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BULLETIN

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273-15-BZ
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274-15-BZ
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DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

REGULAR MEETING
FEBRUARY 2, 2016, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, February 2, 2016, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

402-86-BZ
APPLICANT – Carl A. Sulfaro, Esq., for Urban/College Point Associates, Inc., owner.
SUBJECT – Application December 29, 2014 – Amendment of a previously approved Variance which permitted the use of Warehouse (UG 16) in a then R4 zoning district. The amendment seeks to eliminate the term since the subject site has been rezoned to M1-1; Waiver of the Rules. M1-1 zoning district.
PREMISES AFFECTED – 22-12 129th Street, Block 04204, Lot 0034, Borough of Queens.
COMMUNITY BOARD #7Q

APPEALS CALENDAR

141-15-A thru 155-15-A
APPLICANT – Eric Palatnik, P.C., for 1671 Hylan Boulevard, LLC., owner.
SUBJECT – Application July 6, 2015 – Proposed construction for fifteen single family residential homes not fronting on a legally mapped street, pursuant to Article 3 Section 36 of the General City Law, located within an R1-2 zoning district.
PREMISES AFFECTED – 219 Cheevers Lane, Bordered by Page Avenue, Block 07792, Lot 0307, Borough of Staten Island.
COMMUNITY BOARD #3SI

223-15-A
APPLICANT – Lauria Associates, for Jeffery Arcello, owner.
SUBJECT – Application September 23, 2016 – Proposed construction of a one story 15,000 square foot building with mezzanines throughout which does not have frontage on a legally mapped street contrary to Article 3, Section 36 of the General City Law. M1-1 Zoning District.
PREMISES AFFECTED – 638 Sharrotts Road, Block 7400, Lot 50, Borough of Staten Island.
COMMUNITY BOARD #3SI

REGULAR MEETING
FEBRUARY 2, 2016, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, February 2, 2016, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

200-14-BZ
APPLICANT – Simon & Wright LLC, for Masjid-e-Noor, Inc., owner.
SUBJECT – Application August 22, 2014 – Variance (§72-21) to construct a community facility seeking waivers of floor area ratio, sky exposure plane, side yards and parking. R2 zoning district.
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COMMUNITY BOARD #7Q

329-14-BZ
APPLICANT –Law Office of Lyra J. Altman, for Isaac Mishan, owner.
SUBJECT – Application December 30, 2014 – Special Permit (§73-622) for the enlargement of an existing single family semi-detached residence contrary to floor area (ZR 23-141); side yard (ZR 23-461) and less than the minimum required rear yard (ZR 23-47). R4-1 zoning district.
PREMISES AFFECTED – 1316 Avenue S, south side of Avenue S between East 13th Street and East 14th Street, Block 07292, Lot 7, Borough of Brooklyn.
COMMUNITY BOARD #15BK

64-15-BZ
APPLICANT – Greenberg Traurig, LLP, for J.P.L Realty Corp., owner; Summit Residences LLC, lessee.
SUBJECT – Application March 23, 2015 – Variance (§72-21) to permit the conversion of a former manufacturing building to residential use contrary to 42-10. M1-5 zoning district.
PREMISES AFFECTED – 39 Clarkson Street, north side of Clarkson Street 117' east of the corner formed by intersection of Greenwich Street and Clarkson Street, Block 601, Lot 72, Borough of Manhattan.
COMMUNITY BOARD #2M

169-15-BZ
APPLICANT – Francis R. Angelino, Esq., for 93 Worth Street Retail LLC, by Eldad Blaustein, owner; 93 Worth Gym, LLC, lessee.
SUBJECT – Application July 29, 2015 – Special Permit (§73-36) to allow a physical culture establishment ("*93*") to be operated within an existing building.
PREMISES AFFECTED – 93 Worth Street, Block 00173, Lot 7504, Borough of Manhattan.
COMMUNITY BOARD #1M

Ryan Singer, Executive Director

MINUTES

REGULAR MEETING
TUESDAY MORNING, DECEMBER 15, 2015
10:00 A.M.

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

SPECIAL ORDER CALENDAR

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
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 4
Negative:.....0
Absent: Vice-Chair Hinkson.....1
THE RESOLUTION –

WHEREAS, this is an application to extend the term of a special permit for a physical cultural establishment (PCE) previously granted by the Board under the subject calendar number, which expired on May 7, 2015, and amend the special permit to change the operator and hours of operation; and

WHEREAS, a public hearing was held on this application on November 17, 2015, after due notice by publication in *The City Record*, and then to decision on December 15, 2015; and

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

WHEREAS, the subject site is located on the northern side of Kings Highway at the corner of Coney Island Avenue, partially within a C8-2 zoning district and partially within a C4-2 zoning district, in the Special Ocean Parkway District, in Brooklyn; and

WHEREAS, the site has approximately 141 feet of frontage along Kings Highway, 60 feet of frontage along Coney Island Avenue, and 38 feet of frontage along Quentin Road, 13,430 sq. ft. of lot area, and is occupied by an two (2) story building; and

WHEREAS, the subject PCE is located in portions of the cellar, the first floor and the second floor of the building; and

WHEREAS, on May 7, 1985, under the subject calendar number, the Board granted a special permit to permit the extension of the PCE located in the cellar to the second floor, subject to a term of ten (10) years, and limited the hours of operation to Monday through Friday 6:30 A.M. to 10:00 P.M., Saturday 9:00 A.M. to 6:00 P.M. and Sunday 9:00 A.M. to 5:00 P.M.; and

WHEREAS, on October 16, 1996, under the subject calendar number, the Board granted an application to extend the term of the special permit, subject to a term of ten (10) years; and

WHEREAS, on October 7, 2003, under the subject calendar number, the Board granted an application to allow an extension of the PCE to the first floor and change the hours of operation to Monday through Friday 6:00 A.M. to Midnight, Saturday, 9:00 A.M. to 6:00 P.M. and Sunday 9:00 A.M. to 5:00 P.M.; and

WHEREAS, on May 15, 2007, under the subject calendar number, the Board granted an application to extend the term of the special permit, 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: (1) extend the term of the special permit, (2) amend the resolution to change the operator from Bally Total Fitness of Greater New York to 24 Hour Fitness, Inc., and (3) amend the resolution to change the hours of operation on Saturday and Sunday to 8:00 A.M. to 9:00 P.M.; and

WHEREAS, the Department of Investigation (DOI) has performed a background check on the relevant entities, including all affiliates and principals, and not found any associated completed investigations; 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 May 7, 1985 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, a change in operator to 24 Hours Fitness, Inc., and a change in hours of operation to 8:00 A.M. to 9:00 P.M. on Saturday and Sunday *on condition* that the site shall substantially conform to drawings as filed with this application, marked 'Received August 18, 2015'–(3) sheets and 'November 23, 2015'-(1) sheet; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years from May 7, 2015, expiring May 7, 2025;

THAT all signage on the site comply with all applicable provisions of the Zoning Resolution;

THAT the calculations for the signage take into account the square footage of the rooftop sign, if appropriate;

THAT the stated hours of the subject PCE be posted conspicuously on the premises;

THAT a public assembly permit will be obtained by December 15, 2016;

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 15, 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 15, 2015.

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

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Commissioner Ottley-Brown and Commissioner Montanez……..3

Negative:.....0

Absent: Vice-Chair Hinkson.....1

Abstain: Commissioner Chanda.....1

THE RESOLUTION –

WHEREAS, this is an application for an extension of time to complete construction pursuant to a special permit, which permitted a decrease in required off-street accessory parking spaces for a retail, community facility, and office development, pursuant to ZR §§ 73-44 and 73-03; and

WHEREAS, a public hearing was held on this application on October 16, 2015, after due notice by publication in *The City Record*, and then to decision on December 15, 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 north side of 39th Avenue between Prince Street and College Point Boulevard, in an C4-2 zoning district, in Queens; and

WHEREAS, the site has approximately 50 feet of frontage along 39th Avenue and 7,138 sq. ft. of lot area; and

WHEREAS, the Board has exercised jurisdiction over the subject site since March 20, 2007, when, under the subject calendar number, the Board approved a special permit to permit a decrease in required off-street accessory parking spaces for an eight (8) story plus penthouse retail, community facility, and office development; and

WHEREAS, on May 10, 2011, under the subject calendar number, the BSA amended the resolution and extended the time to complete construction for a term of four years, to expire on May 10, 2015; and

WHEREAS, accordingly, the applicant seeks: (1) an extension of an additional four (4) years to complete construction; and

WHEREAS, the applicant represents that the delay in construction between 2007 and 2011 was due to the financial crisis, that a financial dispute between the partners in the subject development that lasted until mid-2014 further delayed construction, and that the partners were in China seeking additional investors in June 2015, the time of the subject application; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction and obtain a certificate of occupancy 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 March 20, 2007, so that as amended this portion of the resolution reads: "to grant an extension of time to complete construction to May 10, 2019; *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT construction shall be completed by May 10, 2019;

THAT all open Department of Buildings (DOB) violations on the premises shall be cured;

THAT the subject premises shall not be utilized as a parking lot prior to the commencement of construction;

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

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

(DOB Application No. 402032885)

Adopted by the Board of Standards and Appeals, December 15, 2015.

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

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....4
Negative:.....0
Absent: Vice-Chair Hinkson.....1
THE RESOLUTION –

WHEREAS, this is an application to waive the Rules of Practice and Procedure and extend the term of a variance permitting an automotive repair facility previously granted by the Board under the subject calendar number, which expired on March 22, 2013; and

WHEREAS, a public hearing was held on this application on November 17, 2015, after due notice by publication in *The City Record*, and then to decision on December 15, 2015; and

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

WHEREAS, the subject site is located on the southwest corner of Flatbush Avenue and East 34th Street, in an R5 (C2-2), in Brooklyn; and

WHEREAS, the site has approximately 112 feet of frontage along Flatbush Avenue and 130 feet of frontage along East 34th Street, 7,444 sq. ft. of lot area, and is occupied by a one (1) story plus mezzanine building and open parking lot with spaces for six (6) vehicles; and

WHEREAS, on June 27, 1950, under BSA Calendar Number 560-47-BZ, the Board granted an application for a variance to permit the extension of an existing gasoline service station and erection of a new building at the subject premises, subject to a term of fifteen (15) years; and

WHEREAS, on March 25, 1952, under BSA Calendar Number 560-47-BZ, the Board amended the resolution adopted on June 27, 1950 so as to be subject to a term of fifteen (15) years as of January 26, 1952; and

WHEREAS, on March 8, 1966, under BSA Calendar Number 540-47-BZ, the Board granted an application to extend the term of the variance, subject to a term of ten (10) years; and

WHEREAS, the variance approved for the operation of a gasoline service station at the subject premises under BSA Calendar Number 560-47-BZ lapsed in or around March 1976; and

WHEREAS, on March 22, 1988, under the subject calendar number, the Board granted an application for a variance legalizing the change of use from an automobile service station to an automobile repair facility, subject to a term of five (5) years; and

WHEREAS, on December 14, 1993, under the subject calendar number, the Board granted an application to extend the term of the variance, subject to a term of ten (10) years; and

WHEREAS, on July 19, 2005, under the subject calendar number, the Board waived the Rules of Practice and Procedure and granted an application to extend the term of the variance, subject to a term of ten (10) years; and

WHEREAS, the term of the variance expired on March 22, 2013 and an application for extension was not timely filed; 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 wavier; and

WHEREAS, in addition, the applicant seeks to: (1) extend the term of the variance for an additional 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 waives the Rules of Practice and Procedure, reopens and amends the resolution, dated March 22, 1988 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 25, 2015'–(7) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years from March 22, 2013, expiring March 22, 2023;

THAT there will be no parking on the sidewalk;

THAT no repair work will be done outside;

THAT the entire site will be maintained free of graffiti and trash;

THAT all trash bins will stored inside the building;

THAT a sign will be added on the sidewalk stating that any parking thereon will be towed;

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 15, 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 15, 2015.

301-03-BZ
APPLICANT – Law Office of Lyra J. Altman, for 1103 East 22nd LLC., owner.
SUBJECT – Application April 29, 2014 – Extension of Time to Complete Construction and Waiver of the rules for a single family home enlargement under 73-622 approved on January 13, 2004. R2 Zoning district.
PREMISES AFFECTED – 1103 East 22nd Street, east side of East 22nd Street between Avenue J and Avenue K, Block 07604, Lot 31, Borough of Brooklyn.
COMMUNITY BOARD #14BK
ACTION OF THE BOARD – Application granted on

condition.
THE VOTE TO GRANT –
Affirmative: Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 3
Negative: Chair Perlmutter.....1
Absent: Vice-Chair Hinkson.....1
THE RESOLUTION –

WHEREAS, this is an application to waive the Rules of Practice and Procedure and for an extension of time to complete construction pursuant to a special permit issued by the Board of Standards and Appeals on January 13, 2004, which permitted the enlargement of a single-family home, pursuant to ZR § 73-622, and obtain a Certificate of Occupancy, which expired on January 13, 2012; and

WHEREAS, a public hearing was held on this application on July 28, 2015 after due notice by publication in *The City Record*, with continued hearings on August 25, 2015, October 29, 2015, and November 24, 2015, and then to decision on December 15, 2015; and

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

WHEREAS, the subject site is located on the east side of East 22nd Street, between Avenue J and Avenue K, in an R2 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 50 feet of frontage along East 22nd Street, and 5,000 sq. ft. lot area; and

WHEREAS, as noted, on January 13, 2004, under the subject calendar number, the Board granted a special permit, pursuant to ZR § 73-622, for the enlargement of an existing-one-family dwelling which did not comply with the zoning requirements for floor area ratio, open space ratio, and rear and side yards, contrary to ZR §§ 23-141, 23-46 and 23-47; and

WHEREAS, on May 12, 2009, under the subject calendar number, the Board granted an application for an amendment to the previously approved plans as well as for an extension of time to complete construction and obtain a Certificate of Occupancy by January 13, 2012; and

WHEREAS, the applicant represents that DOB approved the amended plans on or around September 3, 2009, but audited the application before construction could resume, that the applicant purchased the property from the previous owner in January of 2014 and that the DOB audit is ongoing, but will not continue unless and until the instant application for an extension of time to complete construction is granted; and

WHEREAS, accordingly, the applicant seeks (1) an extension of an additional four (4) years to complete construction and obtain a Certificate of Occupancy; and

WHEREAS, in addition, the subject application, dated April 29, 2014, was not timely filed and the applicant requests a waiver of BSA Rules of Practice and Procedure §§ 1-07.3(c)(3) and 1-07.3(d)(2); and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction and obtain a Certificate of Occupancy is appropriate with certain conditions, as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated January 13, 2004, so that as amended this portion of the resolution reads: "to permit an extension of time to complete construction and obtain a Certificate of Occupancy to December 15, 2019 that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received August 6, 2015" – Ten (10) sheets; and *on further condition*:

THAT DOB shall approve cellar layout;

THAT DOB shall approve 6'-0" wood fence on curb;

THAT DOB shall approve shed;

THAT DOB shall approve open porch;

THAT DOB shall approve new one car garage filed under separate application;

THAT construction shall be completed by December 15, 2019;

THAT a Certificate of Occupancy for the premises shall be obtained by December 15, 2019;

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

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

(DOB Application No. 301622885)

Adopted by the Board of Standards and Appeals, December 15, 2015.

585-91-BZ
APPLICANT – Paul F. Bonfilio Architect, PC, for Luis Mejia, owner; SAJ Auto Service, lessee.
SUBJECT – Application March 11, 2015 – Extension of Term (§11-411) a previously approved variance which permitted the operation of an automotive service station (UG 16B), which expired on March 30, 2013; Waiver of the Rules. C1-3/R4 zoning district.
PREMISES AFFECTED – 222-44 Braddock Avenue, southeast corner of Braddock Avenue and Winchester Boulevard, Block 10740, Lot 0012, Borough of Queens.
COMMUNITY BOARD #13Q
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 February 9, 2016, at 10 A.M., for decision, hearing closed.

16-12-BZ
APPLICANT – Eric Palatnik, P.C., for Congregation Adas Yereim, owner.
SUBJECT – Application April 2, 2015 – Amendment of a previously approved Special Permit (§73-19) permitting a school (*Congregation Adas Yereim*) contrary to use

regulations (§42-00). The amendment seeks changes to the interior, an increase in the height of the building. M1-2 zoning district.
PREMISES AFFECTED – 184 Nostrand Avenue, northwest corner of Nostrand Avenue and Willoughby Avenue, Block 01753, Lot 0042, Borough of Brooklyn.
COMMUNITY BOARD #3BK

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

10-11-BZ & 11-11-BZ
APPLICANT – Phillip L. Rampulla, for Charles Cannizaro, owner.
SUBJECT – Application September 2, 2015 – Extension of Time to Complete Construction and Amendment (72-21) Extension of time to complete construction for two one family detached residence in which the front and rear yards were modified Amendment to revise the first floor elevation, located within an R3-1 zoning district.
PREMISES AFFECTED – 115 & 121 Finley Avenue, Block 4050, Lot(s) 49, 52, Borough of Staten Island.
COMMUNITY BOARD #2SI
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 22, 2016, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

12-15-A & 13-15-A
APPLICANT – Prospect Place Development, LLC, for Prospect Place Development LLC, by Leonid Loyfman, owner.
SUBJECT – Application January 21, 2015 – Proposed construction of one family detached dwelling does not front on a legally mapped street contrary to Section 36, of the General City Law. R3X zoning district.
PREMISES AFFECTED – 53 Prospect Place, north side of Prospect Place, 476.88' from the corner formed by the intersection of the west side of Amboy Road, Block 04306, Lot 27, Borough of Staten Island.
COMMUNITY BOARD #3SI
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....4
Negative:.....0
Absent: Vice-Chair Hinkson.....1
THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Commissioner dated December 30, 2014 acting on DOB Application Nos. 520211299 and 520214081, reads in pertinent part:

> The street giving access to proposed building is not duly placed on the official map of the City of New York therefore:
> A) No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 of General City Law;
> B) Proposed construction does not have at least 8% of the total perimeter of building(s) fronting directly upon a legally mapped street or frontage space contrary to Section 502.1 of the 2008 NYC Building Code; and

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 27, 2015 after due notice by publication in *The City Record*, and then to decision on December 15, 2015; and

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

WHEREAS, Community Board 3, Staten Island, recommended disapproval of this application; and

WHEREAS, the applicant represents that the subject lots are subdivided from Existing Tax Lot 26 in Block 4306, with a total lot area of approximately 13,218 sq. ft., into three individual Tax Lots (New Tax Lot 26, New Tax Lot 27, and New Tax Lot 28), each with a total lot area of approximately 4,265 sq. ft.; and

WHEREAS, the applicant intends to develop a one (1) family dwelling on each new tax lot and, as the dwelling to be located on New Lot 26 is fronting part of the street that is

already placed on the official map of the City of New York and does not require approval of the Board, only New Tax Lot 27 and New Tax Lot 28 are the subject of this application; and

WHEREAS, New Tax Lot 27 and New Tax Lot 28 are located east of the dead end portion of Prospect Place, an open roadway that lies along their southern property lines with a paved width ranging from eight (8) to ten (10) feet, within an R3X zoning district, on Staten Island; and

WHEREAS, the applicant proposes to construct a two (2) story plus cellar detached one (1) family dwelling with approximately 2,502 sq. ft. of floor, a one (1) car garage and one (1) additional parking space at the right side of the dwelling on each of New Lot 27 and New Lot 28; and

WHEREAS, the applicant further proposes to widen Prospect Place to a width of twenty-four (24) feet curb-to-curb and permit no permanent construction or parking in front of the subject lots; and

WHEREAS, by letter dated October 23, 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 December 30, 2014 acting on DOB Application Nos. 520211299 and 520214081, 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 November 24, 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 all necessary approvals from the Department of City Planning (DCP) shall be obtained;

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 15, 2015.

300-08-A
APPLICANT – Law office of Marvin B. Mitzner LLC, for Steven Baharestani, owner.
SUBJECT – Application April 24, 2014 – Extension of time to complete construction and obtain a Certificate of Occupancy for the construction of a hotel under common law vested rights. M1-2 /R5-B zoning district.
PREMISES AFFECTED – 39-35 27th Street, east side of 27th Street between 39th and 40th Avenues, Block 397, Lot 2, Borough of Queens.
COMMUNITY BOARD #1Q

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

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

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

182-06-BZ thru 211-06-A
APPLICANT – Law Office of Lyra J. Altman, for JDS Seagirt LLC, owner.
SUBJECT – Application July 23, 2015 – Extension of time to complete construction and obtain a Certificate of Occupancy for a previously granted Common Law Vesting which expires on November 15, 2015. R4A zoning district.
PREMISES AFFECTED – 146, 148, 150 Beach 5th Street, Block 15608, Lot(s) 1, 40, 42. Borough of Queens.
COMMUNITY BOARD #14Q

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

136-15-A
APPLICANT –Rothkrug Rothkrug & Spector LLP, for BIRB Realty, Inc., 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.
PREMISES AFFECTED – 521 Durant Avenue, Block 05120, Lot 0062, 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 22, 2016, at 10 A.M., for decision, hearing closed.

ZONING CALENDAR

303-13-BZ
CEQR #14-BSA-069X

APPLICANT – Jeffrey A. Chester, Esq./GSHLLP, for SoBro Development Corporation, owner.

SUBJECT – Application November 15, 2013 – Variance (§72-21) to allow a new mixed use building with 36 residential units and community facility space. R6 & C1-4 zoning districts.

PREMISES AFFECTED – 506-510 Brook Avenue, east side of Brook Avenue between 147th and 148th Street, Block 2274, Lot(s) 6, 7 and 8, Borough of Bronx.

COMMUNITY BOARD #1BX

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

Absent: Vice-Chair Hinkson.....1

THE RESOLUTION –

WHEREAS, the decision of the Bronx Borough Commissioner, dated September 20, 2013, with regards to the subject site reads in pertinent part:

> The proposed mixed use building is (6) stories 36 residential units and a community facility.
>
> The proposed building does not meeting [*sic*] the following zoning requirements:
>
> ZR 23-145, ZR 23-22, ZR 25-25; and

WHEREAS, this is an application under ZR § 72-21, to permit, in an R6 (C1-4) zoning district, the construction of a mixed-use residential and community facility building, contrary to ZR §§ 23-145, 23-22 and 25-25; and

WHEREAS, a public hearing was held on this application on February 3, 2015, after due notice by publication in *The City Record*, with continued hearings on March 3, 2015, March 31, 2015, June 2, 2015, July 21, 2015, September 22, 2015 and November 17, 2015, and then to decision on December 15, 2015; and

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

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

WHEREAS, the application is brought on behalf of SoBro Development Corporation, the real estate development arm of the South Bronx Overall Economic Development Corporation, a not-for-profit organization, whose stated mission is to enhance the quality of life in the South Bronx by strengthening businesses and creating innovative economic, housing, educational, and career development programs for youth and adults; and

WHEREAS, the subject site consists of three lots (Lots 6, 7 and 8) on the southeast corner of Brook Avenue and East 148th Street, in an R6 (C1-4) zoning district, in the Bronx; and

WHEREAS, each lot has approximately 25 feet of frontage (and the subject site has a total of 75 feet of frontage) along Brook Avenue, Lot 8 has approximately 95 feet of frontage along East 148th Street and Lots 6 and 7 each have a depth of 98 feet; and

WHEREAS, Lots 6 and 7 each have a total lot area of approximately 2,450 sq. ft., Lot 8 has a total lot area of approximately 2,375 sq. ft. and the subject site has approximately 7,275 sq. ft. of total lot area; and

WHEREAS, Lot 6 contains a five-story community facility and residential building and Lots 7 and 8 have been vacant since approximately 1976; and

WHEREAS, the applicant owns Lots 7 and 8 and has a contract to purchase Lot 6 contingent upon the grant of the subject application; and

WHEREAS, the applicant proposes to demolish the existing building on Lot 6 and develop, on all three lots, a six-story mixed-use building with a total of 35,943 sq. ft. of floor area; the building will contain 36 residential units of affordable housing comprised of studios, one- and two-bedroom apartments with a total residential floor area ratio ("FAR") of 4.47 (32,544 sq. ft.) and 3,399 sq. ft. of floor area on the ground floor and cellar level to be used as a church; the proposed building will have lot coverage of 82 percent and provide no off-street accessory parking space; and

WHEREAS, the church space in the proposed development will be filled by the church currently operating on the ground floor of the five-story mixed-use building located on Lot 6; and

WHEREAS, the church is the owner of Lot 6 and has agreed to relocate all existing tenants to other upgraded housing developed by the subject applicant; and

WHEREAS, the applicant notes that the proposal is an affordable housing project, with an income range for the dwelling units of 40 percent to 80 percent of area median income, and will be financed with a previously agreed-to initial capital allocation from the Office of the Bronx Borough President, the sale of Low Income Housing tax credits from New York State Division of Housing and Community Renewal, private bank financing and deferred developer fees; and

WHEREAS, in order to construct the building as proposed, the applicant seeks the following waivers: (1) residential FAR (a maximum residential FAR of 3.00 is permitted, per ZR § 12-145); (2) lot coverage (the maximum permitted residential lot coverage is 80 percent, per ZR § 23-145); (3) number of dwelling units (the maximum number of dwelling units is 32, per ZR § 23-22); and (4) required accessory off-street parking (13 spaces are required, per ZR § 25-25); and

WHEREAS, the applicant states that, per ZR § 72-

21(a), the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject site in conformance with underlying district regulations: (1) sandy soil conditions with poor load bearing capacity; (2) contaminated subsurface conditions; and (3) the presence of a five-story building on Lot 6 that must be demolished; and

WHEREAS, the applicant represents that Lots 7 and 8 contain miscellaneous fill to a depth of approximately 8 to 10 feet followed by approximately 42 feet of fine to coarse sand with trace silt and gravel and that, as a result, a mat foundation must be used in order to provide optimal support for the development; and

WHEREAS, in response to questions posed by the Board, the applicant investigated and reviewed the soil bearing conditions of lots within 1,500 feet of the subject site and represents that the poor load bearing soil condition at the subject site is a unique condition in the area; and

WHEREAS, the presence of several metals above allowable concentrations in the soil and groundwater collected at the subject site will also necessitate environmental remediation measures prior to development; and

WHEREAS, in addition, the building located on Lot 6 is attached by a party wall to an occupied five-story building supported by a sensitive stone rubble foundation set on weak sandy soil and, thus, demolition of the building on Lot 6 will require stabilization of the adjacent building to avoid inversely impacting its structural integrity; and

WHEREAS, the sandy soil affects the underpinning work required to demolish the building on Lot 6 in that it, *inter alia*, increases the level of shoring, posting, bracing, transferring of loads, and stabilizing methods and techniques, all at significant cost; and

WHEREAS, based upon the above, the Board agrees that the aforementioned unique physical conditions create unnecessary hardship and practical difficulty in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, the applicant need not address ZR § 72-21(b) since it is a not-for-profit organization and the development will be in furtherance of its not-for-profit mission; and

WHEREAS, nevertheless, the applicant asserts that there is no reasonable possibility that the development of the site with affordable housing in conformance with the Zoning Resolution will bring a reasonable return; and

WHEREAS, the applicant represents that the site's unique conditions create premium construction costs as follows: (1) $303,000 for the construction of a mat slab foundation (nearly double the cost of a standard foundation; (2) $635,000 for site remediation; and (3) $515,000 for the demolition of the Lot 6 building and underpinning on the site; and

WHEREAS, the applicant states that an as-of-right building would have 21 dwelling units at a premium construction cost of approximately $69,190 per unit; in contrast, the proposed building distributes the premium construction costs over 36 dwelling units, at a cost of $40,361 per unit, making affordable housing at the site feasible; and

WHEREAS, additionally, in an as-of-right scenario, parking would have to be provided in the cellar, supplanting, in part, the community use required by Quality Housing; and

WHEREAS, based upon its review of the applicant's submissions, the Board has determined that because of the site's unique physical conditions, there is no reasonable possibility that an affordable housing development in strict compliance with applicable zoning requirements is feasible; and

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

WHEREAS, the applicant states that the surrounding area is primarily residential; that there are several six-story multiple dwellings along Brook Avenue on adjacent blocks; the proposed building height of 62'-2" (measured to the top of the parapet) is contextual for a corner lot in the area and there are two buildings directly across Brook Avenue that are as tall as or taller than the subject proposal; and

WHEREAS, the applicant states that the neighborhood is well-served by public transit, including the No. 2 and No. 5 trains with two separate stations within approximately three blocks of the site, multiple bus lines, including the Bx2, Bx4, Bx15, Bx17, Bx19 and Bx21, which run on adjacent streets, and Metro-North, which has a station approximately half a mile away; and

WHEREAS, the applicant represents that there are very low rates of automobile ownership in affordable housing developments of an average of 60 percent of area median income, like the subject proposal, particularly in areas, like the subject area, that are well-served by public transportation and, additionally, there are thirteen public or private parking lots within 1,200 feet of the subject site, as well as ample street parking on Brook Avenue and surrounding side streets; and

WHEREAS, further, the applicant represents that the subject site is located in one of the lowest income neighborhoods in the United States and that the proposed development fills a need for additional units of affordable housing in the area; and

WHEREAS, based upon the above, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that, consistent with ZR § 72-21(d), the hardship herein was not created by the owner or a predecessor in title, but is due to the peculiarities of the site and applicant's objective to provide affordable housing; and

WHERERAS, the Board also finds that this proposal is the minimum necessary to afford the owner relief, in

accordance with ZR § 72-21(e); and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement CEQR No. 14-BSA-069X, dated November 6, 2015; and

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

WHEREAS, by letter dated February 3, 2014, the New York City Landmarks Preservation Commission ("LPC") states that the subject properties have no architectural or archaeological significance; and

WHEREAS, by letter dated October 9, 2015, the New York State Historic Preservation Office ("SHPO") states that the subject proposal will have No Adverse Effect upon historic resources provided the following conditions are met: (1) a construction protection plan shall be put in place for all historic resources within 90 feet of the proposed construction and the plan shall be developed in accordance with the New York City Department of Buildings "Technical Policy Procedure Notice #10/88" and (2) if there are substantive changes to the proposed new construction height or massing, consultation with the SHPO shall resume; and

WHEREAS, the New York City Department of Environmental Protection, Bureau of Environmental Planning and Analysis ("DEP") reviewed the project for potential hazardous materials; and

WHEREAS, DEP reviewed and accepted the Remedial Action Plan and Construction Health and Safety Plan provided that particular revisions to each were made by the applicant; and

WHEREAS, the applicant made the revisions requested by DEP; and

WHEREAS, DEP additionally requested that a Remedial Closure Report certified by a Professional Engineer and indicating that all remedial requirements have been properly implemented be submitted to DEP for review and approval; 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 makes each and every one of the required findings under ZR § 72-21 and grants a variance, to permit, in an R6 (C1-4) zoning district, the construction of a mixed-use residential and community facility use building, contrary to ZR §§ 23-145, 23-22 and 25-25, *on condition* that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 14, 2015" – fourteen (14) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: maximum lot coverage of 82 percent, maximum residential floor area of 32,544 sq. ft., and maximum residential floor area ratio ("FAR") of 4.47, as indicated on the BSA-approved plans;

THAT any change in ownership, operator, or control of the building shall require the prior approval of the Board;

THAT a construction protection plan developed in accordance with DOB's "Technical Policy Procedure Notice #10/88" shall be put in place for all historic resources within 90 feet of the proposed construction and the plan;

THAT substantial construction will be completed in accordance with ZR § 72-23;

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

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

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

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

Adopted by the Board of Standards and Appeals, December 15, 2015.

35-14-BZ
CEQR #14-BSA-118Q
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
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....4
Negative:.....0
Absent: Vice-Chair Hinkson.....1
THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated January 16, 2014, acting on Department of Buildings ("DOB") Application No. 420630561, reads in pertinent part:

> "Proposed Physical Culture Establishment in a C4-2A zoning district requires a Special Permit from the Board of Standards and Appeals pursuant to § 73-36 Z.R."; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to legalize, on a site located within a C4-2A zoning district, a physical culture establishment (PCE), which operates on the second floor of three (3) story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on November 17, 2015 after due notice by publication in *The City Record*, and then to decision on December 15, 2015; and

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

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

WHEREAS, the subject site is located on the south side of Astoria Boulevard, between Steinway Street and 41st Street; and

WHEREAS, the site has approximately 40 feet along Astoria Boulevard, and is occupied by a three (3) story commercial building; and

WHEREAS, the PCE occupies approximately 4,821 sq. ft. on the second floor of the subject building and has been in operation since December 2013; and

WHEREAS, the parking requirements for the PCE, as set forth in ZR § 36-21, are waived under ZR § 36-231; and

WHEREAS, the PCE operates as Maba aka CKO Kickboxing; and

WHEREAS, the proposed hours of operation for the PCE are: Monday through Friday, 6:00 a.m. to 10:00 p.m., and Saturday through Sunday, 8:00 a.m. to 6:00 p.m.; and

WHEREAS, the PCE provides kickboxing training for all skill levels through group fitness classes; 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, by letter dated November 16, 2015, states that it has no objections to the proposal; and

WHEREAS, the applicant represents that the proposed PCE will contain an approved interior fire alarm system, including sprinklers, manual pull stations, backup lighting, local audible and visual alarms, and connection of the interior fire alarm to a Fire Department central station; and

WHEREAS, the applicant has submitted documentation confirming that an Interior Fire Alarm has been installed, inspected and approved by both the DOB and the Fire Department; 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, the Board notes that the term of this grant has been reduced to reflect the period of time that the PCE operated without the special permit; and

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

WHEREAS, the project is classified as 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. 14-BSA-118Q, dated February 2, 2014; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to legalize, on a site located in a C4-2A, a PCE operating on the second floor of a three (3) story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received December 2, 2015"—Six (6) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on

December 1, 2023;

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 sound attenuation measures shall be implemented 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 December 15, 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, December 15, 2015.

51-14-BZ

APPLICANT – Lewis E. Garfinkel, for David Freier, owner.

SUBJECT – Application April 2, 2014 – Special Permit (§73-622) for the enlargement of an existing single family residence contrary to floor area and open space ZR §23-141; side yards ZR §23-461 and rear yard ZR §23-47. R2 zoning district.

PREMISES AFFECTED – 1369 East 28th Street, East side of East 28th Street, 220' north from Avenue N, Block 7664, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

Absent: Vice-Chair Hinkson.....1

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated March 28, 2014, acting on DOB Application No. 320594237, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141(a) in that the proposed floor area ratio (FAR) exceeds the permitted 50%;
2. Proposed plans are contrary to ZR 23-141(a) in that the proposed open space ratio (OSR) is less than the required 150%;
3. Plans are contrary to ZR 23-461(a) in that the proposed side yards are less than the required 5'-0" and 8'-0";
4. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than 30'-0"; and

WHEREAS, this is an application under ZR § 73-622, to permit, in an R2 zoning district, the proposed enlargement of a single-family residence which does not comply with the zoning requirements for floor area ratio ("FAR"), open space ratio, side yards and rear yards contrary to ZR §§ 23-141(a), 23-461(a) and 23-47; and

WHEREAS, a public hearing was held on this application on March 24, 2015 after due notice by publication in *The City Record*, with continued hearings on May 12, 2015, and November 24, 2015, and then to decision on December 15, 2015; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez, and Commissioner Chanda 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 East 28th Street, Between Avenue M and Avenue N, in an R2 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 28 feet of frontage along East 28th Street, a depth of 100 feet, and 2,750 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story plus attic, one-family residence with approximately 1,639 sq. ft. of floor area (0.60 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 initially sought to demolish the house, but maintain the full existing foundation, and install a pre-fabricated structure that would increase the floor area of the structure from 1,639 sq. ft. (0.60 FAR) to 2,750 sq. ft. (1.00 FAR); decrease the open space from 1,931 sq. ft. (1.18 OSR) to 1,503 sq. ft. (0.55 OSR); reduce the existing 39'-0" rear yard to 20'-0"; maintain the existing non-complying 10'-10" front yard at the first floor and reduce the existing compliant 19'-11" front yard at the second floor to a still compliant 15'-0"; and maintain the existing non-complying side yard that measures 4'-0" decrease the other existing complying 7'-6" side yard to 5'-10"; and

WHEREAS, in response to the Board's concerns that the initial proposal was not, in fact, an enlargement entitled to a special permit under ZR § 73-622, the applicant modified the proposed enlargement; and

WHEREAS, thus, the applicant now proposes to keep a substantial portion of the existing exterior walls and all of the existing floors and seeks to increase the floor area of the structure from 1,639 sq. ft. (0.60 FAR) to 2,750 sq. ft. (1.00 FAR); decrease the open space from 1,931 sq. ft. (1.18 OSR) to 1,503 sq. ft. (0.55 OSR); reduce the existing 39'-0" rear yard to 20'-0"; maintain the existing non-complying 10'-10" front yard; maintain the existing non-complying side yard that measures 4'-0" and decrease the other existing complying 7'6" side yard to 5'-0"; and

WHEREAS, the applicant represents that the modified 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, with respect to the proposed rear yard, the applicant states that the rear of the subject property abuts an open area that is used as a parking lot and playground for the Hebrew Language Academy charter school and, therefore, the reduction in the depth of the rear yard will have no impact on the views or light and air enjoyed by neighboring property owners; 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 R2 zoning district, the proposed enlargement of a single-family residence which does not comply with the zoning requirements for floor area ratio, open space ratio, side yards and rear yards contrary to ZR §§ 23-141(a), 23-461(a) 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 25, 2015"-twelve (12) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 2,750 sq. ft. (1.00 FAR), a rear yard with a minimum depth of 20'-0", a front yard with a minimum depth of 10'-10", side yards of 4'-0" and 5'-0", 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 15, 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 15, 2015.

148-14-BZ
CEQR No. 15BSA016M
APPLICANT – Sheldon Lobel, P.C., for 11 Avenue A Realty LLC, owner.
SUBJECT – Application June 24, 2014 – Variance (§72-21) to permit multi-family residential use at the premises. R8A/C2-5 zoning districts.
PREMISES AFFECTED – 11 Avenue A, west side of Avenue A between East 1st Street and East 2nd Street, Block 429, Lot 39, Borough of Manhattan.
COMMUNITY BOARD #3M
ACTION OF THE BOARD – Application granted on condition.
THE VOTE TO GRANT –
Affirmative: Chair Perlmutter, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda..... 4
Negative:.....0
Absent: Vice-Chair Hinkson.....1
THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated June 13, 2014, acting on Department of Buildings Application No. 121184182, reads in pertinent part:

> "ZR 23-32: Zoning lot does not meet the minimum lot area requirement of 1,700 sf for multi-family use in an R8A/C2-5 District, contrary to ZR 23-32"; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site within an R8A (C2-5) zoning district, multi-family residential use, contrary to ZR § 23-32; and

WHEREAS, a public hearing was held on this application on January 20, 2015, after due notice by publication in *The City Record*, with continued hearings on March 24, 2015, April 28, 2015, June 16, 2015, July 14, 2015, August 25, 2015, October 20, 2015, and November 24, 2015, and then to decision on December 15, 2015; and

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

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

WHEREAS, the subject lot is located on the east side of Avenue A between East 1st Street and East 2nd Street, has approximately 19 feet of frontage along Avenue A and 1,500 sq. ft. total lot area in an R8A (C2-5) zoning district, in Manhattan; and

WHEREAS, the lot is currently improved with a three-story plus cellar commercial building with 3,784 sq. ft. total floor area and a floor area ratio ("FAR") of 2.52; and

WHEREAS, the applicant proposes to enlarge the existing building by an additional three stories to result in a six-story mixed-use building with commercial use on the ground floor and cellar, one three-bedroom dwelling unit on both the second and third floors, and one two-bedroom dwelling unit on each of the fourth through sixth floors, for a total of five dwelling units in the building; and

WHEREAS, the total floor area proposed is 6,305 sq. ft. (4.1 FAR), comprised of 1,484 sq. ft. of commercial floor area and 4,821 square feet of residential floor area, and a total building height of 60'-0"; and

WHEREAS, thus, the only waiver requested in the subject application is with regards to minimum lot area for multi-family residential use in an R8A zoning district; and

WHEREAS, the applicant states that, per ZR § 72-21(a), the narrow width and depth of the lot combined with the obsolescence of the building for its as-of-right use creates practical difficulties and unnecessary hardship in developing the subject site in conformance with underlying district regulations; and

WHEREAS, specifically, the applicant states that the small size of the lot severely constrains the ability to attract and maintain commercial tenants; and

WHEREAS, in support of this application, the applicant submitted a land study of the lots within 400 feet of the subject premises which demonstrates that (1) there are only 5 lots, out of a total of 53 lots within a 400-foot radius, with less lot area than the subject premises; (2) of the 5 smaller lots, 2 of the lots are built close to or fully to the allowable floor area, whereas the subject premises is underbuilt by nearly half of its allowable floor area; (3) one of the smaller lots has 50 feet of frontage—more than double that at the subject premises; and (4) all of the lots with less lot area are mixed-use residential and commercial; and

WHEREAS, thus, the applicant maintains that the combination of the small size of the lot, the narrow width of the lot, and the underbuilt status of the lot makes the premises unique; and

WHEREAS, in further support of this application, the applicant submitted an area study encompassing an area bounded by Second Avenue on the west, Avenue B to the east, East 4th Street to the north, and East Houston Street to the south, which demonstrates that (1) the subject premises is one of 28, out of the total 243 lots within the surveyed area, with a lot area of 1,500 sq. ft. or less; (2) only 3 of the 28 lots with a lot area of 1,500 sq. ft. or less, including the subject premises, do not have at least a partial residential use (the other two properties, not including the subject premises, are operated as or in conjunction with a religious use); and (3) only 8 of the 25 lots of 1,500 sq. ft. of lot area or less with at least partial residential use have two or fewer dwelling units (17 of the 25 lots have three dwelling units or more); and

WHEREAS, the Board finds that the aforementioned unique physical condition creates unnecessary hardship and practical difficulty in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, the applicant asserts that, per ZR § 72-21(b), there is no reasonable possibility that the development of the site in conformance with the Zoning Resolution will bring a reasonable return; and

WHEREAS, the applicant provided a financial analysis for (1) two three-bedroom duplex dwelling units ("As-of-Right Residential"), (2) a six-story mixed-use building, with setback, with ground floor retail space and

five residential units consisting of two- and three-bedroom units on the second through fifth floors and a one-bedroom unit on the sixth floor ("As-of-Right Mixed Use"), and (3) the subject proposal; and

WHEREAS, the applicant represents that only the proposal would provide a reasonable return; and

WHEREAS, the applicant contends that income generated by the As-of-Right Residential alternative cannot be offset by the income generated thereby; and

WHEREAS, the applicant notes that the setback in the As-of-Right Mixed Use results in an almost 300 sq. ft. decrease in building area than the proposal, but the reduction in massing has little impact on the overall development costs of the project and certain costs, such as elevator work, remain the same; and

WHEREAS, in response to questions asked in hearing, the applicant stated that while the setback in the As-of-Right Mixed Use alternative provides for a terrace for the unit on the sixth floor, it also reduces the size of the sixth floor unit from two-bedroom to one-bedroom, thus reducing its value; and

WHEREAS, the applicant maintains that the mix of unit sizes and their configuration plays a significant role in the viability of the development scenarios due the small lot size; and

WHEREAS, thus, based upon its review of the applicant's submissions, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict conformance with applicable zoning requirements will provide a reasonable return; and

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

WHEREAS, the applicant states that the surrounding area, including along the Avenue A frontage of the site, is predominantly comprised of multi-family residences and mixed-use commercial and residential buildings; and

WHEREAS, the subject proposal will provide the thirty-foot rear yard required for residential use; and

WHEREAS, in response to questions posed by the Board regarding the impact of the proposed six-story building on the neighborhood's essential character, the applicant provided a neighborhood building height study demonstrating that the surrounding area is not uniform with regards to building heights and there are buildings ranging from one- to twenty-three story buildings within a 400 foot radius of the site; and

WHEREAS, the applicant also notes that the dominant use for similarly sized lots in the surrounding area is multi-family residential, suggesting that the proposed use is consistent with the character of the neighborhood; and

WHEREAS, in response to questions posed by the Board regarding the façade of subject proposal, the applicant provided a detail façade drawing illustrating that the proposed façade contains many of the same historical architectural elements as buildings adjacent to the subject site and is, thus, cohesive with the neighborhood architectural fabric; and

WHEREAS, based upon the above, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the applicant represents that the proposal represents the minimum variance needed to allow for a reasonable and productive use of the site; and

WHEREAS, accordingly, the Board finds that this proposal is the minimum necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement CEQR No. 15BSA016M, dated June 23, 2014; and

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

WHEREAS, 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 makes each and every one of the required findings under ZR § 72-21 and grants a variance, to permit, on a site within an R8A (C2-5) zoning district, multi-family residential use, contrary to ZR § 23-32, *on condition* that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 20, 2015" – twelve (12) sheets; and *on further condition*:

THAT the façade of the building be comprised of the materials as specified on sheet 12 of the BSA-approved

plans;

THAT substantial construction will be completed in accordance with ZR § 72-23;

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

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

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

Adopted by the Board of Standards and Appeals, December 15, 2015.

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 – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

Absent: Vice-Chair Hinkson.....1

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings ("DOB"), dated June 3, 2014, acting on DOB Application No. 320915168, reads in pertinent part:

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

WHEREAS, this is an application under ZR § 73-622, to permit, in an R2 zoning district, the proposed enlargement of a single-family residence which does not comply with the zoning requirements for floor area ratio ("FAR"), open space ratio and rear yards contrary to ZR §§ 23-141(a) and 23-47; and

WHEREAS, a public hearing was held on this application on October 16, 2015 after due notice by publication in *The City Record*, and then to decision on December 15, 2015; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez, and Commissioner Chanda 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 Bedford Avenue, between Avenue J and Avenue K, in an R2 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 35 feet of frontage along Bedford Avenue, a depth of 100 feet, and 3,492 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story with attic, one-family residence with approximately 1,455 sq. ft. of floor area (0.42 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 initially sought to increase the floor area of the structure from 1,455 sq. ft. (0.42 FAR) to 3,469 sq. ft. (1.00 FAR); decrease the open space from 2,663 sq. ft. (1.83 OSR) to 1,944 sq. ft. (0.59 OSR); maintain the degree of non-compliance of the 9'-8" front yard; reduce the existing 52'-9" rear yard to 20'-0"; and maintain an existing complying 6'-0" side yard and decrease the other 8'-6" side yard to 5'-4"; and

WHEREAS, in response to the Board's concerns that the initially proposed enlargement was not compatible with, and would therefore alter, the essential character of the neighborhood in which the building is located, the applicant modified the proposed enlargement; and

WHEREAS, specifically, at hearing the Board expressed concern about the additional floor area allocated in the attic level and the reduction of the existing rear yard to 20'-0" at the upper stories; and

WHEREAS, thus, the applicant now seeks to increase the floor area of the structure from 1,455 sq. ft. (0.42 FAR) to 3,247 sq. ft. (0.93 FAR); decrease the open space from 2,663 sq. ft. (1.83 OSR) to 1,944 sq. ft. (0.59 OSR); maintain the degree of non-compliance of the 9'-8" front yard; reduce the existing 52'-9" rear yard to 20'-0" at the first floor and 26'-0" at the second and attic floors; maintain the compliance of the 5'-11" and 6'-9" side yards by providing 6'-0" and 5'-4" side yards; and

WHEREAS, the applicant represents that the modified 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 R2 zoning district, the proposed enlargement of a single-family residence which does not comply with the zoning requirements for floor area ratio, open space ratio, and rear yards, contrary to ZR §§ 23-141(a) 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 25, 2015"- (12) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 3,247 sq. ft. (0.93 FAR), side yards of 6'-0" and 5'-4", a front yard with a minimum depth of 9'-8", and a rear yard with a minimum depth of 20'-0" at the ground floor and 26'-0" at the second and attic floors, 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 15, 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 15, 2015.

45-15-BZ
CEQR #15-BSA-169Q

APPLICANT – Simons & Wright LLC, for Queensboro Development, LLC, owner; Long Island City Rock Climbing Co. LLC, lessee.

SUBJECT – Application March 10, 2015 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Rock Climbing Facility*) C5-3 zoning district. M1-5/R7-3 (LIC) zoning district.

PREMISES AFFECTED – 23-10 41st Avenue, between 23rd and 24th Streets, Block 00413, Lot 0022, Borough of Queens.

COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

Absent: Vice-Chair Hinkson.....1

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough

Commissioner, dated February 11, 2015 acting on Department of Buildings Application No. 410103677, reads in pertinent part:

"The proposed use of the subject property as a physical cultural establishment in a M1-5/R7-3/LIC zoning district is contrary to ZR Section 42-00 and requires a special permit from the NYC Board of Standards and Appeals pursuant to ZR Section 73-36"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located within a M1-5/R7-3 zoning district and the Special Long Island City Mixed Use District, the operation of a physical culture establishment (PCE) in a seventeen (17) story residential building, contrary to ZR § 42-00; and

WHEREAS, a public hearing was held on this application on November 24, 2015, and then to decision on December 15, 2015; and

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

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

WHEREAS, the subject site is a corner through-lot located on the south side of 41st Avenue, between 23rd Street and 24th Street; and

WHEREAS, the site has approximately 100 feet of frontage along 23rd Street, 185 feet of frontage along 41st Avenue, 100 feet of frontage along 24th Street, and 18,536 sq. ft. of lot area, and is occupied by a seventeen (17) story residential building with residential uses on floors four (4) through seventeen (17) and an accessory lobby and parking on floors one (1) through three (3); and

WHEREAS, the proposed PCE will occupy approximately 20,900 sq. ft. in the cellar and sub-cellar of the building, with an entrance on the first floor; and

WHEREAS, the PCE will be operated as Long Island City Rock Climbing Gym Co. LLC d/b/a Brooklyn Boulders Queensbridge; and

WHEREAS, the applicant represents that the PCE is an artificial indoor rock climbing facility and will contain rock climbing walls and related training equipment along with open space for conditional classes, programs and instruction; and

WHEREAS, the proposed hours of operation for the PCE are: Monday through Friday, 5:30 a.m. to 12:00 a.m., and Saturday through Sunday, 7:00 a.m. to 12:00 a.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, by letter dated November 20, 2015, states that it has no objections to the proposal; and

WHEREAS, the applicant represents that the proposed PCE will contain an approved interior fire alarm system, including sprinklers, manual pull stations, backup lighting, local audible and visual alarms, and connection of the interior fire alarm to a Fire Department central station; and

WHEREAS, the applicant represents that, as the proposed PCE will be located on the cellar and sub-cellar levels, it will be four floors below the nearest residential use and be separated from that nearest residential use by one level containing a garage, and thus, there is adequate separation between the residents of the building and the PCE such that the PCE will have no adverse impact on the residential units; 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 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-169Q, dated March 4, 2015; and

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located in a M1-5/R7-3 zoning district the Special Lower Manhattan District, the operation of a PCE in the cellar and sub-cellar floor levels of a seventeen (17) story

residential building, contrary to ZR § 42-00; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received September 15, 2015" - Six (6) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on December 15, 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 sound attenuation measures shall be implemented 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 December 15, 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, December 15, 2015.

53-15-BZ
CEQR #15-BSA-172M

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 10 E53rd Street Owner LLC c/o SL Green Realty Co., owner; Equinox East 53rd Street, Inc., lessee.

SUBJECT – Application March 12, 2015 – Special Permit (§73-36) to permit a physical culture establishment (*Equinox*) within an existing building. C5-2.5(MID) + C.3MID)(F) zoning district.

PREMISES AFFECTED – 10 East 53rd Street, south side of east 53rd Street, 125' west of intersection of East 53rd Street and 5th Avenue, Block 01288, Lot 7, Borough of Manhattan.

COMMUNITY BOARD #5M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated March 2, 2015 and as revised March 6, 2015, acting on Department of Buildings Application No. 122252631, reads in pertinent part:

> "Proposed 'Physical Culture Establishment' is not permitted As-Of-Right as per section ZR 32-31 and a special permit by the Board of Standards and Appeals (BSA) is required to comply with ZR 73-36"; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located partially within a C5-2.5 zoning district and partially within a C5-3 zoning district and in the Special Midtown District, the operation of a physical culture establishment (PCE) in a thirty-eight (38) story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on November 24, 2015 after due notice by publication in *The City Record*, and then to decision on December 15, 2015; and

WHEREAS, Community Board 5, Manhattan, waived the holding of a public hearing with regards to this application; and

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

WHEREAS, the subject site is an irregular through-lot located on the south side of East 53rd Street, between Fifth Avenue and Madison Avenue; and

WHEREAS, the site has approximately 100 feet of frontage along East 53rd Street, 79 feet of frontage along East 52nd Street, 17,071 sq. ft. of lot area, and is occupied by a thirty-eight (38) story commercial building; and

WHEREAS, the proposed PCE will occupy approximately 582 sq. ft. on the sub-cellar level, 6,829 sq. ft. on the cellar level, 1,652 sq. ft. on the first floor, 1,099 sq. ft. on the mezzanine level, 9,606 sq. ft. on the second floor, and 11,552 sq. ft. on the third floor, for a total of 23,909 sq. ft. of zoning floor area and 31,320 sq. ft. including the exempt floor area located in the cellar and sub-cellar levels; and

WHEREAS, the majority of the proposed PCE will be located in portions of the building located in a C5-2.5 zoning district, but a portion of the space on the cellar and third floor levels will be located in the northern portion of the subject building that extends into a C5-3 zoning district; and

WHEREAS, no parking is required in connection with the proposed PCE in a C5 zoning district pursuant to ZR § 36-21; and

WHEREAS, the PCE will be operated as Equinox; and

WHEREAS, the applicant represents that the PCE will contain facilities for group fitness classes as well as weight lifting and aerobic exercise equipment; and

WHEREAS, the proposed hours of operation for the PCE are: Monday through Friday, 5:00 a.m. to 11:30 p.m., and Saturday through 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, by letter dated November 20, 2015, states that it has no objections to the proposal; and

WHEREAS, the applicant represents that the proposed PCE will contain an approved interior fire alarm system with automatic wet sprinklers and connected to a Fire Department-approved central station; and

WHEREAS, the applicant further represents that sound attenuation measures, including cushioned mats in the weight lifting areas and independently-mounted speakers; 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 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-172M, dated September 21, 2015; and

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located partially within a C5-2.5 zoning district and partially within a C5-3 zoning district and in the Special Midtown District, the operation of a PCE in the sub-cellar, cellar, first, mezzanine, second and third floor levels of an existing thirty-eight (38) story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received December 11, 2015"—Nineteen (19) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on December 15, 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 sound attenuation measures shall be implemented 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 December 15, 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, December 15, 2015.

322-13-BZ

APPLICANT – Sheldon Lobel, P.C., for Gloria B. Silver, owner.

SUBJECT – Application December 18, 2013 – Re-instatement (§11-411) of a previously approved variance which permitted accessory parking on the zoning lot for the use Group 6 commercial building, which expired on September 23, 1990; Waiver of the Rules. R6/C1-2 and R6 zoning district.

PREMISES AFFECTED – 42-01 Main Street, southeast corner of the intersection of Main Street and Maple Avenue, Block 5135, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

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

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 February 23, 2016, at 10 A.M., for adjourned hearing.

30-14-BZ
APPLICANT – Eli Katz of Binyan Expediting, for Cong. Machine Chaim, owner; Yeshiva Bais Sorah, lessee.
SUBJECT – Application February 11, 2014 – Variance (§72-21) proposed enlargement to an existing school (Use Group 3) is contrary to §§42-00 & 43-43. M1-1 zoning district.
PREMISES AFFECTED – 6101 16th Avenue aka 1602 61st Street aka 1601 62nd Street, north east corner of 62nd Street and south east side of 16th Avenue, Block 5524, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #11BK

ACTION OF THE BOARD – Laid over to February 2, 2016, at 10 A.M., for continued hearing.

31-14-BZ
APPLICANT – Moshe M. Friedman, PE, for Bnos Square of Williamsburg, owner.
SUBJECT – Application February 11, 2014 – Special Permit (§73-19) to allow a conversion of an existing Synagogue (*Bnos Square of Williamsburg*) building (Use Group 4 to (Use Group 3). M1-2 zoning district.
PREMISES AFFECTED – 165 Spencer Street, 32'6" Northerly from the corner of the northerly side of Willoughby Avenue and easterly side of Spencer Street, Block 1751, Lot 3, Borough of Brooklyn.
COMMUNITY BOARD #3BK

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

MINUTES

REGULAR MEETING
TUESDAY AFTERNOON, DECEMBER 15, 2015
1:00 P.M.

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

ZONING CALENDAR

283-14-BZ
APPLICANT – Dennis D. Dell'Angelo, for Morris Weiss, owner.
SUBJECT – Application November 5, 2014 – Special Permit (§73-622) for the enlargement of an existing two family residence to be converted to a single family home contrary to floor area and open space (ZR 23-141) and less than the required rear yard (ZR 23-47). R2 zoning district.
PREMISES AFFECTED – 3255 Bedford Avenue, eastside Bedford Avenue between Avenue K and Avenue L, Block 07625, Lot 31, Borough of Brooklyn.
COMMUNITY BOARD #3BK
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 22, 2016, at 10 A.M., for decision, hearing closed.

63-15-BZ
APPLICANT – Sheldon Lobel, P.C., for Sutton Owners Corporation, Inc., owner; Harriet Harkavy, Esq., lessee.
SUBJECT – Application March 23, 2015 – Variance (§72-21) to legalize the three existing enclosures of portions of the terrace of Unit PHC located on the penthouse floor of the premises. R10 zoning district.
PREMISES AFFECTED – 35 Sutton Place, corner through-lot with frontage on 59th Street between Sutton Place and Riverview Terrace, Block 01372, Lot 73, Borough of Manhattan.
COMMUNITY BOARD #6M
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 February 9, 2016, at 10 A.M., for decision, hearing closed.

98-15-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for East 54th Street Partnership LLC, owner; SoulCycle East 54th Street, LLC, lessee.
SUBJECT – Application May 5, 2015 – Special Permit (§73-36) to allow a physical culture establishment (*SoulCycle*) within the existing building for a one family, three-story residence for accessory parking spaces. C1-9 zoning district.
PREMISES AFFECTED – 240 East 54th Street, south side of East 54th Street, 100 feet west of intersection of East 54th Street and Second Avenue, Block 01327, Lot 029, Borough of Manhattan.
COMMUNITY BOARD #6M
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 February 9, 2016, at 10 A.M., for decision, hearing closed.

99-15-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for East 54th Street Partnership LLC, owner; Blink East 54th Street, Inc., lessee.
SUBJECT – Application May 5, 2015 – Special Permit (§73-36) to allow for a physical culture establishment (*Blink*) in an existing commercial building. C1-9 zoning district.
PREMISES AFFECTED – 240 East 54th Street, south side of East 54th Street, 100' west of intersection of East 54th Street, and 2nd Avenue, Block 01327, Lot 029, Borough of Manhattan.
COMMUNITY BOARD #6M
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 February 2, 2016, at 10 A.M., for decision, hearing closed.

Ryan Singer, Executive Director