
BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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August 2, 2001

DIRECTORY

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Tuesday, July 24, 2001

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238-01-BZ B.Q. 135-04 11th Avenue, southeast corner of 135th Street, Block 4016, Lot 4, Borough of Queens, Applic. #401205913. Proposed erection of a one family dwelling, Use Group 1, in an R2 zoning district, which does not meet the zoning requirements for front yard, open space, lot area, lot width and lot area per dwelling unit, is contrary to Z.R. §23-141, §23-32, §23-221 and §23-45 .
COMMUNITY BOARD #7Q

239-01-BZ B.Q. 135-16 11th Avenue, southeast corner of 136th Street, Block 4016, Lot 4, Borough of Queens. Applic. #401205904. Proposed erection of a one family dwelling, Use Group 1, in an R2 zoning district, which does not meet the zoning requirements for front yard, open space, lot area, lot width and lot area per dwelling unit, is contrary to Z.R. §23-141, §23-32, §23-221 and §23-45 .
COMMUNITY BOARD #7Q

240-01-BZ B.M. 110/20 Church Street, aka 54 Murray Street, aka 33/41 Park Place, southwest corner, Block 126, Lots 2 and 27, Borough of Manhattan. Applic.#102896494. Proposed physical culture establishment, within portions of the first and second floors, of an existing mixed use 21story building, requires a special permit from the Board as per Z.R.§73-36.
COMMUNITY BOARD #1M

241-01-BZ B.BK. 1279 East 23rd Street, east side, 100'-0" north of Avenue "M", Block 7641, Lot 11, Borough of Brooklyn. Applic.#301167092. Proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, is contrary to Z.R. §§23-141 and 23-47.
COMMUNITY BOARD #14BK

242-01-BZ B.M. 25 West 14th Street, north

243-01-BZ B.S.I. 135 Parkinson Avenue, aka 1217 Hylan Boulevard, northeast corner, Block 3208, Lot 1, Borough of Staten Island. Applic. #500479617. Proposed reduction in the number of required parking spaces, for not-for-profit offices, requires a special permit as per Z.R. §73-44.
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244-01-BZ B.BK. 325 South First Street, aka 398/404 Rodney Street, northeast corner, Block 2398, Lot 28, Borough of Brooklyn. Applic.#301185955. The legalization of residential units within an existing three story building, located in an M1-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #1BK

245-01-BZ B.M. 601 West 26th Street, entire block, between 11th and 12th Avenues, Block 672, Lot 1, Borough of Manhattan. Applic. #102690571. Proposed physical culture establishment, to be located within a portion of the 16th floor of the subject premises, in an M2-3 zoning district, requires a special permit from the Board as per Z.R. §73-36.
COMMUNITY BOARD #4M

246-01-BZ B.S.I. 4016 11th Avenue, southeast corner of 135th Street, Block 4016, Lot 4, Borough of Queens. Applic.#102511541. Proposed use of the second floor of a two story commercial building as a physical culture establishment, located in a C6-2M zoning district, requires a special permit as per Z.R.§73-36.
COMMUNITY BOARD #5M

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

CALENDAR

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

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

SPECIAL ORDER CALENDAR

109-34-BZ

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

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

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

COMMUNITY BOARD # 5Q

39-66-BZ

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

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

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

COMMUNITY BOARD #7Q

1181-80-BZ

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

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

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

COMMUNITY BOARD #2Q

205-98-BZ

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

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

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

COMMUNITY BOARD #13Q

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

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

APPEALS CALENDAR

46-01-A

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

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

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

COMMUNITY BOARD #3SI

47-01-A

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

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

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

COMMUNITY BOARD #3SI

50-01-A

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

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

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

COMMUNITY BOARD #3SI

51-01-A

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

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

CALENDAR

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

COMMUNITY BOARD #3SI

206-01-A

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

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

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

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

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

ZONING CALENDAR

15-01-BZ/22-01-A

APPLICANT - 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

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

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 a C2-2 within an R5 zoning district, which does not comply with the zoning requirements for floor area, F.A.R. and sky exposure plane, which is contrary to Z.R. §33-441, §33-161 and §54-31.

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

COMMUNITY BOARD #8Q

221-01-BZ

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

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

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

COMMUNITY BOARD #5M

Pasquale Pacifico, Executive Director

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**REGULAR MEETING
TUESDAY MORNING, JULY 24, 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, July 10, 2001, were approved as printed in the Bulletin of July 19, 2001, Volume 86, Nos. 28-29.

SPECIAL ORDER CALENDAR

300-64-BZ

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

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

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

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Richard Bass.

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 June 12, 2001, after due notice by publication in The City Record, laid to July 10, 2001 and then to July 24, 2001 for decision; and

WHEREAS, Community Board #9, recommended conditional approval of the application; and

Resolved, that the Board of Standards and Appeals reopens and amends the resolution pursuant to §72-01 and §72-22 of the Zoning Resolution, said resolution having been adopted on June 9, 1964, as amended through December 17, 1991 expiring on June 9, 1999, so that as amended this portion of the resolution shall read:

"To extend the term of the variance; on condition that the term shall be limited to ten years, to expire on June 9, 2009; that the parking lot shall be leveled, re-paved and re-striped; that the screening and fencing shall be

adequately maintained; that the lot shall be opened for customer parking during store hours and closed during non-business hours; that all lighting shall be directed down and away from the residential uses; that the premises shall be maintained clean of debris and in substantial compliance with the existing and proposed conditions plans submitted with the application marked 'Received June 26, 2001'-(2) sheets and that other than herein amended, the above cited resolution shall be complied with in all respects".

(DOB ALT 114/1964)

Adopted by the Board of Standards and Appeals, July 24, 2001.

772-67-BZ

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

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

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

COMMUNITY BOARD #1S.I.

APPEARANCES -

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

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

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

WHEREAS, a public hearing was held on this application on July 10, 2001, after due notice by publication in The City Record and laid to July 24, 2001 for decision.

WHEREAS, Community Board #1, Staten Island recommended approval of the application; and

Resolved, that the Board of Standards and Appeals reopens and amends the resolution pursuant to Z.R. §73-11, said resolution having been adopted on November 21, 1967, as amended through April 28, 1987, so that as amended this portion of the resolution shall read:

"To permit a 612 square feet enlargement to the existing accessory building to accommodate an additional repair bay and an attendant's area; on condition that the parking shall be for cars awaiting service; that the premises shall be maintained clean graffiti and debris and in substantial compliance with the proposed conditions plans submitted with the application marked

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'Received June 26, 2001' - (5) sheets and that other than herein amended, the above cited resolution shall be complied with in all respects and a new certificate of occupancy obtained within eighteen months of the date of this amended resolution".

(DOB 500455027)

Adopted by the Board of Standards and Appeals, July 24, 2001.

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 24, 2001.

306-70-A

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

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

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

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Elliott M. 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 24, 2001 after due notice by publication in The City Record.

WHEREAS, the Board is in receipt of a letter dated June 6, 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 October 27, 1970 as amended through January 22, 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

617-80-BZ

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

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

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

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Janice Cahalane.

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

ACTION OF THE BOARD -Application reopened , term of variance extended and resolution amended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

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

WHEREAS, a public hearing was held on this application on April 3, 2001, after due notice by publication in The City Record, laid to April 24, 2001, May 22, 2001, July 10, 2001 and then to July 24, 2001 for decision; and

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

WHEREAS, the owner of the premises has submitted title to Block 5384, Lot 51 which is a parcel directly across the street from the subject premises and an affidavit dated July 13, 2001, stating that valet parking will be provided at said location.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution pursuant to Z.R.§72-01and §72-22, said resolution having been adopted on November 19, 1991, so that as amended this portion of the resolution shall read:

"To extend the term of the variance and to legalize the

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following changes to the premises: a 5' increase in the ceiling height to accommodate an air conditioning system; the addition of elevator services; on condition that the term shall be limited to ten years, from December 9, 2000 expiring on December 9, 2010; on condition;

That the garbage shall be screened and stored in accordance with the rules of the Health Department; that valet parking shall be provided at all times on Block 5384, Lot 51;

That no valet parking shall be conducted on the local streets; that the premises shall comply with Local Law 41/1978, relating to fire safety; that these conditions shall appear on the Certificate of Occupancy;

That the premises shall be maintained in substantial compliance with the existing and proposed conditions plans submitted with the application marked 'Received February 15, 2001' -(7) sheets and 'June 12, 2001' -(1) sheet and that other than herein amended, the above cited resolution shall be complied with in all respects and a new certificate of occupancy be obtained within eighteen months of the date of this amended resolution.

(DOB 300540029)

Adopted by the Board of Standards and Appeals, July 24, 2001.

192-90-BZ

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

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

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

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Hiram Rothkrug.

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

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

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

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

then to July 24, 2001 for decision.

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

WHEREAS, the Board finds that the proposed amendment will not cause any significant impacts on the surrounding neighborhood.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution pursuant to Z.R.§72-01 and §72-22, said resolution having been adopted on November 19, 1991, so that as amended this portion of the resolution shall read:

"To permit an 850 square foot enlargement to the existing retail (Use Group 6) and wholesale (Use Group 17) bakery establishment; on condition that the retail (Use Group 6) portion of the operation shall not exceed 750 square feet; that the garbage shall be kept inside the premises, except immediately prior to pick-up; that no deliveries shall occur prior to 6:00 A.M.; that all signs shall comply with the C-1 district regulations; that the entire cellar shall be sprinklered; that these conditions shall appear on the certificate of occupancy; that the premises shall be maintained in substantial compliance with the existing and proposed conditions plans submitted with the application marked, 'Received April 24, 2001'-(2) sheets and 'July 5, 2001'-(1) sheet and that other than herein amended, the above cited resolution shall be complied with in all respects and a new certificate of occupancy be obtained within eighteen months of the date of this amended resolution.

(DOB 200645873)

Adopted by the Board of Standards and Appeals, July 24, 2001.

65-95-BZ

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

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

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

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Victor Han.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION

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

WHEREAS, a public hearing was held on this application on July 10, 2001, after due notice by publication in The City Record and then laid over to July 24, 2001 for decision; and

WHEREAS, Community Board #2, Staten Island, recommended approval of the application; and

WHEREAS, the Board finds that the proposed amendment will not cause any significant impacts on the surrounding neighborhood.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution pursuant to Z.R.§72-01 and §72-22, said resolution having been adopted on August 8, 1995, so that as amended this portion of the resolution shall read:

"To legalize the existing office use at the mezzanine level; the elimination of six parking spaces within the parking area which has been converted to a loading berth; the elimination of twelve parking spaces which are used as 'cart corrals' and the elimination of the parking spaces along Locust Avenue; on condition that the parking lot shall be locked after business hours; that all site lighting shall be directed downward and away from adjacent residential uses; that the premises shall be maintained in substantial compliance with the existing and proposed conditions plans submitted with the application marked 'Received March 21, 2001' - (4) sheets, and that other than herein amended, the above cited resolution shall be complied with in all respects and a new certificate of occupancy be obtained within eighteen (18) of the date of this amended resolution.

(DOB 500264091)

Adopted by the Board of Standards and Appeals, July 24, 2001.

263-98-BZ

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

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

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

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and

Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to complete substantial construction; and

WHEREAS, a public hearing was held on this application on July 10, 2001 after due notice by publication in The City Record, laid over to July 24, 2001 for decision.

Resolved, that the Board of Standards and Appeals hereby reopens and amends the resolution adopted on April 27, 1999, only as to the time to complete substantial construction, so that as amended this portion of the resolution shall read:

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

(DOB 300782240)

Adopted by the Board of Standards and Appeals, July 24, 2001.

93-72-BZ

APPLICANT - Fischbein Badillo Wager Harding, for Sovereign Apartment, owner.

SUBJECT - Application January 8, 2001 - reopening for an amendment of the variance.

PREMISES AFFECTED -405,411 to 449 East 58th Street/ 408, 420 to 438 East 59th Street, 106.6' West of Sutton Place, Block 1370, Lot(s)102,6,7108, 8, 15, 16, 17, 117, 18, 19, 29, 30, 31, 121, 44.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Howard B. Hornstein, Barbara Hair.

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

613-74-BZ

APPLICANT -Pillsbury Winthrop LLP, for Verizon New York Inc., owner.

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

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

MINUTES

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Melanie Meyers.

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

964-87-BZ

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

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

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

COMMUNITY BOARD #12BX

APPEARANCES -

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 decision, hearing closed.

139-92-BZ

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

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

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

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: Samuel H. Valencia.

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

102-95-BZ

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

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

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

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Fredrick A. Becker and Brian Landeche.

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

63-96-BZ

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

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

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

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Dennis D. Dell Angelo and Lewis Saperstein.

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.

290-99-BZ

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

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

PREMISES AFFECTED - 99/101 Greenwich Avenue a/k/a

MINUTES

230 West 12th Street, southwest corner of Greenwich Avenue and West 12th Street, Block 615, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Adam W. Rothkrug and Doris Diether.

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

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

130-00-A

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

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

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Paul Mok and Anthony Nastasi.

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

131-00-A

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

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

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Paul Mok and Anthony Nastasi.

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

133-00-A

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

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

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Paul Mok and Anthony Nastasi.

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

43-01-A

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

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

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

COMMUNITY BOARD #13Q

APPEARANCES -

For 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 January 23, 2001, acting on N.B. Application No. 401183330, reads:

“1.”No construction is permitted in the bed of a mapped street as per Section 35 of the General City Law “ refer to the Board of “Standards and Appeals; and

WHEREAS, by letter dated May 16, 2001, the New York City Department of Environmental Protection has reviewed the above project and has no objections; and

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WHEREAS, by letter dated May 22, 2001, the New York City Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by the letter dated May 30, 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 January 23, 2001, acting on N.B. Application No. 401183330, is modified under the power vested in the Board by §§ 35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received, April 13, 2001"-(1) sheet; and that the proposal comply with all applicable R3-2 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 24, 2001.

mapped street as per Section 35 of the General City Law " refer to the Board of "Standards and Appeals; and

WHEREAS, by letter dated May 16, 2001, the New York City Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated May 22, 2001, the New York City Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by the letter dated May 30,2001, 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 January 23, 2001, acting on N.B. Application No. 401183367, is modified under the power vested in the Board by §§ 35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received, April 13, 2001"-(1) sheet; and that the proposal comply with all applicable R3-2 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 24, 2001.

44-01-A

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

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

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

COMMUNITY BOARD #13Q

APPEARANCES -

For 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 January 23, 2001, acting on N.B. Application No. 401183367, reads:

"1."No construction is permitted in the bed of a

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: 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

MINUTES

Commissioner Caliendo.....3
Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated March 29, 2001, acting on ALT 1. Application No. 401222832, reads:

For Board of Standards & Appeals only:

“1. Proposal to rebuild and enlarge the existing first floor and add a new second floor on a home which lies within an R4 district but which does not front on a mapped street(Courtney Lane) and simultaneously lies within the bed of a street which is mapped (Beach 203rd Street) is contrary to Sections 36(2) and 35 of Article 3 of the General City Law respectively and also contrary to Section 27-291 of the Building Code and must, therefore, be referred back to the Board of Standards and Appeals for approval.”; and

WHEREAS, by the letter dated April 24, 2001, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated June 11, 2001, the New York City Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated June 14, 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 29, 2001, acting on ALT 1. Application No. 401222832, 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 16, 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 24, 2001.

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: 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 29, 2001, acting on ALT. Application No. 401223065, reads:

For Board of Standards & Appeals only:

“1. Proposal to enlarge the existing first floor and erect a new second floor at a home which is located in an R4zoning district but which does not front on a mapped street (Bedford Avenue) and simultaneously lies within the bed of a street which is mapped (Beach 203rd Street) is contrary to Article 3, Sections 36(2) and 35 of Article 3 of the General City Law respectively and also contrary to Section 27-291 of the Building Code and must, therefore, be referred back to the Board of Standards and Appeals for approval.”; and

WHEREAS, by the letter dated April 24, 2001, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated June 11, 2001, the New York City Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated June 14, 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 29, 2001, acting on ALT. Application No. 401223065, 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,

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“Received, April 16, 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 24, 2001.

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: 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 April 4, 2001, acting on ALT 1. Application No. 401286210, 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 frontage space is contrary to Section 27-291 of the Administrative Code.”; and

WHEREAS, by the letter dated May 7, 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 April 4, 2001, acting on ALT 1. Application No. 401286210, 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 16, 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 24, 2001.

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 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 May 2, 2001, acting on ALT Application No. 401213058, reads:

“THE SITE AND BUILDING ARE NOT FRONTING ON AN OFFICIAL MAPPED STREET AND ARE CONTRARY TO ARTICLE 3, SECTION 36 OF THE GENERAL CITY LAW ADDITIONALLY THE BUILDING IS CONTRARY TO SECTION 27-291 OF THE NYC BUILDING CODE SINCE IT DOES NOT HAVE AT LEAST 8% OF THE TOTAL PERIMETER OF BUILDING FRONTING DIRECTLY UPON A LEGALLY MAPPED STREET OR FRONTAGE SPACE.”; and

WHEREAS, by the letter dated May 15, 2001, the Fire Department has reviewed the above project and has no

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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 May 2, 2001, acting on ALT Application No. 401213058, 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, May 8, 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 24, 2001.

213-00-A

APPLICANT - Klein and O'Brien, LLP, for Congregation Tomchei Torah, owner.

SUBJECT - Application September 8, 2000 - an appeal from a Buildings Department Administrative decision dated August 30, 2000, denying a permit to remove and replace a wall at subject premises.

PREMISES AFFECTED - 1966 Ocean Avenue, west side, 146.3' north of Avenue O, Block 6757, Lot 45, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Allison Kamensky.

For Administration: Lisa Orrantia, Department of Buildings.

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

35-01-A

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

OWNER OF PREMISES: Marymount School.

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

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

APPEARANCES -

For Applicant: Jack Lester, Craig Whitaker and Iver Iverson.

For Opposition: Shelly Friedman c/o Marymount School.

For Administration: John Scrofani, Fire Department; Lisa Orrantia.

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

57-01-A thru 98-01-A

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

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

PREMISES AFFECTED -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

132 Alberta Avenue, south side, 248.4' northwest of

Dean Avenue, Block 2643, Lot 23, Borough of Staten Island.

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

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

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

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

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

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

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

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

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

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

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

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Wallace Kubec.

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

124-01-A

APPLICANT - Fischbein Badillo Wagner Harding, by: Marvin B. Mitzner, Esq., for Queens Boulevard Realty Group, LLC., owner.

SUBJECT - Application March 23, 2001 - proposed ramp at the entrance to the garage, for the building's parking in the

MINUTES

cellar (four story commercial building), must provide a 20' landing in accordance with Section 27-458 of the NYC Building Code and proposed number of exits from all floors is contrary to Section 27-366 (C26-603..2) of Building Code must provide 2 means of egress.

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

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: Howard B. Hornstein and Barbara Hair.

For Opposition: John Reisinger, Department of Buildings.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 14, 2001, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:40 A.M.

REGULAR MEETING

TUESDAY AFTERNOON, JULY 24, 2001

2:00 P.M.

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

ZONING CALENDAR

73-99-BZ

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

SUBJECT - Application April 12, 1999 - under Z.R. §73-243, to permit the proposed drive-thru, accessory to an eating and drinking establishment, located in an C1-1 zoning district within the Special South Richmond Development District (SSRD).

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

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: John Lafemina.

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 August 11, 2000, acting on Applic. No. 500247636 reads:

“The Department of Buildings that states the proposed drive thru is located within the Special South Richmond Development (SSRD) and requires a variance from the Board of Standards and Appeals.” And

WHEREAS, a public hearing was held on this application on March 6, 2001 after due notice by publication in *The City Record*, laid over to April 17, 2001, May 22, 2001, July 10, 2001 and then to July 24, 2001 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed drive-thru, accessory to an eating and drinking establishment, located in an C1-1 zoning district within the Special South Richmond Development District(SSRD); and

WHEREAS, the existing Burger King restaurant is bounded by Amboy Road to the north, Ridgecrest Avenue to the east, Oakdale Street to the south, and Richmond Avenue to the west; and

WHEREAS, the project is located entirely within a C1-1 (R3-2) zoning district, with 133.73 feet of frontage along Richmond Avenue, 203.88 feet of frontage along Amboy Road, and 139.023 feet of frontage along Ridgecrest Avenue; and

WHEREAS, the proposed “Variance” application would permit the operation of a drive-through window containing 170 sq. ft which will be accessory to the existing 2,792 square foot Burger King restaurant (use group6); and

WHEREAS, the drive-through facility would be accessed from the existing curb cut located on Ridgecrest Avenue, and ten car queuing line has been provided; and

WHEREAS, the drive-through would be located entirely within the existing Burger King site; and

WHEREAS, the topography of the site has created practical difficulties and financial hardship in the development of the existing Burger King restaurant; and

WHEREAS, the property slopes upward along Amboy Road toward Richmond Avenue and inclines above Amboy Road to be at Grade with Richmond Avenue; and

WHEREAS, along the easterly side of Richmond

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Avenue, starting at the corner of Amboy Road, Richmond Avenue inclines approximately 30 degrees; and

WHEREAS, most of the parking area is at grade with Amboy Road, and is below grade along the incline of Richmond Avenue; and

WHEREAS, the construction of the drive thru will incur increased costs for foundations, based on the topography of the site; and

WHEREAS, these unique conditions create an unnecessary hardship resulting from the increased construction costs in developing structures on the zoning lot; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that as a result of the constraints placed on the subject zoning lot development of the site in strict conformity with the Zoning Resolution would not yield a reasonable return; and

WHEREAS, the subject zoning lot is located within a commercial district and contains existing retail uses; and

WHEREAS, the drive-through will contain a separate ordering and delivery area and has been placed so that it would not interfere with the internal traffic flow of the Burger King; and

WHEREAS, by letter dated July 5, 2001, the Department of Transportation, has determined that the addition of this drive thru will not create any significant impacts on traffic circulation or safety in this area; and

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

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

WHEREAS, the applicant has submitted evidence that the proposed conversion is the minimum development necessary in order to receive a reasonable return; 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 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 the proposed drive-thru, accessory to an eating and drinking establishment, located in an C1-1 zoning district within the Special South Richmond Development District (SSRD), *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, October 10, 2000"-(11) sheets; and on further condition

THAT the hours of operation of the drive thru shall be seven days a week, 6:00 A.M. thru 12:00 A.M. to coincide with the existing hours of operation of the restaurant;

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 24, 2001.

264-00-BZ

CEQR #01-BSA-050Q

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

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

PREMISES AFFECTED - 65-45 Fresh Meadow Lane, between 65th and 67th Avenues, Block 6916, Lot 10, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Adam Rothkrug.

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

THE RESOLUTION -

Adopted by the Board of Standards and Appeals, July 24, 2001.

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268-00-BZ

CEQR#01-BSA-052R

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

SUBJECT - Application November 14, 2000 - under Z.R. §72-21, to permit, in an R3-2 zoning district, permit the proposed enlargement of an existing eating and drinking establishment (Use Group 6) and the addition of lot area to legalize accessory parking, which is contrary to Z.R. §22-10, §52-22 and §52-21.

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

COMMUNITY BOARD #2SI

APPEARANCES -

For 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 November 2, 2000, acting on Applic. No. 500413073, reads:

- “1) The proposed enlargement of existing non-conforming eating and drinking establishment (Use Group 6) is not a use permitted as of right and increasing the degree of non-conformance when located in an R3-2 zoning district is contrary to section 22-10, 52-22 and 52-41 of the Zoning Resolution.
- 2) There are no applicable bulk, parking or loading regulations for an enlargement of anon-conforming Use Group 6 when located in an R3-2 zoning district.”; and

WHEREAS, Community Board #2, Staten Island, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on June 12, 2001, after due notice by publication in *The City Record*, laid over to July 10, 2001 and then to

July 24, 2001 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed enlargement of an existing eating and drinking establishment (Use Group 6) and the addition of lot area to legalize accessory parking, which is contrary to Z.R. §22-10, §52-22 and §52-21; and

WHEREAS, the subject premises is located in an R3-2 district; and

WHEREAS, the premises consists of an irregular lot, with 214.82 ft. frontage along Draper Place, 222.7 ft. frontage along Richmond Avenue, and 23 ft. frontage along the extended street line of Saxon Avenue, a total of 13,857 square feet in area, developed with an existing use group 6 eating and drinking establishment with accessory parking; and

WHEREAS, the existing restaurant consists of a cellar and two story building, with 1,869 sq. ft. of exempt floor area in the cellar, 2,902 sq. ft. of commercial space on the first floor and a one family dwelling on the second floor, a total of 4,771 sq. ft. of floor area; and

WHEREAS, the northerly portion of the lot is currently used for accessory parking, although it appears that this lot was not part of the original site, and was added after December 15, 1961, when the property was zoned residentially, there is no record of a formal filing in the Department of Buildings, and no Certificate of Occupancy exists for the existing accessory parking use; and

WHEREAS, the applicant has proposed to combine the to combine the two existing lots into a single lot, and to construct a cellar and two-story enlargement to the existing eating and drinking establishment and

WHEREAS, the proposed enlargement will consist of a cellar containing 1,890 sq. ft. of exempt floor area for storage use, 2,175 sq. ft. of area on the first floor, and 2,754 sq. ft. of area on the second floor; and

WHEREAS, the residential apartment will be maintained as a caretaker’s apartment, and will not be rented out; and

WHEREAS, the parking will provide attended parking for thirty automobiles; and

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

WHEREAS, the record indicates that the premises consists of an irregularly shaped lot, located on an irregular lot, developed with a legally non-conforming use within a building over sixty years old; and

WHEREAS, the applicant represents that the premises

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was adversely affected by the mapping of Richmond Avenue, which resulted in a significant portion of the property being acquired for use as a street; and

WHEREAS, the applicant represents that the existing building and eating and drinking establishment are outdated and obsolete, and do not provide the space or flexibility required in order to operate a modern restaurant; and

WHEREAS, the aforementioned unique physical conditions of the zoning lot create practical difficulties and cause unnecessary hardship in the strict compliance of the zoning resolution; and

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

WHEREAS, the subject property is separated by street from any residential properties, and the only other property on the subject block is also developed for commercial uses; and

WHEREAS, the legalization of the existing parking permits accessory parking for up to thirty cars with use of an attendant; and

WHEREAS, the existing eating and drinking establishment was in existence prior to the surrounding residences; and

WHEREAS, the peak hours of operation of the eating and drinking establishment are different than that of the retail uses on the adjacent lot so there is no parking and traffic conflict; and

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

WHEREAS, the practical difficulties and unnecessary hardship are a result of the unique location and prior development of the surrounding area, including the development of Richmond Avenue; and

WHEREAS, the existing building is one of the oldest structures in the surrounding area, and an enlargement is required in order for the owner to obtain a reasonable return from the property, including the expenses required in connection with the badly required rehabilitation of the building; 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 R3-2 zoning district, permit the proposed enlargement of an existing eating and drinking establishment (Use Group 6) and the addition of lot area to legalize accessory parking, which is contrary to Z.R. §22-10, §52-22 and §52-21, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked, "Received, February 16, 2001"-(8) sheets, "June 27, 2001"-(2) sheets and "July 19, 2001"-(3) sheets; and on further condition;

THAT fire protection measures, including an automatic wet sprinkler system to be provide throughout the entire cellar and first floor connected to a Fire Department approved Central Station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT the eating and drinking establishment hours of operation are: Sunday thru Thursday 11:00 a.m. until 11:00 p.m. and Friday and Saturday 11:00 a.m. until 1:00 a.m.

THAT there will be no live entertainment, live music, dancing or cabaret use.

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 24, 2001.

296-00-BZ

CEQR#01-BSA-069Q

APPLICANT - Alfonso Duarte, for Akiva Teitz, owner.

SUBJECT - Application December 13, 2000 - under Z.R. §72-21, to permit in an R4B zoning district the legalization of an existing office use (Use Group 6) on the first and second floor of the subject premises, which is contrary to § Z.R 22-00.

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

COMMUNITY BOARD #8Q

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APPEARANCES -

For Applicant: Alfonso Duarte.

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

ACTION OF THE BOARD - Application denied.

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:0

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

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 17, 2000, acting on Applic. No. 400891861 reads:

“1. Proposed offices U. G. 6 located in residential district contrary to Section 22-00 Z.R..”

WHEREAS, Community Board #8, recommends disapproval of this application; and

WHEREAS, a public hearing was held on this application on July 10, 2001 after due notice by publication in *The City Record*, laid over to July 24, 2001 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R4B zoning district the legalization of an existing office use (Use Group 6) on the first and second floor of the subject premises, which is contrary to § Z.R 22-00; and

WHEREAS, the subject site has had a history of development with a residential use or community facility use; and

WHEREAS, the applicant acknowledges that the zoning district permits residential and community facility uses; and

WHEREAS, the record indicates that the subject site is a two story structure containing approximately 1779 square feet located at the end of a row of attached two story brick houses on a regular lot that is approximately 25.25' by 100; and

WHEREAS, the record indicates that the lower level of the subject premises is currently occupied by a community facility use with the remainder of the space occupied by an illegal office use; and

WHEREAS, the applicant represents that the subject

zoning district now contains a mixture of residential and commercial uses; and

WHEREAS, as part of its uniqueness finding, the applicant represents that the entrance to the office is on Main Street and has no effect on the residences on 70th Avenue; and

WHEREAS, the Board finds that a claim of compatibility with permitted uses, is not by itself, enough to confer uniqueness on a property; and

WHEREAS, while the applicant alleges that the site is a narrow corner lot, the record indicates within the surrounding area there are several corner lots that are narrower; and

WHEREAS, the Board finds that the applicant has failed to provide evidence of a unique physical condition that is peculiar to and inherent in the zoning lot; and

WHEREAS, the applicant has failed to provide evidence that a conforming development is not viable and that its history of use is not enough to establish a practical difficulty; and

WHEREAS, the record indicates that prior to the applicants illegal conversion, the premises housed an educational institution and was used as a permitted Use Group 3 dormitory; and

WHEREAS, the record indicates that the subject site was part of an area that was rezoned in 1992 under an application filed by Community Board 8, to retain the residential character of the neighborhood; and

WHEREAS, the Board notes that although, the adjacent area has seen an increase in the number of commercial uses, the Board's inspection of the site and review of the area revealed that residential and community facility uses predominate; and

WHEREAS, the record indicates that prior to the construction of the subject premises, the applicant marketed the site for office uses in an R4B zoning district, where only residential is permitted; and

WHEREAS, the Board finds that marketing the site for a non-conforming use, is a self-created hardship; and

WHEREAS, the Board finds that this application does not meet the findings under §72-21(a), (b)(c), and D.

Resolved, that the decision of the Borough Commissioner, dated November 17, 2000, acting on Applic. No. 400891861 is upheld and the appeal is denied.

Adopted by the Board of Standards and Appeals, July 24, 2001.

4-01-BZ

CEQR#01-BSA-082K

APPLICANT - Fredrick A. Becker, Esq., for 18 Richardson Street Holdings Corporation, LLC, owner.

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SUBJECT - Application July 10, 2000 - under Z.R. §72-21, to permit the proposed conversion of the second floor of an existing manufacturing building, located in an M1-2(R-6) zoning district, to residentially occupancy (Use Group 2), which is contrary to Z.R. §42-00.

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 5, 2001, acting on Applic. No. 301109253, reads:

“Proposed use, residential occupancy, not permitted as of right in a manufacture district [M1-2(R-6)] as per N.Y.C. Zoning Resolution”; and

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

WHEREAS, a public hearing was held on this application on July 10, 2001 after due notice by publication in *The City Record*, laid over to July 24, 2001 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed conversion of the second floor of an existing manufacturing building, located in an M1-6(R-6) zoning district, to residentially occupancy (Use Group 2), which is contrary to Z.R. §42-00; and

WHEREAS, the subject premises is located on the at 18 Richardson Street, Brooklyn and improved with an existing two story manufacturing use structure; and

WHEREAS, the property is located within an M1-2 (R6) zoning district; and

WHEREAS, the structure was built in the 1920's-1930's as a commercial/manufacturing building; and

WHEREAS, for the past fifty years it was owner occupied by a company that fabricated metal garbage pails and metal fire and sand buckets; and

WHEREAS, this use discontinued upon the sale of the

building to the current owners; and

WHEREAS, the current owners intend to maintain the ground floor space for commercial/manufacturing uses, and to convert the upper floor into four residential dwelling units; and

WHEREAS, the ground floor will be used a custom cabinetry/woodworking shop (Use Group 16) and an artist's studio (Use Group 9), both of which will be occupied by the building's owners; and

WHEREAS, the owners will also occupy on of the residential units; and

WHEREAS, the site can be classified as unique based on the functional obsolescence of the second floor of the subject building for conforming commercial or manufacturing use; and

WHEREAS, this functional obsolescence is based on the fact that there is no elevator in the building because it was constructed without one; and

WHEREAS, this was acceptable 70 years ago when the building was built but it is not acceptable in the current market; and

WHEREAS, the cost to install an elevator is prohibitive and without one there is no practical means of getting materials and supplies to the second floor; and

WHEREAS, the second floor is no longer feasible for its as-of-right use, and this condition presents difficulties and hardships in relation to its use and occupancy for such purposes; and

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

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

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

WHEREAS, within the vicinity of the site there is a significant mixture of commercial/manufacturing and residential uses; and; 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

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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 the proposed conversion of the second floor of an existing manufacturing building, located in an M1-2(R-6) zoning district, to residentially occupancy (Use Group 2), which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received, June 4, 2001"-(4) sheets, "July 12, 2001"-(1) sheet and "January 9, 2001"-(1) sheet; and on further condition;

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

THAT the ground floor uses be restricted to woodworking, cabinetry shop and artist studio;

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

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

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

Adopted by the Board of Standards and Appeals, July 24, 2001.

152-00-BZ

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

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

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

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Sheldon Lobel.

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

ACTION OF THE BOARD - Laid over to September 7, 2001, at 2 P.M., for defer decision.

208-00-BZ

APPLICANT - Dominick Salvati & Son, Architects, for Blis Operating Co. Inc., owner; B & R Auto, lessee.

SUBJECT - Application August 24, 2000 - under Z.R. §22-10, to permit the automotive storage and parking, repairs, preparation and sales of used cars with accessory auto-related uses on the project site.

PREMISES AFFECTED - 2739-2747 86th Street, northwest corner of West 10th Street, Block 7117, Lots 45-48, 50, 51, 52, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Peter Hirshman.

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

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

245-00-BZ

APPLICANT - Dominick Salvati & Son Architects, for Paul S. Grosman, owner.

SUBJECT - Application October 16, 2000 - under Z.R. §72-21, to permit the proposed construction of a six story building, with residential use on the upper five floors and a retail store on the first floor, which is contrary to Z.R. §32-00, in that residential use, (Use Group 2) is not permitted in a C8-2 zoning district.

PREMISES AFFECTED - 897-903 Grand Street, between Olive Street and Catherine Street, Block 2923, Lots 23, 24, 25, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Peter Hirshman.

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

MINUTES

248-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Tile and Stone Warehouse Inc., owner.

SUBJECT - Application October 17, 2000 - under Z.R. §72-21, to permit the proposed construction of a building to be used as a retail/office and warehouse, in an area zoned for residential use (R-5) which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2398 Stillwell Avenue, west side, between Bay 49th and Bay 50th Streets, Block 6904, Lots 19 and 31, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Sheldon Lobel.

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.

250-00-BZ

APPLICANT - Paul Hastings, Janofsky & Walker LLP, for New York University, owner.

SUBJECT - Application October 19, 2000 - under Z.R. §11-411, to permit the proposed reestablishment of an expired special permit, previously granted under Cal. No. 374-60-BZ, which permitted transient parking in an existing multiple dwelling accessory garage in an R7-2 within a C1-5 zoning district.

PREMISES AFFECTED - 521-541 and 553-63 LaGuardia Place (West Broadway) a.k.a. 207-245 Mercer Street, bounded by LaGuardia Place, West Third, Mercer and Bleecker Streets, Block 533, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Doris Diether and Elise Wagner.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

295-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Sara Feferkorn, owner.

SUBJECT - Application December 12, 2000 - under Z.R. §72-21, to permit the proposed construction of a two family dwelling (Use Group 2) which exceeds the permitted floor

area, and does not meet the minimum requirements for side and front yards, also does not meet the requirements for optional provisions for certain R5 and R6 zoning districts, which is contrary to Z.R. §23-45, §23-46, §23-141 and §23-146.

PREMISES AFFECTED - 1706 57th Street a.k.a. 5701 17th Avenue, southwest corner, Block 5498, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Janice Cahalane and Mendi Fefakorn, Barry M. Riven, Naftali Klagsbrun and Pinchas Torn.

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

32-01-BZ

APPLICANT - Harold Weinberg, for Barbara Manning, owner.

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

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

COMMUNITY BOARD #10BK

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

54-01-BZ

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

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

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

COMMUNITY BOARD #14BK

APPEARANCES -

MINUTES

For Applicant: Lyra Altman and David Sherman.
For Opposition: Edward Asy.
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.

112-01-BZ

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

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

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

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Lyra Altman.
For Opposition: Maggy Spieger.
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.

114-01-BZ

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

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

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

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman and Sheldon Lobel.
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.

121-01-BZ

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

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

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

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Elise Wagner, Vicky Match Sung, James Braddock and Jeremiah Candreva.

For Administration: John Scrofani, Fire Department..

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

Pasquale Pacifico, Executive Director.

Adjourned: 3:35 P.M.

CORRECTIONS

***CORRECTION**

This resolution adopted on May 30, 2000, under Calendar No. 35-00-BZ and printed in Volume 85, Bulletin Nos. 22-23, is hereby corrected to read as follows:

35-00-BZ

CEQR # 00-BSA-090M

APPLICANT - Fredrick A. Becker, for 511 West 54th Street Associates, Inc., owner.

SUBJECT - Application February 18, 2000 - under Z.R. §73-50, to permit within an M1-5 zoning district the legalization of a 10' encroachment into the 30' required rear yard at the third, fourth, and fifth levels of the building under construction at the subject premises contrary to Z.R. §43-302.

PREMISES AFFECTED - 511 West 54th Street, north side, 150' west of 10th Avenue, Block 1083, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Administration: Lt. Arthur Haven, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated February 17, 2000 acting on Applic. No.102551775 reads:

“Proposed 20'-0"rear yard is contrary to Z.R. 43-302 which requires a 30'-0"yard where said yard coincides with a rear lot line of a residence district. Application is referred to Board of Standards and Appeals. No further

action to be taken on this application (#102821546) until BSA approval is obtained; and

WHEREAS, a public hearing was held on this application on April 18, 2000 after due notice by publication in the *Bulletin* and laid over to May 9, 2000 and then to May 30, 2000 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, Vice-Chair Paul Bonfilio, R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit under Z.R. §73-50, to allow, within an M1-5 zoning district the legalization of a 10' encroachment into the 30' required rear yard at the third, fourth, and fifth levels of the building under construction at the subject premises contrary to Z.R. §43-302; and

WHEREAS, the subject premises originally contained a two story structure which was most recently used for commercial/warehouse uses; and

WHEREAS, plans were filed to enlarge the building to a five story and penthouse structure to be used as a theater with related office and administrative uses; and

WHEREAS, the plans were filed on an as-of-right business for both the use of and the bulk based on the given M1-5 zoning classification for the site, and based on unutilized floor area; and

WHEREAS, the first and second floor were to be reconstructed with the pre-existing legal non-complying 5' rear yard and the third, fourth, and fifth floors were to have a 20' rear yard based on the site's location within the M1-5 zoning district; and

WHEREAS, the plans were self-certified by the applicant's architect's at the time, and reviewed and approved by the Department of Buildings; and

WHEREAS, construction was commenced and a further review by the Buildings Department revealed that a 30' rear yard was required for the third fourth and fifth floors rather than a 20'; and

WHEREAS, the applicant represents that to now re-configure the building to bring it into compliance with the 30' yard requirements would cause undue hardship and expense; and

WHEREAS, the applicant notes for the Board that regardless of the size of the rear yard a five story and penthouse structure on the site is permitted as-of-right; and

WHEREAS, the record indicates that properties adjacent to and in the immediate vicinity that the proposed 10' encroachment will have a minimal impact, if any impact on the surrounding community; and

WHEREAS, within the surrounding area of the subject premises there are commercial and office uses housed in 12, 14 and 21 story buildings; and

WHEREAS, the proposed encroachments are limited to a 10' by 25' area on each of the third, fourth, and fifth floors for a total of 750 square feet in the entire project of 11,450 square feet; and

WHEREAS, the proposal would yield a floor area ratio of only 4.56 which is less than the 5.0 that is permitted; and

WHEREAS, the applicant assures the Board that the proposal complies with the provisions of the Special Clinton District; and

WHEREAS, the subject premises are in a commercial district and has been vacant for more than a decade; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-50; and

CORRECTIONS

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. §73-50 and grants a special permit, limited to the objections cited, to allow, within an M1-5 zoning district the legalization of a ten (10) foot encroachment into the 30' required rear yard at the third, fourth, and fifth levels of the building under construction at the subject premises contrary to Z.R. §43-302; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 22, 2000"-(5) sheets and "May 11, 2000"-(1) sheet; 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;

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

Adopted by the Board of Standards and Appeals, May 30, 2000.

***The resolution has been corrected in that the DOB# which read: "Applic. No. 102821546" now reads: "Applic. No. 102551775". Corrected in Bulletin No. 31, Vol. 86, dated August 2, 2001.**

Pasquale Pacifico, Executive Director.

***CORRECTION**

This resolution adopted on July 17, 2001, under Calendar No. 294-00-BZ and printed in Volume 85, Bulletin No. 30, is hereby corrected to read as follows:

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 floor, Use Group 2 residential units on the upper floors ,which is contrary to Z.R. §§42-10, 42-14(D)(2)(b), 43-23, 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

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
- 2. JLWQ is a use not permitted in new buildings. It is contrary to 42-14 D. (1) ZR.
- 3. 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.

CORRECTIONS

4. JLWQ for artists is a use not permitted in new buildings and is contrary to section 277.MDL.
5. Proposed portion of building (2nd-5th floors) and walls at 2nd floor are not permitted obstructions in required rear yard equivalent. It is contrary to 43-23 ZR.
6. Proposed court dimension less than 1200 square feet is contrary to section 26.7 of the MDL.
7. Rooms extending in depth more than 30' from street without opening on a lawful court is contrary to section 30/3/MDL
8. 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
9. 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
10. 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 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 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

MINUTES

CORRECTIONS

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 floor, Use group 2 residential units on the upper floors ,which is contrary to Z.R. §§42-10, 42-14(D)(2)(b), 43-42, 43-23 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.

***The resolution has been corrected to add Z.R. §43-23. Corrected in Bulletin No. 31, Vol. 86, dated August 2, 2001.**

Pasquale Pacifico, Executive Director.