cultural establishment (*Bally's Total Fitness*) which expires on November 27, 2014. M1-1 zoning district.

PREMISES AFFECTED –75-28 Queens Boulevard, block bounded by Queens Boulevard Jacobus Street, 51st Avenue and Kneeland Street, Block 2450, Lot 1, Borough of Queens.

COMMUNITY BOARD #4Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening, an extension of term for a physical culture establishment (“PCE”), which expires on November 27, 2014, and an amendment to allow minor partition modifications and a change to the PCE’s hours of operation; and

WHEREAS, a public hearing was held on this application on September 16, 2014, after due notice by publication in *The City Record*, and then to decision on October 28, 2014; and

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

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

WHEREAS, the subject site is located at the southwest corner of the intersection of Queens Boulevard and Jacobus Street, within an M1-1 zoning district; and

WHEREAS, the site is occupied by a one-story commercial building with 11,853 sq. ft. of floor area (0.31 FAR); and

WHEREAS, the applicant states that the PCE occupies the entire first story of the building and is operated as Bally Total Fitness; and

WHEREAS, the Board has exercised jurisdiction over

the site since November 27, 1984, when, under the subject calendar number, the Board permitted operation of the PCE on the first story of the building, for a term of ten years, to expire November 27, 1994; and

WHEREAS, the Board extended the term of the grant on August 8, 1995, and again on October 17, 2006, to expire on November 27, 2014; and

WHEREAS, accordingly, the applicant now seeks an extension of term; in addition, the applicant seeks an amendment to permit minor modifications to the layout of the PCE, and a change in the hours of operation to reflect the existing hours of operation (Monday through Thursday, from 6:00 a.m. to 11:00 p.m., Friday, from 6:00 a.m. to 10:00 p.m., and Saturday and Sunday, from 8:00 a.m. to 9:00 p.m.), which are inconsistent with the approved of hours of operation (Monday through Thursday, from 6:30 a.m. to 10:00 p.m., Friday, from 6:30 a.m. to 10:00 p.m., Saturday, from 9:00 a.m. to 6:00 p.m. and Sunday, from 9:00 a.m. to 5:00 p.m.); and

WHEREAS, at hearing, the Board directed the applicant to: (1) repaint the exterior of the building; (2) repair and repaint the fence; and (3) remove the barbed wire from the top of the fence; and

WHEREAS, in response, the applicant submitted photographs depicting the repainting of the building, the partial repair of the fence, and the removal of the barbed wire; and

WHEREAS, the Board then directed the applicant to remove the supports for the barbed wire and to repair the remainder of the fence; and

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

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated November 27, 1984, so that as amended the resolution reads: “to permit the noted modifications to the layout of the PCE and its hours of operation and to grant an extension of the special permit for a term of ten years from the prior expiration; *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked ‘Received June 16, 2014’-(3) sheets; and *on further condition*:

THAT this grant will be limited to a term of ten years, to expire on November 27, 2024;

THAT there will be no change in ownership or operating control of the PCE without prior approval from the Board;

THAT the hours of operation will be limited to Monday through Thursday, from 6:00 a.m. to 11:00 p.m., Friday, from 6:00 a.m. to 10:00 p.m., and Saturday and Sunday, from 8:00 a.m. to 9:00 p.m.;

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

THAT the fence will be maintained;

THAT no barbed wire or barbed wire supports will be permitted atop the fence;

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THAT a certificate of occupancy will be obtained by October 28, 2015;

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

THAT DOB 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.”

Adopted by the Board of Standards and Appeals, October 28, 2014.

159-07-BZ

APPLICANT – Eric Palatnik, P.C., for Stillwell Sports Center INK., owner.

SUBJECT – Application April 21, 2014 – Extension of Term of a previously approved Special Permit (§73-36) which allowed a physical cultural establishment (*Stillwell Sports Center*); Amendment to permit minor alterations; Extension of Time to obtain a Certificate of Occupancy which expired on January 1, 2012; Waiver of the Rules. C8-2 zoning district.

PREMISES AFFECTED – 2402 86th Street, south Coroner of 86th Street and 24th Avenue, Block 6864, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #11BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an extension of term for a physical culture establishment (“PCE”), which expired on January 1, 2012, an extension of time to obtain a certificate of occupancy, which expired on December 9, 2009, and an amendment to allow certain minor modifications to the PCE, including the construction of a mezzanine; and

WHEREAS, a public hearing was held on this application on October 7, 2014, after due notice by publication in *The City Record*, and then to decision on October 28, 2014; and

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

WHEREAS, Community Board 11, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located at the southeast corner of the intersection of 24th Avenue and 86th Street, within a C8-2 zoning district; and

WHEREAS, the site is occupied by a two-story commercial building with 33,408 sq. ft. of floor area (1.73 FAR); and

WHEREAS, the applicant represents that the PCE occupies 14,402 sq. ft. of floor area on the second story of the building; and

WHEREAS, the PCE is operated as a Dolphin Fitness; and

WHEREAS, the Board has exercised jurisdiction over the site since November 27, 2007, when, under the subject calendar number, the Board permitted the legalization of a PCE on the second floor of the building, for a term of five years, to expire January 1, 2012; a condition of the grant was that a new certificate of occupancy be obtained by May 27, 2008, however, as of that date, a certificate of occupancy had not been obtained and by resolution dated December 9, 2008, the Board granted a one-year extension of time to obtain the certificate of occupancy, to expire on December 9, 2009; and

WHEREAS, the applicant states that a certificate of occupancy has not yet been obtained for the PCE; and

WHEREAS, accordingly, the applicant now seeks an extension of term and a further extension of time to obtain a certificate of occupancy; in addition, the applicant seeks an amendment to permit minor modifications to the layout of the PCE, including the construction of a mezzanine; the applicant represents that the proposed modifications do not increase the total floor area of the PCE; and

WHEREAS, the applicant states that its acquisition of the certificate of occupancy was delayed due to unrelated, open Department of Buildings applications; and

WHEREAS, at hearing, the Board directed the applicant to submit photographs demonstrating that all egress pathways are free of debris and to clear all DOB and Fire Department violations related to the PCE; and

WHEREAS, in response, the applicant submitted the requested photographs and represented that the violations would be removed upon the extension of the PCE term; and

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

Therefore it is Resolved, that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated February 5, 2008, so that as amended the resolution reads: “to permit the noted modifications to the layout of the PCE, to grant an extension of the special permit for a term of ten years from the prior expiration, to expire on January 1, 2022, and to grant an extension of time to obtain a certificate of occupancy for one year from the date of this resolution, to expire on October 28, 2015; *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked ‘Received August 12, 2014’-(4) sheets; and *on further condition*:

THAT this grant will be limited to a term of ten years, to expire on January 1, 2022;

THAT any massages will be performed only by New York State licensed massage professionals;

THAT there will be no change in ownership or

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operating control of the PCE without prior approval from the Board;

THAT the hours of operation will be limited to Monday through Thursday, from 5:30 a.m. to 12:00 a.m., Friday from 5:00 a.m. to 10:00 p.m., and Saturday and Sunday, from 8:00 a.m. to 8:00 p.m.;

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

THAT a certificate of occupancy will be obtained by October 28, 2015;

THAT all DOB and Fire Department violations related to the PCE will be removed by October 28, 2015;

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

THAT DOB 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.”

Adopted by the Board of Standards and Appeals, October 28, 2014.

159-08-BZ

APPLICANT – Jay A. Segal for Greenberg Traurig, LLP, for DJL Family Limited Partnership, owners.

SUBJECT – Application July 18, 2014 – Extension of time to complete construction and Waiver of Rules of Procedure, for a project approved on February 10, 2009, to construct a seven-story and penthouse residential building, with twelve (12) dwelling units and ground floor retail use, contrary to ZR42-10 and 42-10(D)(2)(b). M1-5B zoning district.

PREMISES AFFECTED – 68-70 Spring Street, between Crosby and Lafayette Streets, Block 482, Lot 19, Borough of Manhattan.

COMMUNITY BOARD #2M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of time of complete construction pursuant to a previously-granted variance permitting the construction of a seven-story mixed residential and commercial building, which expired on February 10, 2013; and

WHEREAS, a public hearing was held on this application on September 23, 2014, after due notice by publication in *The City Record*, and then to decision on October 28, 2014; and

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

WHEREAS, the subject site is located on the south side of Spring Street, between Lafayette Street and Crosby Street, within an M1-5B zoning district; and

WHEREAS, on February 10, 2009, under the subject calendar number, the Board granted a variance to permit, on a site within an M1-5B zoning district, the construction of a seven-story mixed residential (Use Group 2) and commercial (Use Group 6) building, contrary to use regulations; and

WHEREAS, pursuant to the conditions of the grant, substantial construction was to be completed by February 10, 2013; however, the applicant represents that as of that date, substantial construction had not been completed; and

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

WHEREAS, the applicant states that construction pursuant to the grant was delayed due to a lack of funding; and

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

Therefore it is Resolved, that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated February 10, 2009, so that as amended the resolution reads: “to grant an extension of time to complete construction for a term of three years from the date of this grant, to expire on October 28, 2017; *on condition* that all work will substantially conform to the BSA-approved plans; and *on further condition*:

THAT substantial construction will be completed by October 28, 2017;

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); and

THAT DOB 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. 110146486)

Adopted by the Board of Standards and Appeals, October 28, 2014.

245-32-BZ

APPLICANT – Sion Hourizadeh, for Michael Raso, owner.

SUBJECT – Application June 20, 2012 – Extension of Term (§11-411) of a previously approved variance which permitted automotive repair (UG 16B) with a commercial office (UG 6) at the second story. C2-2/R5 zoning district.

PREMISES AFFECTED – 123-05 101 Avenue, Block 9464, Lot 30, Borough of Queens.

COMMUNITY BOARD #9Q

ACTION OF THE BOARD – Laid over to November 25, 2014, at 10 A.M., for adjourned hearing.

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545-56-BZ

APPLICANT – Eric Palatnik, P.C., for Williamsbridge Road Realty corporation, owner.

SUBJECT – Application June 12, 2014 – Extension of Term (§11-411) to seek the term of a previously granted variance for a gasoline service station and maintenance which expired October 19, 2012; Waiver of the Rules. C2-4/R5D zoning district.

PREMISES AFFECTED – 2001-2007 Williamsbridge Road aka 1131 Neil Avenue, southeast corner of Williamsbridge Road and Neil Avenue, Block 4306, Lot 20, Borough of Bronx.

COMMUNITY BOARD #11BX

ACTION OF THE BOARD – Laid over to December 9, 2014, at 10 A.M., for continued hearing.

921-57-BZ

APPLICANT – Eric Palatnik, P.C., for Rafael Mizrahi, owner.

SUBJECT – Application March 12, 2014 – Extension of Term (§11-411) of a variance which permitted the operation of an Automobile Repair Facility (UG 16B) which expired on May 29, 2013; Waiver of the Rules. C2-2/R5 zoning district.

PREMISES AFFECTED – 6602 New Utrecht Avenue, New Utrecht Avenue between 66th Street and 15th Avenue, Block 5762, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #11BK

ACTION OF THE BOARD – Laid over to November 25, 2014, at 10 A.M., for continued hearing.

164-94-BZ

APPLICANT – Jeffrey Chester, Esq., for Tuckahoe Realty LLC., owner; LRHC Park Chester NY Ink., lessee.

SUBJECT – Application March 28, 2014 – Extension of Term of a previously approved Variance (§72-21) which permitted the operation of physical culture establishment (*Lucille Roberts*), which expired on March 1, 2014. C1-2/R6 zoning district.

PREMISES AFFECTED – 84 Hugh Grant Circle, Cross Bronx Expressway Sr. South, Block 3794, Lot 109, Borough of Bronx.

COMMUNITY BOARD #9BX

ACTION OF THE BOARD – Laid over to December 16, 2014, at 10 A.M., for continued hearing.

195-02-BZ

APPLICANT – Jeffrey A. Chester, Esq./GSHLLP, for McDonald's Real Estate Company, owner; Lauren Enterprises, lessee.

SUBJECT – Application December 2, 2013 – Extension of Term of a previously approved Variance (§72-21) permitting an eating and drinking establishment with an accessory drive through facility with a legalization of a small addition to the establishment, which expired on February 11, 2013; Waiver of the Rules. R4 zoning district.

PREMISES AFFECTED – 2797 Linden Boulevard, between Drew and Ruby Streets, Block 4471, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #5BK

ACTION OF THE BOARD – Laid over to December 9, 2014, at 10 A.M., for continued hearing.

178-03-BZ

APPLICANT – Eric Palatnik, P.C., for BP Products North America, Inc., owner.

SUBJECT – Application June 6, 2014 – Extension of Term of a Special Permit (§73-211) permitting the operation of an automotive service station (UG 16B) which expired on April 28, 2014. C2-2/R3-2 zoning district.

PREMISES AFFECTED – 114-02 Van Wyck Expressway, south west corner of Linden Boulevard and Van Wyck Expressway, Block 11661, Lot 7, Borough of Queens.

COMMUNITY BOARD #10Q

THE VOTE TO CLOSE HEARING –

Affirmative: Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez4
Negative:.....0

ACTION OF THE BOARD – Laid over to November 18, 2014, at 10 A.M., for decision, hearing closed.

318-06-BZ

APPLICANT – Eric Palatnik, LLP for Sun Company Inc. (R&M), owner.

SUBJECT – Application August 9, 2013 – Extension of Term (§11-411) of a previously approved variance which permitted the operation of an automotive service station (UG 16B), which expired on May 22, 2013; Extension of Time to Obtain a Certificate of Occupancy which expired on November 22, 2007; Waiver of the Rules. R4 zoning district.

PREMISES AFFECTED – 49-05 Astoria Boulevard, Noreast corner of Astoria Boulevard and 49th Street. Block 1000, Lot 35, Borough of Queens.

COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Laid over to December 9, 2014, at 10 A.M., for continued hearing.

MINUTES

76-12-BZ

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

SUBJECT – Application April 25, 2014 – Amendment to modify the previously granted special permit (§73-622) for the enlargement of an existing single-family detached residence. R3-1 zoning district.

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

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to November 25, 2014, at 10 A.M., for continued hearing.

APPEALS CALENDAR

106-14-A

APPLICANT – Greenberg Traurig, LLP., for 84 William Street Property Owner LLC.

SUBJECT – Application May 22, 2014 – Appeals filed pursuant to MDL Section 310(2) (c) for variance of court requirements under MDL Sections 26 (7) & 30 for the construction of residential apartments to an existing building. C5-5 (LM) zoning district.

PREMISES AFFECTED – 84 William Street, northeast corner of the intersection of William Street and Maiden Lane, Block 68, Lot 16, Borough of Manhattan.

COMMUNITY BOARD #10M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated May 1, 2014, acting on DOB Application No. 121184672 reads, in pertinent part:

1. Existing inner court for proposed UG 5 transient hotel does not comply with MDL 26.7;
2. Legally required windows for proposed UG 5 transient hotel open onto an inner court which does not comply with MDL 26.7, contrary to MDL 30; and

WHEREAS, this is an application pursuant to Multiple Dwelling Law (“MDL”) § 310, to vary court requirements in order to allow for the proposed conversion of the subject building from residential use (Use Group 2) to a transient hotel (Use Group 5), contrary to the court requirements of MDL §§ 26(7) and 30; and

WHEREAS, a public hearing was held on this application on October 7, 2014, after due notice by publication in *The City Record*, and then to decision on October 28, 2014; and

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

WHEREAS, the subject site is located on the northeast corner of the intersection of William Street and Maiden Lane, within a C5-5 zoning district within the Special Lower Manhattan District; and

WHEREAS, the site has 70.08 feet of frontage along William Street, 77.52 feet of frontage along Maiden Lane, and 7,601 sq. ft. of lot area; and

WHEREAS, the site is occupied by an 17-story mixed residential and commercial building (the “Building”) with approximately 115,255 sq. ft. of floor area (15.2 FAR) and 121 dwelling units; and

WHEREAS, the site includes a court (the “Court”) with an area of 930 sq. ft. and a minimum distance of 19’-0” from windows opening onto the court and the nearest building wall; and

WHEREAS, the applicant states that the Building was constructed as an office building in 1907 and converted to a multiple dwelling with ground floor retail in 2001 pursuant to Article I, Chapter 5 of the Zoning Resolution; the applicant notes that 75 dwelling units in the Building have legally-required windows opening onto the Court, in accordance with MDL § 277, which permits legally-required windows to open onto a court with a minimum area of 100 sq. ft. and a minimum window-to-window/wall distance of 15’-0”;

WHEREAS, the applicant proposes to enlarge the Building by two stories and convert it to a transient hotel (Use Group 5) with 137 hotel rooms and Use Group 6 uses on the first story; the applicant proposes extensive alterations to the interior of the building in order to accommodate the proposed uses, including the construction of new mechanical spaces, however, the applicant does not propose changes to the dimensions of the Court or to the windows opening onto the Court; and

WHEREAS, the applicant states that 75 hotel rooms will have legally-required windows opening onto the Court; and

WHEREAS, the Board notes that pursuant to MDL § 4(9), transient hotels are considered Class B multiple dwellings; therefore, the proposed hotel use must comply with the relevant provisions of the MDL; and

WHEREAS, pursuant to MDL § 4(32), the Court is considered an “inner court;” and

WHEREAS, MDL § 26(7) states that, except as otherwise provided in the Zoning Resolution, (1) an inner court shall have a minimum width of four inches for each one foot of height of such court and (2) the area of such inner court shall be twice the square of the required width of the court, but need not exceed 1,200 sq. ft. so long as there is a horizontal distance of at least 30 feet between any required living room window opening onto such court and any wall opposite such window; the applicant notes that the Zoning Resolution does not provide any standards for courts that serve transient hotels; and

WHEREAS, pursuant to MDL § 30, every room in a

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multiple dwelling must have one window opening directly upon a street or upon a lawful yard, court or space above a setback located on the same lot as that occupied by the multiple dwelling; and

WHEREAS, the applicant states that the Court, which, as noted above, has an area of 930 sq. ft. and a minimum window-to-window/wall distance of 19'-0", does not satisfy the minimum requirements of MDL § 26(7); in addition, the applicant states that windows opening onto the Court cannot relied upon for light and ventilation, per MDL § 30; and

WHEREAS, accordingly, the applicant requests that the Board invoke its authority under MDL § 310 to permit the proposed conversion contrary to MDL §§ 26(7) and 30; and

WHEREAS, pursuant to MDL § 310(2)(a), the Board has the authority to vary or modify certain provisions of the MDL for multiple dwellings that existed on July 1, 1948, provided that the Board determines that strict compliance with such provisions would cause practical difficulties or unnecessary hardships, and that the spirit and intent of the MDL are maintained, public health, safety and welfare are preserved, and substantial justice is done; and

WHEREAS, as noted above, the subject building was constructed in 1907; therefore the building is subject to MDL § 310(2)(a); and

WHEREAS, specifically, MDL § 310(2)(a) empowers the Board to vary or modify provisions or requirements related to: (1) height and bulk; (2) required open spaces; (3) minimum dimensions of yards or courts; (4) means of egress; and (5) basements and cellars in tenements converted to dwellings; and

WHEREAS, the Board notes that MDL § 26(7) specifically relates to the minimum dimensions of courts and MDL § 30 mandates that a legally-required window open upon, among other things, a lawful court; therefore, the Board has the power to vary or modify the subject provisions pursuant to MDL § 310(2)(a)(3); and

WHEREAS, the Board also observes that to the extent it permits a court at variance with the requirements of MDL § 26(7), such court is a "lawful court" upon which legally-required windows can open in accordance with MDL § 30; and

WHEREAS, turning to the findings under MDL § 310(2)(a), the applicant asserts that practical difficulty and unnecessary hardship would result from strict compliance with the MDL; and

WHEREAS, in support of this assertion, the applicant submitted a comparison between the proposal and the conversion of the Building to a transient hotel with a court that satisfies the minimum requirements of MDL §§ 26(7) and 30; and

WHEREAS, the applicant states that a complying court would require extensive demolition and exterior construction work around the court area to create the complying court and significant modifications to the layout of the hotel rooms, and would result in ten fewer rooms; and

WHEREAS, further, the applicant states that providing a complying court would cost approximately \$5,000,000 more

than the proposal and yield \$950,000 less in annual revenue; and

WHEREAS, based on the above, the Board agrees that the applicant has established a sufficient level of practical difficulty and unnecessary hardship in complying with the requirements of the MDL; and

WHEREAS, the applicant states that the requested variance of MDL §§ 26(7) and 30 is consistent with the spirit and intent of the MDL, and will preserve public health, safety and welfare, and substantial justice; and

WHEREAS, specifically, the applicant states the primary intent of MDL §§ 26(7) and 30 is to ensure that rooms within multiple dwellings have adequate light and ventilation; and

WHEREAS, the applicant states that although the dimensions of the Court are deficient under the MDL, the Court is contiguous with the 550 sq.-ft. inner court of the building located on Block 68, Lot 11; thus, the total area of the combined courts is 1,480 sq. ft., which is 280 sq. ft. more than the maximum required (1,200 sq. ft.) under MDL § 26(7); and

WHEREAS, the applicant states, as noted above, that, currently, the Building is permitted to occupied for permanent residence purposes under MDL § 277 and the applicant asserts that it would be incongruous with the spirit and intent of the MDL to prevent transient use where permanent use is permitted; and

WHEREAS, likewise, the applicant states that visitors to the 75 proposed hotel rooms enjoy nearly the same amount of light and ventilation (19'-0" to the nearest window or wall) as visitors to hotels constructed with a rear yard depth of 20'-0" (the minimum required depth for a transient hotel under the Zoning Resolution); and

WHEREAS, the applicant also notes that because the Building will be used as a transient hotel, it will be used by visitors to New York City, who are unlikely to spend a substantial portion of daylight hours in their rooms; and

WHEREAS, at hearing, the Board inquired as to whether the hotel rooms would be provided with mechanical ventilation; and

WHEREAS, in response, the applicant confirmed that all 137 rooms would have mechanical ventilation in accordance with the applicable provisions of the relevant construction codes; and

WHEREAS, based on the above, the Board finds that the proposed modifications to the court requirements of MDL §§ 26(7) and 30 will maintain the spirit and intent of the MDL, preserve public health, safety and welfare, and ensure that substantial justice is done; and

WHEREAS, accordingly, the Board finds that the applicant has submitted adequate evidence in support of the findings required to be made under MDL § 310(2)(a) and that the requested modification of the court requirements of MDL §§ 26(7) and 30 is appropriate, with certain conditions set forth below.

Therefore it is Resolved, that the decision of the Department of Buildings, dated May 1, 2014, is modified and

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that this application is granted, limited to the decision noted above, on condition that construction will substantially conform to the plans filed with the application marked, "Received August 25, 2014"- (12) sheets and "October 3, 2014"- (5) sheets; and on further condition:

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB objections related to the MDL;

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

THAT DOB 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.

Adopted by the Board of Standards and Appeals, October 28, 2014.

142-14-A

APPLICANT – Goldman Harris LLC., for 92 Henry Fulton LLC., owner.

SUBJECT – Application June 17, 2014 – Proposed construction of a mixed-use development to be located partially within the bed of a mapped but unbuilt portion of Fulton Street, contrary to General City law Section 35 and the bulk regulations pursuant to §72-01-(g). C6-4 zoning district.

PREMISES AFFECTED –92 Fulton Street, south side of Fulton Street, between William Street to the West and Gold Street to the east, Block 77, Lot 22, Borough of Manhattan.

COMMUNITY BOARD #1M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated June 19, 2014, acting on DOB Application No. 121185957, reads in pertinent part:

1. Proposed new building does not comply with bulk regulations resulting from the location of the street as per ZR 91-32 Setback regulations for Special Lower Manhattan District; for "Type 3" as defined on Map 2n Appendix A #street walls #, the required setbacks shall be measured from a line drawn at or parallel to the #street line# so that at least 70 percent of the aggregate width of street walls# of the building at the minimum base height are within such line and the #street line# (street widening line);
2. Proposed development which rests partially within the bed of the mapped street is contrary to GCL 35; and therefore must be referred to NYC BSA for approval with any related bulk

waivers pursuant to ZR72-01-(g); and

WHEREAS, a public hearing was held on this application on October 7, 2014, after due notice by publication in *The City Record*, and then to decision on October 28, 2014; and

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

WHEREAS, this is an application to allow the construction of 17-story mixed residential and commercial building, which will be partially located within the widening line of Fulton Street; and

WHEREAS, the subject site is located on the south side of Fulton Street between William Street to the west and Gold Street to the East within a C6-4 zoning district, within the Special Lower Manhattan District; and

WHEREAS, the site has 25.83 feet of frontage along Fulton Street and 2,189 sq. ft. of lot area, with about 42 percent of the lot area (933 sq. ft.) located within the widening area of Fulton Street; and

WHEREAS, the applicant states that, in connection with the proposed development, the site has been declared a single zoning lot with the following parcel 90 Fulton Street (Block 77, Tax Lot 23) which is improved with a remaining 5 story building ; and

WHEREAS, by letter dated July 1, 2014, the Fire Department states that it has reviewed the proposal and does not have any objections; and

WHEREAS, by letter dated July 11, 2014 , the Department of Environmental Protection ("DEP") states that: (1) there is an existing 12-inch diameter hydrant branch, 20-inch diameter water main in the bed of Fulton Street; (2) there is an existing 28-inch diameter combined sewer in the bed of Fulton Street between William Street and Gold Street; (3) Modified City Drainage Plan for Sewage District No. 22CL, dated May 3, 1928, calls for a future 3'-6" by 2'-4" combined sewer to be installed in Fulton Street between William Street and Gold Street; and

WHEREAS, initially, the applicant submitted a survey, which showed an existing 5'-6" by 2'-4" combined sewer in the bed of Fulton Street between William Street and Gold Street; and

WHEREAS, in response, DEP indicated that it requires the applicant to submit a survey/plan showing: (1) the existing 28-inch diameter combined sewer and additional 12-inch diameter hydrant branch in the bed of Fulton Street, fronting the above referenced property; and (2) the size of the 5'-6" by 2'-4" combined sewer must be verified; and

WHEREAS, in response to DEP's request, the applicant submitted a revised survey, and by letter dated July 29, 2014, DEP states that it has no objections to the proposal; and

WHEREAS, by correspondence dated July 31, 2014, the Department of Transportation ("DOT") states that: (1) according to the Manhattan Borough President's Topographical Bureau, Fulton Street from William Street to Gold Street is mapped at a width of 90 feet on the Final City

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Map; (2) the City does not have title to the southerly portion within Block 77; and (3) construction within the bed of Fulton Street is not presently included in DOT's Capital Improvement Program; and

WHEREAS, the Board notes that pursuant to GCL Section 35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non-compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, in particular, the Board notes that, if the built width of Fulton Street (rather than its wider, mapped width) were used to measure the setbacks required under ZR § 91-32, such setbacks would comply; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; 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 Board modifies the decision of the DOB, dated June 19, 2014, acting on DOB Application No. 121185957, by the power vested in it by Section 35 of the General City Law, and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal, limited to the decision noted above *on condition* that construction will substantially conform to the drawing filed with the application marked "Received October 8, 2014"- (1) sheet; and *on further condition*:

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped;

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

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

THAT DOB 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 on October 28, 2014.

235-14-A

APPLICANT – Joseph Jabour, for Kevin & Roxie Voorhees, owners.

SUBJECT – Application September 30, 2014 – Section 36, Article 3 of the General City Law - NYC-HPD Build It Back in a private community known as Seagate which is a private unmapped street for a proposed single family home to replace the dwelling destroyed by Hurricane Sandy. R3-1 zoning district.

PREMISES AFFECTED – 4020 Atlantic Avenue, 200' to Beach 40th Street from east property line, Block 7042, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #13BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Otley-Brown and Commissioner Montanez ...4

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application to permit the construction of a single-family home that does not front a mapped street, contrary to General City Law § 36; and

WHEREAS, a public hearing was held on this application on October 21, 2014 after due notice by publication in *The City Record*, and then to decision on October 28, 2014; and

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

WHEREAS, this application is brought by an architect representing a homeowner in connection with the Build It Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, the subject property exists in a private community known as Seagate and is located on the tip of Coney Island, within an R3-zoning district; and

WHEREAS, the site has 5,000 sq. ft. of lot area and is currently vacant; it has 50 feet of frontage along Atlantic Avenue, an access road that does not appear on the City Map; and

WHEREAS, the applicant proposes to rebuild a single-family home with 2,417 sq. ft. of floor area (0.46 FAR); the applicant notes that the new home is being raised to accommodate the FEMA and DOB requirements for base flood elevation and is designed to comply with the relevant building codes and flood requirements; and

WHEREAS, because the site is located along an unmapped access road, the applicant request a waiver of General City Law § 36; and

WHEREAS, by letter dated October 16, 2014, the Fire Department states that it has reviewed the proposal and has

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no objection, on condition that: (1) the entire building will be fully-sprinklered in conformity with provisions of Chapter 9 of the 2008 Building Code; (2) interconnected smoke alarms will be installed in accordance with Section 907.2.10 of the 2008 Building Code; (3) the height of the building will not exceed 35 feet above the grade plane as defined by Section 502.1 of the 2008 Building Code; and

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

Therefore it is Resolved, the appeal is granted by the power vested in the Board by Section 36 of the General City Law and on condition that construction shall substantially conform to the drawing filed with the application marked "October 21, 2014"-one (1) sheet, and on further condition:

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

THAT the entire building will be fully-sprinklered in conformity with provisions of Chapter 9 of the 2008 Building Code;

THAT interconnected smoke alarms will be installed in accordance with Section 907.2.10 of the 2008 Building Code;

THAT the height of the building will not exceed 35 feet above the grade plane as defined by Section 502.1 of the 2008 Building Code;

THAT DOB 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, October 28, 2014.

61-14-A

APPLICANT – Rothkrug Rothkrug & Spector LLP., for Guido Passarelli, Trustee, owner.

SUBJECT – Application April 18, 2014 – Proposed construction of a two-story two family dwelling located within the bed of unmapped street, contrary to Article 3 Section 36 of the General City law. R3X (SRD) zoning district.

PREMISES AFFECTED – 11 Massachusetts Street South, southeast corner of intersection of Hylan Boulevard and Massachusetts Street, Block 7936, Lot 3(tentative), Borough of Staten Island.

COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Laid over to December 9, 2014, at 10 A.M., for continued hearing.

89-14-A

APPLICANT – Kramer Levin Naftalis & Frankel LLP, for 215 East 64th St. Co. LLC c/o Deniham Hospitality, owner.

SUBJECT – Application April 30, 2014 – Extension of Time to obtain a Class B Certificate of Occupancy to

legalize a hotel (*Affinia Gardens Hotel*) under MDL Section 120(b) (3), as provided under recent amendments under Chapters 225 and 566 of the Laws of New York. R8B zoning district.

PREMISES AFFECTED – 215 East 64th Street, north side of East 64th Street between Second Avenue and Third Avenue, Block 1419, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #8M

ACTION OF THE BOARD – Off-Calendar.

109-14-A

APPLICANT – Eric Palatnik, P.C., for Carlo Saccheri, owner.

SUBJECT – Application May 23, 2014 – Proposed two story commercial building which does not front on a legally, mapped street contrary to GCL Section 36. M1-1 SRD Zoning District.

PREMISES AFFECTED – 44 Marjorie Street, south of Sharrotts Road and East of Arthur Kill Road, Block 7328, Lot 645, Borough of Queens.

COMMUNITY BOARD #3Q

ACTION OF THE BOARD – Laid over to December 9, 2014, at 10 A.M., for continued hearing.

ZONING CALENDAR

343-12-BZ

APPLICANT – Akerman Senterfitt, LLP., for Ocean Ave Education Support, Inc., owner.

SUBJECT – Application December 19, 2012 – Variance (§72-21) to permit the construction of a Use Group 3 school (*Brooklyn School for Medically Frail Children*) with dormitory facilities in a split zoning lot, contrary to lot coverage(§24-11), yard requirements (§24-382, §24-393, §24-33) and use regulations (§22-13). R1-2/R7A zoning district.

PREMISES AFFECTED – 570 East 21st Street, between Dorchester Road and Ditmas Avenue, Block 5184, Lot(s) 39, 62, 66, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to December 16, 2014, at 10 A.M., for continued hearing.

176-13-BZ

APPLICANT – Sheldon Lobel, P.C., for 31 BSP LLC, owner.

SUBJECT – Application June 17, 2013 – Variance (§72-21) to permit Use Group 2 residential in an existing 6-story building with a new penthouse addition, contrary to Section 42-10 of the zoning resolution. M1-5B zoning district.

PREMISES AFFECTED – 31 Bond Street, southern side of Bond Street approximately 1170' from Lafayette Street, Block 529, Lot 25, Borough of Manhattan.

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COMMUNITY BOARD # 2M

ACTION OF THE BOARD – Laid over to December 9, 2014, at 1:00 P.M., for continued hearing.

186-13-BZ

APPLICANT – Harold Weinberg, P.E., for Apostollis Goutsios, owner.

SUBJECT – Application June 21, 2013 – Special Permit (§73-622) for an enlargement to an existing single family home, contrary to side yard regulations (ZR 23-461) of the zoning resolution. R5 (BR) zoning district.

PREMISES AFFECTED – 117 Gelston Avenue, east side 125'-13'8" south of 90th Street and 92nd Street, Block 6089, Lot 19, Borough of Brooklyn.

COMMUNITY BOARD #10BK

ACTION OF THE BOARD – Laid over to December 9, 2014, at 10 A.M., for continued hearing.

8-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Oleg Saitskiy, owner.

SUBJECT – Application January 16, 2014 – 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 yards requirements (§23-461) and less than the rear yard requirement (23-47). R3-2 zoning district.

PREMISES AFFECTED – 1824 East 22nd Street, west side of East 22nd Street between Quentin Road and Avenue R, Block 6804, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to December 9, 2014, at 10 A.M., for continued hearing.

17-14-BZ

APPLICANT – Moshe M. Friedman, PE, for Cong Chasdei Belz Beth Malka, owner.

SUBJECT – Application January 28, 2014 – Variance (§72-21) to add a third and fourth floor to an existing school building (*Congregation Chasidei Belz Beth Malka*), contrary to floor area (§24-11) lot coverage, maximum wall height (§24-521), side yard (§24-35), front yard (§24-34) and rear yard (§24-361) regulations. R5 zoning district.

PREMISES AFFECTED – 600 McDonald Avenue aka 14 Avenue C, aka 377 Dahill Road, south west corner of Avenue C and McDonald Avenue 655', 140'W, 15'N, 100'E, 586'N, 4"E, 54'N, 39.67'East, Block 5369, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #12BK

ACTION OF THE BOARD – Laid over to January 27, 2015, at 10 A.M., for continued hearing.

26-14-BZ

APPLICANT – Francis R. Angelino, Esq., for The Hewitt School, owner.

SUBJECT – Application February 6, 2014 – Variance (§72-21) to permit the enlargement of an existing community facility (*Hewitt School*), contrary to maximum building height (24-591); street wall height (§24-592); and rear yard requirements (§24-36). R8B zoning district.

PREMISES AFFECTED – 45 East 75th Street aka 42-76 East 76th Street, north side, East 75th Street through block to south side E 76th between Park & Madison Avenues, Block 1390, Lot(s) 28, 46, Borough of Manhattan.

COMMUNITY BOARD #8M

ACTION OF THE BOARD – Laid over to December 9, 2014, at 10 A.M., for continued hearing.

31-14-BZ

APPLICANT – Moshe M. Friedman, PE, for Bnos Square of Williamsburg, owner.

SUBJECT – Application February 11, 2014 – Special Permit (§73-19) to allow a conversion of an existing Synagogue (*Bnos Square of Williamsburg*) building (Use Group 4 to (Use Group 3). M1-2 zoning district.

PREMISES AFFECTED – 165 Spencer Street, 32'6" Northerly from the corner of the northerly side of Willoughby Avenue and easterly side of Spencer Street, Block 1751, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #3BK

ACTION OF THE BOARD – Laid over to January 6, 2015, at 10 A.M., for continued hearing.

42-14-BZ

APPLICANT – Eric Palatnik, P.C., for 783/5 Lex Associates LLC., owner; Lush Cosmetics NY LLC., lessee.

SUBJECT – Application March 12, 2014 – Special Permit (§73-36) to allow a physical culture establishment (*Lush Cosmetics*) located on the cellar, first and second floor of a five story building. C1-8 zoning district.

PREMISES AFFECTED – 783 Lexington Avenue, between 61st and 62nd Streets, Block 1395, Lot 22, Borough of Manhattan.

COMMUNITY BOARD #8M

THE VOTE TO CLOSE HEARING –
Affirmative: Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez4
Negative:.....0

ACTION OF THE BOARD – Laid over to November 25, 2014, at 10 A.M., for decision, hearing closed.

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48-14-BZ

APPLICANT – Eric Palatnik, P.C., for Vlad Benjamin, owner.

SUBJECT – Application March 26, 2014 – Special Permit (§73-622) for the enlargement of an existing two story single family home, contrary to floor area, lot coverage and open space (§23-141). R3-1 zoning district.

PREMISES AFFECTED – 174 Falmouth Street, between Hampton Avenue and Oriental Boulevard, Block 8784, Lot 196, Borough of Brooklyn.

COMMUNITY BOARD #15BK

THE VOTE TO CLOSE HEARING –

Affirmative: Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez4
Negative:.....0

ACTION OF THE BOARD – Laid over to December 9, 2014, at 10 A.M., for decision, hearing closed.

56-14-BZ

APPLICANT – Walter Gorman, P.E.P.C., for Leemilts Petroleum Ink., owner; Capitol Petroleum Group, lessee.

SUBJECT – Application April 10, 2014 – Re-Instatement (§11-411) of a variance which permitted an auto service station (UG16B), with accessory uses; Waiver of the Rules. C1-3/R3-A zoning district.

PREMISES AFFECTED – 161-51/6 Bailey Boulevard, northwest corner of Guy Brewer Boulevard, Block 12256, Lot 36, Borough of Queens.

COMMUNITY BOARD #12Q

ACTION OF THE BOARD – Laid over to January 6, 2015, at 10 A.M., for continued hearing.

64-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Moshe Dov Stern & Goldie Stern, owners.

SUBJECT – Application April 29, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and open space (§23-141); side yard (§23-461) and less than the required rear yard (§23-47). R2 zoning district.

PREMISES AFFECTED – 1320 East 23rd Street, west side of East 23rd Street between Avenue M and Avenue N, Block 7658, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to December 9, 2014, at 10 A.M., for continued hearing.

91-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for 3428 Bedford LLC by Jeffrey Mehl, owner.

SUBJECT – Application May 2, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space (ZR 23-141) and less than the required rear yard (§23-47). R2 zoning district.

PREMISES AFFECTED – 3420 Bedford Avenue, southwest corner of Bedford Avenue and Avenue M, Block 7660, Lot (tentative) 45, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to December 9, 2014, at 10 A.M., for continued hearing.

93-14-BZ

APPLICANT – Eric Palatnik, P.C., for 455 West 37 LLC., owner; MJM Boxing LLC., lessee.

SUBJECT – Application September 16, 2014 – Special Permit (§73-36) to allow a physical culture establishment (*Title Boxing Club*). R8A/C2-5 zoning district.

PREMISES AFFECTED – 455 West 37th Street, between Dyer and 10th Avenues, Block 735, Lot 6, Borough of Manhattan.

COMMUNITY BOARD #4M

THE VOTE TO CLOSE HEARING –

Affirmative: Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez4
Negative:.....0

ACTION OF THE BOARD – Laid over to November 18, 2014, at 10 A.M., for decision, hearing closed.

96-14-BZ

APPLICANT – Kramer Levin Naftalis & Frankel LLP, by Paul Selver, Esq., for 290 Dyckman Properties, LLC, owner.

SUBJECT – Application May 5, 2014 – Variance (§72-21) to allow the conversion of an existing two-story building that has historically been occupied by manufacturing and industrial/commercial uses to be converted to a self-storage facility. C8-3/R7-2 district.

PREMISES AFFECTED – 290 Dyckman Street, corner lot at the intersection of Dyckman Street and Henshaw Street. Block 2246, Lot 28. Borough of Manhattan.

COMMUNITY BOARD #12M

ACTION OF THE BOARD – Laid over to November 18, 2014, at 10 A.M., for continued hearing.

100-14-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Madina Eco Friendly Ink., owner; Blink Macombs Road, Ink., lessee.

SUBJECT – Application May 8, 2014 – Special Permit (§73-36) to allow for a physical culture establishment (PCE) (*Blink Fitness*) within a portions of a new two-story commercial building (currently under construction). C8-3 zoning district.

PREMISES AFFECTED – 1490 Macombs Road, east side of Macombs Road intersection Macombs Road, W 172nd Street and Inwood Avenue, Block 2865, Lot 1, Borough of Bronx.

COMMUNITY BOARD #1BX

THE VOTE TO CLOSE HEARING –

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Affirmative: Vice Chair Collins, Commissioner Ottley-Brown,
Commissioner Hinkson and Commissioner Montanez4
Negative:.....0

ACTION OF THE BOARD – Laid over to
November 18, 2014, at 10 A.M., for decision, hearing
closed.

114-14-BZ

APPLICANT – Eric Palatnik, P.C., for Boris Vaysurb,
owner.

SUBJECT – Application May 30, 2014 – Special Permit
(\$73-622) for enlargement of an existing two story single
family dwelling contrary to floor area ratio, open space and
lot coverage (ZR 23-141); side yard (ZR 23-461) and less
than the rear yard requirements (ZR 23-47). R4 zoning
district.

PREMISES AFFECTED – 2442 East 14th Street, between
Avenue X and Avenue Y, Block 7415, Lot 24, Borough of
Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to December
9, 2014, at 10 A.M., for continued hearing.

150-14-BZ

APPLICANT – Law Office of Fredrick A. Becker, for
Gotham Broad LIC, owner; BFX 30 Broad Street LLC dba
BFX Studio, lessee.

SUBJECT – Application June 25, 2014 – Special Permit
(\$73-36) to allow the operation of a physical culture
establishment (*BFX Studio*) in portions of the second floor
and second floor mezzanine with an entrance at the ground
level. C5-5 zoning district.

PREMISES AFFECTED – 30 Broad Street, between
Exchange Place and Beaver Street, Block 24, Lot 29,
Borough of Manhattan.

COMMUNITY BOARD #1M

THE VOTE TO CLOSE HEARING –

Affirmative: Vice Chair Collins, Commissioner Ottley-Brown,
Commissioner Hinkson and Commissioner Montanez4
Negative:.....0

ACTION OF THE BOARD – Laid over to
November 18, 2014, at 10 A.M., for decision, hearing
closed.

Ryan Singer, Executive Director

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CORRECTION

This resolution adopted on October 21, 2014, under Calendar No. 283-13-BZ and printed in Volume 99, Bulletin Nos. 42-43, is hereby corrected to read as follows:

283-13-BZ

CEQR No. 14-BSA-053K

APPLICANT – Alexander Levkovich, for 100 Elmwood Realty Corp., owner.

SUBJECT – Application October 8, 2013 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*NYC Fitness Club*) on the first floor of a one story building. M1-1 zoning district.

PREMISES AFFECTED – 4930 20th Avenue, Dahill Road and 50th Street; Avenue 1 & Dahill Road, Block 5464, Lot 81, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated September 30, 2013, acting on DOB Application No. 320734577, reads, in pertinent part:

ZR 42-10 – Physical culture or health establishment is not permitted as of right in M1-1 district; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a M1-1 zoning district, the operation of a physical culture establishment (“PCE”) on the first story and mezzanine of a one-story commercial building, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on June 17, 2014, after due notice by publication in the *City Record*, with continued hearings on August 19, 2014 and September 23, 2014, and then to decision on October 21, 2014; and

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

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

WHEREAS, the subject site is a triangular lot located at the northeast corner of the intersection of 20th Avenue and Dahill Road, within an M1-1 zoning district; and

WHEREAS, the site has approximately 150 feet of frontage along 20th Avenue, approximately 170 feet of frontage along Dahill Road, and 11,376 sq. ft. of lot area; and

WHEREAS, the site is occupied by a one-story commercial building with 16,643 sq. ft. of floor area (1.46 FAR); and

WHEREAS, the proposed PCE will occupy the entire

building and be operated as NYC Fight Club; and

WHEREAS, the hours of operation for the PCE will be seven days per week, from 6:00 a.m. to 11:30 p.m.; 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 Fire Department states that it has no objection to the proposal; and

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

WHEREAS, accordingly, 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, at hearing, the Board directed the applicant to remove graffiti from the exterior of the building and to clarify the parking requirements of the site and anticipated parking needs of the PCE; and

WHEREAS, as to the graffiti, the applicant submitted photos depicting the removal of the graffiti; and

WHEREAS, as to parking, the applicant obtained a determination from DOB that parking is not required for the PCE; in addition, the applicant represents that: (1) only ten percent of the patrons regularly visiting the PCE will arrive by personal car and that 90 percent will walk or utilize a form of public transportation; (2) public transportation in the vicinity is adequate, in that the F train and the No. 11 bus are within 200 feet of the site and two other buses are within two avenues of 20th Avenue; and (3) on-street parking and local off-street parking facilities are more than adequate to handle the limited auto traffic anticipated; 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 (EAS) CEQR No. 14-BSA-053K, dated September 30, 2013; and

WHEREAS, the EAS documents 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

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Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

Bulletin No. 44, Vol. 99, dated November 5, 2014.

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; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site within a M1-1 zoning district, the operation of a PCE on the first story and mezzanine of a one-story commercial building, contrary to ZR § 42-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received April 10, 2014”-(10) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on October 21, 2024;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT since there are no residential uses in the subject building and there are no adjacent residential uses, sound attenuation measures are not necessary;

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by October 7, 2018;

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 DOB 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, October 21, 2014.

The resolution has been amended to change the signed off date in part of the conditions which read “October 21, 2015” now reads: “October 21, 2018”. Corrected in

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CORRECTION

This resolution adopted on October 7, 2014, under Calendar No. 50-14-BZ and printed in Volume 99, Bulletin Nos. 40-41, is hereby corrected to read as follows:

50-14-BZ

CEQR #14-BSA-131K

APPLICANT – Eric Palatnik, P.C., for Brooklyn Rainbow Associates LLC, owner; Crunch Greenpoint LLC, lessee.
SUBJECT – Application April 1, 2014 – Re-adoption of September 16, 2014 approval with required LPC approval. Special Permit (§73-36) to allow a physical culture establishment (*Crunch Fitness*) within an existing cellar and one-story commercial building. C4-3A zoning district.
PREMISES AFFECTED – 825 Manhattan Avenue aka 181 Calyer Street, north side of Calyer Street, 25’ west of Manhattan Avenue, Block 2573, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #1BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated March 27, 2014, acting on DOB Application No. 320903572, reads, in pertinent part:

Proposed physical culture or health establishment is not a use permitted as of right; contrary to ZR 32-10; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C4-3A zoning district, within the Greenpoint Historic District, the operation of a physical culture establishment (“PCE”) in the cellar and first story of a one-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on August 19, 2014, after due notice by publication in the *City Record*, and then to decision on October 7, 2014; and

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

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

WHEREAS, the subject site is a flag lot with 25 feet of frontage along Manhattan Avenue and 79 feet of frontage along Calyer Street; and

WHEREAS, the site has 10,400 sq. ft. of lot area and is located within a C4-3A zoning district, within the Greenpoint Historic District; and

WHEREAS, the site is occupied by a one-story commercial building with 10,400 sq. ft. of floor area (1.0

FAR); and

WHEREAS, the proposed PCE will occupy the entire building, including 10,400 sq. ft. of floor space in the cellar, for a total PCE size of 20,800 sq. ft.; and

WHEREAS, the PCE will be operated as Crunch; and

WHEREAS, the hours of operation for the 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 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 Fire Department states that it has no objection to the proposal; and

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

WHEREAS, the Landmarks Preservation Commission has approved the proposed alterations of the building by Certificate of No Effect, dated September 24, 2014; and

WHEREAS, accordingly, 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 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 a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Type II action discussed in the CEQR Checklist No. 14BSA131K dated April 1, 2014; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site within a C4-3A zoning district, within the Greenpoint Historic District, the operation of a PCE in the cellar and first story of a one-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received June 16, 2014” (4) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on October 7, 2024;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

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THAT all sound attenuation measures proposed will be installed, maintained and reflected on the Board approved plans;

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by October 7, 2018;

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 DOB 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, October 7, 2014.

The resolution has been amended to change the signed off date in part of the conditions which read “October 7, 2015” now reads: “October 7, 2018”. Corrected in Bulletin No. 44, Vol. 99, dated November 5, 2014.

CORRECTION

This resolution adopted on October 21, 2014, under Calendar No. 53-14-BZ and printed in Volume 99, Bulletin Nos. 42-43, is hereby corrected to read as follows:

53-14-BZ

CEQR #14-BSA-134M

APPLICANT – Evolution Muay Thai LLC, for 12 West 27 Land, L.P., owner.

SUBJECT – Application April 2, 2014 – Special Permit (§73-36) to legalize a physical culture establishment (*Evolution Muay Thai*). M1-6 zoning district.

PREMISES AFFECTED – 12 West 27th Street, 2nd floor, between Broadway and 6th Avenue, Block 828, Lot 56, Manhattan.

COMMUNITY BOARD #5M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated March 5, 2014, acting on DOB Application No. 121094804, reads, in pertinent part:

Physical culture establishment is not permitted as of right in M1-6 zoning district and is contrary to ZR 42-10; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a M1-6 zoning district, within the Madison Square North Historic District, the legalization of a physical culture establishment (“PCE”) operating on the second story of an 18-story mixed residential and commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on September 23, 2014, after due notice by publication in the *City Record*, and then to decision on October 21, 2014; and

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

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

WHEREAS, the subject site is located on the south side of West 27th Street, between Avenue of the Americas and Broadway, within the Madison Square North Historic District; and

WHEREAS, the site has 50 feet of frontage along West 27th Street and 4,938 sq. ft. of lot area; and

WHEREAS, the site is occupied by a 18-story mixed residential and commercial building with approximately 85,076 sq. ft. of floor area (17.23 FAR); and

WHEREAS, the PCE occupies 4,714 sq. ft. of floor area

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on the second story and is operated as Evolution Muay Thai; and

WHEREAS, the hours of operation for the PCE are Monday through Friday, from 12:00 p.m. to 9:00 p.m., and Saturday, from 12:00 p.m. to 5:00 p.m., and Sunday, from 12:00 p.m. to 3:00 p.m.; 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 Fire Department states that it has no objection to the proposal; and

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

WHEREAS, the Landmarks Preservation Commission has approved the proposed alterations of the building by Certificate of No Effect, dated March 19, 2014; and

WHEREAS, accordingly, 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, at hearing, the Board noted that it had received complaint regarding odors emanating from the PCE; and

WHEREAS, in response, the applicant stated that it also received the complaint and has installed a new ventilation system; and

WHEREAS, the Board notes that the term of this grant has been reduced to reflect the period of time that the PCE operated without the special permit and to ensure that the continued operation of the PCE does not negatively impact the building; 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 a Type I action pursuant to 6 NYCRR Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action discussed in the Environmental Assessment Statement, CEQR No. 14BSA134M dated July 8, 2014; 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 Type I Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site within a M1-6 zoning district, within the Madison Square North Historic District, the legalization of a PCE operating on the second story of an 18-story mixed residential and commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received July 9, 2014"-(2) sheets; *on further condition*:

THAT the term of the PCE grant will expire on October 21, 2019;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT workout padding in the PCE space will be cleaned and sanitized on a regular basis;

THAT charcoal filters will be installed in the PCE space to ensure that odors from the PCE do not migrate into offices throughout the building;

THAT specific sound attenuation measures are not necessary since there are no residential uses above or adjacent to the PCE space. The floor of the PCE is eighteen inch concrete slab with 1½ inch foam on top of the slab which will act as a sound buffer;

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by October 21, 2018;

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 DOB 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

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related to the relief granted.

Adopted by the Board of Standards and Appeals, October 21, 2014.

The resolution has been amended to change the signed off date in part of the conditions which read “October 21, 2015” now reads: “October 21, 2018”. Corrected in Bulletin No. 44, Vol. 99, dated November 5, 2014.

CORRECTION

This resolution adopted on October 21, 2014, under Calendar No. 1053-14-BZ and printed in Volume 99, Bulletin Nos. 42-43, is hereby corrected to read as follows:

105-14-BZ

APPLICANT – Lewis E. Garfinkel, for Caren May, owner.
SUBJECT – Application May 21, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space (ZR 23-141); side yards (ZR 23-461) and less than the required rear yard (ZR 23-47). R2 zoning district.

PREMISES AFFECTED – 1224 East 27th Street, west side of East 27th Street, 175’ south from Avenue L, Block 7644, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Otley-Brown and Commissioner Montanez ...4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings (“DOB”), dated May 19, 2014, acting on DOB Application No. 320915266, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141(a) in that the proposed floor area ratio exceeds the permitted 50 percent;
 2. Proposed plans are contrary to ZR 23-141(a) in that the proposed open space ratio is less than the required 150 percent;
 3. Plans are contrary to ZR 23-461(a) in that the side yard is less than the required 5’-0”;
 4. 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, to permit, on a site within 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 September 23, 2014, after due notice by publication in *The City Record*, and then to decision on October 21, 2014; and

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

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

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WHEREAS, the subject site is located on the west side of East 27th Street, between Avenue L and Avenue M, within an R2 zoning district; and

WHEREAS, the site has 25 feet of frontage along East 28th Street and 2,500 sq. ft. of lot area; and

WHEREAS, the site is occupied by a single-family home with 1,637 sq. ft. of floor area (0.65 FAR); and

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

WHEREAS, the applicant now seeks to convert the building to a single-family home and increase its floor area from 1,637 sq. ft. (0.65 FAR) to 2,187 sq. ft. (0.88 FAR); the maximum permitted floor area is 1,250 sq. ft. (0.5 FAR); and

WHEREAS, the applicant seeks to decrease the open space ratio from 68 percent to 55 percent; the minimum required open space ratio is 150 percent; and

WHEREAS, the applicant seeks to maintain an existing side yard widths of 3'-0" and 5'-8"; the requirement is two side yards with a minimum total width of 13'-0" and a minimum width of 5'-0" each; and

WHEREAS, the applicant also seeks to decrease its rear yard depth from 37'-8" to 20'-0"; a rear yard with a minimum 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 asserts that the proposed lot 0.88 FAR is consistent with the bulk in the surrounding area; in addition, the applicant states that the street wall location and building height are in keeping with the surrounding buildings and submitted a streetscape in support of this assertion; and

WHEREAS, at hearing, the Board directed the applicant to clarify the portion of the proposed attic that constitutes floor area and to provide further details regarding the adjacent sites; and

WHEREAS, in response, the applicant submitted amended plans, which depict the requested information; 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, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

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, to permit, on a site within an R2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for FAR, open space ratio, side yards, and rear yard, contrary to ZR §§ 23-

141, 23-461, and 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received October 7, 2014"-(12) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the building: a maximum floor area of 2,187 sq. ft. (0.88 FAR), a minimum open space ratio of 55 percent, side yards with minimum widths of 3'-0" and 5'-8", and a minimum rear yard 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);

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by October 21, 2018; and

THAT DOB 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, October 21, 2014.

The resolution has been amended to change the signed off date in part of the conditions which read "October 21, 2016" now reads: "October 21, 2018". Corrected in Bulletin No. 44, Vol. 99, dated November 5, 2014.

MINUTES

CORRECTION

This resolution adopted on October 7, 2014, under Calendar No. 130-14-BZ and printed in Volume 99, Bulletin Nos. 40-41, is hereby corrected to read as follows:

130-14-BZ

CEQR #14-BSA-172M

APPLICANT – Francis R. Angelino, Esq., 605 fifth Property Owner, LLC, owner; Chiva-Som Spa, lessee.

SUBJECT – Application June 11, 2014 – Special Permit (§73-36) to allow for a physical culture establishment (*Chiva-Som Spa*) will be on the entire fifth floor of a six-story commercial building, located within a C5-3 zoning district.

PREMISES AFFECTED – 605 Fifth Avenue, east Side Fifth Avenue between East 48th & 49th Streets, Block 1284, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #5M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated May 20, 2014, acting on DOB Application No. 121983185, reads, in pertinent part:

ZR 32-10 – Proposed physical culture establishment in C5-3 is not permitted as-of-right; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C5-3 zoning district, within the Special Midtown District, the operation of a physical culture establishment (“PCE”) on the fifth story of an existing six-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on September 23, 2014, after due notice by publication in the *City Record*, and then to decision on October 7, 2014; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by Vice-Chair Hinkson; and

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

WHEREAS, the subject site is located on the east side of Fifth Avenue, between West 48th Street and West 49th Street, within a C5-3 zoning district, within the Special Midtown District; and

WHEREAS, the site has approximately 25 feet of frontage along Fifth Avenue and 2,500 sq. ft. of lot area; and

WHEREAS, the site is occupied by a six-story commercial building with approximately 13,750 sq. ft. of floor area (3.6 FAR); and

WHEREAS, the proposed PCE will occupy 1,996 sq. ft. of floor area on the fifth story of the building; and

WHEREAS, the PCE will be operated as Chiva-Som Spa; and

WHEREAS, the hours of operation for the PCE will be Monday through Saturday, from 10:00 a.m. to 8:00 p.m. and Sunday, from 11:00 a.m. to 6:00 p.m.; 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 Fire Department states that it has no objection to the proposal; and

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

WHEREAS, accordingly, 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 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 a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 14-BSA-172M, dated August 4, 2014; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site within a C5-3 zoning district, within the Special Midtown District, the operation of a PCE on the fifth story of an existing six-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received August 4, 2014”- two (2) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on October 7, 2024;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

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

THAT accessibility compliance will be as reviewed and approved by DOB;

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THAT fire safety measures will be installed and/or maintained as shown on the Board-approved plans; THAT the above conditions will appear on the Certificate of Occupancy;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by October 7, 2018;

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 DOB 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, October 7, 2014.

The resolution has been amended to change the signed off date in part of the conditions which read “October 7, 2015” now reads: “October 7, 2018”. Corrected in Bulletin No. 44, Vol. 99, dated November 5, 2014.

CORRECTION

This resolution adopted on October 7, 2014, under Calendar No. 144-14-BZ and printed in Volume 99, Bulletin Nos. 40-41, is hereby corrected to read as follows:

144-14-BZ

CEQR #15-BSA-013M

APPLICANT – Sheldon Lobel, P.C., for Park 121 Realty LLC., owner; Leake & Watts Services Inc. Children's Learning Center, lessee.

SUBJECT – Application June 20, 2014 – Special Permit (§73-19) to allow for a Use Group 3 special education preschool on the second floor of an existing building. M1-4 district.

PREMISES AFFECTED – 1751 Park Avenue, east side of Park Avenue between East 122nd Street and East 121 Street, Block 1770, Lot(s) 72, 4, 3, 2, 1, 101, Borough of Manhattan.

COMMUNITY BOARD #11M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated June 13, 2014, acting on DOB Application No. 104138443, reads in pertinent part:

Proposed Use Group 3 school is not permitted in an M1-4 zoning district pursuant to ZR Section 42-10; and

WHEREAS, this is an application under ZR §§ 73-19 and 73-03 to permit, on a site in an M1-4 zoning district, the conversion of the second story of an existing four-story mixed community facility and commercial building to a Use Group 3 daycare, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on September 9, 2014, after due notice by publication in the *City Record*, and reopened on September 23, 2014, and then to decision on October 7, 2014, 2014; and

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

WHEREAS, Community Board 11, Manhattan, recommends approval of this application; and

WHEREAS, this application is brought on behalf of the Children’s Learning Center (the “School”), which operates a pre-school program for children with certain disabilities, including disorders on the autism spectrum; and

WHEREAS, the subject site is located on the northeast corner of the intersection of Park Avenue and 121st Street, within an M1-4 zoning district; and

WHEREAS, the site is a single zoning lot comprising Tax Lots 1, 2, 4, 72, and 101; it has 9,512 sq. ft. of lot area,

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127 feet of frontage along Park Avenue, and 75 feet of frontage along 121st Street; and

WHEREAS, the site is occupied by a four-story mixed community facility and commercial building with 38,050 sq. ft. of floor area (4.0 FAR); the applicant represents that a bakery occupies the cellar and first story of the building and a non-profit institution without sleeping accommodations occupies the third and fourth stories; the second story is vacant; and

WHEREAS, the applicant proposes to renovate the second story of the building (approximately 7,649 sq. ft. of floor area (0.8 FAR)) to accommodate the School, which is classified as Use Group 3 daycare; and

WHEREAS, the applicant states that, under the proposal, the second story will serve an estimated 90 children ranging in age from three to five years and approximately 50 employees, and provide related sanitary facilities and administrative offices; and

WHEREAS, in particular, the applicant proposes a total of ten classrooms, a sensory gymnasium, two therapy rooms (speech and occupational), three administrative offices, two small group rooms, and restrooms; and

WHEREAS, the applicant represents that the School seeks to relocate from its current location at 310 West 103rd Street, which is inadequate; and

WHEREAS, the applicant states that the majority of its students live in Manhattan and the Bronx; and

WHEREAS, the applicant notes that the site is subject to a City Planning Commission special permit pursuant to ZR § 74-291, which authorizes occupancy of the third and fourth stories of the building by the Bailey House, a non-profit institution without sleeping accommodations (Use Group 4A); the Bailey House provides certain social services to men, women, and children living with HIV/AIDS, including health care, counseling, support groups, substance abuse treatment, education, job training, and employment assistance; and

WHEREAS, the applicant represents that the proposal meets the requirements of the special permit under ZR § 73-19 to permit a school in an M1-4 zoning district; and

WHEREAS, ZR § 73-19 (a) requires an applicant to demonstrate the inability to obtain a site for the development of a school within the neighborhood to be served and with a size sufficient to meet the programmatic needs of the school within a district where the school is permitted as-of-right; and

WHEREAS, the applicant represents that it conducted a search of nearby residence and commercial districts with the following site criteria: (1) space within an existing building to minimize development costs; (2) a landlord with a willingness to renovate the space; (3) a space with access and lighting sufficient to meet the daycare licensing standards; and (4) proximity to recreation (parks and playgrounds) and public transportation; and

WHEREAS, the applicant states that during its search, it evaluated the feasibility of five buildings within the area and on sites where Use Group 3 is permitted as-of-right:

3560 Broadway; 51-55 East 125th Street; 461 West 126th Street; 4280-4298 Broadway, 2 Bennett Avenue; and 5030 Broadway; and

WHEREAS, the applicant represents that each building was unsuitable for the School, either because the rent was too expensive, the space could not be configured to comply with daycare licensing standards, and/or the landlord would not renovate the space; and

WHEREAS, the applicant maintains that the site search establishes that there is no practical possibility of obtaining a site of adequate size in a nearby zoning district where a school would be permitted as-of-right; and

WHEREAS, therefore, the Board finds that the requirements of ZR § 73-19 (a) are met; and

WHEREAS, ZR § 73-19 (b) requires an applicant to demonstrate that the proposed school is located no more than 400 feet from the boundary of a district in which such a school is permitted as-of-right; and

WHEREAS, the applicant states that the site is adjacent to an R8 zoning district, where the proposed use would be permitted as-of-right; and

WHEREAS, therefore, the Board finds that the requirements of ZR § 73-19 (b) are met; and

WHEREAS, ZR § 73-19 (c) requires an applicant to demonstrate how it will achieve adequate separation from noise, traffic and other adverse effects of the surrounding non-residential district; and

WHEREAS, the applicant states that an ambient noise survey was initially conducted at the site in connection with the Bailey House special permit application discussed above; the survey indicated that the predominant noise sources in the area would be vehicular and train traffic and that, at the time of monitoring, interior noise levels were well in excess of what would be considered acceptable; however, the survey was conducted before the interior finishes of the Bailey House were installed; thus, certain assumptions were made about the anticipated attenuation of the finished space and it was determined that noise levels for the Bailey House would be acceptable; and

WHEREAS, the applicant states that the School's proposed space on the second story is in the midst of renovation – interior walls and partitions are in place and a drop ceiling has been partially installed but the floor remains a bare concrete slab; under these conditions, on September 18, 2014, a noise survey was conducted; the survey reflected interior noise levels at 45.9 dB(A); and

WHEREAS, the applicant notes that although 45.9 dB(A) is nearly one dB(A) above the 45 dB(A) that is considered acceptable according to the CEQR Technical Manual, its consultant represents that the installation of flooring, carpeting, and furniture will bring the noise levels within 45 dB(A); and

WHEREAS, in addition, the applicant states that the Department of Environmental Protection (“DEP”) reviewed the noise consultant's analyses and determined that noise levels would be acceptable within the School; and

WHEREAS, at hearing, the Board expressed concerns

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regarding the proposed lobby of the building, which was proposed to be shared by the School and the Bailey House; and

WHEREAS, in response, the applicant revised the proposal to provide a separate building entrance and a dedicated elevator for the School; the applicant also provided detailed egress and occupant load calculations to demonstrate that both the School and the Bailey House will have compliant means of egress from their respective spaces; and

WHEREAS, the Board finds that the conditions surrounding the site and the building's use will adequately separate the proposed school from noise, traffic and other adverse effects of any of the uses within the surrounding M1-4 zoning district; thus, the Board finds that the requirements of ZR § 73-19 (c) are met; and

WHEREAS, ZR § 73-19 (d) requires an applicant to demonstrate how the movement of traffic through the street on which the school will be located can be controlled so as to protect children traveling to and from the school; and

WHEREAS, the applicant notes that section of Park Avenue fronting the site has two-way, single lane traffic separated by the elevated tracks of the Metro North Railroad line; and

WHEREAS, the applicant states that during the morning drop-off period (8:00 a.m. to 9:00 a.m.), an average of 259 vehicles per hour traverse Park Avenue and that during the afternoon pick-up, an average of 429 vehicles per hour traverse Park Avenue; thus, the applicant asserts that the vehicular traffic is moderate; and

WHEREAS, the applicant represents that the School's students will arrive by private mini-buses, with capacities of 15 students-per-bus, necessitating between five and six bus trips on a typical morning or afternoon (depending on how many students enroll in the full- or half-day programs); teachers and staff will accompany the students from the buses directly into the lobby of the building; and

WHEREAS, the applicant notes that the mini-buses will not be able to simultaneously queue in front of the site along Park Avenue to load and offload students; accordingly, buses will load and unload one at-a-time and queue on neighboring side streets; and

WHEREAS, the applicant states that it will apply to the Department of Transportation ("DOT") for a change in curbside parking regulations in front of the site along Park Avenue to establish a School No Standing Zone for Monday through Friday, from 8:00 a.m. to 4:00 p.m.; and

WHEREAS, thus, the applicant states that, based on its assessment of existing traffic conditions in the vicinity, the School can operate safely without significant impacts; and

WHEREAS, the Board finds that the above-mentioned measures will control traffic so as to protect children going to and from the proposed school; and

WHEREAS, therefore, the Board finds that the requirements of ZR § 73-19 (d) are met; and

WHEREAS, the Board has determined that the

evidence in the record supports the findings required to be made under ZR § 73-19; 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, the proposed project will not interfere with any pending public improvement project; and

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

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

WHEREAS, the Board conducted an environmental review of the proposed action and documented relevant information about the project in the Final Environmental Assessment Statement ("EAS") CEQR No. 15-BSA-013M, dated June 18, 2014; and

WHEREAS, the EAS documents 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, 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, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, 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 §§ 73-19 and 73-03 and grants a special permit, to allow, on a site in an M1-4 zoning district, the conversion of the second story of an existing four-story mixed community facility and commercial building to a Use Group 3 daycare, contrary to ZR § 42-10; *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 October 6, 2014" – twelve (12) sheets; and *on further condition*:

THAT a dedicated entrance and a dedicated elevator will be maintained for the School at all times;

THAT DOB will review and approve the egress and occupant load calculations for the School;

THAT any change in the operator of the school requires review and approval by the Board;

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

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by October 7, 2018;

THAT DOB 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.

Adopted by the Board of Standards and Appeals, October 7, 2014.

The resolution has been amended to change the signed off date in part of the conditions which read “October 7, 2015” now reads: “October 7, 2018”. Corrected in Bulletin No. 44, Vol. 99, dated November 5, 2014.

CORRECTION

This resolution adopted on October 7, 2014, under Calendar No. 206-14-BZ and printed in Volume 99, Bulletin Nos. 40-41, is hereby corrected to read as follows:

206-14-BZ

APPLICANT – Department of Housing Preservation & Development.

SUBJECT – Application August 29, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program. R3-2 zoning district.

PREMISES AFFECTED – 910 Lanark Road, clustered in the Broad Channel neighborhoods, Edgemere / Somerville and Rockaway Park neighborhoods of Community District 14. Block 15500, Lot 602, Borough of Queens.

COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R3-2 zoning district, the construction of a single-family home, which does not comply with the zoning requirements for rear yards, contrary to ZR § 23-47; and

WHEREAS, a public hearing was held on this application on September 23, 2014, after due notice by publication in *The City Record*, and then to decision on October 7, 2014; and

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

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

WHEREAS, this application is brought by the Department of Housing Preservation and Development (“HPD”) on behalf of the owner and in connection with the Mayor’s Office of Housing Recovery Operations and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HPD on behalf of the owner, the Board adopts a waiver of 2 RCNY § 1-09.4 (Owner’s Authorization); and

WHEREAS, the subject site is located on the east side of Lanark Road, approximately 200 feet south of East Ninth Road, within an R3-2 zoning district; and

WHEREAS, the site has 37 feet of frontage along Lanark Road and 2,775 sq. ft. of lot area; and

WHEREAS, the site is occupied by a flood-damaged

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two-story, single-family home with 450 sq. ft. of floor area (0.16 FAR); and

WHEREAS, the applicant proposes to demolish the existing home and construct a two-story, single-family home with 868 sq. ft. of floor area (0.31 FAR); and

WHEREAS, the applicant states that the proposed building complies in all respects with the bulk regulations of the subject R3-2 district except that a rear yard depth of 21'-7" is proposed (a minimum rear yard depth of 30'-0" is required, per ZR § 23-47); and

WHEREAS, accordingly, the applicant seeks a special permit to allow the proposed rear yard; and

WHEREAS, pursuant to ZR § 64-92, in order to allow for alterations, developments, and enlargements in accordance with flood-resistant construction standards, the Board may permit modifications of ZR §§ 64-30 and 64-40 (Special Bulk Regulations for Buildings Existing on October 28, 2012), 64-60 (Design Requirements), 64-70 (Special Regulations for Non-conforming Uses and Non-complying Buildings), as well as all other applicable bulk regulations except floor area ratio; and

WHEREAS, in order to grant a special permit pursuant to ZR § 64-92, the Board must make the following findings:

(a) that there would be a practical difficulty in complying with flood-resistant construction standards without such modifications, and that such modifications are the minimum necessary to allow for an appropriate building in compliance with flood-resistant construction standards; (b) that any modification of bulk regulations related to height is limited to no more than ten feet in height or ten percent of the permitted height as measure from the flood-resistant construction elevation, whichever is less; and (c) the proposed modifications will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the Board may also prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, the applicant states that there would be a practical difficulty complying with the flood-resistant construction standards without the modification of the front yard requirement, in accordance with ZR § 64-92(a); and

WHEREAS, specifically, the applicant states that the proposed building is required to have exterior walls that are 12 inches thick, which diminishes the amount of interior floor space; thus, the proposed yard waiver allows the construction of a flood-resistant building with a viable building footprint to compensate for the loss of interior space and comply with all yard regulations except the rear yard; and

WHEREAS, the Board agrees that there would be a practical difficulty complying with the flood-resistant construction standards without the requested rear yard waiver; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, the Board finds that the ZR § 64-92(b) finding is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the applicant states that the surrounding neighborhood is characterized by one- and two-story, single- and two-family homes; as such, the applicant states that the proposal is consistent with the existing context; and

WHEREAS, the applicant also contends that the proposal reflects a smaller footprint, a wider side yards, and a deeper front yard than the existing building; therefore, the proposal will provide significantly more open space on the site than is currently provided; and

WHEREAS, the Board finds that the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 64-92; and

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, issues a Type II determination under 6 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 § 64-92, to permit, on a site within an R3-2 zoning district, the construction of a single-family home, which does not comply with the zoning requirements for rear yards, contrary to ZR § 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received September 26, 2014"- four (4) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the building: a maximum floor area of 868 sq. ft. of floor area (0.31 FAR) and a minimum rear yard depth of 21'-7", as illustration 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);

THAT this approval is limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by

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October 7, 2018;

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

THAT DOB 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, October 7, 2014.

The resolution has been amended to change the signed off date in part of the conditions which read “October 7, 2015”...now reads: “October 7, 2018”. Corrected in Bulletin No. 44, Vol. 99, dated November 5, 2014.

CORRECTION

This resolution adopted on October 7, 2014, under Calendar No. 207-14-BZ and printed in Volume 99, Bulletin Nos. 40-41, is hereby corrected to read as follows:

207-14-BZ

APPLICANT – Department of Housing Preservation & Development.

SUBJECT – Application August 29, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program. R3-2 zoning district.

PREMISES AFFECTED – 41 West 12th Road, clustered in the Broad Channel neighborhoods, Edgemere/Somerville, and Rockaway Park Neighborhoods of Community District 14. Block 15316, Lot 64. Borough of Queens.

COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R3-2 zoning district, the construction of a single-family home, which does not comply with the zoning requirements for a vertical extension of non-complying side yards, contrary to ZR §§ 23-461, 54-313 and 54-41; and

WHEREAS, a public hearing was held on this application on September 23, 2014, after due notice by publication in *The City Record*, and then to decision on October 7, 2014; and

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

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

WHEREAS, this application is brought by the Department of Housing Preservation and Development (“HPD”) on behalf of the owner and in connection with the Mayor’s Office of Housing Recovery Operations and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HPD on behalf of the owner, the Board adopts a waiver of 2 RCNY § 1-09.4 (Owner’s Authorization); and

WHEREAS, the subject site is located on the north side of West 12th Road, between Cross Bay Boulevard and Jamaica Bay, within an R3-2 zoning district; and

WHEREAS, the site has 24.5 feet of frontage along West 12th Road and 2,450 sq. ft. of lot area; and

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WHEREAS, the site is occupied by a flood-damaged one-story, single-family home with 700 sq. ft. of floor area (0.29 FAR); the existing home has the following non-compliances: a front yard depth of 8'-0" (a minimum front yard depth of 18'-0" is required, per ZR § 23-45); and side yards with widths of 3'-3" (western side yard) and 0'-6" (eastern side yard) (the requirement is two side yards with a minimum total width of 13'-0" and a minimum width of 5'-0" each, per ZR § 23-461; however, however, non-complying side yards may be reconstructed, per ZR § 54-41); and

WHEREAS, the applicant proposes to demolish the existing building and construct a two-story, single-family home with 868 sq. ft. of floor area (0.36 FAR); the new building will provide a front yard depth of 20'-0", a rear yard depth of 49'-0", a western side yard width of 5'-2½", and eastern side yard width of 4'-6"; and

WHEREAS, the applicant represents that the buildings directly east and west of the proposed building are built to the sites' common side lot lines; as such, the building directly east of the site will be located 4'-6" from the proposed building and the building directly west of the site will be located 5'-2½" from the proposed building; and

WHEREAS, the applicant notes that pursuant to ZR §§ 54-313 (Single- or Two-family Residences with Non-complying Front Yards or Side Yards), 54-41 (Permitted Reconstruction) and 64-723 (Non-complying Single- and Two-family Residences), the existing non-complying yards may be maintained in a reconstruction and vertically enlarged, provided that, per ZR § 54-313, a minimum distance of 8'-0" is maintained between the non-complying side yards and the building on the adjoining zoning lot; and

WHEREAS, thus, the applicant the applicant seeks a special permit to allow construction of the new building with a distance of less than 8'-0" from the buildings directly west and east of the site; and

WHEREAS, pursuant to ZR § 64-92, in order to allow for alterations, developments, and enlargements in accordance with flood-resistant construction standards, the Board may permit modifications of ZR §§ 64-30 and 64-40 (Special Bulk Regulations for Buildings Existing on October 28, 2012), 64-60 (Design Requirements), 64-70 (Special Regulations for Non-conforming Uses and Non-complying Buildings), as well as all other applicable bulk regulations except floor area ratio; and

WHEREAS, in order to grant a special permit pursuant to ZR § 64-92, the Board must make the following findings:

(a) that there would be a practical difficulty in complying with flood-resistant construction standards without such modifications, and that such modifications are the minimum necessary to allow for an appropriate building in compliance with flood-resistant construction standards; (b) that any modification of bulk regulations related to height is limited to no more than ten feet in height or ten percent of the permitted height as measure from the flood-resistant construction elevation, whichever is less; and (c) the proposed modifications will not alter the essential character

of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the Board may also prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, the applicant states that there would be a practical difficulty complying with the flood-resistant construction standards without the modification of the side yard requirements, in accordance with ZR § 64-92(a); and

WHEREAS, specifically, the applicant states that the proposed building is required to have exterior walls that are 12 inches thick, which diminishes the amount of interior floor space; thus, the proposed side yard waivers allow the construction of a flood-resistant building with a viable building footprint to compensate for the loss of interior space; and

WHEREAS, the Board agrees that there would be a practical difficulty complying with the flood-resistant construction standards without the requested side yard waivers; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, the Board finds that the ZR § 64-92(b) finding is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the applicant states that the surrounding neighborhood is characterized by one- and two-story, single- and two-family homes; as such, the applicant states that the proposal is consistent with the existing context; and

WHEREAS, the applicant also contends that the proposal reflects a smaller footprint, a rear yard depth of 49'-0" where a depth of only 30'-0" is required, and increase in front yard depth from a non-complying 8'-0" to a complying 20'-0"; in addition, it increases one side yard width by 1'-11" and increases the other side yard width by 4'-0"; and

WHEREAS, the Board finds that the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 64-92; and

Therefore it is Resolved, that the Board of Standards

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and Appeals waives the Rules of Practice and Procedure, 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 § 64-92, to permit, on a site within an R3-2 zoning district, the construction of a single-family home, which does not comply with the zoning requirements for vertical extension of non-complying side yards, contrary to ZR §§ 23-461, 54-313 and 54-41; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received September 26, 2014"- four (4) sheet; and *on further condition*:

THAT the following will be the bulk parameters of the building: a maximum floor area of 868 sq. ft. of floor area (0.36 FAR) and side yards with minimum widths of 5'-2½" and 4'-6", 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);

THAT this approval is limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by October 7, 2018;

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

THAT DOB 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, October 7, 2014.

The resolution has been amended to change the signed off date in part of the conditions which read "October 7, 2015" now reads: "October 7, 2018". Corrected in Bulletin No. 44, Vol. 99, dated November 5, 2014.

CORRECTION

This resolution adopted on October 7, 2014, under Calendar No. 209-14-BZ and printed in Volume 99, Bulletin Nos. 40-41, is hereby corrected to read as follows:

209-14-BZ

APPLICANT – Department of Housing Preservation & Development.

SUBJECT – Application August 29, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program. R4-1 zoning district.

PREMISES AFFECTED – 592 Beach 43rd Street, clustered in the Broad Channel neighborhoods, Edgemere / Somerville, and Rockaway Park neighborhoods of Community District 14 in Queens. Block 15961, Lot 102. Borough of Queens.

COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Otley-Brown and Commissioner Montanez ...4
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R4-1 zoning district, the construction of a single-family home, which does not comply with the zoning requirements for rear and side yards, contrary to ZR §§ 23-47 and 23-461; and

WHEREAS, a public hearing was held on this application on September 23, 2014, after due notice by publication in *The City Record*, and then to decision on October 7, 2014; and

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

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

WHEREAS, this application is brought by the Department of Housing Preservation and Development ("HPD") on behalf of the owner and in connection with the Mayor's Office of Housing Recovery Operations and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HPD on behalf of the owner, the Board adopts a waiver of 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the subject site is located on the east side of Beach 43rd Street, between Delmore Court and an inlet of Jamaica Bay, within an R4-1 zoning district; and

WHEREAS, the site has 20 feet of frontage along Beach 43rd Street and 1,900 sq. ft. of lot area; and

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WHEREAS, the site is occupied by a flood-damaged one-story, single-family home with 1,504 sq. ft. of floor area (0.75 FAR); the existing home has the following non-compliances: a front yard depth of 8'-6" (a minimum front yard depth of 18'-0" is required, per ZR § 23-45); one side yard with width of 3'-9" along the northern boundary of the site (the requirement is two side yards with minimum widths of 4'-0", per ZR § 23-461; however, non-complying side yards may be reconstructed, per ZR § 54-41); and a rear yard depth of 8'-0" (a minimum rear yard depth of 30'-0" is required, per ZR § 23-47); and

WHEREAS, the applicant proposes to demolish the existing building and construct a two-story, single-family home with 1,400 sq. ft. of floor area (0.70 FAR); the new building will provide a front yard depth of 18'-9", a northern side yard width of 3'-0", a southern side yard width of 3'-0", and a rear yard depth of 26'-3"; and

WHEREAS, thus, the applicant seeks a special permit to allow construction of the new building with rear yard depth of 26'-3" and a northern side yard width of 3'-0"; and

WHEREAS, pursuant to ZR § 64-92, in order to allow for alterations, developments, and enlargements in accordance with flood-resistant construction standards, the Board may permit modifications of ZR §§ 64-30 and 64-40 (Special Bulk Regulations for Buildings Existing on October 28, 2012), 64-60 (Design Requirements), 64-70 (Special Regulations for Non-conforming Uses and Non-complying Buildings), as well as all other applicable bulk regulations except floor area ratio; and

WHEREAS, in order to grant a special permit pursuant to ZR § 64-92, the Board must make the following findings: (a) that there would be a practical difficulty in complying with flood-resistant construction standards without such modifications, and that such modifications are the minimum necessary to allow for an appropriate building in compliance with flood-resistant construction standards; (b) that any modification of bulk regulations related to height is limited to no more than ten feet in height or ten percent of the permitted height as measure from the flood-resistant construction elevation, whichever is less; and (c) the proposed modifications will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the Board may also prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, the applicant states that there would be a practical difficulty complying with the flood-resistant construction standards without the modification of the rear and side yard requirements, in accordance with ZR § 64-92(a); and

WHEREAS, specifically, the applicant states that the proposed building is required to have exterior walls that are 12 inches thick, which diminishes the amount of interior

floor space; thus, the proposed side yard waivers allow the construction of a flood-resistant building with a viable building footprint to compensate for the loss of interior space; and

WHEREAS, the Board agrees that there would be a practical difficulty complying with the flood-resistant construction standards without the requested rear and side yard waivers; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, the Board finds that the ZR § 64-92(b) finding is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the applicant states that the surrounding neighborhood is characterized by one- and two-story, single- and two-family homes; as such, the applicant states that the proposal is consistent with the existing context; and

WHEREAS, the applicant also contends that the proposal reflects a smaller footprint and a complying front yard depth; in addition, it increases the southern side yard by 3'-0" and increases the rear yard depth by 18'-3"; and

WHEREAS, the Board finds that the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 64-92; and

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, issues a Type II determination under 6 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 § 64-92, to permit, on a site within an R4-1 zoning district, the construction of a single-family home, which does not comply with the zoning requirements for rear and side yards, contrary to ZR §§ 23-47 and 23-461; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received September 26, 2014"- four (4) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the building: a maximum floor area of 1,400 sq. ft. of floor area (0.70 FAR), side yards with minimum widths of 3'-0", and a rear yard depth of 26'-3", as illustrated on the BSA-approved plans;

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

THAT this approval is limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by October 7, 2018;

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

THAT DOB 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, October 7, 2014.

The resolution has been amended to change the signed off date in part of the conditions which read “October 7, 2015” now reads: “October 7, 2018”. Corrected in Bulletin No. 44, Vol. 99, dated November 5, 2014.

CORRECTION

This resolution adopted on October 7, 2014, under Calendar No. 210-14-BZ and printed in Volume 99, Bulletin Nos. 40-41, is hereby corrected to read as follows:

210-14-BZ

APPLICANT – Department of Housing Preservation & Development.

SUBJECT – Application August 29, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.R4A zoning district.

PREMISES AFFECTED – 69-52 Thursby Avenue, clustered in the Broad Channel neighborhoods, Edgemere/Somerville, and rockaway Park neighborhoods of Community District 14 in Queens. Block 16050, Lot 63. Borough of Queens.

COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R4A zoning district, the construction of a single-family home, which does not comply with the zoning requirements for vertical extension of non-complying side yards, contrary to ZR §§ 23-461, 54-313 and 54-41; and

WHEREAS, a public hearing was held on this application on September 23, 2014, after due notice by publication in *The City Record*, and then to decision on October 7, 2014; and

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

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

WHEREAS, this application is brought by the Department of Housing Preservation and Development (“HPD”) on behalf of the owner and in connection with the Mayor’s Office of Housing Recovery Operations and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HPD on behalf of the owner, the Board adopts a waiver of 2 RCNY § 1-09.4 (Owner’s Authorization); and

WHEREAS, the subject site is located on the northeast corner of the intersection of Beach 72nd Street and Thursby Avenue, within an R4A zoning district; and

WHEREAS, the site has 100 feet of frontage along

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Beach 72nd Street, 22.5 feet of frontage along Thursby Avenue, and 2,250 sq. ft. of lot area; and

WHEREAS, the site is occupied by a flood-damaged one-story, single-family home with 867 sq. ft. of floor area (0.39 FAR); the existing home has the following non-compliances: a front yard depth of 5'-10" along Thursby Avenue (a minimum front yard depth of 18'-0" is required along Thursby Avenue, per ZR § 23-45); a front yard depth of 4'-0" along Beach 72nd Street (a minimum front yard depth of 10'-0" is required along Beach 72nd Street, per ZR § 23-45) and no side yard (the requirement is one side yard with a minimum width of 2'-0", per ZR § 23-461 and non-complying side yards may be reconstructed, per ZR § 54-41); and

WHEREAS, the applicant proposes to demolish the existing building and construct a two-story, single-family home with 868 sq. ft. of floor area (0.39 FAR); the new building will provide a front yard depth of 18'-9" along Thursby Avenue, a front yard depth of 4'-3" along Beach 72nd Street, a rear yard depth of 45'-7", and one side yard width of 4'-3"; and

WHEREAS, the applicant represents that the building directly east of the proposed building is built to the sites' common side lot line; as such, the building directly east of the site will be located 4'-3" from the proposed building; and

WHEREAS, the applicant notes that pursuant to ZR §§ 54-313 (Single- or Two-family Residences with Non-complying Front Yards or Side Yards), 54-41 (Permitted Reconstruction) and 64-723 (Non-complying Single- and Two-family Residences), the existing non-complying yards may be maintained in a reconstruction and vertically enlarged, provided that, per ZR § 54-313, a minimum distance of 8'-0" is maintained between the non-complying side yards and the building on the adjoining zoning lot; and

WHEREAS, thus, the applicant seeks a special permit to allow construction of the new building with a distance of less than 8'-0" from the building directly east of the site; and

WHEREAS, pursuant to ZR § 64-92, in order to allow for alterations, developments, and enlargements in accordance with flood-resistant construction standards, the Board may permit modifications of ZR §§ 64-30 and 64-40 (Special Bulk Regulations for Buildings Existing on October 28, 2012), 64-60 (Design Requirements), 64-70 (Special Regulations for Non-conforming Uses and Non-complying Buildings), as well as all other applicable bulk regulations except floor area ratio; and

WHEREAS, in order to grant a special permit pursuant to ZR § 64-92, the Board must make the following findings:

(a) that there would be a practical difficulty in complying with flood-resistant construction standards without such modifications, and that such modifications are the minimum necessary to allow for an appropriate building in compliance with flood-resistant construction standards; (b) that any modification of bulk regulations related to height is limited to no more than ten feet in height or ten percent of the permitted height as measure from the flood-resistant

construction elevation, whichever is less; and (c) the proposed modifications will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of accordance with flood-resistant construction standards; and

WHEREAS, the Board may also prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, the applicant states that there would be a practical difficulty complying with the flood-resistant construction standards without the modification of the side yard requirements, in accordance with ZR § 64-92(a); and

WHEREAS, specifically, the applicant states that the proposed building is required to have exterior walls that are 12 inches thick, which diminishes the amount of interior floor space; thus, the proposed side yard waivers allow the construction of a flood-resistant building with a viable building footprint to compensate for the loss of interior space; and

WHEREAS, the Board agrees that there would be a practical difficulty complying with the flood-resistant construction standards without the requested side yard waivers; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, the Board finds that the ZR § 64-92(b) finding is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the applicant states that the surrounding neighborhood is characterized by one- and two-story, single- and two-family homes; as such, the applicant states that the proposal is consistent with the existing context; and

WHEREAS, the applicant also contends that the proposal reflects a smaller footprint and a rear yard depth of 45'-7" where a depth of only 20'-0" is required; in addition, the proposal reflects increases in front yard depth from 4'-0" to 4'-3" and 5'-10" to 18'-9" and an increase in side yard depth from 0'-0" to 4'-3"; and

WHEREAS, the Board finds that the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 64-92; and

Therefore it is Resolved, that the Board of Standards

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and Appeals waives the Rules of Practice and Procedure, 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 § 64-92, to permit, on a site within an R4A zoning district, the construction of a single-family home, which does not comply with the zoning requirements for vertical extension of non-complying side yards, contrary to ZR §§ 23-461, 54-313 and 54-41; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received September 26, 2014"- four (4) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the building: a maximum floor area of 868 sq. ft. of floor area (0.39 FAR), front yards with minimum depths of 4'-3" and 18'-9", a minimum rear depth of 45'-7", and one side yard with a minimum width of 4'-3", 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);

THAT this approval is limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by October 7, 2018;

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

THAT DOB 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, October 7, 2014.

The resolution has been amended to change the signed off date in part of the conditions which read "October 7, 2015" now reads: "October 7, 2018". Corrected in Bulletin No. 44, Vol. 99, dated November 5, 2014.

CORRECTION

This resolution adopted on October 7, 2014, under Calendar No. 211-14-BZ and printed in Volume 99, Bulletin Nos. 40-41, is hereby corrected to read as follows:

211-14-BZ

APPLICANT – Department of Housing Preservation & Development.

SUBJECT – Application August 29, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program. R4-1 zoning district.

PREMISES AFFECTED – 3-41 Beach 87th Street, clustered in the Broad Channel neighborhoods, Edgemere/Somerville, and rockaway Park neighborhoods of Community District 14 in Queens. Block 16119, Lot 101. Borough of Queens.

COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Otley-Brown and Commissioner Montanez ...4
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R4-1 zoning district, the construction of a single-family home, which does not comply with the zoning requirements for a vertical extension of non-complying side yards, contrary to ZR §§ 23-461, 54-313 and 54-41; and

WHEREAS, a public hearing was held on this application on September 23, 2014, after due notice by publication in *The City Record*, and then to decision on October 7, 2014; and

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

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

WHEREAS, the owner of the adjacent site testified in opposition to application, citing concerns regarding the proposed height and front yard depth of the building; and

WHEREAS, this application is brought by the Department of Housing Preservation and Development ("HPD") on behalf of the owner and in connection with the Mayor's Office of Housing Recovery Operations and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HPD on behalf of the owner, the Board adopts a waiver of 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the subject site is located on the west side of Beach 87th Street between Dormans Court and the

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Rockaway Freeway, within an R4-1 zoning district; and

WHEREAS, the site has 20 feet of frontage along Beach 87th Street and 2,268 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two flood-damaged, one-story, single-family homes with a combined 1,800 sq. ft. of floor area (0.79 FAR); the existing site has the following yard non-compliances: a front yard depth of 6'-4" (a minimum front yard depth of 10'-0" is required, per ZR § 23-45); and side yards with widths of 3'-0" (northern side yard) and 1'-2" (southern side yard) (the requirement is two side yards with minimum widths of 4'-0", per ZR § 23-461; however, non-complying side yards may be reconstructed, per ZR § 54-41); and

WHEREAS, the applicant proposes to demolish the existing building and construct a two-story, single-family home with 1,400 sq. ft. of floor area (0.62 FAR); the new building will provide a front yard depth of 10'-0", a rear yard depth of 43'-9", a northern side yard width of 3'-0", and southern side yard width of 3'-0"; and

WHEREAS, the Board notes that, initially, the applicant proposed a front yard depth of 18'-0"; however, in response to concerns raised by the owner of the adjacent site, the proposal was amended to reflect a front yard depth of 10'-0"; and

WHEREAS, the applicant represents that the building directly north of the site is located 1'-6" from the sites' common side lot line and that the building directly south of the site is located 1'-10" from the sites' common side lot line; and

WHEREAS, the applicant notes that pursuant to ZR §§ 54-313 (Single- or Two-family Residences with Non-complying Front Yards or Side Yards), 54-41 (Permitted Reconstruction) and 64-723 (Non-complying Single- and Two-family Residences), the existing non-complying yards may be maintained in a reconstruction and vertically enlarged, provided that, per ZR § 54-313, a minimum distance of 8'-0" is maintained between the non-complying side yards and the building on the adjoining zoning lot; in addition, as noted above, per ZR § 23-461, side yards must have a minimum width of 4'-0"; and

WHEREAS, thus, the applicant seeks a special permit to allow construction of the new building with a distance of less than 8'-0" from the buildings directly north and south of the site; and

WHEREAS, pursuant to ZR § 64-92, in order to allow for alterations, developments, and enlargements in accordance with flood-resistant construction standards, the Board may permit modifications of ZR §§ 64-30 and 64-40 (Special Bulk Regulations for Buildings Existing on October 28, 2012), 64-60 (Design Requirements), 64-70 (Special Regulations for Non-conforming Uses and Non-complying Buildings), as well as all other applicable bulk regulations except floor area ratio; and

WHEREAS, in order to grant a special permit pursuant to ZR § 64-92, the Board must make the following findings:

(a) that there would be a practical difficulty in complying with flood-resistant construction standards without such

modifications, and that such modifications are the minimum necessary to allow for an appropriate building in compliance with flood-resistant construction standards; (b) that any modification of bulk regulations related to height is limited to no more than ten feet in height or ten percent of the permitted height as measure from the flood-resistant construction elevation, whichever is less; and (c) the proposed modifications will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the Board may also prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, the applicant states that there would be a practical difficulty complying with the flood-resistant construction standards without the modification of the side yard requirements, in accordance with ZR § 64-92(a); and

WHEREAS, specifically, the applicant states that the proposed building is required to have exterior walls that are 12 inches thick, which diminishes the amount of interior floor space; thus, the proposed side yard waivers allow the construction of a flood-resistant building with a viable building footprint to compensate for the loss of interior space; and

WHEREAS, the Board agrees that there would be a practical difficulty complying with the flood-resistant construction standards without the requested side yard waivers; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, the Board finds that the ZR § 64-92(b) finding is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the applicant states that the surrounding neighborhood is characterized by one- and two-story, single- and two-family homes; as such, the applicant states that the proposal is consistent with the existing context; and

WHEREAS, the applicant also contends that the proposal reflects a smaller footprint, a rear yard depth of 43'-9" where a depth of 30'-0" is required, and increase in front yard depth from a non-complying 6'-4" to a complying 10'-0"; in addition, it increases the width of one side yard by 1'-10"; and

WHEREAS, the Board finds that the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in

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consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 64-92; and

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, issues a Type II determination under 6 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 § 64-92, to permit, on a site within an R4-1 zoning district, the construction of a single-family home, which does not comply with the zoning requirements for a vertical extension of non-complying side yards, contrary to ZR §§ 23-461, 54-313 and 54-41; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received September 26, 2014"- four (4) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the building: a maximum floor area of 1,400 sq. ft. of floor area (0.62 FAR) and side yards with minimum widths of 3'-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);

THAT this approval is limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by October 7, 2018;

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

THAT DOB 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, October 7, 2014.

The resolution has been amended to change the signed off date in part of the conditions which read "October 7, 2015" now reads: "October 7, 2018". Corrected in Bulletin No. 44, Vol. 99, dated November 5, 2014.

CORRECTION

This resolution adopted on October 7, 2014, under Calendar No. 212-14-BZ and printed in Volume 99, Bulletin Nos. 40-41, is hereby corrected to read as follows:

212-14-BZ

APPLICANT – Department of Housing Preservation & Development.

SUBJECT – Application August 29, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program. R5D zoning district.

PREMISES AFFECTED – 209A Beach 100th Street, clustered in Broad Channel neighborhoods, Edgemere / Somerville, and Rockaway Park neighborhoods of Community District 14 Queens. Block 16156, Lot 94. Borough of Queens.

COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Otley-Brown and Commissioner Montanez ...4

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R5D (C1-3) zoning district, the construction of a single-family home, which does not comply with the zoning requirements for front and rear yards, contrary to ZR §§ 23-45 and 23-47; and

WHEREAS, a public hearing was held on this application on September 23, 2014, after due notice by publication in *The City Record*, and then to decision on October 7, 2014; and

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

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

WHEREAS, this application is brought by the Department of Housing Preservation and Development ("HPD") on behalf of the owner and in connection with the Mayor's Office of Housing Recovery Operations and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HPD on behalf of the owner, the Board adopts a waiver of 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the subject site is located on the west side of Beach 100th Street between the Rockaway Freeway and Rockaway Beach Boulevard, within an R5D (C1-3) zoning district; and

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WHEREAS, the site has 52 feet of frontage along Beach 100th Street and 1,048 sq. ft. of lot area; and

WHEREAS, the site is occupied by a flood-damaged one-story, single-family home with 429 sq. ft. of floor area (0.41 FAR); the existing site has the following yard non-compliances: a front yard depth of 2'-6" (a minimum front yard depth of 5'-0" is required, per ZR § 23-45); side yards with widths of 1'-0" (southern side yard) and 16'-8" (northern side yard) (the requirement is one side yard with a minimum width of 8'-0", per ZR § 23-461; however, non-complying side yards may be reconstructed, per ZR § 54-41); and a rear yard depth of 5'-8" (a minimum rear yard depth of 10'-0" is required); and

WHEREAS, the applicant proposes to demolish the existing home and construct a two-story, single-family home with 868 sq. ft. of floor area (0.83 FAR), a front yard with a depth of 3'-0", side yards with widths of 3'-0" (southern side yard) and 16'-8" (northern side yard), and a rear yard with a depth of 3'-11½"; and

WHEREAS, accordingly, the applicant seeks a special permit to allow the proposed front and rear yards; and

WHEREAS, pursuant to ZR § 64-92, in order to allow for alterations, developments, and enlargements in accordance with flood-resistant construction standards, the Board may permit modifications of ZR §§ 64-30 and 64-40 (Special Bulk Regulations for Buildings Existing on October 28, 2012), 64-60 (Design Requirements), 64-70 (Special Regulations for Non-conforming Uses and Non-complying Buildings), as well as all other applicable bulk regulations except floor area ratio; and

WHEREAS, in order to grant a special permit pursuant to ZR § 64-92, the Board must make the following findings: (a) that there would be a practical difficulty in complying with flood-resistant construction standards without such modifications, and that such modifications are the minimum necessary to allow for an appropriate building in compliance with flood-resistant construction standards; (b) that any modification of bulk regulations related to height is limited to no more than ten feet in height or ten percent of the permitted height as measure from the flood-resistant construction elevation, whichever is less; and (c) the proposed modifications will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the Board may also prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, the applicant states that there would be a practical difficulty complying with the flood-resistant construction standards without the modification of the front and rear yard requirements, in accordance with ZR § 64-92(a); and

WHEREAS, specifically, the applicant states that the proposed building is required to have exterior walls that are

12 inches thick, which diminishes the amount of interior floor space; thus, the proposed yard waiver allows the construction of a flood-resistant building with a viable building footprint to compensate for the loss of interior space and comply with all yard regulations except the rear yard; and

WHEREAS, the Board agrees that there would be a practical difficulty complying with the flood-resistant construction standards without the requested rear yard waiver; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, the Board finds that the ZR § 64-92(b) finding is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the applicant states that the surrounding neighborhood is characterized by one- and two-story, single- and two-family homes; as such, the applicant states that the proposal is consistent with the existing context; and

WHEREAS, the applicant also contends that the proposal reflects a lot coverage of 41 percent, which is identical to the existing home at the site and 20 percent less than is permitted as-of-right in the subject R5D (C1-3) district; in addition, the front yard depth is increased by 0'-6", and the southern side yard is increase by 2'-0"; and

WHEREAS, the Board finds that the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 64-92; and

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, issues a Type II determination under 6 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 § 64-92, to permit, on a site within an R5D (C1-3) zoning district, the construction of a single-family home, which does not comply with the zoning requirements for front and rear yards, contrary to ZR §§ 23-45 and 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received September 26, 2014"- four (4) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the

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building: a maximum floor area of 868 sq. ft. of floor area (0.83 FAR), a maximum lot coverage of 41 percent, a minimum front yard depth of 3'-0", and a minimum rear yard depth of 3'-11½", 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);

THAT this approval is limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by October 7, 2018;

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

THAT DOB 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, October 7, 2014.

The resolution has been amended to change the signed off date in part of the conditions which read "*October 7, 2015*" now reads: "*October 7, 2018*". Corrected in Bulletin No. 44, Vol. 99, dated November 5, 2014.