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# BULLETIN

## OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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**90-15-A**

54 Industrial Loop, east side of Industrial Loop, approx. 483 ft. north of intersection with Arthur Kill Road, Block 07206, Lot(s) 0191, Borough of **Staten Island, Community Board: 3**. Proposed construction of a building located partially within the bed of mapped unbuilt street, pursuant Article 3 Section 35 of the General City Law. M3-1 (SRD) zoning district. M3-1 (SRD) district.  
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**91-15-A**

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**92-15-BZ**

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**94-15-BZ**

16 Brighton 11 Street, Located on the west side of Brighton 11 Street and 59.75 South of Neptune Avenue, Block 08707, Lot(s) 0375, Borough of **Staten Island, Community Board: 3**. Special Permit (§73-36) to allow the construction of LA Fitness (PCE) on the first floor of this commercial building located within an C8-1 zoning district. C8-1 district.  
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**DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.**

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# CALENDAR

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**MAY 19, 2015, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, May 19, 2015, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

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## **SPECIAL ORDER CALENDAR**

### **174-04-BZ**

APPLICANT – Kramer Levin Naftalis & Franked LLP, for 124 West 24th Street Condominium, owner.

SUBJECT – Application October 31, 2014 – Amendment: to amend and the approval of the e conveyance of unused development rights appurtenant to the subject site. The variance previously granted by the Board located within and M1-5 zoning district.

PREMISES AFFECTED – 124 West 24<sup>th</sup> Street, location on the south side of West 24th Street, between Sixth and Seventh Avenues. Block 799, Lots 1001, 1026. Borough of Manhattan.

**COMMUNITY BOARD #4M**

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## **APPEALS CALENDAR**

### **230-14-A**

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Anthony and Linda Colletti, owners.

SUBJECT – Application May 19, 2015 – Proposed construction of a one-family residence located partially within the bed of a mapped street pursuant to Section 35 of the General City Law. R3x zoning district.

PREMISES AFFECTED – 20 Pelton Avenue, northwest corner of intersection of Pelton Avenue and Pelton Place, Block 00149, Lot 20, Borough of Staten Island

**COMMUNITY BOARD #1SI**

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**MAY 19, 2015, 1:00 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday afternoon, May 19, 2015, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

## **ZONING CALENDAR**

### **270-14-BZ**

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Carnegie Park land Holding LLC c/o Related Cos., owner; Equinox-East 92nd LLC, lessee.

SUBJECT – Application November 3, 2014 – Special Permit 73-36 to allow the physical culture establishment (*Equinox*) within portions of a new mixed use building, located within an C4-6 zoning district.

PREMISES AFFECTED – 203 East 92nd Street, north side of East 92nd Street, 80 ft. east of intersection with 3rd Avenue, Block 01538, Lot 10, Borough of Manhattan.

**COMMUNITY BOARD #8M**

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*Ryan Singer, Executive Director*

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**REGULAR MEETING  
TUESDAY MORNING, APRIL 28, 2015  
10:00 A.M.**

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

**SPECIAL ORDER CALENDAR**

**1203-65-BZ**

APPLICANT – Warshaw Burstein, LLP, for NY Dealers Stations, LLC, owner.

SUBJECT – Application August 20, 2014 – Amendment of a previously approved Special Permit (§73-211) which permitted the operation of an Automotive Service Station (UG 16B) with accessory used. The amendment seeks to permit the conversion of existing services bays to an accessory convenient store. C2-2/R5 zoning district.

PREMISES AFFECTED – 1929 Bruckner Boulevard, northwest corner of the intersection formed by Virginia Avenue and Bruckner Boulevard, Block 3787, Lot 1, Borough of Bronx.

**COMMUNITY BOARD #9BX**

**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 special permit authorizing the operation of an one-story automobile service station (Use Group 16) and an amendment to allow the conversion of existing automotive repair bays to an accessory convenience store; and

WHEREAS, a public hearing was held on this application on March 31, 2015, after due notice by publication in *The City Record*, and then to decision on April 28, 2015; and

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

WHEREAS, Community Board 9, Bronx, has no objection to this application; and

WHEREAS, the subject site is located on the northeast corner of the intersection of Virginia Avenue and Bruckner Boulevard, within an R5 (C2-1) zoning district; and

WHEREAS, the site has approximately 104 feet of frontage along Virginia Avenue, approximately 188 feet of frontage along Bruckner Boulevard, and 20,177 sq. ft. of lot area; and

WHEREAS, the site is occupied by a one-story building used as an automotive service station with gasoline sales (Use Group 16), which contains 1,622 sq. ft. of floor area, three automotive service bays, four pump islands, and 16 accessory parking spaces; in addition, the site has four curb cuts (three

along Bruckner Boulevard and one along Virginia Avenue); and

WHEREAS, the Board has exercised jurisdiction over the site since May 14, 1957, when, under BSA Cal. No. 788-56-BZ, the Board granted a use variance to permit operation of an automobile sales establishment in a residence district, contrary to the use regulations of the 1916 Zoning Resolution, for a term of five years; this grant was subsequently amended and its term extended at various times; and

WHEREAS, on March 15, 1966, under the subject calendar number, the Board granted a special permit pursuant to ZR §§ 73-211 and 73-212 to permit, in an R5 (C2-1) zoning district, the construction of an automotive service station with projecting accessory signage; and

WHEREAS, the grant was subsequently amended at various times to permit certain changes to the site plan; in addition, on September 13, 1983, under BSA Cal. No. 299-83-A, the Board authorized the use of a self-service gasoline and oil selling station contrary to the Fire Code; and

WHEREAS, the applicant now seeks an amendment to allow the conversion of the automotive repair bays to an accessory convenience store; the applicant notes that the store will be a 7-11 franchise and will operate 24 hours per day, seven days per week; in addition, the applicant seeks to maintain the site's 16 accessory parking spaces and install new buffering along the northern lot line; and

WHEREAS, with respect to the proposed accessory convenience store, the applicant represents 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) remove all graffiti from the site; (2) remove the clothing donation bins; (3) remove all non-complying signage from the site; (4) immediately install landscaping in accordance with the proposed drawings; and (5) revise the proposed drawings to reflect compliance with the signage requirements, the fence along the site's northern lot line, numbered spaces, and landscaping and buffering; and

WHEREAS, in response, the applicant provided: (1) photographs depicting the removal of the graffiti, clothing bins, and excessive signage, as well as the installation of landscaping in accordance with the submitted drawings; and (2) revised drawings; and

WHEREAS, based upon the above, the Board finds that the requested amendment to the special permit is appropriate, subject to certain conditions as set forth below.

*Therefore it is Resolved*, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated March 15, 1966, so that as amended the resolution reads: "to permit the conversion of automotive service bays to an accessory convenience store and other modifications to the site plan; *on condition* that all work will substantially conform to drawings, filed with this application marked 'Received April 24, 2015' – (6) sheets; and on further condition:

THAT the building shall have a maximum floor area of

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1,622 sq. ft.;

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

THAT the signage, landscaping, fencing, parking, and site circulation shall be in accordance with the BSA-approved drawings;

THAT lighting at the site 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 April 28, 2017;

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. 220384402)

Adopted by the Board of Standards and Appeals, April 28, 2015.

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## 584-55-BZ

APPLICANT – Nasir J. Khanzada, PE, for Gurnam Singh, owner.

SUBJECT – Application June 11, 2014 – Amendment (§11-412) of a previously approved variance which permitted the alteration of an existing Automotive Service Station (UG 16B). The amendment seeks to permit the conversion of the accessory auto repair shop to a convenience store and alter the existing building. C2-4/R7-2 zoning district.

PREMISES AFFECTED – 699 Morris Avenue, southwest corner of East 155th Street and Park Avenue, Block 2422, Lot 65, Borough of Bronx.

## COMMUNITY BOARD #2BX

**ACTION OF THE BOARD** – Laid over to June 16, 2015, at 10 A.M., for continued hearing.

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## 619-73-BZ

APPLICANT – Sheldon Lobel, P.C., for CI Gateway LL, owner.

SUBJECT – Application October 23, 2014 – Reinstatement of a variance (§72-21) which permitted the operation of an eating and drinking establishment (UG 6) with an accessory drive thru which expired on February 26, 2004; Amendment to permit the redevelopment of the site; Waiver of the Rules. R4 zoning district.

PREMISES AFFECTED – 2940 Cropsey Avenue, front of Bay 52nd Street, Cropsey Avenue and 53rd Street, Block 6949, Lot 37, Borough of Brooklyn.

## COMMUNITY BOARD #13BK

**ACTION OF THE BOARD** – Laid over to June 2, 2015, at 10 A.M., for continued hearing.

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## APPEALS CALENDAR

### 218-14-A

APPLICANT – Paul F. Bonfilio, R.A., for Bo Qian, owner.  
SUBJECT – Application September 4, 2014 – Proposed construction of a four-story residential building for eleven units within the bed of 45th Avenue at its intersection within a bed of unmapped street, contrary to GCL 35. R5 zoning district.

PREMISES AFFECTED – 46-03 88th Street, 45th Avenue at intersection of 88th Street, Block 1584, Lot 16, Borough of Queens.

### COMMUNITY BOARD #4Q

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

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated August 12, 2014, acting on DOB Application No. 420996630, reads in pertinent part:

The proposed development is contrary to General City Law #35, building in the bed of a mapped street, and requires approval and a Special Permit from the Board of Standards and Appeals...; and

WHEREAS, a public hearing was held on this application on April 14, 2015, after due notice by publication in *The City Record*, and then to decision on April 28, 2015; and

WHEREAS, Vice-Chair Hinkson and Commissioner Montanez performed inspections of the site and premises, as well as the surrounding neighborhood; and

WHEREAS, this is an application to allow the construction of a four-story residential building which will be partially located within the bed of a mapped but unbuilt portion of 45<sup>th</sup> Avenue, at the intersection of the 45<sup>th</sup> Avenue and 88<sup>th</sup> Street, in Queens; and

WHEREAS, the subject site is located within an R5 zoning district; and

WHEREAS, the site has a lot area of approximately 7,340 sq. ft.; and

WHEREAS, by letter dated September 29, 2014, the New York City Fire Department (“FDNY”) states that it has no objections to the proposed application; and

WHEREAS, by letter dated October 22, 2014, the New York City Department of Environmental Protection (“DEP”) states that it has no objections to the proposed application; and

WHEREAS, by letter dated February 6, 2015, the New York City Department of Transportation (“DOT”) states that the site is presently included in DOT’s Capital Improvement

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Program, but does not object to the proposed application provided that the applicant's site plan is reflected in its Builders Pavement Plan of 45<sup>th</sup> Avenue; and

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

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

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

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

*Therefore it is Resolved*, that the Board modifies the decision of the DOB, dated August 12, 2014, acting on DOB Application No. 420996630, by the power vested in it by Section 35 of the General City Law, and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal, limited to the decision noted above *on condition* that construction will substantially conform to the drawing filed with the application marked "Received April 16, 2015"-(1) sheet; and *on further condition*:

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

THAT to the extent required by DOB and/or DOT, a Builder's Pavement Plan shall be filed and approved prior to the issuance of the C of O;

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

Adopted by the Board of Standards and Appeals on April 28, 2015.

## 315-14-A

APPLICANT – Mitchel A. Korbey, Esq., for 485 Seventh Avenue Associates LLC, owner.

SUBJECT – Application November 21, 2014 – MDL (Multiple Dwelling Law (section 310(2)(a) for waivers to permit the conversion of and small addition to the building, located within an M1-6 Special Garment Center District.

PREMISES AFFECTED – 485 Seventh Avenue, northeast corner of West 36th Street and Seventh Avenue, Block 812, Lot 1 & 2, Borough of Manhattan.

### COMMUNITY BOARD #5M

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

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), November 14, 2014, acting on DOB Application No. 121186509 reads, in pertinent part:

1. The proposed inner court does not comply with the requirements of NYS MDL Section 26.7
2. The proposed outer court fronting West 36<sup>th</sup> Street does not comply with the requirements of NYS MDL Section 26.7; 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 office use (Use Group 6) to a transient hotel (Use Group 5), contrary to the court requirements of MDL §§ 26(7); and

WHEREAS, a public hearing was held on this application on March 31, 2015, after due notice by publication in *The City Record*, and then to decision on April 28, 2015; and

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

WHEREAS, the subject site is located on the northeast corner of the intersection Seventh Avenue and West 36<sup>th</sup> Street, within an M1-6 zoning district, within the Special Garment Center District, and partially within the Preservation Area P-1 subdistrict; and

WHEREAS, the site has 174.42 feet of frontage along West 36<sup>th</sup> Street and 96.75 feet of frontage along Seventh Avenue, and approximately 17,214 sq. ft. of lot area; and

WHEREAS, the applicant notes that, pursuant to ZR §121-12 the site, less than fifty percent of which is located within the Preservation Area P-1 subdistrict and which fronts on a wide street, is not subject to the preservation requirements generally applicable to zoning lots within the Special Garment Center District; and

WHEREAS, the site is occupied by a 16-story commercial office building, with commercial offices (Use Group 6) on floors two through 16 and commercial retail (Use

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Group 6) on the ground floor; and

WHEREAS, the applicant states that building was constructed in 1905 as a hotel and was converted to its current retail and office use in the 1980s; and

WHEREAS, the building was designated by the New York City Landmarks Preservation Commission (the "LPC") as an individual landmark on October 28, 2014; and

WHEREAS, the site includes four courts: (1) an outer court with frontage along West 36<sup>th</sup> Street with a width of 24.5 feet and a depth of 36 feet (the "Outer Court"); (2) an inner court on the west side of the building with a width of 26.10 feet and depth of 37.81 feet from the third story of the building to the seventh story of the building (the "West Court"); (3) an inner court on the east side of the building with a width of 26.14 feet and depth of 38.34 feet from the third story of the building to the seventh story of the building (the "East Court"); and (4) an inner court on the north side of the building with a width of 25.2 feet and a depth of 27.1 feet, beginning at the third story of the building and fronting along the side yard thereof (the "North Court"); and

WHEREAS, both the West Court and East Court act as atriums with skylights located on the roof, and both have been incrementally "filled in" with floor area starting at the eighth story of the building and increasing until the 16<sup>th</sup> story of the building, at which point the depth of both the West Court and East Court is approximately 20 feet; and

WHEREAS, the applicant proposes to enlarge the building, remove some of the infill of the West Court and the East Court, renovate the interior layout of the building and infill the North Court and renovate the ground and second floor retail space in its efforts to restore the building to its original transient hotel (Use Group 5) use with 618 hotel rooms on the third through 16<sup>th</sup> stories, with commercial, parking and accessory uses on the subcellar, cellar, ground floor and second floor; 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, the Board further notes that pursuant to MDL § 30(2), every room in a multiple dwelling shall have at least 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 of the 618 rooms in the proposed hotel, 308 will have windows that open onto a street, 160 will have windows that open onto a legal side yard, 94 will have windows that open onto the East Court, and 56 will have windows that open onto the Outer Court; and

WHEREAS, pursuant to MDL § 4(32), the East Court is considered an "inner court" and the Outer Court is considered an "outer 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 § 26(7), the East Court, which has a height of approximately 159 feet, is required to have a width of at least 53 feet; and

WHEREAS, the proposed East Court does not satisfy the minimum requirements of MDL § 26(7) in that neither the width nor depth of the proposed East Court equals 53 feet, nor is the area of the proposed East Court twice the square of the required width or at least 1,200 sq. ft. in area; and

WHEREAS, MDL § 26(7) states that, except as otherwise provided in the Zoning Resolution, (1) an outer court shall have a minimum width of twice the depth of said outer court if such court is less than 30 feet in width or (2) a width equal to its depth if such court is 30 feet or more in width, but need not exceed a width of 60 feet; the applicant notes that the Zoning Resolution does not provide any standards for courts that serve transient hotels; and

WHEREAS, the Outer Court, the dimensions of which are 24.83 feet in width and 35.63 feet in depth does not satisfy the minimum requirements of MDL § 26(7); 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

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 1905; 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; 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

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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

WHEREAS, the applicant states that in order to create a complying East Court and Outer Court, the following work would be required: (1) excavation to install new reinforced concrete footings at the lowest level of the aforesaid courts in order to permanently support the building loads above; (2) demolition of new openings through the existing slabs to provide access for permanent new steel columns; (3) installation of steel columns for the height of the building and atriums and the attendant bracing of each column into the existing floor slabs at each level; (4) temporary shoring of the existing beams on a floor-by-floor basis; (5) removal of the existing atrium façade and affected original steel columns on a floor-by-floor basis from the top of the building down; (6) cutting and shortening of the existing steel beams on a floor-by-floor basis to permit the installation of permanent new steel beams that connect directly to the new steel beam columns; and (7) repair to the slab edges with new infill and the reconstruction of the building's interior façade at all levels of the building atrium; and

WHEREAS, the applicant submitted a cost estimate to perform the foregoing work to the Board, which states that the cost of such work would be in excess of \$6,800,000; and

WHEREAS, the applicant states that in addition to causing the applicant to incur significant cost, the foregoing work would result in the loss of approximately 42 hotel rooms, reducing the number of the hotel rooms from 618 to 576, resulting in a loss of approximately \$5,000,000 in revenue annually; and

WHEREAS, the applicant notes that the foregoing work would jeopardize the structural integrity of the landmark structure; 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) is consistent with the spirit and intent of the MDL, and will preserve public health, safety and welfare, and substantial justice; and

WHEREAS, the applicant states that the proposed conversion will serve tourists, business travelers and other visitors to Midtown Manhattan and New York City; and

WHEREAS, the Board notes that the intent of MDL §§ 26(7) is to ensure that rooms within multiple dwellings have adequate light and ventilation; and

WHEREAS, the applicant states that although the dimensions of the East Court and Outer Court are deficient under the MDL, the building occupies a corner location, fronting upon Seventh Avenue and West 36<sup>th</sup> Street, with a majority of the proposed hotel rooms having windows that open onto those thoroughfares or the existing legal side yards; and

WHEREAS, the applicant states that the 94 hotel rooms with windows which open onto the East Court are benefitted by ample light and air in that (1) the East Court has an area that is approximately 82-percent of that which is required under the MDL; (2) such windows will be located approximately 26 feet from any opposite facing wall (the required distance is 30 feet); and

WHEREAS, the applicant state states that the 56 room with windows which open onto the Outer Court are benefitted by ample light and air in that (1) half of such affected rooms will have windows will be located approximately 25 feet from any opposite facing wall(the required distance is 30 feet); and

WHEREAS, the applicant further states that in order to mitigate any impacts on light and air to affected rooms, the Applicant proposed to install a glass curtain-wall system in order to maximize daylight and improve reflectivity within such rooms; and

WHEREAS, in addition, the applicant submitted, and the Board reviewed, a shadow study which assessed the potential effects of the enlargement of the East Court and Outer Court and which concludes that the proposed enlargement will have little or no effect on shadows throughout the year; and

WHEREAS, the Landmarks Preservation Commission has approved the proposed alterations of the building by Certificate of Appropriateness (Design Approval Only), dated April 16, 2015; and

WHEREAS, based on the above, the Board finds that the proposed modifications to the court requirements of MDL §§ 26(7) 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) is appropriate, with certain conditions set forth below.

*Therefore it is Resolved*, that the decision of the Department of Buildings, dated November 14, 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, April 27, 2015"- (23) 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 applicant record with the City Register a restrictive declaration for light and air over the building prior to the issuance of the temporary Certificate of Occupancy for the building;

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

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jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 28, 2015.

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**128-14-A**

APPLICANT – Bryan Cave LLP, for Alicat Family LLC & AEEE Family LLC, owner.

SUBJECT – Application June 6, 2014 – Appeal challenging DOB determination that the proposed off-street loading berth is not accessory to a medical office. C2-5/R7A zoning district.

PREMISES AFFECTED – 47 East 3rd Street, East 3rd Street between First and Second Avenues, Block 445, Lot 62, Borough of Manhattan.

**COMMUNITY BOARD #3M**

THE VOTE TO CLOSE HEARING –

Affirmative: Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez .....3  
Negative:.....0  
Abstain: Chair Perlmutter.....1

**ACTION OF THE BOARD** – Laid over to May 12, 2015, at 10 A.M., for decision, hearing closed.

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**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**

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 June 16, 2015, at 10 A.M., for decision, hearing closed.

## ZONING CALENDAR

**147-14-BZ**

APPLICANT – Law Office of Lyra J. Altman, for Iris E. Shalam, owner.

SUBJECT – Application June 24, 2015 – Special Permit (§73-622) for the enlargement of an existing single family residence contrary to floor area ZR 23-141; and less than the required rear yard ZR 23-47. R3-1 zoning district.

PREMISES AFFECTED – 4167 Ocean Avenue, east side of Ocean Avenue between Hampton Avenue and Oriental Boulevard, Block 8748, Lot 227, 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 May 28, 2014, acting on DOB Application No. 320960359, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141 in that the proposed floor area ration exceeds the maximum permitted.
2. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than the minimum required; and

WHEREAS, this is an application under ZR § 73-622, 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”) and rear yards, contrary to ZR §§ 23-141 and 23-47; and

WHEREAS, a public hearing was held on this application on March 31, 2015, after due notice by publication in *The City Record*, and then to decision on April 28, 2015; and

WHEREAS, Vice-Chair Hinkson and Commissioner Ottley-Brown performed inspections of the site and premises, as well as the surrounding neighborhood; and

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

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

WHEREAS, the site has 60 feet of frontage along Ocean Avenue and 6,240 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story with attic, single-family home with 3,120 sq. ft. of floor area (0.58 FAR); and

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

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WHEREAS, the applicant now seeks to enlarge the building, resulting in an increase in the floor area from 3,120 sq. ft. (0.58 FAR) to 4,128 sq. ft. (0.66 FAR); the maximum permitted floor area is 3,120 sq. ft. (0.5 FAR); and

WHEREAS, the applicant seeks to decrease its rear yard from 39'- 3 1/2" to 22'-3 3/4"; the requirement is a minimum depth of 30'-0"; 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, at hearing, the Board expressed concern about the impact of the proposed FAR and 22'-3 3/4" rear yard; and

WHEREAS, the applicant asserts that the subject block contains 24 sites which are occupied by a residence and have a rear yard, eight of which have a smaller rear than that which is proposed by the applicant, and that such rear yards range in depth from 11'-0" to 20'-0"; and

WHEREAS, the applicant further asserts that 15 of the 24 sites have garages located in their rear yards; and

WHEREAS, the above-noted assertions are supported in a rear yard study submitted by the applicant; and

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

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

*Therefore it is resolved*, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, on a site within an 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") and rear yards, contrary to ZR §§ 23-141 and 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received April 14, 2015"– (12) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 4,128 sq. ft. (0.66 FAR) and a rear yard with a minimum depth of 22'-3 3/4", 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 April 28, 2019; 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, April 28, 2015.

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## 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 June 23, 2015, at 10 A.M., for adjourned hearing.

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## 309-13-BZ

APPLICANT – Law office of Lyra J. Altman, for Miriam Josefovic and Mark Josefovia, owners.

SUBJECT – Application November 22, 2013 – Special Permit (73-622) for the enlargement of an existing single family home, contrary to floor area and open space (23-141); side yards (23-461) and less than the required rear yard (23-47). R2 zoning district.

PREMISES AFFECTED – 965 East 24th Street, east side of East 24th Street between Avenue I and Avenue J, Block 7588, Lot 17, Borough of Brooklyn.

## COMMUNITY BOARD #14BK

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 May 19, 2015, at 10 A.M., for decision, hearing closed.

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## 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,

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Block 6804, Lot 41, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

**ACTION OF THE BOARD** – Off-Calendar.  
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**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**

**ACTION OF THE BOARD** – Laid over to June 16, 2015, at 10 A.M., for continued hearing.  
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**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 May 19, 2015, at 10 A.M., for continued hearing.  
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**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 May 19, 2015, at 10 A.M., for continued hearing.  
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**148-14-BZ**

APPLICANT – Sheldon Lobel, P.C., for 11 Avenue A Realty LLC, owner.

SUBJECT – Application June 24, 2014 – Variance (§72-21) to permit multi-family residential use at the premises. R8A/C2-5 zoning districts.

PREMISES AFFECTED – 11 Avenue A, west side of Avenue A between East 1st Street and East 2nd Street, Block 429, Lot 39, Borough of Manhattan.

**COMMUNITY BOARD #3M**

**ACTION OF THE BOARD** – Laid over to June 16, 2015, at 10 A.M., for continued hearing.  
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**186-14-BZ**

APPLICANT – Law Office of Lyra J. Altman, for Bond Street Owner, LLC, owners.

SUBJECT – Application August 15, 2014 – Variance (§72-21) to permit the construction of a new hotel building with ground floor retail contrary to allowable commercial floor area (ZR 33-122) located within C6-1/R6B District in the Downtown Brooklyn Special District.

PREMISES AFFECTED – 51-63 Bond Street aka 252-270 Schermerhorn Street, southeast corner of Bond Street and Schermerhorn Street, Block 172, Lot(s) 5, 7, 10, 13, 14, 15, 109, Borough of Brooklyn.

**COMMUNITY BOARD #2BK**

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 May 19, 2015, at 10 A.M., for decision, hearing closed.  
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**238-14-BZ**

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for DDG 100 Franklin, LLC., owner.

SUBJECT – Application October 1, 2014 – Variance (§72-21) to permit the construction of two mixed residential and commercial buildings on a single zoning lot contrary to §§35-21 & 23-145 (Lot Coverage), 35-24c (Height and setback), 35-52 and 33-23 (minimum width of open area along a side lot line and permitted obstruction regulations), 35-24b (Street wall location). C6-2A Zoning District, Historic District.

PREMISES AFFECTED – 98-100 Franklin Street, Bounded by Avenue of the Americas, Franklin and White Streets, West Broadway, Block 00178, Lot 0029, Borough of Manhattan.

**COMMUNITY BOARD #1M**

**ACTION OF THE BOARD** – Laid over to June 16, 2015, at 10 A.M., for continued hearing.  
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**REGULAR MEETING  
TUESDAY AFTERNOON, APRIL 28, 2015  
1:00 P.M.**

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

**ZONING CALENDAR**

**237-14-BZ**

APPLICANT – Jeffrey A. Chester/GSHLLP, for 162nd Street Realty, LLC, owner; SPE Jamaica Avenue, LLC, lessee.

SUBJECT – Application October 1, 2014 – Special Permit (§73-36) to allow for the operation of a physical culture establishment (*Lucille Roberts*). C6-3 zoning district.

PREMISES AFFECTED – 162-01 Jamaica Avenue, corner of Jamaica Avenue and 162nd Street, Block 09761, Lot 0001, Borough of Queens.

**COMMUNITY BOARD #12Q**

**ACTION OF THE BOARD** – Laid over to June 23, 2015, at 10 A.M., for continued hearing.  
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**284-14-BZ**

APPLICANT – Jay Goldstein, Esq., for 257-267 Pacific Street, LLC, owner; 718 Bar LLC d/b/a The Bar Method, lessee.

SUBJECT – Application November 6, 2014 – Special Permit (§73-36) to allow for the operation of a physical culture establishment (*The Bar Method*) on the first floor of the existing building. R6-2 with an C2-4 Overlay zoning district.

PREMISES AFFECTED – 267 Pacific Street, between Smith Street and Boerum Place on the north side of Pacific Street, Block 181, Lot 31, Borough of Brooklyn.

**COMMUNITY BOARD #2BK**

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 May 12, 2015, at 10 A.M., for decision, hearing closed.  
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**1-15-BZ**

APPLICANT – Law Office of Fredrick A. Becker, for Manhattan Country School (contract vendee).

SUBJECT – Application January 2, 2015 – Variance (§72-21) proposed enlargement of an existing school structure to be used by the Manhattan Country School which will exceed permitted floor area and exceeds the maximum height. R8B zoning district.

PREMISES AFFECTED – 150 West 85th Street, southerly side of West 85th Street between Columbus Avenue and Amsterdam Avenue, Block 1215, Lot 53, Borough of

Manhattan.

**COMMUNITY BOARD #7M**

**ACTION OF THE BOARD** – Laid over to June 2, 2015, at 10 A.M., for continued hearing.  
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*Ryan Singer, Executive Director*

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## CORRECTION

**This resolution adopted on December 16, 2014, under Calendar No. 964-87-BZ and printed in Volume 99, Bulletin No. 51, is hereby corrected to read as follows:**

### 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 a previously 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 #12BX

**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, an extension of time to obtain a certificate of occupancy for the continued operation of a gasoline service station (Use Group 16), which expired on May 10, 2012, and an amendment to permit the conversion of a portion of the station to an accessory convenience store; 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 16, 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 12, Bronx, recommends approval of this application; and

WHEREAS, the site is located on the southwest corner of the intersection of Burke Avenue and Barnes Avenue, partially within a C1-3 (R6) zoning district and partially within an R6 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since October 22, 1957 when, under BSA Cal. No. 52-57-BZ, the Board granted a variance to permit the construction of a gasoline service station with accessory uses for a term of 15 years; and

WHEREAS, subsequently, the grant was amended and the term extended by the Board at various times, until its expiration on October 22, 1982; and

WHEREAS, on February 6, 1990, under the subject calendar number, the Board re-established the variance pursuant to ZR § 11-411 to legalize the existing gasoline service station with accessory uses and parking for more than five automobiles, for a term of ten years; and

WHEREAS, on January 15, 2002, the Board granted a ten-year extension of the term of the variance, which expired on February 6, 2010, and on May 10, 2011, the Board granted a further extension of term, a one-year extension of time to obtain a certificate of occupancy, and an amendment to permit a change in the hours of operation of the service station and to legalize public parking (Use Group 8) at the site; and

WHEREAS, the applicant states that a certificate of occupancy was not obtained by May 10, 2012; as such, the applicant now seeks an extension of time to obtain a certificate of occupancy; and

WHEREAS, in addition, the applicant seeks an amendment to permit the conversion of a portion of the gasoline service station currently used as accessory office and storage space to an accessory convenience store; and

WHEREAS, the applicant notes that the one-story gasoline service station building has approximately 2,580 sq. ft. of floor area (0.15 FAR); and

WHEREAS, the applicant represents that the accessory convenience store will occupy approximately 663 sq. ft. of the existing floor area of the building; the applicant notes that the proposal reflects the preservation of three service bays; and

WHEREAS, the applicant also states 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) provide landscaping in accordance with the approved plans, including replacement of evergreen trees, as appropriate; (2) replace fence slats in disrepair; (3) remove excessive signage; and (4) remove all debris from the site, including abandoned gasoline pumps, junked automobiles, and weeds; and

WHEREAS, in response, the applicant provided: (1) a revised site plan indicating that landscaping and fence slats would be replaced and maintained, as necessary; and (2) photographs showing the removal of excessive signage (including banners) and debris from the site; and

WHEREAS, based on its review of the record, the Board finds that the requested 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 *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated February 6, 1990, so that as amended the resolution shall read: “to grant an extension of time to obtain a certificate of occupancy to December 16, 2016 and to permit the conversion of a portion of the building to an accessory convenience store; *on condition* that the use

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and operation of the site shall substantially conform to the approved drawings, filed with this application and marked 'December 12, 2014' - (7) sheets; and *on further condition:*

THAT the accessory convenience store shall be limited to a maximum of 663 sq. ft. of floor area;

THAT a maximum of twelve parking spaces on the site shall be made available for rent, and such parking spaces shall be rented on a monthly basis only;

THAT the hours of operation for gasoline sales on the site shall be 24 hours per day, seven days per week, and the hours of operation for the repair use on the site shall be Monday through Friday, from 8:00 a.m. to 6:00 p.m., Saturday, from 8:00 a.m. to 3:00 p.m., and closed on Sundays;

THAT all signage shall comply with C1 zoning district sign regulations;

THAT all landscaping and fencing shall be maintained;

THAT all lighting shall be directed downward and away from adjacent residential uses;

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

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

THAT a certificate of occupancy shall be obtained by December 16, 2016;

THAT all conditions from the prior resolutions 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.”

(DOB Application No. 220077976)

Adopted by the Board of Standards and Appeals, December 16, 2014.

**The resolution has been amended to correct the number of approved parking spaces which read “ten parking spaces”... now reads: ... “twelve parking spaces”.... Corrected in Bulletin No. 19, Vol. 100, dated May 6, 2015.**