
BULLETIN

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AND APPEALS

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July 19, 2001

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CONTENTS

| | |
|------------------------------------|---------|
| DOCKET | 410 |
| CALENDAR of July 14, 2001 | |
| Morning | 411-412 |
| Afternoon | 412 |
| CALENDAR of August 7, 2001 | |
| Morning | 413-414 |
| Afternoon | 414 |
| CALENDAR of August 14, 2001 | |
| Morning | 415 |
| Afternoon | 416 |

CONTENTS

MINUTES of Regular Meetings,
Tuesday, July 10, 2001

Morning Calendar417

Affecting Calendar Numbers:

| | |
|------------------|---|
| 739-76-BZ | 212-95 26 th Avenue, Queens |
| 539-87-BZ | 2451/59 Westchester Avenue, The Bronx |
| 84-99-BZ | 158/60 12 th Street, 137/63 13 th Street, Brooklyn |
| 15-01-BZ/22-01-A | 337-347 Kent Avenue, Brooklyn |
| 366-32-BZ | 1385/95 Webster Avenue, The Bronx |
| 234-56-BZ | 10-02 Clintonville Street, Queens |
| 502-60-BZ | 4452/6 Broadway aka 88/90 Fairview Avenue, Manhattan |
| 1449-61-BZ | 4085 Nostrand Avenue, Brooklyn |
| 300-64-BZ | 1038-64 Leland Avenue, The Bronx |
| 334-66-BZ | 30-07 Newton Avenue, Queens |
| 772-67-BZ | 1234 Forest Avenue, Staten Island |
| 599-76-BZ | 70-02 72 nd Place and 72-20 Edsall Avenue, Queens |
| 617-80-BZ | 770/780 McDonald Avenue, Brooklyn |
| 370-82-BZ | 242-02 61 st Avenue, Queens |
| 837-85-A | 166-18 73 rd Avenue and 73-02 167 th Street, Queens |
| 192-90-BZ | 779 Burke Avenue, The Bronx |
| 65-95-BZ | 2424 Hylan Boulevard, Staten Island |
| 107-95-BZ | 290/98 Dyckman Street, Manhattan |
| 263-98-BZ | 118 Oxford Street, Brooklyn |
| 290-00-BZ | 99/101 Greenwich Avenue aka 230 West 12 th Street, Manhattan |
| 36-01-BZ | 328 Spring Street, Manhattan |
| 129-01-A | 101 and 107 Prospect Park South West, Brooklyn |
| 122-99-A | 91-70 Metropolitan Avenue, Queens |
| 133-01-A | 105 Giegerich Avenue, Staten Island |
| 258-00-A | 225 East 43 rd Street, Manhattan |
| 2-01-A | 149 Fifth Avenue, Manhattan |
| 43-01-A | 259-21 Francis Lewis Boulevard, Queens |
| 44-01-A | 259-21A Francis Lewis Boulevard, Queens |

CONTENTS

Afternoon Calendar424

Affecting Calendar Numbers:

142-00-BZ 240 Wythe Avenue, Brooklyn
275-00-BZ 860 Atlantic Avenue, Brooklyn
307-00-BZ 41-02 Main Street, Queens
308-00-BZ 1125 Gunhill Avenue, The Bronx
10-01-BZ 85-28/34 Rockaway Boulevard, Queens
16-01-BZ thru Taaffe Place, Brooklyn
20-01-BZ
53-01-BZ 6 West 48th Street, Manhattan
73-99-BZ 3901 Richmond Avenue, Staten Island
137-99-BZ 165/67 Norfolk Street, Brooklyn
222-00-BZ 4177 Hylan Boulevard, Staten Island
264-00-BZ 65-45 Fresh Meadow Lane, Queens
268-00-BZ 2187 Richmond Avenue, Staten Island
291-00-BZ 2316-2324 Coney Island Avenue, Brooklyn
296-00-BZ 69-19 Main Street, Queens
298-00-BZ 3-7 Wooster Street, Manhattan
300-00-BZ 5902/08 14th Avenue, Queens
4-01-BZ 18 Richardson Street, Brooklyn
11-01-BZ 586/606 Conduit Boulevard, Brooklyn
111-01-BZ 900 Ditmas Avenue, Brooklyn
130-01-BZ 411/425 East 68th Street, Manhattan

CORRECTIONS439

Affecting Calendar Numbers:

826-86-BZ 269-10 Grand Central Parkway, Queens
827-86-BZ 270-10 Grand Central Parkway, Queens
828-86-BZ 271-10 Grand Central Parkway, Queens

DOCKET

New Case Filed Up to July 10, 2001

228-01-BZ B.BX. 1153 Grand Concourse, between MacClish Street and Flushing Avenue, Block 2453, Lot 188, of The Bronx. Applic.#200663790. The legalization of a grocery store and record store, Use Group 6, which occupies a small portion of the street floor at subject premises, located in an R8/GC zoning district, is contrary to Z.R. § 22-00 and 122-00.

COMMUNITY BOARD #4BX

Lot 1, Borough of Brooklyn. Applic.#300715616. Proposed multiple dwelling, must comply with Article 3, Section 26 of the MDL regarding rear yard, and Section 27-733 of the NYC Building Code regarding light and air requirements.

229-01-A B.BK. 125 Classon Avenue (Tentatively 127 Classon Avenue), bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 106 (Tentatively 107), Borough of Brooklyn. Applic.#300713495. Proposed multiple dwelling, must comply with Article 3, Section 26 of the MDL regarding rear yard, and Section 27-733 of the NYC Building Code regarding light and air requirements.

233-01-BZ B.M. 537 West 19th Street, northwest corner of 11th Avenue, Borough of Manhattan. Applic.#102291280. Proposed construction of a mixed use 16 story commercial/residential building, Use Groups 2 and 6, in an M1-5 zoning district, in which the residential use with accessory off street parking spaces is not permitted, and also does not meet the zoning requirement for outer courts, is contrary to Z.R. §42-10, §13-11, §13-12 and §23-84.

COMMUNITY BOARD #4M

230-01-A B.BK. 131 Classon Avenue (Tentatively 133 Classon Avenue), bounded by Park Avenue on the South, and Flushing Avenue on the north, Block 1881, Lot 105, Borough of Brooklyn. Applic.#300713486. Proposed multiple dwelling, must comply with Article 3, Section 26 of the MDL regarding rear yard, and Section 27-733 of the NYC Building Code regarding light and air requirements.

234-01-BZ B.BK. 80 North 5th Street, north side, bounded west by Wythe Avenue and south by North 4th Street, Block 2342, Lots 1, 15 and 31, Borough of Brooklyn. Alt-1#300855135. Proposed conversion of the second, third and fourth floors of an existing building, in an M3-1 zoning district, to residential uses, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

231-01-A B.BK. 135 Classon Avenue (Tentatively 137 Classon Avenue), bounded by Park Avenue on the South, and Flushing Avenue on the north, Block 1881, Lot 104 (Tentatively 4), Borough of Brooklyn. Applic.#300715625. Proposed multiple dwelling, must comply with Article 3, Section 26 of the MDL regarding rear yard, and Section 27-733 of the NYC Building Code regarding light and air requirements.

235-01-BZ B.BK. 2009 Mermaid Avenue, aka 2879 West 21st Street, aka 2882 West 20th Street, northwest corner of West 20th Street and Mermaid Avenue, Block 7018, Lot 42 (Tentatively), Borough of Brooklyn. N.B.#301162328. Proposed funeral establishment, Use Group 7, located in a C1-2/R5 zoning district, requires a special permit as per Z.R. §73-27.

COMMUNITY BOARD #13BK

232-01-A B.BK. 141 Classon Avenue (Tentatively 391 Park Avenue), bounded by Park Avenue on

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

CALENDAR

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, 6th Floor, New York, N.Y. 10006, on the following matters:

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

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

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

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 52nd Street, Block 1315, Lot 76, Borough of Queens.

COMMUNITY BOARD #2Q

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

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

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

131-00-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 - 157-19 Cross Island Parkway, north side 190' east of 157th Street, Block 4568, Lots 84 (83 & 85), Whitestone, Borough of Queens.

COMMUNITY BOARD #7Q

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

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

CALENDAR

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

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.

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

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, 6th Floor, New York, N.Y. 10006, on the following matters:

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

54-01-BZ

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

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

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.

CALENDAR

COMMUNITY BOARD #14BK

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

Pasquale Pacifico, Executive Director

AUGUST 7, 2001, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, August 7, 2001, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

245-32-BZ

APPLICANT - Sion Hourizadez, for 123-05 Realty Corp., owner.

SUBJECT - Application January 11, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 123-05 101st Avenue, Northeast corner of 101st Avenue and 123rd Street, Block 9464, Lot 30, Borough of Queens.

COMMUNITY BOARD #9Q

939-65-BZ

APPLICANT - Law Offices of Howard Goldman, for Jus Sara

Jac Corp, LLC., owner, Waterview Nursing Care Center., lessee

SUBJECT - Application June 19, 2001- reopening for a re-argument in accordance with 1-10 of the BSA Rules of Practice and Procedures.

PREMISES AFFECTED- 119-15 27th Avenue, Bounded by 27th Avenue, 119th Street and 26th Avenue, Block 4291, Lot 20, Borough of Queens.

COMMUNITY BOARD #7Q

1131-79-BZ

APPLICANT - Howard Z. Zipser, for Infinity Broadcasting East, Inc., CBS Broadcasting, Inc., owners.

SUBJECT - Application July 5, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 550 King Avenue, a/k/a High Island, 1200' north of Terrace Street, Block 5649, Lot 120, Borough of The Bronx.

COMMUNITY BOARD #10BX

983-83-BZ

APPLICANT -Sheldon Lobel, P.C., for Joyce Ross., Owner.

SUBJECT - Application June 18, 2001 - request for a waiver of Rules of Practice and Procedure and a reopening for an extension of term of the variance which expired March 5, 2000.

PREMISES AFFECTED -134-42/60 Guy R. Brewer Boulevard, Northwest corner of 137th Avenue, Block 12300, Lot 30, Borough of Queens.

COMMUNITY BOARD #12Q

26-94-BZ

APPLICANT - Rampulla Associates Architects, for CDC Realty L.L.C., owner.

SUBJECT - Application April 13, 2001 - request for a waiver of the Rules of Practice and Procedure and a reopening for an extension of term of the variance which expired March 5, 2001.

PREMISES AFFECTED - 141 Mansion Avenue, Intersection of Mansion Avenue and McKee Avenue, Block 5201, Lot 33, Borough of Staten Island.

COMMUNITY BOARD #3SI

218-96-BZ

CALENDAR

APPLICANT -The Agusta Group, for The Armenian Apostolic Church of America., owner.
SUBJECT - Application June 14,2001- reopening for an extension of time to complete construction.
PREMISES AFFECTED - 138 East 39th Street south side 123.4' east of Lexington Avenue, Block 894, Lot 60, Borough of Manhattan.
COMMUNITY BOARD #6M

171-97-BZ

APPLICANT - Gerald J. Caliendo, R.A., Howard Alan Zipser, Stadtmauer Bailkin, LLP, for Rocco Sacco, owner; Research and Development Center, lessee.
SUBJECT - Application June 8, 2001 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 65-01 Kissena Boulevard, formed by the intersection of Kissena Boulevard and 65th Avenue, Block 6742, Lot 10, Flushing, Borough of Queens.
COMMUNITY BOARD #8Q

AUGUST 7, 2001, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, August 7, 2001, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

8-01-BZ

APPLICANT - Michael DeRuvo, for Bruno Savo - Savo Brothers, owner.
SUBJECT - Application January 11, 2001 - under Z.R. §72-21, to permit the proposed construction of a two family dwelling on a zoning lot which does not have the minimum required lot width and was not owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of the application for a building permit, which is contrary to Z.R. §23-32 and §23-33(b).
PREMISES AFFECTED - 352 Clifton Avenue, south side, 125' east of Reynolds Street, Block 2981, Lot 7, Borough of Staten Island.
COMMUNITY BOARD #1SI

30-01-BZ

APPLICANT - Harold Weinberg, P.E., P.C., for Eva Silber, owner.
SUBJECT - Application January 25, 2001 - under Z.R. §73-622, to permit the legalization of the attic of an existing one family dwelling, for living purposes, which exceeds the allowable F.A.R. and increases the degree of non-compliance with respect to O.S.R., which is contrary to Z.R. §23-141 and §54-31.
PREMISES AFFECTED - 1336 East 23rd Street, west side, 300.0' south of Avenue M, Block 7658, Lot 66, Borough of Brooklyn.
COMMUNITY BOARD #14BK

45-01-BZ

APPLICANT - Harold Weinberg, P.E., P.C., for Amy Ditchek, owner.
SUBJECT - Application February 7, 2001 - under Z.R. §73-622, to permit the proposed addition of a second floor, and also the enlargement of the first floor of an existing one story, one family dwelling, located in an R3-1 zoning district, which creates non-compliance with respect to lot coverage, F.A.R. and rear yard, which is contrary to Z.R. §23-141, §54-31 and §23-47.
PREMISES AFFECTED - 115 Falmouth Street, east side, 100' south of Hampton Avenue, Block 8749, Lot 319, Borough of Brooklyn.
COMMUNITY BOARD #15BK

194-01-BZ

APPLICANT - Agusta and Ross, for D & K Holding Corporation, owner.
SUBJECT - Application May 11, 2001 - under Z.R. §72-21, to permit the proposed development of a six story multiple dwelling, containing ground floor commercial (office and retail), and ten apartments on the upper floors (Use Groups 6 and 2) located in a C8-2 zoning district, which is contrary to Z.R. §32-00.
PREMISES AFFECTED - 440/42 South Fifth Street, south side, 161' East of Hewes Street, Block 2465, Lot 9, Borough of Brooklyn.
COMMUNITY BOARD #1BK

Pasquale Pacifico, Executive Director

CALENDAR

AUGUST 14, 2001, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, August 14, 2001, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

109-34-BZ

APPLICANT - Carl A. Sulfaro, Esq. for Kino Realty Corp., owner.

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

PREMISES AFFECTED - 64-40 Myrtle Avenue a.k.a 72-02 Cypress Hills Street, Southwest corner of Cypress Hills Street, Block 3594, Lot 7, Borough of Queens.

COMMUNITY BOARD # 5Q

39-66-BZ

APPLICANT - Sheldon Lobel, P.C., for Jonathan Woodner Company, owner.

SUBJECT - Application April 9, 2001- reopening for an extension of term of variance which expires April 13, 2011.

PREMISES AFFECTED -43-70 Kissena Boulevard, Flushing, south side of Kissena Boulevard, 304.22' west of Elder Avenue, Block 5137, Lot 102, Borough of Queens.

COMMUNITY BOARD #7Q

1181-80-BZ

APPLICANT - Sheldon Lobel, P.C., for Kenneth Koeing, owner.

SUBJECT - Application June 20, 2001- reopening for an extension of term of an variance which expires April 7, 2001.

PREMISES AFFECTED- 62-07 Woodside Avenue, north side, 349' east of 61st Street, Block1294, Lot 20, Borough of Queens.

COMMUNITY BOARD #2Q

205-98-BZ

APPLICANT - Philip P. Agusta, for Dr. Haresh Shah, D.D.S., owner.

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

PREMISES AFFECTED - 257-10/18 Union Turnpike, south side of Union Turnpike 75.65' east of 257th Street, Block 8694, Lots 27 and 28, Borough of Queens.

COMMUNITY BOARD #13Q

AUGUST 14, 2001, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, August 14, 2001, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

46-01-A

APPLICANT - Rothkrug & Rothkrug, for Robert Kelly, owner.

SUBJECT - Application February 8, 2001 - proposed two family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 133 Giegerich Avenue, south side, 215' east of Bedell Avenue, Block 7793, Lot 188, Borough of Staten Island.

COMMUNITY BOARD #3SI

47-01-A

APPLICANT - Rothkrug & Rothkrug, for Robert Kelly, owner.

SUBJECT - Application February 8, 2001 - proposed two family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 145 Giegerich Avenue, south side, 100' east of Bedell Avenue, Block 7793, Lot 187, Borough of Staten Island.

COMMUNITY BOARD #3SI

CALENDAR

50-01-A

APPLICANT - Rothkrug & Rothkrug, for Robert Kelly, owner.

SUBJECT - Application February 12, 2001 - proposed two family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 146 Bartow Avenue, south side, 159' east of intersection of Page Avenue, Block 7756, Lot 14, Borough of Staten Island.

COMMUNITY BOARD #3SI

51-01-A

APPLICANT - Rothkrug & Rothkrug, for Robert Kelly, owner.

SUBJECT - Application February 12, 2001 - proposed two family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 148 Bartow Avenue, south side, 129' east of intersection of Page Avenue, Block 7756, Lot 13, Borough of Staten Island.

COMMUNITY BOARD #3SI

206-01-A

APPLICANT - Gary Lenhart, R.A., for Breezy Point Cooperative, Inc., owner; Esilda and Paul Bruder, lessees.

SUBJECT - Application June 7, 2001 - proposed first story enlargement and addition of a partial second floor to an existing one family dwelling, not fronting on a legally mapped street and located partially within the bed of a mapped street, which is contrary to Sections 35 & 36, Article 3 of the General City Law.

PREMISES AFFECTED - 441 Hillcrest Walk, east side, 13' south of Rockaway Point Boulevard, Block 16350, Part of Lot 100, Borough of Queens.

AUGUST 14, 2001, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, August 14, 2001, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

15-01-BZ/22-01-A

APPLICANT - Augusta & Ross, for Mazel Equities, Inc., owner.

SUBJECT - Application January 17, 2001 - under Z.R. §72-21 to permit the proposed conversion of a former industrial building, located in an M1-2 zoning district, to

joint living, in conjunction with working quarters (Use Groups 2 and 9), which is contrary to Z.R. §42-00 and is contrary to Sections 27-733 and 27-749 of the NYC Building Code.

PREMISES AFFECTED - 337/47 Kent Avenue, east side, 68' south of South Fourth Street, Block 2441, Lots 4, 104 & 107 (Tentative Lot 4), Borough of Brooklyn.

COMMUNITY BOARD #1BK

195-01-BZ

APPLICANT - Augusta and Ross, for Warren Dingtott, owner.

SUBJECT - Application May 11, 2001 - under Z.R. §72-21, to permit the proposed eating and drinking establishment (Use Group 6) located in an R-4 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2519 West 22nd Street, east side, 84' north of Bay 53rd Street, Block 6949, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #13BK

200-01-BZ

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for Bowne Associates, owner; Hillside Manor Rehabilitation and Extended Care Center, Lessee.

SUBJECT - Application May 31, 2001 - under Z.R. §72-21 to permit the proposed enlargement of the twelfth floor of an existing 11 (plus partial 12) story community facility building and the addition of three elevators, located in an C2-2 within an R5 zoning district, which does not comply with the zoning requirements for floor area, F.A.R. and sky exposure plane, which is contrary to Z.R. §33-441, §33-161 and §54-31.

PREMISES AFFECTED - 182-15 Hillside Avenue, northeast corner of Avon Street, Block 9950, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

221-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Charand Associates, LLC, owner; The Learning Spring Foundation, Inc., Lessee.

SUBJECT - Application June 21, 2001 - under Z.R. §73-19 to permit the proposed school pursuant to Z.R. §73-19, §73-01 and §73-03, on the fourth floor of the building of the site, located within an M1-5 zoning district which is not permitted as of right, contrary to Z.R. §42-00.

PREMISES AFFECTED - 252-254 West 29th Street, south side 65' east of 8th Avenue, Block 778, Lot 70, Borough of Manhattan.

COMMUNITY BOARD #5M

MINUTES

Pasquale Pacifico, Executive Director
REGULAR MEETING
TUESDAY MORNING, JULY 10, 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 19, 2001, were approved as printed in the Bulletin of June 28, 2001, Volume 86, No. 26.

SPECIAL ORDER CALENDAR

739-76-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Cord Meyer Development, Corp., owner; Peter Pan Games of Bayside, lessee.

SUBJECT - Application April 6, 2001 - reopening for an extension of term of the special permit which expired April 10, 2001.

PREMISES AFFECTED - 212-95 26th Avenue, 26th Avenue and Bell Boulevard, Block 5900, Lot 2, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

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

ACTION OF THE BOARD - Application reopened and term of special permit 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 special permit; and

WHEREAS, a public hearing was held on this application on June 19, 2001 after due notice by publication in The City Record, laid to July 10, 2001 for decision.

WHEREAS, Community Board # 7Q, recommended conditional approval of the application.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution pursuant to Z.R.§73-03, said resolution having been adopted on February 8,

1977 as amended through October 31, 2000 expiring on April 10, 2001, so that as amended this portion of the resolution shall read:

"Term of the special permit extended; on condition that the term shall be limited to one year, to expire on April 10, 2002; that the premises shall be maintained in substantial compliance with the existing conditions plans submitted with the application marked 'Received April 6, 2001' - (3) sheets and that other than herein amended, the above cited resolution shall be complied with in all respects.

(DOB 401225189)

Adopted by the Board of Standards and Appeals, July 10, 2001.

539-87-BZ

APPLICANT - Catapano Engineering, P.C., for Allan Stations, Inc., owner.

SUBJECT - Application July 7, 2000 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired on May 23, 1999 and for an amendment to the resolution.

PREMISES AFFECTED - 2451/59 Westchester Avenue, northeast corner of Rowland Street, Block 3974, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

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

ACTION OF THE BOARD - Application reopened term of variance extended 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 extension of the term of the variance and 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 19, 2001 and then to July 10, 2001 for decision.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution pursuant to Z.R.§11-411 and §11-412, said resolution having been adopted on May 23, 1989 expiring on May 23, 1999, so that as amended this portion of the resolution shall read:

"To permit the installation of a 24' x 36' metal canopy over the two existing concrete pumps islands and to extend the term of the variance; on condition that the

MINUTES

term shall be limited to ten years from May 23, 1999, to expire on May 23, 2009; that all site lighting and business signs shall be in accordance with the BSA approved plans; that all lights shall be directed down and away from the residential uses; that all fencing and landscaping shall be adequately maintained; that the hours of operation shall be limited to 6:00 A.M. to 11:30 P.M. Monday through Friday; 6:00 A.M. to 6:00 P.M. Saturday and 7:00 A.M. to 5:00 P.M. Sunday; that parking shall be limited to passenger cars and vans awaiting service; that the premises shall be maintained free of graffiti and debris and in substantial compliance with the proposed conditions plans submitted with the application marked 'Received June 12, 2001' - (1) sheet 'July 7, 2001' - (3) sheets, and that other than herein amended, the above cited resolution shall be complied with in all respects and a new certificate of occupancy be obtained within eighteen months of the date of this amended resolution.
(DOB 200626386 and N. B. 362/1959)

Adopted by the Board of Standards and Appeals, July 10, 2001.

84-99-BZ

APPLICANT - New York City Board of Standards and Appeals

OWNER OF PREMISES: Dominic Terzouli, Joseph Terzouli.
SUBJECT - Application April 22, 1999 - reopening for possible rescindment.

PREMISES AFFECTED - 158/60 12th Street 137/63 13th Street, south side of 12th Street, 100' east from intersection of Third Avenue, Block 1027, Lots 1, 3, 5, 6, 10, 11, 65, 66, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

In Opposition: Janice Cahalane.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 31, 1999 acting on Applic. No.300799688/99 reads:

“Note: Proposed enlargement of an existing non-conforming factory building (use group17) in an R6 district, is contrary to sections 22-10 and 52-40 of the Zoning Resolution.”; and

WHEREAS, a public hearing was originally held on this application on December 7, 1999 after due notice by publication in The City Record and laid over to February 8, 2000, March 7, 2000 and then to March 28, 2000 for decision; and

WHEREAS, as part of the non-compliance application, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, the subject zoning lot is an irregularly shaped lot with a 214 foot frontage along 13th Street, a 36.6 foot frontage along 12th Street, and a 150 foot frontage along 3rd Avenue; and

WHEREAS, the subject zoning lot had been improved with a series of structures that have been joined together and utilized for the manufacture of vacuum cleaner bags; and

WHEREAS, the applicant's proposal called for the expansion of the existing facility, to consist of a 2,756 square feet of floor area fronting on the 12th Street portion of the zoning lot; and

WHEREAS, use of the proposed addition was limited to the storage of paper products/supplies; and

WHEREAS, the Board noted that the subject zoning lot was the subject of a Board application under Calendar # 767-89-BZ; and

WHEREAS, in the aforementioned case an expansion was denied by a split Board; and

WHEREAS, on March 23, 1999 the Board granted an application to permit the filing of a new application; and

WHEREAS, the Board found that the applicant submitted substantial evidence demonstrating a material change in circumstance; and

WHEREAS, the Board found the design as proposed provided a decorative cornice and masonry wall which will blend well with the current street scape; and

WHEREAS, the Board also recognized the presence of increased fire safety measures consisting of an increase in the width of the masonry bearing walls from 8 inches to 12 inches and the installation of a wet sprinkler system and a hard wired alarm system; and

WHEREAS, the increase in the width of the masonry bearing walls will assist in providing sound attenuation, lowering levels at the site; and

WHEREAS, use of the proposed addition was limited to the storage of paper products/supplies, with no manufacturing to occur in said extension; and

WHEREAS, no means of ingress or egress shall be located on 12th Street except an emergency fire door; and

WHEREAS, the only means of ingress and egress to this portion of the site shall be via the existing building on 13th Street; and

WHEREAS, in response to Board concerns regarding community character the applicant agreed to increase the setback of the addition along 12th Street to 16' 8", which is consistent with the adjacent residential building and to add landscaping in the new front yard; and

MINUTES

WHEREAS, the applicant also agreed to plant street trees along the 12th Street sidewalk; and

WHEREAS, the Board found that any adverse effects on the privacy, quiet, light, and air of the neighborhood would be minimized by the design of the proposed addition and the limitation placed on the use of said addition to storage space only; and

WHEREAS, therefore, the Board determined that the evidence in the record supported the findings required to be made under the applicable sections of Z.R.§73-03; and

WHEREAS, the proposed use is not subject to termination pursuant to Z.R.§52-70; and

WHEREAS, the applicant notes that the underlying use for which expansion is proposed has been legally located on the subject zoning lot for more than five years; and

WHEREAS, evidence in the record indicates that the building in which the proposed use will be located has not been previously enlarged pursuant to Z.R.§§ 11-412, 43-121 or 72-21; and

WHEREAS, the proposed use will be consistent with the existing Use Group 17 use; and

WHEREAS, the applicant represented that the vacant portion of the zoning lot upon which the addition will be located has not been occupied by residential uses within five years prior to filing of the subject application; and

WHEREAS, the proposed enlargement of 2,756 square feet is less than 45% of the floor area occupied by the existing use on December 17, 1987 and is less than the 10,000 square foot maximum additional floor area permitted under the special permit; and

WHEREAS, the proposed enlargement shall be completely enclosed and no open uses are proposed; and

WHEREAS, the proposed use shall conform to the performance standards applicable in an M1 district located at the boundary with a residence district; and

WHEREAS, in response to community complaints, on November 22, 2000, the case was re-calendered and the Board held a public hearing to hear whether this variance was in substantial compliance with the approved plans; and

WHEREAS, in the original resolution the Board stated that no portions of the proposed enlargement will exceed 16' above curb level at any point; and

WHEREAS, the Board considered the requirements of Z.R.§ 73-53(a)(5) that no enlargement or extension that exceeds 16' above curb level shall be permitted within 30' of the rear lot line that coincides with a rear lot line of a zoning lot in a residence district and determined that Z.R.§ 73-53(a)(5) is not applicable because the rear lot is adjacent to not coincident with a lot in a residential district; and

WHEREAS, based on the analysis above the Board also determines that Z.R.§ 73-53(a)(6) is also not applicable; and

WHEREAS, however, upon construction of the building, due to fire safety concerns, the building was built 19' above

curb level; and

WHEREAS, therefore, Board now finds that the building is in substantial compliance because the building was built slightly higher than the approved plans to comply with fire safety concerns and accommodate a fire exit between the two buildings; and

WHEREAS, the window treatments also deviated from the plan and the owners failed to provided the landscaping the plan required; and

WHEREAS, the applicant has since provided evidence of compliance with the landscaping plan; and

WHEREAS, the Board believes the windows treatments to be in substantial compliance with the plan; and

WHEREAS, also, it is the Board's opinion that the excavation done during the building of the project is also found to be in substantial compliance with the approved plan because it was incidental portion of the building's construction; and

WHEREAS, based on the record, the Board affirms its determination of March 28, 2000 and finds that the proposed application, as modified, will not alter the essential character of the neighborhood nor will it impair the future use or development of the surrounding area; and

Resolved, that the subject building is in substantial compliance with the Board's March 28, 2000 grant, on condition.

Adopted By the Board of Standards and Appeals July 10, 2001.

**15-01-BZ and 22-01-A
CEQR #01-BSA-091K**

APPLICANT - New York City Board of Standards and Appeals.

OWNER: Mazel Equities, Inc.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 337-347 Kent Avenue, east side, 68' south of South Fourth Street, Block 2441, Lot(s) 4, 104 and 107, (Tentative Lot 4), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted By the Board of Standards and Appeals July 10, 2001.

366-32-BZ

MINUTES

APPLICANT - Rothkrug & Rothkrug, for Lorenzo Garcia, owner.

SUBJECT - Application March 20, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy.

PREMISES AFFECTED - 1385/95 Webster Avenue, west side of Webster Avenue, 772' north of East 169th Street, Block 2887, Lots 151 thru 155, Borough of The Bronx.

COMMUNITY BOARD #4BX

APPEARANCES -

For Applicant: Adam W. Rothkrug.

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

ACTION OF THE BOARD - Laid over to August 14, 2001, at 10 A.M., for continued hearing.

234-56-BZ

APPLICANT - Sullivan & Chester, LLP, for Haymeli Enterprises, Inc., owner, 10th Avenue Auto Service Corp, lessee.

SUBJECT - Application August 30, 2000 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 10-02 Clintonville Street Whitestone, New York, Block 4515, Lot 29, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Jeffrey Chester, Henry Brusic and others.

For Opposition: Neal Vartanian and William Warr.

For Administration: Battalion Chief Phil Parr and John Scrofani, 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 August 7, 2001, at 10 A.M., for decision, hearing closed.

502-60-BZ

APPLICANT - Rothkrug & Rothkrug, for 4452 Broadway Realty Co., owner.

SUBJECT - Application February 27, 2001- request for a waiver of the Rules of Practice and Procedure and a reopening for an extension of term of the variance which expired January 20, 2001.

PREMISES AFFECTED - 4452/6 Broadway, a/k/a 88/90 Fairview Avenue s/e/s of Broadway and Fairview Avenue, Block 2170, Lot(s) 400, 62, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Adam W. Rothkrug.

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

ACTION OF THE BOARD - Laid over to August 14, 2001, at 10 A.M., for continued hearing.

1449-61-BZ

APPLICANT - Vassalotti Associates Architects, for Exxon Company U.S.A., owner.

SUBJECT - Application February 2, 1999 - request for a waiver of the Rules of Practice and Procedure, reopening for an amendment to legalize the removal of a previously approved pump island, the enlargement to the accessory building and for an extension of term of variance which expired November 8, 1997.

PREMISES AFFECTED - 4085 Nostrand Avenue, north east corner of Emmons Avenue, Block 8796, Lot 63, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 16, 2001, at 10 A.M., for continued hearing.

300-64-BZ

APPLICANT - Herrick, Feinstein, LLP., by Mark A. Levine, Esq., for Pathmark Stores, Inc., owner.

SUBJECT - Application July 9, 1999 - reopening for an extension of term of variance which expired June 9, 1999.

PREMISES AFFECTED - 1038-64 Leland Avenue, Block 3731, Lots 26 and 36, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Mark A. Levine.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to July 24, 2001, at 10 A.M., for decision, hearing closed.

334-66-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for Newton

MINUTES

Avenue Realty, LLC, owner; Gotham Nightclub Association, Inc., lessee.

SUBJECT - Application January 10, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 30-07 Newton Avenue, between 30th and 31st Street, Block 598, Lot 73, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Jeffrey Chester.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 11, 2001, at 10 A.M., for continued hearing.

772-67-BZ

APPLICANT - Carl A. Sulfaro, Esq; for 1234 Forest Avenue Realty Corp, owner.

SUBJECT - Application January 11,2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED -1234 Forest Avenue, Southeast Corner of Jewett Avenue and Forest Avenue, Block 354, Lot 32, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Carl A. Sulfaro.

For Administration: Battalion Chief Phil Parr and John Scrofani, 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 24, 2001, at 10 A.M., for decision, hearing closed.

599-76-BZ

APPLICANT - Joseph P. Morsellino, Esq., for F. M. Brush Company, owner.

SUBJECT - Application April 20, 2001 - reopening for an extension of term of the variance which expires December 21, 2001

PREMISES AFFECTED - 70-02 72nd Place and 72-20 Edsall Avenue, southwest corner of Edsall Avenue and 72nd Place, Block 3664, Lot 7, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

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

617-80-BZ

APPLICANT -Sheldon Lobel, P.C., for Joseph Fekete, Pres J.S. Simcha Inc.

SUBJECT - Application September 29, 2000 - reopening for an extension of the term of variance which expired December 9, 2000 and for an amendment to legalize the changes.

PREMISES AFFECTED -770/780 Mc Donald Avenue, Block 5394, Lots 11,1 Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Battalion Chief Phil Parr and John Scrofani, 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 24, 2001, at 10 A.M., for decision, hearing closed.

370-82-BZ

APPLICANT - Walter T. Gorman, P.E., for Douglaston Plaza Shopping Center, LLC, owner; Charles Business Associates, Inc., lessee.

SUBJECT - Application April 25, 2001 - reopening for an extension of time to obtain a certificate of occupancy which expired June 2, 2001.

PREMISES AFFECTED - 242-02 61st Avenue, southwest corner of 245th Place, Block 8286, Lot 185, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: John Ronan.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

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

837-85-A

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Dr. Stephen Gari, D.M.D., F.A.G.D., owner.

SUBJECT - Application December 13, 2000 - reopening for an extension of term of the variance which expired December 17, 2000.

PREMISES AFFECTED - 166-18 73rd Avenue and 73-02

MINUTES

167th Street, southwest corner of 73rd Avenue and 167th Street, Block 6974, Lot 19, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Nelly Bravo.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to December 4, 2001, at 10 A.M., for continued hearing.

192-90-BZ

APPLICANT - Vassalotti Associates, A.I.A., for Charles Nicosta, owner.

SUBJECT - Application January 11, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 779 Burke Avenue, Block 4603, Lot 25, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: Battalion Chief Phil Parr and John Scrofani, 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 24, 2001, at 10 A.M., for decision, hearing closed.

65-95-BZ

APPLICANT - Vito J. Fossella, P.E., for Shoprite Supermarkets Inc., owner.

SUBJECT - Application March 21, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED -2424 Hylan Boulevard, east Side of Hylan Blvd, southeast of Locust Avenue, Block 3901, Lots 17, 45, 55, Borough of Staten Island

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Victor Han.

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

107-95-BZ

APPLICANT - Sheldon Lobel, P.C., for Confectionary Realty Corp., owner.

SUBJECT - Application April 9, 2001 - reopening for an extension of time to obtain a certificate of occupancy which expired March 7, 2001.

PREMISES AFFECTED - 290/98 Dyckman Street, corner of Dyckman Street and Henshaw Street, Block 2246, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Battalion Chief Phil Parr and John Scrofani, 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 24, 2001, at 10 A.M., for decision, hearing closed.

263-98-BZ

APPLICANT - Rothkrug and Rothkrug, for Paul and Constance Glickman, owners.

SUBJECT - Application May 1, 2001 - reopening for an extension of time to complete construction which expired April 27, 2001.

PREMISES AFFECTED - 118 Oxford Street, 115" south of Shore Boulevard, Block 8757, Lot 90, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to July 24, 2001, at 10 A.M., for decision, hearing closed.

290-99-BZ

APPLICANT - Rothkrug & Rothkrug, for Almi Greenwich Associates, owner; Equinox Fitness Clubs, lessee.

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

PREMISES AFFECTED - 99/101 Greenwich Avenue a/k/a 230 West 12th Street, southwest corner of Greenwich Avenue and West 12th Street, Block 615, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Adam W. Rothkrug and Doris Diether.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

MINUTES

ACTION OF THE BOARD - Laid over to July 24, 2001, at 10 A.M., for continued hearing.

36-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Antonio Nino Vendome & Paul Raquel, LLC.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 328 Spring Street, aka 489-495 Washington Street, southeast corner, Block 595, Lots 66 and 68, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to August 14, 2001, at 10 A.M., for continued hearing.

129-01-A

APPLICANT - Wolfson & Carroll, for John T. Gallagher and Citizens for the Preservation of Windsor.

OWNER OF PREMISES: Park Edge Condominiums, LLC.

SUBJECT - Application March 30, 2001 - an appeal from a determination of the Department of Buildings' dated March 26, 2001, in which the department states that ground floor accessory parking should be exempted in computing permitted floor area for a proposed six-story building.

PREMISES AFFECTED - 101 and 107 Prospect Park South West, corner lot at Prospect Park South West and 16th Street, Block 5259, Lot 22, Borough of Brooklyn.

APPEARANCES -

For Administration: Felicia Miller, Department of Buildings.

ACTION OF THE BOARD - Appeal 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 March 26, 2001 which reads:

“That in an R6A District ground floor accessory parking need not be included in computing permitted floor area. Petitioners contend this decision violates Zoning Resolution Sections 12-10 (o) (6) (iv)& (v).”

WHEREAS, a public hearing was held on this application on June 12, 2001 after due notice by publication in The City Record and laid over to July 10, 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, Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this is an appeal application challenging a decision of the Department of Buildings (DOB), which states that ground floor accessory parking should be excluded when computing permitted floor area for a proposed six story building; and

WHEREAS, the subject premises is located in an R6A zoning district, at the intersection of 16th Street, Prospect Park South and West Street converge; and

WHEREAS, on November 5, 1999 an application for a 6 story 15 unit residential building on the project site was filed with the Department of Buildings ; and

WHEREAS, the subject premises also contains 8 spaces of ground floor accessory parking; and

WHEREAS, the project was issued a permit to build on November 13, 2000; and

WHEREAS, by letter dated January 26, 2001, the appellant challenged DOB's determination claiming that under the requirements of the Zoning Resolution the project contained too much floor area ; and

WHEREAS, the appellant contends that the area of the ground floor accessory parking must be included in the computation of the project's total floor area; and

WHEREAS, the appellant further contends that if the area of accessory parking were included in the building's floor area, the project would be 2595 square feet in excess of the permitted floor area; and

WHEREAS, by letter dated March 26, 2001, the Borough Superintendent notified the appellant that by a unanimous decision, at the Department's Borough Superintendents' meeting on March 1, 2001, it was determined that the floor area of the accessory parking on the project's ground floor level was properly excluded from the calculation of the project's floor area pursuant to ZR § 12-10(o)(6)(iv) which excludes floor area for accessory parking in certain districts; and

WHEREAS, the appellant's objections to the DOB determination are that ZR § 12-10(o)(6)(iv) does not apply to the subject premises because the language “any other building” means another structure on the same zoning lot, and that because this project contains no second structure, such as a garage, and that ZR § 12-10(o)(6)(v) is not applicable because the subject premises is in an R6A zoning district; and

WHEREAS, DOB contends and the Board agrees that the goal of the provision in ZR § 12-10(o)(6)(iv) is to encourage the construction of off-street parking in new developments and to decrease congestion on nearby streets; and

WHEREAS, the language in ZR § 12-10(o)(6)(iv) which states “in any other building” applies to buildings in all districts except those specified as low density ones (R3, R4,

MINUTES

and R5) therefore, the total exclusion from the calculation of floor area for accessory parking in subsection (iv) applies to all other zoning districts—R1,2,6,7,8,9 and 10 as well as C1,2,3,4,5,6,7,8 and M 1,2,3,

WHEREAS, the appellant and DOB agree that the project's parking area is the kind of parking space listed in ZR § 12-10(o)(6)(v) and that it is only applicable in R3-2, 4 and 5 districts; and

WHEREAS, the record indicates that subject premises is located less than 23 feet above curb level and is not contained within a public garage and therefore covered by the exclusion contained in ZR § 12-10(o)(6)(iv); and

WHEREAS, the second part of the appellant's argument is that because the instant premises is in an R6A zoning district §(6)(v) is inapplicable; and

WHEREAS, the Board notes that the Zoning Resolution does not restrict the use of unenclosed accessory parking covered by a residential building to R3-2, 4 or 5 districts; and

WHEREAS, the Board finds that the Department of Buildings acted reasonably and correctly in excluding the accessory parking space from the premises floor area calculations under ZR § 12-10(o)(6)(iv).

Resolved, that the decision of the Borough Commissioner, March 26, 2001 is affirmed and the appeal is denied.

Adopted by the Board of Standards and Appeals, July 10, 2001.

122-99-A

APPLICANT - Wachtel & Masyr, LLP by Jesse Masyr, for FC Metropolitan Associates, LP, FC Sybilla Associates, LP; Regal Cinemas Inc., lessee.

SUBJECT - Application May 21, 1999 - an appeal requesting the reinstatement of the permits and approvals under Application No. 400658356 for an as-of-right development that were revoked by the Department of Buildings on April 23, 1999.

PREMISES AFFECTED - 91-70 Metropolitan Avenue, Metropolitan Avenue, Sybilla Street, 69th Avenue and Ursula Place, Block 3386, Lots 800, 830, Borough of Queens.
APPEARANCES - None.

ACTION OF THE BOARD - Laid over to October 16, 2001, at 11 A.M., for deferred decision.

133-01-A

APPLICANT - Philip L. Rampulla, for Emanuel Licitra, owner.
SUBJECT - Application April 4, 2001 - proposed one family dwelling not fronting on a legally mapped street is contrary

to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 105 Giegerich Avenue, 514.74' south of Minerva Avenue, Block 7792, Lot 435, Borough of Staten Island.

APPEARANCES -

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

THE VOTE TO REOPEN HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to August 7, 2001, at 11 A.M., for continued hearing.

258-00-A

APPLICANT - Sullivan & Chester, LLP, for 225 East 43rd Street Corp., owner; Budget Car and Truck Rental, lessee

SUBJECT - Application October 26, 2000 - an appeal of a decision of the Fire Commissioner, dated September 26, 2000, denying a renewal of a storage garage permit for the first floor and cellar of said premises, pursuant to §27-4072 of the Administrative Code.

PREMISES AFFECTED - 225 East 43rd Street, between Second and Third Avenues, Block 1317, Lot 15, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Jeffrey Chester and James Carriero.

For Opposition: Battalion Chief Phil Parr and John Scrofani, 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 August 7, 2001, at 11 A.M., for decision, hearing closed.

2-01-A

APPLICANT - Davidoff & Malito LLP, for 149 Fifth Avenue Corp., owner.

SUBJECT - Application January 4, 2001 - an appeal challenging the Department of Buildings' determination dated December 5, 2000, in which the Department refused to dismiss Notice of Violation No. 042700025E01MAD regarding the continuance of a legal nonconforming advertising sign.

PREMISES AFFECTED - 149 Fifth Avenue, north corner of the intersection of Fifth Avenue, East 21st Street & Broadway, Block 850, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #2M

MINUTES

APPEARANCES -

For Applicant: Patrick Jones.

For Administration: Felicia Miller, Department of Buildings.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to August 7, 2001, at 11 A.M., for decision, hearing closed.

43-01-A

APPLICANT - Gerald J. Caliendo, R.A., for Israel Prus, owner.

SUBJECT - Application February 6, 2001 - proposed construction of a two-story, two family dwelling, located in the bed of a mapped street is contrary to Section 35 of the General City Law.

PREMISES AFFECTED - 259-21 Francis Lewis Boulevard, east side, 245.7' north of 147th Drive, Block 13682, Lot 156, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Gerald Caliendo.

For Administration: Battalion Chief Phil Parr and John Scrofani, 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 August 7, 2001, at 11 A.M., for decision, hearing closed.

44-01-A

APPLICANT - Gerald J. Caliendo, R.A., for Israel Prus, owner.

SUBJECT - Application February 6, 2001 - proposed construction of a two-story, two family dwelling, located in the bed of a mapped street is contrary to Section 35 of the General City Law.

PREMISES AFFECTED - 259-21A Francis Lewis Boulevard, east side, 215.90' north of 147th Drive, Block 13682, Lot 154, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Gerald Caliendo.

For Administration: Battalion Chief Phil Parr and John Scrofani, 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 August 7,

2001, at 11 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:40 A.M.

REGULAR MEETING

TUESDAY AFTERNOON, JULY 10, 2001

2:00 P.M.

Present: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.

ZONING CALENDAR

142-00-BZ

CEQR #00-BSA-145K

APPLICANT - Sheldon Lobel, P.C., for R.E. Holding Co., owner.

SUBJECT - Application May 23, 2000 - under Z.R. §72-21, to permit, in an M3-1 zoning district, the conversion of an existing four story with cellar and penthouse building to commercial and residential uses (Use Groups 2, 6 and 16), which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 240 Wythe Avenue, northwest corner of North 3rd Street, Block 2349, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel.

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

ACTION OF THE BOARD -

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 May 5, 2000, acting on Alt Applic. #300985450, reads:

"THE PROPOSED RESIDENTIAL DWELLINGS IN AN M3-1 DISTRICT ARE CONTRARY TO SECTION 42-00 OF THE ZONING RESOLUTION AND REQUIRE A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS"; and

WHEREAS, Community Board #1, Brooklyn, recommends conditional approval of this application; 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 5, 2001, June 19, 2001 and then to July 10, 2001 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the

MINUTES

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, in an M3-1 zoning district, the conversion of an existing four story with cellar and penthouse building to commercial and residential uses (Use Groups 2, 6 and 16), which is contrary to Z.R. §42-00; and

WHEREAS, the premises is located on the northwest corner of the intersection of Wythe Avenue and North 3rd Street; and

WHEREAS, the cellar and first floor are used for warehousing, fabrics, lamp shades, and office uses, the second and fourth floors house residential uses with the third floor being mostly vacant; and

WHEREAS, the applicant seeks to legalize the residential uses on the second and fourth floor and convert the third floor to residential use; and

WHEREAS, the applicant represents that the existing warehouse use, storage of fabric and lampshades will remain on the cellar and first floor; and

WHEREAS, the applicant has agreed that any change to the existing warehouse use, will require Board approval; and

WHEREAS, the applicant has demonstrated that efforts to lease the mostly vacant third floor were unsuccessful; and

WHEREAS, the record indicates that the subject building is with insufficient elevator capacity for modern manufacturing uses; and

WHEREAS, of the twenty eight buildings located within the 400' radius, the subject premises is one of only two that are substantial scale multi-storied manufacturing buildings; and

WHEREAS, the other sizeable manufacturing building is located at 83/111 North 3rd Street and already houses residential uses on its upper floors; and

WHEREAS, the subject premises is the only building that is directly across the street from multiple family dwellings; and

WHEREAS, immediately across North 3rd Street to the south are (1) three multiple family dwellings, two having three stories and one of two stories, and (2) another three-story multiple family dwelling above a first floor commercial use; and

WHEREAS, applicant represents that there is little demand for manufacturing uses in this area and that the subject building is obsolete for most manufacturing uses as indicated by the vacancy of the third floor; and

WHEREAS, the aforementioned unique physical condition of the building makes its occupancy for a conforming M3-1 use impractical and creates an unnecessary hardship in developing the site in conformity

with the current zoning; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the premises with a conforming use would not yield the owner a reasonable return; and

WHEREAS, the Board notes that part of the instant application is for a legalization; and

WHEREAS, the record indicates that within the vicinity of the subject premises many residential uses and community facility uses are present in the subject M3-1 manufacturing zone; and

WHEREAS, the Board determines that the instant proposal is consistent with New York City's Waterfront Development Policies; and

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

WHEREAS, the 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 §72-21 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

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, limited to the objection cited, to permit, in an M3-1 zoning district, the conversion of an existing four story with cellar and penthouse building to commercial and residential uses (Use Groups 2, 6 and 16), which is contrary to 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 December 11, 2000"-(9) sheets and "January 12, 2001"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to twenty years from the date of this grant;

THAT, fire protection measures, shall be provided and maintained in accordance with the BSA-approved plans;

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

MINUTES

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, July 10, 2001.

275-00-BZ

CEQR #01-BSA-057K

APPLICANT - Sheldon Lobel, P.C., for VanLantic LLC, owner.

SUBJECT - Application November 20, 2000 - under Z.R. §72-21, to permit the proposed conversion of the three upper floors of a vacant four story manufacturing building, to residential use (Use Group 2) located in a M1-1 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED - 860 Atlantic Avenue, between Vanderbilt and Underhill Avenues, Block 1122, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Battalion Chief Phil Parr and John Scrofani, 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 24, 2000, acting on Applic. No. 301001706, reads:

“CONVERSION TO RESIDENTIAL USE IS NOT PERMITTED AS OF RIGHT IN M1-1 ZONE AS PER SECTION 42-10 ZONING RESOLUTION.

(All related residential requirements (bulk and otherwise) are not applicable and are referred to BSA)”; 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 July 10, 2001 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations 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, in an M1-1 zoning district, the conversion of the three upper floors of a vacant four story manufacturing building

to residential use (Use Group 2), which is contrary to Z.R. §42-00; and

WHEREAS, the subject premises is located on the south side of Atlantic Avenue between Vanderbuilt and Underhill Avenues improved with an existing four story vacant building; and

WHEREAS, the record indicates that the surrounding area is predominately zoned for residential uses with commercial overlays, with a long narrow manufacturing district along Atlantic Avenue; and

WHEREAS, the applicant represents that the premises is located towards the center of Block 1122 and is thus subject to manufacturing zoning and is sandwiched between two different residential districts; and

WHEREAS, the applicant further represents that the third and fourth floors have remained vacant since 1974; and

WHEREAS, the record indicates that the subject building has been vacant for a number of years despite documented efforts to secure a conforming tenant; and

WHEREAS, the applicant represents that through no fault of the current owner or a predecessor in title, the building has become deteriorated; and

WHEREAS, the record indicates that the subject building is old, deteriorated, with relatively small floor plates, lacks a loading dock and therefore, inadequate for modern manufacturing uses; and

WHEREAS, applicant represents that there is little demand for manufacturing uses in this area and that the subject building is obsolete for those manufacturing uses; and

WHEREAS, the Board notes that for modern manufacturing and warehouse uses, large open floor plates on single levels with sufficient loading capability are desirable; and

WHEREAS, the subject building is burdened with an inadequate loading area; and

WHEREAS, the aforementioned burdens pose a suspect capability for use as viable, modern manufacturing or warehouse facility; and

WHEREAS, the aforementioned unique physical condition of the building makes its occupancy for a conforming M1-1 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the premises with a conforming use would not yield the owner a reasonable return; and

WHEREAS, the subject premises is located in an M1-1 manufacturing zone has remained vacant for a number of years; and

WHEREAS, the record indicates that within the vicinity of the subject premises many residential uses are present;

MINUTES

and

WHEREAS, within the vicinity of the site there exist other residential or community facility uses; and

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

WHEREAS, the 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 §72-21 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

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, limited to the objection cited, to permit, in an M1-1 zoning district, the conversion of the three upper floors of a vacant four story manufacturing building to residential use (Use Group 2), which is contrary to 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 March 28, 2001"-(10) sheets; and on further condition;

THAT fire protection measures, shall be provided and maintained in accordance with the BSA-approved plans;

THAT landscaping shall be provided and maintained in accordance with BSA-approved plans;

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, July 10, 2001.

CEQR #01-BSA-076Q

APPLICANT - Sheldon Lobel, P.C., for Amerasia Bank, owner.

SUBJECT - Application December 21, 2000 - under Z.R. §72-21, to permit in a C1-2/R6 zoning district, the proposed use of floors two through five of a five-story and cellar mixed use building, for non-commercial art gallery/community facility space and office use (Use Group 6), which does not comply with the zoning requirements for commercial use of upper floors, and is therefore contrary to Z.R. §§32-421, 32-121 and 36-21.

PREMISES AFFECTED - 41-02 Main Street, southwest corner of 41st Avenue and Main Street, Block 5041, Lot 30, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: Battalion Chief Phil Parr and John Scrofani, 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 November 27, 2000 acting on Alt. Application #401179817 reads, in pertinent part:

"PROPOSED CHANGE IN USE OF UPPER FLOORS TO COMMERCIAL USE IS NOT PERMITTED IN C1-2/R6 ZONING DISTRICT AND VIOLATES Z.R. Sec. 32-421 (COMMERCIAL USE OF UPPER FLOORS) AS WELL AS Z.R. Sec 36-21 AND THEREFORE MUST BE REFERRED BACK TO THE BOARD OF STANDARDS AND APPEALS."; and

WHEREAS, Community Board, No. 7, Queens recommends conditional approval of this application; and

WHEREAS, a public hearing was held on this application on May 22, 2001 after due notice by publication in The City Record and laid over to June 19, 2001 and then to July 10, 2001 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination 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. §72-21, to permit in a C1-2/R6 zoning district, the proposed use of floors two through five of a five story and cellar mixed use building, for non-commercial art gallery/community facility space and office use (Use Group 6), which does not comply with the zoning requirements for commercial use of upper

MINUTES

floors, and is therefore contrary to Z.R. §§32-421, 32-121 & 36-21; and

WHEREAS, the subject premises is located on the southwest corner of the intersection of 41st Avenue and Main Street, currently improved with a five-story building, a portion of which is only two stories in height; and

WHEREAS, the cellar is presently being used for accessory office use with the basement and first floor being used for Use Group 6 retail stores; and

WHEREAS, the second floor is utilized and will remain as a Use Group 6 non-commercial art gallery/ community facility space; and

WHEREAS, the record indicates that floors three, four and five have been used to house apartments; and

WHEREAS, the applicant proposes to make no external physical changes, but seeks to change the use of the third, fourth and fifth to office use for the adjacent bank; and

WHEREAS, the applicant represents that due to the lack of demand for the large size residential units, on the third fourth and fifth floors, the residential portion of this mixed use building has remained vacant; and

WHEREAS, the record indicates that the buildings within the immediate vicinity of the subject premises house commercial uses; and

WHEREAS, therefore, the applicant represents that the existence of residential units within a densely populated commercial district creates an undue hardship; and

WHEREAS, the subject structure is only 19' 11" at its widest point, but it extends 68'8" deep; and

WHEREAS, the site's history of development with residential floors that have remained vacant despite documented efforts to secure conforming tenants and the narrow width of the subject premises are unique conditions creating unnecessary hardships and practical difficulties in developing the site in strict conformity with the current zoning regulations; and

WHEREAS, the applicant represents that the above referenced conditions leave no possibility of obtaining a reasonable return through conforming development; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, as illustrated above, the subject premises is in surrounding neighborhood that is characterized by commercial uses; and

WHEREAS, in accordance with BSA approved plans the applicant has agreed to comply with the Fire Department's safety measures; 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 properties 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 variance is the minimum variance necessary to afford 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.

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, limited to the objections cited, to permit in a C1-2/R6 zoning district, the proposed use of floors two through five of a five-story and cellar mixed use building, for non-commercial art gallery/community facility space and office use (Use Group 6), which does not comply with the zoning requirements for commercial use of upper floors, and is therefore contrary to Z.R. §§32-421, 32-121 and 36-21; 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 12, 2001"-(9) sheets; and on further condition;

THAT the term of the variance shall be limited to 20 years from the date of this grant expiring on July 10, 2021

THAT the second floor remain as a Use Group 6 non-commercial art gallery/community facility space ;

THAT a smoke detection system and an interior Fire Alarm system shall be installed throughout the 2nd, 3rd, 4th, and 5th floors with both systems connected to a Fire Department approved central station;

THAT an automatic wet sprinkler system be installed throughout the entire cellar 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; and

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

Adopted by the Board of Standards and Appeals, July 10, 2001.

MINUTES

308-00-BZ

CEQR #01-BSA-077X

APPLICANT - Charles R. Foy, Esq., for KFC of America, Inc., owner.

SUBJECT - Application December 21, 2000 - under Z.R. § 72-21 and §73-213 to permit the proposed eating and drinking establishment with and accessory drive through facility, Use Group 6, located in C8-1, C1-2 and R5 zoning districts, which is contrary to Z.R. §22-00 and also requires a special permit as per Z.R. §73-243 and §32-15.

PREMISES AFFECTED - 1125 East Gunhill Avenue, 79' west of the intersection of East Gunhill and Boston Roads, Block 4705, Lot 5, Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Charles Foy.

For Administration: Battalion Chief Phil Parr and John Scrofani, 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 September 12, 2000 and updated November 27, 2000 acting on Application No. 200638532 reads, in pertinent part:

- “1) Proposed drive through Lane withing an R5 zoning district which is accessory to a commercial use is contrary to Z.R. Section 22-00.
- 2) Eating and Drinking Places with accessory Drive-through facilities shall be permitted in C1 Districts only as provided in Section 73-243 Zoning Resolution as per Section 32-15 F, Accessory uses.”; and

WHEREAS, a public hearing was held on this application on June 5, 2001 after due notice by publication in The City Record and laid over to June 19, 2001 and then to July 10, 2001 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination 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. §72-21 and §73-213, to permit the proposed eating and drinking establishment with and accessory drive through facility, Use Group 6, located in C8-1, C1-2 and R5 zoning districts, which is contrary to Z.R. §22-00 and also requires a special permit as per Z.R. §73-243 and §32-15; and

WHEREAS, the subject premises is a split lot with its

front 100' deep along East Gunhill Road being located within a C1-2 zoning district, while the rear 30'3" portion, for which the variance is being filed, is located within a R5 zoning district; and

WHEREAS, the proposed variance will provide for an accessory drive-thru lane of a KFC restaurant located within a C1-2 portion of the zoning lot; and

WHEREAS, the lot is 77.85' from the intersection of Boston Road and East Gunhill Road is rectangular in shape, running 100' along East Gunhill Road and being 130'3" in depth; and

WHEREAS, the total area of the zoning lot is 13,003 feet; and

WHEREAS, the subject premises has been utilized for commercial purposes for almost thirty years; and

WHEREAS, the owner's practical difficulties arise from unique physical conditions on the zoning lot; and

WHEREAS, the practical difficulties arise from the location of the existing building, the history of use of the subject premises, the irregular topography of the subject premises, the narrow triangular shape of the C8-1 portion of the site and the need for environmental rededication to make the site useable for residential purposes; and

WHEREAS, the practical difficulties have not been created by the owner or any other predecessor in title; and

WHEREAS, the variance will enable KFC to eliminate an out-of date facility, provide sufficient parking for the customers and employees of the KFC restaurant and avoid unnecessary traffic congestion at the site; and

WHEREAS, the variance is needed because the proposed drive through lane within an R5 zoning district is accessory to a commercial use contrary to Z.R. Section 22-00; and

WHEREAS, in this case in which conforming development of the site does not present a reasonable investment opportunity for developers, it is not reasonable to believe that the owner could make a reasonable rate of return on the rear 30'3" portion of the zoning lot if required to use it for a conforming use; and

WHEREAS, the neighborhood in the immediate vicinity of the zoning lot is heavily trafficked commercial area which includes several gasoline stations a transient hotel and a number of commercial establishments further away from the site; and

WHEREAS, therefore the proposed drive-thru lane will not alter the essential character of the neighborhood; and

WHEREAS, therefore, the drive-through facility shall not have an undue adverse impact on residences within the immediate vicinity of the subject premises; and

WHEREAS, within the intent of the Zoning Resolution, the variance, is the minimum variance to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made

MINUTES

under Z.R. §73-243; 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.

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. §73-243 and grants a special permit, limited to the objections cited, to operate an eating and drinking establishment with an accessory drive-through facility, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 21, 2000"-(8) sheets and "June 8, 2001"-(1) sheet; and on further condition;

THAT this variance shall be limited to a term of ten years from the date of this grant to expire on July 10, 2010;

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

Adopted by the Board of Standards and Appeals, July 10, 2001.

10-01-BZ

CEQR #01-BSA-088Q

APPLICANT - Sheldon Lobel, P.C., for Crilis Realty Corp., owner.

SUBJECT - Application January 11, 2001 - under Z.R. §72-21, to permit the proposed development of a one story building, to be utilized as four retail stores (Use Group 6) located in an R-5 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 85-28/34 Rockaway Boulevard, between 85th and 86th Streets, Block 9057, Lots 27 and 33, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: Battalion Chief Phil Parr and John Scrofani, 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 December 29, 2000 acting on Application No.

401191223 reads:

"PROPOSED COMMERCIAL BUILDING IN AN R-5 ZONING DISTRICT IS NOT PERMITTED AS PER SECTION 22-00 OF THE ZONING RESOLUTION."; and

WHEREAS, a public hearing was held on this application on June 12, 2001 after due notice by publication in The City Record, and laid over to July 10, 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, in an R5 zoning district, the proposed development of a one story building, to be used as four retail stores (Use Group 6), which is contrary to Z.R. §22-00; and

WHEREAS, the site is formerly improved with a non-conforming Use Group 16 automobile repair establishment with accessory automobile sales, which was eliminated more than a year ago; and

WHEREAS, the applicant represents that the site contains a history of development for non-conforming uses, is irregularly shaped and is surrounded by numerous non-conforming uses; and

WHEREAS, the aforementioned unique physical condition of the building makes its occupancy for a conforming R5 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the record indicates that when completed the instant proposal will contain approximately 4,796 square feet of floor area and will provide accessory parking for seven automobiles with access to the premises through the singular curb cut located along Rockaway Boulevard; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the premises with a conforming use would not yield the owner a reasonable return; and

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

WHEREAS, the 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 §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental

MINUTES

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.

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 this application under Z.R. §72-21, to permit, in an R5 zoning district, the proposed development of a one story building, to be used as four retail stores (Use Group 6), which is contrary to Z.R. §22-00, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received, April 17, 2001"-(3) sheets; and on further condition;

THAT the term of the variance shall be limited to twenty years expiring on July 10, 2021;

THAT in accordance with BSA approved plans, an automatic wet sprinkler system and a smoke detection system be provided and maintained throughout the entire cellar and first floor with both 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; and

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

Adopted by the Board of Standards and Appeals, July 10, 2001.

16-01-BZ thru 20-01-BZ

APPLICANT - Klein & O'Brien, LLP by Allison Farina, Esq., for General Printing Co. by Mendel Rosenberg, owner.

SUBJECT - Application January 18, 2001 - under Z.R. §72-21, to permit the proposed construction of a four story, 3-unit residential building (use group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 99 Taaffe Place, east side, between Myrtle and Park Avenues, Block 1897, Lot 21, Borough of Brooklyn.

101 Taaffe Place, east side, between Myrtle and Park Avenues, Block 1897, Lot 120, Borough of Brooklyn.

103 Taaffe Place, east side, between Myrtle and Park Avenues, Block 1897, Lot 19, Borough of Brooklyn.

135 Taaffe Place, east side, between Myrtle and Park Avenues, Block 1897, Lot 2, Borough of Brooklyn.

137 Taaffe Place, east side, between Myrtle and Park Avenues, Block 1897, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Stuart Klein.

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

ACTION OF THE BOARD -

THE VOTE TO REOPEN HEARING -

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

Negative:0

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 decision of the Borough Commissioner, dated December 1, 2000 acting on Application No. 301104203 reads, in pertinent part:

"Proposed new residential building (u.g. 2) is not a permitted as of right use in an M1-1 district as per Section 42-00 of the Zoning Resolution, and, as such must be referred to the Board of Standards and Appeals for approval."

WHEREAS, a public hearing was held on this application on May 15, 2001 after due notice by publication in The City Record, laid over to July 10, 2001 for decision. On July 10, 2001, the hearing was re-opened, closed and a decision rendered; and

WHEREAS, the premises and surrounding area 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. §72-21, to permit the proposed construction of a four story, 3-unit residential building (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, the current site area which includes lots 19 & 20 (Proposed lots 21, 120 & 19) is approximately 6,329 square feet (hereinafter "SF") with 75' of frontage along Taaffe Place to a depth of 84'53/4 " (on the north side) and 84'31/4" (on the south side); and

WHEREAS, the entire site area is vacant; and

WHEREAS, the subject parcel (99 Taaffe Place) is

MINUTES

located at a site on the west side of Taaffe Place and is bordered by Park Avenue to the north and Myrtle Avenue to the south; and

WHEREAS, the property is located in a M1-1 zone; and

WHEREAS, 99 Taaffe Place is currently comprised of lot 20 that has a lot area of 4,221.4 SF; and

WHEREAS, the proposal is to re-configure and re-number the lot as 21 with a new lot area of 2,139.5 SF, upon which a four-story, 3-unit residential building will be built; and

WHEREAS, the additional square footage will be used to create a new adjacent lot upon which a similar residential structure can be built; and

WHEREAS, the applicant represents that the proposed structure will be a modern 4-story residential building with brick facade, sprinklers and a full cellar; and

WHEREAS, the record indicates that the unnecessary hardship involved with the lot's narrowness and small size/shape is a unique physical condition which is not conducive to its M1-1 district "as-of-right" uses; and

WHEREAS, the current rent levels and new construction costs in the area for quality, small industrial buildings do not provide for a reasonable rate of return on investment; and

WHEREAS, this particular lot is a very small space that is not conducive to its M1-1 district "as-of-right" uses; and

WHEREAS, uses such as a new office building or an industrial "as-of-right" option require significantly larger space in which to successfully operate; and

WHEREAS, this is the practical difficulty in complying with the use provisions of the resolution; and

WHEREAS, the industrial and commercial as-of-right development of this small parcel will not sustain a reasonable return; 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 surrounding area is a mix of manufacturing and residential uses and includes a semi-retail strip along Myrtle Avenue that contains grocery stores; and

WHEREAS, along this portion of Taaffe Place, there are residential uses on the east side as well as Public School #157; and

WHEREAS, the west side of Taaffe Place is comprised mostly of a fenced-in city park with basketball courts, benches and other recreational equipment; and

WHEREAS, construction on the block immediately north of these sites is currently underway to convert the block to residential use; and

WHEREAS, in an effort to provide an aesthetically

pleasing structure on the streetscape, the existing lot size should be re-configured, or divided into 2 lots (from a 50' wide lot to one with a width of 25'4"); and

WHEREAS, this would permit two complementary 4-story residential buildings to share a party wall and complement each other in appearance and building dimensions; and

WHEREAS, in response to Fire Department concerns the applicant has agreed to provide a sprinkler system, connected to the domestic water supply for the cellar of the subject premises; and

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

WHEREAS, the practical difficulties or unnecessary hardship described above are attributed solely to the undersized and vacant status of the site and its unmarketability for conforming commercial and/or manufacturing uses; and

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

WHEREAS, the variance requested is the minimum variance to afford 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

Resolved, that the Board of Standards and Appeals issues a Type II Determination 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, limited to the objection cited, to permit the proposed construction of a four story, 3-unit residential building (use group 2) located in an M1-1 zoning district, which is contrary to 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 March 22, 2001"-(8) sheets and "July 10, 2001"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to twenty years from the date of this grant, expiring July 10, 2021;

THAT an automatic wet sprinkler system connected to the domestic water supply shall be provided and maintained

MINUTES

in accordance with BSA approved plans;

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, July 10, 2001.

53-01-BZ

CEQR #01-BSA-108M

APPLICANT - Barry Clare c/o APPI, for Charter Management Co., owner; Eun Sung, Inc. (Barry Clare), lessee.

SUBJECT - Application February 16, 2001 - §§ 73-03 and 73-36, to permit the proposed physical culture establishment, to be located in the cellar and on portions of the first floor, of an existing twelve story building, in a C5-3 zoning district, which requires a special permit under Z.R. §32-31.

PREMISES AFFECTED - 6 West 48th Street, south side, 125' west of the corner formed by Fifth Avenue and 48th Street, Block 1263, Lot 43, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Administration: Battalion Chief Phil Parr and John Scrofani, 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 16, 2001, acting on Alt. Application number 102945645 reads;

“1.) A physical culture establishment requires a special permit as per Z.R. 32-31. Refer to B.S.A.”; and

WHEREAS, a public hearing was held on this application on June 12, 2001 after due notice by publication in The City Record and laid over to July 10, 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, Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under §§ 73-03 and

73-36, to permit the proposed physical culture establishment, to be located in the cellar and on portions of the first floor, of an existing twelve story building, in a C5-3 zoning district, which requires a special permit under Z.R. §32-31; and

WHEREAS, the subject development includes the physical culture establishment; and

WHEREAS, the subject physical culture establishment will occupy 3500 square feet of floor area; and

WHEREAS, the facility will be arranged to allow for the location of acupuncture equipment and facilities for massage therapy; and

WHEREAS, the proposed hours of operation of the subject physical culture establishment will be limited to Monday-Sunday 10:00 A.M. to 2:00 A.M.; and

WHEREAS, the subject site is located in a C5-3 zoning district in the Special Midtown district; and

WHEREAS, the physical culture establishment will be completely enclosed within an existing building; and

WHEREAS, the applicant has agreed to comply with the Fire Department’s requirements; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; 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 73-36; 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.

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 the required findings under §§ 73-03 and 73-36, to permit the proposed physical culture establishment, to be located in the cellar and on portions of the first floor, of an existing twelve story building, in a C5-3 zoning district, which requires a special permit under Z.R. §32-31, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked “Received, April 11, 2001”-(2) sheets; and on further condition;

MINUTES

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

THAT, fire protection measures, including a fire alarm system and a smoke detection system with both systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of ten years from the date of this grant expiring July 10, 2010;

THAT the hours of operation shall be limited to Monday-Sunday 10:00 A.M. to 2:00 A.M.

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 substantial construction shall be completed in accordance with Z.R. §73-70.

Adopted by the Board of Standards and Appeals, July 10, 2001.

73-99-BZ

APPLICANT - Burger King Corporation, by Walter Rumsey, for Phyllis Crawford and Henderson Crawford, owners; Consumer Food Services, L.L.C., lessee.

SUBJECT - Application April 12, 1999 - under Z.R. §73-243, to permit the proposed drive-thru, accessory to an eating and drinking establishment, located in an C1-1 zoning district, requires a special permit as per Z.R. §73-243.

PREMISES AFFECTED - 3901 Richmond Avenue, corner of Amboy Road and Richmond Avenue, Block 5236, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: Battalion Chief Phil Parr and John Scrofani, 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 24, 2001, at 2 P.M., for decision, hearing closed.

137-99-BZ

APPLICANT - Goidel & Siegel, LLP, for Mr. & Mrs. Michael Tropp, owner.

SUBJECT - Application June 25, 1999 - under Z.R. §72-21, to permit the legalization of a one story extension for residential purposes and the installation of a pool for respiratory therapy, which creates non-compliance with respect to open space, rear yard, lot coverage, floor area and side yards, which is contrary §23-12, §23-44, §23-14, §23-47, §23-141 and §23-48.

PREMISES AFFECTED - 165/67 Norfolk Street, Norfolk Street and Oriental Blvd., Block 8757, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Simon Bererzlsnysky.

ACTION OF THE BOARD - Laid over to October 30, 2001, at 2 P.M., for continued hearing.

222-00-BZ

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Anthony Guddemi, owner.

SUBJECT - Application September 26, 2000 - under Z.R. §72-21, to permit the proposed two story mixed use building consisting of retail and/or business or professional offices on the first floor and four residential units on the second floor (Use Groups 2 and 6) located in an R3-2 (SRD) zoning district, which creates noncompliance with respect to front yard, and exceeds the allowed lot coverage and is contrary to Z.R. §22-00, §23-45 and §23-141.

PREMISES AFFECTED - 4177 Hylan Boulevard, southwest corner of William Avenue, Block 5282, lot 67, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Philip P. Agusta.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.; and Anthony Guddemi.

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

264-00-BZ

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Unity International, owner; Unity Electric Co., Inc., lessee.

SUBJECT - Application November 1, 2000 - under Z.R. §72-21, to permit the proposed addition of a partial second story enlargement, to an existing one story mezzanine office building (Use Group 6) located in a C2-2 within an R4 zoning district, which exceeds the maximum permitted floor area is contrary to §33-121.

PREMISES AFFECTED - 65-45 Fresh Meadow Lane,

MINUTES

between 65th and 67th Avenues, Block 6916, Lot 10, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Philip P. Agusta.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department; Michael J. Farina and Arnold Haber.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

268-00-BZ

APPLICANT - Rothkrug & Rothkrug, for George Smith & Lillian Smith, owners.

SUBJECT - Application November 14, 2000 - under Z.R. §72-21, to permit the proposed enlargement of an existing eating and drinking establishment (Use Group 6) and the addition of lot area to legalize accessory parking, which is contrary to Z.R. §22-10, §52-22 and §52-41.

PREMISES AFFECTED - 2187 Richmond Avenue a.k.a. 25 Draper Place, west side, Block 2360, Lot 35 (Tent), Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: Battalion Chief Phil Parr and John Scrofani, 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 24, 2001, at 2 P.M., for decision, hearing closed.

291-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Torah Academy High School of Brooklyn, owner.

SUBJECT - Application December 4, 2000 - under Z.R. §73-19 to permit the proposed use of the premises for a school (yeshiva), Use Group 3, located in a C8-3 (OP) zoning district, which is contrary to Z.R. §32-12, §32-31 & §22-13.

PREMISES AFFECTED - 2316-2324 Coney Island Avenue, a/k/a 920 Avenue T, southwest corner, Block 7112, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik, Rabbi Rubin, Ben Hirsch and Joe Wills.

For Opposition: William Inlo, Henry Stricoff, Ed Eisenberg, Pat Friedman, David Mammina, Theresa Scavo, Anthony Scavo and William F. Wissermann.

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

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

296-00-BZ

APPLICANT - Alfonse Duarte, for Akiva Teitz, owner.

SUBJECT - Application December 13, 2000 - under Z.R. §72-21, to permit the legalization of existing office use (Use Group 6) on the first and second floors of subject premises, also the enlargement of the premises by building over the garage and the space between the garage and the building, located in an R4B zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 69-69 Main Street, northeast corner of 70th Avenue, Block 6642, Lot 1, Borough of the Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Alfonse Duarte, Chanita Teitz and others.

For Opposition: Patricia Dolas, Martin Mieser and Rabbi Aaron Brander.

For Administration: Battalion Chief Phil Parr and John Scrofani, 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 24, 2001, at 2 P.M., for decision, hearing closed.

298-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Wooster Ventures LLC, owner.

SUBJECT - Application December 13, 2000 - under Z.R. §72-21, to permit the proposed construction of a seven story building, with retail use on the ground floor and residential use on the upper floors, (Use Groups 2 & 6) located in an M1-5B zoning district, which exceeds the maximum permitted (F.A.R.) and is contrary to Z.R. §42-00, §42-14 and §43-12.

PREMISES AFFECTED - 3-7 Wooster Street, west side, between Grand and Canal Streets, Block 228, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Sheldon Lobel, Lyra Altman, Charles Kimmel,

MINUTES

Jason Kimmel and Martin Lipson.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department; Doris Diether, Community Board No. 2M; Ellen Peterson-Lewis, Audrey Code and others.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

300-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Kolel Zichron Yosef Dovid by Mayer Laufer, President, owner.

SUBJECT - Application December 14, 2000 - under Z.R. §72-21, to permit the proposed construction of a five story masonry residential building (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 5902/08 14th Avenue, between 59th and 60th Streets, Block 5712, Lots 69 thru 72, Borough of Queens.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Lyra Altman and Sheldon Lobel.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department; and Mrs. Spira.

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

4-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for 18 Richardson Street Holding Corp., LLC, owner.

SUBJECT - Application January 9, 2001 - under Z.R. §72-21, to permit the proposed conversion of the second floor of an existing manufacturing building, located in an M1-6(R-6) zoning district, to residential occupancy (Use Group 2), which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 18 Richardson Street, south side, 175' east of Union Street, Block 2731, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Fredrick A. Becker, Peter Billow and Nina Levy.

For Administration: Battalion Chief Phil Parr and John Scrofani, 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 24, 2001, at 2 P.M., for decision, hearing closed.

11-01-BZ

APPLICANT - Vassalotti Associates Architects, for P.J. Christy, Inc., owner.

SUBJECT - Application January 16, 2001 - Z.R. §11-411 to permit the reestablishment of an expired variance for an existing gasoline service station with accessory uses, and the conversion of the existing auto repair facility and offices into a convenience store, also the erection of a canopy over five new gasoline pump islands, which is contrary to Z.R. §11-411 and Cal. No. 535-60-BZ.

PREMISES AFFECTED - 586/606 Conduit Boulevard, southeast corner of Autumn Avenue, Block 4219, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Opposition: Battalion Chief Phil Parr and John Scrofani, 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 August 7, 2001, at 2 P.M., for decision, hearing closed.

111-01-BZ

APPLICANT - Charles R. Foy, for George Marinello Used Trucks, Inc., owner; Wendy's International Corp., lessee.

SUBJECT - Application March 6, 2001 - under Z.R. §73-243 to permit, the proposed accessory drive-thru facility for a proposed eating and drinking establishment, located in a C1-2 within an R2 zoning district, which requires a special permit.

PREMISES AFFECTED - 900 Ditmas Avenue, west side, between Remsen Avenue and East 91st Street, Block 8108, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES -

For Applicant: Charles Foy.

For Opposition: Lynette Edwin, P. Warner, E. Trotman, Shirley Kapur, Paula Reid-Pennant and others.

THE VOTE TO CLOSE HEARING -

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

Negative:0

MINUTES

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

130-01-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for Memorial Sloan-Kettering Cancer Center, owner.

SUBJECT - Application May 25, 2001 - under Z.R. §§72-21 and 73-642 to permit in an R8 zoning district, the proposed construction of a new 23-story research building and a seven-story addition to replace the existing 11-story building (Use Group 4) and a special permit for temporary failure to comply for time period prior to demolition of existing building on Lot 11, which exceeds the permitted lot coverage and floor area and does not comply with the rear yard equivalent which is contrary to Z.R. §24-11 and §24-382, respectively.

PREMISES AFFECTED - 411/425 East 68th Street, mid-block portion bounded by East 68th and East 69th Streets, between First and York Avenues, Block 1463, Lots 5 (Part of) and 11, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Shelley Friedman, Lisa Gould, Margaret DeBolt, Lois Mazzitelli and others.

For Opposition: Norman Marcus, Mark Harounian, Suzanne Fawbush, David Kowal, Lisa Kersavage and others.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department and Heidi H. White for Comm.

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

Pasquale Pacifico, Executive Director.

Adjourned: 6:40 P.M.

CORRECTIONS

***CORRECTION**

These resolution adopted on March 6, 2001, under Calendar Nos. 826-86-BZ thru 828-86-BZ and printed in Volume 86, Bulletin No. 11, is hereby corrected to read as follows:

826-86-BZ

APPLICANT - Sheldon Lobel, P.C., for North Shore Towers Apts., Inc., owner; Continental Communications Inc., lessee.
SUBJECT - Application March 29, 2000 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of special permit which expired March 29, 1998 and for an amendment to legalize the increased activity at the site.

PREMISES AFFECTED - 269-10 Grand Central Parkway, northeast corner of the 267th Street, Block 8489, Lot 1, Floral Park, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, applications reopened, resolutions amended and terms of the special permits extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of these Rules of Practice and Procedure, a reopening, an amendment to the resolutions and an extension of the term of the special permits; and

WHEREAS, a public hearing was held on these applications on September 12, 2000, after due notice by publication in *The City Record*, laid over to October 31, 2000, November 21, 2000, January 9, 2001, February 6, 2001 and then to March 6, 2001 for decision; and

WHEREAS, the applicant proposes to legalize the existing accessory antennae and to install additional antennae; and

WHEREAS, the Board finds that the installation of the additional antennae will have no negative impact on the privacy, quiet, light, and air of the affected residents;

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the resolutions pursuant to Z.R. § 73-30, said resolution having been adopted on March 29, 1988, expiring March 29, 1998, so that as amended this portion of the resolution shall read:

“granted to extend the terms of the special permits and to permit the legalization of the 62 existing antennae and the installation of 13 additional antenna, on condition:

THAT the term of the special permits shall be limited to ten years, to expire on March 28, 2008;

THAT the number of accessory antennae shall not exceed 75;

THAT no equipment shall overhang the parapet wall of the subject premises;

THAT the above conditions appear on the certificates of occupancy; that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received January 5, 2001'-(4) sheets and 'February 27, 2001'-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects and a new certificate of occupancy be obtained within two years of the date of this grant.”

Adopted by the Board of Standards and Appeals,
March 6, 2001.

827-86-BZ

APPLICANT - Sheldon Lobel, P.C., for North Shore Towers Apts., Inc., owner; Continental Communications Inc., lessee.
SUBJECT - Application March 29, 2000 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of special permit which expired March 29, 1998 and for an amendment to legalize the increased activity at the site.

PREMISES AFFECTED - 270-10 Grand Central Parkway, northeast corner of the 267th Street, Block 8489, Lot 1, Floral Park, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, applications reopened, resolutions amended and terms of the special permits extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of these Rules of Practice and Procedure, a reopening, an amendment to the resolutions and an extension of the term of the special permits; and

WHEREAS, a public hearing was held on these applications on September 12, 2000, after due notice by publication in *The City Record*, laid over to October 31, 2000, November 21, 2000, January 9, 2001, February 6, 2001 and then to March 6, 2001 for decision; and

CORRECTIONS

WHEREAS, the applicant proposes to legalize the existing accessory antennae and to install additional antennae; and

WHEREAS, the Board finds that the installation of the additional antennae will have no negative impact on the privacy, quiet, light, and air of the affected residents;

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the resolutions pursuant to Z.R. § 73-30, said resolution having been adopted on March 29, 1988, expiring March 29, 1998, so that as amended this portion of the resolution shall read:

“granted to extend the terms of the special permits and to permit the legalization of the 62 existing

antennae and the installation of 13 additional antenna, on condition:

THAT the term of the special permits shall be limited to ten years, to expire on March 28, 2008;

THAT the number of accessory antennae shall not exceed 75;

THAT no equipment shall overhang the parapet wall of the subject premises;

THAT the above conditions appear on the certificates of occupancy; that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received January 5, 2001'- (4) sheets and 'February 27, 2001'- (1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects and a new certificate of

MINUTES

occupancy be obtained within two years of the date of this grant.”

(DOB-ALT #862/1986)

Adopted by the Board of Standards and Appeals, March 6, 2001.

828-86-BZ

APPLICANT - Sheldon Lobel, P.C., for North Shore Towers Apts., Inc., owner; Continental Communications Inc., lessee. SUBJECT - Application March 29, 2000 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of special permit which expired March 29, 1998 and for an amendment to legalize the increased activity at the site.

PREMISES AFFECTED - 271-10 Grand Central Parkway, northeast corner of the 267th Street, Block 8489, Lot 1, Floral Park, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, applications reopened, resolutions amended and terms of the special permits extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of these Rules of Practice and Procedure, a reopening, an amendment to the resolutions and an extension of the term of the special permits; and

WHEREAS, a public hearing was held on these applications on September 12, 2000, after due notice by publication in *The City Record*, laid over to October 31, 2000, November 21, 2000, January 9, 2001, February 6, 2001 and then to March 6, 2001 for decision; and

WHEREAS, the applicant proposes to legalize the existing accessory antennae and to install additional antennae; and

WHEREAS, the Board finds that the installation of the additional antennae will have no negative impact on the privacy, quiet, light, and air of the affected residents;

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the resolutions pursuant to Z.R. § 73-30, said resolution having been adopted on March 29, 1988, expiring March 29, 1998, so that as amended this portion of the resolution shall read:

“granted to extend the terms of the special permits and to permit the legalization of the 62 existing

antennae and the installation of 13 additional antenna, on condition:

THAT the term of the special permits shall be limited to ten years, to expire on March 28, 2008;

THAT the number of accessory antennae shall not exceed 75;

THAT no equipment shall overhang the parapet wall of the subject premises;

THAT the above conditions appear on the certificates of occupancy; that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received January 5, 2001'- (4) sheets and 'February 27, 2001'- (1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects and a new certificate of occupancy be obtained within two years of the date of this grant.”

(DOB-ALT #861/1986)

Adopted by the Board of Standards and Appeals, March 6, 2001.

***These resolutions have been corrected to add the correct DOB-ALT. #s. Corrected in Bulletin Nos. 28-29, Vol. 86, dated July 19, 2001.**

Pasquale Pacifico, Executive Director.