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# BULLETIN

OF THE  
NEW YORK CITY BOARD OF STANDARDS  
AND APPEALS

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Volume 86, No. 27

July 5, 2001

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## DIRECTORY

**JAMES CHIN**, *Chairman*

**MITCHELL KORBAY**

**PETER CALIENDO**

*Commissioners*

**Pasquale Pacifico**, *Executive Director*

**Trevis Bethea**, *Deputy Director*

**Juan D. Reyes, III**, *Counsel*

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243-98-BZ	4282 Ocean Avenue, Brooklyn
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119-00-BZ	2788/2790 Grand Concourse, Bronx
295-57-BZ	146-15 Union Turnpike, Queens
30-58-BZ	184-17 Horace Harding Expressway, Queens
137-85-BZ	40-27/33 215 <sup>th</sup> Place and 40-30/36 216 <sup>th</sup> Street, Queens
942-87-BZ	23-70 Steinway Street, Queens
65-90-BZ	61-19 190 <sup>th</sup> Street, Queens
192-92-BZ	900 Southern Boulevard, Bronx
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37-01-A thru 41-01-A	481B/481C/481D/481E/481F Father Capodanno Boulevard, Staten Island
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163-01-A	501 Broadway and 72 Mercer Street, Manhattan

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**Affecting Calendar Numbers:**

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226-00-BZ	210 Middleton Street, Brooklyn
313-00-BZ	248-55 Jamaica Avenue, Queens
118-01-BZ	1845 Richmond Avenue, Staten Island
132-01-BZ	1283 East 22 <sup>nd</sup> Street, Brooklyn
135-01-BZ	1817/17 86 <sup>th</sup> Street a/k/a 1815/17 New Utrecht Avenue, Brooklyn
149-01-BZ	88/90 Jane Street a/k/a 357-359 West 12 <sup>th</sup> Street, Manhattan
150-01-A	88/90 /Jane Street a/k/a 357-359 West 12 <sup>th</sup> Street, Manhattan

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# DOCKET

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New Case Filed Up to June 27, 2001

**220-01-A** B.S.I. 10 Everton Avenue,  
northwest side of Woodrow Road, 52.57' southwest of the  
corner formed by the intersection of Everton Avenue and  
Woodrow Road, Block 6045, Lot 4, Borough of Staten  
Island. N.B. #500483684. Proposed construction of a two  
family dwelling, located within the bed of a mapped street,  
is contrary to Section 35, Article 3 of the General City Law.

**221-01-BZ** B.M. 252/54 West 29<sup>th</sup> Street,  
south side, 65' east of Eighth Avenue, Block 778, Lot 70,  
Borough of Manhattan. Applic. #102557537. Proposed  
operation of a school for children with special needs, on the  
fourth floor of an existing seven story building, in an C6-2  
within an M1-5 zoning district, requires a special permit from  
the Board as per Z.R.§73-19.

**COMMUNITY BOARD #5M.**

**222-01-A** B.Q. 101-110 Metropolitan  
Avenue, between 71<sup>st</sup> Avenue and 70<sup>th</sup> Drive, Block 3896,  
Lots 33 and 42, Borough of Queens. Applic. #401183376.  
Proposed building to be erected within the bed of a mapped  
street, is contrary to Section 35, Article 3 of the General City  
Law.

**223-01-BZ** B.M. 33 Division Street,  
aka 46 East Broadway, block between Market and  
Catherine Streets, Block 281, Lot 21, Borough of Manhattan.  
Applic. #102290227. Proposed construction of an 8-story  
building (community facility), which will connect on seven  
levels to an existing 7-story building, which does not  
comply with zoning requirements for floor area ratio and  
height of the front wall setback, is contrary to Z.R. § §33-123  
and 33-432.

**COMMUNITY BOARD #3M.**

**224-01-BZ** B.M. 159 Grand Street,  
bounded by Grand, Lafayette, Howard and Centre Streets,  
Block 234, Lot 11, Borough of Manhattan. N.B. #102450553.  
Proposed construction of a 12-story building, with a hotel  
on the first through 12<sup>th</sup> floors, and retail use in the cellar  
and on the first floor, Use Groups 5 and 6, located in an M1-  
5B zoning district, which does not comply with the zoning  
requirements for floor area, height, setback and use  
regulations, is contrary to Z.R.§43-12, §43-43 and §42-  
14(D)(2)(b).

**COMMUNITY BOARD #2M.**

**225-01-A** B.Q. 8 Gotham Walk,  
west side, 75.46' south of Oceanside Avenue, Block 16350,  
Lot 400, Borough of Queens. Alt.1 #-401212424. Proposed  
enlargement to an existing one family dwelling building not  
fronting on a legally mapped street is contrary to Section 36,  
Article 3 of the General City Law, also an interpretation of  
Z.R.§§23-541 and 23-532 and how they relate to rear yard  
requirements.

**226-01-BZ** B.M. 48 Laight Street and  
166/72 Hudson Street, northeast corner, Block 220, Lot 34,  
Borough of Manhattan. N.B. #102796146. Proposed  
development of a new six-story building, with retail use on  
the ground floor and loft dwellings on the upper floors, Use  
Groups 6 and 2, located in an M1-5(TMU) zoning district, is  
contrary to Z.R.§§111-02 and 12-10.

**COMMUNITY BOARD #1M.**

**227-01-A** B.Q. 958 Bayside Avenue,  
south side, 105' east of Beach 209<sup>th</sup> Street, Block 16350, Lot  
300, Borough of Queens. Alt.1#-401224796. Proposed  
addition of a second floor to an existing one family dwelling,  
not fronting on a legally mapped street is contrary to  
Section 36, Article 3 of the General City Law.

**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.**

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# CALENDAR

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**JULY 24, 2001, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, July 24, 2001, at 10 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**SPECIAL ORDER CALENDAR**

**306-70-A**

APPLICANT -Glass &Glass, Architects for Handro Management Co., owner.

SUBJECT - Application October 17, 2000 - reopening for an extension of term of variance which expired October 28, 2000.

PREMISES AFFECTED-149-151 West 40th Street, northeast corner of West 40th Street and Seventh Avenue, Block 993, Lot 1 Borough of Manhattan.

**COMMUNITY BOARD #5M**

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**613-74-BZ**

APPLICANT -Pillsbury Winthrop LLP, Version New York Inc., owner.

SUBJECT - Application June 6, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1095 Avenue of the Americas, Block 994, Lot 33, Borough of the Manhattan.

**COMMUNITY BOARD #5M**

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**964-87-BZ**

APPLICANT- Catapano Engineering, P.C., for Leemilt Petroleum, Inc.,owner.

SUBJECT - Application November 14, 2000 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term which expired February 6, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 780/798 Burke Avenue, southwest corner of Barnes Avenue, Block 4571, Lot 28, Borough of The Bronx.

**COMMUNITY BOARD #12BX**

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**139-92-BZ**

APPLICANT - Samuel H. Valencia, for Valencia Enterprises, owner.

SUBJECT - Application April 5, 2001 - reopening for an extension of term of variance which expired March 7, 2001.

PREMISES AFFECTED - 52-15 Roosevelt Avenue, northside, 125.53 east of intersection at 52<sup>nd</sup> Street, Block 1315, Lot 76, Borough of Queens.

**COMMUNITY BOARD #2Q**

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**102-95-BZ**

APPLICANT -Fredrick A. Becker, Esq., for 50 West 17 Realty Co., owner, Renegades Associates dba Splash Bar, lessee.

SUBJECT - Application March 15, 2001 -a reopening for an extension of term of variance which expired March 5,2001.

PREMISES AFFECTED - 50 West 17th Street, South side of West 17th Street between 5th Avenue and 6th Avenue, Block 818, Lot 78 Borough of Manhattan.

**COMMUNITY BOARD #4M**

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**63-96-BZ**

APPLICANT - Dennis D. Dell Angelo, for Michael and Catherine Moudatsos, owner.

SUBJECT - Application April 16, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 4677 Hylan Boulevard, west side of Hylan Boulevard, 175' south of Arden Avenue, Block 503, Lot 43, Borough of Staten Island.

**COMMUNITY BOARD #3Q**

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**130-00-A**

APPLICANT - Paul Mok, for Block 8044, Lot 1 Corp., owner.

SUBJECT - Application June 14 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 157-17 Cross Island Parkway, north side 150' east of 157th Street, Block 4568, Lots 83 (84 & 85), Whitestone, Borough of Queens.

**COMMUNITY BOARD #7Q**

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**131-00-A**

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# CALENDAR

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APPLICANT - Paul Mok, for Block 8044, Lot 1 Corp., owner.  
SUBJECT - Application June 14 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 157-19 Cross Island Parkway, north side 190' east of 157th Street, Block 4568, Lots 84 (83 & 85), Whitestone, Borough of Queens.

**COMMUNITY BOARD #7Q**

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**133-00-A**

APPLICANT - Paul Mok, for Block 8044, Lot 1 Corp., owner.  
SUBJECT - Application June 14 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 157-23 Cross Island Parkway, north side 187.51' east of 159th Street, Block 4568, Lots 85 (83 & 84), Whitestone, Borough of Queens.

**COMMUNITY BOARD #7Q**

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**JULY 24, 2001, 11:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, July 24, 2001, at 11 A.M., at 40 Rector Street, 6<sup>h</sup> Floor, New York, N.Y. 10006, on the following matters:

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**APPEALS CALENDAR**

**35-01-A**

APPLICANT - Jack Lester, Esq., on behalf of Iver Iverson and East 82nd Street Neighborhood Association.

OWNER OF PREMISES: Marymount School.

SUBJECT - Application February 2, 2001 - an appeal challenging the Department of Buildings' determination dated January 11, 2001, allowing the construction of an exterior stairwell as a second means of egress at subject premises which constitutes a fire safety hazard, and also is in violation of the Building Code of the City of New York.

PREMISES AFFECTED - 2 East 82nd Street, corner of Fifth Avenue, Block 1493, Lot 68, Borough of Manhattan.

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**124-01-A**

APPLICANT - Fischbein Badillo Wagner Harding, by:

Marvin B. Mitzner, Esq., for Queens Boulevard Realty Group, LLC., owner.

SUBJECT - Application March 23, 2001 - proposed ramp at the entrance to the garage, for the building's parking in the cellar (four story commercial building), must provide a 20' landing in accordance with Section 27-458 of the NYC Building Code and proposed number of exits from all floors is contrary to Section 27-366 (C26-603..2) of Building Code must provide 2 means of egress.

PREMISES AFFECTED - 47-01 Queens Boulevard, northeast corner of 47th Street, Block 140, Lot 10, Borough of Queens.

**COMMUNITY BOARD #2Q**

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**JULY 24, 2001, 2:00 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, July 24, 2001, at 2 P.M., at 40 Rector Street, 6<sup>h</sup> Floor, New York, N.Y. 10006, on the following matters:

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**ZONING CALENDAR**

**32-01-BZ**

APPLICANT - Harold Weinberg, for Barbara Manning, owner.

SUBJECT - Application January 30, 2001 - under Z.R. §73-622 to permit the proposed enlargement to an existing one family dwelling (Use Group 1) located in an R2(BR) zoning district which creates non-compliance with respect to F.A.R., O.S.R. and side yards, and is contrary to Z.R. §23-141, §54-31 and §23-461.

PREMISES AFFECTED - 8321 Colonial Road, northwest corner of 84th Street, Block 6015, Lot 1, Borough of Brooklyn.

**COMMUNITY BOARD #10BK**

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**54-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Michael & Fran

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# COMMUNITY BOARD

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Koegel, owner.

SUBJECT - Application February 20, 2001 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling (Use Group 1) located in an R2 zoning district, which does not comply with the zoning requirements for F.A.R., O.S.R. and side yards and is contrary to Z.R. §23-141 & §23-461.

PREMISES AFFECTED - 2508 Avenue J, between Bedford Avenue and 26th Street, Block 7607, Lot 43, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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## 112-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Doris Laufer, owner; Congregation Noam Emimelech, Long-term lessee.

SUBJECT - Application March 6, 2001 - under Z.R. 72-21, to permit the proposed enlargement to an existing community facility (Use Group 4) located in an R5 zoning district, which does not comply with the zoning requirements for side yards and off-street parking spaces, which is contrary to Z.R. §24-35 and §25-18.

PREMISES AFFECTED - 1402/67 59th Street (Tentative 1402 59th Street), corner of 59th Street and 14th Avenue, Block 5713, Lots 8 and 10 (Tentative Lot 8) Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

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## 114-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Daniel Beyda, owner.

SUBJECT - Application March 9, 2001 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling, located in an R-2 zoning district, which does not comply with the zoning requirements for F.A.R., O.S.R. and rear yard, which is contrary to Z.R. §23-14, §23-141 and §23-47.

PREMISES AFFECTED - 1320 East 24th Street, between Avenues M and N, Block 7659, Lot 55, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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## 121-01-BZ

APPLICANT - Paul Hastings, Janofsky and Walker, LLP by Elise Wagner, Esq., for New York University/Mount Sinai

Medical Center, owner.

SUBJECT - Application March 20, 2001 - under Z.R. §73-64/73-03, to permit the proposed construction of a new medical research and laboratory building (Use Group 3A) located in an R8 zoning district, which does not comply with the zoning requirements for height and setback regulations, rear yard and minimum distance between building, which is contrary to Z.R. §24-522, §24-382 and §24-652.

PREMISES AFFECTED - 550 First Avenue, portion of the block bounded by East 30th Street, First Avenue, East 34th Street and the FDR Drive, Block 962, Lot 8, Borough of Manhattan.

**COMMUNITY BOARD #6M**

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*Pasquale Pacifico, Executive Director*

**REGULAR MEETING**

# MINUTES

**WEDNESDAY MORNING, JUNE 27, 2001  
10:00 A.M.**

**Present:** Chairman Chin, Commissioner Korbey and Commissioner Caliendo.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, June 12, 2001, were approved as printed in the Bulletin of June 21, 2001, Volume 86, No. 25.

## **SPECIAL ORDER CALENDAR**

### **554-54-BZ**

APPLICANT - Sheldon Lobel, P.C., for B.P. Amoco Corporation, owner.

SUBJECT - Application March 2, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 6201 Avenue U, Avenue U and Mill Avenue, Block 8405, Lot 44, Borough of Brooklyn.

### **COMMUNITY BOARD #18BK**

APPEARANCES -

For Applicant: Chris Bauer.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative: .....0

THE RESOLUTION -

WHEREAS, the applicant requested an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on May 22, 2001 after due notice by publication in *The City Record*, laid to June 12, 2001 and then to June 27, 2001 for decision.

WHEREAS, the applicant proposes to erect a 2,400 square feet accessory building in lieu of the previously approved 2,313 square feet building that will accommodate a convenience store (U G 16E) with an attendant's area and the installation of a solar canopy over six (6) new concrete pump islands; and

*Resolved*, that the Board of Standards and Appeals *reopens and amends* the resolution pursuant to Z.R. §11-412, said resolution having been adopted on April 19, 1955, as amended through November 14, 2000, so that as amended this portion of the resolution shall read:

"to permit the erection of a 2,400 square feet accessory building in lieu of the previously approved 2,313 feet accessory building, that shall

accommodate a convenience store (Use Group 16E) with an attendant's area and the installation of a solar canopy over six new concrete pump islands; on condition that the store hours shall be limited to 5:30 A.M. to 12:00 midnight daily; that there shall be no open storage or parking of motor vehicles at this site; that the landscaping, fencing and screening shall be installed and adequately maintained; that the above conditions shall appear on the certificate of occupancy and on further condition that the site lighting and signs shall be in accordance with the BSA approved plans; that all lights shall be directed down and away from the residential properties; that the roof air conditioning unit shall comply with the noise abatement regulations; that the premises shall be maintained free of graffiti and debris and in substantial compliance with the existing and proposed conditions plan submitted with the application marked 'Received March 2, 2001' - (5) sheets and that other than herein amended, the above cited resolution shall be complied with in all respect and that construction shall be completed within eighteen (18) months of the date of this amended resolution and a new certificate of occupancy shall be obtained."

(DOB 300982088)

Adopted by the Board of Standards and Appeals, June 27, 2001.

### **17-91-BZ**

APPLICANT - Joseph P. Morsellino, Esq., for Doyle Shaffer, Inc., owner.

SUBJECT - Application February 26, 2001 - reopening for an extension of term of the variance which expires February 25, 2002.

PREMISES AFFECTED - 45-32 Little Neck Parkway, south side of Little Neck Parkway, east of Northern Boulevard, Block 8229, Lot 30, Borough of Queens.

### **COMMUNITY BOARD #11Q**

APPEARANCES -

For Applicant: Joseph P. Morsellino.

**ACTION OF THE BOARD** - Application reopened and term of variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative: .....0

THE RESOLUTION -

WHEREAS, the applicant requested an extension of the term of the variance; and

WHEREAS, a public hearing was held on this

# MINUTES

application on April 24, 2001 after due notice by publication in *The City Record*, laid to May 22, 2001, June 12, 2001 and then to June 26, 2001 for decision.

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

WHEREAS, the Board finds that the premises has operated in substantial compliance with the conditions of the resolution;

*Resolved*, that the Board of Standards and Appeals *reopens and amends* the resolution pursuant to §72-01 and §72-22 of the *Zoning Resolution*, said resolution having been adopted on February 25, 1992 expiring on February 25, 2002, so that as amended this portion of the resolution shall read:

“Term of the variance extended; on condition that the term shall be limited to ten years, from February 25, 2002, to expire on February 25, 2012; that the parking lot shall be locked after hours; that all lighting shall be directed down and away from residential uses; that the premises shall be maintained in substantial compliance with the existing conditions plan submitted with the application marked ‘Received February 26, 2001’ - (4) sheets and that other than herein amended, the above cited resolution shall be complied with in all respect and that a certificate of occupancy shall be obtained within eighteen (18) months of the date of this amended resolution.”

(DOB 400147462)

Adopted by the Board of Standards and Appeals, June 27, 2001.

## 243-98-BZ

APPLICANT - Harold Weinberg, P.E., for Marlene Feinberg, owner.

SUBJECT - Application April 12, 2001 - reopening for an extension of time to complete construction which expired April 20, 2001.

PREMISES AFFECTED - 4282 Ocean Avenue, west side, 506' south of Oriental Boulevard, Block 8743, Lot 92, Borough of Brooklyn.

### COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg and Anastasiam Blnikova.

**ACTION OF THE BOARD** - Application reopened and time to complete substantial construction extended.

**THE VOTE TO GRANT** -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative: .....0

**THE RESOLUTION** -

WHEREAS, the applicant requested a reopening and an

extension of the time to complete substantial construction; and

WHEREAS, a public hearing was held on this application on June 12, 2001 after due notice by publication in *The City Record*, laid over to June 27, 2001 for decision.

*Resolved*, that the Board of Standards and Appeals hereby *reopens and amends* the resolution adopted on April 20, 1999, only as to the time to complete substantial construction, so that as amended this portion of the resolution shall read:

"That substantial construction shall be completed within 24 months from the date of this amended resolution".

(DOB 300769194)

Adopted by the Board of Standards and Appeals, June 27, 2001.

## 159-99-BZ

APPLICANT - Cong Beis Meir, for Cong Beis Meir, owner.  
SUBJECT - Application May 17, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1347-57 38<sup>th</sup> Street, Westerly Side of 38<sup>th</sup> Street, between 13<sup>th</sup> & 14<sup>th</sup> Avenue, Block 5300, Lot 55, Borough of Brooklyn.

### COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Mayer Herman.

**ACTION OF THE BOARD** - Application reopened and resolution amended.

**THE VOTE TO CLOSE HEARING** -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative: .....0

**THE VOTE TO GRANT** -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative: .....0

**THE RESOLUTION** -

WHEREAS, the applicant requested an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on June 27, 2001 after due notice by publication in *The City Record*, and this decision rendered; and

WHEREAS, the applicant proposes to add two mezzanines to the main Sanctuary; and

WHEREAS, Community Board #12, Brooklyn, recommended conditional approval of the application; and

WHEREAS, the Board finds that the proposed addition will not result in any significant changes to the prior approval.

*Resolved*, that the Board of Standards and Appeals *reopens and amends* the resolution pursuant to Z.R. §72-01

# MINUTES

and §72-22, said resolution having been adopted on December 19, 2000, so that as amended this portion of the resolution shall read:

“To permit the addition of two (2) mezzanines to the main Sanctuary *on condition* that the subject premises shall not be used for commercial catering; that the premises shall not be used to prepare food or catering for any off-site uses; that the premises shall be maintain graffiti free at all times; that the above conditions shall appear on the certificate of occupancy; that the premises shall be maintained in substantial compliance with the proposed conditions plans submitted with the application marked ‘Received May 17, 2001’- (4) sheets; that the development, as approved, is subject to verification by the Department of Buildings for compliance with any applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; the above cited resolution shall be complied with in all respect and that substantial construction shall be completed in accordance with Z. R. §72-23.”

(DOB 300798448)

Adopted by the Board of Standards and Appeals, June 27, 2001.

## 119-00-BZ

### CEQR #00-BSA-132X

APPLICANT - The Agusta Group, for Gani Realty Corp., owner; Jose Ulloa, lessee.

REMANDED: “to specifically consider whether a variance of limited duration should be granted, based on the history of this store, and the community support for it, to allow the Petitioner to pursue being included as part of the Grand Concourse Special District”.

PREMISES AFFECTED - 2788/2790 Grand Concourse, between Miriam Street and 197th Street, Block 3304, Lot 103, Borough of The Bronx.

### COMMUNITY BOARD #7BX

#### APPEARANCES -

For Applicant: Philip P. Agusta.

**ACTION OF THE BOARD** - Application denied.

#### THE VOTE TO GRANT -

Affirmative: .....0

Negative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

#### THE RESOLUTION -

WHEREAS, the subject variance was denied by the Board on November 21, 2000, thereby not allowing for the legalization of an existing food store; and

WHEREAS, this was an application under Z.R. §72-21,

to legalize an existing food store, Use Group 6, in an R8 zoning district within the Special Grand Concourse Preservation District (C), which is contrary to Z.R. §22-10 and §122-03; and

WHEREAS, the zoning lot is a 97 x 200 located on the east side of the Grand Concourse between East 197<sup>th</sup> and Miriam Streets; and

WHEREAS, the subject premises is currently improved with a six-story, basement and cellar, walk-up apartment building which contains 60 dwelling units as well as the aforementioned food store at the street level; and

WHEREAS, the applicant contends that there are unique physical conditions which create practical difficulties and unnecessary hardships in building in compliance with the R8 zoning regulations; and

WHEREAS, besides dwelling units, community facility uses are also permitted in the R8 zoning district; and

WHEREAS, by Order dated March 15, 2001, Supreme Court Justice Douglas E. McKeon directed that the case be remanded to the BSA solely to consider the issue of whether a variance of a limited time period should be granted to the Petitioner (Jose Ulloa d/b/a New Globe Mini Market); and

WHEREAS, therefore, on remand, the Board held a public hearing to hear whether a variance of limited duration should be granted, based on the history of this store, and the community support for it, to allow the applicant to pursue being included as part of the Grand Concourse Special District; and

WHEREAS, in the November resolution the Board stated the reasons why the applicant did not meet the requirements of Z.R. §§72-21 (a), (b) and (c); and

WHEREAS, furthermore, this resolution is not intended to replace the original November resolution, but to consider the issue of granting a variance of limited duration; and

WHEREAS, the Board heard from the Community and their concerns regarding the store; and

WHEREAS, the community has stated its support for the store because of it has been located at this site for over forty years and its convenience for those in the neighborhood where there are few stores; and

WHEREAS, the store’s location is in marked contrast to the surrounding residential uses; and

WHEREAS, while the City does have many buildings which have ground floor commercial uses mixed with upper-level residences, those mixed use buildings are in appropriately zoned commercial areas, often along streets developed for local retail uses; and

WHEREAS, in contrast, the store in question is the lone commercial enterprise in an otherwise residential area; and

WHEREAS, the fact that the store has existed illegally since 1959, does not make it more appropriate for the surrounding area; and

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WHEREAS, while its lengthy existence has led to a customer base in the area, the success of a business does not mean that said business does not alter the character of the surrounding area; and

WHEREAS, the applicant reiterated the contention that the subject site was overlooked as a commercial site when the Grand Concourse Special District recognizing such uses was created in 1981; and

WHEREAS, as is stated in §668(e) of the New York City Charter, the city planning commission shall be a party to any proceeding to determine and vary the application of the zoning resolution; and

WHEREAS, City Planning stated in a letter dated April 25, 2001, to the Board that the Global Mini Market does not satisfy the standards for any of the three categories of permissible commercial uses in the Special District and the failure to include the Globe Mini Market in the Special District was not an oversight; and

WHEREAS, City Planning also wrote that their staff would likely recommend disapproval of the application should Globe Mini Market decide to proceed with a request to include the subject property in the Special District as a Commercial Infill Site; and

WHEREAS, although Board is sympathetic to the concerns of the community, the Board finds that there is no basis for allowing this grant of limited duration; and

WHEREAS, as stated in the original November resolution and upon clarification from the Department of City Planning, the Board rejects the applicant's contention that the subject site was overlooked as a commercial site when the Grand Concourse Special District was created in 1981; and

WHEREAS, the history of the store and the community support for it do not change the fact that the application fails to meet the requirements of Z.R. §§72-21 (a), (b) and (c); and

WHEREAS, since the application fails to meet the requirements of Z.R. §§72-21 (a), (b) and (c) it must be denied.

*Resolved*, that the decision of the Borough Commissioner dated April 7, 2000, acting on Applic. No. 200614861 must be sustained and the application denied.

Adopted by the Board of Standards and Appeals, June 27, 2001.

## **295-57-BZ**

APPLICANT - Vassalotti Associates, Architects, for Leonard Lazarus; owner.

SUBJECT - Application January 25, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an amendment to the resolution and for an extension of time which expired October 1, 2002.

PREMISES AFFECTED - 146-15 Union Turnpike, northwest corner of 147th Street and Union Turnpike, Block 6672, Lot 80, Borough of Queens.

### **COMMUNITY BOARD #8M**

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 10 A.M., for continued hearing.

## **30-58-BZ**

APPLICANT - Vassalotti Associates, Architects, for the Benenson Capital Company, owner.

SUBJECT - Application September 25, 2000 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 184-17 Horace Harding Expressway, northwest corner of 185th Street, Block 7067, Lot 50, Borough of Queens

### **COMMUNITY BOARD #11Q**

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

**ACTION OF THE BOARD** - Laid over to August 7, 2001, at 10 A.M., for continued hearing.

## **137-85-BZ**

APPLICANT - The Agusta Group, for Lund Fire Products, Inc., owner.

SUBJECT - Application March 6, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 40-27/33 215 Place and 40-30/36 216th Street, Block 6303, Lot 20, Borough of Queens.

### **COMMUNITY BOARD #11Q**

APPEARANCES -

For Applicant: Philip P. Agusta, Richard F. Alexandra, Joan P. Bisogno and others.

For opposition: Battalion Chief Philip Parr and John Yacovone, Fire Department, Frank Skala, Richard A. Alfaro, Thomas Buscher and Dennis Saffran.

**THE VOTE TO CLOSE HEARING** -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo: .....3

Negative: .....0

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# MINUTES

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**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 10 A.M., for decision, hearing closed.

**942-87-BZ**

APPLICANT -Philip P. Agusta, for Camastro Corp., owner, FCZ Restaurant Inc., lessee.

SUBJECT - Application January 11, 2001 - reopening for an extension of term of the special permit which expired January 13, 2001.

PREMISES AFFECTED 23-70 Steinway Street, west side of Steinway Street, 17.5' north of Astoria Boulevard, Block 803, Lot 75 Borough of Queens.

**COMMUNITY BOARD #1Q**

APPEARANCES -

For Applicant: Kostas Lolis, Philip P. Agusta, Gene Mirvis Barbara Rodith, John A. Walsh and Lina Lolis.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo: .....3

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 10 A.M., for decision, hearing closed.

**65-90-BZ**

APPLICANT -Sheldon Lobel, P.C., for Street Retail Inc., owner, Meadows Spa, Inc., lessee.

SUBJECT - Application January 9, 2001 - reopening for an extension of term of special permit which expired January 29, 2001.

PREMISES AFFECTED 61-19 190th Street, northeast corner of 64th Avenue, 190th Street, Block 7117, Lot 4 Borough of Queens.

**COMMUNITY BOARD #8Q**

APPEARANCES -

For Applicant: Chris Bauer.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo: .....3

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 10 A.M., for decision, hearing closed.

**192-92-BZ**

APPLICANT -Anthony M. Salvati, for Paul Rose, owner.

SUBJECT - Application January 4, 2001 - reopening for an extension of term of variance which expires July 23, 2001.

PREMISES AFFECTED - 900 Southern Boulevard, Northeast corner formed by Southern Boulevard and Barreto Street, Block 2735, Lot 1 Borough of The Bronx.

**COMMUNITY BOARD #2BX**

APPEARANCES -

For Administration: Battalion Chief Philip Parr and John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to August 7, 2001, at 10 A.M., for postponed hearing.

**80-97-BZ**

APPLICANT -Joseph P. Morsellino, Esq, for George Korakis., owner, KMKN LTD., lessee

SUBJECT - Application January 5, 2001 - reopening for an extension of the term of variance which expired January 27, 2001.

PREMISES AFFECTED -41-08 Queens Boulevard, Block 192, Lot 25, Borough of Queens.

**COMMUNITY BOARD #2Q**

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 10 A.M., for continued hearing.

**37-01-A thru 41-01-A**

APPLICANT - Rothkrug & Rothkrug, for Dolphin Associates, LLC, owner.

SUBJECT - Application February 6, 2001 - proposed construction within the bed of a mapped street, is contrary to Article 3, Section 35 of the General City Law.

PREMISES AFFECTED -

481B Father Capodanno Boulevard, west side, 1877.86' south of Sand Lane, Block 3500, Lot 27, Borough of Staten Island.

481C Father Capodanno Boulevard, west side, 1877.86' south of Sand Lane, Block 3500, Lot 26, Borough of Staten Island.

481D Father Capodanno Boulevard, west side, 1877.86' south of Sand Lane, Block 3500, Lot 25, Borough of Staten Island.

481E Father Capodanno Boulevard, west side, 1877.86' south of Sand Lane, Block 3500, Lot 24, Borough of Staten Island.

481F Father Capodanno Boulevard, west side, 1877.86' south of Sand Lane, Block 3500, Lot 23, Borough of Staten Island.

**COMMUNITY BOARD #2SI**

APPEARANCES -

For Applicant: Adam Rothkrug.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Appeals granted on condition.

THE VOTE TO GRANT -

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Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative: .....0

## THE RESOLUTION-

WHEREAS, the decisions of the Staten Island Borough Commissioner, dated January 24, 2001, acting on Application No.500463508, reads:

“ Proposed construction in the bed of a finally mapped street is contrary to Article III, Section 35 of the General City Law, and must be referred to the Board of Standards and Appeals; and

WHEREAS, by the letter dated April 16, 2001, the Department of Environmental Protection has reviewed the above project and has no objections, on condition that a 10"dia. sanitary sewer and a future 12"/15" dia storm sewer be maintained on Winfield Street; and

WHEREAS, in response to Department of Environment Protection the applicant has agreed to amend the drainage plan by relocating or eliminating the existing mapped sewer line in the bed of Winfield Street; and

WHEREAS, by the letter dated April 17, 2001, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated April 27, 2001, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

*Resolved*, that the decisions of the Staten Island Borough Commissioner, dated January 24, 2001, acting on Application No.500463508, objection Number 1, is modified under the power vested in the Board by §35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on the following conditions:

1. A deed restriction which requires that a homeowner's association be formed shall be placed on the property. Each homeowner shall be required to join the homeowner's association; and the homeowner's association will be responsible for continuously maintaining the development, including the common areas and the streets, its utilities, and property-servicing appurtenances in good working condition.
2. A copy of the deed restriction shall be recorded with the County Clerk's office and made part of the Department of Buildings file prior to the issuance of a Building Permit, with the exception of model homes, for which the deed restriction can be filed prior the issuance of the Certificate of Occupancy. The deed restriction shall be recorded on the Certificate of Occupancy
3. All curbs, curb cuts and pavements shall comply with the requirements of the Department of

Transportation.

4. All street trees shall comply with the requirements of the Department of Parks and Recreation.
5. All hydrants shall comply with the requirements of the Fire Department, and documentation of Fire Department approval shall be submitted to the Department of Buildings prior to the issuance of the Certificate of Occupancy.
6. All street lighting shall comply with the requirements of the Department of Transportation.
7. The homeowner's association shall provide adequate snow removal services; and on condition that construction shall substantially conform to the drawing filed with the application marked, "Received April 24, 2001"-(1) sheet; and on further condition that the proposal comply with all applicable R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals, June 27, 2001.

## 57-01-A thru 98-01-A

APPLICANT - Diffendale & Kubec, A.I.A., for Findora Homes, Inc., owner.

SUBJECT - Application February 26, 2001 - Proposed one family semi-detached dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

## PREMISES AFFECTED -

226 Wild Avenue, northeast corner of Beresford Avenue, Block 2643, Lot 1, Borough of Staten Island.

224 Wild Avenue, east side, 26.12' northeast of Beresford Avenue, Block 2643, Lot 2, Borough of Staten Island.

25 Beresford Avenue, north side, 427.6' northwest of Dean Avenue, Block 2643, Lot 54, Borough of Staten Island.

27 Beresford Avenue, north side, 405.2' northwest of Dean Avenue, Block 2643, Lot 53, Borough of Staten Island.

29 Beresford Avenue, north side, 382.8' northwest of Dean Avenue, Block 2643, Lot 52, Borough of Staten Island.

31 Beresford Avenue, north side, 360.4' northwest of Dean Avenue, Block 2643, Lot 51, Borough of Staten Island.

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35 Beresford Avenue, north side, 338.0' northwest of Dean Avenue, Block 2643, Lot 50, Borough of Staten Island.

37 Beresford Avenue, north side, 315.6' northwest of Dean Avenue, Block 2643, Lot 49, Borough of Staten Island.

39 Beresford Avenue, north side, 293.2' northwest of Dean Avenue, Block 2643, Lot 48, Borough of Staten Island.

41 Beresford Avenue, north side, 270.8' northwest of Dean Avenue, Block 2643, Lot 47, Borough of Staten Island.

45 Beresford Avenue, north side, 248.4' northwest of Dean Avenue, Block 2643, Lot 46, Borough of Staten Island.

47 Beresford Avenue, north side, 226' northwest of Dean Avenue, Block 2643, Lot 45, Borough of Staten Island.

49 Beresford Avenue, north side, 203.6' northwest of Dean Avenue, Block 2643, Lot 44, Borough of Staten Island.

51 Beresford Avenue, north side, 181.2' northwest of Dean Avenue, Block 2643, Lot 43, Borough of Staten Island.

53 Beresford Avenue, north side, 158.8' northwest of Dean Avenue, Block 2643, Lot 42, Borough of Staten Island.

55 Beresford Avenue, north side, 136.4' northwest of Dean Avenue, Block 2643, Lot 41, Borough of Staten Island.

57 Beresford Avenue, north side, 114' northwest of Dean Avenue, Block 2643, Lot 40, Borough of Staten Island.

59 Beresford Avenue, north side, 91.6' northwest of Dean Avenue, Block 2643, Lot 39, Borough of Staten Island.

63 Beresford Avenue, north side, 69.2' northwest of Dean Avenue, Block 2643, Lot 38, Borough of Staten Island.

65 Beresford Avenue, north side, 46.8' northwest of Dean Avenue, Block 2643, Lot 37, Borough of Staten Island.

67 Beresford Avenue, north side, 24.4' northwest of Dean Avenue, Block 2643, Lot 36, Borough of Staten Island.

69 Beresford Avenue, north side, 0' northwest of Dean Avenue, Block 2643, Lot 35, Borough of Staten Island.

116 Alberta Avenue, south side, 427.6' northwest of Dean Avenue, Block 2643, Lot 15, Borough of Staten Island.

118 Alberta Avenue, south side, 405.2' northwest of Dean Avenue, Block 2643, Lot 16, Borough of Staten Island.

120 Alberta Avenue, south side, 382.8' northwest of Dean Avenue, Block 2643, Lot 17, Borough of Staten Island.

122 Alberta Avenue, south side, 360.4' northwest of Dean Avenue, Block 2643, Lot 18, Borough of Staten Island.

124 Alberta Avenue, south side, 338' northwest of Dean Avenue, Block 2643, Lot 19, Borough of Staten Island.

126 Alberta Avenue, south side, 315.6' northwest of Dean Avenue, Block 2643, Lot 20, Borough of Staten Island.

128 Alberta Avenue, south side, 293.2' northwest of Dean Avenue, Block 2643, Lot 21, Borough of Staten Island.

130 Alberta Avenue, south side, 270.8' northwest of Dean Avenue, Block 2643, Lot 22, Borough of Staten Island.

132 Alberta Avenue, south side, 248.4' northwest of Dean Avenue, Block 2643, Lot 23, Borough of Staten Island.

134 Alberta Avenue, south side, 226' northwest of Dean Avenue, Block 2643, Lot 24, Borough of Staten Island.

136 Alberta Avenue, south side, 203.6' northwest of Dean Avenue, Block 2643, Lot 25, Borough of Staten Island.

138 Alberta Avenue, south side, 181.2' northwest of Dean Avenue, Block 2643, Lot 26, Borough of Staten Island.

140 Alberta Avenue, south side, 158.8' northwest of Dean Avenue, Block 2643, Lot 27, Borough of Staten Island.

142 Alberta Avenue, south side, 136.4' northwest of Dean Avenue, Block 2643, Lot 28, Borough of Staten Island.

146 Alberta Avenue, south side, 114' northwest of Dean Avenue, Block 2643, Lot 29, Borough of Staten Island.

148 Alberta Avenue, south side, 91.6' northwest of Dean Avenue, Block 2643, Lot 30, Borough of Staten Island.

150 Alberta Avenue, south side, 69.2' northwest of Dean Avenue, Block 2643, Lot 31, Borough of Staten Island.

152 Alberta Avenue, south side, 46.8' northwest of Dean Avenue, Block 2643, Lot 32, Borough of Staten Island.

154 Alberta Avenue, south side, 24.4' northwest of Dean Avenue, Block 2643, Lot 33, Borough of Staten Island.

156 Alberta Avenue, south side, 0' northwest of Dean Avenue, Block 2643, Lot 34, Borough of Staten Island.

## COMMUNITY BOARD #2SI

### APPEARANCES -

For Applicant: Wallace Kubic.

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**ACTION OF THE BOARD** - Laid over to July 24, 2001, at 11 A.M., for continued hearing.

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**131-01-A**

APPLICANT - Zygmunt Staszewski, for Breezy Point Co-op Inc., owner; Ms. Emma Rauch, lessee.

SUBJECT - Application April 2, 2001 - proposed addition of a new second floor to an existing one story building not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 152 Reid Avenue, west side, 545' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Michael Harley.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo: .....3

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 11 A.M., for decision, hearing closed.

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**145-01-A**

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Patricia Troy, lessee.

SUBJECT - Application April 18, 2001 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 40 Reid Avenue, east side 154.06' west of Marshall Avenue, Block 16350, Lot 300, Borough of Queens.

APPEARANCES -

For Applicant: Joseph A. Sherry.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo: .....3

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 11 A.M., for decision, hearing closed.

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**146-01-A**

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Ken Bavne, lessee.

SUBJECT - Application April 18, 2001 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street and located within the bed of a

mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 183 Reid Avenue, north side, 3.18' east of Beach 201st Street, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Joseph A. Sherry.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo: .....3

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 11 A.M., for decision, hearing closed.

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**147-01-A**

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Rita Sear, lessee.

SUBJECT - Application April 18, 2001 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street and located within the bed of a mapped street, is contrary to Sections 35 and 36 Article 3 of the General City Law.

PREMISES AFFECTED - 191 Reid Avenue, east side, 16.77' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

For Applicant: Joseph A. Sherry.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo: .....3

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 11 A.M., for decision, hearing closed.

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**163-01-A**

APPLICANT - Fredrick A. Becker, Esq., for William Keefe and Dominic Gatto, owner.

SUBJECT - Application April 26, 2001 - proposed mixed use building, must comply with Sections 26.5(d)(1), 26.7 and 30.3 of the Multiple Dwelling Law, relating to court and rear yard equivalent dimensions.

PREMISES AFFECTED - 501 Broadway and 72 Mercer Street, west side of Broadway, east side of Mercer Street, 120' north of Broome Street, Block 484, Lot 22, Borough of Manhattan.

APPEARANCES - None.

**ACTION OF THE BOARD** - Laid over to 2 P.M. Zoning Calendar as companion case to Cal. #294-00-BZ

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*Pasquale Pacifico, Executive Director.*

Adjourned: 11:40 A.M.

**REGULAR MEETING  
WEDNESDAY AFTERNOON, JUNE 27, 2001  
2:00 P.M.**

**Present:** Chairman Chin, Commissioner Korbey and Commissioner Caliendo.

**ZONING CALENDAR**

**186-99-BZ**

**CEQR #00-BSA-034Q**

APPLICANT - Peter F. Chang, for Razmik Oganessian, owner.  
SUBJECT - Application September 2, 1999 - under Z.R. §11-41 to permit the reestablishment of automotive repair shop with accessory uses, (Use Group 16)which is contrary to BSA Calendar Number 189-50-BZ, which permitted an automotive service station in a C2-2 zoning district.

PREMISES AFFECTED - 74-24 Rockaway Blvd., south side, 81.39 feet west of 91st Avenue, Block 8943, Lot10, Borough of Queens.

**COMMUNITY BOARD #9Q**

**APPEARANCES -**

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Application granted on condition.

**THE VOTE TO GRANT -**

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative: .....0

**THE RESOLUTION**

WHEREAS, the decision of the Borough Commissioner, dated August 30, 1999 acting on Application No. 400856542 reads:

- “1. Proposed automobile repair and accessory uses, Use Group 16 in C2-2 District is contrary to section 32-25 of Zoning Resolution.”;

and

WHEREAS, Community Board #9, Queens, recommends conditional approval of this application; and

WHEREAS, a public hearing was held on this application on May 16, 2000 after due notice by publication in the *City Record*, laid over to October 17, 2000, December 12, 2000, March 6, 2001, April 17, 2001, June 12, 2001 and then to June 27, 2001 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, former Vice-Chair Paul Bonfilio, R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit under Z.R. §11-411, on a site previously before the Board, to permit the reestablishment of automotive repair shop with accessory uses, (Use Group 16)which is contrary to BSA Calendar Number 189-50-BZ, which permitted an automotive service station in a C2-2 zoning district; and

WHEREAS, in 1950, under Calendar Number 189-50- BZ, the Board permitted the use of an automotive service station with gasoline sales (Use Group 16) in a commercial district for a term of ten years; and

WHEREAS, the applicant represents that the premises has been in continuous operation as an automobile repair facility since the 1950 grant; and

WHEREAS, the record indicates that the sale of gasoline has ceased and the tanks have been sealed as per Fire Department regulations; and

WHEREAS, the most recent term of the grant expired on December 9, 1995; and

WHEREAS, evidence in the record indicates that the automobile repair use has continued since the last Board approval; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under §11-411 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

*Therefore, it is Resolved* that the Board of Standards and Appeals issues a negative declaration under 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 Z.R. §11-411 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, for a special permit under Z.R. §11-411, on a site previously before the Board, to permit the reestablishment of automotive repair shop with accessory uses, (Use Group 16)which is contrary to a prior variance under Calendar Number 189-50-BZ, which permitted an automotive service station in a C2-2 zoning district on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked “Received, March 15, 2000”-(3)

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sheets and "February 26, 2001"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to ten years expiring on June 27, 2011;

THAT no razor or barbed wire shall be utilized atop the perimeter fence or any of the structures;

THAT the fences and gates shall be of legal and uniform height;

THAT lighting shall be directed down and away from residential uses, and in accordance with BSA approved plans;

THAT in accordance with BSA approved plans, a landscaped buffer shall be provided and maintained along the side and rear property lines;

THAT street trees shall be provided and maintained along the sidewalk, and in accordance with BSA approved plans;

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

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT a new certificate of occupancy be obtained within one year of the date of this resolution.

Adopted by the Board of Standards and Appeals, June 27, 2001.

## 255-00-BZ

### CEQR #01-BSA-047Q

APPLICANT - Sheldon Lobel, P.C., for Full Gospel N.Y. Church, owner.

SUBJECT - Application October 24, 2000 - under Z.R. §72-21, to permit on a site previously before the Board, the proposed alteration and expansion of an existing community facility use (church) in an M3-1 zoning district (Use Group 4) which is contrary to a previous approval under Calendar Number 181-97-BZ and Z.R. §42-00.

PREMISES AFFECTED - 130-30 31st Avenue, through block 31st Avenue to 30th Avenue, Block 4360, Lot 1, Borough of Queens.

### COMMUNITY BOARD #7Q

#### APPEARANCES -

For Applicant: Janice Cahalane.

For

Opposition: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Application granted on condition.

#### THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative: .....0

## THE RESOLUTION

WHEREAS, The decision of the Borough Commissioner, dated October 18, 2000, acting on ALT. Applic. No. 400227642, reads:

"THE PROPOSED CONSTRUCTION IS CONTRARY TO SECTION 42-00 OF THE ZONING RESOLUTION AND TO THE PREVIOUS APPROVAL BY THE BOARD OF STANDARDS AND APPEALS ON AUGUST 4, 1998 UNDER CALENDAR NUMBER 181-97-BZ.";

and

WHEREAS, a public hearing was held on this application on April 3, 2001, after due notice by publication in The City Record, laid over to May 15, 2001, June 12, 2001 and then to June 27, 2001 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, former Vice Chair Paul Bonfilio, R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, on a site previously before the Board, the proposed alteration and expansion of an existing community facility use (church) in an M3-1 zoning district (Use Group 4), which is contrary to a previous approval under Calendar Number 181-97-BZ and Z.R. §42-00; and

WHEREAS, the applicant proposes to enlarge the seating capacity of the sanctuary, to construct a gymnasium for recreational use, to alter and reconfigure the existing sanctuary to include additional seating area, a platform with choir section, a communion preparation room, a robing area, a choir practice room, and a balcony crying room; and

WHEREAS, the cellar will be reconfigured to provide two multi-purpose community rooms with kitchen and storage space; and

WHEREAS, the record indicates that the additional space is needed to provide counseling, religious and education services, adult-day care for seniors and English classes for non-speakers; and

WHEREAS, the applicant represents that the needs of the congregation have increased and therefore the church needs to provide additional religious and community services; and

WHEREAS, the record indicates that the subject building was originally designed as a hotel, however, since 1973, the building remained mostly vacant except for a scattering of governmental and private office uses; and

WHEREAS, the cellar and first floor of the building have a frontage of approximately 176'6" and a depth of approximately 247'8" with the second floor through penthouse floors having a frontage of approximately 44' and a depth of approximately 224' and ; and

WHEREAS, the Board notes that the uniqueness

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finding was met under Calendar Number 181-97-BZ; and

WHEREAS, the applicant need not address Z.R.§ 72-21(b) since the applicant is a not-for-profit organization and the construction will be in furtherance of its programmatic needs; and

WHEREAS, the record indicates that the subject premises has been used and will continue to be used as a community facility house of worship ; and

WHEREAS, the Board has reviewed the project relative to the provisions of the New York City's Local Waterfront Revitalization Program and determines that this application is consistent with the program's policies; and

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

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

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects; and

*Therefore, it is Resolved* that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617.13 and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, on a site previously before the Board, the proposed alteration and expansion of an existing community facility use (church) in an M3-1 zoning district (Use Group 4) which is contrary to a previous approval under Calendar Number 181-97-BZ and Z.R. §42-00; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, June 25, 2001"-(8) sheets; and *on further condition*;

THAT no catering will take place at the subject premises;

THAT the premises will not be used to prepare food or catering for any off-site uses;

THAT the premises shall remain graffiti free at all times;

THAT an automatic wet sprinkler system throughout

the cellar and first floor, a smoke detection system, a fire alarm system, with all three systems connected to a Fire Department approved Central Station;

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

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department;

THAT substantial construction will be completed in accordance with Z.R.§72-23.

Adopted by the Board of Standards and Appeals, June 27, 2001.

## 293-00-BZ

### CEQR #01-BSA-066Q

APPLICANT - Gerald J. Caliendo, R.A., for NRPLLCII/ Emmes Realty Services, owner; Steve Tallidis, lessee.

SUBJECT - Application December 8, 2000 - under §72-21, to permit on a site previously before the Board, within a C1-2 zoning district, the change in use of the second floor of a two story with cellar commercial building, to allow the operation of a physical culture establishment which is contrary to Z.R. § 32-00.

PREMISES AFFECTED - 22-11/27 31st Street, east side, 100' south of Ditmars Boulevard, Block 833, Lot 24, Borough of Queens.

### COMMUNITY BOARD #1Q

APPEARANCES - None.

**ACTION OF THE BOARD** - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative: .....0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated November 9, 2000 acting on Applic. No. 401118928 reads:

8. "PROPOSED CHANGE OF USE FROM ROLLER SKATING RINK (USE GROUP 12) PREVIOUSLY APPROVED BY THE BSA (cal. #685-80-BZ) AT THE SECOND FLOOR LEVEL TO PHYSICAL CULTURE ESTABLISHMENT IN A C1-2 in R5 ZONING DISTRICT IS CONTRARY TO Section: 32-00 Z.R. REFER TO THE BOARD OF STANDARDS AND APPEALS."; and

WHEREAS, a public hearing was held on this application on May 22, 2001 after due notice by publication in *The City Record*, laid over to June 19, 2001, and then to June 26, 2001 for decision; and

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WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, former Vice-Chair Paul Bonfilio, R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §§72-21, 73-03 and 73-36, to permit, on a site previously before the Board, within a C1-2 zoning district, change in use of the second floor of a two story with cellar commercial building, to allow the operation of a physical culture establishment which is contrary to Z.R. § 32-00 ; and

WHEREAS, the building was previously occupied by a roller skating rink (Use Group 12), a bowling alley (Use Group 12) and offices (Use Group 8); and

WHEREAS, under Calendar Number 685-80-BZ, the Board permitted the change in occupancy of the second floor from a bowling establishment to a roller skating rink; and

WHEREAS, the subject lot is a rectangular structure with approximately 175' of frontage on the south side of 31<sup>st</sup> Street and extends approximately 160' south to the rear of the building and abuts an open-air municipal parking lot; and

WHEREAS, the second floor of the existing building has a height of 40', contains approximately 28, 000 square feet, several very large open spaces, and various floor levels; and

WHEREAS, currently, the first floor of the subject two story structure is occupied by a supermarket and other (Use Group 6) retail stores, while the second floor has remained vacant since the roller skating rink closed in 1985 ; and

WHEREAS, since 1995, the applicant has marketed the subject site to conforming tenants ; and

WHEREAS, the record indicates that the size, height, location, and its vacancy of more than 15 years, indicates that the subject premises has been unusable for a conforming commercial tenant; and

WHEREAS, the applicant represents that viable commercial establishment succeed because a ground level entrance allows them to draw pedestrian traffic, conversely, the subject premises that are located on the second floor and cannot take advantage of the pedestrian traffic ; and

WHEREAS, the record indicates that the application seeks a non-conforming use that is similar to the previous use permitted by the Board; and

WHEREAS, the Board notes that the premises is unmarketable as a bowling alley or roller skating rink; and

WHEREAS, these unique conditions create practical difficulties and an unnecessary hardship in developing the subject zoning lot with a conforming use; and

WHEREAS, evidence in the record, including an economic analysis report, demonstrates that as a result of the constraints placed on the subject zoning lot,

development of the site with a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that the C1-2 zoning district where the subject premises is located is characterized by retail, commercial and personal service uses ; and

WHEREAS, the applicant has agreed to comply with the safety measures requested by the Fire Department; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent property nor be detrimental to the public welfare; and

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

WHEREAS, the Board finds that the applicant's proposal has been designed to be the minimum size necessary to accommodate the physical culture establishment use; and

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

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

WHEREAS, the proposed physical cultural establishment will contain facilities for classes, instruction and programs for physical improvement, body building, weight reduction, and aerobics; and

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-03; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 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 Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, to permit, on a site previously before the Board, within a C1-2 zoning district, the change in use of the second floor of a two story with cellar commercial building, to allow the operation of a physical culture establishment which is contrary to Z.R. § 32-00, on condition that all work shall

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substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 8, 2000"-(5) sheets and "June 18, 2001"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to ten years from the date of this grant, expiring on June 27, 2011;

THAT in accordance with BSA approved plans, the proposed fire safety measures include, emergency lights, illuminated exit signs, Fire Extinguishers, non-combustible building, Fire Proof Beams, Three means of Egress, a Standpipe, fans to be used for a smoke purge,

THAT in accordance with BSA approved plans, the proposed wet sprinkler system , interior fire alarm and smoke detection system, be connected to a Fire Department approved central station;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction shall be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, June 27, 2001.

## 25-01-BZ

### CEQR #01-BSA-099M

APPLICANT - David Vandor, for DOROT Inc., owner.

SUBJECT - Application January 23, 2001 - under Z.R. §72-21, to permit the proposed expansion of the sixth floor of an existing six story community facility, which creates non-compliance with respect to height limitations for narrow buildings and enlargement, as well as permitted obstructions, which is contrary to Z.R. §33-492 and §23-692. PREMISES AFFECTED - 171 West 85th Street, north side, 49' east of Amsterdam Avenue, Block 1216, Lot 3, Borough of Manhattan.

### COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: David Vandor and Dorothy Gizy.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Application granted on condition

**THE VOTE TO GRANT** -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative: .....0

**THE RESOLUTION** -

WHEREAS, the decision of the Borough Commissioner, dated January 1, 2001, acting on Applic. No. 102786772, reads;

"The proposed expansion of the sixth floor is

contrary to the Zoning Resolution ZR 33-492, Height Limitations for Narrow Buildings or Enlargements.

and

The expansion of the elevator machine room above the sixth floor level os nota permitted obstruction per ZR 23-692 by reference of section ZR 33-42."

and

WHEREAS, a public hearing was held on this application on April 17, 2001 after due notice by publication in the Bulletin, laid over to June 12, 2001 and then to June 27, 2001 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin; and

WHEREAS, this is an application to permit the proposed expansion of the sixth floor of an existing six story community facility, which creates non-compliance with respect to height limitations for narrow buildings and enlargement, as well as permitted obstructions, which is contrary to Z.R. §33-492 and §23-692; and

WHEREAS, this variance would permit DOROT Inc., an existing not-for-profit social services provider, to expand elevator service within its existing 6-story building, thus increasing the building's compliance with the Americans with Disabilities Act (ADA); and

WHEREAS, DOROT is a community facility, Use Group 4, which is a conforming use in the C2-7A zone in which the building is located; and

WHEREAS, the applicant seeks to replace the building's existing elevator with one that serves all of the building's existing floors; and

WHEREAS, the New York City Landmarks Preservation Commission issued a Certificate of Appropriateness for this proposal on June 7, 2001; and

WHEREAS, the subject building is 18'9" wide, covers nearly 90% of its 102'-2" deep zoning lot, contains six-stories-plus-cellar, was designed and built to function as a funeral parlor, and was legally enlarged by a previous owner, in a manner that did not extend the elevator to the upper two floors; and

WHEREAS, the narrowness of the lot (less than 45' wide) triggers the more restrictive height and setback requirements of Z.R. §33-492 and §23-692; and

WHEREAS, however, the applicant represents that, the site's uniqueness stems from the pre-existing configuration of the building on the zoning lot – built and enlarged by prior owners for a use that no longer exists at the site, prior to the existing "narrow buildings" height and setback controls; and

WHEREAS, the location of the elevator immediately behind the front facade is a "unique" configuration, appropriate for a funeral parlor, but not generally found in

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standard residential, commercial, or community facility buildings; and

WHEREAS, in addition, the “unique” and “peculiar” elevator location is further complicated by the elevator’s “unique” run from the cellar to the fourth floor, but not to the fifth and sixth floors; and

WHEREAS, taken together, these pre-existing physical conditions, create a special set of circumstances that create a conflict between the applicant’s need to have the entire building accessible to the disabled and the ZR’s intent to limit the height of “narrow buildings”; and

WHEREAS, the variance application seeks to correct the inherent conflict between the strict application of the Zoning Resolution and the buildings’s unique configuration, by sanctioning a solution that maintains the intent of the Resolution as well as the Historic District in which the zoning lot is located; and

WHEREAS, the applicant’s proposed purposed solution (moving the elevator to the more-central position in the building), allows the elevator to reach the upper two floors, without disturbing the existing setback above the fifth floor, yielding a substantially enhanced roof-top garden; and

WHEREAS, the aforementioned unique physical condition of the zoning lot, creates a practical difficulty with strict compliance with the bulk provisions of the Zoning Resolution; and

WHEREAS, DOROT is a non-profit organization, a Z.R. §72-21 (b) finding is not required to grant the variance requested by this Application but the proposal is necessary to meet its programmatic needs; and

WHEREAS, the erection of the building will be designed so that it blends into the existing character of the neighborhood; and

WHEREAS, the existing building’s front facade rises four floors along the front lot line and continues to the top of the fifth floor after a slight setback; and

WHEREAS, thus, the perception front the street is of a five story building; and

WHEREAS, the existing sixth floor is setback approximately 29’ behind the front facade; and

WHEREAS, an existing stair bulkhead that serves the sixth floor roof area is the only volume with the 29’ setback area; and

WHEREAS, the proposed enlargement, at the rear of the sixth floor, (and the vertical enlargement of the elevator bulkhead above the sixth floor), will not change the perceived massing of the building; and

WHEREAS, the Board finds that the subject proposal will not alter the essential character of the neighborhood or substantially impair the appropriate use or development of the surrounding area nor be detrimental to the public welfare; and

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

WHEREAS, evidence in the record demonstrates that this proposal, is the minimum necessary to meet the programmatic needs of DOROT Inc.; and

WHEREAS, the proposed enlargement will not change the total height of the building; and

WHEREAS, the extension of the sixth floor, to the rear, of the proposed extension will add only 562 square feet of the floor area above the existing height limit established by the controls for narrow buildings; and

WHEREAS, the extension of the sixth floor (and the new bulkhead above the relocated elevator) will allow the renovated building to include access to all floors, without significantly adding to the bulk of the building; and

WHEREAS, as such, the proposal is the minimum necessary to resolve the inherent conflict between the ZR’s height and setback controls for narrow building’s and the applicant’s need to enhance accessibility to all floors; and

WHEREAS, the modernization and enlargement of the applicant’s building will allow DOROT Inc. to better serve its clients in the neighborhood and throughout the City, thus enhancing DOROT’s “public benefit” as a not-for profit service provider; and.

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is resolved that the Board of Standards and Appeals issues the Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution limited to the objections above-noted, to permit the proposed expansion of the sixth floor of an existing six story community facility, which creates non-compliance with respect to height limitations for narrow buildings and enlargement, as well as permitted obstructions, which is contrary to Z.R. §33-492 and §23-692, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked “Received, May 23, 2001”- (7) sheets; and on further condition;

THAT in accordance with BSA approved plans, all fire safety measures, including Local Law 5, shall be complied with;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance

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with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction shall be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, June 27, 2001.

## 42-01-BZ

### CEQR #01-BSA-104K

APPLICANT - Sheldon Lobel, P.C., for Eli Matalon, owner.  
SUBJECT - Application February 6, 2001 - under Z.R. §73-622, to permit the enlargement of a single family residence, which creates non-compliance with respect to F.A.R., Open Space Ratio, and side yard, contrary to Z.R. §23-141, §23-461; and §23-47.

PREMISES AFFECTED - 1145 East 22nd Street, 180' north of Avenue K, Block 7604, Lot 15, Borough of Brooklyn.

### COMMUNITY BOARD #14BK

#### APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Application granted on condition.

#### THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative: .....0

#### THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 23, 2001 acting on Application No. 301112310 reads, in pertinent part:

“THE PROPOSED ENLARGEMENT OF THE EXISTING NON-CONFORMING TWO FAMILY RESIDENCE TO BE CONVERTED TO A CONFORMING ONE FAMILY RESIDENCE IN AN R2 ZONING DISTRICT:

1. PROPOSED PLANS ARE CONTRARY TO ZR 23-461 IN THAT THE PROPOSED SIDE YARD IS LESS THAN THE MINIMUM 5'-0" REQUIRED ON ONE SIDE.
2. PROPOSED PLANS ARE CONTRARY TO ZR 23-141 IN THAT IT EXCEEDS THE MAX PERMITTED FLOOR AREA RATIO OF 50%.
3. PROPOSED PLANS ARE CONTRARY TO ZR 23-141 IN THAT IT IS LESS THAN THE MIN. REQUIRED OPEN SPACE RATIO OF 150%
4. PROPOSED PLANS ARE CONTRARY TO ZR 23-47 IN THAT THE PROPOSED REAR YARD IS LESS THAN THE 30'-0" THAT IS REQUIRED.

WHEREAS, a public hearing was held on this application on May 1, 2001 after due notice by publication in The City Record, laid over to May 22, 2001, June 12, 2001 and then to June 27, 2001 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, former Vice-Chair Paul Bonfilio, R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit, in an R2 zoning district, to permit the enlargement of a single family residence, which creates non-compliance with respect to F.A.R., Open Space Ratio, and side yard, contrary to Z.R. §23-141, §23-461; and §23-47; and

WHEREAS, the proposed enlargement will increase the F.A.R. to .94, decreases the open space ratio to 1.16, decreases the rear 20'-2" yard and decreases one of the side yards by 39; and

WHEREAS, the perimeter wall height of 34'-0" will comply with the applicable zoning regulations; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

*Resolved* that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and *grants* a special permit in an R2 zoning district, to permit the enlargement of a single family residence, which creates non-compliance with respect to Floor Area Ratio, Open Space Ratio, and side yard, contrary to Z.R. §23-141, §23-461 and §23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received, May 18, 2001”-(2) sheets and “June 5, 2001”-(10) sheets; and *on further condition*;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction be completed and a new certificate of occupancy be obtained within four years of this grant.

Adopted by the Board of Standards and Appeals, June 27, 2001.

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**144-01-BZ**

**CEQR #01-BSA-132K**

APPLICANT - Joseph P. Morsellino, Esq., for Alexander's Kings Plaza Center, Inc., owner; King Arcade Corp., lessee.  
SUBJECT - Application April 17, 2001 - under Z.R. §73-35, to permit the proposed erection and maintenance of an amusement arcade within an existing shopping center (Use Group 15), which requires a special permit as per Z.R. §42-31.

PREMISES AFFECTED - 5100 Kings Plaza a/k/a 5102 Avenue U, 5102-5430 Avenue U, 2483-2671 Flatbush Avenue, Block 8470, Lots 1, 50 and 55, Borough of Brooklyn.

**COMMUNITY BOARD #18BK**

APPEARANCES - None.

**ACTION OF THE BOARD** - Application denied.

**THE VOTE TO GRANT** -

Affirmative: .....0

Negative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

**THE RESOLUTION** -

WHEREAS, the decision of the Department of Buildings, dated May 11, 2001, acting on Alt. Applic. No. 301155167 reads:

“As per ZR 73-03 & 73-11 and in accordance with the provisions contained in sections 73-35 of the zoning resolution in a M3-1 zoning district permission to operate an amusement/arcade (U.G. 15) this application referred to the Board of Standards and Appeals for a special permit use under section 73-35 of the Zoning Resolution and as per section 42-31 ZR.”

WHEREAS, Community Board 18, the Brooklyn, unanimously voted to recommend disapproval of this application; and

WHEREAS, a public hearing was held on this application on June 5, 2001, after due notice by publication in *The City Record*, laid over to June 19, 2001 and then to June 27, 2001 for decision; and

WHEREAS, the premises and surrounding area had several site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §73-35 to permit the proposed erection and maintenance of an amusement arcade within an existing shopping center (Use Group 15), which requires a special permit as per Z.R. § 42-31; and

WHEREAS, Z.R. §73-35 permits the Board to issue a Special Permit for amusement arcades to be located within shopping centers for a term of one year; and

WHEREAS, in granting the permit, the Board must find that the proposed use will be beneficial to the other uses located within the shopping center; and

WHEREAS, Z.R. §73-35 requires the Board to look specifically at the impact of the permit on the other uses in the shopping center overall, not just the general land use impacts; and

WHEREAS, according to Z.R. §73-03, the Board shall make all the findings required under §73-35 with respect to use and shall find that the hazards or disadvantages to the community at large through the location of the use at the site are outweighed by the advantages to be derived by the community from the grant of the special permit; and

WHEREAS, this special permit empowers the Board to analyze the effects that such an arcade may have in specific locations; and

WHEREAS, in order to evaluate the impact of an arcade in a shopping center the Board has been given this special permit to minimize any adverse effects that such an operation may have on a shopping center or the community as a whole ; and

WHEREAS, a special permit under Z.R. §73-35 for an amusement arcade in Kings Plaza, which existed from 1984 through 1988, was granted by the Board under Calendar Number 809-84 BZ and, as stated throughout the record by the community and the New York City Police Department (NYPD), the prior arcade negatively effected the surrounding uses in the shopping center and the community as a whole by intensifying the amount of youth violence in and around the area where the arcade was situated; and

WHEREAS, there is an established history that arcade use in the Kings Plaza Shopping Center has an extremely negative effect on the surrounding uses and the community because of the high amount of gang activity; and

WHEREAS, although the previous arcade in Kings Plaza was in a different location in the mall, the effect is as much as a concern because the change in location does not change the likelihood of the negative effect on the mall and the surrounding community;

WHEREAS, it has been demonstrated in the record by the NYPD that the presence of an arcade in this mall can only intensify an already volatile situation; and

WHEREAS, the Board can reasonably conclude under Z.R. §73-03 from the information in the record that this use,

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an arcade, in this location has hazards and disadvantages to the community at large which outweigh the advantages to be derived by the community from the grant of the special permit; and

WHEREAS, the Board finds under §73-35(b) that the proposed use will not be beneficial to the other uses located within the shopping center; and

WHEREAS, therefore, the application must be denied.

Resolved, that the decision of the Department of Buildings is affirmed and the application is denied.

Adopted by the Board of Standards and Appeals, June 27, 2001.

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## 125-99-BZ

APPLICANT - Agusta & Ross, for 8-10 Little Nassau Corp., owner.

SUBJECT - Application May 25, 1999 - under Z.R. §72-21, to permit the proposed erection of a five story, eight unit multiple dwelling, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 786 Kent Avenue a.k.a. 8-10 Little Nassau Street, southwest corner of Little Nassau Street and Kent Avenue, Block 1883, Lot 21, Borough of Brooklyn.

### COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo: .....3

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 2 P.M., for decision, hearing closed.

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## 152-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Dominick Schiavone, owner.

SUBJECT - Application June 1, 2000 - under Z.R. §72-21, to permit the proposed legalization of an auto repair shop establishment (Use Group 16) which is contrary to a previous variance granted under Cal. No. 585-73-BZ, which permitted an automotive services station and auto repair shop in an R4-4 zoning district.

PREMISES AFFECTED - 135-36 Centerville Street, northwest corner of Centerville Street and Howtree Street, Block 11518, Lots 26 and 192, Borough of Queens.

### COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to July 24, 2001, at 2 P.M., for continued hearing.

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## 200-00-BZ

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Blans Development Corp., owner.

SUBJECT - Application August 10, 2000 - under Z.R. §72-21, to permit the legalization of an existing physical culture establishment, on the first floor and portion of the second floor, in an existing two story manufacturing building, located in an R6 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 107-24 37th Avenue, southwest corner of 108th Street, Block 1773, Lot 10, Borough of Queens.

### COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Philip P. Agusta.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo: .....3

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 2 P.M., for decision, hearing closed.

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## 224-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Basile Builders; Carmela Basiole, President, owner.

SUBJECT - Application September 28, 2000 - under Z.R. §72-21, to permit the proposed six story residential building (Use Group 2) located in an R-5 zoning district, which creates non-compliance with respect to F.A.R., lot coverage, O.S.R., height and perimeter wall, lot area per dwelling unit, and yard requirements, which is contrary to Z.R. §23-41, §23-631, §23-222, §23-45, §23-46 and §23-47.

PREMISES AFFECTED - 2353 Cropsey Avenue a.k.a. 247 Bay 34th Street, Block 6889, Lots 7 and 9, Borough of Brooklyn.

### COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Janice Cahalane and Armand Amzallag.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to August 7, 2001, at 2 P.M., for continued hearing.

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# MINUTES

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## 246-00-BZ

APPLICANT - Sheldon Lobel, P.C., for M. T. M. Realty, Michael Tepler as President, owner.

SUBJECT - Application October 17, 2000 - under Z.R. §72-21, to permit the proposed increase in the number of dwelling units in an existing commercial and residential seven story building, to increase the size of the building by adding a partial floor for residential use, plus a rooftop garden, which creates non-compliance with respect to F.A.R., number of dwelling units and lot area, is contrary to Z.R. §23-223, §15-111, §54-31 and §23-142.

PREMISES AFFECTED - 77-79 Delancey Street, southeast corner of Allen Street, Block 414, Lot 50, Borough of Manhattan.

### COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Lyra Altman.

**ACTION OF THE BOARD** - Laid over to August 7, 2001, at 2 P.M., for continued hearing.

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## 263-00-BZ

APPLICANT - Philip P. Agusta and Gerald McCabe, for 19 East 77th Associates, LLC, owner.

SUBJECT - Application November 1, 2000 - under Z.R. §72-21, to permit the legalization of a rear enlargement, to existing four story and basement one family dwelling (Use Group 2) located in an R8B-LH-1A zoning district, which does not comply with the zoning requirements for lot coverage and does not provide the require rear yard, which is contrary to Z.R. §23-145 and §23-47.

PREMISES AFFECTED - 19 East 77th Street, north side, 120' west of Madison Avenue, Block 1392, Lot 12, Borough of Manhattan.

### COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Philip P. Agusta.

**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 2 P.M., for continued hearing.

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## 294-00-BZ

APPLICANT - Fredrick A. Becker, Esq., for William Keefe and Dominic Gatto, owner.

SUBJECT - Application December 11, 2000 - under Z.R. §72-21, to permit the proposed construction of a mixed use building (Use Groups 6 and 17) which will contain commercial use on the ground floor and nine joint work living quarters for artists on the upper floors, located in an M1-5B zoning district, which does not conform with use requirements and fails to comply with bulk requirements relating to the sky exposure plane and setback, which is contrary to Z.R. §42-14(D)(1)(a), §42-14(D)(2)(b) and §43-43.

PREMISES AFFECTED - 501 Broadway a/k/a 72 Mercer Street, west side of Broadway and east side of Mercer Street, 120' north of Broome Street, Block 484, Lot 22, Borough of Manhattan.

### COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Opposition: Doris Diether, Community Board # 2M.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo: .....3

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 2 P.M., for decision, hearing closed.

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## 163-01-A

APPLICANT - Fredrick A. Becker, Esq., for William Keefe and Dominic Gatto, owner.

SUBJECT - Application April 26, 2001 - proposed mixed use building, must comply with Sections 26.5(d)(1), 26.7 and 30.3 of the Multiple Dwelling Law, relating to court and rear yard equivalent dimensions.

PREMISES AFFECTED - 501 Broadway and 72 Mercer Street, west side of Broadway, east side of Mercer Street, 120' north of Broome Street, Block 484, Lot 22, Borough of Manhattan.

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Opposition: Doris Diether, Community Board # 2M.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo: .....3

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 2 P.M., for decision, hearing closed.

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# MINUTES

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## 12-01-BZ & 13-01-BZ

APPLICANT - Jesse Masyr, Wachtel & Masyr, LLP, for R. D. Hendon Realty, Inc., owner.

SUBJECT - Application January 16, 2001 - under Z.R. §72-21 to permit the proposed construction of a one story building, to be developed as a restaurant and local retail uses, and also the proposed construction of a five story self-storage facility, located in an R4 zoning district, which is contrary to Z.R. §22-00.

### PREMISES AFFECTED -

2829 Edson Avenue, block bounded by Edson, Bartow, Grace and Arnow Avenues, Block 4800, Lots 5, 6 and 8 (Tentative Lot 8), Borough of The Bronx.

2875 Edson Avenue, block bounded by Edson, Bartow, Grace and Arnow Avenues, Block 4800, Lots 5, 6, and 8 (Tentative Lot 6), Borough of The Bronx.

### COMMUNITY BOARD #12BX

#### APPEARANCES -

For Applicant: Jesse Masyr.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

#### THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo: .....3

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 2 P.M., for decision, hearing closed.

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## 226-00-BZ

APPLICANT - Agusta & Ross, for Simon Pollack, owner.

SUBJECT - Application October 5, 2000 - under Z.R. §72-21, to permit the proposed erection of a six story, 35 units multiple dwelling, upon a vacant lot, located in an M1-2 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 210 Middleton Street, southeast corner of Throop Avenue, Block 2242, Lot 28, Borough of Brooklyn.

### COMMUNITY BOARD #1BK

#### APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to August 14, 2001, at 2 P.M., for continued hearing.

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## 313-00-BZ

APPLICANT - Alfonso Duarte, for Rajesh Pushparajan, owner.

SUBJECT - Application December 28, 2000 - under Z.R. §72-21, to permit the legalization of an existing auto repairs and sales establishment (Use Groups 16A and 16B); and a proposed extension into the side yard of the subject premises which is contrary to Z.R. §32-00 and §33-291 also, a previous variance granted under Cal. No. 107-34-BZ, which permitted a gasoline service station in a C2-2 within an R4 zoning district.

PREMISES AFFECTED - 248-55 Jamaica Avenue, northwest corner of 249th Street, Block 8664, Lot 45, Borough of Queens.

### COMMUNITY BOARD #13Q

#### APPEARANCES -

For Applicant: Alfonso Duarte.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to August 14, 2001, at 2 P.M., for continued hearing.

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## 118-01-BZ

APPLICANT - Land Planning & Engineering Consultants, P.C., Vito J. Fossella, P.E., for James Kinsella, owner.

SUBJECT - Application March 13, 2001 - under Z.R. §72-21, to permit the proposed one story office building (Use Group 6) located in an R3-2 zoning district, which is contrary Z.R. §22-00.

PREMISES AFFECTED - 1845 Richmond Avenue, east side, 500.18' south of Eton Place, Block 2030, Lot 57, Borough of Staten Island.

### COMMUNITY BOARD #1S.I.

#### APPEARANCES -

For Applicant: Victor Han.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

#### THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo: .....3

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 2 P.M., for decision, hearing closed.

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## 132-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Mark Spiegel, owner.

SUBJECT - Application April 2, 2001 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling (Use Group 1) located in an R2 zoning district, which creates non-compliance with respect to floor area ratio, open space ratio, also side and rear yards, and is contrary to Z.R. §23-141, §23-461 and §23-47.

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# MINUTES

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PREMISES AFFECTED - 1283 East 22nd Street, between Avenues "L" and "M", Block 7640, Lot 39, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

APPEARANCES -

For Applicant: Lyra Atltman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo: .....3

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 2 P.M., for decision, hearing closed.

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**135-01-BZ**

APPLICANT - Rothkrug & Rothkrug, for Go-Go Car Wash, Inc., owner; Personal Touch Car Wash, lessee.

SUBJECT - Application April 9, 2001 - under Z.R. §11-411, to permit the reestablishment of an expired variance, previously granted under Cal. No. 318-56-BZ, which permitted a high speed auto laundry (Use Group 16) in a C1-2 within an R5 zoning district.

PREMISES AFFECTED - 1815/17 86th Street a/k/a 1815/17 New Utrecht Avenue, north side, 78.8' west of New Utrecht Avenue, Block 6344, Lot 69, Borough of Brooklyn.

**COMMUNITY BOARD #11BK**

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

**ACTION OF THE BOARD** - Laid over to August 7, 2001, at 2 P.M., for continued hearing.

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**149-01-BZ**

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

SUBJECT - Application April 20, 2001 - under Z.R. §72-21, to permit the proposed inclusion of the first and cellar floor areas of an existing six story building for residential use, which does not comply with the zoning requirements floor area ratio, open space ratio, zoning rooms and bedrooms windows, which is contrary to Z.R. §23-14, §23-223, §23-553 and §23-861.

PREMISES AFFECTED - 88/90 Jane Street a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

**COMMUNITY BOARD #2M**

APPEARANCES -

For Applicant: Howard B. Hornstein and Barbara Hair.

For Opposition: Doris Diether, Community Board #2M.

**ACTION OF THE BOARD** - Laid over to August 7, 2001, at 2 P.M., for continued hearing.

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**150-01-A**

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

SUBJECT - Application April 20, 2001 - proposed residential use must comply with Section 310 of the Multiple Dwelling Law regarding light, air and rear yard equivalent.

PREMISES AFFECTED - 88/90 Jane Street a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

APPEARANCES -

For Applicant: Howard B. Hornstein, Barbara Hair and Gene Kaufman.

For Opposition: Doris Diether, Community Board #2M.

**ACTION OF THE BOARD** - Laid over to August 7, 2001, at 2 P.M., for continued hearing.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 3:50 P.M.

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# MINUTES

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