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. 47 December 9, 2015

DIRECTORY

MARGERY PERLMUTTER, *Chair*

SUSAN M. HINKSON, *Vice-Chair*
DARA OTTLEY-BROWN
EILEEN MONTANEZ
SHAMPA CHANDA
Commissioners

Ryan Singer, *Executive Director*
David Schnakenberg, *Counsel*

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

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

CONTENTS

DOCKET 666

CALENDAR of January 12, 2016
Morning 667
Afternoon 667

CONTENTS

MINUTES of Regular Meetings,
Tuesday, December 1, 2015

Morning Calendar 668

Affecting Calendar Numbers:

27-91-BZ	1931 Richmond Avenue, Staten Island
156-92-BZ	1835 Bay Ridge Parkway, Brooklyn
131-93-BZ	3743-3761 Nostrand Avenue, Brooklyn
369-03-BZ	99-01 Queens Boulevard, Queens
202-62-BZ	950 Allerton Avenue, Bronx
129-97-BZ	150-65 Cross Island Parkway, Queens
318-06-BZ	49-05 Astoria Boulevard, Queens
97-08-BZ	84 Sanford Street, Brooklyn
47-10-BZ	895 Zerega Avenue aka 2351 Story Avenue, Bronx
98-06-BZ	1045 Beach 9th Street, Queens
135-15-A	50 Oak Point Avenue, Bronx
65-15-BZ & 66-15-A	361 Central Park West, Manhattan
114-15-A thru 125-15-A	9, 11, 15, 17, 21, 23, 27, 29, 33, 35, 41 thru 43 Jade Court, Staten Island
198-15-A & 199-15-A	500-550 Oak Point Avenue, Bronx
153-11-BZ	27-11 30th Avenue, Brooklyn
228-14-BZ	149 Hasting Street, Brooklyn
245-14-BZ	133-31 39th Avenue, Queens
314-14-BZ	1604 Williamsbridge Road, Bronx
322-14-BZ	82 Coleridge Street, Brooklyn
219-14-BZ	64 DeGraw Street, Brooklyn
220-14-BZ and 221-14-BZ	8 & 10 Underhill Avenue, Brooklyn
319-14-BZ	1781 South Avenue, Staten Island
24-15-BZ	71-17 Roosevelt Avenue, Queens

DOCKETS

New Case Filed Up to December 1, 2015

262-15-A
64 Sharott Avenue, Corner lot formed by intersection of souath side of Penton Street and West Side of Sharrott Avenue, Block 7702, Lot(s) 110, Borough of **Staten Island, Community Board: 3**. GCL 36 to permit the development of a one story, Use Group 6 Commercial Building located within an R3X/C1-1 zoning district, contrary to Article 3, Section 36 of the NYS General City Law. R3X/C1-1 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
JANUARY 12, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, January 12, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

595-44-BZ
APPLICANT – Montgomery McCracken Walker & Rhoads, LLP, for Cinzia 30 CPS. Incorporated c/o Rodel USA, Incorporated, owner.
SUBJECT – Application August 4, 2015 – Extension of Term (§11-411) of a previously approved variance which permitted Office Use (UG 6) which expired on July 12, 2015. R10H zoning district.
PREMISES AFFECTED – 30 Central Park South, Block 01274, Lot 7501, Borough of Manhattan.
COMMUNITY BOARD #5M

802-48-BZ
APPLICANT – Eric Palatnik, for Rodeleeven Service Stations, Inc., owner.
SUBJECT – Application June 8, 2015 – Extension of Term (72-01) to extend the term of a variance for automotive service station, repair shop and accessory convenient store, which was granted October 17, 2006. R5/C1 zoning district.
PREMISES AFFECTED – 1346 Beach Channel Drive, Block 01552, Lot 1, Borough of Queens.
COMMUNITY BOARD #14Q

196-49-BZ
APPLICANT – Vassalotti Associates Architects, LLP., for 1280 Allerton, LLC., owner.
SUBJECT – Application May 6, 2015 – Extension of Term (§11-411) of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B) with accessory uses which expires on September 30, 2015; Amendment to permit the conversation of the accessory building to an accessory convenience store; Extension of Time to obtain a Certificate of Occupancy which expired on June 12, 2013; Waiver of the Rules. R4 zoning district.
PREMISES AFFECTED – 1280 Allerton Avenue, Block 04468, Lot 0043, Borough of Bronx.
COMMUNITY BOARD #11BX

919-57-BZ
APPLICANT – O'Sullivan & Zacchea Road, for Stanley Halpern, owner.
SUBJECT – Application March 18, 2015 – Extension of Term & Waiver (§11-411) requesting an extension of term of an expired variance (March 23, 2013) of an eating and drinking establishment also a waiver of the rules. R3-2 zoning district.
PREMISES AFFECTED – 4912 Avenue K, Block 07829, Lot 44, Borough of Brooklyn.
COMMUNITY BOARD #18BK

226-09-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Fraydun enterprises LLC, owner; NYHRC, lessee.
SUBJECT – Application June 24, 2015 – Extension of Term of a special permit (73-11) for a physical culture establishment on the third floor of an existing mixed-use building and for extension of time to obtain a Certificate of Occupancy and Waiver. C6-1 zoning district.
PREMISES AFFECTED – 24 East 13th Street, Block 0570, Lot 017, Borough of Manhattan.
COMMUNITY BOARD #2M

REGULAR MEETING
JANUARY 12, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, January 12, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

52-15-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Liberty Avenue Development LLC, owner; Blink Liberty Avenue Inc., lessee.
SUBJECT – Application March 12, 2015 – Special Permit (§73-36) to permit a physical culture establishment (*Blink*) within a cellar and one-story commercial building. C2-3/R6B zoning district.
PREMISES AFFECTED – 102-16 Liberty Avenue, southwest corner of intersection of Liberty Avenue and 103rd Street, Block 09523, Lot 5, Borough of Queens.
COMMUNITY BOARD #10Q

Ryan Singer, Executive Director

MINUTES

REGULAR MEETING
TUESDAY MORNING, DECEMBER 1, 2015
10:00 A.M.

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

SPECIAL ORDER CALENDAR

27-91-BZ
APPLICANT – Land Planning and Engineering Consultants, P.C., for Eldar Blue, LLC, owner.
SUBJECT – Application July 14, 2014 – Extension of Term of a previously approved variance for a two-story commercial building which expired June 14, 2014; Amendment to eliminate the length of term of variance due to the recently zoning change. C1-2/R3 zoning district.
PREMISES AFFECTED – 1931 Richmond Avenue, Block 02030, Lot 8, Borough Staten Island.
COMMUNITY BOARD #5SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application to extend the term of the variance previously granted by the Board under the subject calendar number, which expired on June 14, 2014, and to eliminate the term of the variance; and

WHEREAS, a public hearing was held on this application on September 22, 2015, after due notice by publication in *The City Record*, and then to decision on December 1, 2015; and

WHEREAS, Commissioner Ottley-Brown performed an inspection of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the east side of Richmond Avenue, within the R3-1/C1-2 zoning districts, on Staten Island; and

WHEREAS, the site has approximately 150 feet of frontage along Richmond Avenue, 18,750 sq. ft. of lot area, and is occupied by a two (2) story commercial building with a cellar; and

WHEREAS, on October 4, 1988, under BSA Calendar Number 71-87-BZ, when the zoning district was R3-2, the Board granted a variance pursuant to ZR § 72-21 to permit the construction of the subject two (2) story commercial building with accessory parking on the subject site; and

WHEREAS, on June 14, 1994, under the subject calendar number, the Board granted a variance to permit the construction of a larger two (2) story commercial building, subject to a term of twenty (20) years; and

WHEREAS, the instant application was timely filed per BSA Rules of Practice and Procedure § 1-07.3(b)(1); and

WHEREAS, the applicant seeks to: (1) extend the term of the variance and (2) eliminate the length of term of the variance; and

WHEREAS, applicant represents that the subject lot changed to an R3-1 district on December 2, 2003 and to an R3-1 district with C2-1 overlay on January 18, 2011; and

WHEREAS, applicant represents that the current use is permitted as-of-right under current zoning; and

WHEREAS, the applicant represents that the parking lot was approved for 38 parking spaces, but current zoning requires 41 parking spaces; and

WHEREAS, the applicant represents that increasing the number of parking spaces to comply with the parking requirements prevents compliance with minimum requirements for parking lot maneuverability and planting under ZR §§ 36-58 and §37-90; and

WHEREAS, the applicant has represented that the number of parking spaces on the subject lot will be increased to 41 spaces; and

WHEREAS, the Board finds that an extension and elimination of the length of term are appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, dated June 14, 1994, so that as amended this portion of the resolution shall read: "to permit an extension of the term of the variance and eliminate the length of term of the variance; *on condition* that the expansion shall substantially conform to drawings as filed with this application, marked 'Received November 12, 2015" – one (1) sheet; and *on further condition*:

THAT this grant shall not be limited for any length of term;

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

THAT a new Certificate of Occupancy for the premises shall be obtained by December 1, 2016;

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."

Adopted by the Board of Standards and Appeals, December 1, 2015.

156-92-BZ
APPLICANT – Eric Palatnik, P.C., for Parisi Patel, Inc., owner.
SUBJECT – Application December 22, 2014 – Extension of Term of the variance (§72-21) which permitted medical office use in an existing building contrary to side yard regulation at the basement and first floor levels, which expired March 1994; Waiver. R5 zoning district.
PREMISES AFFECTED – 1835 Bay Ridge Parkway, between 18th Avenue and 19th Avenue, Block 06216, Lot 60, Borough of Brooklyn.
COMMUNITY BOARD #11BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application to waive the Rules of Practice and Procedure and extend the term of the variance previously granted by the Board under the subject calendar number, which expired on March 15, 2014; and

WHEREAS, a public hearing was held on this application on September 22, 2015 after due notice by publication in *The City Record*, and then to decision on December 1, 2015; and

WHEREAS, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the north side of Bay Ridge Parkway between 18th and 19th Avenues, within the R5 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 40 feet of frontage along Bay Ridge Parkway, 4,000 sq. ft. of lot area, and is occupied by a three (3) story building with a basement; and

WHEREAS, on March 15, 1994, under the subject calendar number, the Board granted a variance to permit medical offices within the subject building, subject to a term of twenty (20) years; and

WHEREAS, on March 15, 2014, the term of the variance grant expired and was not timely renewed; and

WHEREAS, accordingly, the applicant now seeks a waiver of BSA Rules of Practice and Procedure § 1-07.3(b)(2); and

WHEREAS, applicant has demonstrated that the use has been continuous since the expiration of the term of the grant and that substantial prejudice would result without such a where; and

WHEREAS, in addition, the applicant seeks to: (1) extend the term of the variance for an additional twenty (20) years; and

WHEREAS, the Board finds that a twenty-year extension is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and reopens and amends the resolution, dated March 15, 1994, so that as amended this portion of the resolution shall read: "to permit an extension of the term of the variance for a term of twenty (20) years *on condition* that the site shall substantially conform to drawings as filed with this application, marked 'Received May 11, 2015"–(17) sheets; and *on further condition*:

THAT this grant shall be limited to a term of twenty (20) years from March 15, 2014, expiring March 15, 2034;

THAT the trash is stored inside the building until pickup and placed in proper containers;

THAT the third floor use is limited to conferences and educational purposes;

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

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

THAT a new Certificate of Occupancy for the premises shall be obtained by December 1, 2016;

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."

Adopted by the Board of Standards and Appeals, December 1, 2015.

131-93-BZ
APPLICANT – Eric Palatnik, P.C., for Paul Memi, owner.
SUBJECT – Application April 25, 2014 – Extension of Term (§11-411) of a previously approved variance which permitted the operation of an Automotive Service Station (UG 16B) with accessory uses which expires on November 22, 2014. C2-2/R5 zoning district.
PREMISES AFFECTED – 3743-3761 Nostrand Avenue, north of the intersection of Avenue "Y", Block 7422, Lot 53, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda….....5
Negative:.....0
THE RESOLUTION –

WHEREAS, this is an application to extend the term of a special permit previously granted by the Board under the subject calendar number, which expired on November 22, 2014; and

WHEREAS, a public hearing was held on this application on February 24, 2015 after due notice by publication in *The City Record*, with continued hearings on June 23, 2015, and September 22, 2015, and then to decision

on December 1, 2015; and

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

WHEREAS, the subject site is located on the eastern side of Nostrand Avenue between Avenues X and Y, within the R5/C2-2 zoning districts, in Brooklyn; and

WHEREAS, the site has approximately 160 feet of frontage along Nostrand, 13,600 sq. ft. of lot area, and is occupied by an one (1) story automotive service station with accessory used car sales; and

WHEREAS, on March 10, 1959, under BSA Calendar Number 501-58-BZ, the Board granted a variance to permit the premises to be occupied as a gasoline service station and lawfully accessory uses, subject to a term of fifteen (15) years; and

WHEREAS, on November 6, 1974, under BSA Calendar Number 501-58-BZ, the Board granted an application for the reopening of the variance for an extension of term, subject to a term of ten (10) years; and

WHEREAS, the applicant represents that the variance lapsed in 1984; and

WHEREAS, on November 22, 1994, under the subject calendar number, the Board permitted the re-establishment of the grant, subject to a term of ten (10) years; and

WHEREAS, on November 14, 2006, under the subject calendar number, the Board granted an application for the reopening of the variance for an extension of term, subject to a term of ten (10) years and expiring November 22, 2014, and an enlargement of the existing building and expansion of the auto sale use and designated sales are; and

WHEREAS, the instant application was timely filed per BSA Rules of Practice and Procedure § 1-07.3(b)(1); and

WHEREAS, the applicant represents that the following services are currently performed on the premises: gasoline and motor oil sales, New York State inspections, automotive repairs with hand tools, used car sales, motor vehicle parking and storage; and

WHEREAS, the Board finds that a ten-year extension is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, dated November 22, 1994, so that as amended this portion of the resolution shall read: "to permit an extension of the term of the variance for a term of ten (10) years *on condition* that the site shall substantially conform to drawings as filed with this application, marked 'Received September 2, 2015–(5) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years from November 22, 2014, expiring November 22, 2024;

THAT the site, including the walls of the abutting buildings accessed by the applicant, is to be kept graffiti-free;

THAT all landscaping is in place pursuant to the plans;

THAT fencing is kept in good repair;

THAT vehicles awaiting service and parked are limited to the number shown on the plans;

THAT there is no repair work to be done outdoors;

THAT there is no lift;

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

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

THAT a new Certificate of Occupancy for the premises shall be obtained by December 1, 2016;

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."

Adopted by the Board of Standards and Appeals, December 1, 2015.

369-03-BZ

APPLICANT – Law Office of Fredrick A. Becker Esq., for 99-01 Queens Boulevard LLC, owner; TSI Rego Park, LLC dba NY Sports Club, lessee.

SUBJECT – Application April 13, 2015 – Extension of Term of a previously approved Variance (§72-21) allowing the operation of a physical culture establishment/ health club which expires April 19, 2015. C1-2/R7-1 zoning district.

PREMISES AFFECTED –99-01 Queens Boulevard, north side of Queens Boulevard between 66th Road and 67th Avenue, Block 02118, Lot 1, Borough of Queens.

COMMUNITY BOARD #6Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application to extend the term of a variance for a physical cultural establishment (PCE) previously granted by the Board under the subject calendar number, which expired on April 19, 2015; and

WHEREAS, a public hearing was held on this application on October 20, 2015, after due notice by publication in *The City Record*, and then to decision on December 1, 2015; and

WHEREAS, Commissioner Ottley-Brown and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located on the northern side of Queens Boulevard between 66th Road and 67th Avenue, within an R7-1 (C1-2) zoning district, in Queens; and

WHEREAS, the site has approximately 217 feet of frontage along Queens Boulevard, 40 feet of frontage along 99th Street, 110 feet of frontage along 66th Road and 103 feet of frontage along 67th Avenue, 20,843 sq. ft. of lot area, and is occupied by an two (2) story commercial building; and

WHEREAS, the subject PCE is located in portions of the

cellar and cellar mezzanine of the building with an entrance on the first floor; and

WHEREAS, on April 19, 2005, under the subject calendar number, the Board granted a variance to permit the operation of the subject PCE, subject to a term of ten (10) years; and

WHEREAS, the instant application was timely filed per BSA Rules of Practice and Procedure § 1-07.3(b)(1); and

WHEREAS, the applicant seeks to: extend the term of the variance by ten (10) years; and

WHEREAS, the Board finds that a ten-year extension is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, dated April 19, 2005 so that as amended this portion of the resolution shall read: "to permit an extension of the term of the variance for a term of ten (10) years *on condition* that the site shall substantially conform to drawings as filed with this application, marked 'Received November 12, 2015'–(5) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years from April 19, 2015, expiring April 19, 2025;

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

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

THAT a new Certificate of Occupancy for the premises shall be obtained by December 1, 2016;

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."

Adopted by the Board of Standards and Appeals, December 1, 2015.

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 February 2, 2016, at 10 A.M., for adjourned hearing.

129-97-BZ

APPLICANT – Gerald J. Caliendo, RA, AIA, for Whitestone Plaza Associates Inc., owner.

SUBJECT – Application February 21, 2014 – Amendment to permit the proposed conversion of an existing lubritorium to a commercial retail establishment (use group 6) and enlargement of the basement level. C1-2/R3-2 zoning district.

PREMISES AFFECTED – 150-65 Cross Island Parkway, west side of Clintonville Street distant 176.60' north of intersection of Cross Island Parkway and Clintonville Street, Block 04697, Lot 11, Borough of Queens.

COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Laid over to January 22, 2016, at 10 A.M., for adjourned hearing.

318-06-BZ

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

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

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

COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Laid over to February 23, 2016, at 10 A.M., for continued hearing.

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 February 2, 2016, at 10 A.M., for continued hearing.

47-10-BZ
APPLICANT – Eric Palatnik, P.C., for 2352 Story Avenue Realty, owner; Air Gas Use, LLC, lessee.
SUBJECT – Application April 13, 2015 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) permitting manufacturing use on a residential portion of a split zoning lot, which expired on April 12, 2011; Waiver of the Rules. M1-1/R3-2 zoning district.
PREMISES AFFECTED – 895 Zerega Avenue aka 2351 Story Avenue, Block 03698, Lot 36, Borough of Bronx.
COMMUNITY BOARD #9BX
ACTION OF THE BOARD – Laid over to January 12, 2016, at 10 A.M., for adjourned hearing.

98-06-BZ
APPLICANT – Eric Palatnik, P.C., for Yeshiva Siach Yitzchok, owner.
SUBJECT – Application March 3, 2015 – Amendment of a previously approved Variance (§72-21) which permitted school (Yeshiva Siach Yitzchok) contrary to bulk regulation and contrary to General City Law section 35. The Amendment seeks minor interior changes and an increase in height from fifty feet to a proposed fifty four feet. R4A zoning district.
PREMISES AFFECTED – 1045 Beach 9th Street, southwest corner of Bech 9th Street and Dinsmire Avenue, Block 15554, Lot 0049, Borough of Queens.
COMMUNITY BOARD #14Q
ACTION OF THE BOARD – Laid over to February 2, 2016, at 10 A.M., for continued hearing.

APPEALS CALENDAR

135-15-A
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Oak Point Property, LLC., owner.
SUBJECT – Application June 10, 2015 – Proposed construction of a building not fronting on a legally mapped street contrary to Section 36 Article 3 of the General City Law. M3-1 zoning district.
PREMISES AFFECTED – 50 Oak Point Avenue, north shore of east river, approximately 900 lateral feet east of East 149th Street, Block 02604, Lot 0180, Borough of Bronx.
COMMUNITY BOARD #2BX
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the Bronx Borough Commissioner dated May 21, 2015 acting on DOB Application No. 220450107, reads in pertinent part:

> Proposed building not fronting on a legally mapped street is contrary to Article III, Section 36 of the General City Law and must be referred to the Board of Standards and Appeals;

WHEREAS, this is an application to allow the construction of a residence which does not front on a mapped street, contrary to General City Law ("GCL") § 36; and

WHEREAS, a public hearing was held on this application on October 20, 2015, after due notice by publication in *The City Record*, and then to decision on December 1, 2015; and

WHEREAS, Commissioner Ottley-Brown performed an inspection of the site and surrounding neighborhood; and

WHEREAS, Community Board 2, Bronx, recommended approval of this application; and

WHEREAS, the subject site is located on the north shore of the East River, approximately 900 feet east of East 149th Street, within an M3-1 zoning district, in the Bronx; and

WHEREAS, the applicant proposes to develop the subject premises with a waterfront cement storage facility and water dependent use ship berth, requiring additional approvals from the New York State Department of Environmental Conservation and the Army Corps of Engineers; and

WHEREAS, the proposed facility with have 85,856 sq. ft. of floor area, a floor area ratio (FAR) of 0.07, and six accessory parking spaces; and

WHEREAS, the owners of the subject lot entered into a zoning lot development and easement agreement (the "Agreement") with the owners of the parcel at Block 2604, Lot 174 ("Lot 174") located immediately north, recorded with the New York City Department of Finance in December 2010; and

WHEREAS, under the Agreement, the owners of Lot 174 grants, declares and reserves for the benefit of the subject lot a permanent license and easement on, over and across Lot 174 for ingress and egress as well as for purposes of gaining access to and maintaining its utilities; and

WHEREAS, the applicant represents that access to the subject premises will be provided via an existing, unnamed paved road that runs east from East 149th Street immediately north of the East River (the "East 149th Street Access Easement"); and

WHEREAS, the applicant also represents that the East 149th Street Access Easement currently provides access to existing buildings and facilities, including the food and restaurant supply warehouse located on Lot 174; and

WHEREAS, applicant notes that the Board, under BSA Calendar Number 62-10-A, granted a GCL § 36 waiver to allow construction of the restaurant supply warehouse on Lot 174, which does not front on a legally mapped street and utilizes the same East 149th Street Access Easement as one of the two (2) means of access; and

WHEREAS, by letter dated October 14, 2015, the Fire Department stated that it had no objections or recommendations to the proposal; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant

approval of the application subject to certain conditions set forth herein.

Therefore it is Resolved, that the decision of the DOB, dated May 21, 2015, acting on DOB Application No. 220450107, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received July 31, 2015"-(1) sheet; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by DOB;

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

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

Adopted by the Board of Standards and Appeals, December 1, 2015.

65-15-BZ/66-15-A
APPLICANT – Akerman, LLP, for 361 Central Park West, LLC., owner.
SUBJECT – Application March 25, 2015 – Variance (§72-21) to permit the conversion of an existing vacant church building into a 39 unit residential building. Companion case: 66-15-A for an Appeal pursuant to MDL 310 of MDL 30.2. R10A zoning district.
PREMISES AFFECTED – 361 Central Park West, northwest corner of Central Park West and West 96th Street, Block 01832, Lot 0029, Borough of Manhattan.
COMMUNITY BOARD #7M

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

114-15-A thru 125-15-A
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Rossville AME Zion Church, owner; Jade's Path, LLC, lessee.
SUBJECT – Application May 27, 2015 – Proposed construction of a single family home that does not front on a legally mapped street, contrary to General City Law Section 36. R3-1 (SRD) zoning district.
PREMISES AFFECTED – 9, 11, 15, 17, 21, 23, 27, 29, 33, 35, 41 thru 43 Jade Court, Block 07267, Lot 0299, 0298, 0297, 0296, 0295, 0094, 0293, 0292, 0092, 0289, west side of Bloomingdale Road, approx. 346' south of intersection with Clay Pit Road, Borough of Staten Island.
COMMUNITY BOARD #3SI
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 January 12, 2016, at 10 A.M., for decision, hearing closed.

198-15-A & 199-15-A
APPLICANT – Gary R. Tarnoff, Kramer Levin Naftalis & Frankel, LLP, for Harlem Commonwealth Council, owner; Peter Latta, Aduie Pyle, lessee.
SUBJECT – Application August 26, 2015 – Proposed construction of a transportation and distribution services facility on a lot that does not front on a legally mapped street, contrary to Article 3 Section 36, of the General City Law. M3-1 zoning district.
PREMISES AFFECTED – 500-550 Oak Point Avenue, Block 02606, Lot(s) 02 & 20, Borough of Bronx.
COMMUNITY BOARD #2BX
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 January 12, 2016, at 10 A.M., for decision, hearing closed.

ZONING CALENDAR

153-11-BZ
APPLICANT – Eric Palatnik, P.C., for Theodoros Parais, owner.
SUBJECT – Application September 21, 2011 – Re-instatement (§§11-411 & 11-412) to permit the continued operation of an automotive repair use (UG 16B); amendment to enlarge the existing one story building; Waiver of the Board's Rules. C1-3 zoning district.
PREMISES AFFECTED – 27-11 30th Avenue, between 27th Street and 39th Street. Block 575, Lot 23. Borough of Brooklyn.
COMMUNITY BOARD #4BK
ACTION OF THE BOARD – Application withdrawn.

Adopted by the Board of Standards and Appeals, December 1, 2015.

228-14-BZ
APPLICANT – Eric Palatnik, P.C., for Henry Trost, owner.
SUBJECT – Application September 22, 2014 – Special Permit (§73-622) for the enlargement of an existing two story single family home contrary to floor area, lot coverage and open space (ZR 23-141(b). R3-1 zoning district.
PREMISES AFFECTED – 149 Hasting Street, Hastings Street, between Hampton Avenue and Oriental Boulevard, Block 08751, Lot 466, Borough of Brooklyn.
COMMUNITY BOARD #15BK
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5
Negative:.....0
THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated July 1, 2014, acting on DOB Application No. 320932103, reads in pertinent part:

1. Proposes regular floor area and the floor area under the sloping roof is contrary in that it exceeds permitted floor area under ZR 23-141(b);
2. Proposed lot coverage in [*sic*] contrary in that, it exceeds permitted lot coverage as per ZR 23-141(b);
3. Proposed open space is contrary in that it is not at least 655 as required as per ZR 23-141(b); and

WHEREAS, this is an application under ZR § 73-622, to and permit, in an R3-1 zoning district, the enlargement of a single-family residence which does not comply with the zoning requirements for floor area, open space and lot coverage contrary to ZR § 23-141(b); and

WHEREAS, a public hearing was held on this application on October 27, 2015, after due notice by publication in *The City Record*, and then to decision on December 1, 2015; and

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

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

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

WHEREAS, the site has approximately 60 feet of frontage along Hastings Street, a depth of 100 feet, and 6,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story with attic, single-family residence with approximately 2,9285 sq. ft. of floor area (0.38 FAR); and

WHEREAS, ZR § 73-622 provides that:

The Board of Standards and Appeals may permit an *enlargement* of an existing *single-* or *two family detached* or *semi-detached residence* within the following areas:

(a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and
(b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.

Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of *non-compliance*, with the applicable *bulk* regulations for *lot coverage, open space*, *floor area*, *side yard, rear yard* or perimeter wall height regulations, provided that:

(1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;
(2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and
(3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single-* or *two family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-31, paragraph (b), shall continue to apply.

The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing one-family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant now seeks to increase the floor area of the structure from 2,285 sq. ft. (0.38 FAR) to 5,191 sq. ft. (0.87 FAR), increase the degree of lot coverage from 22 percent to 36 percent, and decrease the amount of open space from 4,704 square feet (78 percent open space) to 3,847 sq. ft. (64 percent open space); and

WHEREAS, the residence is located within a floodplain zone and the first floor will be raised to 8'-10" above the curb level; and

WHEREAS, the applicant represents that the proposal is in compliance with the design requirements of ZR § 64-61 and provides landscaping along the front of the residence that is greater than 60 percent of the lot width and screens at least 50 percent of the street walls; and

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, on a site within an R3-1 zoning district, the enlargement of a single-family residence which does not comply with the zoning requirements for floor area, open space and lot coverage contrary to ZR § 23-141(b); *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received November 10, 2015"- (13) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 5,191 sq. ft. (0.87 FAR), side yards of 5'-0" and 9'-8", a front yard with a minimum depth of 16'-10", a rear yard with a minimum depth of 30'-0", a maximum lot coverage of 36 percent, and minimum open space of 64 percent, all as illustrated on the BSA-approved plans;

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

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by December 1, 2019; and

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

Adopted by the Board of Standards and Appeals, December 1, 2015.

245-14-BZ

APPLICANT – Stroock & Stroock & Lavan, LLP., for Two Fulton Square, LLC., owner.

SUBJECT – Application October 9, 2014 – Special Permit (§73-66) to permit the penetration of the flight obstruction area of LaGuardia Airport contrary to §61-20. C4-2 zoning district.

PREMISES AFFECTED – 133-31 39th Avenue, 37th Avenue, Prince Street, 39th Avenue and College Point Boulevard, Block 04972, Lot 65, Borough of Queens.

COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the Notice of Comments of the New York City Department of Buildings ("DOB"), dated September 15, 2014, acting on Job Application No. 420652243, reads in pertinent part:

> ZR 61-20 – Proposed building height exceeds limitations for C4-2 districts subject to Article VI, Chapter 1 (Special Regulations Applying Around Major Airports), contrary to ZR 61-20; and

WHEREAS, this is an application under ZR § 73-66, to permit, within an C4-2 zoning district, the construction of a residential / commercial / hotel / retail / office / community facility / parking development which exceeds the maximum height limits around airports, contrary to ZR § 61-20; and

WHEREAS, a public hearing was held on this application on October 27, 2015, after due notice by publication in *The City Record*, and then to decision on December 1, 2015; and

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

WHEREAS, the subject site is located on the north side of 39th Avenue between Prince Street and College Point Boulevard, within an C4-2 zoning district; and

WHEREAS, the site has not been subject of any prior applications to the Board; and

WHEREAS, the Board notes that ZR § 61-21 (Restriction on Highest Projection of Building or Structure) restricts the height of buildings or structures within designated flight obstruction areas; and

WHEREAS, specifically, the provision sets forth that

the highest projection of any building or structure may not penetrate the most restrictive of either approach surfaces, transitional surfaces, horizontal surfaces, or conical surfaces, within an Airport Approach District of a flight obstruction area; and it may not penetrate the horizontal surface or conical surface within the Airport Circling District of the flight obstruction area; and

WHEREAS, however, pursuant to ZR § 73-66 (Height Regulations around Airports) the Board may grant a special permit to permit construction in excess of the height limits established under ZR §§ 61-21 (Restriction on Highest Projection of Building or Structure) only (1) subsequent to the applicant submitting a site plan, with elevations, reflecting the proposed construction in relation to such maximum height limits, and (2) if the Board finds that the proposed would not create danger and would not disrupt established airways; and

WHEREAS, the provision also provide that, in its review, the Board shall refer the application to the Federal Aeronautics Administration (FAA) for a report as to whether such construction will constitute a danger or disrupt established airways; and

WHEREAS, as to the information submitted by the applicant, the Board notes that the applicant submitted a site plan with elevations reflecting the proposed construction, which includes information about the maximum as-of-right height and the maximum height approved by the FAA for each building; and

WHEREAS, as to the Board's determination about the safety of the proposed construction with regard to the proximity to the airport, the Board notes that the FAA regulates the heights of buildings within proximity to airports and that since the subject site is located within the flight obstruction area for LaGuardia Airport, it falls within the area regulated by the FAA; and

WHEREAS, the applicant represents that it filed an application with the FAA for review and approval of proposed building;

WHEREAS, on June 6, 2014, the FAA issued a Determination of No Hazard to Air Navigation for the project (the "FAA Determination"), which expires on December 6, 2015; and

WHEREAS, specifically, the FAA Determination states that the proposed "structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities…."; and

WHEREAS, the FAA determination is based on an examination of four points of the four towers of the development, referred to as FAA Building Points 1-4; and

WHEREAS, the proposed height of the building is as follows: 184.830 feet above mean curb elevation / 226 feet above mean sea level (FAA Building Point 1); 175.950 feet above mean curb elevation / 226 feet above meal sea level (AMSL) (FAA Building Point 2); 180.620 feet above mean curb elevation / 226 feet above mean sea level (AMSL) (FAA Point 3); and 189.440 feet above mean curb elevation / 226 feet above mean sea level (AMSL) (FAA Point 4); and

WHEREAS, the maximum buildings heights approved by the FAA are as follows: 40 feet site elevation (SE) / 186 feet above ground level (AGL) / 226 feet above mean sea level (AMSL) (FAA Building Point 1); 40 feet site elevation (SE) / 186 feet above ground level (AGL) / 226 feet above mean sea level (AMSL) (FAA Building Point 2); 52 feet site elevation (SE) / 174 feet above ground level (AGL) / 226 feet above mean sea level (AMSL) (FAA Building Point 3); 40 feet site elevation (SE) / 186 feet above ground level (AGL) / 226 feet above mean sea level (AMSL) (FAA Building Point 4); and

WHEREAS, the Board notes that the FAA Determination is conditioned upon the following items, all of which the Board adopts as conditions to the issuance of the subject special permit: (1) the proposed structure must be marked/lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, red lights – Chapters 4, 5 (Red), and 12; (2) the applicant must file FAA Form 7460-2, Notice of Actual Construction or Alteration, in the event that the project is abandoned or within five (5) days after construction reaches its greatest height (7460-2, Part 2); and

WHEREAS, the Board notes that the FAA-approved height includes temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure, which shall not exceed the overall approved heights; and

WHEREAS, additionally, the Board notes that such temporary construction equipment with heights greater than the structure requires separate notice to the FAA;

WHEREAS, accordingly, the Board notes that the proposed building heights are equal to those approved by the FAA; and

WHEREAS, the Board notes that the FAA regulations are similar to those found in the ZR but differ slightly based on updated reference points and runway elevations; and

WHEREAS, the applicant has also submitted requests for approval to the Port Authority of New York/New Jersey (PA), which operates LaGuardia Airport; and

WHEREAS, as reflected in a no objection letter dated January 21, 2015 ("PA No Objection Letter"), the PA approves of the project and references the FAA Determination; and

WHEREAS, the PA No Objection Letter requests that all conditions stated in the FAA Determination be followed and that the proposed development project adhere to the heights stipulated therein; and

WHEREAS, the Board notes that its review was limited to the request for an increase in height above that permitted as-of-right, pursuant to the special permit; and

WHEREAS, based upon the above, 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 §§ 73-66 and 73-03; and

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

Therefore it is Resolved, that the Board of Standards and Appeals issued 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 §§ 73-66 and 73-03, to permit, within an C4-2 zoning district the construction of a residential / commercial / hotel / retail / office / community facility / parking development which exceeds the maximum height limits around airports, contrary to ZR § 61-21; *on condition*:

THAT the maximum height of the buildings, including all appurtenances, shall be as follows: 40 feet site elevation (SE) / 186 feet above ground level (AGL) / 226 feet above mean sea level (AMSL) (FAA Building Point 1); 40 feet site elevation (SE) / 186 feet above ground level (AGL) / 226 feet above mean sea level (AMSL) (FAA Building Point 2); 52 feet site elevation (SE) / 174 feet above ground level (AGL) / 226 feet above mean sea level (AMSL) (FAA Building Point 3); 40 feet site elevation (SE) / 186 feet above ground level (AGL) / 226 feet above mean sea level (AMSL) (FAA Building Point 4);

THAT the proposed building must be marked/lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, red lights – Chapters 4, 5 (Red), and 12;

THAT the relief granted herein is only that associated with ZR § 73-66 and all construction at the site shall be as approved by DOB and must comply with all relevant Building Code and zoning district regulations;

THAT the applicant must comply with all FAA notification requirements associated with the construction at the site including, without limitation, that the applicant must file FAA Form 7460-2, Notice of Actual Construction or Alteration, in the event that the project is abandoned or within five (5) days after construction reaches its greatest height (7460-2, Part 2);

THAT substantial construction be completed in accordance with ZR § 73-70;

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;

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

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

Adopted by the Board of Standards and Appeals, December 1, 2015.

314-14-BZ
CEQR #15-BSA-122X

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

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

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

COMMUNITY BOARD #11BX

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated October 21, 2014, acting on DOB Application No. 220412337, reads in pertinent part:

> Proposed treatment health care facility exceeding 1,500 sf. is contrary to ZR 22-14 and requires special permit from BSA as per ZR 73-125, limited to a maximum of 10,000 square feet of floor area; and

WHEREAS, this is an application under ZR §§ 73-125 and 73-03, to permit, in an R4A zoning district, the construction of a Use Group ("UG") 4 treatment health care facility with 4,047 sq. ft. of floor area, contrary to ZR § 22-14; and

WHEREAS, a public hearing was held on this application on June 16, 2015 after due notice by publication in *The City Record*, with continued hearings on August 18, 2015 and October 20, 2015, and then to decision on December 1, 2015; and

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

WHEREAS, Community Board 11, Bronx, recommends disapproval of this application; and

WHEREAS, the subject site is located on the northeast corner of Williamsbridge Road and Pierce Avenue in an R4A zoning district, in the Bronx; and

WHEREAS, the site has approximately 82 feet of frontage along Williamsbridge Road, 53 feet of frontage along Pierce Avenue, and 3,978 sq. ft. of lot area; and

WHEREAS, the site is vacant; and

WHEREAS, the applicant proposes to construct a three (3) story with cellar building on the subject site with 4,047 sq. ft. total floor area and a floor area ratio ("FAR") of 1.02 for use as a treatment health care facility; and

WHEREAS, the Board notes that other than the increase in floor area beyond 1,500 sq. ft. authorized by the special

permit, the treatment health care facility must comply with all zoning parameters of the underlying district; and

WHEREAS, the applicant states that, aside from the requested increase in floor area, the proposal complies in all respects with the zoning parameters of the subject R4A zoning district; and

WHEREAS, the applicant states that the amount of open area and its distribution on the zoning lot conform to standards appropriate to the character of the neighborhood; and

WHEREAS, pursuant to ZR § 24-11, the maximum permitted lot coverage for a community facility use on a corner lot located in an R4A district is 60 percent, thus the minimum open space for a treatment health care facility on the subject lot is 40 percent; and

WHEREAS, the proposed building will have 35 percent lot coverage and 65 percent of the site will be open space; and

WHEREAS, specifically, the applicant submitted an area study indicating that lots within a 200 foot radius of the subject site have an average of 55 percent open space, that neighboring lots with residential buildings have comparable or less open space than the proposed project, and that the three other lots located on the same corner as the subject lot have considerably less open space than the proposal; and

WHEREAS, the applicant asserts that, pursuant to ZR § 24-34, the proposed 15 feet front yards along Williamsbridge Road and Pierce Avenue comply with the front yard requirements for a community facility in an R4A district and that the lots directly abutting the subject premises along Williamsbridge Road and Pierce Avenue contain residential buildings and comply with the yard requirements for residential uses on interior lots in an R4A zoning district; and

WHEREAS, in response to the Board's concern that the proposal does not adequately address the increased demand for parking created by the proposed building, the applicant amended the proposal to include accessory parking for six (6) cars on Block 4111, Lot 41, two lots east of the subject site (the "Accessory Lot");

WHEREAS, upon the Board's request, the applicant agreed to make such use of the Accessory Lot subject to a restrictive declaration to be recorded in the Office of the City Register in Bronx County; and

WHEREAS, the parking study provided by the applicant indicates that the demand for parking for staff and visitors to the subject facility will be 9 (nine) vehicles between 10 A.M. and 11 A.M., that, otherwise, the demand for parking during the facility's hours of 9 A.M. to 5 P.M. will be between 7 (seven) and 9 (nine) vehicles, and that the shortfall of 1 (one) to 3 (three) parking spaces left by the Accessory Lot can be accommodated by an off-street public parking lot located one block south of the subject premises on Sacket Avenue or by on-street parking spaces available within a 500 foot radius of the site; and

WHEREAS, in response to the Board's concerns regarding drop-offs and pick-ups in front of the facility and disruption to the bus stop area on Williamsbridge Road and the fire hydrant on Pierce Avenue, the applicant submitted an operation plan and map, represents that both the MTA and FDNY street access limitations provide for the flexible use of these no-parking zones to be used, under limited circumstances for drop-up, pick-up and standing, and, further, applicant has submitted a "no-parking" signage request to the New York City Department of Transportation ("DOT") for the area on Pierce Avenue between the hydrant and the driveway to the subject site that will also provide space for the facility's drop-off and pick-up needs; and

WHEREAS, the applicant additionally notes that as the neighborhood is occupied by various major medical institutions, the presence of drop-off vehicles at the propose site will be neither out of character for nor disruptive to the local community; and

WHEREAS, based upon the above, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR § 73-125; and

WHEREAS, the Board further finds that the subject use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; 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 § 73-03; and

WHEREAS, the project is classified as 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-122X, dated November 20, 2014; and

WHEREAS, the EAS documents that the operation of the facility 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 Board has determined that the operation of the facility will not have a significant adverse impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-03 and 73-125, to permit, in an R4A zoning district, the construction of a UG 4 treatment health care facility with 4,047 sq. ft. of floor area, contrary to ZR § 22-14; *on condition* that all work shall substantially conform to drawings filled with this

application marked "Received November 12, 2015"–fourteen (14) sheets; and *on further condition*:

THAT the parameters of the building shall be as follows: three (3) stories plus cellar, a maximum wall height of 34'-6" feet, a maximum floor area of 4,048 sq. ft., a maximum lot coverage of 35 percent, minimum open space of 65 percent, and six (6) parking spaces on Block 4111, Lot 41, as reflected on the BSA-approved plans;

THAT the restricted declaration submitted in connection with this application shall be recorded in the Office of the City Register in Bronx County and proofs of filing and recordation will be provided to the Board1;

THAT substantial construction will be completed in accordance with ZR § 73-70;

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 the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 1, 2015.

---

1 Recorded January 11, 2016, City Register File No. (CFRN) 2016000009601.

322-14-BZ

APPLICANT – Eric Palatnik, P.C., for Maks Kutsak, owner.

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

PREMISES AFFECTED – 82 Coleridge Street, between Shore Boulevard and Hampton Avenue, Block 08728, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decisions of the New York City Department of Buildings ("DOB"), dated November 13, 2014 and July 29, 2015, acting on DOB Application No. 320913124, read together in pertinent part:

1. The proposed FAR of .96 exceeds the maximum permitted FAR of .5 for R3-1 district; contrary to ZR 23-141;
2. 2.The proposed lot coverage (37%) exceeds the maximum permitted 35%; contrary to ZR 23-141;
3. The proposed open space (3,780 SF) is less than the minimum required 3,900 SF; contrary to ZR 23-141;
4. The proposed horizontal enlargement at the first floor projects into the required rear yard 4 feet; contrary to ZR 23-47; and

WHEREAS, this is an application under ZR § 73-622, to and permit, in an R3-1 zoning district, the enlargement of a single-family residence which does not comply with the zoning requirements for floor area, lot coverage and open space contrary to ZR §§ 23-141 and 23-47; and

WHEREAS, a public hearing was held on this application on October 20, 2015, after due notice by publication in *The City Record*, and then to decision on December 1, 2015; and

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

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

WHEREAS, the subject site is located on the west side of Coleridge Street, between Shore Boulevard and Hampton Avenue, in an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 60 feet of frontage along Coleridge Street, a depth of 100 feet, and 6,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story with attic, one-family residence with approximately 1,895 sq. ft. of floor area (0.32 FAR); and

WHEREAS, ZR § 73-622 provides that:

The Board of Standards and Appeals may permit an *enlargement* of an existing *single- or two family detached or semi-detached residence* within the following areas:

(a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and

(b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.

Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of *non-compliance*, with the applicable *bulk* regulations for *lot coverage, open space*, *floor area*, *side yard, rear yard* or perimeter wall height regulations, provided that:

1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;

2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and

3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single-* or *two family detached* or *semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building's non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-31, paragraph (b), shall continue to apply.

The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing single-family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant seeks to increase the floor area of the structure from 1,894 sq. ft. (0.32 FAR) to 5,748 sq. ft. (0.96 FAR), increase the lot coverage from 16 percent to 37 percent, decrease the open space from 5,025 sq. ft. (84 percent) to 3,780 sq. ft. (63 percent), and decrease an 11'-0" portion of the rear yard from 33'-8" to 26'-0" and elsewhere maintain a rear yard of 30'-0"; and

WHEREAS, the residence is located within a floodplain zone and the first floor will be raised to 6'-10" above the curb level; and

WHEREAS, accordingly, the applicant has utilized the alternative height measurement for single- and two-family residences, set forth in ZR § 64-334, which requires at least two mitigating elements from the list in ZR § 64-61, and the applicant and represents that the front porch and balconies satisfy these requirements; and

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, on a site within an R3-1 zoning district, the enlargement of a single-family residence which does not comply with the zoning requirements for floor area, lot coverage and open space contrary to ZR §§ 23-141 and 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received November 10, 2015"- Fifteen (15) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 5,748 sq. ft. (0.96 FAR), side yards of 10'-0" and 5'-0", a front yard with a minimum depth of 15-'0", a rear yard with a minimum depth of 26'-0", a maximum lot coverage of 37 percent and minimum open space of 63 percent (3,780 sq. ft.), all as illustrated on the BSA-approved plans;

THAT the existing walls are retained;

THAT the elevation of the existing floors is shown on the plans;

THAT the demolition of the existing structure by more than 50 percent of the floor area will not be permitted;

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 all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by December 1, 2019; and

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

Adopted by the Board of Standards and Appeals, December 1, 2015.

219-14-BZ
APPLICANT – Slater & Beckerman, P.C., for People 4 Parks LLC., owner.
SUBJECT – Application September 4, 2014 – Variance (§72-21) to permit the construction of a three-story, single-family residence with one parking space. M1-1 zoning district.
PREMISES AFFECTED – 64 DeGraw Street, south side of DeGraw Street between Columbia and Van Brunt Streets, Block 00329, Lot 6, Borough of Brooklyn.
COMMUNITY BOARD #6BK

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

220-14-BZ and 221-14-BZ
APPLICANT – Slater & Beckerman, P.C., for Post Industrial Thinking, LLC, owner.
SUBJECT – Application September 4, 2014 – Variance (§72-21) to permit the construction of two 3-story single family residences. M1-1 zoning district.
PREMISES AFFECTED – 8 & 10 Underhill Avenue, west side of Underhill Avenue between Atlantic Avenue and Pacific Street, Block 01122, Lot 37, Borough of Brooklyn.
COMMUNITY BOARD #8K

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

319-14-BZ
APPLICANT – Eric Palatnik, P.C., for Shore Plaza LLC, owner; Staten Island MMA1, Inc., lessee.
SUBJECT – Application December 5, 2014 – Special Permit (§73-36) to permit the legalization of a physical culture establishment (*UFC Gym*). C43 zoning district.
PREMISES AFFECTED – 1781 South Avenue, within West Shore Plaza 1745-1801 South Avenue, Block 02800, Lot 37, Borough of Staten Island.
COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Laid over to February 9, 2016, at 10 A.M., for adjourned hearing.

24-15-BZ
APPLICANT – Cozen O'Connor, for Roosevelt 5 LLC, owner.
SUBJECT – Application February 11, 2015 – Special Permit (§73-66) to permit the construction of a new building in excess of the height limits established under ZR 61-21. C2-3/R6 zoning district.
PREMISES AFFECTED – 71-17 Roosevelt Avenue, frontage on Roosevelt Avenue and 72nd Street, Block 01282, Lot (s) 137,138,141,151,160, Borough of Queens.
COMMUNITY BOARD #3Q

ACTION OF THE BOARD – Laid over to December 8, 2015, at 10 A.M., for deferred decision.

Ryan Singer, Executive Director