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# BULLETIN

OF THE  
NEW YORK CITY BOARD OF STANDARDS  
AND APPEALS

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Volume 86, No. 30

July 26, 2001

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## DIRECTORY

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MITCHELL KORBAY

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509-80-A	114-120 East 23 <sup>rd</sup> Street, Manhattan
137-85-BZ	40-27/33 215 <sup>th</sup> Place and 40-30/36 216 <sup>th</sup> Street, Queens
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**Tuesday, July 17, 2001**

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**Affecting Calendar Numbers:**

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202-01-BZ	225 Park Avenue South, Manhattan



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# CALENDAR

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**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, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**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**

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**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**

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**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**

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**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**

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**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**

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**218-96-BZ**

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**

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**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**

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# CALENDAR

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**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, 6<sup>h</sup> Floor, New York, N.Y. 10006, on the following matters:

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**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**

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**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**

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**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**

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**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**

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*Pasquale Pacifico, Executive Director*

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# CALENDAR

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**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, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**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**

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**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**

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**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**

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**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 257<sup>th</sup> 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, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**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**

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**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**

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**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**

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# CALENDAR

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## 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**

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## 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.

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**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, 6<sup>h</sup> Floor, New York, N.Y. 10006, on the following matters:

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## ZONING CALENDAR

### 15-01-BZ/22-01-A

APPLICANT - Agusta & 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**

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### 195-01-BZ

APPLICANT - Agusta 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**

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### 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**

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### 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**

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*Pasquale Pacifico, Executive Director*

# MINUTES

**REGULAR MEETING  
TUESDAY MORNING, JULY 17, 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 26, 2001, were approved as printed in the Bulletin of July 5, 2001, Volume 86, No. 27.

**SPECIAL ORDER CALENDAR**

**584-56-BZ**

APPLICANT - New York City Board of Standards and Appeals.

OWNER: BP Amoco Corp.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 73-15 Parson Boulevard, Parson Boulevard Between 75th & 73rd Avenue, Block 6822, Lot 20, Borough of Queens.

**COMMUNITY BOARD #8Q**

APPEARANCES - None.

**ACTION OF THE BOARD** - Application dismissed for lack of prosecution.

THE VOTE TO DISMISS -

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

Negative: .....0

Adopted by the Board of Standards and Appeals, July 17, 2001.

**702-57-BZ**

APPLICANT - Sheldon Lobel, P.C., for Chris M. Tartaglia, P.E.,owner

SUBJECT - Application - reopening for an amendment to the resolution.

PREMISES AFFECTED - 5701 Broadway at West 234<sup>th</sup> Street, northwest corner of Broadway and West 234<sup>th</sup> Street, Block 5760, Lot175, Borough of The Bronx.

**COMMUNITY BOARD #8BX**

APPEARANCES -

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

**ACTION OF THE BOARD** - Application dismissed for lack of prosecution.

THE VOTE TO DISMISS -

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

Negative: .....0

Adopted by the Board of Standards and Appeals, July 17, 2001.

**285-70-A**

APPLICANT - Elliott M. Glass, Glass & Glass, Architects, for Schur Realty Company, LLC., Owner.

SUBJECT - Application November 14, 2000 - reopening for an extension of term of variance which expired October 28, 2000.

PREMISES AFFECTED -14-16 East 38th Street, south side 12'-0" west of Madison Avenue, Block 867, Lot 62, Borough of Manhattan.

**COMMUNITY BOARD #5M**

APPEARANCES -

For Applicant: Elliott Glass.

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

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

THE VOTE TO GRANT -

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

Negative: .....0

THE RESOLUTION -

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

WHEREAS, a public hearing was held on this application on July 17, 2001 after due notice by publication in The City Record; and

WHEREAS, the Board is in receipt of a letter dated May 29, 2001 from the Fire Department indicating that they have no objection to an extension of the term of the resolution.

*Resolved*, that the Board of Standards and Appeals hereby *reopens and amends* the resolution adopted on September 22, 1970 as amended through March 5, 1991, expiring October 28, 2000 only as to the term of the variance, so that as amended this portion of the resolution shall read:

"granted for an extension of term; on condition that the term of the variance shall be limited to ten years, to expire on October 28, 2010; that an approved agency perform the service; and that the records and reports required by the Fire Department shall be maintained; that the service shall be maintained in accordance with the requirements of the general resolution adopted by the Board under Calendar Number 630-56-GR; that other than as herein amended the resolution above cited shall be complied with in all respects; and that the term of this modification shall automatically lapse if the service is discontinued."

Adopted by the Board of Standards and Appeals, July

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# MINUTES

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17, 2001.

**509-80-A**

APPLICANT -Glass & Glass, Architects, for Gramercy Fire Associates., Owner.

SUBJECT - Application June 22, 2000 - reopening for an extension of term of variance which expired July 8, 2000.

PREMISES AFFECTED - 114-120 East 23<sup>rd</sup> Street, south side 175'-0" east of Park Avenue South, Block 878, Lot 65, Borough of Manhattan.

**COMMUNITY BOARD #5M**

APPEARANCES -

For Applicant: Elliott Glass.

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

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

**THE VOTE TO CLOSE HEARING -**

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

Negative: .....0

**THE VOTE TO GRANT -**

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

Negative: .....0

**THE RESOLUTION -**

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

WHEREAS, a public hearing was held on this application on July 17, 2001 after due notice by publication in The City Record; and

WHEREAS, the Board is in receipt of a letter dated May 29, 2001 from the Fire Department indicating that they have no objection to an extension of the term of the resolution.

*Resolved*, that the Board of Standards and Appeals hereby *reopens and amends* the resolution adopted on July 8, 1980 as amended through November 14, 1990, expiring July 8, 2000 only as to the term of the variance, so that as amended this portion of the resolution shall read:

"granted for an extension of term; on condition that the term of the variance shall be limited to ten years, to expire on July 8, 2010; that an approved agency perform the service; and that the records and reports required by the Fire Department shall be maintained; that the service shall be maintained in accordance with the requirements of the general resolution adopted by the Board under Calendar Number 630-56-GR; that other than as herein amended the resolution above cited shall be complied with in all respects; and that the term of this modification shall automatically lapse if the service is discontinued."

Adopted by the Board of Standards and Appeals, July 17, 2001.

**137-85-BZ**

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

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

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

**COMMUNITY BOARD #11Q**

APPEARANCES -

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

**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 17, 2001.

**942-87-BZ**

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

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

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

**COMMUNITY BOARD #1Q**

APPEARANCES -

For 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 27, 2001 after due notice by publication in the City Record, and then laid to July 17, 2001 for decision.

*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 March 21, 1989 as amended through January 13, 1998 expiring on January 13, 2001, so that as amended this portion of the resolution shall

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read:

"Term of the special permit extended; on condition that the term shall be limited to eighteen months, to expire on July 17, 2002; that the premises shall be maintained in substantial compliance with the existing and proposed conditions plans submitted with the application marked 'Received January 11, 2001'-(3) sheets and that other than herein amended, the above cited resolution shall be complied with in all respect.

(ALT. 507/1975)

Adopted by the Board of Standards and Appeals, July 17, 2001.

## 65-90-BZ

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

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

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

### COMMUNITY BOARD #8Q

APPEARANCES -

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 26, 2001 after due notice by publication in *The City Record*, and laid to July 17, 2001 for decision.

WHEREAS, Community Board #8, Queens recommended approval of the application; and

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

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

*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 January 29, 1991, only as to the term of the permit which expired on January

29, 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 ten years, to expire on January 29, 2011; that the premises shall be maintained in substantial compliance with the existing conditions plans submitted with the application marked 'Received January 9, 2001' - (6) sheets and that other than herein amended, the above cited resolution shall be complied with in all respect .

(DOB 401193800)

Adopted by the Board of Standards and Appeals, July 17, 2001.

## 295-57-BZ

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

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

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

### COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: Battalion Chief Phil Parr and John 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.

## 742-59-BZ

APPLICANT -Harold L. Robertson, for Lewis Rudin., owner.

SUBJECT - Application April 30, 2001 - reopening for an extension of term of variance which expired June 14, 2001.

PREMISES AFFECTED - 134-136 East 55<sup>th</sup> Street a/k/a 50 Park Avenue, Lexington Avenue and East 55<sup>th</sup> Street, Block 1309, Lot 50, Borough of Manhattan.

### COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Harold L. Robertson.

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

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**743-59-BZ**

APPLICANT -Harold L. Robertson, for Lewis Rudin., owner.  
SUBJECT - Application April 30, 2001 - reopening for an extension of term of variance which expired July 12, 2001.  
PREMISES AFFECTED - 38-50 East 36<sup>th</sup> Street, Park Avenue and East 36<sup>th</sup> Street, Block 865, Lot 40, Borough of Manhattan.

**COMMUNITY BOARD #6M**

APPEARANCES -

For Applicant: Harold L. Robertson.

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

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**727-86-BZ**

APPLICANT - Fredrick A. Becker, Esq., for Selimaj Realty Company; owner.

SUBJECT - Application January 16,2001 - request for a waiver of the Rules of Practice and Procedure and a reopening for an extension of term of variance which expired January 17, 1999.

PREMISES AFFECTED - 240 East 58<sup>th</sup> Street, South side of East 58<sup>th</sup> Street, 140' West of second Avenue, Block 1331, Lots 30, Borough of Manhattan .

**COMMUNITY BOARD #6M**

APPEARANCES -

For Applicant: Fredrick A. Becker and Bruno Selimaj.

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 10 A.M., for decision, hearing closed.

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**1617-88-BZ**

APPLICANT - Goidel and Siegel, LLP, for Vivian Properties, LLC as Contract Vendee to NYCTL 1996-1 Trust and the Bank of New York, owner.

SUBJECT - Application February 28, 2000 - reopening for an extension of term of variance which expired January 30, 2000.

PREMISES AFFECTED - 17-33 West 9<sup>th</sup> Street, north side, 163.6' east of Columbia Street, Block 534, Lots 35, 36 and 37, Borough of Brooklyn.

**COMMUNITY BOARD #6BK**

APPEARANCES -

For Applicant: Andrew Siegel.

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

**ACTION OF THE BOARD** - Laid over to October 2,

2001, at 10 A.M., for continued hearing.

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**173-94-BZ**

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 165-10 144<sup>th</sup> Road, southeast corner of Rockaway Boulevard, Block 13271, Lot 17, Borough of Queens.

**COMMUNITY BOARD #13Q**

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: 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.

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**80-97-BZ**

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

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

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

**COMMUNITY BOARD #2Q**

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: Battalion Chief Phil Parr and John 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.

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**230-98-BZ**

APPLICANT - Agusta & Ross, for John & Gaetano Lacono, owner1, Washington Cemetery, owner2.

SUBJECT - Application February 9, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term which expired June 22, 2000 and for an amendment to the resolution.

PREMISES - 5810-5824 Bay Parkway, northeasterly corner of Bay Parkway and 59<sup>th</sup> Street, Block 5508, Lots 44 and 38, Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

APPEARANCES -

For Applicant: Mitchell Ross and Don Bessler.

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

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

**297-00-A**

APPLICANT - Gulielmetti and Gesmer, P.C., for Susan Byrne and William Connors, lessees/tenants.

OWNER OF PREMISES: Daniel Pelli

SUBJECT - Application December 13, 2000 - an appeal challenging the Department of Buildings' determination dated November 14, 2000, in which the Department refused to commence proceedings for a revocation of certificate of occupancy No. 118978 for subject premises.

PREMISES AFFECTED - 5 West 21<sup>st</sup> Street, 145' west of Fifth Avenue, Block 823, Lot 35, Borough of Manhattan.

**COMMUNITY BOARD #5M**

APPEARANCES -

For Applicant: Susan Byrne.

For Administration: Mona Sehgal, 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, a public hearing was held on this application on March 6, 2001 after due notice by publication in *The City Record*, and then laid over to July 17, 2001 for decision; and

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

WHEREAS, this is an application challenging the decision of the Department of Buildings of November 14, 2000 not to seek to revoke Certificate of Occupancy No. 118978 issued March 7, 2000; and

WHEREAS, the subject premises is a five story building located in the M1-6M zoning district. Certificate of Occupancy No. 118978 authorizes a commercial store on the first floor of the premises and one apartment on each floors two through five; and

WHEREAS, the appellants contend that the work required to bring the building into compliance with applicable codes and laws had not been completed and therefore a certificate of occupancy should not have been issued; and

WHEREAS, the record indicates that issues relating to outstanding work at the subject premises are curable; and

WHEREAS, the record indicates that the building owner has documented efforts to enter the subject premises to correct the conditions in the tenant's apartments; and

WHEREAS, the owner has filed and obtained permits to cure the objections that are the subject of the instant

appeal; and

WHEREAS, Department of Building notes that where defects with the certificate of occupancy can be cured, the Department will not seek revocation, but instead will provide an opportunity to correct the problems; and

WHEREAS, the record indicates that the owner has taken substantial steps to correct the problems that are the subject of this appeal; and

WHEREAS, therefore, the Board finds that the Department of Buildings has taken the necessary and appropriate actions with respect to the tenants complaints.

WHEREAS, the Board determines that the Buildings Department's determination was proper and rational and made on the basis that the certificate of occupancy is not defective on its face; and

*Resolved*, that the decision of the Borough Commissioner to issue Certificate of Occupancy No. 118978 on March 7, 2000 is upheld and the appeal is denied.

Adopted by the Board of Standards and Appeals, July 17, 2001.

**131-01-A**

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

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

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

APPEARANCES -

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

**ACTION OF THE BOARD** - Appeal 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 Queens Borough Commissioner, dated March 9, 2001, acting on ALT 1. Application No. 401183394, reads:

Z-1 The Street giving access to the existing building to be altered is not duly placed on the official map of the City of New York, therefore:

- "A) No Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law, and;
- B) existing dwelling to be altered does not have at least 8% of total perimeter of the building fronting directly on a legally mapped street or

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frontage space is contrary to Section 27-291 of the Administrative Code.”; and

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

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

*Resolved*, that the decision of the Queens Borough Commissioner, dated March 9, 2001, acting on ALT 1. Application No. 401183394, is modified under the power vested in the Board by § 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received, April 2, 2001”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition;

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

Adopted by the Board of Standards and Appeals, July 17, 2001.

## 145-01-A

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

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

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

### APPEARANCES -

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

**ACTION OF THE BOARD** - Appeal 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 Queens Borough Commissioner, dated March 27, 2001, acting on ALT 1. Application No. 401212433, reads:

For Board of Standards & Appeals only:

“A1 The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as

per Art. 3, Sect. 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York”; and

WHEREAS, by the letter dated May 4, 2001, the Fire Department has reviewed the above project and has no objections; and

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

*Resolved*, that the decision of the Queens Borough Commissioner, dated March 27, 2001, acting on ALT 1. Application No. 401212433, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received, April 18, 2001”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Adopted by the Board of Standards and Appeals, July 17, 2001.

## 146-01-A

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

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

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

### APPEARANCES -

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

**ACTION OF THE BOARD** - Appeal 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 Queens Borough

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Commissioner, dated March 27, 2001, acting on ALT 1. Application No. 401212415, reads:

For Board of Standards & Appeals only:

- "A1 The proposed enlargement is on a site located partially in the bed of a mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 35 of the General City Law.
- A2 The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3, Sect. 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 of the Administrative Code of the City of New York"; and

WHEREAS, by the letter dated May 4, 2001, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated May 31, 2001, the New York City Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated June 1, 2001, the New York City Department of Environmental Protection has reviewed the above project and has no objections; and

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

*Resolved*, that the decision of the Queens Borough Commissioner, dated March 27, 2001, acting on ALT 1. Application No. 401212415, is modified under the power vested in the Board by §§ 35 and 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received , April 18, 2001"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition;

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

Adopted by the Board of Standards and Appeals, July 17, 2001.

## 147-01-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Rita Sear, lessee.  
SUBJECT - Application April 18, 2001 - proposed

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

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

APPEARANCES -

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

**ACTION OF THE BOARD** - Appeal 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 Queens Borough Commissioner, dated March 27, 2001, acting on ALT 1. Application No. 401208983, reads:

For Board of Standards & Appeals only:

- "A1 The proposed enlargement is on a site located partially in the bed of a mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 35 of the General City Law.
- A2 The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3, Sect. 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291(C26-401.1 of the Administrative Code of the City of New York"; and

WHEREAS, by the letter dated May 4, 2001, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated June 1, 2001, the New York City Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated June 4, 2001, the New York City Department of Environmental Protection has reviewed the above project and has no objections; and

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

*Resolved*, that the decision of the Queens Borough Commissioner, dated March 27, 2001, acting on ALT 1. Application No. 401208983, is modified under the power vested in the Board by §§ 35 and 36 of the General City Law, and that this appeal is granted, limited to the decision noted

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above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received, April 18, 2001"- (1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Adopted by the Board of Standards and Appeals, July 17, 2001.

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## 140-01-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Mr & Mrs. James Carlson, lessees.  
SUBJECT - Application April 16, 2001 - proposed enlargement of the first floor and the addition of a new second floor to an existing one family dwelling not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 22 Courtney Lane, southeast corner of No Name Lane, Block 16350, Lot Part of lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Arthur Sullivan.

For Administration: 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 11 A.M., for decision, hearing closed.

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## 141-01-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Bernadette and Michael Murray, lessees.

SUBJECT - Application April 16, 2001 - proposed enlargement of the first floor and the addition of a new second floor to an existing one family dwelling not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 167 Bedford Avenue, northside, 33' east of Eight Avenue, 167 Bedford, Block 16350, Lot Part of Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Arthur Sullivan.

For Administration: 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 11 A.M., for decision, hearing closed.

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## 142-01-A

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

SUBJECT - Application April 16, 2001 - proposed addition of a partial second floor, to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 27 Queens Walk, eastside 245' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Administration: 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 11 A.M., for decision, hearing closed.

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## 191-01-A

APPLICANT - Kevin Saumell, for Breezy Point Cooperative Inc., owner; James Tucci, lessee.

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

PREMISES AFFECTED - 32 Irving Walk, west side, 125' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Kevin Saumell.

For Administration: 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 11 A.M., for decision, hearing closed.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 11:10 A.M.

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**REGULAR MEETING  
TUESDAY AFTERNOON, JULY 17, 2001  
2:00 P.M.**

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

**ZONING CALENDAR**

**125-99-BZ**

**CEQR #99-BSA-155K**

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

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

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

**COMMUNITY BOARD #3BK**

**APPEARANCES -**

For Applicant: Mitchell Ross.

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

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

**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 2, 1998 and updated May 12, 1999 acting on Application No. 300816909, reads:

“Residential use (U.G.2) is not permitted as of right in the subject M1-2 district as per Z.R. 42-00. Must be referred to the Board of Standards and Appeals. There are no applicable yard, bulk, and/or parking regulations.”; and

WHEREAS, a public hearing was held on this

application on June 5, 2001, after due notice by publication in *The City Record*, laid over to June 27, 2001, and then to July 17, 2001 for decision; on July 17, 2001, the hearing was reopened, closed and a decision rendered; 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 Z.R.§72-21, to permit within an M1-2 zoning district, the erection of a five story, eight unit multiple dwelling, contrary to Z.R.§42-00; and

WHEREAS, the subject premises is a corner lot bounded on one side by Kent Avenue and on the other side by little Nassau Street; and

WHEREAS, the subject building is presently on a vacant, open, and loosely paved area that the applicant represents is inactive and underutilized; and

WHEREAS, the record indicates that from the turn of the last century until the 1970's the site was developed with various four-story, brick and frame mixed use (store and dwelling buildings; and

WHEREAS, a fire in the early 1950's, left the upper three story frame portion of the building open and fire damaged; and

WHEREAS, the applicant represents that since the fire, the use of the zoning lot was marginal and all structures were eventually demolished; which resulted in extensive rubble-filled cellars; and

WHEREAS, the applicant proposes to erect a masonry, fire-proof five-story multiple dwelling containing eight apartments and a cleric's residence on the ground floor; and

WHEREAS, the applicant will provide an accessory recreation area within the cellar of the building; and

WHEREAS, the record indicates that the proposed attic space will be small, will only be accessed by a pull down ladder and will be used only for accessory storage by the apartment directly below it; and

WHEREAS, the applicant represents that the scale and facade of the building will be similar to other multiple dwellings in the area; and

WHEREAS, landscaping will be provided on both Kent Avenue and Little Nassau Street; and

WHEREAS, the applicant represents that the building will be buffered by a 20' "rear" yard; and

WHEREAS, evidence in the record indicates that the remnants of the foundations and rubble filled cellars resulting from the demolition of the former development will require removal prior to any new construction; and

WHEREAS, the evidence demonstrates that the site is small and sandwiched between two long standing non-conforming uses, located to the south and west of the subject premises; and

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WHEREAS, the Board finds that site's small size, its history of development with residential uses with ground floor commercial and its location on a vacant, open, and loosely paved area presents unique physical conditions which create practical difficulties and unnecessary hardships in building a conforming development; and

WHEREAS, the Board finds that the evidence in the record, including a feasibility study demonstrate that an as-of-right-development would not yield a reasonable return; and

WHEREAS, the surrounding area once contained a heavy concentration of residential and manufacturing uses, the record indicates that the area, although zoned for manufacturing, is now better classified as mixed-use, with much of the industrial space under utilized; and

WHEREAS, by providing indoor recreation space, the proposal is consistent with the goals of the Quality Housing program; and

WHEREAS, therefore, the Board finds, that the proposal as modified, will not alter the essential character of the surrounding neighborhood, nor 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 application proposes to retain a conforming use on the ground floor; and

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

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

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

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

*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 within an M1-2 zoning district, the erection of a five story, eight unit multiple dwelling, 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, April 12, 2001"-(1) sheet and "July 17, 2001"-(9) sheets; and on further condition;

THAT all floors are to have an automatic wet sprinkler system as required under LL 10/99 connected to a Fire

Department approved central station;

THAT the above referenced conditions appear on the new certificate of occupancy;

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

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

Adopted by the Board of Standards and Appeals July 17, 2001.

## 193-00-BZ

### CEQR #01-BSA-008Q

APPLICANT - H. Irving Sigman, for Louhal Properties, Inc., owner.

SUBJECT - Application July 24, 2000 - under Z.R. §72-21, to permit, on a site previously before the Board, a permitted accessory parking lot, Use Group 6 in the adjoining building and zoning lot at 87-30/36 Lefferts Boulevard which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 87-26 Lefferts Boulevard, west side, 210.17' south of Jamaica Avenue and 680' north of 89th Avenue, Block 9328, Lot 16, Borough of Queens.

### COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: H. Irving Sigman.

**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 July 12, 2000, acting on Alt. Applic. No.3380/48, reads:

"1: The proposed use of the premises, in an R3-1 zoning district, for a permitted accessory parking lot for (19) cars, Use Group 6, accessory to a laundromat, Use Group 6, on the adjoining tentative Lot #20, is contrary to Section 22-00 of the Zoning Resolution."

and

WHEREAS, a public hearing was held on this application on January 23, 2001 after due notice by publication in *The City Record*, laid over to February 13, 2001, April 16, 2001, May 21, 2001, and then to July 17, 2001 for decision; and

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

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Board consisting of Chairman James Chin, former- Vice Chair Paul Bonfilio R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, on a site previously before the Board, a permitted (non-required), accessory parking lot, Use Group 6 in the adjoining building and zoning lot at 87-30/36 Lefferts Boulevard which is contrary to Z.R. §22-00; and

WHEREAS, the subject site is an 80' by 93' deep interior lot, fronting on Lefferts Boulevard which the applicant represents is surrounded by commercial uses; and

WHEREAS, an M1-1 manufacturing zone is located across Lefferts Boulevard east of the site; and

WHEREAS, on June 20, 1945, under Calendar Number 95-45-BZ the Board permitted, without term, the extension of an existing garage and use of the premises as a gasoline service station; and

WHEREAS, on June 28, 1949, the Board permitted the conversion of an existing five car garage to a motor vehicle repair shop; and

WHEREAS, on November 15, 1949, the Board permitted minor automotive repairs for a term of two years; and

WHEREAS, the Board permitted various extensions of term until December 16, 1980, expiring December 16, 1990; and

WHEREAS, the applicant represents that the premises was continuously occupied as a gasoline service station until October 1998 and the gas tanks were removed in accordance with New York City Fire Department regulations; and

WHEREAS, the record indicates that due to their dilapidated condition, the owner has demolished the two formerly existing structures at the rear of the site; and

WHEREAS, the applicant represents that a new tenant who operates a chain of laundromats has negotiated with the owner of the subject premises, at 87-26 Lefferts Boulevard to lease the subject lot for accessory parking in connection with their proposed new laundromat; and

WHEREAS, the proposed accessory parking lot will provide (19) parking spaces, including one space for people with disabilities; and

WHEREAS, to mitigate adverse impacts to the surrounding residential uses, the applicant will provide an 8' high chainlink fence with 100% opaque 'permahedge' plastic weave, and a 5' wide buffer planted with a hemlock hedge along the rear lot line, an 8' high chain-link fence, non-opaque, and gate will be provided along the front line on Lefferts Boulevard; and

WHEREAS, a 10' wide separation and walkway will be provided between the parking area and laundromat; and

WHEREAS, the proposal will also include various safety measures including curbs, bumpers, guardrails, with cautionary signs posted adjoining the gate for exiting

vehicles; and

WHEREAS, yard lights will be used during periods of darkness and during evening hours, when the laundromat is in operation, with exterior lighting directed down and residential uses; and

WHEREAS, the applicant contends that at 7,440 square feet, the lot is too small to provide the two minimum 3800 square feet per parcel required for two buildable sites for residential development ; and

WHEREAS, applicant further represents that the side and rear lot lines of the premises are burdened by the adjoining lot line walls of the neighboring buildings which encroach on the required side yards, rear yards and front yards ; and

WHEREAS, the combination of the prior Board actions as well as the inadequacy of the zoning lot in meeting a conforming and complying residential development causes an unnecessary hardship in utilizing the site in conformance 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, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

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

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

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

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

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

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

*Therefore, it is Resolved* that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.13 and makes each and every one of the required findings under Z.R. §72-21 to permit limited to the objections cited, on a site previously before the Board, a permitted (non-required), accessory parking lot, Use Group 6 in the adjoining building and zoning lot at 87-30/36 Lefferts Boulevard which is contrary to Z.R. §22-00, *on condition* that all work shall substantially conform to drawings as they

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apply to the objections above noted, filed with this application marked "Received, July 24, 2001"-(1) sheet; and on further condition;

THAT the premises will remain graffiti free at all times;

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

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

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

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

Adopted by the Board of Standards and Appeals, July 17, 2001.

## 200-00-BZ

### CEQR #01-BSA-015Q

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

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

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

### COMMUNITY BOARD #3Q

#### 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 November 15, 1999, and reconsidered on May 12, 2000 and August 1, 2000, acting on Alt. Application number 401008636 reads;

- "1) The proposed conversion of the first floor and portion of the second floor of an existing 2 story Manufacturing & Office building from Manufacturing (U.G. 17) to Physical Culture Establishment is not permitted in a residential district (R6 zone); therefore, is contrary to

Section 22-00 of the zoning Resolution."; and

WHEREAS, Community Board #3, Queens, recommends conditional approval of this application; and

WHEREAS, a public hearing was held on this application on March 6, 2001 after due notice by publication in *The City Record*, and laid over to April 17, 2001, May 15, 2001, June 27, 2001 and then to July 17, 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 for under § 72-21, to permit the legalization of an existing physical culture establishment, on the first floor and portion of the second floor, in an existing two story manufacturing and office building, located in an R6 zoning district, which is contrary to Z.R. §22-00; and

WHEREAS, the zoning lot, which is the subject of this application, is an irregularly shaped corner lot, with 177' of frontage on 108<sup>th</sup> Street, an 80' wide major street and 53' of frontage along 37<sup>th</sup> Avenue, with mixed use development including non-conforming commercial and industrial uses; and

WHEREAS, the subject lot L-shaped, with 100' of depth perpendicular to 108<sup>th</sup> Street, 75' width parallel to 108<sup>th</sup> St. and 50' of depth for remaining 102' of 108<sup>th</sup> Street frontage; and

WHEREAS, the zoning lot's unique physical condition is further complicated by the existence of two industrial buildings which are physically unsuitable for conversion to uses available under the underlying residential zoning (R6), the as-of-right alternative; and

WHEREAS, the applicant represents that because of their design, the conversion of these industrial buildings to residential type would be a practical impossibility with the only available alternative being their complete demolition; and

WHEREAS, the record indicates that this would not only be economically infeasible, but would result in the elimination of existing manufacturing uses; and

WHEREAS, the irregularity of the zoning lot, and the unique physical conditions attributed to the existing industrial buildings, 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 record indicates that the change from an industrial use to a commercial use (health club) is

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generally less obtrusive to surrounding residential development; and

WHEREAS, the applicant notes that this is a legalization of a use that has been well accepted and in keeping with other commercial uses along 108<sup>th</sup> Street; and

WHEREAS, the applicant represents that the hours of operation will be limited to 6:00 A.M. to 10:00 P.M. Monday through Friday and 8:00 A.M. to 10:00 P.M. Saturday and Sunday; 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 unnecessary hardship associated with a conforming use of the zoning lot was not caused by the owner, nor by a predecessor in interest, but is inherent in the site; and

WHEREAS, the hardship results from the strict application of the Zoning Resolution to the subject zoning lot; and

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

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

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. § 72-21, to permit the legalization of an existing physical culture establishment, on the first floor and portion of the second floor, in an existing two story manufacturing and office building, located in an

R6 zoning district, which is contrary to Z.R. §22-00, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, July 10, 2001"-(3) sheets and "July 17, 2001"-(1) sheet; and on further condition;

THAT in accordance with BSA approved plans, an automatic wet sprinkler system connected to a Fire Department approved Central Station shall be provided and maintained at the entire cellar of the premises; and

THAT in accordance with BSA approved plans, a smoke detection system connected to a Fire Department approved Central Station shall be provided and maintained for entire premises; and

THAT the term of the variance shall be limited to five years from the date of this grant, expiring on July 17, 2006;

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

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

Adopted by the Board of Standards and Appeals, July 17, 2001.

**294-00-BZ  
CEQR #01-BSA-067M**

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

SUBJECT - Application December 11, 2000 - under Z.R. §72-21, to permit in an M1-5B zoning district, the construction of a new building that will contain Use Group 6 commercial uses on the first and eighth floors, Use group 2 residential loft units on the upper floors, which is contrary to Z.R. §§42-10, 42-14(D)(2)(b), 43-42 and 43-43.

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

**COMMUNITY BOARD #2M**

APPEARANCES -

For Applicant: Fredrick A. Becker.

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

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

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

THE VOTE TO REOPEN HEARING -

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

Negative: .....0

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## 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 March 26, 2001, acting on Applic. No. 102918498, reads:

- “1. Arrangement and layouts with full bathrooms and working facilities in a new building is a UG2 which is a use not permitted as off right in an M1-5 district and is contrary to section 42-10 ZR
3. JLWQ is a use not permitted in new buildings. It is contrary to 42-14 D. (1) ZR.
4. This is a new building J-2 occupancy therefore show compliance with all requirements of new building code of NYC as per 27-103 B.C.
5. JLWQ for artists is a use not permitted in new buildings and is contrary to section 277.MDL.
6. Proposed portion of building (2nd-5th floors) and walls at 2<sup>nd</sup> floor are not permitted obstructions in required rear yard equivalent. It is contrary to 43-23 ZR.
7. Proposed court dimension less than 1200 square feet is contrary to section 26.7 of the MDL.
8. Rooms extending in depth more than 30' from street without opening on a lawful court is contrary to section 30/3/MDL
9. Proposed rear yard equivalent is contrary to sect. 26.5(d)(1)MDL. It has to be an open area extending across the entire lot and min 60' in depth
10. UG6 on first floor and cellar is not permitted as of right in M1-5B dist. It is contrary to section 42-14D(2)(b) ZR
11. Proposed building with front walls exceeding 6 stories or 85' without set backs is contrary to Sect. 43-43 ZR. And 43-42 ZR”; and

WHEREAS, the Board notes that this case was heard with a companion Appeals application under Calendar # 163-01-A; and

WHEREAS, a public hearing was held on this application on , 2001 after due notice by publication in *The City Record*, laid over to , 2001, and then to July 17, 2001 for decision; on July 17, 2001, the hearing was reopened, closed and a decision rendered; 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 Z.R. §72-21, to permit, in an M1-5B zoning district, the construction of a new building that will contain Use Group 6 commercial uses on the first and eighth floors, Use group 2 residential loft units on the upper floors ,which is contrary to Z.R. §§42-10, 42-14(D)(2)(b), 43-42 and 43-43; and

WHEREAS, the proposal will require a variance of use requirements and bulk requirements relating to the Sky exposure plane and setback on the Mercer Street facade, obstructions in the rear yard equivalent and the size of the rear yard equivalent ; and

WHEREAS, the instant proposal seeks to construct a mixed use building containing Use Group 6 commercial uses on the ground floor and Use Group 2 residential loft dwelling units on the upper floors; and

WHEREAS, the proposed building will occupy the entire lot on the ground level, and will contain separate sections on the upper floors, with a six (6) story section fronting on Broadway and a seven (7) story section fronting on Mercer Street; and

WHEREAS, the applicant represents that there will be eight loft units ranging in size from approximately 2,098 square feet to 4,200 square feet, which are comparable to other loft units in the vicinity; and

WHEREAS, the record indicates that from the late 1800's through the 1950's the site was occupied by a cast iron structure until it was destroyed by a fire destroyed by a fire in the ; and

WHEREAS, since the fire the site has been occupied by a transient parking lot; and

WHEREAS, the lot is approximately 29' 4" x 200' 4" which the applicant represents makes it a narrow lot; and

WHEREAS, the applicant further represents that the subject premises is the only through block in this vicinity with narrow dimensions for the entire length of the property, a condition that creates a difficulty in developing the site with an as- of- right development; and

WHEREAS, the record indicates that the limited area in which construction can be performed results in a two section configuration or layout that contains floor plates of less than 2,000 square feet making the premises impracticable for either industrial or office use; and

WHEREAS, the applicant represents that the site is also burdened by prior existing foundations that extraordinarily deep and contain debris from the prior existing building; and

WHEREAS, the subject premises is located in a mixed-use area zoned for and characterized by residential, manufacturing, and commercial uses ; and

WHEREAS, the aforementioned burdens pose a suspect capability for use as viable, modern manufacturing

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or warehouse facility; and

WHEREAS, the aforementioned unique physical condition of the building makes its occupancy for a conforming M1-5A use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, in response to Board and community concerns the applicant submitted scenarios illustrating a mixture of ground floor Use Group 6 retail uses and upper floor conforming commercial uses; 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 applicant notes that the height of the proposed structure on the Mercer Street side is consistent with the overall height of other buildings on Mercer Street, and deemed appropriate by the Landmarks Preservation Commission; and

WHEREAS, the property is located in an M1-5A manufacturing zone; and

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

WHEREAS, within the vicinity of the site there exist other loft/ 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 M1-5B zoning district, the construction of a new building that will contain Use Group 6 commercial uses on the first and eighth floors, Use group

2 residential loft units on the upper floors ,which is contrary to Z.R. §§42-10, 42-14(D)(2)(b), 43-42 and 43-43, *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"-(6) sheets, "May 14, 2001"-(4) sheets and "July 16, 2001"-(1) sheet; and on further condition;

THAT, fire protection measures, including a smoke alarm system, in the residential units, a fire and smoke alarm in the cellar, basement and first floor and an automatic wet sprinkler system with all systems connected to a Fire Department-approved central station, 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 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 17, 2001.

## 12-01-BZ

### CEQR #01-BSA-090X

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

SUBJECT - Application January 16, 2001 - under Z.R. §72-21 to permit in an R4 zoning district the proposed development of a five (5) story Use Group 16 self-storage facility of approximately 170,000 square feet and a (1) one story Use Group 6 building of approximately 15,000 square feet, to be used as a 7,000 square foot restaurant and 8,000 square feet of retail uses, which is contrary to Z.R. §22-00

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

### COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Anne McCaughey.

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 18, 2000 acting on Application

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No.200651222 reads:

“PROPOSED COMMERCIAL BUILDING IN AN R-4 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 5, 2001 after due notice by publication in *The City Record*, and laid over to July 17, 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 R4 zoning district the proposed development of a five story Use Group 16 self-storage facility of approximately 170,000 square feet and a one story Use Group 6 building of approximately 15,000 square feet, to be used as a 7,000 square foot restaurant and 8,000 square feet of retail uses, which is contrary to Z.R. §22-00; and

WHEREAS, the proposed development involves the construction of two separate buildings on a single zoning lot consisting of Tax lots 5, 6, and 8 on Block 4800; and

WHEREAS, the applicant represents that each building will have a separate certificate of occupancy with the self-storage building occupying tentatively Tax Lot 6, and the restaurant/retail building occupying tentatively tax lot 8; and

WHEREAS, the portion of the Site known as Tax Lot 8 is presently developed with a vacant industrial building constructed and formerly used a switching station for a telephone utility company pursuant to a special permit granted by the Board in 1967 under Calendar Number 505-67-BZ; and

WHEREAS, the vacant building on Lot 8, is a two-story and cellar structure containing approximately 24,354 square feet of floor area, surrounded by an asphalt parking lot which accommodates 39 vehicles; and

WHEREAS, the applicant represents that the portion of the site known as tax lots 5 and 6 contains an obsolete single-family dwelling with a two-car detached garage located at the rear, and is the only dwelling on the block (straddled on either side by the vacant former telephone switching station, to the south, and a truck storage lot for a commercial fence company, to the north); and

WHEREAS, the record indicates that, while the house is located on Tax Lots 5 and 6 of Block 4800, it only constitutes less than 7% of the site; and

WHEREAS, the subject site is located at 2829-2875 Edson Avenue, in the Baychester section of the Bronx and is bounded by Edson and Bartow Avenues and Grace and Arnow Avenues; and

WHEREAS, the site is located immediately adjacent to

the New England Thruway (I-95), a major arterial inter-state highway, with the off-ramp for the south-bound Exit 11 of the Thruway flowing directly onto Edson Avenue in front of the site; and

WHEREAS, the record indicates that the site is burdened by limited street access as the only access to the site is via Edson and Bartow Avenues; and

WHEREAS, Edson is a one-way southbound street that runs parallel to the New England Throughway and Bartow Avenue is a two-story east/west commercial thoroughfare; and

WHEREAS, the zoning lot's size, irregular shape, limited street access, proximity to a major arterial inter-state highway and its proximity to commercial uses are unique conditions that create a practical difficulty and an unnecessary hardship in developing the site with a conforming residential or community facility use; 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 Z.R. §72-21; and

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

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

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

*Therefore, it is Resolved* that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* this application under Z.R. §72-21, to permit, in an R4 zoning district the proposed development of a five story Use Group 16 self-storage facility of approximately 170,000 square feet and a one story Use Group 6 building of approximately 15,000 square feet, to be used as a 7,000 square foot restaurant and 8,000 square feet of retail uses,

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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, March 27, 2001"-(5) sheets, "June 19, 2001"-(1) sheet and "July 2, 2001"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to twenty years expiring on July 17, 2021;

THAT an automatic wet sprinkler system to be installed throughout the entire two buildings and be 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 17, 2001.

## 13-01-BZ

### CEQR #01-BSA-090X

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

SUBJECT - Application January 16, 2001 - under Z.R. §72-21 to permit in an R4 zoning district the proposed development of a five (5) story Use Group 16 self-storage facility of approximately 170,000 square feet and a (1) one story Use Group 6 building of approximately 15,000 square feet, to be used as a 7,000 square foot restaurant and 8,000 square feet of retail uses, which is contrary to Z.R. §22-00

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

### COMMUNITY BOARD #12BX

#### APPEARANCES -

For Applicant: Anne McCaughey.

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 18, 2000 acting on Application

No.200651222 reads:

"PROPOSED COMMERCIAL BUILDING IN AN R-4 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 5, 2001 after due notice by publication in *The City Record*, and laid over to July 17, 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 R4 zoning district the proposed development of a five story Use Group 16 self-storage facility of approximately 170,000 square feet and a one story Use Group 6 building of approximately 15,000 square feet, to be used as a 7,000 square foot restaurant and 8,000 square feet of retail uses, which is contrary to Z.R. §22-00; and

WHEREAS, the proposed development involves the construction of two separate buildings on a single zoning lot consisting of Tax lots 5, 6, and 8 on Block 4800; and

WHEREAS, the applicant represents that each building will have a separate certificate of occupancy with the self-storage building occupying tentatively Tax Lot 6, and the restaurant/retail building occupying tentatively tax lot 8; and

WHEREAS, the portion of the Site known as Tax Lot 8 is presently developed with a vacant industrial building constructed and formerly used a switching station for a telephone utility company pursuant to a special permit granted by the Board in 1967 under Calendar Number 505-67-BZ; and

WHEREAS, the vacant building on Lot 8, is a two-story and cellar structure containing approximately 24,354 square feet of floor area, surrounded by an asphalt parking lot which accommodates 39 vehicles; and

WHEREAS, the applicant represents that the portion of the site known as tax lots 5 and 6 contains an obsolete single-family dwelling with a two-car detached garage located at the rear, and is the only dwelling on the block (straddled on either side by the vacant former telephone switching station, to the south, and a truck storage lot for a commercial fence company, to the north); and

WHEREAS, the record indicates that, while the house is located on Tax Lots 5 and 6 of Block 4800, it only constitutes less than 7% of the site; and

WHEREAS, the subject site is located at 2829-2875 Edson Avenue, in the Baychester section of the Bronx and is bounded by Edson and Bartow Avenues and Grace and Arnow Avenues; and

WHEREAS, the site is located immediately adjacent to

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the New England Thruway (I-95), a major arterial inter-state highway, with the off-ramp for the south-bound Exit 11 of the Thruway flowing directly onto Edson Avenue in front of the site; and

WHEREAS, the record indicates that the site is burdened by limited street access as the only access to the site is via Edson and Bartow Avenues; and

WHEREAS, Edson is a one-way southbound street that runs parallel to the New England Throughway and Bartow Avenue is a two-story east/west commercial thoroughfare; and

WHEREAS, the zoning lot's size, irregular shape, limited street access, proximity to a major arterial inter-state highway and its proximity to commercial uses are unique conditions that create a practical difficulty and an unnecessary hardship in developing the site with a conforming residential or community facility use; 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 Z.R. §72-21; and

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

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

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

*Therefore, it is Resolved* that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* this application under Z.R. §72-21, to permit, in an R4 zoning district the proposed development of a five story Use Group 16 self-storage facility of approximately 170,000 square feet and a one story Use Group 6 building of approximately 15,000 square feet, to be used as a 7,000 square foot restaurant and 8,000 square feet of retail uses,

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, March 27, 2001"-(5) sheets, "June 19, 2001"-(1) sheet and "July 2, 2001"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to twenty years expiring on July 17, 2021;

THAT an automatic wet sprinkler system to be installed throughout the entire two buildings and be 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 17, 2001.

## **118-01-BZ CEQR #01-BSA-117R**

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

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

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

## **COMMUNITY BOARD #1S.I.**

### **APPEARANCES -**

For Applicant: Victor Han.

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

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

### **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

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Negative: .....0

## THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 20, 2000 acting on NB. Application No. 500415963 reads, in pertinent part:

“PROPOSED OFFICE BUILDING IN A RESIDENTIAL ZONE (R3-2) CONTRARY TO SECTION 22-00 OF THE NEW YORK CITY ZONING RESOLUTION.”; and

WHEREAS, Community Board, No.1, Staten Island, recommends conditional approval of this application; and

WHEREAS, a public hearing was held on this application on June 27, 2001 after due notice by publication in *The City Record* and laid over to July 17, 2001 for decision; on July 17, 2001, the hearing was reopened, closed and a decision rendered; 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 R3-2 zoning district, the proposed use of a one-story, cellar and sub-cellar office building (Use Group 6), which does not comply with Z.R. § 22-00; and

WHEREAS, the subject premises contains 100' of frontage on Richmond Avenue a heavily traveled six lane arterial roadway, with commercial development to the north and to the south; and

WHEREAS, the record indicates that the existing two family structure which was developed in the early fifties is presently vacant; and

WHEREAS, the applicant represents that since the development of the existing building the character of the neighborhood has substantially changed from a residential to a more commercial streetscape with Richmond Avenue transforming from a two lane roadway to a six-lane (140' wide) major thoroughfare; and

WHEREAS, the record indicates that by virtue of a Board variance, the northern adjacent site (Block: 2030, Lot: 68 ) which is approximately 2 acres, was developed as a commercial nursery with approximately 20,000 square feet of greenhouse and a 62 car parking lot adjacent to the northern property line of the subject site; and

WHEREAS, the residential dwelling to the south of the property was converted to a day-care center situating the subject site between two commercial uses; and

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

WHEREAS, the applicant represents that within a quarter mile radius to the north and south of the subject site, within the last two decades most developments have been either offices, automotive service stations, community

facility, or retail uses; and

WHEREAS, the subject structure contains approximately 18,875 square feet of lot area which would yield approximately 9,437.50 square feet of residential floor area; and

WHEREAS, the site's history of development with increasing commercial and office uses, the site's vacant status, and the costs of a new 10" sanitary sewer for 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 a surrounding neighborhood that is characterized by commercial and office 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 R3-2 zoning district, the proposed use of a one-story, cellar and sub-cellar office building (Use Group 6), which does not comply with Z.R. § 22-00; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted,

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filed with this application marked "Received March 13, 2001"-(7) sheets and "July 17, 2001"-(1) sheet; 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 17, 2021;

THAT all Fire Department safety measures shall be provided and maintained in accordance with BSA approved plans;

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 17, 2001.

## 132-01-BZ

### CEQR #01-BSA-126K

APPLICANT - Sheldon Lobel, P.C., for Mark Spiegel, owner.  
SUBJECT - Application April 2, 2001 - under Z.R. §73-622, to permit in an R2 zoning district, the enlargement to an existing single-family residence which creates non-compliance with regard to F.A.R., open space ratio, side and rear yard contrary to Z.R. §23-141, §23-461, and §23-46.

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

### COMMUNITY BOARD #14BK

#### APPEARANCES -

For Applicant: Lyra Altman.

**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 March 22, 2001, acting on Application No. 301118966 reads, in pertinent part:

1. "Proposed plans are contrary to ZR: 23-141 in that the Floor Area Ratio exceeds the .5 permitted and the Open Space Ratio is less than the 150 required.
2. Proposed plans are contrary to ZR: 23-461 in

that the proposed yards are less than the minimum 5 feet required on the North side.

3. Proposed plans are contrary to ZR: 23-46 in that the proposed rear yard is less than 30 feet; and

WHEREAS, a public hearing was held on this application on June 27, 2001 after due notice by publication in The City Record, and laid over to July 17, 2001 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to permit, in an R2 zoning district, the enlargement to an existing single-family residence which creates non-compliance with regard to F.A.R., open space ratio, side and rear yard contrary to Z.R. § 23-141, § 23-461, and §23-46; and

WHEREAS, the proposed enlargement will increase the floor area ratio to .75, decrease the Open Space Ratio .83, decrease one side yard by .20 and decrease the rear yard to 20'; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulations; and

WHEREAS, the proposed enlargement will not further encroach on any legally required side yard; and

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

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

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

*Resolved* that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and *grants* a special permit to allow in an R2 zoning district, the enlargement to an existing single-family residence which creates non-compliance with regard to F.A.R., open space ratio, side and rear yard contrary to Z.R. §23-141, §23-461, and §23-46, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received May 11, 2001 -(11) sheets, and *on further condition*;

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

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THAT substantial construction be completed and a new certificate of occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, July 17, 2001.

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## 259-98-BZ

APPLICANT - Agusta & Ross, for Kent Plaza Realty Corporation, owner.

SUBJECT - Application August 21, 1998 - under Z.R. §72-21, to permit the proposed erection of two multiple dwellings (Use Group 2) located in an M1-2 zoning district, which is contrary to Z.R.§42-00.

PREMISES AFFECTED - 761/773 Kent Avenue a.k.a. 763 Kent Avenue, south side, between Little Nassau Street and Flushing Avenue, Block 1884, Lots 33 and 36 (Tentative Lot 36), Borough of Brooklyn.

### COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

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

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

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## 134-99-BZ

APPLICANT - Martyn and Don Weston Architects, for Franklyn Holding Company, owner ; The Dwight School, lessee.

SUBJECT - Application June 23, 1999 - under Z.R. §72-21 to permit the proposed enlargement to an existing school (Use Group 3) located in an rear yard, which is contrary to Z.R. §24-33, since a permitted obstruction in required rear yards or rear yard equivalents are limited to one story not exceeding 23' above curb level.

PREMISES AFFECTED - 18 West 89<sup>th</sup> Street a.k.a. 17-19 West 88<sup>th</sup> Street, south side, 160' west of Central Park West, Block 1202, Lot 25 and 40, Borough of Manhattan.

### COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Don Weston.

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 2 P.M., for decision, hearing closed.

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## 37-00-BZ

APPLICANT - Leo Weinberger, Esq., for Pappco Holding Co., Ltd., owner; Harbans Singh Dhillon, lessee.

SUBJECT - Application February 28, 2000 - under Z.R. §§11-411 and 11-412, to permit the reestablishment of an expired variance previously granted under Cal. #613-56-BZ, which permitted an automotive service station Use Group 16 in a C2-2 within an R3-2 zoning district.

PREMISES AFFECTED - 111-05/18 Van Wyck Expressway and 111-05/11 Lincoln Street, southwest corner, southwest corner, Block 11639, Lot 12, Borough of Queens.

### COMMUNITY BOARD #10Q

APPEARANCES -

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

**ACTION OF THE BOARD** - Laid over to September 11, 2001, at 2 P.M., for continued hearing.

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## 97-00-BZ

APPLICANT - Sheldon Lobel, P.C., for 1833 Nostrand Avenue Corp., owner.

SUBJECT - Application March 29, 2000 - under Z.R. §72-21, to permit the proposed change of use from a non-conforming automotive repair shop to a retail convenience store, located partially within an R6A district and partially within a C1-4 district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 502 Avenue P, Avenue P and East 5<sup>th</sup> Street, Block 6637, Lot 1, Borough of Brooklyn.

### COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Eric Palatnik, Sheldon Lobel, Chris Targalia, Daniel P. Lame.

For Opposition: Noah Dear, Jack Beyda, Suk Cohen and David Sitt.

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 14, 2001, at 2 P.M., for decision, hearing closed.

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## 173-00-BZ

APPLICANT - Sheldon Lobel, P.C., for RHIF Ltd., owner.

SUBJECT - Application June 30, 2000 - under Z.R. §Z.R. 72-21 to permit the proposed mixed use residential/community facility building, located in an R4 zoning district, which creates non-compliance in respect to F.A.R., lot coverage, perimeter wall height, total height and lot area is contrary to

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Z.R. §24-11, §24-522a, §35-411 and §24-21.

OPREMISES AFFECTED - 341/349 Troy Avenue a.k.a. 1515, 1519, 1523 Carroll Street, intersection of Troy Avenue and Carroll Street, Block 1407, Lot 1, Borough of Brooklyn.

**COMMUNITY BOARD #9BK**

APPEARANCES -

For Applicant: Sheldon Lobel.

For Opposition: Jerry Kessler, Stanley Harrich and Linda Scott.

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

**ACTION OF THE BOARD** - Laid over to September 25, 2001, at 2 P.M., for continued hearing.

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**218-00-BZ**

APPLICANT - Mothiur Rahman, for Lot 1555 Corp., owner.

SUBJECT - Application September 19, 2000 - under Z.R. §72-21, to permit the legalization of an existing public parking facility (Use Group 8) located in an R-6 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 1555 Bruckner Boulevard, south side of Boynton Avenue, Block 3715, Lot 1, Borough of The Bronx.

**COMMUNITY BOARD #9BX**

APPEARANCES - None.

**ACTION OF THE BOARD** - Laid over to September 25, 2001, at 2 P.M., for postponed hearings.

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**263-00-BZ**

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

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

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

**COMMUNITY BOARD #8M**

APPEARANCES -

For Applicant: Sol Korman.

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

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**290-00-BZ**

APPLICANT - Joseph P. Morsellino, Esq., for FERP Associates, owner; Walgreens, lessee.

SUBJECT - Application December 1, 2000 - under Z.R. §72-21, to permit the proposed erection and maintenance of accessory business signs, for an existing drug use store, that exceed the maximum square footage permitted, which is contrary to Z.R. §32-641 and §32-643.

PREMISES AFFECTED - 149-28 14<sup>th</sup> Avenue, between 149<sup>th</sup> and 150<sup>th</sup> Streets, Block 4660, Lot 10, Borough of Queens.

**COMMUNITY BOARD #7Q**

APPEARANCES - None.

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

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**292-00-BZ**

APPLICANT - Sheldon Lobel, P.C., for Congregation Adas Yereim, owner.

SUBJECT - Application December 4, 2000 - under Z.R. 73-19, to permit the proposed school (Use Group 3) located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 35 Warsoff Place, east side, between Flushing and Park Avenues, Block 1718, Lot 15, Borough of Brooklyn.

**COMMUNITY BOARD #3BK**

APPEARANCES -

For Applicant: Lyra Altman.

For Opposition: Leslie Allan.

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

**ACTION OF THE BOARD** - Laid over to September 25, 2001, at 2 P.M., for continued hearing.

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**3-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Jacob Pinson (contract vendee), owner.

SUBJECT - Application January 9, 2001 - under Z.R. §72-21, to permit the proposed conversion of a vacant manufacturing building, located in an M1-1 zoning district, to residential occupancy (Use Group 2) which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 626 Dean Street, south side, between Carlton and Vanderbilt Avenues, Block 1137, Lot 33, Borough of Brooklyn.

**COMMUNITY BOARD #8BK**

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Joan Crawford.

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

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

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

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## 23-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jacob Pinson,  
Contract Vendee.

SUBJECT - Application January 19, 2001 - under Z.R. §72-21,  
to permit the proposed conversion of a vacant building  
zoned for manufacturing use, to residential use, in an M1-  
1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 618 Dean Street, a.k.a 616 Dean  
Street, south side, between Carlton and Vanderbilt Avenues,  
Block 1137, Lots 28, 29 and 30, Borough of Brooklyn.

### COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: John Scrofani, Fire Department and John  
Crawford.

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 14,  
2001, at 2 P.M., for decision, hearing closed.

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## 49-01-BZ

APPLICANT - Harold Weinberg, P.E., for The Ronen  
Schwartz 1994 Trust by Gady Schwartz, owner.

SUBJECT - Application February 9, 2001 - under Z.R. §73-  
622, to permit the proposed enlargement to an existing two  
family dwelling (Use Group 2) located in an R3-1 zoning  
district, which does not comply with the zoning  
requirements for F.A.R. and lot coverage, which is contrary  
to Z.R. §23-141 and §54-31.

PREMISES AFFECTED - 54 Coleridge Street, west side,  
340.0' north of Hampton Avenue, Block 8728, Lot 46,  
Borough of Brooklyn.

### COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

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

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## 55-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for 568 Broadway  
Joint Venture, owner; LMVH, dba, Bliss Spa, lessee.

SUBJECT - Application February 22, 2001 - under Z.R. §73-  
36, to permit the legalization of an existing physical culture  
establishment/health spa, on portions of the second and  
third floors of an eleven story mixed use building, in an M1-  
5B zoning district, which requires a special permit.

PREMISES AFFECTED - 568 Broadway, northeast corner of  
Prince Street, Block 511, Lot 1, Borough of Manhattan.

### COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Fredrick A. Becker, Doris Diether, Community  
Board #2M.

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 2 P.M., for decision, hearing closed.

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## 138-01-BZ

APPLICANT - Geroge E. Berger, for Love Fellowship  
Tabernacle Inc., owner.

SUBJECT - Application April 12, 2001 - under Z.R. §72-21, to  
permit the legalization of an existing church (Use Group 4)  
located in an M1-1 zoning district, also an increase in the  
size of the building which will penetrate the sky exposure  
plane and extend into the required open space is contrary to  
Z.R. §43-301 and §43-43.

PREMISES AFFECTED - 464/74 Liberty Avenue, a.k.a.  
179/87 Bradford Street, southeast corner, Block 3708, Lot 11,  
Borough of Brooklyn.

### COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: George E. Burger.

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

**ACTION OF THE BOARD** - Laid over to September 11,  
2001, at 2 P.M., for continued hearing.

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## 162-01-BZ

APPLICANT - Jay Segal (Greenberg Traurig), for Greenwich  
Renwich, LLC, Contract Vendee.

OWNER OF PREMISES: Lava, LLC and Henry Murad.

SUBJECT - Application April 26, 2001 - under Z.R. §72-21, to  
permit the proposed construction of a fourteen story

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building, to be used almost exclusively for residential use, located in an M1-6 zoning district, which contrary to Z.R. §42-10.

PREMISES AFFECTED - 499 Greenwich Street, commences 40'-9" from the southeast intersection of Greenwich and Spring Streets, Block 594, Lots 29 and 37, Borough of Manhattan.

**COMMUNITY BOARD #2M**

APPEARANCES -

For Applicant: Jay Segal, David Reck, James Noll, Blake Middleton, Rudolph Frizzi, Jack Freeman, Steven Ciambuschoni and other.

For Opposition: Doris Diether, Community Board #2M; Carin Mirowitz, Gary Parker, Ellen Peterson, Kenneth McCallion, David Gruber, Jo Hamilton, Rich Hersclab, Joanne Hendricks, Katy Bordonaro, Kathleen Faccini, Zack Winestine and others.

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

**ACTION OF THE BOARD** - Laid over to September 11, 2001, at 2 P.M., for continued hearing.

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**164-01-BZ**

APPLICANT - Moshe Friedman, P.E., for James Salame, owner.

SUBJECT - Application April 26, 2001 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling (Use Group 1) located in an R2 zoning district, which does not comply with the zoning requirements for floor area ration, open space ration and rear and side yards, which is contrary to Z.R. §23-141(a), §23-47 and §23-48.

PREMISES AFFECTED - 1118 East 28<sup>th</sup> Street, west side, 140' south of Avenue "K", Block 7627, Lot 53, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

APPEARANCES -

For Applicant: Moshe Friedman.

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.

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**202-01-BZ**

APPLICANT - Howard Z. Zipser for 225 Fourth, LLC, owner.

SUBJECT - Application June 4, 2001 - under Z.R. §72-21, to permit the proposed change of use within portions of an existing nineteen story building, located partially within C6-4A and R-8 zoning districts, from community facility (Use Group 3) to office use (Use Group 6), which is contrary to

Z.R. §22-00.

PREMISES AFFECTED - 225 Park Avenue South, northeast corner of East 18<sup>th</sup> Street, Block 874, Lot 1, Borough of Manhattan.

**COMMUNITY BOARD #5M**

APPEARANCES -

For Applicant: Steven Sinacori.

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 2 P.M., for decision, hearing closed.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 6:15 P.M.

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# MINUTES

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