
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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November 27, 2014

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268-14-BZ

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269-14-BZ

89-44 Metropolitan Avenue, Southeast corner of Metropolitan Avenue and Aubrey Avenue, Block 3872, Lot(s) 33, Borough of **Queens, Community Board: 5**. Special Permit §73-36) to allow the physical culture establishment (SPA) on the first floor level of an existing commercial building in a C2-2 in R4 zoning district. C2-2 R4-/R4-1 district.

270-14-BZ

203 East 92nd Street, North side of East 92nd Street, 80 ft. east of intersection with 3rd Avenue, Block 1538, Lot(s) 10, Borough of **Manhattan, Community Board: 8**. Special Permit 73-36" to allow the physical culture establishment (PCE) within portions of a new mixed use building, located with an C4-6 zoning district. C4-6 district.

271-14-A

15 Patricia Court, Bound by Seguine Avenue, MacGregor Avenue, Herbert Street, Holton Avenue, Block 6680, Lot(s) 10, Borough of **Staten Island, Community Board: 3**. General City Law 36 Waiver to permit the proposed development consisting of seven one family homes and one two family home, contrary Article 3 Section 36 of the General City Law. R3X district.

272-14-A

25 Patricia Court, bounded by Seguine Avenue, MacGregor Avenue, Herg3ert Street, Holton Avenue, Block 6680, Lot(s) 9, Borough of **Staten Island, Community Board: 3**. General City Law 36 Waiver to permit the proposed which consist of seven homes one family and one two family home. Contrary to Section 3 Article 3 of the General Citify Law. R3X district.

273-14-A

26 Patricia Court, bounded by Seguine Avenue, MacGregor Avenue, Herbert Street, Holton Avenue, Block 6680, Lot(s) 6, Borough of **Queens, Community Board: 3**. General City Law 36 Waiver to permit the proposed development which h consist of seven one family homes and one two family homes. Contrary to Section 36 Article 3 of the General City Law. R3X district.

274-14-A

26 Patricia Court, bounded by Seguine Avenue MacGregor Avenue Herbert Street Holton Avenue, Block 6680, Lot(s) 6, Borough of **Staten Island, Community Board: 3**. General City Law 36 Waiver to permit the proposed development which consist of seven one family homes and one two family home, contrary to Section 36 Article 3 of the General City Law. RX3 district.

275-14-A

35 Patricia Court, bounded by Seguine Avenue, MacGregor Avenue, Herbert Street, Holton Avenue, Block 6680, Lot(s) 8, Borough of **Staten Island, Community Board: 3**. General City Law 36 Waiver to permit the proposed development which consist of seven one family homes and one two family home, contrary to Section 36, Article 3 of the General City Law. R3X district.

276-14-A

36 Patricia Court, Bounded by Seguine Avenue, MacGregor Avenue, Herbert Street, Holton Avenue, Block 6680, Lot(s) 7, Borough of **Staten Island, Community Board: 3**. GCL 36: to permit the proposed development which consist of seven one family homes and one two family homes, contrary Section 36 Article 3 of the General City Law. R3X district.

277-14-A

36 Patricia Court, Bounded by Segine Avenue MacGregor Avenue Herbert Street, Holton Avenue, Block 6680, Lot(s) 7, Borough of **Staten Island, Community Board: 3**. GCL36 to permit the proposed development which consist of seven one family homes and one two family home, contrary to Section 36 Article 3 of the General City Law. R3X district.

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278-14-A

45 Patricia Court, bounded by Seguine Avenue, MacGregor Avenue, Herbert Street, Holton Avenue, Block 6680, Lot(s) 24, Borough of **Staten Island, Community Board: 3**. GCL 36 to permit the proposed development which consist of seven one family homes and one two family home, contrary to Section 36, Article 3 of the General City Law. R3X district.

279-14-A

46 Patricia Court, Bounded by Seguine Avenue, MacGregor Avenue, Herbert Street, Hilton Avenue, Block 6680, Lot(s) 25, Borough of **Staten Island, Community Board: 3**. GCL 36 to permit the proposed development which consist of seven one family homes and one two family home, contrary to Section 36 Article 3 of the General City Law. R3X district.

280-14-A

46 Patricia Court/garage, Bounded by Seguine avenue, MacGregor avenue Herbert Street, Holton Avenue, Block 6680, Lot(s) 25, Borough of **Staten Island, Community Board: 3**. GCL 36 to permit the proposed development which consist of seven one family homes and one two family home, contrary to Section 36, Article 3 of the General City Law. R3X district.

281-14-A

26 Herbert Court, Bounded by Seguine Avenue, Herbert Street, Holton Avenue, Block 6680, Lot(s) 23, Borough of **Staten Island, Community Board: 3**. GCL 36: to permit the proposed development which consist of seven on e family homes and one two family home, contrary to Section 36 Article 3 of the General City Law. R3X district.

282-14-A

26 Herbert Court/garage, Bounded by Seguine Avenue, MacGregor Avenue, Herbert Street, Holton Street, Block 6680, Lot(s) 23, Borough of **Staten Island, Community Board: 3**. GCL 36, to permit the proposed development which consist of seven one family homes and two family home, contrary to Section 36, Article 3 of the General City Law. R3X district.

283-14-BZ

3255 Bedford Avenue, Eastside Bedford Avenue between Avenue" K" and Avenue" L", Block 7625, Lot(s) 31, Borough of **Brooklyn, Community Board: 3**. Special Permit (§73-622) to permit an enlargement of an existing 2 family residents and conversion to a single family occupancy, located within an R2 zoning district. R2 district.

284-14-BZ

267 Pacific Street, between Smith street and Boerum Place on the north side of Pacific Street, Block 181, Lot(s) 31, Borough of **Brooklyn, Community Board: 2**. Special Permit (§73-36) to allow for the operation of a physical culture establishment on the first floor of the existing building, Located within an R6-2 with an C2-4 Overlay. R6-A/C24 Overla district.

285-14-BZ

84 McLaughlin Street, Between Olympia Boulevard and Agnes Place, Block 0341, Lot(s) 20049, Borough of **Staten Island, Community Board: 2**. Special Permit (§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. R3X district.

286-14-BZ

20 Orlando Street, Between Olympia Boulevard and Lansing Street, Block 0340, Lot(s) 30016, Borough of **Staten Island, Community Board: 2**. Special Permit (§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. R3X district.

287-14-BZ

138 Roma Avenue, Between Roma Avenue and Cedar Grove Avenue, Block 0408, Lot(s) 80025, Borough of **Staten Island, Community Board: 3**. Special Permit (§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. R3X district.

288-14-BZ

131 Cedar Grove Avenue, Between Roma Avenue and Cedar Grove Avenue, Block 0408, Lot(s) 70002, Borough of **Staten Island, Community Board: 3**. Special Permit (§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. R3X district.

289-14-BZ

22-32/36 31st Street, Located on the west side of 31st Street, Block 844, Lot(s) 49,149.119, Borough of **Queens, Community Board: 1**. Special Permit (§73-42) to extend the conforming Use Group 6 restaurant use located partially within a C4-2A zoning district into the adjacent R5B zoning district. C4-2A &R5B district.

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290-14-BZ

2311 Quentin Road, North side of Quentin road between East 23rd Street and East 24th Street, Block 6786, Lot(s) 42, Borough of **Brooklyn, Community Board: 15**. Special Permit (§73-622) to request a special permit to allow the enlargement of an existing single family residence located in a residential district, located within an R3-2 zoning district. R3-2 district.

291-14-BZ

19 Milbank Road, Between Roma Avenue and Cedar Grove Avenue, Block 0409, Lot(s) 10027, Borough of **Staten Island, Community Board: 2**. Special Permit (§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. R3X district.

292-14-A

19 Milbank Road, Between Roma Avenue, and Cedar Grove Avenue, Block 0409, Lot(s) 10027, Borough of **Staten Island, Community Board: 2**. General City Law 36 Waiver for the reconstruction of properties located on unmapped streets, damaged/destroyed by Hurricane Sandy, which are registered in the NYC Build it Back Program. R3X district.

293-14-BZ

23 Neutral, Between Roma Avenue and Cedar Grove Avenue, Block 0409, Lot(s) 20026, Borough of **Staten Island, Community Board: 2**. Special Permit (§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. R3X district.

294-14-A

23 Neutral Avenue, Between Roma Avenue and Cedar Grove Avenue, Block 0409, Lot(s) 20026, Borough of **Staten Island, Community Board: 2**. General City Law 36 Waiver for the reconstruction of properties located on unmapped streets, damaged/destroyed by Hurricane Sandy, which are registered in the NYC Build it Back Program. HPD/BIB Project (GCL 36) waiver for the proper R3X district.

295-14-BZ

58 Seafoam Avenue, Between Roma Avenue and Cedar Grove Avenue, Block 0408, Lot(s) 10068, Borough of **Staten Island, Community Board: 2**. Special Permit (§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. R3X district.

296-14-A

58 Seafoam Street, Between Roma and Cedar Grove Avenue, Block 0408, Lot(s) 10068, Borough of **Staten Island, Community Board: 2**. General City Law 36 Waiver for the reconstruction of properties located on unmapped streets, damaged/destroyed by Hurricane Sandy, which are registered in the NYC Build it Back Program. 23X district.

297-14-BZ

6 Topping Street, Between Roma Avenue and Cedar Grove Avenue, Block 0408, Lot(s) 50042, Borough of **Staten Island, Community Board: 2**. Special Permit (§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. R3X district.

298-14-A

6 Topping Street, Between Roma Avenue and Cedar Grove Avenue, Block 0408, Lot(s) 50042, Borough of **Staten Island, Community Board: 2**. General City Law 36 Waiver for the reconstruction of properties located on unmapped streets, damaged/destroyed by Hurricane Sandy, which are registered in the NYC Build it Back Program. R3X district.

299-14-BZ

28 Topping Street, Between Roma Avenue and Cedar Grove Avenue, Block 0408, Lot(s) 50043, Borough of **Staten Island, Community Board: 2**. Special Permit (§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. R3X district.

300-14-A

28 Topping Street, Between Roma Avenue and Cedar Grove Avenue, Block 0408, Lot(s) 50043, Borough of **Staten Island, Community Board: 2**. General City Law 36 Waiver for the reconstruction of properties located on unmapped streets, damaged/destroyed by Hurricane Sandy, which are registered in the NYC Build it Back Program. R3X district.

301-14-BZY

232 Skillman Street, East side of Skillman Street 108 feet north of Dekalb Avenue, Block 1927, Lot(s) 60, Borough of **Brooklyn, Community Board: 3**. Minor Development 11-331: to extend the time to get a certificate of occupancy and

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to complete construction. R6B district.

302-14-BZ

45-04 Francis Lewis Boulevard, Southeast corner of intersection of Francis Lewis Boulevard and 45th Avenue, Block 5538, Lot(s) 30, Borough of **Queens, Community Board: 11**. Special Permit (§73-125) to allow proposed ambulatory diagnostic or treatment health care facility in excess of 1500 sq. ft. in an R3X zoning district within a two-story mixed use building. R3X district.

303-14-BZ

1032 Olympia Boulevard, Between Mapleton Avenue and Hempstead Avenue, Block 0380, Lot(s) 80016, Borough of **Staten Island, Community Board: 2**. Special Permit (§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. R31 district.

304-14-BZ

1034 Olympia Boulevard, Between Mapleton Avenue and Hempstead Avenue, Block 0380, Lot(s) 80015, Borough of **Staten Island, Community Board: 2**. Special Permit (§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. R31 district.

304-14- BZ

1034 Olympia Boulevard, , Block , Lot(s) , Borough of , **Community Board: .** Special Permit (§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. district.

305-14-BZ

296 Adams Avenue, Between Mapleton Avenue and Hempstead Avenue, Block 0367, Lot(s) 30011, Borough of **Staten Island, Community Board: 2**. Special Permit (§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. R3X district.

306-14-BZ

156 Baden Place, , Block 0381, Lot(s) 00018, Borough of **Staten Island, Community Board: 2**. Special Permit (§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.

R31 district.

307-14-BZ

540 Hunter Avenue, Between Grimsby Street and Freeborn Street, Block 0379, Lot(s) 60024, Borough of **Staten Island, Community Board: 2**. Special Permit (§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. R31 district.

308-14-BZ

179 Kiswick Street, Between Midland Avenue and Bedford Avenue, Block 0373, Lot(s) 50042, Borough of **Staten Island, Community Board: 2**. Special Permit (§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. R31 district.

309-14-BZ

55 Hempstead Avenue, Between Colony Avenue and Baden Place, Block 0380, Lot(s) 90003, Borough of **Staten Island, Community Board: 2**. Special Permit (§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. R31 district.

310-14-BZ

297 Colony Avenue, Between Midland Avenue and Lincoln Avenue, Block 0381, Lot(s) 40032, Borough of **Staten Island, Community Board: 2**. Special Permit (§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. R31 district.

311-14-BZ

178 Kiswick Street, Between Midland Avenue and Bedford Avenue, Block 0373, Lot(s) 60019, Borough of **Staten Island, Community Board: 2**. Special Permit (§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. R31 district.

312-14-BZ

65 Hempstead Avenue, Between Baden Place and Patterson Avenue, Block 0381, Lot(s) 00008, Borough of **Staten Island, Community Board: 2**. Special Permit (§64-92) to

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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. R31 district.

313-14-BZ

212 East 57th Street, Located South of East 57th St, 135 ft. Est of the corner formed by the intersection of 3rd avenue and East 57th Street., Block 1330, Lot(s) 7501, Borough of **Manhattan, Community Board: 6**. Special Permit (§73-36) to change the use group fro Retail 32-15C to Physical Culture Establishment 73-36 located in the cellar and first floor levels of a 24-store mixed residential & commercial building, located within an C1-9 zoning district. C1-9 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

DECEMBER 9, 2014, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, December 9, 2014, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

APPEALS CALENDAR

32-14-A

APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for Little Morrow LLC, owner.

SUBJECT – Application February 13, 2014 – Proposed construction of a retail/warehouse building located partially within the bed of a mapped street contrary to Article 3, Section 35 of the General City Law and waiver of bulk non-compliances under §72-01-(g). M-2-1 Zoning District. PREMISES AFFECTED – 2560 Forest Avenue, southwest corner of intersection of Forest Avenue and Elizabeth Grove Road, Block 1384, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1SI

180-14-A

APPLICANT – Fried Frank Harris Shriver and Jacobson LLP, for EXG 332 W 44 LLC c/o Edison Properties, owner.

SUBJECT – Application August 1, 2014 – Appeal challenging the Department of Building's determination that the subject façade treatment located on the north wall is an impermissible accessory sign as defined under the ZR Section 12-10. C6-2SCD zoning district.

PREMISES AFFECTED – 332 West 44th Street, south side West 44th Street, 378 west of the corner formed by the intersection of West 44th Street and 8th Avenue and 250' east of the intersection of West 44th Street and 8th Avenue, Block 1034, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #4M

DECEMBER 9, 2014, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, December 9, 2014, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

183-14-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Ann/Nassau Realty LLC, owner; Blink Nassau Street, Ink., lessee.

SUBJECT – Application August 6, 2014 – Special Permit (§73-36) to allow a physical culture establishment (*Blink Fitness*) within portions of an existing mixed use building. C5-5(LM) zoning district.

PREMISES AFFECTED – 113 Nassau Street aka 6 Theater Alley, northwest side of Nassau Street, 35.02' north of Ann Street, Block 90, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #1M

Ryan Singer, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, NOVEMBER 18, 2014
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

724-56-BZ

APPLICANT – Eric Palatnik, P.C., for Praela Enterprises Ink., owner.

SUBJECT – Application June 12, 2014 – Amendment of a previously approved variance which permitted automotive repair (UG 16B). Application is to amend the length of an extension of term that was granted the Board from five years to ten years which expired November 20, 2012. R3-2 zoning district.

PREMISES AFFECTED – 42-42 Francis Lewis Boulevard, west side of Francis Lewis Boulevard, between 42nd Road and Northern Boulevard, Block 5373, Lot 26, Borough of Queens.

COMMUNITY BOARD #11Q

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 and an amendment to permit a change to the length of the term for an automotive repair station; 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 November 18, 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, the Auburndale Improvement Association provided testimony in opposition to the proposed ten-year term, citing historic use of the site contrary to the conditions of the grant, including the storage of commercial vehicles onsite, excessive signage, and lack of landscaping; and

WHEREAS, the subject site is located on the west side of Francis Lewis Boulevard between 42nd Road and Northern Boulevard, within a C2-2 (R3-2) zoning district; and

WHEREAS, the site has 114.64 feet of frontage along Francis Lewis Boulevard and 10,020 sq. ft. of lot area; it is occupied by one-story automotive repair station (Use Group 16B) with 1,680 sq. ft. of floor area (0.17 FAR); and

WHEREAS, the Board has exercised jurisdiction over the subject site since November 19, 1957, when the Board

granted a variance to permit the construction and maintenance of a gasoline service station with accessory uses and parking for cars awaiting service for a term of 15 years; and

WHEREAS, subsequently, the term has been extended and the grant amended by the Board at various times; the most recent extension was on November 20, 2012, for a term of five years, to expire on November 19, 2017; and

WHEREAS, the applicant states that, as a small business owner, the five-year term imposes a financial hardship; the applicant notes that the five-year term was imposed due to certain historic non-compliances, which have since been eliminated; and

WHEREAS, the applicant states that the only non-compliance with the conditions of the 2012 grant was an illegally-parked commercial truck, which used the site for overnight parking for a limited period of time in early 2013; and

WHEREAS, therefore, the applicant states that it has operated in substantial compliance with the 2012 grant and seeks an amendment to modify the term of the 2012 grant from five years to ten years; and

WHEREAS, at hearing, the Board questioned a member of the Auburndale Improvement Association regarding the site's compliance with the conditions of the grant; and

WHEREAS, in response, the member acknowledged that the site has been operated in accordance with the conditions of the grant, with the exception of the isolated commercial truck parking incident discussed above; 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 February 5, 2008, so that as amended the resolution reads: "to permit an extension of term for ten years from the prior grant, to expire on November 19, 2022; *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 November 3, 2014'-(2) sheets; and *on further condition*:

THAT the term of this grant will be for ten years from the date of the prior grant, to expire on November 19, 2022;

THAT parking on the site will be limited to vehicles awaiting service and any other commercial or overnight parking is prohibited;

THAT signage and landscaping will conform to the BSA-approved plans;

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

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

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

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the

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Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.”

(DOB Application No. 401766665)

Adopted by the Board of Standards and Appeals, November 18, 2014.

162-95-BZ & 163-95-BZ

APPLICANT – Warshaw Burstein, LLP, for Mario Bonavita, owner; Pelham Bay Fitness Group, LLC, owner. SUBJECT – Application April 25, 2014 – Extension of Term of a previously approved Special Permit (§73-36) on the first and mezzanine floor of the existing building to allow for its continued operation. C2-4 zoning district.

PREMISES AFFECTED – 3060 & 3074 Westchester Avenue, southeast side of Westchester Avenue between Mahan Avenue and Hobart Avenue, Block 4196, Lot(s) 9, 11, 13, Borough of Bronx.

COMMUNITY BOARD #10BX

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 and an extension of the term of previously granted special permits for a physical culture establishment (“PCE”), which expired on April 24, 2014; 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 November 18, 2014; and

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

WHEREAS, Community Board 10, Bronx, recommends approval of this application; and

WHEREAS, the PCE is located on the south side of Westchester Avenue, between Mahan Avenue and Hobart Avenue, partially within a C2-4 (R6) zoning district and partially within a C2-4 (R7-1) zoning district; and

WHEREAS, the site comprises three separate tax lots (Lots, 9, 11, and 13) occupied by two adjoining one-story and mezzanine commercial buildings; the 3060 Westchester Avenue building is located on Lot 9, and the 3074 Westchester Avenue building is located on Lot 11 and a portion of Lot 13; and

WHEREAS, the applicant states that the buildings have an opening between them and the subject PCE operates in both buildings; and

WHEREAS, the PCE currently occupies a combined total of 17,212 sq. ft. of floor area on the first floors and mezzanines of the two buildings (8,551 sq. ft. of floor area in the 3060 Westchester Avenue building and 8,661 sq. ft. of

floor area in the 3074 Westchester Avenue building); and

WHEREAS, the applicant notes that the PCE is operated as Planet Fitness; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 30, 1996 when, under the subject calendar numbers, the Board granted special permits for a PCE in the subject buildings for a term of ten years, which expired on July 30, 2006; and

WHEREAS, most recently, on April 24, 2012, the Board amended the grants to legalize an increase in the PCE’s size and extended the terms of the grants for two years, to expire on April 24, 2014; and

WHEREAS, therefore, the applicant now seeks a ten-year extension of the term of the grants; and

WHEREAS, at hearing, the Board questioned whether there would be sufficient parking for nighttime patrons of the PCE with the parking lot closed; and

WHEREAS, in response, the applicant stated that street parking was ample to accommodate the nighttime patrons of the PCE; and

WHEREAS, accordingly, based upon its review of the record, the Board finds that a ten-year extension of term and amendment are appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, as adopted on July 30, 1996, so that as amended the resolution reads: “to extend the term for a period of ten years from the prior expiration of the grant, to expire on April 24, 2024, *on condition* that all work will substantially conform to the prior BSA-approved drawings; and *on further condition*:

THAT the term of this grant shall expire on April 24, 2024;

THAT accessory off-street attendant parking for 25 motor vehicles will be provided on the site, except between the hours of 12:00 a.m. and 6:00 a.m.;

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

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

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

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, November 18, 2014.

MINUTES

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

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 term for an automotive service station, which expired on April 28, 2014; and

WHEREAS, a public hearing was held on this application on September 16, 2014 after due notice by publication in *The City Record*, with a continued hearing on October 28, 2014, and then to decision on November 18, 2014; and

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

WHEREAS, Community Board 10, Queens, recommends approval of this application; and

WHEREAS, the subject site is located at the southwest corner of the intersection of a service road for the Van Wyck Expressway and Linden Boulevard, within a C2-2 (R3-2) zoning district; and

WHEREAS, the site is occupied by a one-story automotive service station (Use Group 16); and

WHEREAS, the Board has exercised jurisdiction over the site since May 7, 1948, when under BSA Cal. No. 512-48-BZ, the Board granted a variance to allow the construction and operation of a gasoline service station contrary to use regulations; and

WHEREAS, on October 28, 2003, under the subject calendar number, the Board granted an application for a special permit pursuant to ZR §§ 73-211 and 73-03 to legalize the operation of the site as an automotive service station, to expire on April 28, 2004; on February 15, 2005, the Board reopened the grant and extended the term of the special permit until April 28, 2014; and

WHEREAS, accordingly, the applicant now seeks a further extension of the term; and

WHEREAS, at hearing, the Board directed the applicant to: (1) remove excessive signage from the site; (2) provide proof that the underground storage tanks at the site are not leaking; and (3) replace the worn and/or missing slats in the chain link fence; and

WHEREAS, as to the signage, the applicant submitted photographs depicting the removal of the excessive signage; and

WHEREAS, as to the underground storage tanks, the applicant represents that there are no underground storage tanks at the site; the applicant also notes that there was a spill on the site on January 25, 2012, which, according to New York State Department of Environmental Conservation records, was remedied and closed on February 9, 2012; 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 October 28, 2003, so that as amended the resolution reads: “to grant an extension of the special permit for a term of ten years from the prior expiration, to expire on April 28, 2024; *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 6, 2014’-(5) sheets; and *on further condition*:

THAT this grant will be limited to a term of ten years, to expire on April 28, 2024;

THAT the worn and missing slats in the fence will be replaced;

THAT the fence, including its slats, will be maintained in good condition;

THAT a certificate of occupancy will be obtained by November 18, 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, November 18, 2014.

833-52-BZ

APPLICANT – Vassalotti Associates Architects, LLP, for Zonar LLC, owner.

SUBJECT – Application March 14, 2014 – ZR (§11-411) Extension of Term for the continued operation of a gasoline service station (*Sunoco*) which expired on January 15, 2012; Amendment to convert the existing service bays to a convenience store; Waiver of the Rules. C1-2/R5 zoning district.

PREMISES AFFECTED – 5916-30 Foster Avenue, Foster Avenue and Southwest corner of Ralph Avenue, Block 7955, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #18BK

THE VOTE TO CLOSE HEARING –

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

MINUTES

Negative:.....0
ACTION OF THE BOARD – Laid over to December 16, 2014, at 10 A.M., for decision, hearing closed.

698-59-BZ

APPLICANT – Eric Palatnik, P.C., for Bolla EM Realty, LLC, owner.

SUBJECT – Application May 21, 2014 – Amendment of a previously approved variance to permit the conversion of the convenience store to a relocate and re-size curb cuts and to legalize the existing remediation equipment and location of the tanks and permit additional trees on the site. C2-2 zoning district.

PREMISES AFFECTED – 2773 Nostrand Avenue, northeast corner of Kings Highway and Nostrand Avenue, Block 7684, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #18BK

THE VOTE TO CLOSE HEARING –

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

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

822-59-BZ

APPLICANT – Eric Palatnik, P.C., for Bolla EM Realty, LLC., owner.

SUBJECT – Application January 9, 2014 – Amendment (§11-412) to convert existing automotive service bays into an accessory convenience store and enlarge the accessory building at an existing gasoline service station. C2-1/R3-2 zoning district.

PREMISES AFFECTED – 1774 Victory Boulevard, southwest corner of Victory Boulevard and Manor Road, Block 709, Lot 28, Borough of Staten Island.

COMMUNITY BOARD #1SI

THE VOTE TO CLOSE HEARING –

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

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

902-79-BZ

APPLICANT – Goldman Harris LLC, for West 29th Street Owner's Corp., owners.

SUBJECT – Application April 9, 2014 – Amendment of a previously approved Variance (§72-21) the conversion of a three-story and four-story and a twelve-story existing manufacturing buildings to residential use above the ground floor and now to proposed the unused development rights for incorporation into a new as-of-right hotel. M1-6 zoning district.

PREMISES AFFECTED – 116-118 West 29th Street, south

side of West 29th Street between Sixth and Seventh Avenue, Block 804, Lot (s) 49, 50, Borough of Manhattan.

COMMUNITY BOARD #5M

THE VOTE TO CLOSE HEARING –

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

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

1096-79-BZ & 1097-79-BZ

APPLICANT – Goldman Harris LLC, for West 29th Street Owner's Corp., owners.

SUBJECT – Application April 9, 2014 – Amendment of a previously approved Variance (§72-21) the conversion of a three-story and four-story and a twelve-story existing manufacturing buildings to residential use above the ground floor and now to proposed the unused development rights for incorporation into a new as-of-right hotel. M1-6 zoning district.

PREMISES AFFECTED – 120 & 114 West 29th Street, south side of West 29th Street between Sixth and Seventh Avenue, Block 804, Lot (s) 49 (aka 52), Borough of Manhattan.

COMMUNITY BOARD #5M

THE VOTE TO CLOSE HEARING –

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

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

964-87-BZ

APPLICANT – Eric Palatnik, P.C., for Leemilt Petroleum, Ink., owner; Lotus Management Group II, LLC, lessee.

SUBJECT – Application April 21, 2014 – Amendment to an approved Variance for the operation of an Automotive Service Station (UG 16B), with accessory uses.

The Amendment seeks to convert a portion of a service bay to an accessory convenience store; Extension of Time to obtain a Certificate of Occupancy which expired on May 10, 2012; Waiver of the Rules. C1-3/R6 zoning district.

PREMISES AFFECTED – 786 Burke Avenue, aka 780-798 Burke Avenue, Block 4571, Lot 28, Borough of Bronx.

COMMUNITY BOARD #12B

THE VOTE TO CLOSE HEARING –

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

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

MINUTES

203-92-BZ

APPLICANT – Jeffrey Chester, Esq., for Mowry Realty Associates LLC., The Fitness Place Forest Hills NY Ink., lessee.

SUBJECT – Application March 28, 2014 – Extension of Term of a previously approved Special Permit (§73-36) for the continued operation of a Physical Culture Establishment (*Lucille Roberts Gym*), which expired on March 1, 2014. C2-3(in R5D) zoning district.

PREMISES AFFECTED – 70-20 Austin Street, south side of Austin Street between 70th Avenue and 70th Road, Block 3234, Lot 173, Borough of Queens.

COMMUNITY BOARD #6Q

THE VOTE TO CLOSE HEARING –

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

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

148-03-BZ

APPLICANT – Goldman Harris LLC, for The Flower House Condominium, owners; Northwest Real Estate LLC, lessee.

SUBJECT – Application April 9, 2014 – Amendment of a previously approved Variance (§72-21) the conversion of a three-story and four-story and a twelve-story existing manufacturing buildings to residential use above the ground floor and now to proposed the unused development rights for incorporation into a new as-of-right hotel. M1-6 zoning district.

PREMISES AFFECTED – 111/113 West 28th Street, north side of West 28th Street between Sixth and Seventh Avenue, Block 804, Lot(s) 1101-1105, Borough of Manhattan.

COMMUNITY BOARD #5M

THE VOTE TO CLOSE HEARING –

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

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

164-04-BZ

APPLICANT – Warshaw Burstein, LLP., for 2241 Westchester Avenue Realty Corp., owner; Castle Hill Fitness Group, LLC., lessee.

SUBJECT – Application April 25, 2014 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of a physical culture establishment (*Planet Fitness Center*) occupying the entire second floor of a two story building which expired on July 15, 2014. R6/C2-4 zoning district.

PREMISES AFFECTED – 2241 Westchester Avenue, Northwest corner of Westchester Avenue and Glebe Avenue, Block 3963, Lot 57, Borough of Bronx.

COMMUNITY BOARD #10BX

THE VOTE TO CLOSE HEARING –

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

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

42-08-BZ

APPLICANT – Eric Palatnik, P.C., for David Nikcchemny, owner.

SUBJECT – Application July 22, 2014 – Extension of Time to Complete Construction of a previously granted Special Permit (73-622) for the enlargement of an existing two family home to be converted into a single family home which expired on January 27, 2013; Waiver of the Rules. R3-1 zoning district.

PREMISES AFFECTED – 182 Girard Street, between Oriental Boulevard and Hampton Street, Block 8749, Lot 25, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to January 13, 2015, at 10 A.M., for deferred decision.

APPEALS CALENDAR

265-14-A

APPLICANT – NYC Housing Preservation & Development, for Pasquale D’Angelis, owner.

SUBJECT – Application October 27, 2014 – 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.

PREMISES AFFECTED – 3812 Atlantic Avenue, between Beach 38th and Beach 40th Streets, Block 7043, Lot 6, 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 Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application to permit the construction of a two-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 November 18, 2014, after due notice by publication in *The City Record*, and then to decision on same date; and

WHEREAS, the premises and surrounding area had a

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site and neighborhood examination by Commissioner Montanez; 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 property exists in a private community known as Seagate and is located on the tip of Coney Island, within an R3-1 zoning district; and

WHEREAS, the site has 8,000 sq. ft. of lot area and is currently vacant; it has 80 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 two-family home with 4,000 sq. ft. of floor area (0.50 FAR); and

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

WHEREAS, by letter dated November 6, 2014, the Fire Department states that it has reviewed the proposal and has no objection; 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 “November 17, 2014”-(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 this approval is limited to the Build it Back program;

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, November 18, 2014.

266-14-A

APPLICANT – NYC Housing Preservation & Development, for Jack Suben, owner.

SUBJECT – Application October 27, 2014 – 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.

PREMISES AFFECTED – 3740 Atlantic Avenue, between Beach 38th and West 37th Streets, Block 7044, Lot 36, 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 two-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 November 18, 2014, after due notice by publication in *The City Record*, and then to decision on same date; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by Commissioner Montanez; 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 property exists in a private community known as Seagate and is located on the tip of Coney Island, within an R3-1 zoning district; and

WHEREAS, the site has 2,500 sq. ft. of lot area and is currently vacant; it has 25 feet of frontage along Atlantic Avenue, an access road that does not appear on the City Map; and

WHEREAS, the applicant proposes to build a two-family home with 1,793 sq. ft. of floor area (0.72 FAR); 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 November 6, 2014, the Fire Department states that it has reviewed the proposal and has no objection; and

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

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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 "November 17, 2014"-(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 this approval is limited to the Build it Back program;

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, November 18, 2014.

267-14-A

APPLICANT – NYC Housing Preservation & Development, for Theresa Liberi, owner.

SUBJECT – Application October 27, 2014 – 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.

PREMISES AFFECTED – 3742 Atlantic Avenue, between Beach 38th and West 37th Streets, Block 7044, Lot 38, 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 November 18, 2014 after due notice by publication in *The City Record*, and then to decision on same date and

WHEREAS, the premises and surrounding area had site and neighborhood examination by Commissioner Montanez; 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 property exists in a private community known as Seagate and is located on the tip of Coney Island, within an R3-1 zoning district; and

WHEREAS, the site has 2,500 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 build a two-family home with 1,793 sq. ft. of floor area (0.72 FAR); 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 November 6, 2014, the Fire Department states that it has reviewed the proposal and has no objection; 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 "November 17, 2014"-(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 this approval is limited to the Build it Back program;

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, November 18, 2014.

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300-08-A

APPLICANT – Law office of Marvin B. Mitzner LLC, for Steven Baharestani, owner.

SUBJECT – Application April 24, 2014 – Extension of time to complete construction and obtain a Certificate of Occupancy for the construction of a hotel under common law vested rights. M1-2 /R5-B zoning district.

PREMISES AFFECTED – 39-35 27th Street, east side of 27th Street between 39th and 40th Avenues, Block 397, Lot 2, Borough of Queens.

COMMUNITY BOARD #1Q

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

95-14-A

APPLICANT – Bernard Marson, for BBD & D Ink., owner.

SUBJECT – Application May 5, 2014 – MDL 171 & 4.35 to allow for a partial one-story vertical enlargement (*Penthouse*) of the existing 3 story and basement building located on the site. Pursuant to the 310 MDL. R8 zoning district.

PREMISES AFFECTED – 237 East 72nd Street, north Side of East 72nd Street 192.6' West of 2nd Avenue, Block 1427, Lot 116, Borough of Manhattan.

COMMUNITY BOARD #8M

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

ZONING CALENDAR

93-14-BZ

CEQR #14-BSA-146M

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 legalize 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

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 April 25, 2014, acting on DOB Application No. 121184912, reads, in pertinent part:

ZR 32-10 – Proposed physical culture establishment is not permitted as of right in R8A/C2-5 district; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site partially within a C2-5 (R8A) zoning district and partially within a C2-8 zoning district, within the Special Hudson Yards District, the legalization of an existing physical culture establishment (“PCE”) operating on the first story of a 23-story mixed residential and commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on September 16, 2014, after due notice by publication in the *City Record*, with a continued hearing on October 28, 2014, and then to decision on November 18, 2014; and

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

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

WHEREAS, the subject site spans the west side of Tenth Avenue between West 37th Street and West 38th Street; it is located partially within a C2-5 (R8A) zoning district and partially within a C2-8 zoning district, within the Special Hudson Yards District; and

WHEREAS, the site has 197.5 feet of frontage along Tenth Avenue, 150.5 feet of frontage along West 37th Street, 195.5 feet of frontage along West 38th Street, and 34,167 sq. ft. of lot area; and

WHEREAS, the site is occupied by a 23-story mixed residential and commercial building; and

WHEREAS, the PCE occupies 6,107 sq. ft. of floor area on the first story and operates as Title Boxing Club; and

WHEREAS, the PCE’s hours of operation are Monday through Friday, from 5:45 a.m. to 9:00 p.m., and Saturday and Sunday, from 8:00 a.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, 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 the application was a legalization and indicated that sound attenuation measures must be shown on the plans; and

WHEREAS, in response, the applicant recast the application as a legalization and submitted amended plans noting the PCE’s sound attenuation measures; 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

WHEREAS, the Board finds that, under the conditions

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the 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-146M, dated May 2, 2014; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination 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 partially within a C2-5 (R8A) zoning district and partially within a C2-8 zoning district, within the Special Hudson Yards District, the legalization of an existing PCE operating on the first story of an 23-story mixed residential and commercial building, contrary to ZR § 32-10; *on condition* that all work will substantially conform to drawings filed with this application marked "Received May 2, 2014"-(3) sheets; *on further condition*:

THAT the term of the PCE grant will expire on June 1, 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 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 November 18, 2018;

THAT this approval is limited to the relief granted by the Board in response to specifically cited 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, November 18, 2014.

97-14-BZ

CEQR #14-BSA-149M

APPLICANT – Warshaw Burstein, LLP, for 22-26 East 14 Condominium, owner; 22 East 14th St. Fitness Group, LLC, lessee.

SUBJECT – Application May 8, 2014 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Planet Fitness*) on portions of the ground and cellar levels of the existing building. C6-1 zoning district.

PREMISES AFFECTED – 22-26 East 14th Street, between 5th Avenue and University Place, Block 571, Lot 7501, 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, the decision of the Department of Buildings ("DOB"), dated May 9, 2014, acting on DOB Application No. 121978182, reads, in pertinent part:

Proposed physical culture establishment is not permitted as of right in a C6-1 zoning district, per ZR Section 32-10; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C6-1 zoning district, the operation of a physical culture establishment ("PCE") in portions of the cellar and first story of a five-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 November 18, 2014; and

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

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

WHEREAS, the subject site is a through lot with frontages along East 13th Street (82'-10") and East 14th Street (75'-0"), between Fifth Avenue and University Place, within a C6-1 zoning district; and

WHEREAS, the site has 15,747 sq. ft. of lot area and is occupied by a five-story commercial building with 78,735 sq. ft. of floor area; and

WHEREAS, the building, known as the Baumann Brothers Furniture and Carpets Store, was designated as a landmark by the Landmarks Preservation Commission ("LPC") in 2008; and

WHEREAS, the PCE will occupy a total of 14,105 sq. ft. of floor space, with 632 sq. ft. of floor area on the first story and 13,743 sq. ft. of floor space in the cellar; and

WHEREAS, the PCE will operate as Planet Fitness; and

WHEREAS, the PCE's hours of operation will be 24

MINUTES

hours per day, seven days per week; 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, LPC has approved the proposed alterations of the building by Certificate of Appropriateness, dated June 6, 2014 and the proposed signage by Permit for Minor Work, 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, at hearing, the Board requested clarification regarding whether the PCE was in operation; and

WHEREAS, in response, the applicant represented that the PCE is not operating; 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 an environmental review of the proposed Checklist action discussed in the CEQR Checklist No. 14-BSA-149M dated May 8, 2014; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination 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 C6-1 zoning district, the operation of a PCE in portions of the cellar and first story of a five-story commercial building, contrary to ZR § 32-10; *on condition* that all work will substantially conform to drawings filed with this application marked "Received October 8, 2014" four (4) sheets; *on further condition*:

THAT the term of the PCE grant will expire on November 18, 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 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 November 18, 2018;

THAT this approval is limited to the relief granted by the Board in response to specifically cited 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, November 18, 2014.

**100-14-BZ
CEQR #14-BSA-152X**

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

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 2, 2014, acting on DOB Application No. 220307692, reads, in pertinent part:

Proposed conversion . . . from retail establishment to physical culture establishment requires BSA approval; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C8-3 zoning district, the operation of a physical culture establishment ("PCE") in portions of the first and second stories of a two-story commercial building, contrary to ZR § 32-10; and

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

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November 18, 2014; and

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

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

WHEREAS, the subject site is an irregularly-shaped corner lot located at northwest corner of the intersection of Macombs Road, West 172nd Street, and Inwood Avenue, within a C8-3 zoning district; and

WHEREAS, the site has 175.14 feet of frontage along Macombs Road, 6.11 feet of frontage along West 172nd Street, 206.17 feet of frontage along Inwood Avenue, and 12,877.5 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story commercial building with 24,984 sq. ft. of floor area (1.94 FAR); and

WHEREAS, the PCE will occupy a total 16,307 sq. ft. of floor area, with 3,490 sq. ft. of floor area on the first story and 12,817 sq. ft. of floor area on the second story; and

WHEREAS, the PCE will operate as Blink Fitness; and

WHEREAS, the PCE's hours of operation 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 does 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-152X, dated May 8, 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 C8-3 zoning district, the operation of a PCE in portions of the first and second stories of a two-story commercial building, contrary to ZR § 32-10; *on condition* that all work will substantially conform to drawings filed with this application marked "Received May 8, 2014"- Four (4) sheets; *on further condition*:

THAT the term of the PCE grant will expire on November 18, 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 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 November 18, 2018;

THAT this approval is limited to the relief granted by the Board in response to specifically cited 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, November 18, 2014.

104-14-BZ CEQR #14-BSA-155K

APPLICANT – Warshaw Burnstein, LLP., for Sam Spikes, LLC, owner; 287 Broadway Fitness Group, LLC., lessee.

SUBJECT – Application May 15, 2014 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Planet Fitness*) on a portion of the ground and second floors of a new building, contrary to (§32-31). C4-3 zoning district.

PREMISES AFFECTED – 282 South 5th Street aka 287 Broadway, between Broadway and West of Marcy Avenue, Block 2460, Lot 18, 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

MINUTES

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated May 7, 2014, acting on DOB Application No. 320377454, reads, in pertinent part:

Proposed physical culture establishment use is not permitted as-of-right in a C4-3 zoning district, per ZR Section 32-10; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C4-3 zoning district, the operation of a physical culture establishment (“PCE”) in portions of the first and second stories of a 13-story mixed residential, community facility, and commercial building, contrary to ZR § 32-10; 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 November 18, 2014; and

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

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

WHEREAS, the subject site is a through lot with frontages along South Fifth Street (140’-2”) and Broadway (140’-2”), between Marcy Avenue and Havemeyer Street, within a C4-3 zoning district; the site has 28,046 sq. ft. of lot area; and

WHEREAS, under construction at the site is a 13-story mixed residential, community facility, and commercial building with 105,906 sq. ft. of floor area (3.78 FAR); and

WHEREAS, the PCE will occupy a total 17,878 sq. ft. of floor area, with 2,008 sq. ft. of floor area on the first story and 15,870 sq. ft. of floor area on the second story; and

WHEREAS, the PCE will operate as Planet Fitness; and

WHEREAS, the PCE’s hours of operation will 24 hours per day, seven days per week; 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, 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 clarify its proposed sound attenuation measures; and

WHEREAS, in response, the applicant submitted amended plans to reflect the proposed sound attenuation measures, which include a buffer space between the PCE

and the community facility space on the second story; the applicant also notes that no dwelling will share a demising wall with the PCE; 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-155K, dated May 15, 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 C4-3 zoning district, the operation of a PCE in portions of the first and second stories of a 13-story mixed residential, community facility, and commercial building, contrary to ZR § 32-10; *on condition* that all work will substantially conform to drawings filed with this application marked “Received November 5, 2014”- Two (2) sheets; *on further condition*:

THAT the term of the PCE grant will expire on November 18, 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 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 November 18, 2018;

THAT this approval is limited to the relief granted by the Board in response to specifically cited 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,

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November 18, 2014.

150-14-BZ

CEQR #15-BSA-015M

APPLICANT – Law Office of Fredrick A. Becker, for Gotham Broad LLC, 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

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 12, 2014, acting on DOB Application No. 121974300, reads, in pertinent part:

Proposed physical culture establishment at the first and second and mezzanine floor(s) is not permitted as-of-right in a C5-5 zoning district; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C5-5 zoning district, within the Special Lower Manhattan District, the operation of a physical culture establishment (“PCE”) in portions of the first and second stories and second story mezzanine of a 48-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on October 28, 2014, after due notice by publication in the *City Record*, and then to decision on November 18, 2014; and

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

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

WHEREAS, the subject site spans the south side of Exchange Place between New Street and Broad Street, within a C5-5 zoning district, within the Special Lower Manhattan District; and

WHEREAS, the site has 87.83 feet of frontage along New Street, 88.08 feet of frontage along Broad Street, 149.83 feet of frontage along Exchange Place, and 12,788 sq. ft. of lot area; and

WHEREAS, the site is occupied by a 48-story commercial building; and

WHEREAS, the PCE will occupy a total 15,806 sq. ft. of floor area, with 615 sq. ft. of floor area on the first story,

10,494 sq. ft. of floor area on the second story, 4,697 sq. ft. of floor area on the second story mezzanine; and

WHEREAS, the PCE will operate as BFX Studio; and

WHEREAS, the PCE’s hours of operation will be Monday through Friday, from 5:00 a.m. to 11:00 p.m. and Saturday and Sunday, from 6:00 a.m. to 8:00 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, 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. 15-BSA-015M, dated June 25, 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 C5-5 zoning district, within the Special Lower Manhattan District, the operation of a PCE in portions of the first and second stories of a 48-story commercial building, contrary to ZR § 32-10; *on condition* that all work will substantially conform to drawings filed with this application marked “Received June 25, 2014”- Sixteen (16) sheets and “Received August 14, 2014”- One (1) sheet *on further condition*:

THAT the term of the PCE grant will expire on November 18, 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 accessibility compliance will be as reviewed and approved by DOB;

THAT fire safety measures will be installed and/or

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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 November 18, 2018;

THAT this approval is limited to the relief granted by the Board in response to specifically cited 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, November 18, 2014.

153-11-BZ

APPLICANT – Eric Palatnik, P.C., for Theodoros Parais, owner.

SUBJECT – Application September 21, 2011 – Reinstatement (§§11-411 & 11-412) to permit the continued operation of an automotive repair use (UG 16B); amendment to enlarge the existing one story building; Waiver of the Board's Rules. C1-3 zoning district.

PREMISES AFFECTED – 27-11 30th Avenue, between 27th Street and 39th Street. Block 575, Lot 23. Borough of Brooklyn.

COMMUNITY BOARD #4BK

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

2-13-BZ

APPLICANT – Alfonso Duarte, for Humberto Arias, owner.

SUBJECT – Application January 8, 2013 – Variance (§72-21) to legalize the extension of a retail building, contrary to use regulations (§23-00). R3A zoning district.

PREMISES AFFECTED – 438 Targee Street, west side 10.42' south of Roff Street, Block 645, Lot 56, Borough of Staten Island.

COMMUNITY BOARD #1SI

THE VOTE TO CLOSE HEARING –

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

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

174-13-BZ

APPLICANT – Jeffrey A. Chester, Esq./GSHLLP, for 58-66 East Fordham Road, owner; LRHC Fordham Road LLC., lessee.

SUBJECT – Application June 13, 2014 – Special Permit (§73-36) to allow the reestablishment of an expired physical culture establishment (*Lucille Roberts*) on the second floor, contrary to (§32-31). C4-4 zoning district.

PREMISES AFFECTED – 2449 Morris Avenue a/k/a 58-66 East Fordham Road, Block 3184, Lot 45, Borough of Bronx.

COMMUNITY BOARD #7BX

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

193-13-BZ

APPLICANT – Eric Palatnik, Esq., for Centers FC Realty LLC, owner.

SUBJECT – Application July 2, 2013 – Special Permit (§73-44) for the reduction in parking from 190 to 95 spaces to facilitate the conversion of an existing building to UG 6 office and retail use. C2-2/R6A & R-5 zoning districts
PREMISES AFFECTED – 4770 White Plains Road, White Plains Road between Penfield Street and East 242nd Street, Block 5114, Lot 14, Borough of Bronx.

COMMUNITY BOARD #12BX

ACTION OF THE BOARD – Off Calendar.

222-13-BZ

APPLICANT – Eric Palatnik, P.C., for 2464 Coney Island Avenue, LLC, owner.

SUBJECT – Application July 23, 2013 – Special Permit (§73-44) to allow the reduction of required parking for the use group 4 ambulatory diagnostic treatment healthcare facility. C8-1/R5 zoning district.

PREMISES AFFECTED – 2472 Coney Island Avenue, southeast corner of Coney Island Avenue and Avenue V, Block 7136, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #15BK

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

254-13-BZ

APPLICANT – Law Office of Marvin B. Mitzner, for Moshe Packman, owner.

SUBJECT – Application August 30, 2013 – Variance (§72-21) to permit a residential development, contrary to floor area (§23-141(a)), dwelling units (§23-22), lot coverage (§23-141(a)), front yard (§23-45(a)), side yard (§23-462(a)), and building height (§23-631(b)) regulations. R3-2 zoning district.

PREMISES AFFECTED – 2881 Nostrand Avenue, east side of Nostrand Avenue between Avenue P and Marine Parkway, Block 7691, Lot 91, Borough of Brooklyn.

COMMUNITY BOARD #18BK

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

264-13-BZ

APPLICANT – Francis R. Angelino, Esq., for David Lowenfeld, owner; BB Fitness dba Brick Crossfit NYC, lessee.

SUBJECT – Application September 6, 2013 – Special Permit (§73-36) to legalize a physical culture establishment (*Brick CrossFit*) on the ground floor and cellar of an existing 10-story building. C6-2A zoning district.

PREMISES AFFECTED – 257 West 17th Street, north side, West 17th Street, between 7th & 8th Avenues, Block 767, Lot 6, Borough of Manhattan.

COMMUNITY BOARD #4M

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

271-13-BZ

APPLICANT – Eric Palatnik, P.C., for Viktoriya Midyany, owner.

SUBJECT – Application September 17, 2013 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and lot coverage (§23-141); side yard (§23-461) and rear yard (§23-47) regulations. R3-1 zoning district.

PREMISES AFFECTED – 129 Norfolk Street, Norfolk Street, between Shore Boulevard and Oriental Boulevard, Block 8757, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #15BK

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

323-13-BZ

APPLICANT – Eric Palatnik, P.C., for Galt Group Holdings, owner.

SUBJECT – Application December 20, 2013 – Special Permit (§73-621) to permit the proposed alteration, which will enlarge the footprint and include a vertical enlargement at the rear portion of the existing four story, plus cellar and basement contrary to lot coverage §23-145. R8B (LH-1A) zoning district.

PREMISES AFFECTED – 127 East 71st Street, East 71st Street between Park and Lexington Avenues, Block 1406, Lot 12, Borough of Manhattan.

COMMUNITY BOARD #8M

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

5-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Israel Ashkenazi & Racquel Ashkenazi, owner.

SUBJECT – Application January 9, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, lot coverage and open space (§23-141); side yards (§23-461) and rear yard (§23-47) regulations. R3-2 zoning district.

PREMISES AFFECTED – 1807 East 22nd Street, east side of East 22nd Street between Quentin Road and Avenue R, Block 6805, Lot 64, Borough of Brooklyn.

COMMUNITY BOARD #15BK

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

25-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Yeshiva of Flatbush, LLC, owner.

SUBJECT – Application February 6, 2014 – Variance (§72-21) to permit the enlargement of an existing four story Yeshiva (*Yeshiva of Flatbush*). R2 & R5 zoning districts.

PREMISES AFFECTED – 1601-1623 Avenue J aka 985-995 East 16th Street & 990-1026 East 17th Street, Block 6709, Lot(s) 32, 34, 36, Borough of Brooklyn.

COMMUNITY BOARD #14BK

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

38-14-BZ

APPLICANT – Eric Palatnik, P.C., for Yury Dreysler, owner.

SUBJECT – Application February 28, 2014 – Special Permit (§73-622) for the enlargement of single family home, contrary to floor area, lot coverage and open space (§23-141), side yard (§23-461) and less than the required rear yard (§23-47). R3-1 zoning district.

PREMISES AFFECTED – 116 Oxford Street, between Shore boulevard and Oriental Boulevard, Block 8757, Lot 89, Borough of Brooklyn.

COMMUNITY BOARD #15BK

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

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

Variance (§72-21) to allow the conversion of an existing two-story building that has historically been occupied by

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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

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

132-14-BZ

APPLICANT – Warshaw Burstein, LLP, for 441 Rockaway, LLC, owner; 441 Rockaway Ave. Fitness Group, LLC., lessee.

SUBJECT – Application June 13, 2014 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Planet Fitness*) on the cellar and first floor of the existing building, located within a C4-3 zoning district.

PREMISES AFFECTED – 441 Rockaway Avenue, frontage on Rockaway Avenue and Thatford Avenue, south of Pitkin Avenue, Block 3522, Lot(s) 9, 26, Borough of Brooklyn.

COMMUNITY BOARD #16BK

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

REGULAR MEETING

TUESDAY AFTERNOON, NOVEMBER 18, 2014

1:00 P.M.

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

321-13-BZ

APPLICANT – Eric Palatnik, P.C., for Alejandro Finardo, owner.

SUBJECT – Application December 18, 2013 – Variance (§72-21) for the construction of a three family home on a vacant lot, contrary to side yard requirements (§23-462(a)) and the parking space requirements of (§25-32). R5 zoning district.

PREMISES AFFECTED – 37-19 104th Street, between 37th Avenue and 37th Road, Block 1771, Lot 42, Borough of Queens.

COMMUNITY BOARD #3Q

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

329-13-BZ

APPLICANT – Alexander Levkovich, for Sam Ravit, owner.

SUBJECT – Application December 31, 2013 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and open space (23-141). R3-1 zoning district.

PREMISES AFFECTED – 145 Girard Street, east side of Girard Street, approximately 600' south of intersection with Hampton Avenue, Block 8750, Lot 386, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to December 9, 2015, at 10 A.M., for adjourned hearing.

94-14-BZ

APPLICANT – Dennis D. Dell'Angelo, for Rivka Shapiro, owner.

SUBJECT – Application May 5, 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 (ZR 23-47). R2 zoning district.

PREMISES AFFECTED – 1150 East 22nd Street, west side of East 22nd Street, 140' north of Avenue "K", Block 7603, Lot 79, Borough of Brooklyn.

COMMUNITY BOARD #3BK

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

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119-14-BZ

APPLICANT – Law Office of Jay Goldstein, PLLC, for 1151 Third Avenue LLC, owner; Flywheel Sport Inc., lessee.

SUBJECT – Application June 2, 2014 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Flywheel Sports*) of the second and third floor of the existing building. Located within a C1-9 zoning district.

PREMISES AFFECTED – 1151 Third Avenue aka 201 East 67th Street, Block 1422, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

120-14-BZ

APPLICANT – Law Office of Jay Goldstein, PLLC, for 1151 Third Avenue, owner; Upper East Fitting Room LLC, lessee.

SUBJECT – Application June 2, 2014 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Fhitting Room*) on the fifth floor of the existing building. C1-9 zoning district.

PREMISES AFFECTED – 1151 Third Avenue aka 201 East 67, north East corner of 3rd Avenue and East 67th Street, Block 1422, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

121-14-BZ

APPLICANT – Law office of Jay Goldstein, PLLC, for 1151 Third Avenue, owner; Strengthen Lengthen Tone LLC., lessee.

SUBJECT – Application June 2, 2014 – Special Permit (§73-36) to allow for the operation of a physical culture establishment (*SLT*) on the 4th floor of the existing building. C1-9 zoning district.

PREMISES AFFECTED – 1151 Third Avenue aka 201 East 67th Street, northeast corner of 3rd Avenue and East 67th Street, Block 1422, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to December

16, 2014, at 10 A.M., for decision, hearing closed.

151-14-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Fifth Partners, LLC., owner; Exhale Enterprises Inc., owner.

SUBJECT – Application June 26, 2014 – Special Permit (§73-36) to legalize the operation of a physical culture establishment/ yoga studio (*Exhale Enterprises*) on a portion of the ground floor of the subject 12-story commercial building. C6-4A zoning district.

PREMISES AFFECTED – 19 West 21st Street, northerly side of West 21st Street, 309' 10" westerly of Fifth Avenue, Block 823, Lot 24, Borough of Manhattan.

COMMUNITY BOARD #5M

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

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

Ryan Singer, Executive Director

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*CORRECTION

The resolution adopted on April 29, 2014, under Calendar No. 285-13-BZ and printed in Volume 99, Bulletin Nos. 16-18, is hereby corrected to read as follows:

285-13-BZ

CEQR #14-BSA-055K

APPLICANT – Warshaw Burstein, LLP, for 495 Flatbush Ave, LLC, owner; 495 Flatbush Fitness Group, LLC, lessee. SUBJECT – Application October 9, 2013 – Special Permit (§73-36) to allow a physical culture establishment (*Fitness Center*). C8-6 zoning district.

PREMISES AFFECTED – 495 Flatbush Avenue, east side of Flatbush Avenue approximately 110 feet northwest of its intersection with Lefferts Avenue, Block 1197, Lot 6. Borough of Brooklyn.

COMMUNITY BOARD #9BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner of the Department of Buildings (“DOB”), dated September 12, 2013, acting on DOB Application No. 320787314, reads, in pertinent part:

ZR 32-10 - physical culture establishment is not permitted as-of-right in a C8 district; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C8-2 zoning district, the operation of a physical culture establishment (“PCE”) on portions of the first and second stories of a three-story mixed commercial and community facility building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on April 1, 2014, after due notice by publication in the *City Record*, and then to decision on April 29, 2014; and

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

WHEREAS, Community Board 9, Brooklyn, recommends approval of the application; and

WHEREAS, the subject site is located on the east side of Flatbush Avenue, between Empire Boulevard and Lefferts Avenue, within a C8-2 zoning district; and

WHEREAS, the site has approximately 213 feet of frontage along Flatbush Avenue, approximately 234 feet of frontage along Washington Avenue, and 44,413 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story mixed commercial and community facility building with approximately 78,795 sq. ft. of floor area (1.75 FAR); and

WHEREAS, the proposed PCE will occupy 2,000 sq. ft. of floor area on the first story and approximately 17,080 sq. ft. of floor area on the second story, for a total PCE floor area of approximately 19,080 sq. ft.; and

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

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

WHEREAS, the hours of operation for the PCE will be seven days per week, 24 hours per day; 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 confirm that the proposed signage is in accordance with the C8-2 district regulations; and

WHEREAS, in response, the applicant provided a zoning analysis confirming that the proposed signage complies; 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 discussed in the Environmental Assessment Statement, CEQR No.14BSA055K dated October 8, 2013; 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

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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 issued 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 C8-2 zoning district, the operation of a physical culture establishment (“PCE”) on portions of the first and second stories of a three-story mixed commercial and community facility building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received February 12, 2014” – Four (4) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on April 29, 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 any massages will be performed only by New York State licensed massage professionals;

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

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

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

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

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

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

THAT 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, April 29, 2014.

The resolution has been amended to correct the 8th WHEREAS in the part which read: “three-story” now reads: “two-story”. Corrected in Bulletin Nos. 45-47, Vol. 99, dated November 27, 2014.

CORRECTION

This resolution adopted on October 28, 2014, under Calendar No. 106-14-A and printed in Volume 99, Bulletin No. 44, is hereby corrected to read as follows:

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, to allow conversion of existing residential building to transient hotel use. 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

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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”; and

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 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

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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 be 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 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.

The resolution has been amended to correct the SUBJECT. Corrected in Bulletin Nos. 45-47, Vol. 99, dated November 27, 2014.