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DIRECTORY

MARGERY PERLMUTTER, *Chair*

SUSAN M. HINKSON, *Vice-Chair*

DARA OTTLEY-BROWN

EILEEN MONTANEZ

Commissioners

Ryan Singer, *Executive Director*

John Egnatios-Beene, *Counsel*

OFFICE -	250 Broadway, 29th Floor, New York, N.Y. 10007
HEARINGS HELD -	22 Reade Street, Spector Hall, New York, N.Y. 10007
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 386-0009
FAX - (646) 500-6271

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109-15-A

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110-15-A

2321 Glebe Avenue, western corner of intersection of Glebe Avenue and Parker Street, Block 03971, Lot(s) 0165, Borough of **Bronx, Community Board: 10**. Appeal seeking determination that property owner has acquired common law vested right to complete construction of three, three-family residential buildings R6A district.

111-15-BZ

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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.

CALENDAR

JUNE 16, 2015, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, June 16, 2015, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

705-81-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Fraydun Enterprises, LLC, owner; Fraydun Enterprises, LLC, lessee.

SUBJECT – Application November 10, 2014 – Extension of Term of a previously approved Variance (§72-21) which permitted the operation of a physical culture establishment which expired on May 10, 2013; Extension of Time to obtain a Certificate of Occupancy; Waiver of the Rules. R10 zoning district.

PREMISES AFFECTED – 1433 York Avenue, northeast corner of intersection of York Avenue and East 76th Street, Block 01471, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #8M

169-91-BZ

APPLICANT – Kramer Levin Naftalis & Frankel LLP., for New York University, owner.

SUBJECT – Application November 15, 2015 – Extension of Term of a previously approved Special Permit (§73-36) permitting the operation of a physical culture establishment which expired on May 18, 2013; Amendment to reflect a change in the operator and to permit a new interior layout; Waiver of the Rules. M1-5B zoning district.

PREMISES AFFECTED – 404 Lafayette Street aka 708 Broadway, Lafayette Street and East 4th Street, Block 00545, Lot 6, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEALS CALENDAR

37-15-A

APPLICANT – Jeffrey Geary, for Louis Devivo, owner.
SUBJECT – Application February 26, 2015 – Proposed construction of buildings that do not front on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. R3-2 zoning district.
PREMISES AFFECTED – 2020 Demerest Road, Van Brunt Road and Demerest Road, Block 15485, Lot 0007, Borough of Queens.

COMMUNITY BOARD #14Q

JUNE 16, 2015, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, June 16, 2015, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

243-14-BZ

APPLICANT – Eric Palatnik, PC, for Victorystar, LTD, owner.

SUBJECT – Application October 9, 2014 – Special Permit (§73-243) to permit the legalization and continued use of an existing eating and drinking establishment (UG 6) with an accessory drive-through. C1-2/R3X zoning district.

PREMISES AFFECTED – 1660 Richmond Avenue, Richmond Avenue between Victory Boulevard and Merrill Avenue. Block 02236, Lot 133. Borough of Staten Island.

COMMUNITY BOARD #2SI

244-14-BZ

APPLICANT – Eric Palatnik, PC, for Chong Duk Chung, owner.

SUBJECT – Application October 9, 2014 – Special Permit (§73-36) to operate a physical culture establishment (*K-Town Sauna*) within an existing building. C6-4 zoning district.

PREMISES AFFECTED – 22 West 32nd Street, 32nd Street between Fifth and Sixth Avenues, Block 00833, Lot 57, Borough of Manhattan.

COMMUNITY BOARD #5M

CALENDAR

314-14-BZ

APPLICANT – Sheldon Lobel, P.C., for Maurice Realty Inc., owner.

SUBJECT – Application November 20, 2014 – Special Permit (§73-125) to allow construction of an UG4 health care facility that exceed the maximum permitted floor area of 1,500 sf. R4A zoning district.

PREMISES AFFECTED – 1604 Williamsbridge Road, northwest corner of the intersection formed by Williamsbridge Road and Pierce Avenue, Block 04111, Lot 43, Borough of Bronx.

COMMUNITY BOARD #11BX

2-15-BZ

APPLICANT – Jay Goldstein, Esq., for Panasia Estate Inc., owner; Chelsea Fhitting Room LLC, lessee.

SUBJECT – Application January 7, 2015 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*The Fhitting Room*) in the portions of the cellar and first floor of the premises. C6-4A zoning district.

PREMISES AFFECTED – 31 West 19th Street, 5th Avenue and 6th Avenue on the north side of 19th Street, Block 00821, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #5M

Ryan Singer, Executive Director

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**REGULAR MEETING
TUESDAY MORNING, MAY 19, 2015
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

172-79-BZ

APPLICANT – Alfonso Duarte, for Luciano Utopia LLC., owner.

SUBJECT – Application July 16, 2014 – Extension of Term of a previously approved variance permitting the operation of a Real Estate office and accessory parking which will expire on July 24, 2014. R2 zoning district.

PREMISES AFFECTED – 167-04 Northern Boulevard, southeast corner of 16th Street, Block 5398, Lot 11, Borough of Queens

COMMUNITY BOARD #4Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, this is an application for a re-opening, an extension of term for a variance permitting an office (Use Group 6) within an R2 zoning district, which expired on July 24, 2014, and an amendment to eliminate the condition requiring Board approval for any change in the owners or operator of the site; and

WHEREAS, a public hearing was held on this application on January 13, 2015, after due notice by publication in *The City Record*, with continued a hearing on March 24, 2015, and then to decision on May 19, 2015; and

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

WHEREAS, Community Board 7, Queens, recommends approval of the application, on condition that the grant retain the condition requiring Board approval for a change in operator or owner; and

WHEREAS, Assemblyman Edward Braunstein, Councilman Paul Vallone, and Queens Borough President Melinda Katz, and certain members of the surrounding community, including the Auburndale Improvement Association, recommend approval of the application, on condition that the grant retain the condition requiring Board approval for a change in operator or owner; and

WHEREAS, the subject site is located at the southeast corner of the intersection of Northern Boulevard and 167th Street, within an R2 zoning district; and

WHEREAS, the site, approximately 64 feet of frontage along Northern Boulevard, approximately 89 feet of frontage

along 167th Street, and approximately 5,694 sq. ft. of lot area; and

WHEREAS, the site has is occupied by a one-story office building (Use Group 6) with approximately 1,300 sq. ft. of floor area (0.23 FAR) and six accessory parking spaces; and

WHEREAS, the Board has exercised jurisdiction over the site since July 24, 1979, when, under the subject calendar number, it granted, pursuant to ZR § 72-21, an application to permit, on a site within an R2 zoning district, the enlargement of an existing one-story building to be operated as a real estate office (Use Group 6) with four accessory parking spaces, contrary to use regulations, for term of 10 years, to expire on July 24, 1989; and

WHEREAS, the grant included several conditions, including the following: “that this variance shall lapse with any change in ownership or control”; and

WHEREAS, the term of the grant was extended on April 18, 1990 (to expire on July 24, 1999) and again on July 13, 1999, for a term of 15 years, to expire on July 24, 2014; the 1999 grant included an amendment allowing the addition of two parking spaces, bringing the number of spaces at the site to its current six; and

WHEREAS, accordingly, the applicant now seeks an extension of the term of the variance; in addition, the applicant seeks an amendment removing the condition requiring Board approval for a change in the owner or operator of the site; and

WHEREAS, the Board notes that, initially, the applicant sought to increase the number of parking spaces at the site to seven; however, in response to the Board concern about the provision of a parking space for a person with certain physical disabilities, the applicant revised its proposal to provide only six parking spaces, including an ADA-compliant space; and

WHEREAS, pursuant to ZR §§ 72-01 and 72-22, the Board may, in appropriate cases, modify the conditions of a variance; and

WHEREAS, the applicant asserts that the condition requiring Board approval for a change in the owner or operator creates an unnecessary hardship for the owner, who cannot sell or lease the building without prior Board approval; further, the applicant contends that the condition has no land use regulation purpose that cannot be accomplished with a limitation on the permitted use; and

WHEREAS, the applicant also notes that changes from one professional office to another are permitted as-of-right under the Zoning Resolution; and

WHEREAS, at hearing, the Board directed the applicant to: (1) verify that the signage complies with the prior grant; (2) install and maintain landscaping at the rear of the site; and (3) replace the existing chain enclosure for the curb cut along 167th Street with a more robust enclosure; and

WHEREAS, in response, the applicant demonstrated that the signage was in compliance with the prior grant; in addition, the applicant revised its plans to include notes regarding the required landscaping and enclosure for 167th Street curb cut; and

WHEREAS, as to the removal of the condition regarding

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the identity of the owner/operator, the Board observes that while such a condition is necessary for a non-profit entity receiving a variance—because such grants are directly related to the non-profit’s demonstrated programmatic needs—it is not necessary in this case, because the land use purpose of ensuring that the commercial use operates harmoniously within in the residence district can be accomplished with: (1) a term; and (2) a condition permitting professional office use only; and

WHEREAS, based on the foregoing, the Board has determined that the evidence in the record supports the findings required to be made for an extension of term under ZR §§ 72-01 and 72-22.

Therefore it is Resolved, that the Board of Standards and Appeals reopens and amends the resolution, dated July 24, 1979, so that as amended the resolution reads: “to permit an extension of the term of the variance for an additional ten years from the prior expiration, to expire on July 24, 2024 and to permit the elimination of the condition requiring Board approval for a change in the owner or operator of the site; on condition on condition that all work shall substantially conform to drawings, filed with this application marked ‘Received April 30, 2015’ –(4) sheets; and on further condition:

THAT the term of the variance shall expire on July 24, 2024;

THAT the use of the site shall be limited to professional offices (Use Group 6B);

THAT all site conditions, including parking, signage, and landscaping, shall comply with the BSA-approved plans;

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

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

THAT a certificate of occupancy shall be obtained by May 19, 2016;

THAT DOB shall verify that the signage complies with the applicable regulations;

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

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

Adopted by the Board of Standards and Appeals, May 19, 2015.

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 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 24th 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

ACTION OF THE BOARD – Laid over to June 23, 2015, at 10 A.M., for postponed hearing.

APPEALS CALENDAR

95-14-A

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

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

COMMUNITY BOARD #8M

ACTION OF THE BOARD – 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”), April 8, 2014, acting on DOB Application No. 121931320 reads, in pertinent part:

Hereafter converted dwelling cannot be increased in height or stories, per MDL 171(2)(a); and

WHEREAS, this is an application pursuant to Multiple Dwelling Law (“MDL”) § 310, to permit, on a site within R10A zoning district, a one-story vertical enlargement of four-story residential building, contrary to MDL §§ 4.35 and 171; and

WHEREAS, a public hearing was held on this application on September 23, 2014, after due notice by publication in *The City Record*, with continued hearings on November 18, 2014, January 27, 2015 and April 21, 2015, and then to decision on May 19, 2015; and

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

WHEREAS, the subject site is the north side of East 72nd Street, between Second Avenue and Third Avenue, within an R10A zoning district; and

WHEREAS, the site has 17’-6” of frontage along East 72nd Street and approximately 1,788 sq. ft. of lot area; and

WHEREAS, the site is occupied by a four-story residential building classified under the MDL as a Hereafter

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Converted Class A multiple dwelling; and

WHEREAS, the applicant states that the building has approximately 3,630 sq. ft. of floor area (2.03 FAR) and a building height of 49'-10"; and

WHEREAS, the applicant states that the building is Class 3, non-fireproof building, which was constructed in approximately 1922, and has four dwelling units, one on each of the existing stories); and

WHEREAS, the applicant proposes to construct a fifth story, which will result in an enlargement of approximately 351 sq. ft. and a total building floor area of 3,981 sq. ft. (2.23 FAR); further, the height of the building will increase to approximately 64'-3"; and

WHEREAS, MDL § 171(2)(a) states that it is unlawful to "increase the height or number of stories of any converted dwelling or to increase the height or number of stories of any building in converting it to a multiple dwelling"; and

WHEREAS, because any increase in height or number stories of a converted multiple dwelling is prohibited, and the proposed increase of the existing building is from four stories to five stories and from 49'-10" to 64'-3", the proposal does not comply with the requirements of MDL § 171(2)(a); and

WHEREAS, accordingly, the applicant seeks a waiver of MDL § 171(2)(a); and

WHEREAS, the Board notes that, pursuant to MDL § 310(2)(a), it 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 approximately 1922; 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 § 171 specifically relates to building height; therefore, the Board has the power to vary or modify the subject provisions pursuant to MDL § 310(2)(a)(3); and

WHEREAS, the applicant represents that practical difficulty and unnecessary hardship would result from strict compliance with the MDL; and

WHEREAS, the applicant states that MDL §§ 171(2)(a) prohibits a vertical enlargement of the subject building; and

WHEREAS, in addition, the applicant states that it is impractical to horizontally enlarge the building due to the existing configuration of the building on the lot and the rear yard requirements of the Zoning Resolution; and

WHEREAS, the applicant also notes that the existing building, including the greenhouse at the basement level, has a depth of approximately 67 feet, the lot depth is approximately

102 feet, the lot width is approximately 17 feet and a rear yard with a minimum depth of 30 feet is required under ZR § 23-47; as such, at the first two stories of the building, a horizontal enlargement would yield approximately five additional feet of building depth yet require substantial structural modifications, at significant cost (though the upper stories would be enlarged by approximately 20 feet); and

WHEREAS, accordingly, the applicant asserts that although a horizontal enlargement is technically feasible, it is impractical for half the units in the occupied building because the additional living space would not justify the costs or inconvenience of construction; and

WHEREAS, the applicant represents that because neither a vertical enlargement nor a horizontal enlargement is permitted, the MDL restrictions create a practical difficulty and an unnecessary hardship in that they prevent the site from utilizing the development potential afforded by the subject zoning district; and

WHEREAS, specifically, the applicant notes that the subject district permits an FAR of 3.14, and the proposed enlargement would increase the FAR of the building from 2.03 to 2.23; and

WHEREAS, based on the above, the Board agrees that there is a practical difficulty and an unnecessary hardship in complying with the requirements of the MDL; and

WHEREAS, the applicant states that the requested variance of MDL §§ 171(2)(a) 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 proposal includes numerous fire safety improvements to mitigate the existing fire infirmities inherent in the pre-1929 building; and

WHEREAS, the applicant notes that MDL § 2 ("Legislative Finding") provides that the intent of the law is to protect against dangers such as "overcrowding of multiple dwelling rooms, inadequate provision for light and air, and insufficient protection against the defective provision for escape from fire . . ."; and

WHEREAS, accordingly, the applicant represents that the proposed construction promotes the intent of the law because: (1) the new unit will cause minimal impact, as it will not increase the number of dwelling units (the fifth story will be part of a duplex with the fourth story); (2) it will be modest in size and set back from the front and rear facades, thereby providing sufficient light and ventilation to any occupants therein with minimal impacts on light and ventilation of neighboring residents; and (3) it will provide a number of significant fire safety improvements; and

WHEREAS, specifically, the applicant proposes to provide the following fire safety improvements: (1) a new stair bulkhead to the roof will be built to replace the existing scuttle; (2) a new skylight in the bulkhead roof will provide natural light and ventilation for the stairway; (3) additional sprinkler heads will be provided within the existing fourth story and the fifth story will be fully-sprinklered; (4) new stairway sprinkler heads will be added to the ceiling of the new bulkhead; (5) the new doors to the fourth story and fifth

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story will be fireproof, self-closing doors; (6) the entire stairway from cellar to fifth story will be enclosed with two-hour fire-rated walls; (7) access to the fifth floor roof will be provided via a stair; (8) a stair landing with a minimum width of 3'-0" will be constructed in front of the fourth story entrance; (9) four existing stair winders will be eliminated; (10) firestopping will be provided in accordance with the 2014 Building Code; (11) the cellar ceiling and third story ceiling will have a two-hour fire rating; and (12) the cellar will be fully-sprinklered; and

WHEREAS, the applicant represents that the proposed fire safety measures will result in a substantial increase to the public health, safety, and welfare, which far outweighs any impact from the proposed enlargement; and

WHEREAS, based on the above, the Board finds that the proposed variance to the height requirements of MDL §§ 171(2)(a) 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 variance of the height requirements of MDL §171(2)(a) is appropriate, with certain conditions set forth below.

Therefore it is Resolved, that the decision of the Department of Buildings, dated April 8, 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, May 19, 2015"-(4) sheets; and on further condition:

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

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; specifically, no relief has been granted with respect to any provision of the Building Code; and

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

Adopted by the Board of Standards and Appeals, May 19, 2015.

300-08-A

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

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

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

COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Laid over to August 25, 2015, at 10 A.M., for continued hearing.

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

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 July 21, 2015, at 10 A.M., for decision, hearing closed.

11-14-A thru 14-14-A

APPLICANT – Sheldon Lobel, P.C., for Trimountain LLC, owner.

SUBJECT – Application January 22, 2014 – Appeal seeking a determination that the owner has acquired a common law vested right to continue development under the prior R3-2 zoning district.

PREMISES AFFECTED – 47-04, 47-06, 47-08 198th Street, south side of 47th Avenue between 197th Street and 198th Street, Block 5617, Lot 34, 35, 36, Borough of Queens.

COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Off-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

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.

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ZONING CALENDAR

309-13-BZ

APPLICANT – Law office of Lyra J. Altman, for Miriam Josefovica and Mark Josefovica, 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

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 October 23, 2013, acting on DOB Application No. 320551568, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-14 in that the proposed floor area ratio exceeds the maximum permitted;
2. Proposed plans are contrary to ZR 23-141 in that the proposed open space ratio is less than the minimum required;
3. Plans are contrary to ZR 23-461 in that the proposed side yard is less than the minimum required;
4. 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 R2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio (“FAR”), open space ratio, and side and rear yards, contrary to ZR §§ 23-141, 23-461, and 23-47; and

WHEREAS, a public hearing was held on this application on February 3, 2015, after due notice by publication in *The City Record*, with continued hearings on March 3, 2015, March 24, 2015, and April 28, 2015, and then to decision on May 19, 2015; and

WHEREAS, Commissioner Montanez performed an inspection of the site and premises, as well as the surrounding neighborhood; and

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

WHEREAS, the subject site is located on the east side of East 24th Street, between Avenue I and Avenue J, within an R2 zoning district; and

WHEREAS, the site has 40 feet of frontage along East 24th Street and approximately 4,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story (with attic), single-family home with approximately 2,193 sq. ft. of floor area (0.55 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 non-complying floor area from 2,193 sq. ft. (0.55 FAR) to 4,013 sq. ft. (1.0 FAR); the maximum permitted floor area is 2,000 sq. ft. (0.5 FAR); and

WHEREAS, the applicant seeks to reduce the non-complying open space ratio of the site from 128 percent to 60 percent; the minimum open space ratio is 150 percent; and

WHEREAS, the applicant seeks to maintain and extend its non-complying side yard and reduce the width of its complying side yard so that the existing widths of 4’-0” and 11’-0” respectively shall be reduced to 4’-0” and 9’-0”; the requirement is two side yards with a minimum total width of 13’-0” and a minimum width of 5’-0” each; and

WHEREAS, the applicant seeks to reduce its non-complying rear yard from 25’-0” to 23’-0”; 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, the applicant contends that the proposed FAR and rear yard are consistent with the neighborhood and submitted a land use study, photographic streetscapes and rear yard study in support of that contention; and

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

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

Therefore it is resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, on a site within an R2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for FAR, open space ratio, and side and rear yards, contrary to ZR §§ 23-141, 23-461, and 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked “May 7, 2015”– (11) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 4,013 sq. ft. (1.0 FAR), a minimum open space ratio of 60 percent, side yards

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with minimum widths of 4'-0" and 9'-0", and a rear yard with a minimum depth of 23'-0", as illustrated on the BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited 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 May 19, 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, May 19, 2015.

44-14-BZ

CEQR #14-BSA-126M

APPLICANT – Sheldon Lobel, P.C., for AA Olympic LLC., owner;

The Live Well Company LLC., lessee.

SUBJECT – Application March 17, 2014 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*Live Well*) on the first floor of the existing building, located within C6-3A & C6-2A zoning districts in a historic district.

PREMISES AFFECTED – 92 Laight Street, aka 256 West Street, 416 Washington Street, block bounded by Washington Street, West Street, and Vestry Street, Block 218, Lot 7501, 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 February 13, 2014, acting on DOB Application No. 121909505, reads, in pertinent part:

Proposed Physical Culture Establishment in C5-5 zoning district is not permitted as-of-right as per section ZR 32-31...; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to legalize, on a site partially within a C6-3A zoning district and partially within a C6-2A zoning district, within the Tribeca Mixed Use District, within the Tribeca North Historic District, a physical culture establishment (“PCE”) operating on the first floor of a 13-story mixed-use commercial and residential condominium building, contrary to

ZR § 32-10; and

WHEREAS, a public hearing was held on this application on January 30, 2015, after due notice by publication in the *City Record*, with continued hearings on March 3, 2015, and then to decision on May 19, 2015; and

WHEREAS, Vice-Chair Hinkson and Commissioners Montanez and Ottley-Brown performed inspections of the subject site and neighborhood; and

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

WHEREAS, the subject site is an irregularly shaped through lot and corner lot, with frontages on West Street, Laight Street, Washington Street and Vestry Street, within a C6-3A zoning district and partially within a C6-2A zoning district, within the Tribeca Mixed Use District, within the Tribeca North Historic District; and

WHEREAS, the site has approximately 100 feet of frontage along West Street, 80 feet of frontage along Laight Street, 125 feet of frontage along Washington Street and 118 feet of frontage along Vestry Street and contains approximately 24,197 sq. ft. of lot area; and

WHEREAS, the site is occupied by a mixed-use commercial and residential condominium building; and

WHEREAS, on November 14, 2000, the Board granted a variance for the site under BSA Cal. No. 180-95-BZ (the “Variance”), legalizing residential use thereof and authorizing the erection of a 14-story residential building with below-ground public parking; and

WHEREAS, on July 23, 2002, the Board approved an amendment to the Variance to modify entrances to the building and reduce the size of the corridor connection the West Street and Washington Street portions of the building; and

WHEREAS, the PCE occupies 3,857 sq. ft. of floor area on the first floor of the building and is accessed by a stairway with an entrance on Grand Street; and

WHEREAS, the PCE operates as The Live Well Company; and

WHEREAS, the applicant represents that the hours of operation for the PCE are Monday – Friday, from 6:00 a.m. to 9:00 p.m., and on weekends from 8:00 a.m. to 3:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Fire Department states that it has no objection to the proposal; and

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

WHEREAS, at hearing, the Board expressed concern that the PCE would interrupt the through block connection referenced in the Variance; and

WHEREAS, in response, the applicant provided the Board with a letter of substantial compliance and BSA-approved plans dated June 3, 2003, which permitted minor

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modifications to the Board’s previously approved drawings, including, *inter alia*, the elimination of the through block connection that was originally located on the first floor of the subject building; and

WHEREAS, thus, the Board’s concern that the PCE would interrupt the through block connection on the first floor of the subject building was adequately addressed; 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 No. 13-8018, dated November 19, 2012 and expiring on November 21, 2016; and

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

WHEREAS, the Board notes that the term of this grant has been reduced to reflect the period of time that the PCE operated without the special permit; and

WHEREAS, 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 11 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-126M, dated January 14, 2015 ; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type 11 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 C6-3A zoning district and partially within a C6-2A zoning district, within the Tribeca Mixed Use District, within the Tribeca North Historic District, a PCE operating in on the first floor of a 13-story mixed-use commercial and residential condominium building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “November 20, 2014,” (4) sheets; and *on further condition*:

THAT the term of the PCE grant shall expire on March 1, 2024;

THAT any massages at the PCE shall be performed by New York State licensed massage therapists;

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 May 19, 2019;

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, May 19, 2015.

146-14-BZ

CEQR #14-BSA-184M

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

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated May 22, 2014, acting on DOB Application No. 121908347, reads, in pertinent part:

Proposed Physical Culture Establishment at zoning C6-1G is not permitted as of right...; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to legalize, on a site within a C6-1G zoning district, a physical culture establishment (“PCE”) operating in the cellar of a two-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on January 6, 2015, after due notice by publication in the *City Record*, with continued hearings on February 24, 2015, March 24, 2015 and April 14, 2015, and then to

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decision on May 19, 2015; and

WHEREAS, Vice-Chair Hinkson and Commissioners Montanez and Ottley-Brown performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 3, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on the south side of Grand Street, between Forsyth Street and Eldridge Street, within a C6-1G zoning district; and

WHEREAS, the site has approximately 50 feet of frontage along Grand Street and a depth of approximately 100 feet, with a lot area of approximately 4,980 sq. ft.; and

WHEREAS, the site is occupied by a two-story commercial building with approximately 11,046 sq. ft. of floor area (2.22 FAR); and

WHEREAS, the PCE occupies 2,967 sq. ft. of floor space in the cellar of the building and is accessed by a stairway with an entrance on Grand Street; and

WHEREAS, the PCE operates as Bowery Cross Fit; and

WHEREAS, the applicant represents that the hours of operation for the PCE are Monday – Friday, from 5:00 a.m. to 9:00 p.m., and on weekends from 9:00 a.m. to 1:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Fire Department states that it has no objection to the proposal; and

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

WHEREAS, accordingly, the Board finds that this action will neither (1) alter the essential character of the surrounding neighborhood; (2) impair the use or development of adjacent properties; nor (3) be detrimental to the public welfare; and

WHEREAS, at a hearing, the Board asked the applicant to prepare a noise and vibration study for the subject premises to quantify the impact of the PCE on other tenants located within the subject building and on adjacent property, including the property located at 87 Eldridge Street; and

WHEREAS, in response, the applicant submitted a noise and vibration study which demonstrates that the conduct and music within the PCE does not generate noise in excess of ambient levels and are not perceivable at other premises within the building or adjacent building; and

WHEREAS, the applicant stated that it would utilize foam padding and platforms to mitigate the impact of weight drops at the subject premises, as recommended by and in consultation with a noise and vibration consultant; and

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

WHEREAS, the Board notes that the term of this grant has been reduced to reflect the period of time that the PCE operated without the special permit; and

WHEREAS, 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-184M, dated June 23, 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 legalize, on a site within a C6-1G zoning district, a PCE operating in the cellar of a two-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “May 19, 2015” - Seven (7) sheets; and *on further condition*:

THAT the term of the PCE grant shall expire on March 1, 2017;

THAT any massages at the PCE shall be performed by New York State licensed massage therapists;

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

THAT weight lifting shall be performed on weight platforms with the specifications as shown on the Board-approved plans;

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

THAT 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 May 19, 2019;

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, May 19, 2015.

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186-14-BZ

CEQR #15-BSA-043K

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

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 7, 2014, acting on DOB Application No. 320914221, reads in pertinent part:

Commercial Floor Area in proposed building exceeds the maximum permitted 6.0, contrary to ZR 33-122; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site partially within a C6-1 zoning district, and partially within an R6B zoning district, within the Special Downtown Brooklyn District, the construction of a 13-story hotel (Use Group 5) that does not comply with the zoning requirements for floor area ratio (“FAR”), contrary to ZR § 33-122; and

WHEREAS, a public hearing was held on this application on February 10, 2015, after due notice by publication in the *City Record*, with continued hearings on March 24, 2015 and April 28, 2015, and then to decision on May 19, 2015; 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 2, Brooklyn, recommends disapproval of this application, citing concerns regarding the extent of the floor area waiver, the number of hotel rooms, and the impact of the proposal on vehicular traffic; and

WHEREAS, certain members of the surrounding community testified in opposition to the application (the “Opposition”), citing the following concerns: (1) an increase in pedestrian and vehicular traffic, refuse, and noise; (2) the proposed hotel entrance on Bond Street; (3) the proposed outdoor space on the south side of the building adjacent to the residential buildings; (4) the additional floor area for the hotel and number of hotel rooms, which are inconsistent with the low-rise, residential character of many surrounding streets; (5)

the uniqueness of the subway tunnel below the site, which is common in the neighborhood; and (6) the depth of excavation adjacent to the residential buildings south of the site; and

WHEREAS, certain members of the surrounding community, including the Brooklyn Academy of Music, the Brooklyn Ballet, Urban Glass, and the Downtown Brooklyn Partnership, testified in support of the application; and

WHEREAS, the subject site is an irregular lot located on the southeast corner of the intersection of Bond Street and Schermerhorn Street, partially within a C6-1 zoning district, and partially within an R6B zoning district, within the Special Downtown Brooklyn District; the irregular shape of the site is due to its varying depths, which step down at right angles (corresponding in some cases to historic tax lot lines) and range from 51 feet (measured from the northeast corner of the site) to 105 feet (measured from the northwest corner of the site); and

WHEREAS, the site comprises Tax Lots 5, 7, 10, 13, 14, 15, and 109, has 105 feet of frontage along Bond Street and 210 feet of frontage along Schermerhorn Street, and has 17,960 sq. ft. of lot area; and

WHEREAS, the applicant notes that, per ZR § 77-11, the use and bulk regulations applicable in the C6-1 portion of the site are applicable within the R6B portion of the site, because: (1) the site existed as a zoning lot prior to the amendment that created the split-lot condition; and (2) the R6B portion of the site is both less than 50 percent of area of the entire site and less than 25 feet from the district boundary; thus, Use Group 5 is permitted as-of-right throughout the site; and

WHEREAS, the site is vacant; the applicant represents that it has been used for parking since at least 1968; and

WHEREAS, the applicant proposes to construct a 13-story hotel (Use Group 5) with 154,947 sq. ft. of floor area (8.63 FAR), a building height of 186'-1¾" (excluding bulkheads and parapets), 287 hotel rooms, a large event space (“Ballroom”), a restaurant and bar, and an accessory fitness center; and

WHEREAS, in order to construct the building as proposed, the applicant seeks a waiver of ZR § 33-122, which limits commercial floor area at the site to 6.0 FAR; and

WHEREAS, the applicant states that, in accordance with ZR § 72-21(a), the presence of an MTA subway tunnel and access mezzanine directly below approximately 70 percent of the site is a unique physical conditions that creates practical difficulties and unnecessary hardships in developing the site in compliance with the floor area regulations; and

WHEREAS, the applicant states that an MTA subway tunnel and an access mezzanine (“MTA Encumbrances”) are located directly below 70 percent of the site; and

WHEREAS, the applicant submitted a diagram illustrating that the MTA Encumbrances occupy a trapezoidal portion of the site, with the trapezoid’s parallels running parallel to Bond Street, forming right angles with the northern lot line (along Schermerhorn Street) and the trapezoid’s diagonal beginning approximately 66 feet south of the intersection of Bond and Schermerhorn and terminating

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approximately 50 feet south of the northeast corner of the site; thus, the MTA Encumbrances occupy the entire regular (rectangular) portion of the irregularly-shaped site; and

WHEREAS, in addition, the applicant states that the MTA Encumbrances occur at various depths; at the northwest corner of the site, the top of the mezzanine is seven feet below grade; the tunnel occupies the balance of the site and its top is located 14 feet below grade (except for a small triangular portion along Schermerhorn Street, where the top of the tunnel is 16 feet below grade); and

WHEREAS, the applicant asserts that the extent and nature of the MTA Encumbrances is unique; in support of this assertion, the applicant submitted a land use study of nine development sites (along Schermerhorn Street between Jay Street-Smith Street and Flatbush Avenue) that encumbered by MTA tunnels and related facilities; and

WHEREAS, the study reflects that none of the nine has the site's substantial encumbrance at such shallow depths; and

WHEREAS, the applicant states that the MTA Encumbrances create practical difficulties and unnecessary hardship, because a traditional foundation system with a cellar and sub-cellars for the hotel cannot be constructed; as such, back-of-house hotel functions that would typically occupy the below-grade levels (hotel administration space, kitchen, and fitness center) must be provided above grade, thereby reducing the amount of floor area available for hotel rooms; and

WHEREAS, in addition, preserving and protecting the MTA property results in premium construction costs; and

WHEREAS, the applicant states that, according to its engineering consultants, the diagonal location and depth of the subway tunnel and mezzanine significantly increases the complexity of the subgrade construction, including the type of foundation system, how the loads are distributed, the depth of excavation, the volume of excavation, the pile type, and the quantity of piles, concrete and reinforcing bar; due to the diagonal orientation of the tunnel, major foundation structure can only be placed on one side of the tunnel and separate systems are required to transfer gravity loads and deliver lateral loads to the portion of the foundation adjacent to the tunnel; and

WHEREAS, the applicant's consultant opines that the proposed foundation system is unique to the site and not found in any other building in the city; and

WHEREAS, in addition, the applicant states that the MTA: (1) prohibits driven piles in the vicinity of the tunnel; instead, drilled piles (which are more expensive) must be utilized; (2) requires extensive monitoring for noise and vibration during construction; and (3) requires elastomeric pads beneath all vertical load carrying element that rest on the tunnel (to isolate the lateral loads from the tunnel structure); and

WHEREAS, the applicant estimates its premium construction costs related to the MTA Encumbrances to be \$20,522,000; and

WHEREAS, to illustrate the effect of the site's unique hardship, the applicant studied the feasibility of: (1) a

complying development at the site with the MTA Encumbrances; and (2) a complying development at the site without the MTA Encumbrances; and

WHEREAS, the applicant concluded that developing the site with the MTA Encumbrances and without the floor area waiver resulted in a nine-story building with 107,196 sq. ft. of floor area (6.0 FAR), a building height of 147'-5¾" (excluding bulkheads and parapets), and 169 hotel rooms; in contrast, developing the site without the MTA Encumbrances and without the floor area waiver resulted in a nine-story building with 107,196 sq. ft. of floor area (6.0), a building height of 147'-5¾" (excluding bulkheads and parapets), and 178 hotel rooms; thus, the unencumbered site would yield nine more hotel rooms, because back-of-house functions could be placed in the cellar, and the additional space above grade could be devoted to hotel rooms; and

WHEREAS, at hearing, the Board questioned whether locating the Ballroom on the second story contributed significantly to the premium construction costs and directed the applicant to explore a design that located the Ballroom on the 12th story and a design that omitted the Ballroom entirely; in addition, the Board requested additional information regarding the back-of-house operations; and

WHEREAS, in response, the applicant provided plans showing the relocation of the Ballroom; such plans reflect that two additional elevators would be required, resulting in a loss of 36 hotel rooms; as for the no-Ballroom scheme, the applicant contends (and supports with financial analysis) that the hotel rooms would, on average, rent for substantially less without the Ballroom; as such, the applicant asserts and the Board agrees that neither relocating the Ballroom, nor eliminating it completely yields a feasible development;

WHEREAS, the applicant also provided the programming for the back-of-house spaces within the hotel; and

WHEREAS, based upon the above, the Board finds that the MTA Encumbrances are a unique physical condition that create unnecessary hardship in developing the site in compliance with the floor area regulations; and

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

WHEREAS, as noted above, the applicant studied the feasibility of: (1) a complying hotel at the site; (2) a complying hotel at the site without the MTA Encumbrances; (3) the proposal with the Ballroom on the 12th story instead of the second story; (4) a 12-story hotel with 143,281 sq. ft. of floor area (7.98 FAR) and no Ballroom; and (5) the proposal; and

WHEREAS, the applicant states that only the proposal would realize a reasonable rate of return on investment; and

WHEREAS, based upon its review of the applicant's economic analysis, the Board has determined that because of the site's unique physical conditions, there is no reasonable possibility that development in compliance with the floor area regulations would provide a reasonable return; and

WHEREAS, the applicant represents that the proposed

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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 the surrounding neighborhood is characterized by two general typologies; along Schermerhorn Street and other wide streets, medium- to high-density mixed commercial, residential, and community facility buildings predominate; along Bond Street south of the site and other narrow streets (e.g., State Street) the prevailing character is low-density residential (townhouses) and community facility buildings; and

WHEREAS, as to adjacent uses, the applicant states that directly west of the site (across Bond Street) is a six-story office buildings, directly north of the site (across Schermerhorn Street) is a five-story parking garage; a playground abuts the site to the east and a series of four-story residential buildings abut the site to the south; and

WHEREAS, the applicant notes that the proposed hotel use is as-of-right in the subject C6-1 district and contends that the building has been designed to be sensitive to adjacent residential uses; and

WHEREAS, specifically, and in response to the Opposition's and the Board's concerns, the hotel entrance was relocated from Bond Street to Schermerhorn Street and the outdoor terrace connected to the Ballroom and adjacent to the residences to the south was removed; and

WHEREAS, turning to bulk, the applicant states that within 400 feet of the site, the buildings range in height from one to 14 stories; beyond 400 feet but within two blocks of the site, Schermerhorn Street includes two buildings with 25 or more stories and 333 Schermerhorn, which, upon completion, will rise to 577 feet (44 stories), making it one of the tallest buildings in the borough; and

WHEREAS, at hearing, the Board directed the applicant to provide additional information demonstrating that the proposed height is contextual; and

WHEREAS, in response, the applicant provided a height study and a photomontage of the streetscape (including buildings under construction and proposed), which, together, demonstrate that the building height is in keeping with the bulk of the surrounding neighborhood; and

WHEREAS, the applicant also notes that, aside from the requested floor area waiver, the proposal complies in all respects with the applicable bulk regulations, including building height, yards, and setbacks; and

WHEREAS, as to the Opposition's concerns regarding vehicular traffic and refuse collection, the applicant has agreed to: (1) limit all deliveries to the Schermerhorn Street loading dock; (2) limit food deliveries to Monday through Friday, from 8:00 a.m. to 4:00 p.m.; (3) coordinate and monitor all other delivery traffic (e.g., laundry) so as to mitigate traffic impacts; and (4) store refuse in a refrigerated room within the building until immediately prior to collection; and

WHEREAS, as to the Opposition's remaining concerns,

the Board observes that: (1) hotel use is as-of-right at the subject site; therefore City Planning has determined that it is an appropriate use at the site, notwithstanding the proximity of residence districts; (2) the requested floor area waiver is necessary for the owner to realize a reasonable return on investment, as extensively analyzed above; and (3) ensuring that safe construction measures are undertaken (including protecting adjacent, occupied residential buildings during excavation) is primarily within the purview of DOB; and

WHEREAS, accordingly, 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, consistent with ZR § 72-21(d), the hardship herein was not created by the owner or a predecessor in title, but is due to the peculiarities of the site; and

WHEREAS, the Board also finds that this proposal is the minimum necessary to afford the owner relief, in accordance with ZR § 72-21(e); 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 an Unlisted action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the EAS CEQR 15-BSA-043K, dated March 10, 2015; and

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

WHEREAS, the New York City Landmarks Preservation Commission ("LPC") reviewed the project for potential archaeological impacts and requested that an archaeological documentary study be submitted for review and approval; and

WHEREAS, a Restrictive Declaration for an archaeological study was executed and filed for recording on May 12, 2015; 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; and

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

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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 to permit, on a site partially within a C6-1 zoning district, and partially within an R6B zoning district, within the Special Downtown Brooklyn District, the construction of a 13-story hotel (Use Group 5) that does not comply with the zoning requirements for FAR, contrary to ZR § 33-122; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 14, 2015"– seventeen (17) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the proposed building: a maximum of 13 stories, a maximum floor area of 154,947 sq. ft. (8.63 FAR), a maximum building height of 186'-1¾" (excluding bulkheads and parapets), and a maximum of 287 hotel rooms, as reflected on the BSA-approved drawings;

THAT the building façade abutting sites with residential buildings shall be consistent with the character and appearance of such buildings;

THAT all service pickups and deliveries to the site shall occur on the Schermerhorn Street frontage;

THAT refuse shall be stored within the building until immediately prior to collection;

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

THAT a permit shall not be issued for any grading, excavation, foundation or other permit which involves soil disturbance until, pursuant to the Restrictive Declaration, the LPC has issued to DOB, as applicable, either a Notice of No Objection, Notice to Proceed, Notice of Satisfaction, or Final Notice of Satisfaction;

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 May 19, 2019;

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

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

Adopted by the Board of Standards and Appeals, May 19, 2015.

289-14-BZ

CEQR #15-BSA-103Q

APPLICANT – Sheldon Lobel, P.C., 22-32 31st Street LLC, owner.

SUBJECT – Application November 6, 2015 – Special Permit (§73-42) to extend the conforming Use Group 6 restaurant use located partially within a C4-2A zoning district into the adjacent R5B zoning district.

PREMISES AFFECTED – 22-32/36 31st Street, located on the west side of 31st Street. Block 844, Lot 49, 119, 149. Borough of Queens.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated May 19, 2014, acting on DOB Application No. 420949978, reads in pertinent part:

Proposed outdoor dining area requires BSA approval; and

WHEREAS, this is an application under ZR §§ 73-42 and 73-03, to permit the extension of an existing eating and drinking establishment (Use Group 6) within a C4-2A zoning district into the adjacent R5B zoning district, contrary to ZR § 22-00; and

WHEREAS, a public hearing was held on this application on March 3, 2015, after due notice by publication in *The City Record*, with a continued hearing on April 14, 2015, and then to decision on May 19, 2015; and

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

WHEREAS, Community Board 1, Queens, recommends approval of this application, subject to the following conditions: (1) that the use be limited to a term of five years; (2) that outdoor use not exceed 18 tables and 74 seats; (3) that outdoor use be prohibited during the winter; (4) that noise attenuation be provided and (5) that future applications be filed in a timely manner; and

WHEREAS, the subject site the site is an irregular parcel comprised of Tax Lots 49, 149, and 119; it has frontages along 29th Street (9.75 feet) and 31st Street (75 feet) between 23rd Avenue and Ditmars Boulevard and is located partially within a C2-4A zoning district and partially within an R5B zoning district; and

WHEREAS, the site has 17,165 sq. ft. of lot area, with 11,065 sq. ft. of lot area in the C2-4A portion of the site and 6,100 sq. ft. of lot area in the R5B portion of the site; and

WHEREAS the site is occupied by a one-story building with approximately 11,065 sq. ft. of floor area (0.64 FAR); the applicant represents that the building is entirely within the C2-4A portion of the site; the remainder of the site is used for accessory outdoor dining; and

WHEREAS, the site has been subject to the Board's jurisdiction since 1969, when, under BSA Cal. No. 941-68-A, the Board granted an application permitting a non-automatic sprinkler system in the cellar, contrary to the Fire Department's requirement for an automatic sprinkler system; and

WHEREAS, subsequently, on February 15, 2011, the Board, under BSA Cal. No. 29-10-BZ, granted a special permit pursuant ZR § 73-52, to permit, on a site partially

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within a C1-2 (R5) zoning district and partially within an R5 zoning district, the extension of the C1-2 district regulations 25 feet into the R5 portion of the site to allow outdoor dining accessory to the existing eating and drinking establishment (Use Group 6), contrary to ZR § 22-00; the Board included a term on the special permit—three years—to expire on February 15, 2014; and

WHEREAS, the Board observes that the 2011 grant was in error, in that, on March 25, 2010, the Astoria Rezoning became effective, which rezoned the site from C1-2 (R5)/R5 to its current C2-4A/R5B; further, whereas as the prior C1-2 portion of the site extended to a depth of 150 feet from 31st Street, the C2-4 portion only extends to a depth of 125 feet from 31st Street; and

WHEREAS, the applicant represents that extending the district boundary for the C2-4A district 25 feet into the R5B portion of the site pursuant to ZR § 73-52 would not create enough outdoor accessory dining space for the eating and drinking establishment; and

WHEREAS, accordingly, the applicant now seeks a special permit pursuant to ZR § 73-42 to extend the Use Group 6 use across the zoning district boundary line between the C2-4A zoning district and the R5B zoning district, for a depth of 47.5 feet, which will allow outdoor accessory dining in the R5B portion of the site; and

WHEREAS, pursuant to ZR § 73-42, the Board may permit the expansion of a conforming use into a district where such use is not permitted, provided that (1) the enlarged use is contained within a single block; (2) the expansion of either the depth or the width of the conforming use is no greater than 50 percent of either the depth or width of that portion of the zoning lot located in the district where such use is a conforming use; and that (3) the area of the expansion cannot exceed 50 percent of the area of the zoning lot located in the district where such use is a conforming use, and provided further that the required findings are made; and

WHEREAS, the findings are as follows: (a) there is no reasonable possibility of expanding the use within the existing district where it is conforming; (b) the conforming use existed prior to January 6, 1965, or the date of any applicable subsequent amendment to the zoning maps; and (c) the expanded use is not so situated or of such character or size as to impair the essential character or the future use or development of the surrounding area; and

WHEREAS, as to the threshold condition that the use is contained on a single block, the applicant states that the existing establishment and the proposed enlarged accessory outdoor dining area are contained within Block 844; and

WHEREAS, the applicant also states that the portion of the site occupied by the existing conforming use is 75 feet wide by 125 feet deep, with a lot area of 9,375 sq. ft., and the expansion area (within the R5B portion of the site) is 22.5 feet wide by 75 feet deep, with a lot area of 1,687.5 sq. ft. of floor area; as such, the expansion area is less than 50 percent of the width, depth and lot area within the C2-4A zoning district; and

WHEREAS, accordingly, the Board finds that the use and proposed expansion site are located within the same

block and that the expansion does not exceed size restrictions; and

WHEREAS, as to the finding under ZR § 73-42(a), the applicant represents that there is not any reasonable possibility of expanding the use within the existing C2-4A zoning district because the use already occupies all portions of the C2-4A portion of the site and the adjacent buildings are occupied by other business; hence, the use cannot extend east or west within the commercial district; and

WHEREAS, as to the finding under ZR § 73-42(b), the applicant represents that the Use Group 6 use was in existence prior to the Astoria Rezoning on March 25, 2010; and

WHEREAS, in support of this assertion, the applicant submitted a Certificate of Occupancy from 1970, which references Tax Lots 49, 149, and 119 and authorizes a Use Group 6 use within the building at the site; and

WHEREAS, as to the finding under ZR § 73-42(c), the applicant asserts that the proposed use is not situated or of such character or size as to impair the essential character or future use of the surrounding area; and

WHEREAS, specifically, the applicant states that the Board recognized the commercial character of the area in its 2011 grant and the applicant notes that it will include the following buffering measures to protect adjacent residential uses: (1) a solid fence with a height of seven feet and sound attenuation construction; (2) landscaping along the perimeter of the outdoor area; (3) a retractable awning capable of entirely covering the dining area; (4) limited hours (Sunday through Thursday, from 11:00 a.m. to 10:00 p.m., and Friday and Saturday, from 11:00 a.m. to 11:00 p.m.) and seasonal use (spring through fall); (5) lighting directed down and away from residential uses; (6) enforcing a strict no smoking policy; and (7) prohibiting outdoor music; and

WHEREAS, at hearing, the Board directed the applicant to provide additional information on the sound attenuation measures; and

WHEREAS, in response, the applicant provided detailed specifications on the proposed materials for the sound attenuation construction and included such specifications on the proposed plans; and

WHEREAS, finally, the applicant represents and the Board agrees that the proposal complies with the bulk requirements of ZR § 73-42; and

WHEREAS, based on the foregoing, the Board finds that the proposed expansion of the Use Group 6 use from the C2-4A zoning district into the R5B zoning district will not cause impairment of the essential character or the future use or development of the surrounding area, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that this action will neither 1) alter the essential character of the surrounding neighborhood; 2) impair the use or development of adjacent properties; nor 3) be detrimental to the public welfare; and

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

WHEREAS, the Board finds that, under the conditions

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-42 and 73-03; 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, CEQR No. 15-BSA-103Q, dated October 29, 2014; and

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

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-52 and 73-03, to permit the extension of an existing eating and drinking establishment (Use Group 6) within a C4-2A zoning district into the adjacent R5B zoning district, contrary to ZR § 22-00; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received April 22, 2015" – (7) sheets; and *on further condition*:

THAT the term of the grant shall be limited to five years, to expire on May 19, 2020;

THAT arrangement and permitted occupant load of the outdoor area shall be as reviewed and approved by DOB;

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

THAT the hours of operation for the outdoor dining area shall be limited to Sunday through Thursday, from 11:00 a.m. to 10:00 p.m.; and Friday and Saturday, from 11:00 a.m. to 11:00 p.m.;

THAT the outdoor dining area shall be closed during winter;

THAT all lighting shall be directed down and away

from adjacent residential uses;

THAT there shall be no outdoor music at the site;

THAT there shall be no smoking permitted in the outdoor dining area;

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

THAT a certificate of occupancy shall be obtained by May 19, 2019;

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

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

THAT 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, May 19, 2015.

343-12-BZ

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

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

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

COMMUNITY BOARD #14BK

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 23, 2015, at 10 A.M., for decision, hearing closed.

350-12-BZ

APPLICANT – Sheldon Lobel, P.C., for Overcoming Love Ministries, owner.

SUBJECT – Application December 31, 2012 – Variance (§72-21) to permit the construction of an 11-story community facility/residential building, contrary to use regulations (§42-00). M3-1 zoning district.

PREMISES AFFECTED – 5 32nd Street, southeast corner of 2nd Avenue and 32nd Street, Block 675, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

ACTION OF THE BOARD – Off-Calendar.

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ACTION OF THE BOARD – Laid over to August 18, 2015, at 10 A.M., for continued hearing.

155-13-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Cong Kozover Zichron Chaim Shloime, owners.

SUBJECT – Application May 15, 2013 – Variance (§72-21) to permit the enlargement of an existing synagogue (*Congregation Kozover Sichron Chaim Shloime*) and rabbi's residence (UG 4) and the legalization of a Mikvah, contrary to floor area (§24-11), lot coverage (§24-11), wall height and setbacks (§24-521), front yard (§24-34), side yard (§24-35), rear yard (§24-36), and parking (§25-18, 25-31) requirements. R3-2 zoning district.

PREMISES AFFECTED – 1782-1784 East 28th Street, west side of East 28th Street between Quentin road and Avenue R, Block 06810, Lots 40 & 41, Borough of Brooklyn.

COMMUNITY BOARD #15BK

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 23, 2015, at 10 A.M., for decision, hearing closed.

301-13-BZ

APPLICANT – Eric Palatnik, P.C., for Rabbi Mordechai Jofen, owner.

SUBJECT – Application November 12, 2013 – Variance (72-21) to add three floors to an existing one story and basement UG 4 synagogue for a religious-based college and post graduate (UG 3) with 10 dormitory rooms, contrary to sections 24-11, 24-521, 24-52,24-34(a),24-06. R5B zoning district.

PREMISES AFFECTED – 1502 Avenue N, southeast Corner of East 15th Street and Avenue N, Block 6753, Lot 1, 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 June 16, 2015, at 10 A.M., for decision, hearing closed.

60-14-BZ

APPLICANT – Law Office of Jay Goldstein, PLLC, for Sephardic Congregation of Kew Gardens Hills, owners.

SUBJECT – Application April 11, 2014 – Variance (§72-21) to enlarge a community facility (*Sephardic Congregation*), contrary to floor lot coverage rear yard, height and setback (24-00). R4-1 zoning district.

PREMISES AFFECTED – 141-41 72nd Avenue, 72nd Avenue between Main Street and 141st Street, Block 6620, Lot 41, Borough of Queens.

COMMUNITY BOARD #8Q

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 July 14, 2015, at 10 A.M., for continued hearing.

**REGULAR MEETING
TUESDAY AFTERNOON, MAY 19, 2015
1:00 P.M.**

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

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

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 23, 2015, at 10 A.M., for decision, hearing closed.

Ryan Singer, Executive Director