
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
250 Broadway, 29th Floor, New York, N.Y. 10007.

Volume 100, No. 42

October 24, 2015

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DOCKETS

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223-15-A

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224-15-BZ

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225-15-BZ

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231-15-BZ

5278 Post Road, Through lot upon Post Road and Broadway, south side of W. 253rd Street, Block 5835, Lot(s) 3055/56, Borough of **Bronx, Community Board: 8**. Variance (§72-21) Propose nine story, 120 unit multiple dwelling with cellar community facility (doctors, 6074 sqft) and subcellar retail pharmacy (Use Group 6), 9cated within an R6 zoning district.: R6 district.

232-15-A

840 West End Avenue, North East Corner West End Avenue and West 101 Street, Block 1873, Lot(s) 01, Borough of **Manhattan, Community Board: 7**. Proposed vertical enlargement of an existing six story building to allow for a new penthouse floor and roof above the sixth floor which requires a waiver of the Multiple Dwelling Law and Building Code. R8 zoning district. R8 district.

233-15-BZ

45 Vernon Boulevard, Between 5th Street and Vernon Boulevard & between 46th Avenue and Anable Basin, Block 026, Lot(s) 4,8,10, Borough of **Queens, Community Board: 2**. Variance (§72-21) propose use and bulk variance to permit a predominantly residential development 9Proposed Development) within Queens Community District 2, located with an M1-3 waterfront & flood Hazard district. M1-3 waterfront district.

234-15-BZ

1223 67th Street, north side of 67th Street, distant 140 ft. east from the corner formed by the intersection of 67th Street and 12th Avenue, Block 05760, Lot(s) 70, Borough of **Brooklyn, Community Board: 10**. Special Permit (§73-621) to permit the legalization of an enlargement of an existing single-family, semi-detached residential building. R4-1 zoning district. R4-1 district.

235-15-A

8 Cornell Lane, western side of Cornell Lane north of Northern Boulevard, Block 08129, Lot(s) 156, Borough of **Queens, Community Board: 11**. Proposed construction of building that does not provide adequate frontage on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. R2A zoning district. R2A district.

236-15-BZ

1677 George Street, west side of George Street between Wyckoff Avenue and Cypress Avenue, Block 03551, Lot(s) 68, Borough of **Queens, Community Board: 5**. Variance (§72-21) to permit the development of a two-story and cellar commercial building contrary to minimum front yard requirments. M1-4D zoning district M1-4D district.

237-15-BZ

109 Metropolitan Avenue, northerly side of Metropolitan Avenue 69' easterly of Wythe Avenue, Block 02358, Lot(s) 4, Borough of **Brooklyn, Community Board: 1**. Special Permit (§73-36) to permit the operatio of a physical Culture Establishment (Modo Yoga). M1-2/R6A zoning district. M1-2/R6A district.

DOCKETS

238-15-A

102-04 Dunton Court, located on Dunton Court between 102nd Street and Rau Court, Block 14240, Lot(s) 1306, Borough of **Queens, Community Board: 14**. Proposed construction of buildings that do not front on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. R3-1 zoning district. district.

239-15-A

102-08 Dunton Court, located on Dunton Court between 102nd Street and Rau Court, Block 14240, Lot(s) 1307, Borough of **Queens, Community Board: 14**. Proposed construction of buildings that do not front on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. R3-1 zoning district. district.

240-15-A

102-12 Dunton Court, located on Dunton Court between 102nd Street and Rau Court, Block 14240, Lot(s) 809, Borough of **Queens, Community Board: 14**. Proposed construction of buildings that do not front on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. R3-1 zoning district. district.

241-15-A

102-16 Dunton Court, located on Dunton Court between 102nd Street and Rau Court, Block 14240, Lot(s) 10, Borough of **Queens, Community Board: 14**. Proposed construction of buildings that do not front on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. R3-1 zoning district. district.

242-15-A

102-20 Dunton Court, located on Dunton Court between 102nd Street and Rau Court, Block 14240, Lot(s) 11, Borough of **Queens, Community Board: 14**. Proposed construction of buildings that do not front on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. R3-1 zoning district. district.

243-15-A

102-24 Dunton Court, located on Dunton Court between 102nd Street and Rau Court, Block 14240, Lot(s) 1, Borough of **Queens, Community Board: 14**. Proposed construction of buildings that do not front on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. R3-1 zoning district. district.

244-15-A

677 Fifth Avenue, an interior lot on the east side of 5th Avenue, 50-42' north of the intersection of East 53rd Street and East 54th Street., Block 01269, Lot(s) 0003, Borough of **Manhattan, Community Board: 5**. Appeal challenging NYC Department of Building's determination that a video display wall with in a new store , is a sign as per the definiton of sign as provided in ZR Section 12-10 of the Zoning Resolution. C5-3 (Midtown-5th Avenue Subdistrict). district.

245-15-BZ

350 West 50th Street, Bounded by West 49th Street, Ninth Avenue, West 50th and Eighth Avenue, Block 01040, Lot(s) 7501, Borough of **Manhattan, Community Board: 4**. C6-4 district.

246-15-BZ

1462 62nd Street, South side of 62nd street between 14th Avenue and 15th Avenue, Block 5734, Lot(s) 35, Borough of **Manhattan, Community Board: 11**. Variance (72-21) seek a variance for the legalization of the existing Use Group 3 Yeshiva at the third floor, the creation of a mezzanine on the first floor, and the use of the entire four-story and cellar structure, located within an M1-1 zoning district M1-1 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

REGULAR MEETING NOVEMBER 17, 2015, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, November 17, 2015, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

472-37-BZ

APPLICANT – Eric Palatnik, P.C., for 246 Sears Road Realty Corp., owner.

SUBJECT – Application October 14, 2014 – Extension of Term (§11-411) for the continued operation of an automotive service station which expired on January 27, 2014; Amendment (§11-412) to permit the conversion of repair bays into convenient store, the addition of a new canopy and relocation of fuel storage tanks. R5 zoning district.

PREMISES AFFECTED – 2765 Cropsey Avenue, southeast corner of 28th Avenue and Cropsey Avenue, Block 06915, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #13BK

241-47-BZ

APPLICANT – Sheldon Lobel, P.C., for Naohisa Matsumoto/Yasuko Matsumoto, owners.

SUBJECT – Application April 3, 2015 – Amendment (§11-413) of a previously approved variance which permitted the operation of Contractor's Establishment (Use Group 16A). The Amendment seeks to change the use to permit Custom Woodworking and furniture shop (Use Group 16A) and Art Studio (Use Group 9A); Extension of Term of the variance which expired on January 29, 2014 for an additional 10 years; Waiver of the Rules of Practice and Procedure. R5B zoning district.

PREMISES AFFECTED – 16-23/25 Hancock Street, approximately 24-5' northeast of the intersection formed by Wyckoff Street and Hancock Street, Block 03548, Lot 0097, Borough of Queens.

COMMUNITY BOARD #5Q

1059-84-BZ

APPLICANT – Troutman Sanders, LLP., for BMS Realty Company LLC, owner; Bally Total Fitness Corporation, owner.

SUBJECT – Application February 27, 2015 – Extension of term of a Special Permit for the operation of a physical culture establishment (24 Hour Fitness) which expired on May 7, 2015; Amendment to reflect a change in ownership. C4-2 & C8-2 (OP) zoning district.

PREMISES AFFECTED – 943/61 Kings Highway, aka 2032 Coney Island Avenue, northwest corner of intersection Kings Highway and Coney Island Avenue, Block 06666,

Lot 0018, Borough of Brooklyn.
COMMUNITY BOARD #15BK

364-87-BZ

APPLICANT – Sheldon Lobel P.C., for 1710 Flatbush Realty Corp., owner.

SUBJECT – Application January 23, 2015 – Extension of Term (§11-411) of a previously granted variance permitting an automotive repair facility which expired on March 22, 2013; Waiver of the Rules. C2-2/R5 zoning district.

PREMISES AFFECTED – 1710-1720 Flatbush Avenue, corner of the intersection formed by East 34th Street and Flatbush Avenue, Block 07598, Lot 24, Borough of Brooklyn.

COMMUNITY BOARD #18BK

248-03-BZ

APPLICANT – Troutman Sanders LLP, for Ross & Ross, owner; Bally Total Fitness of Greater NY, Inc., lessee.

SUBJECT – Application February 5, 2015 – Extension of time to Obtain a Certificate of Occupancy of a previously approved Variance (72-21) which permitted the operation of a Physical Cultural Establishment (*Bally's Total Fitness*) which expired on January 22, 2015; Amendment to reflect a change in ownership. C1-5/R8A & R7A zoning district.

PREMISES AFFECTED – 1915 Third Avenue, southeast corner of East 106th Street and Third Avenue, Block 01655, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEALS CALENDAR

58-15-A

APPLICANT – Goldman Harris LLC, for D.A.B. Group LLC, owner; Arcade Orchard Street LLC., lessee.

SUBJECT – Application March 16, 2015 – Appeal seeking a determination that the owner has obtained a vested right to complete construction commenced under the prior zoning district. C4-4 zoning district.

PREMISES AFFECTED – 139-141 Orchard aka 77,79,81 Rivington Street, through-block lot with frontage on Orchard Street, Rivington Street and Allen Street, Block 0415, Lot(s) 61,62,63,66,67, Borough of Manhattan.

COMMUNITY BOARD #3M

CALENDAR

REGULAR MEETING NOVEMBER 17, 2015, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, November 17, 2015, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

35-14-BZ

APPLICANT – Gerald J. Caliendo, RA, AIA., for Demetrius Partridge, owner; Mara Parr Corp. dba CKO Kickboxing, lessee.

SUBJECT – Application February 12, 2014 – Special Permit (§73-36) to permit the operation a physical culture (CKO Kickboxing) within the existing building. C4-2A zoning district.

PREMISES AFFECTED – 40-06 Astoria Boulevard, Astoria Boulevard South 28.0 feet east of the intersection of Steinway Street and Astoria Boulevard, Block 00686, Lot 12, Borough of Queens.

COMMUNITY BOARD #1Q

240-14-BZ

APPLICANT – Gregory J. Tarone, Esq., for Laura Ziba Bauta & Marteza Bauto, owner.

SUBJECT – Application October 3, 2014 – Special Permit (§73-622) for the enlargement of a single family home contrary to floor area, open space and lot coverage (ZR 23-141(b); side yard requirement (ZR 23-461); and perimeter wall height (ZR 23-361(b). R3-1 zoning district.

PREMISES AFFECTED – 1620 Shore Boulevard, south side of Shore boulevard between Oxford and Norfolk Streets, Block 08757, Lot 87, Borough of Brooklyn.

COMMUNITY BOARD #15BK

60-15-BZ

APPLICANT – Eric Palatnik, P.C., for Jacob Klein, owner; Bree and Oliver NYC II. Inc., lessee.

SUBJECT – Application March 17, 2015 – Special Permit (§73-36) to allow for a physical culture establishment (*Cross Fit*) within the cellar of a ten story mixed use building. C6-4/LM zoning district.

PREMISES AFFECTED – 111 Fulton Street, between William Street and Nassau Street, Block 091, Lot 7502, Borough of Manhattan.

COMMUNITY BOARD #1M

Ryan Singer, Executive Director

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SPECIAL HEARINGS FRIDAY MORNING, OCTOBER 16, 2015 11:30 A.M.

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

SPECIAL ORDER CALENDAR

340-41-BZ

APPLICANT – Nasir J. Khanzada, PE, for Paul Sinanis, owner; S & J Service Station, Incorporated, lessee.

SUBJECT – Application June 27, 2014 – Extension of Term (§11-411) of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B), with accessory uses, which expired on May 1, 2012; Amendment to permit the enlargement of an existing canopy, the addition of a fuel dispenser and small convenience sales area; Waiver of the Rules. C1-2/R4 zoning district.

PREMISES AFFECTED – 72-09 Main Street, Block 06660, Lot 1, 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

Abstain: Commissioner Chanda.....1

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, an extension of term and an amendment to the approved plans to allow for the enlargement of the existing canopy and addition of a pump island and small sales area; and

WHEREAS, a public hearing was held on this application on July 21, 2015, after due notice by publication in *The City Record*, with a continued hearing on September 1, 2015, and then to decision on October 16, 2015; and

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

WHEREAS, Community Board 8, Queens, recommends approval of this application; and

WHEREAS, the subject site is located on the block formed by Main Street, Vleigh Place, 72nd Avenue and 72nd Road, within an R4 (C1-2) zoning district; and

WHEREAS, the site has 200 feet of frontage along Main Street, 205 feet of frontage along Vleigh Place, 67 feet of frontage along 72nd Avenue and 21 feet of frontage along 72nd Road for a total lot area of 8,833 sq. ft.; and

WHEREAS, the site is occupied by a one-story building with approximately 1,795 sq. ft. of floor area (0.20 FAR); the building is occupied by a gasoline service station with accessory uses (Use Group 16) and small convenience store

(350 sq. ft.); and

WHEREAS, the Board has exercised jurisdiction over the site since June 24, 1941, when, under the subject calendar number, it granted a variance authorizing the operation of a gasoline service station, with accessory uses, contrary to the use regulations of the 1916 Zoning Resolution, for a term of ten years, to expire on June 24, 1951; this grant was amended and the term of the variance was extended at various times; the term of the subject variance last expired on May 1, 2012; and

WHEREAS, the applicant proposes to install a canopy, an additional pump island with fuel dispenser and to legalize a small convenience sales area; and

WHEREAS, the Board notes that Technical Policy and Procedure Notice (TPPN) # 10/99, provides that a retail convenience store located on the same zoning lot as a gasoline service station will be deemed accessory if: (i) the accessory convenience store is contained within a completely enclosed building; and (ii) the accessory convenience store has a maximum retail selling space of 2,500 sq. ft. or 25 percent of the zoning lot area, whichever is less; and

WHEREAS, the applicant states that the proposed convenience store is located within an enclosed building and has a retail selling space of less than 350 sq. ft. (four percent of the zoning lot area); and

WHEREAS, pursuant to ZR § 11-412, the Board may grant a request for changes to the site, including enlargement of the existing canopy and addition of a pump island and small sales area; and

340-41-BZ

WHEREAS, at the Board's request, the applicant submitted the following evidence into the record: (1) a landscape plan with confirmation that the trees are evergreens; (2) confirmation that the opaque slats in the chain link fence abutting the refuse area are to be replaced; (3) photographs reflecting the removal of all non-complying signage; and (4) a description of the plans to repair and paint the perimeter masonry wall; and

WHEREAS, based upon the above, the Board finds that the evidence in the record supports the findings required to be made under ZR § 11-411 for a ten-year extension of term from the date of the most recent expiration and under ZR § 11-412 for the noted amendments to the site, with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, and, pursuant to ZR §§ 11-411 and 11-412, *approves* a ten-year extension of term and amendments to a previously-granted variance to permit, on a site located within an R4 (C1-2) zoning district, the operation of a gasoline service station (Use Group 16), contrary to use regulations; *on condition* that all work will substantially conform to plans, filed with this application marked 'Received October 14, 2015-(9) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten years, to expire on May 1, 2022;

THAT signage, fencing, and landscaping will be maintained in accordance with the BSA-approved plans;

THAT all conditions from prior resolutions not

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specifically waived by the Board will remain in effect;
THAT the site will be maintained free of debris and graffiti;
THAT all signage will comply with C1 zoning district regulations;
THAT landscaping will be maintained as reflected on the approved plans;
THAT the dumpster will be stored behind a fence with opaque slats;
THAT the above conditions will be noted in the certificate of occupancy;
THAT a certificate of occupancy will be obtained by October 16, 2016;
THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s); and
THAT DOB shall ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.
(DOB Application No. 420873629)
Adopted by the Board of Standards and Appeals, October 16, 2015.

69-95-BZ

APPLICANT – Fox Rothschild, LLP, for Hudson River Park Trust, owner; Chelsea Piers Management, Incorporated, lessee.
SUBJECT – Application May 18, 2015 – Extension of Term of a previously approved Special Permit (73-36) permitting the operation of a physical culture establishment (*The Sports Center at Chelsea Piers*) which expires on August 6, 2015. M2-3 zoning district.
PREMISES AFFECTED – 111B Eleventh Avenue, west side of West Street between West 19th and West 20th Streets, Block 00662, Lot 0016, Borough of Manhattan.

COMMUNITY BOARD #4M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez...4
Negative:.....0
Abstain: Commissioner Chanda.....1

THE RESOLUTION –

WHEREAS, this is an application for an extension of term for a previously granted variance for a Physical Culture Establishment (PCE), which expired on August 8, 2015; and

WHEREAS, a public hearing was held on this application on September 1, 2015, after due notice by publication in *The City Record*, and then to decision on October 16, 2015; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by Vice-Chair Hinkson; and

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

WHEREAS, the subject premises is located on the west side of West Street, between West 19th and West 20th streets; and

WHEREAS, the PCE, operated as the Sports Center at Chelsea Piers, is located at Pier 60, and is within the Chelsea Piers Sports and Entertainment complex, which includes Piers 59 through 62; and

WHEREAS, Pier 60 is occupied by a two-story with mezzanines building and is located within an M2-3 zoning district; and

WHEREAS, the PCE occupies a portion of the first floor, and the entire second floor and second-floor mezzanine, for a total of 115,960 sq. ft. of floor area in the subject building; and

WHEREAS, the Board notes that the other portions of the sports complex are occupied by uses which do not require the special permit and therefore are not under the Board's jurisdiction; and

WHEREAS, on August 8, 1995, the Board granted a special permit pursuant to ZR § 73-36, to permit the operation of the PCE in the subject building and in an additional part of the complex, located between Piers 61 and 62, known as the North Headhouse; and

WHEREAS, on March 15, 1994, under BSA Cal. No. 87-93-A, the Board granted an appeal to permit a variance of certain provisions of the Building Code relating to fire safety protection in anticipation of the development of the subject piers; and

WHEREAS, in 2006, the applicant also requested an amendment to reflect that, although the approved plans indicate PCE use at Pier 60 (115,960 sq. ft.) and in the North Headhouse (65,821 sq. ft.), the North Headhouse space was occupied by non-PCE use; and

WHEREAS, the applicant submitted new drawings and floor area calculations reflecting the as-built conditions, and illustrating that the PCE use was confined to Pier 60; and

WHEREAS, the applicant now requests an additional ten-year term from the term expiration of August 8, 2015; and

WHEREAS, at hearing, the Board requested that the applicant submit evidence that the Fire Department had approved the fire alarm system; and

WHEREAS, in response, the applicant submitted a letter, dated February 16, 2001, which reflects the Fire Department's approval of the Class E fire alarm system and a letter, dated April 30, 2015 from Chelsea Piers, which describes the facility's compliance with fire safety requirements and the conditions from the Board's prior approvals; the applicant also submitted a letter from the Fire Department, dated October 16, 2015, which states that the agency does not have any objection to the current application; and

WHEREAS, based on the above, the Board finds that the requested extension of term is appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated August 8, 1995, so that as amended this portion of the resolution shall read: "to grant an extension of the special permit for a term of ten years from the expiration of the last grant; *on condition* that the use and operation of the PCE shall substantially conform to

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BSA-approved plans, and that all work and site conditions will comply with drawings marked ‘Received September 21, 2015’–(6) sheets; and *on condition*:

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

THAT this grant will be limited to a term of ten years, expiring on August 8, 2015;

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

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB Application No. 100619957)

Adopted by the Board of Standards and Appeals, October 16, 2015.

146-96-BZ

APPLICANT – Stroock & Stroock & Lavan, LLP., for Scholastic 557 Broadway, LLC., owner.

SUBJECT – Application February 19, 2015 – Amendment of a previously approved Variance (§72-21) to permit the relocation of the building lobby from Broadway to Mercer Street and the conversion of an existing office lobby to retail space. M1-5B zoning district.

PREMISES AFFECTED – 557 Broadway aka 128-130 Mercer Street, west side of Broadway, 101’ south of the corner formed by the intersection of Prince Street and Broadway, 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

Abstain: Commissioner Chanda.....1

THE RESOLUTION –

WHEREAS, this is an application for the reopening and amendment of a previously approved variance to permit certain modifications within a building built pursuant thereto; and

WHEREAS, a public hearing was held on this application on July 14, 2015 after due notice by publication in *The City Record*, with continued a hearing on September 1, 2015, and then to decision on October 16, 2015; and

WHEREAS, Community Board 2, Manhattan, recommended that the Board deny this application unless (1) the total retail use below the second story of the subject building does not exceed the amount approved in the Initial Variance (defined below); (2) retail uses at 557 Broadway are

restricted so that no single store can exceed 10,000 sq. ft. of retail space; and (3) future connections between the subject building and 557 Broadway are prohibited; and

WHEREAS, the subject site is a through-lot with 50 feet of frontage along Broadway and 50 feet of frontage along Mercer Street, between Prince Street and Spring Street, within an M1-5B zoning district, within the Soho-Cast Iron Historic District, in Manhattan; and

WHEREAS, the Board has exercised jurisdiction over the subject site since 1936 when, under BSA Cal. No. 105-36-A, it granted a building code variance for a previously existing building on the site; on August 5, 1997, under the subject calendar number, the Board granted an application to permit the construction of a ten-story office building with retail space contrary to the zoning regulations for floor area, rear yard equivalent, height and setback, and permitted uses below the second story (the “Initial Variance” pursuant to which the “Building” on the site was constructed); and

WHEREAS, subsequently, by letter dated August 12, 1999, the Board permitted certain modifications to the plans approved with the Initial Variance, including the addition of a mezzanine to the Building’s retail space, a reduction in the amount of the Building’s ground floor retail space, an increase in the Building’s lobby space, the creation of a setback and the relocation of stairs within the Building; and

WHEREAS, the applicant states that, as was the case when the Initial Variance was granted, the Building shares vertical and horizontal circulation with an adjacent building known as and located at 555 Broadway (“555 Broadway”); the applicant notes that 555 Broadway was purchased by the applicant after the Initial Variance, and is currently owned by the applicant; and

WHEREAS, the applicant now seeks to modify the existing Building to (1) relocate the office lobby and related common areas from the eastern portion of Building (facing Broadway) to the western portion of the Building (facing Mercer Street), and, correspondingly, relocate the retail space from the western portion of the Building (facing Mercer Street) to the eastern portion of the Building (facing Broadway); and (2) change the use on the second floor of the Building from office (Use Group 6B) to retail (Use Group 6A/6C); and

WHEREAS, initially, the applicant proposed to (1) increase the retail space on the first floor of the Building from 5,584 sq. ft. to 7,359 sq. ft.; (2) reduce the retail space on the first floor mezzanine from 1,059 sq. ft. to 733 sq. ft.; (3) reduce the office space on the first floor of the Building from 3,025 sq. ft. to 2,596 sq. ft.; (4) reduce the office space on the second floor of the Building from 9,087 sq. ft. to 1,349 sq. ft.; and (5) convert 8,607 sq. ft. of floor area on the second floor of the Building into retail (Use Group 6A/6C) space; and

WHEREAS, in hearing, the applicant modified the proposal such that the applicant now proposes to (1) increase the retail space on the first floor of the Building from 5,584 sq. ft. to 7,000 sq. ft.; (2) eliminate the retail space on the first floor mezzanine; (3) reduce the office space on the first floor of the Building from 3,025 sq. ft. to

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2,449 sq. ft.; (4) reduce the office space on the second floor of the Building from 9,087 sq. ft. to 871 sq. ft.; and (5) convert 8,505 sq. ft. of floor area on the second floor of the Building into retail (Use Group 6A/6C) space; and

WHEREAS, the applicant notes that proposed modifications will not impact the vertical and horizontal circulation common to the Building and 555 Broadway, both of which, the applicant states, are subject to an easement that authorizes certain shared building services and systems; and

WHEREAS, certain members of the community, including members associated with local civic groups, testified at the hearing and provided testimony in opposition to the subject application (collectively, the "Opposition"), citing the following concerns with the applicant's proposal: (1) the impact of retail establishments along Broadway on residents and small businesses in the subject neighborhood, specifically, impacts related to noise, pedestrian traffic, vehicular and delivery traffic, and illuminated signage; (2) the impact of large retail uses on design showrooms in the subject neighborhood; (3) the applicant's failure to demonstrate that the proposed modifications are consistent with the findings made by the Board in the Initial Variance; and

WHEREAS, the applicant represents that none of the findings made in granting the Initial Variance are disturbed by the proposed modifications, which, the applicant states, are necessary to create a modern workplace within the Building; and

WHEREAS, specifically, the applicant states that no changes to the envelope of the Building are proposed and, therefore, that the waivers for floor area, rear yard equivalent, and height and setback are not impacted by the proposed modifications; and

WHEREAS, the applicant also states that no new uses are proposed for the Building, and that the ground floor retail use, while reconfigured, will not increase in size; and

WHEREAS, the applicant notes, with respect to the second floor retail use, that such use is permitted as-of-right, and that such use was not an issue considered by the Board at the time of the Initial Variance; and

WHEREAS, with respect to the impact of the reconfiguration of the ground floor retail space on neighborhood character, the applicant notes that the Board did not include any discussion of the impact of the ground floor retail in the resolution accompanying the Initial Variance and suggests, therefore, that the Board's initial findings on neighborhood character are not disturbed by the proposed modifications; and

WHEREAS, the Board rejects the foregoing argument, and notes that it is incumbent upon the Board to evaluate neighborhood character where, as here, a proposed modification may have an impact on the essential character of a subject neighborhood or district, may impair the appropriate use or development of adjacent property, or may be detrimental to the public welfare; and

WHEREAS, with respect to such impacts, the applicant notes that the subject retail use, which will not be

increased at the ground floor of the Building, is ubiquitous in the surrounding neighborhood; and

WHEREAS, specifically, the applicant notes that of the buildings with frontages on Broadway between Spring Street and Prince Street, excluding the subject site, 94.7 percent have retail use on the ground floor fronting on Broadway; and

WHEREAS, with respect to the impact of the second floor retail space on neighborhood character, the applicant notes that such use is permitted as-of-right in the subject zoning district; and

WHEREAS, the applicant also notes that of the buildings with frontages on Broadway between Spring Street and Prince Street, excluding the subject site, 31.5 percent have second floor retail use fronting on Broadway; and

WHEREAS, as noted, the Opposition raised the concern, shared by the Board, that allowing second floor retail at the subject site might result in a retail use of more than 10,000 sq. ft.; and

WHEREAS, in response, the applicant states (1) that the Building cannot accommodate more than 10,000 sq. ft. of retail use on the second floor of the Building; and (2) that any retail use of 10,000 sq. ft. or more would be classified as a Use Group 10 use, and, therefore, would require further approval from the Board under the subject BSA Cal. No. as an additional amendment to the Initial Variance or a special permit from the City Planning Commission pursuant to ZR § 42-32 and 74-922; and

WHEREAS, as noted, Opposition also raised the concern, also shared by the Board, that allowing for second floor retail, and ground floor retail with frontage along Broadway, would increase the noise, traffic and negative impact of illuminated signage in the surrounding neighborhood; and

WHEREAS, in response, the applicant states that any tenant of the retail spaces in the Building will maintain reasonable hours for deliveries and will utilize signage that complies with the underlying district regulations as well as any regulations applicable to the historic district; and

WHEREAS, with respect to traffic, the applicant re-states that the surrounding neighborhood is already characterized by ground floor and second floor retail uses, and submits that, accordingly, neither the proposed reconfiguration of the ground floor retail space, nor the as-of-right use of the proposed second floor retail space, will negatively impact the character of the surrounding neighborhood; and

WHEREAS, with respect to the impact of illuminated signage, the Board notes its approval of the proposed modifications is conditioned upon the applicant mitigating such impact, as set-forth below; and

WHEREAS, the Board notes that the applicant obtained a Certificate of No Effect (CNE 17-0864), dated April 30, 2015, from the Landmarks Preservation Commission for the proposal; and

WHEREAS, the Board notes its previous finding, made at the time of the Initial Variance, that "the hardship

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was not created by the owner or a predecessor in title,” and concludes that such finding is not disturbed by the proposed modifications; and

WHEREAS, the Board also notes its previous finding, also made at the time of the Initial Variance, that “the proposal ... is the minimum necessary to afford the owner relief,” and concludes that the proposed modifications, which neither increase the amount of the ground floor retail space granted in the Initial Variance nor seek additional waivers to permit the as-of-right retail use at the second story of the Building, do not disturb such finding; and

WHEREAS, based on its review of the record, the Board finds that the proposed modifications, including the reconfiguration of the ground floor retail space and the conversion of second floor space from office (Use Group 6B) to retail (Use Group 6A/6C) use, are consistent with and do not impact the findings of the Initial Variance, and are therefore appropriate, subject to the conditions set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated August 5, 1997, so that as amended this portion of the resolution reads: “to permit the relocation of the office lobby and related common areas from the eastern portion of the ground floor of the Building (facing Broadway) to the western portion of the ground floor of the Building (facing Mercer Street), and, correspondingly, relocate the retail space from the western portion of the ground floor of the Building (facing Mercer Street) to the eastern portion of the ground floor of the Building (facing Broadway), as well as to permit a change in use on the second floor of the Building from office (Use Group 6B) to retail (Use Group 6A/6C)”; *on condition* that any and all work shall substantially conform to drawings filed with this application marked ‘Received August 4, 2015’- (13) sheets and “September 25, 2015”-(2) sheets; and *on further condition*:

THAT the signage will comply with all applicable regulations;

THAT all illuminated signage and window displays on the first floor of the Building shall be dimmed, by 50 percent, within one hour of the closing of the retail use located on such floor, or midnight, whichever is later;

THAT all illuminated signage and window displays on the second floor of the Building shall be turned off upon the closing of the retail use located on such floor, or 11:00 p.m., whichever is earlier;

THAT no retail use located, in whole or in part, within the subject Building, shall exceed 10,000 sq. ft. of floor area, absent further approval from this Board;

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

THAT the above conditions shall appear on the Building’s Certificate of Occupancy;

THAT all construction will be completed and a certificate of occupancy will be obtained by October 16, 2019;

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

THAT the Department of Buildings 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. (DOB Application No. 121192752)

Adopted by the Board of Standards and Appeals, October 16, 2015.

699-46-BZ

APPLICANT – Eric Palatnik, P.C., for Gurcharan Singh, owner.

SUBJECT – Application May 22, 2015 – Extension of Time to Complete Construction of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B), which expired on May 19, 2015. R3X zoning district.

PREMISES AFFECTED – 224-01 North Conduit Avenue, between 224th Street and 225th Street, Block 13088, Lot 0044, Borough of Queens.

COMMUNITY BOARD #13Q

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

202-62-BZ

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

SUBJECT – Application June 4, 2015 – Extension of Term and Waiver (§11-411) to extend the term and a Waiver of a previously granted variance for an automotive service station, which expired on April 3, 2011; Waiver of the Rules. C2-2/R4-1 zoning district.

PREMISES AFFECTED – 950 Allerton Avenue, southeast corner of the intersection of Allerton Avenue and Willamsbridge Road, Block 04447, Lot 062, Borough of Bronx.

COMMUNITY BOARD #11BX

ACTION OF THE BOARD – Laid over to December 1, 2015, at 10 A.M., for continued hearing.

132-92-BZ

APPLICANT – Willy C. Yuin, RA, for Daniel Casella, owner.

SUBJECT – Application November 17, 2014 – Extension of Term of a previously approved variance (§72-21) which permitted day care use in the cellar of the subject premises in conjunction with a banquet hall use, which expired on July 19, 2014. R3X, C1-1 SRD zoning district.

PREMISES AFFECTED – 3948 Amboy Road, between Hillside Terrace and Brown Avenue, Block 05142, Lot 22, Borough of Staten Island.

COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Laid over to January 12, 2016, at 10 A.M., for continued hearing.

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182-95-BZ

APPLICANT – Rothkrug & Spector LLP, for 2465 Broadway Associates LLC., owner.

SUBJECT – Application October 14, 2014 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of a PCE (*Equinox Fitness Club*) which expires on November 1, 2015; Amendment to expand the PCE into the cellar and the full third floor; Waiver of the Rules. C4-6A/R8 zoning district.

PREMISES AFFECTED – 2465 Broadway, West side of Broadway, 50' south of southwest corner of intersection of Broadway and West 92nd Street, Block 01239, Lot 52, Borough of Manhattan.

COMMUNITY BOARD #7M

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

183-95-BZ

APPLICANT – Rothkrug & Spector LLP, for Haymes Broadway LLC, owner.

SUBJECT – Application October 14, 2014 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of a PCE (*Equinox Fitness Club*) which expires on November 1, 2015; Amendment to expand the PCE into the cellar and the full third floor; Waiver of the Rules. C4-6A/R8 zoning district.

PREMISES AFFECTED – 2473 Broadway, southwest corner of intersection of Broadway and West 92nd Street, Block 01239, Lot 55, Borough of Manhattan.

COMMUNITY BOARD #7M

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

427-05-BZ

APPLICANT – Eric Palatnik, P.C., for Linwood holdings, LLC., owner.

SUBJECT – Application June 8, 2015 – Extension of Time to Complete Construction (§73-11) to seek an extension of time to complete construction which expired May 10, 2015. C4-2 zoning district.

PREMISES AFFECTED – 133-47 39th Avenue, between Price Street and College Point Boulevard, Block 04972, Lot 059, Borough of Queens.

COMMUNITY BOARD #7Q

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative:.....0

ACTION OF THE BOARD – Laid over to December 15, 2015, at 10 A.M., for decision, hearing closed.

97-08-BZ

APPLICANT – Eric Palatnik P.C., for Yismach Moshe of Williamsburgh, Inc., owner.

SUBJECT – Application March 10, 2015 – Extension of Time to obtain a Certificate of Occupancy of a previously approved Special Permit (§73-19) permitting the legalization of an existing school (UG 3), which expired on March 16, 2012; Waiver of the Rules. M1-1 district.

PREMISES AFFECTED – 84 Sanford Street, between Park Avenue and Myrtle Avenue, Block 01736, Lot 0014, Borough of Brooklyn.

COMMUNITY BOARD #3BK

ACTION OF THE BOARD – Laid over to December 1, 2015, at 10 A.M., for continued hearing.

APPEALS CALENDAR

300-08-A

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

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

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

COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Laid over to December 15, 2015, at 10 A.M., for continued hearing.

317-12-A

APPLICANT – Eric Palatnik, P.C., for 4040 Plaza Management LLC, owner.

SUBJECT – Application June 16, 2015 – Extension of Time to complete construction in connection with a previously approved common law vested rights application. M1-3D zoning district.

PREMISES AFFECTED – 40-36 27th Street aka 4040 27th Street, west side of 27th Street, between 40th Avenue and 41st Avenue, Queens

COMMUNITY BOARD #1Q

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative:.....0

ACTION OF THE BOARD – Laid over to November 17, 2015, at 10 A.M., for decision, hearing closed.

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ZONING CALENDAR

173-14-BZ

CEQR #14-BSA-031M

APPLICANT – Sheldon Lobel, P.C., for 244 Madison Realty Corp., owner; Coban's Muay Thai Camp NYC, lessee.

SUBJECT – Application July 22, 2014 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Evolution Muay Thai Camp*) in the cellar of an existing 16-story mixed-used residential and commercial building, located within an C5-2 zoning district.

PREMISES AFFECTED – 20 East 38th Street aka 244 Madison Avenue, southwest corner of Madison Avenue and East 38th Street, Block 867, Lot 57, Borough of Manhattan.

COMMUNITY BOARD #5M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Abstain: Commissioner Chanda.....1

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated June 22, 2014, acting on DOB Application No. 121913019, reads, in pertinent part:

 ZR 32-10 Proposed Physical Culture Establishment is not permitted as-of-right in a C5-2 district (ZR 32-10); and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to legalize, on a site within a C5-2 zoning district, the operation of a physical culture establishment (“PCE”) (martial arts center) in the cellar of an existing 16-story mixed-use residential and commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on April 21, 2015, after due notice by publication in the *City Record*, with a continued hearings on September 22, 2015, and then to decision on October 16, 2015; and

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

WHEREAS, Community Board 5, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on the southwest corner of Madison Avenue and East 38th Street with 95 feet of frontage on East 38th Street and 99 feet of frontage on Madison Avenue and a total of 9,381 sq. ft. of lot area; and

WHEREAS, the site is the subject of a special permit granted on June 26, 1984 (BSA Cal. No. 149-84-BZ) for a Physical Culture Establishment, which was not related to the applicant; and

WHEREAS, on February 24, 2004, the Board revoked the prior special permit for failing to comply with the Board’s approval; and

WHEREAS, the PCE occupies portions of the cellar

(4,230 sq. ft.) and can be accessed by a main entrance on East 38th Street and the lobby of 244 Madison Avenue; and

WHEREAS, the cellar has been occupied by the martial arts fitness center known as Coban’s Muay Thai Camp since approximately February 14, 2014; and

WHEREAS, the applicant states that the other uses in the building include a restaurant, stores, and residential units on the upper floors; and

WHEREAS, the PCE’s proposed hours of operation are Monday through Friday, from 11:30 a.m. to 10:00 p.m., and on Saturday, from 10:30 a.m. to 5:00 p.m.; and

WHEREAS, at hearing, the Board requested information regarding the cellar’s fire safety measures, including proof of sprinkler installation; and

WHEREAS, in response, the applicant provided a TM1 form and Fire Department-approved fire alarm plans which show that the fire alarm systems have been installed and approved by the Fire Department for the cellar level; and

WHEREAS, the applicant also submitted revised plans which reflect that a sprinkler system has been installed on the cellar level; 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 PCE does not interfere with any pending public improvement project; and

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

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

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

WHEREAS, the term of the grant will be dated from the February 14, 2014 commencement of the use at the site; 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 Type II action discussed in the CEQR Checklist No. 14-BSA-031M, dated July 22, 2014; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site within a C5-2 zoning district, the

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legalization of a PCE in a portion of the cellar of an existing 16-story mixed-use building, contrary to ZR § 32-10; *on condition* that all work will substantially conform to drawings filed with this application marked “September 30, 2015”- Three (3) sheets; *on further condition*:

THAT the term of the PCE grant will expire on February 14, 2024;

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

THAT all signage displayed at the site by the applicant shall conform to applicable regulations;

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, October 16, 2015.

260-14-BZ

CEQR #15-BSA-090M

APPLICANT – Goldman Harris LLC, for The Chapin School, Ltd., owner.

SUBJECT – Application October 17, 2014 – Variance (§72-21) to permit the construction of a three-story enlargement to the existing school, contrary to floor area, rear yard, height and setback requirements. (R8B/R10A) zoning districts.

PREMISES AFFECTED – 100 East End Avenue aka 106 East End Avenue, Block 1581, Lot 23, 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

Abstain: Commissioner Chanda.....1

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated September 23, 2014, acting on Department of Buildings Application No. 122042048, reads in pertinent part:

1. ZR 24-11, 77-22 – Enlargement exceeds

maximum permitted floor area on pre-existing zoning lot;

2. ZR 24-36 – Enlarged portion does not meet rear yard requirement in R8B district;

3. ZR 24-50, 24-522, 23-633 – 15’ setback is not provided above the maximum base height in R8B district;

4. ZR 24-50, 24-522, 23-633 – Proposed building exceeds max. building height of 75’ in R8B district;

5. ZR 24-50, 24-522, 23-633 – 15’ setback on East 84th Street not provided in R10A district;

6. ZR 24-50, 24-522, 23-633 – 10’ setback on East End Avenue not provided in R10A district;

7. ZR 23-663 – 10’ rear setback above max. base height from rear yard line not provided in R8B district; and

WHEREAS, the decision of the Department of Buildings (“DOB”), dated February 9, 2015, also acting on Department of Buildings Application No. 122042048, reads in pertinent part:

1. ZR 24-11 – The proposed building in a[n] R8B/R10A zoning district exceeds[s] the allowable lot coverage permitted contrary to ZR 24-11; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site partially within an R8B zoning district and partially within an R10A zoning district, the enlargement of an existing school building (Use Group 3), which does not comply with zoning regulations for rear yard, height and setback, lot coverage and floor area, contrary to ZR §§ 23-633, 24-11, 24-36, 24-50, 24-522 and 77-22; and

WHEREAS, a public hearing was held on this application on May 12, 2015, after due notice by publication in the *City Record*, with continued hearings on July 14, 2015, and September 1, 2015 and then to decision on October 16, 2015; and

WHEREAS, Community Board 8, Manhattan, recommends that the Board disapprove the instant application; and

WHEREAS, certain members of the community, including some members represented by counsel, testified at the hearing and provided testimony in opposition to the application (collectively, the “Opposition”), citing, *inter alia*, the following concerns: (1) that the purportedly as-of-right work the School performed during the pendency of this application was impermissible; (2) that the Board’s authorization of such work may result in “segmentation” such that the environmental impact of the Proposed Enlargement would not be properly analyzed; (3) that the School is not entitled to multiple variances; (4) that DEP’s noise sign-off does not address the proposed rooftop playground; (5) the visual impact of the proposed enlargement on the surrounding neighborhood; (6) the potential for shadows from the proposed enlargement to negatively impact Carl Schurz Park; (7) the negative impacts of the construction required to complete the proposed construction, including noise, vibration, dust, debris,

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and impediments to pedestrians; (8) that the proposed enlargement will alter the essential character of the neighborhood; (9) that the proposed enlargement will result in increased noise and traffic to the surrounding neighborhood; and

WHEREAS, this application is brought on behalf of the Chapin School (the "School"), a non-profit educational institution for girls founded in 1901; the School serves students from grades kindergarten through 12, and is organized into a "Lower School" (grades K-3), a "Middle School" (grades 4-7) and an "Upper School" (grades 8-12); and

WHEREAS, the applicant states that the School's current enrollment is 751 students; the School employs 130 teachers and 84 additional staff members; and

WHEREAS, the School represents that the subject proposal is designed to serve the School's current enrollment; and

WHEREAS, the subject site is comprised of a single zoning and tax lot (Block 1581, Lot 23); the site occupies the easterly portion of the block bounded by East End Avenue, East 84th Street, East 85th Street and York Avenue; the site has 102.17 feet of frontage along East End Avenue and 223 feet of frontage along East 84th Street, and 22,784 sq. ft. of lot area; the site is located partially within an R8B zoning district and partially within an R10A zoning district; the R10A portion of the site is mapped along East End Avenue to a depth of 100 feet; and

WHEREAS, the site is currently occupied by a single building consisting of three segments ranging from six to eight stories (the "Building"); the easterly, eight-story portion of the Building, with frontage along East End Avenue, is known as the "Main Building," and was constructed c. 1920; the westerly, six-story portion of the Building, the "Wing Building," was constructed c. 1932, and was acquired by the School in 1969; the six-story middle portion of the Building, which connects the Main Building and the Wing Building, is known as the "Cross-Over Building," and was constructed by the School between 1971 and 1997; and

WHEREAS, the Board has maintained jurisdiction over the site since 1969 when it approved a variance for a four-story enlargement to the Building; the School did not commence construction pursuant to the 1969 variance, and the 1969 variance lapsed; and

WHEREAS, in 1987, under BSA Cal. No. 498-87-BZ, the Board granted a variance to permit a three-story enlargement of the Wing Building, which did not comply with the zoning regulations for lot coverage and rear yards; the Board found that the waivers granted pursuant to such variance were the minimum relief necessary to meet the School's need for additional Lower School classrooms and a gymnasium; and

WHEREAS, in 1996, under BSA Cal. No. 171-95-BZ, the Board granted a variance to permit a three-story enlargement of the Cross-Over Building, which did not comply with the zoning regulations for height and setback and lot coverage; the Board found that the waivers granted pursuant to such variance were the minimum relief necessary to meet the School's need for a library, choral room and an additional gymnasium for the Middle School and Upper School; the

Board noted that Gym 5 was required because the large space located on the first floor of the Cross-Over Building, which had been used for both dining and gym purposes, could no longer be used as such and would only be used as a dining facility; and

WHEREAS, in 2006, also under BSA Cal. No. 171-95-BZ, the Board amended the School's 1996 variance to allow for the addition of three floors and a mezzanine to the Main Building in order to accommodate the School's need for science laboratories, additional classroom space, a greenhouse, a black box theatre, and offices for the Middle School and Upper School; because the 2006 enlargement was as-of-right, no waivers were granted by the Board; and

WHEREAS, on July 15, 2015, the Board issued a letter of substantial compliance, which stated that certain work being performed at the cellar and first floor of the Building substantially complied with the BSA-approved plans included with the 2006 amendment to the 1996 variance; and

WHEREAS, in order to meet certain of its programmatic needs, discussed in greater detail below, the School proposes to enlarge the Building as follows (the "Proposed Enlargement"): (1) construct a three-story enlargement above the Main Building which will contain a regulation-sized gymnasium and school-wide assembly space, accessory gymnasium and athletic space, dedicated space for dance and music, and an outdoor play roof; (2) the addition of a structure extending over the Cross-Over and Wing Buildings to provide required egress from the Building; and

WHEREAS, the applicant represents that the Proposed Enlargement will address the following of the School's programmatic needs: (1) the need for a regulation-size gymnasium; (2) the need for a performing arts space; (3) the need for dedicated Science, Technology, Engineering and Mathematics ("STEM") classrooms; (4) additional Upper School Classrooms; (5) Lower School dining space; and (6) an on-site health-care facility; and

WHEREAS, the applicant states that, in response to the Board's comments at hearing, it has modified the Proposed Enlargement from that which was originally proposed; specifically, the applicant states that the School has minimized the encroachment into the R8B portion of the site by relocating an exterior stair tower that was initially located on the R8B portion of the site to be within that portion of the Building which is located in the R10A portion of the site, thereby reducing the height of the encroachment into the R8B portion of the site by approximately 28 percent and the overall volume of the encroachment by approximately 60 percent; the applicant states further that the length of the encroachment into the R8B portion of the site has been reduced by one foot; and

WHEREAS, the applicant states that the Proposed Enlargement requires waivers of zoning regulations applicable in both the R10A and R8B zoning districts in which the Building is located; and

WHEREAS, with respect to that portion of the Building which is located in the R10A zoning district, the applicant represents that the Proposed Enlargement does not comply with the bulk regulations for setbacks pursuant to ZR §§ 24-50, 24-522 and 23-633; specifically (1) a setback of 15 feet above the

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maximum base height of 150 feet is required in the R10A portion of the site fronting on East 84th Street, and no setback is provided; and (2) a front setback of 10 feet above the maximum base height of 150 feet is required in the R10A portion of the site, fronting on East End Avenue, a setback of 2.5 feet at a height of 116.69 feet is proposed; and

WHEREAS, with respect to that portion of the Building which is located in the R10A zoning district, the applicant represents that the Proposed Enlargement does not comply with the bulk regulations for floor area ratio ("FAR") pursuant to ZR § 24-11; specifically the Proposed Enlargement exceeds the permitted floor area ratio in the R10A portion of the site in that the maximum permitted floor area is 102,170 sq. ft. and the Proposed Enlargement results in a total floor area of 102,813.35 sq. ft. within the R10A portion of the site; and

WHEREAS, with respect to that portion of the Building which is located in the R8B zoning district, the applicant represents that the Proposed Enlargement does not comply with the bulk regulations for setbacks pursuant to ZR §§ 24-50, 24-522, 23-633 and 23-663; specifically (1) within the R8B portion of the site, a setback of 15 feet above the maximum base height of 60 feet is required where the Building fronts on a narrow street, the applicant notes that there is no setback on such portion of the site and that the Proposed Enlargement will increase the degree of non-compliance with this requirement; and (2) a rear setback of 10 feet above the maximum base height of 60 feet is required in the R8B portion of the site, the applicant notes that there is no rear setback on such portion of the site and that the Proposed Enlargement will increase the degree of non-compliance with this requirement; and

WHEREAS, with respect to that portion of the Building which is located in the R8B zoning district, the applicant represents that the Proposed Enlargement does not comply with the bulk regulations for rear yards pursuant to ZR § 24-36; specifically the applicant states that there is an existing non-complying rear yard with a depth of 17 feet in that portion of the site which is located within the R8B zoning district, where a rear yard with a minimum depth of 30 feet is required; the applicant notes that the Proposed Enlargement will increase the degree of non-compliance with this requirement; and

WHEREAS, with respect to that portion of the Building which is located in the R8B zoning district, the applicant represents that the Proposed Enlargement does not comply with the bulk regulations for height pursuant to ZR § 23-633; specifically the applicant states a maximum building height of 75 feet is permitted within the subject R8B zoning district, and notes that the easternmost portion of the proposed 24'-1 1/2" westerly extension into the R8B zoning district (which extends 10'-10 1/2" into the R8B portion of the site) has a height of 180.08 feet (exclusive of the screen enclosure), and that the remainder of the westerly extension has a height of approximately 150 feet; and

WHEREAS, with respect to that portion of the Building which is located in the R8B zoning district, the applicant represents that the Proposed Enlargement does not comply with the bulk regulations for lot coverage pursuant to ZR § 24-11; specifically, the applicant states that the maximum lot coverage permitted in the R8B portion of the site is 70 percent (8,949 sq.

ft.), and further states that the Proposed Enlargement exceeds this limitation at the sixth floor of the Cross-Over Building by approximately 97 sq. ft., with a proposed lot coverage of 9,046 sq. ft.; and

WHEREAS, with respect to the entire site, the applicant represents that the Proposed Enlargement does not comply with the bulk regulations for FAR, pursuant to ZR § 24-11; specifically, the applicant notes that pursuant to ZR § 24-11, a maximum FAR of 5.1 for community facility use is permitted in the subject R8B zoning district, and a maximum FAR of 10.0 for community facility is permitted in the subject R10A zoning district, and states that pursuant to ZR § 77-22, which allows for the proportional application of the aforesaid bulk regulations based on the lot area within each zoning district, an average FAR of 7.29 (166,261.7 sq. ft.) is permitted at the site; however, the applicant states that the Proposed Enlargement contains 175,541 sq. ft. of floor area (7.71 FAR), which exceeds the maximum permitted for the site;¹ and

WHEREAS, as discussed in hearing, the applicant notes that the Proposed Enlargement does not require a waiver of ZR § 24-35 (side yards) because the Proposed Enlargement cantilevers over the non-complying open area up to the northern side lot line; and

WHEREAS, because the Proposed Enlargement does not comply with the above-noted bulk regulations, the applicant seeks the requested variance pursuant to ZR § 72-21; and

WHEREAS, the applicant contends that, per ZR § 72-21(a), the history of development of the site and the fact that the site is located in two zoning districts are unique physical conditions, which, when coupled with the School's programmatic needs, creates practical difficulties and unnecessary hardship in developing the site in compliance with the zoning regulations; and

WHEREAS, the applicant notes that the School was built in segments over a period of nearly 100 years, and, as stated, that the site is split between two zoning lots; and

WHEREAS, specifically, with respect to the history of the development of the site and the obsolescence of the existing building, the applicant states that the floor plates of the Main Building and Wing Building, constructed in the 1920s and 1930s, cannot accommodate a regulation-sized gymnasium, the provision of which, the School maintains, is an important programmatic need, and that the existing Building cannot accommodate additional classrooms, STEM classrooms, a performance arts space or a dedicated nurse's office; and

WHEREAS, indeed, in addition to the constraints imposed by the existing structure, the applicant also asserts that the School requires the requested waivers to meet its programmatic needs; and

WHEREAS, the applicant states that the programmatic

1 The applicant states that the R8B portion of the zoning lot generates 64,091.7 sq. ft. of floor area at 5.1 FAR, but that the Proposed Enlargement utilizes 72,727.5 sq. ft. of floor area in the R8B portion of the site, and that the R10A portion of the zoning lot generates 102,170 sq. ft. of floor area at 10.0 FAR, but that the Proposed Enlargement utilizes 102,813 sq. ft. of floor area in the R10A portion of the site.

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needs which will be addressed by the Proposed Enlargement are: (1) the need for a gymnasium that complies with National Federation of High School Associations (“NFHS”) rules, which mandate, *inter alia*, that basketball games be played on a court that is, at minimum, 70’ x 104’ (a 50’ x 84’ playing surface with a 10’ perimeter buffer), and which does not include spectator seating; (2) the need for improved performing arts spaces, including spaces for dance and vocal/instrument instruction; (3) additional Upper School classrooms; (4) STEM classrooms; (5) a health care facility; (6) improved dining facilities; and (7) outdoor play space; and

WHEREAS, with respect to the need for a gymnasium that complies with NFHS rules, the applicant notes that the School has been prohibited from hosting league tournament games since 2008, and that non-tournament games require a waiver which, the School has been advised, will not be available in the future if the School cannot meet the minimum NFHS dimensions; and

WHEREAS, the applicant also states that athletic support facilities are a required component of a contemporary high school gymnasium and that such facilities must be located in close proximity to the gymnasium, including locker rooms, fitness rooms, athletics supply storage, and personnel and safety offices; and

WHEREAS, the applicant represents that none of the existing gymnasiums in the Building are large enough to comply with NFHS rules, that none of the existing gymnasiums can be enlarged to comply with NFHS rules, and that the School cannot locate a new NFHS compliant gymnasium elsewhere in the Building; specifically, the applicant notes that locating the gymnasium in the Cross-Over Building, rather than in an addition to the taller Main Building, would require additional zoning waivers and would result in a larger building in the midblock, rather than on the avenue, and that locating the gymnasium in the cellar is impracticable because there is no full cellar in the Building and providing one suitable for a complying gymnasium would require extensive excavation and structural modifications to the building; and

WHEREAS, with respect to the need for improved performing arts spaces, including spaces for dance and vocal/instrument instruction, the applicant states that the Proposed Enlargement will allow for dedicated spaces for vocal instruction, instrumental instruction, and Middle School and Upper School dance classes; and

WHEREAS, the applicant states that by devoting one floor of the Proposed Enlargement to such performing arts spaces, the School will be able to provide, in addition to music and dance studios, four practice rooms, offices, a music library and an instrument storage space; and

WHEREAS, the applicant states that the existing Building is a vertical urban campus, the major circulation core of which (“Stair B”) is located in the R10A portion of the Building; the applicant states further that this core, known as “Main Street” among students, serves to link all elements of the Middle School and Upper School, thus, locating the proposed gymnasium in the R10A portion of the site, with athletic support and performing arts spaces below,

all accessible from Stair B, is critical to efficient student circulation and programmatic adjacency; and

WHEREAS, with respect to the need for additional Upper School classrooms, the applicant notes that the Upper School operates with a classroom utilization rate of approximately 95 percent, and that the Middle School operates with a classroom utilization rate of approximately 82 percent, and states that upon the construction of the proposed gymnasium, two of the School’s existing, inadequate, gymnasiums will be converted to other uses, including eight new Upper School Classrooms which will be located in close proximity to existing Upper School classroom space; and

WHEREAS, similarly, with respect to the need for STEM classrooms, the applicant states that upon the construction of the proposed gymnasium, the School will be able to provide for STEM classrooms where one of the School’s existing, inadequate gymnasiums is currently located; and

WHEREAS, with respect to the need for a health care facility, the applicant states that the Proposed Enlargement will enable the School to provide a reconfigured health care facility in space now occupied by one of the gymnasiums that will be eliminated upon the construction of the proposed gymnasium, and that such facility is required as the School’s nurse station currently receives up to 50 visits per day, is not wheelchair accessible, lacks space for private conversation, and does not have an adequate examination room; and

WHEREAS, with respect to the need for improved dining facilities, the applicant states that the School is proceeding with its plans to provide a below-grade Lower School cafeteria on an as-of-right basis, and notes that the Board issued a letter of substantial compliance authorizing such work; and

WHEREAS, with respect to the need for outdoor play space, the applicant states that the Proposed Enlargement will enable the School to locate a rooftop play area immediately above the proposed gymnasium, rather than utilize Carl Schurz Park, which is located opposite the School on East End Avenue; and

WHEREAS, the applicant states that all of the waivers sought herein are tied to the School’s well-established programmatic needs, save those which are required in order to provide required egress at the Building; and

WHEREAS, the applicant represents that no increase in enrollment is anticipated or planned and that the Proposed Enlargement seeks to address the School’s current space deficiencies and is not intended to allow the School to increase its enrollment; and

WHEREAS, the applicant examined the feasibility of various as-of-right scenarios, including locating the proposed gymnasium in the R10A portion of the Building only (the applicant represents that the required dimensions and egress cannot be accommodated solely within the R10A district); locating the proposed gymnasium in the cellar (the applicant represents that reconstruction of major structural systems throughout the building would be required in order to locate an adequate gymnasium in the cellar, and the relocation of the utility trench below the Building would be extremely costly

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and detrimental to the operation of the Building); locating the gym at the bottom of the Proposed Enlargement and setting back from a point above the gym (the applicant represents that this alternative would require additional waivers from the Board and would also require the relocation of the School's vertical circulation core); building over the Building's existing eighth floor greenhouse (the applicant represents that accessing a newly created area above the greenhouse would require the relocation of the School's vertical circulation core); procuring an off-site location (the applicant represents that the School was unable to find a suitable off-site location after a search that lasted approximately 18 months, and states further that in order to accommodate the required gymnasium, four contiguous townhouses would have to be acquired and demolished, and also an off-site location presents logistical issues and is inconsistent with the School's policy of housing all of its programs within a single building); and

WHEREAS, accordingly, the applicant states that the Proposed Enlargement most effectively meets the School's programmatic needs; and

WHEREAS, the Board acknowledges that the School, as an educational institution, is entitled to significant deference under the law of the State of New York as to zoning and as to its ability to rely upon programmatic needs in support of the subject variance application; and

WHEREAS, as noted by the applicant, under well-established precedents of the courts and this Board, an application for a variance that is needed in order to meet the programmatic needs of a non-profit educational institution is entitled to significant deference and shall be permitted unless the application can be shown to have an adverse effect upon the health, safety, or welfare of the community (*see, e.g., Cornell University v Bagnardi*, 68 NY2d 583 (1986)); and

WHEREAS, the Board acknowledges that, as set forth in *Cornell*, general concerns about traffic, and disruption of the residential character of a neighborhood are insufficient grounds for the denial of an application; and

WHEREAS, the Board observes that *Cornell* deference has been afforded to comparable institutions in numerous other Board decisions, certain of which were cited by the applicant in its submissions; and

WHEREAS, the applicant states that based on an extensive review of its facility and operations, the proposal is the most efficient and effective use of its educational programmatic space, and the applicant concludes that the bulk relief requested is necessary to meet the School's programmatic needs; and

WHEREAS, the Board finds that the proposal has been designed to be consistent and compatible with adjacent uses and with the scale and character of the surrounding neighborhood and is, therefore, consistent with the standard established by the decision in *Cornell*; and

WHEREAS, the Board concurs that the waivers will facilitate construction that will meet the School's articulated needs; and

WHEREAS, in sum, the Board concludes that the applicant has fully explained and documented the need for the waivers to accommodate the School's programmatic

needs; and

WHEREAS, based upon the above, the Board finds that, consistent with ZR § 72-21(a), the programmatic needs of the School along with the existing constraints of the site create unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, since the School is a non-profit educational institution and the variance is needed to further its educational mission, the finding set forth at ZR § 72-21(b) does not have to be made in order to grant the variance requested in this application; and

WHEREAS, the applicant represents that the variance, if granted, 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 Proposed Enlargement is consistent with the scale and character of the neighborhood and is compatible with nearby uses; and

WHEREAS, in support of this statement, the applicant submitted a height study which states that the height of the Proposed Enlargement is not inconsistent with other tall buildings in the subject R8B zoning district, and notes that the horizontal encroachment into such district is limited and is no more than necessary to accommodate the minimum dimensions of the proposed gymnasium and to provide required egress; and

WHEREAS, the applicant also states that the Proposed Enlargement, including the rooftop play area, will be built below the maximum height permitted in the subject R10A zoning district; and

WHEREAS, the applicant provided a shadow study in support of its statement that the increased height of the Building will not have an adverse impact on Carl Schurz Park; and

WHEREAS, the applicant submitted a noise analysis in support of its statement that the proposed rooftop play area will have no adverse impact on the surrounding neighborhood, and has agreed to a number of sound and light attenuation measures which are included as conditions of this approval; 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 applicant states that, per ZR § 72-21(d), the hardship was not self-created, and that no development that would meet the programmatic needs of the School could occur given the history of development of the site; and

WHEREAS, accordingly, the Board finds that the hardship herein was not created by the School; and

WHEREAS, the applicant represents that the requested waivers are the minimum necessary to accommodate the School's current and projected programmatic needs, in accordance with ZR § 72-21(e); and

WHEREAS, the Board notes that it reviewed numerous written submissions, held numerous hearings, and accepted

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testimony from the applicant, representatives from the School, the Opposition, counsel for the Opposition, and surrounding neighbors regarding the Proposed Enlargement, the requested waivers, and the potential impacts on neighborhood character and surrounding uses; the Board concludes that the School has modified the Proposed Enlargement to accommodate such concerns or provided detailed, programmatic needs-based reasons why it could not do so; and

WHEREAS, the Board notes that the as-of-right work complained of by the Opposition was authorized by DOB, and notes further that such work was deemed by the Board to be in substantial compliance with applicable BSA-approved plans; and

WHEREAS, with respect to the Opposition's concerns about segmentation, the Board notes that segmentation, the division of the environmental review of an action so that various activities, or stages of a development, are analyzed independently of each other in order to avoid a determination of significance, is not implicated where, as here, the as-of-right work the Opposition claims was excluded from the environmental review of the subject proposal was, indeed, considered as part of the project EAS; and

WHEREAS, with respect to the Board's authority to grant, and the School's entitlement to seek, additional variances, the Board notes that the Opposition's concerns are misplaced; the Board has granted multiple variances, and amended multiple variances, to meet the changing programmatic needs of educational institutions in New York City; and

WHEREAS, notwithstanding the foregoing, the Board notes that the School does not have plans to enlarge the Building again in the future, and the Board is concerned that any future enlargement may exceed an appropriate building height and floor area for the neighborhood; and

WHEREAS, the Board notes that the School, through counsel, has stated that it does not plan to increase its enrollment; thus, the Board finds that the Building, with the Proposed Enlargement, will meet the School's programmatic needs and allow for flexibility in the future to accommodate any new programmatic needs which may arise, such that additional enlargements, barring unforeseen circumstances, would not be warranted; and

WHEREAS, based on the foregoing, the Board finds that the requested relief, subject to the conditions set forth below, is the minimum necessary to allow the School to fulfill its programmatic needs; and

WHEREAS, therefore, 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 CEQR No. 15-BSA-090M, dated September 16, 2015; and

WHEREAS, the EAS documents that the operation of the School 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, the New York City Department of Environmental Protection's (DEP) Bureau of Environmental Planning and Analysis reviewed the project for potential hazardous materials; and

WHEREAS, DEP reviewed and accepted the Remedial Action Plan and Construction Health and Safety Plan; and

WHEREAS, DEP requested that a Remedial Closure Report be submitted to DEP for review and approval upon completion of the proposed project; and

WHEREAS, DEP reviewed and accepted the Noise Chapter in the Environmental Assessment Statement, the Noise Memorandum, and backup materials and determined that the proposed project would not result in any potential for significant adverse impacts with regards to Noise; and

WHEREAS, the New York City Department of Parks and Recreation reviewed and accepted the Shadows Chapter in the Environmental Assessment Statement and stated "that the shading would not likely rise to the significant impact threshold"; 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 § 72-21 and grants a variance to permit, on a site partially within an R8B zoning district and partially within an R10A zoning district, the enlargement of an existing school building (Use Group 3), which does not comply with zoning regulations for rear yard, height and setback, lot coverage and floor area, contrary to ZR §§ 23-633, 24-11, 24-36, 24-50, 24-522 and 77-22, *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 October 16, 2015" – twenty-four (24) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the Proposed Enlargement: a maximum floor area of 175,540.5 sq. ft. (7.71 FAR), 72,727.5 sq. ft. of floor area in the R8B portion of the site and 102,813 sq. ft. of floor area in the R10A portion of the site; in the R10A portion of the site, a maximum building height of 210'-0", with a maximum height of 186'-0" to the roof (exclusive of bulkhead and screen enclosure); in the R8B portion of the site, a maximum height of 180'-1" to the roof

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(exclusive of screen enclosure) for that portion of the Building which extends 10'-10 1/2" westerly into the R8B zoning district, a maximum height of 150'-0" to the roof for the remainder of the 24'-1 1/2" westerly extension of the Building into the R8B zoning district, and a maximum building height of 75'-0" for the remainder of that portion of the Building which is located in the R8B zoning district, with a maximum height to roof of 95'-6"; no setback above the maximum base height in the R10A portion of the site fronting on East 84th Street; a front setback of 2'-6" above the maximum base height of 116'-8 1/2" feet in the R10A portion of the site fronting on East End Avenue; no setback above the maximum base height of 60 feet in the R8B portion of the site which fronts on a narrow street; no rear setback in the R8B portion of the site; a rear yard with a depth of 17'-0" in the R8B portion of the site; a lot coverage of 9,046 sq. ft. in the R8B portion of the site above the 5th floor and 10,475 sq. ft. in the R10A portion of the site; all as illustrated on the BSA-approved plans;

THAT any change in the use, occupancy, internal configuration of space, or operator of the School shall require review and approval by the Board;

THAT the use of the play roof shall be limited to the hours between sunrise and sunset;

THAT there shall be no lighting on the play roof, save that which is required by the Building Code for emergency egress, or other applicable state or municipal laws and rules;

THAT there shall not be any permanent sound amplification equipment installed on the play roof;

THAT no electronic amplification will be allowed at the play roof at any time;

THAT the School shall maintain a sidewalk shed at the subject site in order to reduce noise and improve pedestrian safety during any construction performed pursuant to this variance;

THAT the School shall employ a facilities manager to ensure that the subject site is well-maintained and that open pedestrian areas remain free of construction materials and debris;

THAT DOB will not issue a Certificate of Occupancy prior to DEP's approval of the Remedial Closure Report;

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 October 16, 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;

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, October 16, 2015.

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

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

Abstain: Commissioner Chanda.....1

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated October 22, 2014, acting on DOB Application No. 120921002, reads, in pertinent part:

ZR 32-10 Proposed Physical Culture Establishment is not permitted as-of-right in a C4-6 district as per ZR 32-10; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C4-6 zoning district, the operation of a physical culture establishment ("PCE") within portions of a proposed mixed-use building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on May 19, 2015, after due notice by publication in the *City Record*, with continued hearings on June 23, 2015, July 14, 2015, August 25, 2015, and then to decision on October 16, 2015; and

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

WHEREAS, Community Board 8, Manhattan, recommends disapproval of this application; and

WHEREAS, the subject site is a through lot with 159 feet of frontage on the north side of East 92nd Street, 159 feet of frontage on the south side of East 93rd Street and a depth of 201 feet for a total of 31,958 sq. ft. of lot area; and

WHEREAS, the site is located within a C4-6 zoning district; and

WHEREAS, the site is currently under development with a planned 36-story mixed-use building; and

WHEREAS, the first through sixth floors will be occupied by a mix of residential, commercial and community facility uses, with residential use on the upper floors; and

WHEREAS, the proposed PCE will occupy portions of the cellar (5,511 sq. ft.), first floor (3,996 sq. ft.), fifth floor (14,014 sq. ft.) and sixth floor (14,522 sq. ft.) for a total of 32,532 sq. ft. of floor area; and

WHEREAS, the proposed PCE will be operated as

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Equinox; and

WHEREAS, the applicant states that the seventh floor (above the PCE) will be occupied by a leasing office, bicycle storage, mechanical rooms, a terrace, a residential meeting room and the building superintendent's apartment; and

WHEREAS, the PCE's proposed hours of operation are Monday through Saturday, from 5:30 a.m. to 11:00 p.m., and on Sunday, from 7:00 a.m. to 9:00 p.m.; and

WHEREAS, at hearing, the Board inquired into the sound attenuation measures in the sixth-floor ceiling; and

WHEREAS, the applicant responded that only low noise cardio activity will be located in the area below the superintendent's apartment and submitted a plan sheet, which reflects a hung ceiling to be fully enclosed and to include insulation material to mitigate any sound impact the PCE might have on the seventh floor; the applicant also submitted the sound consultant's notes on the expected STC ratings of the 8-inch concrete floor and the drop ceiling with gypsum board; and

WHEREAS, the applicant also included plans to reflect the proposed location of sound attenuation measures, including the only high activity areas on the fifth floor that would be adjacent to the proposed school on the fourth floor; and

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

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

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

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

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

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

WHEREAS, the project is classified as a Unlisted Action pursuant to 6 NYCRR Part 617.2; and

WHEREAS, the site is the subject of a New York City Planning ULURP Action; and

WHEREAS, the site has existing institutional controls, specifically an "E designation, (E-311) relating to noise as identified in the August 21, 2013 Negative Declaration CEQR No. 13DCP121M; and

WHEREAS, the text of the 'E designation states as follows: In order to ensure an acceptable interior noise environment, future school/residential/commercial uses must

provide a closed window condition with up to 41dBA of window/wall attenuation in order to maintain an interior noise level of 45 dBA . In order to maintain a closed window condition, alternate means of ventilation that brings outside air into the building without degrading the acoustical performance of the building must also be provided. Alternate means of ventilation includes, but not limited to, central air conditioning. The specific attenuation requirements to be implemented throughout the project building facades are provided in the 203-205 East 92nd Street Technical Memorandum .Table 6 (CEQR No. 13DCP121M), August 2013; and

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

Therefore it is Resolved, that the Board of Standards and Appeals adopts the Negative Declaration determination issued by the New York City Department of City Planning on August 21, 2013 for CEQR No. 13DCP121M as prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site within a C4-6 zoning district, the operation of a PCE on portions of the cellar, first floor, fifth floor and sixth floor of a new 36-story mixed-use building, contrary to ZR § 32-10; *on condition* that all work will substantially conform to drawings filed with this application marked "July 2, 2015"- (18) sheets; *on further condition*:

THAT the term of the PCE grant will expire on October 16, 2025;

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

THAT all signage displayed at the site by the applicant shall conform to applicable regulations;

THAT the hours of operation will be limited to Monday through Saturday, from 5:30 a.m. to 11:00 p.m., and on Sunday, from 7:00 a.m. to 9:00 p.m.;

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

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

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

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

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

THAT DOB must ensure compliance with all of the

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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, October 16, 2015.

32-15-BZ

CEQR #15-BSA-160K

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for 2857 West 8th Street Associates, LLC., owner; Blink West 8th Street, Inc., lessee.

SUBJECT – Application February 19, 2015 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*Blink Fitness*) within portions of an existing building. C8-2 (OP) zoning district

PREMISES AFFECTED – 2847 West 8th Street, east side of West 8th Street, 125.67’ south of the intersection of West 8th Street and Sheepshead Bay Road, Block 07279, Lot 0162, Borough of Brooklyn.

COMMUNITY BOARD #13BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

Abstain: Commissioner Chanda.....1

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated February 12, 2015, acting on DOB Application No. 320864203, reads, in pertinent part:

Proposed Physical Culture Establishment on the second floor in a C8-2 (OP) District is contrary to Section 32-10 ZR and must be referred to the BSA. No parking as per ZRD-1 #23001 dated 6/29/12; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to legalize, on a site within a C8-2 zoning district within the Special Ocean Parkway District (OP), the operation of a physical culture establishment (“PCE”) on the second floor of a two-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on September 1, 2015, after due notice by publication in the *City Record*, and then to decision on October 16, 2015; and

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

WHEREAS, the subject site is located on the east side of West 8th Street with a depth of 200 feet and a lot area of 35,107 sq. ft.; and

WHEREAS, the proposed PCE occupies 14,734 sq. ft. on the second floor and 679 sq. ft. of floor area on the first floor for a total of 15,413 sq. ft. of floor area; and

WHEREAS, the PCE, operated as Blink Fitness, has occupied the site since approximately September 1, 2015; and

WHEREAS, the PCE’s proposed hours of operation are Monday through Saturday, from 5:30 a.m. to 11:00 p.m., and on Sunday, from 7:00 a.m. to 9:00 p.m.; and

WHEREAS, at hearing, the Board requested information regarding the fire safety measures and sound attenuation; and

WHEREAS, in response, the applicant submitted an approval from the Fire Department regarding the fire alarm, evidence that the sprinklers passed testing requirements, and revised plans which include notes regarding the sound attenuation measures, including rubber flooring and insulated walls; and

WHEREAS, the applicant also proved a copy of the ZRD-1 referenced in the DOB objection, which allows a waiver of the accessory parking requirement; 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 PCE does not interfere with any pending public improvement project; and

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

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

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

WHEREAS, the term of the grant will be dated from the September 1, 2015 commencement of the use at the site; 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 Type II action discussed in the CEQR Checklist No. 15-BSA-160K, dated February 19, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site within a C8-2 (OP) zoning district, the legalization of a physical culture establishment (“PCE”) on the second floor of a two-story building, contrary to ZR § 32-10; *on condition* that all work will substantially conform to drawings filed with this application marked “September 29, 2015”- Four (4) sheets; *on further condition*:

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THAT the term of the PCE grant will expire on September 1, 2025;

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

THAT all signage displayed at the site by the applicant shall conform to applicable regulations;

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, October 16, 2015.

33-15-BZ

CEQR #15-BSA-161X

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Equity One (Northeast Portfolio) Inc., owner; Blink 5510-5530 Broadway, Inc., lessee.

SUBJECT – Application February 19, 2015 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*Blink Fitness*) within a new commercial building. C8-2 (OP) zoning district.

PREMISES AFFECTED – 5510 Broadway, north east corner of Broadway and West 230th Street, Block 03266, Lot(s) 21 & 23, Borough of Bronx.

COMMUNITY BOARD #8BX

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

Abstain: Commissioner Chanda.....1

THE RESOLUTION –

WHEREAS, the decision of the Bronx Borough Commissioner, dated February 2, 2015, acting on Department of Buildings Application No. 220361034, reads in pertinent part:

“Proposed Physical Culture Establishment, in a C4-4 zoning district, is contrary to Section 32-10 ZR and requires a Special Permit from the Board of Standards and Appeals pursuant to Section 73-36 Zoning Resolution;” and

WHEREAS, this is an application under ZR §§ 73-36

and 73-03, to permit, on a site located within a C4-4 zoning district, the operation of a physical culture establishment (PCE), contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on September 1, 2015 after due notice by publication in *The City Record*, and then to decision on October 16, 2015; and

WHEREAS, Community Board 8, Bronx, recommends approval of this application; and

WHEREAS, Vice-Chair Hinkson performed an inspection of the site and surrounding neighborhood; and

WHEREAS, Lot 21 of the subject site is located at the northeast corner of Broadway and West 230th Street and Lot 23 of the subject site is located immediately north of Lot 21 on the east side of Broadway between West 230th Street and Verveelen Place, within a C4-4 zoning district, in the Bronx; and

WHEREAS, Lot 21 has approximately 100 feet of frontage along West 230th Street and 75 feet of frontage along Broadway, and 7,500 sq. ft. of lot area and Lot 23 has approximately 115 feet of frontage along Broadway and 11,500 sq. ft. of lot area; and

WHEREAS, Lot 21 is currently being developed with a two (2) story plus cellar commercial building with 14,924 sq. ft. in area under Department of Buildings Application No. 220361034 and, with regards to Lot 23, Department of Buildings Application No. 2203611310 is pending for development of a two (2) story plus cellar commercial building with 19,840 sq. ft. in area; and

WHEREAS, the parking requirements for the two sites, as set forth in ZR § 36-21, are waived under ZR § 36-232(a) because they total less than 40 spaces; and

WHEREAS, the proposed PCE will consist of 7,464 sq. ft. on the second floor of the new building to be developed on Lot 21 and 8,646 sq. ft. on the second floor and 194 sq. ft. on the first floor of the new building to be developed on Lot 23; and

WHEREAS, the proposed PCE will be accessible from the first floor of the building developed on Lot 23, where there will be a lobby and entry to an elevator and stairs to the second floor of the PCE facility; and

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

WHEREAS, the applicant represents that the PCE will include areas for stretching and a variety of aerobic and weight-lifting equipment; and

WHEREAS, the proposed hours of operation for the PCE are: Monday through Saturday, from 5:30 a.m. to 11:00 p.m. and Sunday, 7:00 a.m. to 9:00 p.m.; and

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

WHEREAS, the Fire Department states that it has no objections to the proposal, other than the IFA and Sprinkler installations; and

WHEREAS, the applicant has provided the Board with

MINUTES

plans representing that an approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exit, local audible and visual alarms, and connection to a Fired Department-approved central station—shall be installed in the entire PCE space; and

WHEREAS, the applicant’s plans also include notes of the proposed sound attenuation measures, including rubber flooring and insulated walls, comparable to those measures employed at other locations of the same operator in similar commercial buildings; 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 Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

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

WHEREAS, the project is classified as an 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-161X, dated February 19, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located in a C4-3 zoning district, the operation of a PCE in portions of the first and second stories of two new commercial buildings, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received September 3, 2015”-four (4) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on October 16, 2025;

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

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

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

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by October 16, 2019;

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

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

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

Adopted by the Board of Standards and Appeals, October 16, 2015.

69-15-BZ

APPLICANT – Glenn V. Cutrona, AIA, for Murray Page 74 LLC, owner.

SUBJECT – Application March 30, 2015 – Variance (§72-21) a proposed eating and drinking establishment with accessory drive through facility, located within an R3X/C1-1/SRD zoning district.

PREMISES AFFECTED – 245 Page Avenue, between Richmond Valley Road and Amboy Road, Block 08008, Lot 74, Borough of Staten Island.

COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Laid over to October 27, 2015, at 10 A.M., for deferred decision.

98-14-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 404-414 Richmond Terrace Inc., owner.

SUBJECT – Application May 8, 2014 – Variance (§72-21) to permit the reestablishment of a banquet facility (catering hall -UG 9) with accessory parking. Located in an R5 and R3A zoning districts within the St. George Historic District. PREMISES AFFECTED – 404 Richmond Terrace, southeast corner of Richmond Terrace and Westervelt Avenue, Block 3, Lot(s) 40, 31, Borough of Staten Island.

COMMUNITY BOARD #1SI

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

MINUTES

SPECIAL HEARINGS
FRIDAY AFTERNOON, OCTOBER 16, 2015
1:00 P.M.

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

ZONING CALENDAR

330-13-BZ

APPLICANT – Alexander Levkovich, for Dilshoda Nasriddinova, owner.

SUBJECT – Application December 31, 2013 – Special Permit (§73-622) for the legalization of an enlargement to an existing single family home contrary to floor area (ZR 23-141). R4-1 zoning district.

PREMISES AFFECTED – 2801 Brown Street, east side of Brown Street, 230’ south of intersection with Shore Parkway, Block 08800, Lot 0095, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to December 15, 2015, at 10 A.M., for continued hearing.

149-14-BZ

APPLICANT – Lewis E. Garfinkel, for Abraham Schreiber, owner.

SUBJECT – Application June 25, 2014 – Special Permit (§73-622) to for the enlargement of an existing single family residence contrary to floor area and open space (ZR 23-141(a)); side yards (ZR 23-461) and less than the required rear yard (ZR 23-47). R-2 zoning district.

PREMISES AFFECTED – 3173 Bedford Avenue, east side of Bedford Avenue 400’ north from Avenue K, Block 07607, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to December 15, 2015, at 10 A.M., for continued hearing.

323-14-BZ

APPLICANT – Eric Palatnik, P.C., for Avner Levy, owner.

SUBJECT – Application December 12, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area (ZR 23-141(b)). R3-1 zoning district.

PREMISES AFFECTED – 282 Corbin Place, adjacent to the Coney Island Beach and Boardwalk, Block 08723, Lot 276, Borough of Brooklyn.

COMMUNITY BOARD #3BK

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

43-15-BZ

APPLICANT – Eric Palatnik, P.C., for Joseph Tolv, owner.
SUBJECT – Application March 6, 2015 – Special Permit (§73-622) to permit an enlargement of one family home, seeking to waive the floor area, lot coverage, rear yard, perimeter wall height and open space requirements. R3-2 zoning district.

PREMISES AFFECTED – 2617 Avenue R, between East 26th and 27th Streets, Block 06809, Lot 0049, Borough of Brooklyn.

COMMUNITY BOARD #15BK

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

Ryan Singer, Executive Director