
BULLETIN

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DOCKETS

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317-14-BZ

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318-14-BZ

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319-14-BZ

1781 South Avenue, Located within West Shore Plaza 1745-1801 South Avenue, Block 2800, Lot(s) 37, Borough of **Staten Island, Community Board: 2**. Special Permit (§73-36) to permit the legalization of an Physical Culture Establishment (PCE) UFC Gym, located within an C43 zoning district. C43 district.

320-14-A

125 West 97th St., Between Amsterdam Avenue and & Columbus Avenue, Block 1852, Lot(s) 5, Borough of **Manhattan, Community Board: 7**. Interpretative Appeals: re: open space regarding the space requirements on the zoning lot for a proposed nursing facility to constructed by Jewish Home Life care on West 97sath St, located within an R7-2/C1-8 zoning district R7-2/C1-8 district.

321-14-BZ

2331 Eastchester Road, Located approximately 50 feet of the intersection formed by Waring Avenue and Eastchester Road, Block 4392, Lot(s) 40, Borough of **Bronx, Community Board: 11**. Special Permit (§73-125): to permit an ambulatory diagnostic or treatment health care facility within the existing building, located in a R4A zoning district. R4A 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

JANUARY 6, 2015, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, January 6, 2015, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

248-13-BZ

APPLICANT – Sheldon Lobel, P.C., for Moshe Benefeld, owner.

SUBJECT – Application August 23, 2014 – Special Permit (§73-622) for the enlargement of an existing single-family home, contrary to floor area and open space (23-141a); side yards (23-461). R2 zoning district.

PREMISES AFFECTED – 1179 East 28th Street, east side of East 28th Street, approximately 127' north of Avenue L, Block 7628, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #14BK

41-14-BZ

APPLICANT –The Law Office of Jay Goldstein, for United Talmudical Academy, owner.

SUBJECT – Application March 7, 2014 – Special Permit (§73-19) to legalize an existing school/yeshiva (UG 3). M1-2 zoning district.

PREMISES AFFECTED – 21-37 Waverly Avenue aka 56-58 Washington Avenue, between Flushing Avenue and Park Avenue front both Washington and Waverly Avenues, Block 1874, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #2BK

146-14-BZ

APPLICANT – Sheldon Lobel, P.C., for Fair Only Real Estate Corps., owner; LES Fitness LLC., lessee.

SUBJECT – Application June 23, 2014 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*Bowery CrossFit*) in the cellar of an existing building. C6-1G zoning district.

PREMISES AFFECTED – 285 Grand Street, south side of Grand Street approximately 25' west of the intersection formed by Grand Street and Eldridge Street, Block 306, Borough of Manhattan.

COMMUNITY BOARD #3M

201-14-BZ

APPLICANT – Frank Angelino, Esq., for Joseph Pogostin, owner; New Fitness of 3rd Avenue, Bronx, LLC., lessee.

SUBJECT – Application August 22, 2014 – Special Permit (§73-36) to allow a physical culture establishment (*Retro Fitness*) on the ground floor of an existing one-story and cellar commercial building. M1-1/R7-2 zoning district.

PREMISES AFFECTED – 3524 Third Avenue, northeast corner of East 168th Street, Block 2610, Lot 1, Borough of Bronx.

COMMUNITY BOARD #3BX

Ryan Singer, Executive Director

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**REGULAR MEETING
TUESDAY MORNING, DECEMBER 9, 2014
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

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

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 re-opening of a variance and an amendment to permit, on a site within an R4 (C2-2) zoning district, the conversion of the building for a gasoline service station (Use Group 16) to an accessory convenience store; and

WHEREAS, a public hearing was held on this application on September 23, 2014, after due notice by publication in *The City Record*, with a continued hearing on November 18, 2014, and then to decision on December 9, 2014; and

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

WHEREAS, Community Board 18, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is a triangular lot located on the northeast corner of the intersection of Nostrand Avenue and Kings Highway, within an R4 (C2-2) zoning district; and

WHEREAS, the site has 170.95 feet of frontage along Nostrand Avenue, 261.44 feet of frontage along Kings Highway, and 16,835 sq. ft. of lot area; and

WHEREAS, the site is occupied by a one-story building with 2,520 sq. ft. of floor area (0.15 FAR); the building is occupied by a gasoline service station (Use Group 16); and

WHEREAS, the Board has exercised jurisdiction over

the site since March 22, 1960, when, under the subject calendar number, it granted an application to permit reconstruction of an existing gasoline service station contrary to the use regulations of the 1916 Zoning Resolution; and

WHEREAS, the grant has been amended twice (in 1983 and 1987) to allow various site changes; and

WHEREAS, the applicant now seeks an amendment to permit the following: (1) the conversion of the one-story building at the site to an accessory convenience store; (2) the installation of a trash enclosure, parking stalls and a walkway in front of the store; (3) the relocation and closure of certain curb cuts; and (4) the planting of eight street trees along the frontages; and

WHEREAS, in addition, the applicant seeks approval for minor site plan modifications to reflect as-built conditions, including changes in the location of the gasoline tanks and remediation equipment; and

WHEREAS, the applicant notes that the proposal complies with DOB Technical Policy and Procedure Notice No. 10/1999, which sets forth the requirements for convenience stores accessory to gasoline and automotive service stations; and

WHEREAS, at hearing, the Board directed the applicant to: (1) clarify the status of remediation under New York State Department of Environmental Conservation (“DEC”) Spill No. 02-07518 (the “spill”); (2) submit an amended plan to reflect all as-built conditions and to clarify the site circulation plan; and (3) clarify the proposed hours of operation for the convenience store; and

WHEREAS, in response, as to the spill, the applicant represents that active remediation at the site has ceased but groundwater monitoring continues; and

WHEREAS, the applicant also submitted an amended site plan that reflects all as-built conditions; and

WHEREAS, as to the hours of operation, the applicant states that the convenience store will operate 24 hours per day, seven days per week; and

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

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated March 22, 1960, so that as amended the resolution reads: “to permit the noted modifications; *on condition* that all work shall substantially conform to drawings, filed with this application marked ‘Received November 5, 2014’– (7) sheets; and on further condition:

THAT the building shall have a maximum of 2,520 sq. ft. of floor area (0.15 FAR);

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

THAT signage shall be in accordance with C2 regulations;

THAT landscaping and buffering shall be maintained in accordance with the BSA-approved plans;

THAT lighting shall be directed downward and away from adjoining residences;

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THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT the remediation of the spill shall be in accordance with DEC requirements;

THAT a certificate of occupancy shall be obtained by December 9, 2015;

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

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

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

(DOB Application No. 320782159)

Adopted by the Board of Standards and Appeals, December 9, 2014.

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

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 re-opening of a variance and an amendment to permit, on a site within an R3-2 (C2-1) zoning district, the conversion of automotive service bays within a gasoline service station (Use Group 16) to an accessory convenience store, the enlargement of the service station building, the construction of an additional fuel dispenser, and other minor modifications to the site plan; and

WHEREAS, a public hearing was held on this application on October 7, 2014, after due notice by publication in *The City Record*, with a continued hearing on November 18, 2014, and then to decision on December 9, 2014; and

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

WHEREAS, Community Board 1, Staten Island,

recommends approval of this application; and

WHEREAS, the subject site is located on the southwest corner of the intersection of Victory Boulevard and Manor Road, within an R3-2 (C2-1) zoning district; and

WHEREAS, the site has 127.49 feet of frontage along Victory Boulevard, 100 feet of frontage along Manor Road, and 14,068 sq. ft. of lot area; and

WHEREAS, the site is occupied by a one-story building with 1,797 sq. ft. of floor area (0.13 FAR); the building is occupied by a gasoline service station (Use Group 16); and

WHEREAS, the Board has exercised jurisdiction over the site since June 7, 1960, when, under the subject calendar number, it granted an application to permit reconstruction of an existing gasoline service station contrary to the use regulations of the 1916 Zoning Resolution; and

WHEREAS, the grant has been amended at various times to allow modifications to the site and the building; and

WHEREAS, the applicant now seeks an amendment to permit the following: (1) the conversion of automotive service bays to an accessory convenience store; (2) the enlargement of the existing building from 1,797 sq. ft. of floor area (0.13 FAR) to 2,451 sq. ft. of floor area (0.17 FAR); (3) the narrowing and relocation of the curb cut along Manor Road; (4) the narrowing of the curb cut along Victory Boulevard; and (5) the installation of self-service air and vacuum stations; and

WHEREAS, the Board may, pursuant to ZR § 11-412, permit an enlargement to an existing use authorized by a variance under the 1916 Zoning Resolution, provided that such enlargement: (1) is limited to the zoning lot that was granted a variance prior to December 15, 1961; and (2) does not exceed 50 percent of the floor area of the building occupied by the use on December 15, 1961; and

WHEREAS, the applicant represents and the Board acknowledges that the proposal is within the limitations set forth in ZR § 11-412; and

WHEREAS, the applicant also notes that the proposal complies with DOB Technical Policy and Procedure Notice No. 10/1999, which sets forth the requirements for convenience stores accessory to gasoline and automotive service stations; and

WHEREAS, at hearing, the Board directed the applicant: (1) shift the Victory Boulevard curb cut so that it is outside the crosswalk and clarify that it complies with Department of Transportation (“DOT”) requirements; (2) provide details regarding the proposed landscaping and buffering of the site; (3) clarify that the proposed signage complies with the C2 regulations; (4) detail the proposed rear façade and provide a buffer of evergreen trees; (5) relocate the air and vacuum stations to the eastern portion of the site; (6) clarify the site circulation plan; and (7) provide appropriate sound attenuation for the proposed HVAC equipment; and

WHEREAS, in response, the applicant shifted the curb cut and submitted a letter from an engineer certifying that the relocated curb cut complies with DOT regulations; and

WHEREAS, as to the proposed landscaping, buffering, signage, rear façade, vacuum and air stations, and site

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circulation plan, and sound attenuation measures for the HVAC equipment, the applicant submitted amended plans responding to the Board's concerns; and

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

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated June 7, 1960, so that as amended the resolution reads: "to permit the noted modifications; *on condition* that all work shall substantially conform to drawings, filed with this application marked 'Received November 25, 2014'-(6) sheets; and on further condition:

THAT the building shall have a maximum of 2,451 sq. ft. of floor area (0.17 FAR);

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

THAT signage shall be in accordance with C2 regulations;

THAT landscaping and buffering shall be maintained in accordance with the BSA-approved plans;

THAT lighting shall be directed downward and away from adjoining residences;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT a certificate of occupancy shall be obtained by December 9, 2015;

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

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

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

(DOB Application No. 520146217)

Adopted by the Board of Standards and Appeals, December 9, 2014.

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

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 for a previously granted special permit for a physical culture establishment ("PCE"), which expired on March 1, 2014; and

WHEREAS, a public hearing was held on this application on October 7, 2014, after due notice by publication in *The City Record*, with a continued hearing on November 18, 2014, and then to decision on December 9, 2014; and

WHEREAS, Community Board 6, Queens, recommends approval of this application; 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 subject site is located on the south side of Austin Street, 333 feet west of 71st Avenue, within an R5D (C2-3) zoning district; and

WHEREAS, the site is occupied by a two-story building with approximately 27,200 sq. ft. of floor area; and

WHEREAS, the PCE is operated as a Lucille Roberts and occupies approximately 7,500 sq. ft. of floor area on the first story and approximately 5,320 sq. ft. of floor space in the cellar; and

WHEREAS, the site has been subject to the Board's jurisdiction since May 3, 1983, when, under BSA Cal. No. 869-82-BZ, the Board granted a special permit pursuant to ZR § 73-36 to permit, on a site within a C8-2 zoning district, the operation of a PCE for a term of five years, to expire on May 3, 1988; the term of this grant expired and was not renewed; and

WHEREAS, subsequently, on March 1, 1994, under the subject calendar number, the Board granted a special permit pursuant to ZR § 73-36, to permit, on a site within a C8-2 zoning district, the re-establishment of a PCE in the subject building for a term of ten years, to expire on March 1, 2004;

WHEREAS, the applicant notes that, in 2009, the site was rezoned from C8-2 to R5D (C2-3); and

WHEREAS, on September 12, 2006, the Board renewed the term of the grant under the subject calendar number for a term of ten years, to expire on March 1, 2014; and

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

WHEREAS, at hearing, the Board directed the applicant to: (1) revise the plans to include notes regarding the approved fire alarm system; (2) include a fire safety plan; (3) provide a copy of the Place of Assembly certificate of operation application; and (4) demonstrate that the accessory signs for the PCE are non-conforming; and

WHEREAS, in response, the applicant submitted the following: (1) revised plans with notes regarding the fire alarm system; (2) a revised statement describing the fire safety

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plan for the PCE; and (3) a copy of the place of assembly certificate of operation application; and

WHEREAS, as to the non-conforming accessory signs, the applicant provided copies of the sign permit application signoffs from 1998, which was prior to the rezoning of the site in 2009 from C8-2 to R5D (C2-3); the applicant asserts that these signoffs demonstrate that the signs are lawful, non-conforming signs; and

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

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated March 1, 1994, so that as amended the resolution shall read: “to grant an extension of the special permit for a term of ten years from the expiration of the prior grant; *on condition* that the use and operation of the PCE shall substantially conform to BSA-approved plans, *on condition* that all work and site conditions shall comply with drawings marked “Received October 28, 2014”– (6) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten years, to expire on March 1, 2024;

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

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

THAT all required permits, including the place of assembly certificate of operation shall be obtained and all required work shall be performed by December 9, 2015;

THAT a new certificate of occupancy shall be obtained within by December 9, 2016;

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

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

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

(DOB Application No. 420947827)

Adopted by the Board of Standards and Appeals, December 9, 2014.

545-56-BZ

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

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

PREMISES AFFECTED – 2001-2007 Williamsbridge Road aka 1131 Neil Avenue, southeast corner of Williamsbridge

Road and Neil Avenue, Block 4306, Lot 20, Borough of Bronx.

COMMUNITY BOARD #11BX

ACTION OF THE BOARD – Laid over to February 3, 2015, at 10 A.M., for continued hearing.

195-02-BZ

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

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

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

COMMUNITY BOARD #5BK

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

318-06-BZ

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

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

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

COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Laid over to February 24, 2015, at 10 A.M., for continued hearing.

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APPEALS CALENDAR

61-14-A

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

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

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

COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated March, 21, 2014 acting on DOB Application No. 520147831, reads in pertinent part:

The street giving access to the proposed building is not duly placed the official map of the City of New York, therefore,

- A) No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 of the General City Law;
- B) Proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space contrary to section 502.1 of the 2008 Building Code; and

WHEREAS, this is an application to allow the construction of a two-story, two-family building not fronting a mapped street, contrary to General City Law (“GCL”) § 36; and

WHEREAS, a public hearing was held on this application on October 28, 2014, after due notice by publication in *The City Record*, with a continued hearing on December 9, 2014, hearing closed, and then to decision on same date; and

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

WHEREAS, Community Board 3, Staten Island, recommends disapproval of this application; and

WHEREAS, the subject site is located on the southeast corner of the intersection of Hylan Boulevard and Massachusetts Street South, within an R3X (SRD) zoning district; and

WHEREAS, the applicant proposes to construct a two-story, two-family dwelling on the site; and

WHEREAS, the applicant represents that the site’s only frontage is an unmapped portion of Massachusetts Street South; as such, the applicant seeks a waiver of GCL § 36; and

WHEREAS, initially, the applicant proposed to build the unmapped portion of Massachusetts Street South to match the existing width of its mapped portion (20’-0”) and extend the road north to connect to Hylan Boulevard; however, in response to Fire Department concerns regarding access, the proposal was revised to reflect a width of 30’-0” for the unmapped portion of Massachusetts Street South; and

WHEREAS, by letter dated December 8, 2014, the Fire Department states that it has no objection to the proposal; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant approval of the application subject certain conditions.

Therefore it is Resolved, that the decision of the DOB, dated March 21, 2014, acting on DOB Application No. 520147831, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received October 28, 2014”- one (1) sheet; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

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

THAT building shall be fully-sprinklered;

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

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

Adopted by the Board of Standards and Appeals December 9, 2014.

278-13-A

APPLICANT – Slater & Beckerman, P.C., for 121 Varick St. Corp., owner.

SUBJECT – Application September 27, 2013 – Appeal of Department of Buildings’ determination that the advertising sign was not established as a lawful non- conforming use. M1-6 zoning district/SHSD.

PREMISES AFFECTED – 121 Varick Street, southwest corner of Varick Street and Dominick Street, Block 578, Lot 67, Borough of Manhattan.

COMMUNITY BOARD #2M

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

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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

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

109-14-A

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

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

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

COMMUNITY BOARD #3Q

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

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

ACTION OF THE BOARD – Laid over to February 24, 2015, at 10 A.M., for continued hearing.

ZONING CALENDAR

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 – 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 November 13, 2013, acting on DOB Application No. 121810139, reads in pertinent part:

ZR 54-31 Proposed enlargement increases degree of existing non-compliance with lot coverage provisions of ZR 23-145 contrary to ZR 54-31; Non-complying lot coverage buildings cannot be enlarged as per ZR; and

WHEREAS, this is an application under ZR §§ 73-621 and 73-03, made in connection with the applicant's conversion of a mixed residential community facility use building to a single-family home, to permit, within an R8B zoning district, within an LH-1A Limited Heights district, within the Upper East Side Historic district, the enlargement of the proposed single-family home contrary to ZR § 23-141; and

WHEREAS, a public hearing was held on this application on September 23, 2014, after due notice by publication in *The City Record*, with a continued hearing on November 18, 2014, and then to decision on December 9, 2014; and

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

WHEREAS, the subject site fronts along the north side of East 71st Street, between Lexington Avenue and Park Avenue, within on the southwest corner of the intersection of 78th Road and 138th Street, within an R8B zoning district, within an LH-1A Limited Heights district, within the Upper East Side Historic district; and

WHEREAS, the site has approximately 20 feet of frontage along East 71st Street and approximately 2,043 sq. ft. of lot area; and

WHEREAS, the site is improved with a four-story, mixed residential and community-facility use building with

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approximately 6,479.33 sq. ft. of floor area; and

WHEREAS, the applicant proposes to enlarge the building by extending the rear portion of the building, resulting in an increase in floor area from 6,479.33 sq. ft. (3.17 FAR) to 7,516 sq. ft. (3.67 FAR); the maximum permitted floor area is 8,173.32 sq. ft. (4.0 FAR); and

WHEREAS, the applicant states that the enlargement will also increase the lot coverage of the building from 70 percent to 77 percent; the maximum permitted lot coverage is 70 percent; and

WHEREAS, the special permit authorized by ZR § 73-621 is available to enlarge buildings containing residential uses that existed on December 15, 1961, or, in certain districts, on June 20, 1989; therefore, as a threshold matter, the applicant must establish that the subject building existed as of that date; and

WHEREAS, the applicant submitted a copy of the current certificate of occupancy for the building (No. 46435, dated October 22, 1956) to demonstrate that the building existed as a residence before December 15, 1961, which is the operative date within the subject R8B zoning district; and

WHEREAS, accordingly, the Board acknowledges that the special permit under ZR § 73-621 is available to enlarge the building; and

WHEREAS, ZR § 73-621 permits the enlargement of a residential building such as the subject building if the following requirements are met: (1) the proposed open space ratio is at least 90 percent of the required open space; (2) in districts where there are lot coverage limits, the proposed lot coverage does not exceed 110 percent of the maximum permitted; and (3) the proposed FAR does not exceed 110 percent of the maximum permitted; and

WHEREAS, this application seeks only a waiver of lot coverage and the applicant represents that the lot coverage will not exceed 110 percent of the maximum floor area permitted in the zoning district; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 73-621; and

WHEREAS, at hearing, the Board directed the applicant to provide (1) a revised Statement of Facts addressing the findings required under ZR 73-03; (2) photographs of the rear extension of the subject building taken from the roof of the subject building; (3) aerial photographs of the subject building depicting the full height of the rear buildings on 71st Street and the relationship of the aforesaid rear buildings to the subject building; (4) building footprints showing the rear yard depth and lot coverage of the subject building and surrounding buildings with frontage on East 71st Street and East 72nd Street; and (5) axonometric drawings illustrating the proposed volume of the subject building and its surrounding buildings, the existing and proposed dimensions of the subject building and its surrounding buildings, the rear wall heights of the buildings on the south side of block 1406, which front on East 71st Street, and the rear wall heights of the buildings on the north

side of block 1406, which front on East 72nd Street; and (6) revised plans indicating that the subject building is a single family home, that the roof deck shall be approved by DOB, depicts the proposed roof plan and elevator bulkhead; and

WHEREAS, in response, the applicant submitted the foregoing documents to the satisfaction of the Board; and

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

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

WHEREAS, the Landmarks Preservation Commission has approved the proposed alterations of the building by Certificate of Appropriateness, dated November 26, 2014; and

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR §§ 73-621 and 73-03.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-621 and 73-03, to permit, within an R8B zoning district, the enlargement of a proposed single-family home, which does not comply with the zoning requirements for FAR and open space ratio, contrary to ZR § 23-141; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received November 15, 2014"- (17) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 2,774 sq. ft. (0.51 FAR) and 77 percent lot coverage, as illustrated on the BSA-approved plans;

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

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by December 9, 2018; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not

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related to the relief granted.

Adopted by the Board of Standards and Appeals,
December 9, 2014.

48-14-BZ

CEQR #14-BSA-130K

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

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

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

COMMUNITY BOARD #15BK

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 New York City Department of Buildings (“DOB”), dated March 12, 2014, acting on DOB Application No. 320771465, reads in pertinent part:

Proposed floor area ratio is contrary to ZR 23-141(A)

Proposed lot coverage is contrary to ZR 23-141(B)

Proposed open space is contrary to SR 23-141(B);
and

WHEREAS, this is an application under ZR § 73-622, to permit, on a site within an R3-1 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio (“FAR”), open space ratio, and lot coverage contrary to ZR § 23-141; and

WHEREAS, a public hearing was held on this application on August 19, 2014, after due notice by publication in *The City Record*, with continued hearings on September 23, 2014 and October 28, 2014, and then to decision on December 9, 2014; and

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

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

WHEREAS, the subject site is located on the west side of Falmouth Street, between Oriental Boulevard and Hampton Avenue, within an R3-1 zoning district; and

WHEREAS, the site has 60 feet of frontage along Falmouth Street, and approximately 6,240 sq. ft. of lot area; and

WHEREAS, the site is occupied by a single-family home with 1,765 sq. ft. of floor area (0.28 FAR); and

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

WHEREAS, the applicant now seeks to enlarge the building, resulting in an increase in the floor area from 1,765 sq. ft. (0.28 FAR) to 6,229 sq. ft. (0.99 FAR); the maximum permitted floor area is 3,120 sq. ft. (0.5 FAR); and

WHEREAS, the applicant seeks to decrease the open space ratio from 83 percent to 63 percent; the minimum required open space ratio is 65 percent; and

WHEREAS, the applicant seeks to increase the lot coverage of the subject building from 17 percent to 37 percent; the maximum lot coverage is 35 percent; and

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

WHEREAS, the applicant submitted a land use study to support its assertion that the proposed 0.99 FAR is consistent with buildings in the surrounding area; in addition, the applicant states that the street wall location and building height are in keeping with the surrounding buildings and submitted a streetscape in support of this assertion; and

WHEREAS, at hearing, the Board directed the applicant to revise its plans to reflect easement lines and lot boundaries and to note that a four-foot easement was not included in the zoning calculations and expressed concern about the size of the proposed balcony, planting at the subject premises and the inclusion of a pool on the drawings; and

WHEREAS, the Board directed the applicant to revise its plans to reflect that the only excavation to be performed at the subject premises is to accommodate the pouring of concrete for newly constructed walls and that the proposed building’s footprint will remain unexcavated beyond those excavations necessary in order to raise the walls of the building; and

WHEREAS, the Board directed the applicant to provide a photographic streetscape diagram of the subject block in order to illustrate the impact of the requested bulk waivers on the character of the subject neighborhood; and

WHEREAS, the Board directed the applicant to amend its drawings to reflect the removal of the balcony from the subject building, to accurately reflect the proposed 6,229 sq. ft. of floor area (0.99 FAR), to accurately reflect that the proposed total height of the building will be 33’-2”, and to accurately reflect the full hip at the front and the rear yard of the proposed building; and

WHEREAS, in response, the applicant submitted amended plans, diagrams and zoning analyses, incorporating the Board’s directions; and

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

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

Therefore it is resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, on a site within an R3-1 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for FAR, open space ratio, or lot coverage, contrary to ZR § 23-14; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked “Received November 26, 2014”– (13) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 6,229 sq. ft. (0.99 FAR), a minimum open space ratio of 63 percent, and a maximum lot coverage of 37 percent, as illustrated on the BSA-approved plans;

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

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by December 9, 2018; and

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

Adopted by the Board of Standards and Appeals, December 9, 2014.

96-14-BZ

CEQR #14-BSA-148M

APPLICANT – Kramer Levin Naftalis & Frankel LLP, by Paul Selver, Esq., for 290 Dyckman Properties, LLC, owner.
SUBJECT – Application May 5, 2014 – Variance (§72-21) to allow the conversion of an existing two-story building that has historically been occupied by manufacturing and industrial/commercial uses to be converted to a self-storage facility. C8-3/R7-2 district

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

COMMUNITY BOARD #12M

ACTION OF THE BOARD – 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 30, 2014, acting on DOB Application No. 121333217, reads, in pertinent part:

1. Warehouse use (UG 16D) is not permitted in the R7-2 portion of the zoning lot, contrary to ZR 22-10;
2. The vertical clearance of the existing loading berth is less than the 14-foot required height, contrary to ZR 36-681;
3. The expansion of the curb cut access to the existing loading berth is less than 50 feet from the intersection of two street lines, contrary to ZR 36-682; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site partially within a C8-3 zoning district and partially within an R7-2 zoning district, the operation of a self-storage facility (Use Group 16) within an existing two-story building, contrary to ZR §§ 22-10 (use), 36-681 (height of loading berth), and 36-682 (location of curb cut); and

WHEREAS, a public hearing was held on this application on September 16, 2014, after due notice by publication in *The City Record*, with continued hearings on October 28, 2014, and November 18, 2014, and then to decision on December 9, 2014; and

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

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

WHEREAS, the subject site is located on the southwest corner of the intersection of Dyckman Street and Henshaw Street, partially within a C8-3 zoning district and partially within an R7-2 zoning district; and

WHEREAS, the applicant represents that 58 percent of the lot area is within the C8-3 portion of the site and 42 percent of the lot area is within the R7-2 portion of the site; and

WHEREAS, the site has 100 feet of frontage along Dyckman Street, 169.3 feet of frontage along Henshaw Street, and 17,287 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story building that was constructed as a stable approximately 100 years ago; and

WHEREAS, the Board has exercised jurisdiction over the site since 1939, when, under BSA Cal. No. 171-39-A, it granted a building code appeal authorizing the conversion of the entire non-fireproof building to a parking garage; the applicant states that in 1944, the building was converted to a carpet cleaning factory; the building remained a carpet cleaning factory until 1983, when it became a wholesale bakery; and

WHEREAS, the applicant states that an application to legalize the bakery was filed with the Board under BSA Cal.

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No. 107-95-BZ and granted on March 7, 2000, for a term of five years, to expire on March 7, 2005; and

WHEREAS, the applicant now seeks to convert the building to a self-storage facility with 34,529 sq. ft. of floor area (3.4 FAR) and approximately 760 storage units of varying sizes; the proposed facility is a permitted use within the C8-3 portion of the lot but not within the R7-2 portion of the lot; thus, a use variance is requested; and

WHEREAS, in addition, the applicant states that the facility is required to provide one off-street loading berth in accordance with ZR § 36-62 and that such berth must comply with the minimum dimensional requirements of ZR § 36-681; and

WHEREAS, the applicant represents that the existing building has a loading berth that meets the minimum length (50'-0") and width (12'-0") for a loading berth for a Use Group 16 facility with 10,000 sq. ft. of floor area or more; however, the height of the berth, which 12'-6", is 1'-6" less than minimum height set forth in ZR § 36-681 (14'-0"); accordingly, the applicant seeks a waiver of ZR § 36-681; and

WHEREAS, finally, the applicant states that access to the building from the street must be modified in order to accommodate the proposed use; currently, the site has three existing curb cuts (two along Dyckman Street and one along Henshaw Street); the proposal reflects the elimination of the Henshaw Street curb cut and one Dyckman Street curb cut, and the expansion of the other Dyckman Street curb cut from its current width of 14'-0" to a width of 25'-0"; and

WHEREAS, the applicant states that the curb cut to be modified is located 13'-0" from the intersection of Henshaw Street and Dyckman Street; as such, the curb cut does not comply ZR § 36-682, which prohibits a curb cut with a loading berth within 50'-0" of the intersection of two streets; therefore, in addition to the use waiver and the waiver regarding the height of the loading berth, the applicant seeks a waiver to maintain and expand its curb cut contrary to ZR § 36-682; and

WHEREAS, the applicant states that, per ZR § 72-21(a), the history of development of the site is a unique physical condition, which creates practical difficulties and unnecessary hardships in developing the site in conformance and compliance with underlying district regulations; and

WHEREAS, the applicant contends that due to the history of development of the site, neither the building nor the site itself is suitable for conforming uses; and

WHEREAS, the applicant states, as noted above, that the building was constructed approximately 100 years ago (when the site was within an "unrestricted" zone under the 1916 Zoning Resolution) and that it has been occupied at various times as a stable, a factory, and a wholesale bakery; and

WHEREAS, the applicant states that in 2000 (BSA Cal. No. 107-95-BZ), the Board recognized the unsuitability of the building for conforming uses when it granted a variance to legalize a wholesale bakery that had been in operation since the mid-1980s; in the resolution, the Board observed that the

building was "not readily convertible to a conforming use"; and

WHEREAS, the applicant states that in order to accommodate a conforming use, at a minimum, the building would require new elevators and egress stairs, upgraded fire and life-safety systems, and the construction of one or more lobbies (depending on whether one or multiple tenants would be occupying the building); and

WHEREAS, the applicant also contends that the conforming use options for the site are further constrained by the limited number of uses that are permitted in both a C8-3 zoning district and an R7-2 zoning district – namely, those within Use Group 4; thus, development of the site would be economically challenging even if the site were not occupied by an existing building; and

WHEREAS, the applicant asserts that the history of development of the site—its existing conditions—also create practical difficulties complying with the loading berth and curb cut provisions applicable to the proposed self-storage facility; and

WHEREAS, as to the loading berth, the applicant states that the building's existing loading berth cannot be enlarged to provide a height in accordance with ZR § 36-681 without significant structural modifications to the floor of the second story, at significant cost; and

WHEREAS, as to the existing (albeit expanded) curb cut contrary to ZR § 36-682, the applicant states that its location is dictated by the location of the loading berth and that it cannot be relocated without a corresponding relocation of the loading berth, at significant cost; further, the applicant contends that while the curb cut is being widened, the curb cut's degree of non-compliance with respect to the intersection—its distance from the intersection of 13'-0", where 50'-0" is required—is unchanged; and

WHEREAS, the Board agrees that the history of development of the site creates practical difficulties and unnecessary hardships in developing the site in conformance and compliance with the applicable zoning regulations; and

WHEREAS, the applicant asserts that, per ZR § 72-21(b), there is no reasonable possibility that the development of the site in conformance and compliance with the Zoning Resolution will realize a reasonable return; and

WHEREAS, the applicant provided a financial analysis for: (1) an as-of-right conversion to community facility (Use Group 4); and (2) the proposal; and

WHEREAS, the study concluded that only the proposal would provide a reasonable return; and

WHEREAS, at hearing, the Board directed the applicant to revise its financial analysis of the self-storage facility to better reflect the valuation of the proposed use; and

WHEREAS, in response, the applicant revised its analysis as directed; and

WHEREAS, based upon its review of the applicant's submissions, the Board has determined that because of the site's unique physical conditions, there is no reasonable possibility that development in strict conformance and

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compliance with applicable zoning requirements will provide a reasonable return; and

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, the applicant states that along both Riverside Drive and Henshaw Street, the area is characterized by a predominance of residential buildings, many of which have ground floor retail; in contrast Dyckman Street is mostly occupied by a mix of automotive, industrial, and manufacturing uses; and

WHEREAS, the applicant contends that, in addition to being a conforming use in a portion of the site, the proposed self-storage facility is consistent with nearby uses; self-storage is predominantly used by residents to store household items, furniture, clothing, recreational gear, etc., that are used seasonally or infrequently, or are simply too large to fit into an urban living environment; thus, while the facility is not permitted as-of-right in a portion of the site or in the nearby residence districts, it is a complimentary use that will be an amenity for the community; and

WHEREAS, turning to bulk, the applicant states that no significant changes to the bulk of the building are proposed and that its massing will be the same as it has been for the past 100 years; and

WHEREAS, as to the size of the loading berth and the location of the curb cut, the applicant notes that these non-compliances are historic conditions, which have existed for several decades in connection with manufacturing and commercial uses; and

WHEREAS, turning to traffic, the applicant states that its reconfiguration of the building access—the removal of two curb cuts and expansion of one—will mitigate the impact of the facility on traffic; and

WHEREAS, the applicant states that patrons will access the facility from Dyckman Street, just west of Henshaw Street and that this configuration will orient pedestrian and vehicular traffic away from Henshaw Street and Riverside Drive and reduce the volume of non-residential traffic along those streets; and

WHEREAS, at hearing, the Board questioned whether the proposed loading area would have sufficient capacity to accommodate vehicular loading demand during peak periods; and

WHEREAS, in response, the applicant's traffic consultant analyzed the anticipated use of the facility (based on data from other self-storage facilities) and determined that:

(1) two-thirds of the trips to the facility would be made using modes of transportation (public transportation, walking, taxi) that would not occupy the loading area; (2) even during peak periods it projects no more than four vehicles utilizing the facility per hour; (3) the loading area accommodates up to three cars or vans when a truck or storage taxi is not present and one to two cars or vans when a truck or storage taxi is

present; and (4) street parking along Dyckman Street is available to accommodate additional vehicles during peak periods; and

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

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the applicant represents that the proposal represents the minimum variance needed to allow for a reasonable and productive use of the site, and notes that no changes to the bulk of the building are proposed; and

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

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

WHEREAS, the project is classified as a Unlisted action pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 14-BSA-148M dated April 30, 2014; and

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance, to permit, on a site partially within a C8-3 zoning district and partially within an R7-2 zoning district, the operation of a self-storage facility (Use Group 16) within an existing two-story building, contrary to ZR §§ 22-10 (use), 36-681 (height of loading berth), and 36-682 (location of curb cut), *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this

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application marked "Received May 6, 2014"-(6) sheets; and
on further condition:

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by December 9, 2018;

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

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

THAT 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, December 9, 2014.

115-14-BZ

CEQR No. 14-BSA-159M

APPLICANT – Eric Palatnik, P.C., for Suzanne Bronfman, owner; T. Kang Taekwondo USA, Ink., lessee.

SUBJECT – Application May 30, 2014 – Special Permit (§73-36) to legalize for a physical culture establishment (*T.Kang Tae Kwon Do*) on the cellar and first floor in an existing building. C6-2A zoning district.

PREMISES AFFECTED – 85 Worth Street aka 83 Worth Street, between Church Street and Broadway, Block 173, Lot 2, 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 March 20, 2014, acting on DOB Application No. 121809445, reads, in pertinent part:

ZR 32-10 – Proposed Physical Culture Establishment is not permitted as-of-right in a C6-2A zoning district per ZR Section 32-10...; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to legalize, on a site within a C6-2A zoning district, within the Tribeca East Historic District, an existing physical culture establishment (the "PCE") on 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 October 21, 2014 after due notice by publication in the *City Record*, and then to decision on December 9, 2014; and

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

Commissioner Montanez and Commissioner Brown; and

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

WHEREAS, the subject site fronts on the north side of Worth Street, between Church Street and Broadway, within a C6-2A zoning district, within the Tribeca East Historic District; and

WHEREAS, the site has approximately 47.6 feet of frontage along Worth Street with a lot area of approximately 4,847 sq. ft.; and

WHEREAS, the site is occupied by a five-story commercial building which contains approximately 4,847 sq. ft. of floor area and the PCE is operating as T. Kang Tae Kwon Do; and

WHEREAS, the PCE occupies a portion of the cellar and first floor of the Building; and

WHEREAS, the hours of operation for the PCE will be Monday through Friday, from 12:00 p.m. to 9:00 p.m., and on Saturdays from 10:00 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 will not interfere with any pending public improvement project; and

WHEREAS, at hearing, the Board directed the applicant to revise the plans to include the cellar level egress travel path and to indicate those portions of the cellar of the Building which will not be used as part of the PCE; 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 Landmarks Preservation Commission has approved the proposed alterations of the building by Certificate of No Effect, dated July 22, 2014; 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 Board notes that the term of the grant has been reduced to reflect the operation of the PCE without the special permit, which commenced on October 1, 2011; 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-159M, dated August 11, 2014; and

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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 legalize, on a site within a C6-2A zoning district, within the Tribeca East Historic District, the operation of a PCE on the first story and cellar of a one-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received December 5, 2014"- Three (3) sheets; and *on further condition*:

THAT the term of the PCE grant shall expire on October 1, 2021;

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

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

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

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by December 9, 2018;

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

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

THAT 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, December 9, 2014.

132-14-BZ CEQR #14-BSA-174K

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

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 10, 2014, acting on DOB Application No. 320917184, reads, in pertinent part:

ZR 32-10 – Proposed Physical Culture Establishment 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") on the cellar and first story of a one-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on September 23, 2014 after due notice by publication in the *City Record*, with a continued hearing on November 18, 2014, and then to decision on December 9, 2014; and

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

WHEREAS, Community Board 16, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is a through lot with frontage on Rockaway Avenue and Thatford Avenue, south of Pitkin Avenue, within a C4-3 zoning district; and

WHEREAS, the site has approximately 50 feet of frontage along Rockaway Avenue and 25 feet of frontage along Thatford Avenue, with a lot area of approximately 7,506 sq. ft.; and

WHEREAS, the site is occupied by a one-story commercial building which contains approximately 7,500 sq. ft. of floor area on the first floor and approximately 5,000 sq. ft. of floor space at the cellar level, for a total floor space of approximately 12,500 sq. ft.; and

WHEREAS, the proposed PCE will occupy the entire building and be operated as Planet Fitness; and

WHEREAS, the hours of operation for the PCE will be open 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, at hearing, the Board directed the applicant to remove graffiti from the exterior of the building and to clarify the parking requirements of the site and

MINUTES

anticipated parking needs of the PCE; and

WHEREAS, as to the graffiti, the applicant submitted photos depicting the removal of the graffiti; 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, 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, 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-174K, dated June 13, 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 on the first story and cellar of a one-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received June 13, 2014"- Four (4) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on December 9, 2024;

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

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

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

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by December 9, 2018;

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

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

THAT 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, December 9, 2014.

30-12-BZ

APPLICANT – Eric Palatnik, P.C., for Don Ricks Associates, owner; New York Mart Group, Inc., lessee.

SUBJECT – Application February 8, 2012 – Remand Back to Board of Standards and Appeals; seeks a judgment vacating the resolution issued on January 15, 2013 and filed on January 17, 2013. R6-/C2-2 zoning district.

PREMISES AFFECTED – 142-41 Roosevelt Avenue, northwest corner of Roosevelt Avenue and Avenue B, Block 5020, Lot 34, Borough of Queens.

COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Laid over to February 24, 2015, at 10 A.M., for continued hearing.

81-12-BZ

APPLICANT – Eric Palatnik, P.C., for McDonald's Real Estate Co., owner.

SUBJECT – Application April 5, 2012 – Special Permit (§73-243) to permit the demolition and reconstruction of an eating and drinking establishment (Use Group 6) with an accessory drive-through and on-site parking. C1-3/R3-2/R3A zoning district.

PREMISES AFFECTED –98-01/05 Metropolitan Avenue, northeast corner of 69th Road, Block 3207, Lot(s) 26 & 23, Borough of Queens.

COMMUNITY BOARD #6Q

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

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 March 10, 2015, at 10 A.M., for continued hearing.

MINUTES

176-13-BZ

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

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

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

COMMUNITY BOARD # 2M

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

185-13-BZ

APPLICANT – Eric Palatnik P.C., for 97 Franklin Avenue LLC, owner.

SUBJECT – Application June 20, 2013 – Variance (§72-21) to permit the development of a proposed three story, two-unit residential development, contrary to use regulations (§42-00). M1-1 zoning district.

PREMISES AFFECTED – 97 Franklin Avenue, Franklin Avenue, Between Park and Myrtle Avenue, Block 899, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #3BK

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 February 10, 2015, at 10 A.M., for decision, hearing closed.

186-13-BZ

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

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

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

COMMUNITY BOARD #10BK

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

327-13-BZ

APPLICANT – Goldman Harris LLC, for JCWH Coney Island LLC, owner.

SUBJECT – Application December 23, 2014 – Special Permit (§73-44) to reduce the required number of accessory parking spaces from 346 to 272 spaces for a mixed use building containing UG4 health care and UG 6 office uses. C8-2, C2-3/R5 zoning district.

PREMISES AFFECTED – 1504 Coney Island Avenue, aka 1498, 1526, 1528, 1532-1538 Coney Island Avenue, property occupies the northwest corner of Coney Island Avenue and Avenue L. Block 6536, Lot(s) 28, 30, 34, 40, 41, 42, 43, Borough of Brooklyn.

COMMUNITY BOARD # 12BK

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 February 10, 2015, at 10 A.M., for continued hearing.

8-14-BZ

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

SUBJECT – Application January 16, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, open space and lot coverage (23-141); side yards requirements (§23-461) and less than the rear yard requirement (23-47). R3-2 zoning district.

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

COMMUNITY BOARD #15BK

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

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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 January 13, 2015, at 10 A.M., for continued hearing.

26-14-BZ

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

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

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

COMMUNITY BOARD #8M

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 January 6, 2015, at 10 A.M., for decision, hearing closed.

28-14-BZ

APPLICANT – Eric Palatnik, P.C. for McDonald Corporation, owner; Brooklyn Avenue U Enterprises Corporation, lessee.

SUBJECT – Application February 10, 2014 – Special Permit (§73-243) to permit the continued use and (Use Group 6) eating and drinking establishment with an accessory drive-through. C1-2/R4 zoning district.

PREMISES AFFECTED – 3540 Nostrand Avenue, westside of Nostrand Avenue, between Avenue V and Avenue W. Block 7386, Lot(s) 114 and 117. Borough of Brooklyn.

COMMUNITY BOARD #15BK

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

59-14-BZ

APPLICANT – Caroline G. Harris, for School Settlement Association Ink., owner.

SUBJECT – Application April 10, 2014 – Variance (§72-21) to permit the construction of a four-story plus penthouse community facility (UG 4), contrary to (24-11). R6B zoning

district.

PREMISES AFFECTED – 114-122 Jackson Street, located on the SW corner of the Intersection of Jackson Street and Manhattan Avenue. Block 2748, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #1BK

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

64-14-BZ

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

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

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

COMMUNITY BOARD #14BK

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

91-14-BZ

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

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

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

COMMUNITY BOARD #14BK

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

114-14-BZ

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

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

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

COMMUNITY BOARD #15BK

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

MINUTES

117-14-BZ

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for Trinity Episcopal School Corporation, owner; Trinity Housing Comp. Inc., lessee.

SUBJECT – Application June 3, 2014 – Variance (§72-21) to permit the enlargement of a school (*Trinity School*), including construction of a 2-story building addition with rooftop turf field, contrary to required rear yard equivalents, lot coverage, height and setback, and minimum distances between buildings. Split zoning lot within R7-2 and C1-9 zoning districts.

PREMISES AFFECTED – 101 W 91st Street, 121 & 139 W 91st St and 114-124 W 92nd St, bounded by West 91st and 92nd street and Amsterdam and Columbus Avenues, Block 1222, Lot(s) 17, 29, 40, 9029, Borough of Manhattan.

COMMUNITY BOARD # 7M

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

**REGULAR MEETING
TUESDAY AFTERNOON, DECEMBER 9, 2014
1:00 P.M.**

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

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

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 January 6, 2015, at 10 A.M., for decision, hearing closed.

Ryan Singer, Executive Director