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DOCKETS

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42-15-A
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43-15-BZ
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44-15-BZ
145 Central Park North, Central Park North between Adam Clayton Powell and Lenox Avenue, Block 01820, Lot(s) 0006, Borough of **Manhattan, Community Board: 10**. Variance (§72-21) to permit the construction of of a conforming fourteen-story, (UG 2) residential building containing 24 dwelling units contrary to the maximum building height and front setback requirements (§23-633 and rear setback requirements (§23-633(b). R8 zoning district R8 district.

45-15-BZ
23-10 41st Avenue, between 23rd and 24th Streets, Block 00413, Lot(s) 0022, Borough of **Queens, Community Board: 1.** Special Permit (§73-36) to allow the operation of a physical culture establishment (Rock Climbing Facility) C5-3 zoning district. M1-5/R7-3 (LIC) zoning district. M1-5/R7-3 (LIC) district.

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

CALENDAR

MARCH 31, 2015, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, March 31, 2015, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

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 conversation 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

35-10-BZ
APPLICANT –Sheldon Lobel, P.C., for Torath Haim Ohel Sara, owner.
SUBJECT – Application September 24, 2014 – Extension of Time to Obtain a Certificate of Occupancy of a previously approved Variance (§72-21) which permitted the legalization of an existing synagogue (Congregation Torath Haim Ohel Sara), contrary to front yard (§24-34), side yard (§24-35) and rear yard (§24-36), which expired on March 8, 2012; Amendment to permit minor changes to the construction; Waiver of the rules. R4 zoning district.
PREMISES AFFECTED –144-11 77th Avenue, between Main Street and 147th Street, Block 6667, Lot 45, Borough of Queens.
COMMUNITY BOARD #8Q

APPEALS CALENDAR

16-15-A
APPLICANT – Sheldon Lobel, P.C., for Alan Bigel, owner; Blue School, lessee.
SUBJECT – Application January 23, 2015 – BCG304 to permit the redevelopment of the existing building, The Blue School, a new middle school, located within a flood hazard area. C6-2 zoning district.
PREMISES AFFECTED – 233-235 Water Street, east of the intersection of Water Street and Beekman Street, Block 97, Lot 49, Borough of Manhattan.
COMMUNITY BOARD #1M

MAARCH 31, 2015, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, March 31, 2015, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

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

171-14-A & 172-14-BZ
APPLICANT – Law Office of Steven Simicich, for Dxngrnt2, LLC, owner.
SUBJECT – Application July 22, 2014 – Proposed construction of a single family detached home on the site which a portion is located within the bed of a mapped street, pursuant to the General City Law 35 and requires a waiver under ZR Section 72-01(g). Variance (§72-21) to allow for the reduction in the required front yard fronting from 10' to 4'. R3A zoning district.
PREMISES AFFECTED – 235 Dixon Avenue, corner of Dixon and Granite Avenue, Block 1172, Lot 244, Borough of Staten Island.
COMMUNITY BOARD #1SI

204-14-BZ
APPLICANT – Sheldon Lobel, P.C., for Wythe Berry LLC, owner.
SUBJECT – Application August 25, 2014 – Special Permit (§73-44) for reduction of required off-street parking spaces for proposed ambulatory diagnostic or treatment health care facilities (UG 4A) and commercial office use (UG 6B listed in Use Group 4 and PRC-B1. M1-2 Zoning District.
PREMISES AFFECTED –55 Wythe Avenue, between North 12th Street and North 13th Street, Block 2283, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #1BK

Ryan Singer, Executive Director

MINUTES

REGULAR MEETING
TUESDAY MORNING, MARCH 10, 2015
10:00 A.M.

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

SPECIAL ORDER CALENDAR

25-57-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for 221-016 Merrick Blvd. Associates, LLC, owner.
SUBJECT – Application July 31, 2014 – Amendment (§11-413) to permit a change in use (UG 6 retail use) of an existing commercial building in conjunction with alteration of an existing commercial building, demolition of three existing commercial buildings and construction of a new commercial building located within a C2-3 and R3A zoning district.
PREMISES AFFECTED – 221-18 Merrick Blvd, southwest corner of intersection of Merick Blvd. and 221st Street, Block 13100, Lot(s) 22 & 26, Borough of Queens.
COMMUNITY BOARD #13Q
ACTION OF THE BOARD – Laid over to March 31, 2015, at 10 A.M., for continued hearing.

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 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 May 19, 2015, at 10 A.M., for postponed hearing.

76-12-BZ
APPLICANT – Sheldon Lobel, P.C., for Alexander and Inessa Ostrovsky, owners.
SUBJECT – Application April 25, 2014 – Amendment to modify the previously granted special permit (§73-622) for the enlargement of an existing single-family detached residence. R3-1 zoning district.
PREMISES AFFECTED – 148 Norfolk Street, west side of Norfolk Street between Oriental Boulevard and Shore Boulevard, Block 8756, Lot 18, Borough of Brooklyn.
COMMUNITY BOARD #15BK
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 March 31, 2015, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

131-11-A thru 133-11-A
159-14-A thru 161-14-A
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Dalip Karpuzzi, Luizime Karpuzzi, owners.
SUBJECT – Application September 6, 2011& July 7,2014 - Proposed construction of three two story dwellings with parking garages located within the bed of a mapped street, contrary to General City Law Section 35. R3-1 zoning district.
PREMISES AFFECTED – 464, 468 Arthur Kill Road, 120 Pemberton Avenue, intersection of Arthur Kill Road and Giffords Lane, Block 5450, Lot 35, 36, 37, Borough of Staten Island.
COMMUNITY BOARD #3SI
ACTION OF THE BOARD – Laid over to April 21, 2015, at 10 A.M., for continued hearing.

95-14-A
APPLICANT – Bernard Marson, for BBD & D Ink., owner.
SUBJECT – Application May 5, 2014 – MDL 171 &4.35 to allow for a partial one-story vertical enlargement (*Penthouse*) of the existing 3 story and basement building located on the site. Pursuant to the 310 MDL. R8 zoning district.
PREMISES AFFECTED – 237 East 72nd Street, north Side of East 72nd Street 192.6' West of 2nd Avenue, Block 1427, Lot 116, Borough of Manhattan.
COMMUNITY BOARD #8M
ACTION OF THE BOARD – Laid over to April 21, 2015, at 10 A.M., for continued hearing.

140-14-A
APPLICANT – Eric Palatnik, P.C., for 1016 East 13th Realty, LLC, owner.
SUBJECT – Application June 16, 2014 – Appeal seeking a determination that the owner has acquires a common law vested rights to complete construction under the prior C4-3A/R6 zoning district. R5 zoning district
PREMISES AFFECTED – 1016 East 16th 13th Street, Block 6714, Lot 11, 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 March 31, 2015, at 10 A.M., for decision, hearing closed.

163-14-A thru 165-14-A
APPLICANT – Ponte Equities, for Ponte Equities, Ink, owner.
SUBJECT – Application July 10, 2014 – Appeal seeking waiver of Section G304.1.2 of the NYC Building Code to permit a conversion of a historic structure from commercial to residential in a flood hazard area. C6-2A zoning district.
PREMISES AFFECTED – 502, 504, 506 Canal Street, Greenwich Street and Canal Street, Block 595, Lot 40, 39, 38, Borough of Manhattan.
COMMUNITY BOARD #1M

ACTION OF THE BOARD – Laid over to April 14, 2015, at 10 A.M., for continued hearing.

ZONING CALENDAR

78-11-BZ
CEQR #11-BSA-104Q
APPLICANT – Sheldon Lobel, P.C., for Indian Cultural and Community Center, Incorporated, owner.
SUBJECT – Application May 27, 2011 – Variance (§72-21) to allow for the construction of two assisted living residential buildings, contrary to use regulations (§32-10).
PREMISES AFFECTED – 78-70 Winchester Boulevard, Premises is a landlocked parcel located just south of Union Turnpike and west of 242nd Street, Block 7880, Lots 550, 500 Borough of Queens.
COMMUNITY BOARD #13Q
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez...4
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated April 27, 2011, acting on DOB Application No. 420340349, reads, in pertinent part:

Proposed residential use is contrary to ZR § 32-11;

and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site within a C8-1 zoning district, the construction of a four-story mixed residential (Use Group 2) and community facility (Use Group 4) building with 57 dwelling units for persons 55 years of age or older, contrary to ZR § 32-11; and

WHEREAS, the applicant filed companion cases under BSA Calendar Nos. 33-12-A, 34-12-A, 35-12-A, 36-12-A, and 37-12-A, pursuant to General City Law § 36, to allow the proposed construction not fronting on a mapped street; those applications were granted on March 10, 2015; and

WHEREAS, a public hearing was held on this application on September 10, 2013, after due notice by publication in the *City Record*, with continued hearings on February 25, 2014, September 23, 2014 and November 25, 2014, and then to decision on March 10, 2015; and

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

WHEREAS, this application is brought on behalf of the Indian Cultural and Community Center, Inc. ("ICCC"), a secular, non-profit corporation; the applicant represents that ICCC was formed in 2002 to enable the creation of a common facility in which to (1) conduct the community's social and cultural activities and (2) provide services, including housing, for seniors; and

WHEREAS, the applicant notes that ICCC acquired the site from the Dormitory Authority of the State of New York ("DASNY") in July 2008; the deed from DASNY to ICCC states that the site "shall only be used for community activities and social gatherings" and that "so long as the property is owned by [ICCC] the property may be used by [ICCC] to provide a residential facility for the aged at which a spouse and dependent children may reside and at which assistive services may be provided"; and

WHEREAS, the Board notes that the application has been significantly altered through the hearing process; originally, the applicant sought approval for two, nine-story buildings (the "Original Application"); one building was proposed to have both residential and community facility uses, a maximum building height of nearly 98 feet, 89,946 sq. ft. of floor area (1.08 FAR) and 72 dwelling units; the other building would be entirely residential, have a building height of 97 feet, 87,964 sq. ft. of floor area (1.06 FAR) and 71 dwelling units; in total, the original proposal reflected the construction of 143 dwelling units and 177,910 sq. ft. of floor area (2.14 FAR) at the site; and

WHEREAS, through the hearing process, the application was amended to reflect one four-story building, with a maximum building height of 43'-6" (excluding bulkheads), 66,563 sq. ft. of floor area (0.80 FAR) (10,380 sq. ft. of community facility floor area and 56,183 sq. ft. of residential floor area), and 57 dwelling units (the "Amended Application" or the "proposal"); and

WHEREAS, Community Board 13, Queens, recommended disapproval of the Original Application and recommends disapproval of the Amended Application; the community board's primary concern is that the proposed use and bulk are inconsistent with the character of the surrounding neighborhood; and

WHEREAS, State Senator Tony Avella testified in opposition to both the Original Application and the Amended Application, citing the following primary concerns: (1) ICCC's alleged improprieties in obtaining the site from the State of New York; (2) the proposed use, which he considers inconsistent with the deed restrictions; (3) the bulk of the proposed building, which he considers incompatible with the

surrounding neighborhood; and (4) concerns about the traffic and parking impacts of the community center; and

WHEREAS, Assemblyperson Barbara Clark submitted testimony in opposition to the Original Application, citing concerns regarding neighborhood character; and

WHEREAS, Councilmember Mark Weprin submitted testimony in opposition to both the Original Application and the Amended Application, expressing concerns regarding ICCC's request to provide a residential facility, which he characterizes as inconsistent with the state legislation that authorized DASNY to sell the site to ICCC; and

WHEREAS, certain members of the surrounding community, including members of the Bellerose Hillside Civic Association, the Rocky Hill Civic Association, the Creedmoor Civic Association, the Bellerose Commonwealth Civic Association, the North Bellerose Civic Association, the Queens Colony Civic Association, the Glen Oaks Village Owners Association, Eastern Queens United, and the Queens Civic Congress, and some members represented by counsel, submitted testimony in opposition to the Original Application and the Amended Application (the "Opposition"); and

WHEREAS, the Opposition identified the following reasons for its objection to the Original Application: (1) ICCC's alleged improprieties in obtaining the site from the State of New York; (2) the bulk and density of the proposed building, which the Opposition asserts is incompatible with the surrounding neighborhood; (3) concerns about the traffic and parking impacts of the community center; (4) the loss of trees and open space; and (5) ICCC's financial and technical ability to construct and manage the proposed facility; and

WHEREAS, certain members of the surrounding community submitted testimony in support of both Original and Amended Applications; and

WHEREAS, the subject site is an irregularly-shaped lot located south of Union Turnpike and west of 242nd Street, within a C8-1 zoning district; and

WHEREAS, the site, which does not front on a mapped street, is located within the boundaries of the Creedmoor Psychiatric Center Campus ("Creedmoor"), an approximately 300-acre parcel bounded by Union Turnpike, Winchester Boulevard, Hillside Avenue, and the Cross-Island Parkway; and

WHEREAS, the site has approximately 83,252 sq. ft. of lot area and has been used for vehicle storage and other industrial uses; and

WHEREAS, as noted above, the applicant seeks to construct a four-story building with a maximum building height of 43'-6" (excluding bulkheads), 66,563 sq. ft. of floor area (0.80 FAR) (10,380 sq. ft. of community facility floor area and 56,183 sq. ft. of residential floor area), 57 dwelling units, and 75 parking spaces; and

WHEREAS, pursuant to ZR § 32-11, Use Group 2 is not permitted within the subject C8-1 zoning district; and

WHEREAS, accordingly, the proposed residential use requires a variance; and

WHEREAS, the applicant asserts that the site qualifies for the requested variance under ZR § 72-21; and

WHEREAS, the applicant states that, per ZR § 72-21(a), the following are unique physical conditions that create practical difficulties and unnecessary hardship in developing the site in conformance with applicable regulations: (1) the site's lack of street frontage; (2) the site's irregular shape; (3) the site's elevation below Union Turnpike; (4) the site's lack of critical infrastructure; (5) the site's excessive preparation costs; and (6) a deed restriction that limits the uses permitted at the site; and

WHEREAS, the applicant states that despite its substantial lot area, the site does not front on any mapped street and is accessed only by historic Creedmoor campus roads by right of easement; as such, the site is less desirable for conforming uses that require immediate access to the public street system for operational or practical purposes and therefore will command comparatively lower rents than sites of similar size; and

WHEREAS, the applicant asserts that while the lack of frontage is not unusual within Creedmoor, it is not the prevailing condition in the surrounding area; and

WHEREAS, the applicant states that the site has an unusual shape, in that it resembles the lateral half of an arrowhead with the tip removed; such shape in combination with the yards and distance between buildings requirements of the Zoning Resolution result in an inefficient use of the site; and

WHEREAS, the applicant states that the site is located approximately nine feet below the street grade of Union Turnpike; such elevation change results in additional site preparation costs; and

WHEREAS, the applicant states that the site lacks critical infrastructure, including water mains, site grading, paving (roads and sidewalks), curbs, hydrants, storm water drywells, sewer lines, and gas lines, which results in premium construction costs; and

WHEREAS, the applicant identifies a number of other unusual site preparation costs, which it states are related to the historic Creedmoor use and which, it asserts, contribute to the uniqueness of the site; these include costs related to: (1) substantial overgrowth of vegetation and debris that must be removed from the site prior to commencement of any work; (2) an obsolete underground system of pumps and pipes that must be closed and/or capped; (3) existing wells that must be filled and capped; (4) a concrete water storage tank that must be removed; (5) demolition of potentially-contaminated structures; and (5) removal of topsoil to a depth of 1'-6" due to concerns regarding contamination owing to the site's industrial use; and

WHEREAS, finally, the applicant states that the site is uniquely burdened by use restrictions contained in the deed; in particular, as noted above, by its terms the deed prohibits commercial uses at the site; further, the deed allows only (a) community facility uses and (b) ICCC-owned residences for the "aged"; therefore, unlike typical C8-1 sites, this site may only be used for two uses: a community facility (as-of-right) and/or senior housing (but not without a use variance or a rezoning); and

WHEREAS, thus, the applicant asserts that the site's unique combination of physical conditions—and their attendant premium construction costs—make a conforming development at the site impractical; and

WHEREAS, in addition, the applicant asserts that ICCC's programmatic need to provide a community cultural center and affordable housing for seniors creates practical difficulties in developing the site in conformance with the use regulations; and

WHEREAS, specifically, the applicant states that although the Original Application, which proposed 143 dwelling units, was designed to allow the site to provide permanent affordable housing for seniors, ICCC will endeavor to make the 57 dwelling units proposed in the Amended Application as affordable as possible; and

WHEREAS, the applicant also states that as-of-right development of the site—a six-story ambulatory diagnostic or treatment health care facility (Use Group 4) with 135,426 sq. ft. of floor area (1.63 FAR)—does not produce sufficient returns to offset the above-noted premium construction costs or result in a building that will satisfy ICCC's programmatic needs; and

WHEREAS, the Board is not persuaded that any of the following site characteristics has been shown to be both unique and a hardship: the site's lack of street frontage, irregular shape, elevation below Union Turnpike, or the deed restriction; and

WHEREAS, as to the lack of street frontage, the Board acknowledges that not fronting on a mapped street is unusual in certain neighborhoods, including the subject neighborhood (excluding the Creedmoor site); however, the applicant did not demonstrate that its lack of frontage created a practical difficulty in developing the site as-of-right; and

WHEREAS, as to the irregular shape, the Board finds that the site is irregular, to be sure, but the Board also finds that the impact of such irregularity is mitigated significantly by the large size of the site; and

WHEREAS, as to the elevation below Union Turnpike, the Board finds that the applicant did not substantiate the uniqueness of this condition and it did not explain how practical difficulties or unnecessary hardships arise from the condition; and

WHEREAS, as to the deed restriction, the Board observes that deed restrictions mandating a use contrary to the Zoning Resolution are rare; however, the record reflects that ICCC specifically negotiated the terms of the conveyance and agreed to the restrictions of the deed1; as such, this particular unique condition was self-created and therefore cannot be used to satisfy the (a) finding of ZR § 72-21; and

WHEREAS, nevertheless, the Board agrees with the applicant that the site's considerable lack of critical infrastructure is a unique physical condition that creates practical difficulties and unnecessary hardship in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, the Board also recognizes that while some site preparation is required for virtually all sites, the subject site requires significantly more site preparation than the typical site; thus, site conditions that individually would not be considered unique can become unique when considered in the aggregate; and

WHEREAS, finally, the Board acknowledges ICCC's stated programmatic need to provide affordable housing for seniors and finds that such needs cannot be satisfied with an as-of-right development at the site; however, the Board rejects that such need, in and of itself, may be substituted for a finding of uniqueness, notwithstanding that ICCC is a non-profit corporation; and

WHEREAS, initially, the applicant contended that as a non-profit corporation, it did not have to demonstrate, per ZR § 72-21(b), that there is no reasonable possibility that the development of the site in conformance with the Zoning Resolution will bring a reasonable return; the applicant reasoned that because it was a non-profit satisfying its programmatic needs, it did not have to demonstrate a financial hardship; and

WHEREAS, the Board disagrees and notes that nothing in the Board's precedents or relevant case law allow non-profit organizations without educational and/or religious missions to rely exclusively on their programmatic needs to satisfy ZR § 72-21(a); and

WHEREAS, because the Board rejects ICCC's stated programmatic needs as the primary basis for satisfying 72-21(a), correspondingly, the Board finds it necessary for the applicant to satisfy ZR § 72-21(b); and

WHEREAS, thus, in addition to the proposal, the applicant examined the economic feasibility of constructing a six-story ambulatory diagnostic or treatment health care facility (Use Group 4) with 135,426 sq. ft. of floor area (1.63 FAR); and

WHEREAS, the applicant concluded that only the proposal results in an acceptable rate of return, making it economically viable; the applicant also states that only the proposal will allow ICCC to fulfill the portion of its non-profit mission to provide affordable housing for seniors; and

WHEREAS, the Board acknowledges the Opposition's concerns about ICCC's financial and technical ability to construct the building as proposed; however, such concerns do not provide a basis for the Board to deny a variance application; and

WHEREAS, based upon its review of the applicant's

1 The Board also acknowledges, as discussed at length by the Opposition and by elected officials, that the New York State Inspector General published a report that identified a number of irregularities and misstatements in the negotiations between ICCC and DASNY over the site. The Board takes no position on the propriety of the transaction, except insofar as it does not credit the deed restriction as a unique physical condition. The Board also notes that neither the Inspector General, nor the New York State Attorney General has taken further action with respect to ICCC and/or the site.

economic analysis, the Board has determined that because of the site's unique physical conditions, there is no reasonable possibility that development in strict conformance with applicable zoning requirements will provide a reasonable return or allow ICCC to provide affordable housing for seniors; and

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

WHEREAS, the applicant contends that the proposed residential use is more in keeping with nearby uses than uses that are permitted as-of-right in the subject C8-1 district; and

WHEREAS, the applicant states that the surrounding neighborhood is characterized by its diversity, both in terms of use and bulk; west and south of the site are various mid-rise Creedmoor facility buildings, including two approximately 15-story smoke stacks, and an adjacent salt dome that is approximately five stories; east of the site is a low-density residential neighborhood with mostly one- and two-story, single- and two-family homes; north of the site are additional Creedmoor buildings, including the approximately 20-story main hospital building, and the intersection of the Cross-Island Parkway and Union Turnpike, two major arterial roadways; and

WHEREAS, at hearing, some members of the Opposition expressed concerns regarding the development of the site with anything other than community facility uses, while others opposed the community facility itself, citing concerns regarding traffic, parking, the loss of trees and open space, and the altering of the street system to accommodate development at the site; and

WHEREAS, in addition, the Opposition stated that the proposed height and multi-family use was not in keeping with the low-rise neighborhoods east and south of the site and would negatively affect property values; and

WHEREAS, the Board finds that while the Original Application was not compatible with the surrounding neighborhood, the Amended Application reflects an appropriate intermediate height between the mid- to high-rise buildings of the Creedmoor campus and the low-rise buildings to the south and east of the site; as to the multifamily use, the Board finds that it is: (1) necessary to defray the costs associated with the unique hardships of the site; (2) in furtherance of ICCC's stated programmatic needs to provide affordable housing for seniors; and (3) significantly more compatible with the homes in the nearby R2A district than the majority of uses that are permitted as-of-right in the subject C8-1 district; and

WHEREAS, as to general concerns regarding the proposed community facility use, the Board notes that community facility uses are permitted as-of-right in the subject C8-1 district and have maximum permitted FAR of 2.4; thus, this particular community facility will be, at 0.12 FAR, nearly one-twentieth of its permitted size; and

WHEREAS, turning to bulk, as noted above, through the hearing process and in response to concerns articulated by the Opposition and by the Board, the applicant significantly scaled down the size and changed the nature of the project, from two nine-story mixed residential and community facility buildings with heights in excess of 95 feet and a total of 143 dwelling units and 177,910 sq. ft. of floor area (2.14 FAR) to one four-story mixed residential and community facility building with a maximum building height of less than 45 feet, 57 dwelling units, and 66,563 sq. ft. of floor area (0.80 FAR); and

WHEREAS, the applicant states that while the proposed 0.8 FAR is higher than the 0.5 FAR permitted in the nearby R2A district, it is fully one-third the maximum permitted community facility FAR at the site (2.4 FAR); and

WHEREAS, the applicant also notes that the proposed building height of 43'-6" reflects a building height that is only 8'-6" taller than the maximum permitted building height in the adjacent R2A district (35'-0"); the applicant asserts that the proposed height is mitigated by the location of the building on the northwest portion of the site, approximately 30 feet away from the rear lot lines of the adjacent R2A sites, and by the provision of substantial buffering (trees) along the shared boundary with the R2A sites; and

WHEREAS, as to traffic and parking, the Board notes that it directed the applicant to provide traffic and parking analyses and such analyses revealed that the Amended Application—which includes 75 parking spaces—will not have a significant impact on either traffic or parking; and

WHEREAS, therefore, 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 also finds that, consistent with ZR § 72-21(d), the unique hardships acknowledged by the Board herein were not created by the owner or a predecessor in title, but are a function of the site's historic use as part of the Creedmoor campus; and

WHEREAS, finally, the Board finds that the Amended Application is the minimum variance necessary to afford relief, as set forth in ZR § 72-21(e); the Board notes that the minimum variance necessary was achieved following numerous hearings, hours of public testimony, months of scrutiny by Board members, and three major design revisions by the applicant; and

WHEREAS, accordingly, 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 Final Environmental Assessment Statement (EAS) CEQR No. 11-BSA-104Q, dated February 21, 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 Department of Environmental Protection recommends that an "E" designation for hazardous materials be placed on the site as part of the approval; and

WHEREAS, the "E" designation requires an environmental review by the New York City Office of Environmental Remediation ("OER"), which must be satisfied before DOB will issue building permits for the property; 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 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance, to permit, on a site within a C8-1 zoning district, the construction of a four-story mixed residential (Use Group 2) and community facility (Use Group 4) building with 57 dwelling units for persons 55 years of age or older, contrary to ZR § 32-11, *on condition* that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 5, 2015"- nine (9) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the site and building: four stories, a maximum of 66,563 sq. ft. of floor area (0.80 FAR) (10,380 sq. ft. of community facility floor area and 56,183 sq. ft. of residential floor area), a maximum of 57 dwelling units, 75 parking spaces, and yards, open space, and site-circulation and configuration as set forth in the BSA-approved plans;

THAT an E designation (E-360) is placed on the site to ensure proper hazardous materials remediation;

THAT the occupancy of the dwelling units shall be limited to persons 55 years of age or older;

THAT no commercial catering shall be permitted at the site;

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

THAT any change in the owner or operator of the site shall be subject to the Board's approval;

THAT the above conditions shall be listed 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 March 10, 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 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, March 10, 2015.

33-12-A thru 37-12-A

APPLICANT – Sheldon Lobel, P.C., for Indian Cultural and Community Center, Incorporated, owner.

SUBJECT – Application February 9, 2012 – Proposed construction of two mixed use buildings that do not have frontage on a legally mapped street, contrary to General City Law Section 36. C8-1 Zoning District.

PREMISES AFFECTED – 78-70 Winchester Boulevard, Premises is a landlocked parcel located just south of Union Turnpike and west of 242nd Street, Block 7880, Lots 550, 500 Borough of Queens.

COMMUNITY BOARD #13Q

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 –

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated February 1, 2012, acting on DOB Application No. 420340848, reads, in pertinent part:

> The proposed development is contrary to General City Law Section 36, and does not have at least 8% of the total perimeter of the building fronting directly upon a street or frontage space per building Code Section 27-291; and

WHEREAS, this is an application, filed pursuant to General City Law §36, to allow the proposed construction not fronting on a mapped street; and

WHEREAS, the applicant filed a companion case under BSA Calendar No. 78-11-BZ, to permit, pursuant to ZR § 72-21, on a site within a C8-1 zoning district, the construction of a four-story mixed residential (Use Group 2) and community facility (Use Group 4) building with 57 dwelling units for persons 55 years of age or older, contrary to ZR § 32-11.

WHEREAS, a public hearing was held on this application on September 10, 2013, after due notice by

publication in *The City Record*, with continued hearings on February 25, 2014, July 22, 2014, September 23, 2014, and November 25, 2014, and then to decision on March 10, 2015; and

WHEREAS, the site, which does not front on a mapped street, is located within the boundaries of the Creedmoor Psychiatric Center Campus ("Creedmoor"), an approximately 300-acre parcel bounded by Union Turnpike, Winchester Boulevard, Hillside Avenue, and the Cross-Island Parkway; and

WHEREAS, the site has approximately 83,252 sq. ft. of lot area and has been used for vehicle storage and other industrial uses; and

WHEREAS, the applicant seeks to construct a four-story building with a maximum building height of 43'-6" (excluding bulkheads), 66,563 sq. ft. of floor area (0.80 FAR) (10,380 sq. ft. of community facility floor area and 56,183 sq. ft. of residential floor area), 57 dwelling units, and 75 parking spaces; and

WHEREAS, the applicant states that the site (both lots 500 and 550) does not have any frontage on a mapped street, but is benefitted by easements over the Creedmoor street grid and to access 82nd Avenue; and

WHEREAS, by letter dated May 31, 2013, the applicant, in response to a request made by the FDNY, provided the FDNY with revised drawings showing: (1) easement access from the subject site; (2) the location of proposed fire hydrants; (3) information about water pressure at the site; (4) parking restrictions at the site; (5) information regarding proposed automatic sprinklers and fire alarm systems; and (6) the location of the vehicular easement through Creedmoor; and

WHEREAS, by letter dated June 19, 2013, the FDNY advised the Board that the following conditions must be met: (1) the applicant must obtain approval for a private water supply capable of supporting the NYC Fire Code required fire hydrants and sprinkler systems; (2) the minimum road width from the intersection of all public streets leading to the main entrance of all buildings contained within the boundaries of the site shall be at least 30 feet from curb to curb (and, in instanced in which the roadway is less than 38 feet, there shall be no parking permitted, at any time); (3) all buildings must be fully sprinklered as per the 2008 New York City Construction Codes; (4) fire hydrants must be installed so that at least 1 hydrant is within 250 feet for the main front entrance of each building and that siamese connections to those buildings are not more than 100 feet from at least one hydrant; and (5) that the locked gate at 82nd Avenue, west of 242nd Street, shall be removed in its entirety to as to provide access from 82nd Avenue; and

WHEREAS, on December 16, 2014, the applicant submitted a revised site plan showing: (1) that all siamese connections at the subject site are within 100 feet of a fire hydrant; (2) that no standing is permitted along the proposed roadways within the site; and (3) a code compliant gate facing 82nd Avenue; and

WHEREAS, by letter dated January 16, 2015, the FDNY stated that it has no objection to the application provided the following conditions are complied with: (1) all buildings submitted in this application must be fully sprinklered; (2) the applicant is required to install fire hydrant(s) as indicated in their plans, within 250 feet of the main entrances of the new buildings and within 100 feet of any siamese connections; (3) the applicant is required to ensure that all hydrants associated with this application are supplied by a minimum 8-inch diameter water main; (4) road dimensions and layout shall be in accordance with GCL – 100.00 and GCL 101.00; and (5) there shall be no gate or obstruction installed on 82nd Avenue unless such gate or obstruction has been submitted to and approved by the FDNY; and

WHEREAS, by letter dated January 22, 2015, the applicant advised the Board that the revised site plan incorporate the foregoing requirements; 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 decision of the Department of Buildings ("DOB"), dated February 1, 2012, acting on DOB Application No. 420340848, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction will substantially conform to the drawings filed with the application marked "January 23, 2015"- (2) sheets; and *on further condition*

THAT the proposal will comply with all applicable zoning district requirements and all other applicable laws, rules, and regulations;

THAT all required approvals from the Department of City Planning will be obtained prior to the issuance of building permits;

THAT the proposed buildings shall be fully sprinklered in accordance with BSA-approved plans;

THAT fire hydrants shall be installed as per the BSA-approved, within 250 feet of the main entrances of the new buildings and within 100 feet of any siamese connections;

THAT all fire hydrants associated with this application shall be supplied by a minimum 8-inch diameter water main;

THAT all road dimensions and layouts within the site shall be in accordance with GCL – 100.00 and GCL 101.00;

THAT any gate or obstruction installed on 82nd Avenue shall be as approved by the FDNY;

THAT any and all conditions requested by the Fire Department shall be implemented before the Temporary Certificate of Occupancy and Certificate of Occupancy are issued;

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

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

THAT the approved plans will be considered approved

only for the portions related to the specific relief granted; and

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

Adopted by the Board of Standards and Appeals on March 10, 2015.

45-14-BZ

APPLICANT – Eric Palatnik, P.C., for Athina Orthodoxou, owner.

SUBJECT – Application March 18, 2014 – Special Permit (§73-622) to enlarge an existing semi-detached two story dwelling and to vary the floor area ratio requirements, and to convert the one family home into a two family home. R4-1 zoning district.

PREMISES AFFECTED – 337 99th Street, between 3rd and 4th Avenues, Block 6130, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #10BK

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 June 28, 2014, acting on DOB Application No. 320921909, denied the application on the basis of the bulk of the proposed building; and

WHEREAS, this is an application under ZR § 73-622, to permit, on a site within an R4-1 zoning district, within the Special Bay Ridge District, the proposed enlargement of a non-complying two-story, two-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 October 21, 2014, after due notice by publication in *The City Record*, with continued hearings on November 25, 2014, January 6, 2015 and February 10, 2015, and then to decision on March 10, 2015; and

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

WHEREAS, Community Board 10, Brooklyn, recommends approval of the application; and

WHEREAS, the subject non-complying site is located on the north side of 99th Street, between 3rd Avenue and 4th Avenue, within an R4-1 zoning district within the Special Bay Ridge District; and

WHEREAS, the site has 22 feet of frontage along 99th Street, a depth of 100 feet, and 2,200 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story, two-family home with 2,137.81 sq. ft. of floor area (0.97 FAR); and

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

WHEREAS, the applicant now seeks to enlarge the building, resulting in an increase in the floor area from 2,137.81 sq. ft. (0.97 FAR) to 2,563.85 sq. ft. (1.16 FAR); the maximum permitted floor area is 1,650 sq. ft. (0.75 FAR); and

WHEREAS, the applicant seeks to decrease its rear yard from 35'-8" to 20'-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, at a hearing, the Board expressed concern about the impact of the proposed FAR and 20'-0" rear yard; and

WHEREAS, the applicant stated that the proposed enlargement of the building is at the basement level only, which has a height of approximately 9'-0" above curb level, and that only the basement level will encroach into the 30'-0" required rear yard; and

WHEREAS, the applicant submitted a rear yard study to support its assertion that the proposed 20-0" rear yard at the basement level was characteristic of buildings on the block and consistent with neighborhood character; and

WHEREAS, the applicant submitted a land use study showing sites within 400' of the subject site which are 40 feet or less in width containing residential buildings with an FAR of .9 or greater, including 22 buildings with an FAR equal to or in excess of the proposed building; and

WHEREAS, the Board notes that the total height of the subject building (27'-0") and the wall height of the subject building (15'-0") will not be increased; 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 R4-1 zoning district, within the Special Bay Ridge District, the proposed enlargement of a two-story, two-family home, which does not comply with the zoning requirements for 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 November 12, 2014"–(9) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 2,563.85 sq. ft. (1.16 FAR) and a rear yard with a minimum depth of 20'-0", as illustrated on the BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited 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 March 10, 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, March 10, 2015.

157-14-BZ

APPLICANT – Lewis Garfinkel, for Cham Tessler, owner.

SUBJECT – Application July 3, 2014 – Special Permit (§73-622) for the enlargement of an existing single family, two story semi-detached residence to be combined into a single family, two story detached residence contrary to floor area and open space ZR 23-141; side yard ZR 23-461 and less than the required rear yard ZR 23-47. R-2 zoning district.

PREMISES AFFECTED – 1151 East 29th Street, east side of East 29th St. 360 feet north from the corner of Avenue L, Block 7629, Lot 24, 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 –

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated July 1, 2014, acting on DOB Application No. 320917273, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141(A) in that the proposed floor area ration (FAR) exceeds the permitted 50%;
2. Proposed plans are contrary to ZR 23-141 (A) in that the proposed open space ratio (OSR) is less than required 150%;
3. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than 30'-0"' and

WHEREAS, this is an application under ZR § 73-622, to permit, on a site within an R2 zoning district, the proposed enlargement of a single-family home consisting of two formerly independent two-story semi-detached homes, which does not comply with the zoning requirements for floor area ratio ("FAR"), open space ratio and rear yards, contrary to ZR §§ 23-141 and 23-47; and

WHEREAS, a public hearing was held on this application on February 24, 2014, after due notice by publication in *The City Record*, and then to decision on March 10, 2015; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown performed inspections of the subject site and 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 29th Street, between Avenue K and Avenue L, within an R2 zoning district; and

WHEREAS, the site has 40 feet of frontage along East 29th Street, a depth of 105 feet, and 4,200 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story, single-family home consisting of two formerly independent two-story semi-detached homes with 2,705 sq. ft. of floor area (0.64 FAR); and

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

WHEREAS, the applicant now seeks to enlarge the building, resulting in an increase in the floor area from 2,705 sq. ft. (0.64 FAR) to 3,178.40 sq. ft. (.76 FAR); the maximum permitted floor area is 2,100 sq. ft. (0.5 FAR); and

WHEREAS, the applicant seeks to decrease the open space ratio from 101 percent to 79 percent; the minimum required open space ratio is 150 percent; and

WHEREAS, the applicant seeks to decrease its rear yard from 39'-4" to 25'-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, at hearing, the Board expressed concern about the impact of the proposed FAR and 20'-0" rear yard; and

WHEREAS, the applicant submitted a land use study showing sites within 400' of the subject site 29 sites consisting of single- and two-family homes have FAR's ranging from .70 to 1.55; 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 two-story, single-family home consisting of two formerly independent two-story semi-detached homes, which does not comply with the zoning requirements for FAR, open space ratio, and rear yards, contrary to ZR §§ 23-141and 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 November 12, 2015"– (9) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 3,178.40 sq. ft. (.76 FAR), a minimum open space ratio of 79 percent and a rear yard with a minimum depth of 25'-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 March 10, 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, March 10, 2015.

203-14-BZ
CEQR #15-BSA-048M

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 16 West 8th LLC, owmer; 305 Fitness, lessee.

SUBJECT – Application August 25, 2014 – Special Permit §73-36 to permit a physical culture establishment (*305 Fitness*) within portions of an existing commercial building. C4-5 zoning district.

PREMISES AFFECTED – 18 West 8th Street, South side of West 8th Street, 97.2 feet east of intersection of West 8th Street and MacDougal Street. Block 551, Lot 23. Borough of Manhattan.

COMMUNITY BOARD #2M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated March 20, 2014, acting on DOB Application No. 121809445, reads, in pertinent part:

> The proposed Physical Culture Establishment in zoning district c4-5 is not a permitted use as of right…; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to legalize, on a site within a C4-5(LC) zoning district, and also with in an R6 zoning district, within the Greenwich Village Historic District, within a Special Limited Commercial District, an existing physical culture establishment (the "PCE") on the cellar and first story of a one-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on February 10, 2015 after due notice by publication in the *City Record*, and then to decision on March 10, 2015; and

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

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

WHEREAS, the subject site fronts on the south side of West 8th Street, between MacDougal Street and 5th Avenue, within a C4-5(LC) zoning district and also within an R6 zoning district, within the Greenwich Village Historic District, within a Special Limited Commercial District; and

WHEREAS, the site has approximately 100 feet of frontage along West 8th Street with a lot area of approximately 6,483 sq. ft.; and

WHEREAS, the northern portion of the site, to a depth of 50.33 feet from West 8th Street, is located in the C4-5(LC) zoning district, and the southern portion of the site (14.5 feet of depth at the rear of the site), is located within an R6 zoning district; and

WHEREAS, the Board notes that pursuant to ZR §77-11, because the subject zoning lot was in existence on December 15, 1961, and because more than 50 percent of the lot area of the subject site is located within the C4-5(LC) zoning district, and because the greatest distance from the district boundary to any lot line within the R6 zoning district is less than 25 feet, the C4-5(LC) zoning district regulation may apply to the entire lot; and

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

WHEREAS, the PCE occupies 3,058 sq. feet of floor space in the cellar of the building and 1,236 sq. ft. of floor area on the first floor of the Building, for a total floor area of 1,236 sq. ft.; and

WHEREAS, the PCE is operating as 305 Fitness; and

WHEREAS, the hours of operation for the PCE shall be Monday through Friday, from 5:30 a.m. to 10:30 p.m., and on Saturdays and Sundays from 7:00 a.m. to 7:00 p.m.; and

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

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

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

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

WHEREAS, the Landmarks Preservation Commission has approved the proposed alterations of the building by Certificate of No Effect No. 15-9815, dated July 8, 2014; and

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the Board notes that the term of the grant has been reduced to reflect the operation of the PCE without the special permit, which commenced on November 1, 2014; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 15-BSA-048M, dated August 25, 2014; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to legalize, on a site within a C4-5(LC) zoning district, and also with in an R6 zoning district, within the Greenwich Village Historic District, within a Special Limited Commercial District, the operation of a PCE on the first story and cellar of a one-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "January 29, 2015"- Four (4) sheets; and *on further condition*:

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

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

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

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

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by March 10, 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, March 10, 2015.

153-11-BZ

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

SUBJECT – Application September 21, 2011 – Re-instatement (§§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 April 28, 2015, at 10 A.M., for continued hearing.

174-13-BZ

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

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

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

COMMUNITY BOARD #7BX

ACTION OF THE BOARD – Off-Calendar.

176-13-BZ
APPLICANT – Sheldon Lobel, P.C., for 31 BSP LLC, owner.
SUBJECT – Application June 17, 2013 – Variance (§72-21) to permit Use Group 2 residential in an existing 6-story building with a new penthouse addition, contrary to Section 42-10 of the zoning resolution. M1-5B zoning district.
PREMISES AFFECTED – 31 Bond Street, southern side of Bond Street approximately 1170' from Lafayette Street, Block 529, Lot 25, Borough of Manhattan.
COMMUNITY BOARD # 2M
ACTION OF THE BOARD – Laid over to April 14, 2015, at 10 A.M., for deferred decision.

188-13-BZ & 189-13-A
APPLICANT – Rothkrug Rothkrug & Spector, for Linwood Avenue Building Corp., owner.
SUBJECT – Application June 25, 2013 – Special Permit (§73-125) to permit an ambulatory diagnostic or treatment health care facility.
Proposed building does not front on legally mapped street, contrary to Section 36 of the General City Law. R3-1 zoning district.
PREMISES AFFECTED – 20 Dea Court, south side of Dea Court, 101' West of intersection of Dea Court and Madison Avenue, Block 3377, Lot 100, Borough of Staten Island.
COMMUNITY BOARD #2SI
ACTION OF THE BOARD – Off-Calendar.

222-13-BZ
APPLICANT – Eric Palatnik, P.C., for 2464 Coney Island Avenue, LLC, owner.
SUBJECT – Application July 23, 2013 – Special Permit (§73-44) to allow the reduction of required parking for the use group 4 ambulatory diagnostic treatment healthcare facility. C8-1/R5 zoning district.
PREMISES AFFECTED – 2472 Coney Island Avenue, southeast corner of Coney Island Avenue and Avenue V, Block 7136, Lot 30, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Laid over to April 21, 2015, at 10 A.M., for continued hearing.

248-13-BZ
APPLICANT – Sheldon Lobel, P.C., for Moshe Benefeld, owner.
SUBJECT – Application August 23, 2014 – Special Permit (§73-622) for the enlargement of an existing single-family home, contrary to floor area and open space (23-141a); side yards (23-461). R2 zoning district.
PREMISES AFFECTED – 1179 East 28th Street, east side of East 28th Street, approximately 127' north of Avenue L, Block 7628, Lot 13, Borough of Brooklyn.
COMMUNITY BOARD #14BK
ACTION OF THE BOARD – Laid over to April 14, 2015, at 10 A.M., for continued hearing.

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 April 28, 2015, at 10 A.M., for continued hearing.

56-14-BZ
APPLICANT – Walter Gorman, P.E.P.C., for Leemilts Petroleum Ink., owner; Capitol Petroleum Group, lessee.
SUBJECT – Application April 10, 2014 – Re-Instatement (§11-411) of a variance which permitted an auto service station (UG16B), with accessory uses; Waiver of the Rules. C1-3/R3-A zoning district.
PREMISES AFFECTED – 161-51/6 Bailey Boulevard, northwest corner of Guy Brewer Boulevard, Block 12256, Lot 36, Borough of Queens.
COMMUNITY BOARD #12Q
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 March 31, 2015, at 10 A.M., for decision, hearing closed.

122-14-BZ
APPLICANT – Lewis E Garfinkel, for Ariel Boiangiu, owner.
SUBJECT – Application October 21, 2014 – Special Permit (§73-622) for the enlargement of an existing single family semi-detached home contrary to floor area and open space ZR 23-141; side yards ZR 23-461 and less than the required rear yard ZR 23-47. R2 zoning district.
PREMISES AFFECTED – 1318 East 28th Street, west side of 28th Street 140 feet of Avenue M, Block 7663, Lot 56, Borough of Brooklyn.
COMMUNITY BOARD #14BK
ACTION OF THE BOARD – Laid over to March 31, 2015, at 10 A.M., for continued hearing.

MINUTES

REGULAR MEETING
TUESDAY AFTERNOON, MARCH 10, 2015
1:00 P.M.

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

ZONING CALENDAR

46-14-BZ
APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Boerum Place LLC, owner; for Blink Atlantic Avenue, Inc., lessee.
SUBJECT – Application March 20, 2014 – Special Permit (§73-36) to allow the physical culture establishment (*Blink Fitness*) within portions of a new commercial building. C2-4 (R6A) (DB) zoning districts.
PREMISES AFFECTED – 252/60 Atlantic Avenue, southeast corner of intersection of Atlantic Avenue and Boerum Place, Block 181, Lot 1, 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 March 31, 2015, at 10 A.M., for decision, hearing closed.

143-14-BZ
APPLICANT – Eric Palatnik, P.C., for Wanda Y. Ng, owner; 99 Health Club Inc., lessee.
SUBJECT – Application June 20, 2014 – Special Permit (§73-36) to allow for the proposed physical culture establishment (*99 Health Club Inc.*) in the cellar, first and second floor of two story building in an M1-1 zoning district.
PREMISES AFFECTED – 746 61st Street, between 7th and 8th Avenue, Block 5794, Lot 25, Borough of Brooklyn.
COMMUNITY BOARD #7BK
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 March 31, 2015, at 10 A.M., for decision, hearing closed.

241-14-BZ
APPLICANT – Warshaw Burstein, LLP, for Tiago Holdings, LLC, owner; East River Plaza Fitness Group, LLC, lessee.
SUBJECT – Application October 3, 2014 – Special Permit (§73-36) to allow the operation of physical culture establishment (*Planet Fitness*) on a portion of the third floor of the existing large scale development. C4-4 zoning district.
PREMISES AFFECTED – 517 East 117th Street, located within a large scale development located along FDR Drive between East 116th Street and 119th Streets, Block 1715, Lot(s) 22, 8, Borough of Manhattan.
COMMUNITY BOARD #11M
ACTION OF THE BOARD – Laid over to March 31, 2015, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director