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# BULLETIN

OF THE  
NEW YORK CITY BOARD OF STANDARDS  
AND APPEALS

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Volume 86, No. 12

March 22, 2001

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## DIRECTORY

**JAMES CHIN**, *Chairman*

**PAUL F. BONFILIO, R.A.**, *Vice Chair*

**MITCHELL KORBEY**

**PETER CALIENDO**

*Commissioners*

**Pasquale Pacifico**, *Executive Director*

**Trevis Bethea**, *Deputy Director*

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

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**MINUTES** of Regular Meetings,

**Tuesday, March 13, 2001**

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29-00-BZ	229 East 13 <sup>th</sup> Street, Manhattan
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**CORRECTIONS** .....

**Affecting Calendar Numbers:**

236-98-BZ	103/117 Kent Avenue, Brooklyn
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# DOCKET

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New Case Filed Up to March 13, 2001

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**114-01-BZ** B.BK. 1320 East 24th Street, between Avenues "M" and "N", Block 7659, Lot 55, Borough of Brooklyn. Applic.#301129605. 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., open space ratio and rear yard, is contrary to Z.R. §23-14, §23-141 and §23-47.

**COMMUNITY BOARD # 14BK**

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**115-01-BZ** B.M. 362 West 127th Street, 50' south of the southern end of St. Nicholas Terrace, Block 1953, Lot 54, Borough of Manhattan. Applic.#102734891. Proposed erection of a five story residential building, Use Group 2, located in an R7-2 zoning district, which does not comply with the zoning requirements for F.A.R., lot coverage and side and rear yard is contrary to Z.R. §23-145, §23-47 and §23-462.

**COMMUNITY BOARD #9M**

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**116-01-A** B.M. 362 West 127th Street, 50' south of the southern end of St. Nicholas Terrace, Block 1953, Lot 54, Borough of Manhattan. Applic.#102734891. Proposed erection of a five story residential building, must comply with the NYC Building Code regarding installation of elevators, exits, sprinkler and side lot line windows as per §27-366, §27-368(a), LL 10/99 and Table 3-4, Subchapter #4.

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**117-01-BZ** B.BK. 125 Green Street, between Franklin Street and Manhattan Avenue, Block 2512, Lot 60, Borough of Brooklyn. Applic.#300918425. The legalization of the fourth floor of an existing four story building for residential use, and to permit the remaining three floors to be utilized for residential purposes, Use Group 2, located in an M1-1 zoning district, is contrary to §42-10.

**COMMUNITY BOARD #1BK**

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**118-01-BZ** B.S.I. 1845 Richmond Avenue, east side, 500.18' south of Eton Place, Block 2030, Lot 57, Borough of Staten Island. Applic.#500415963. Proposed one story office building, Use Group 6, located in an R3-2 zoning district, is contrary to Z.R. §22-00.

**COMMUNITY BOARD #2SI**

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**119-01-BZ** B.BK. 8818 Fourth Avenue, west side, 210' north of 89th Street, Block 6062, Lot 40, Borough of Brooklyn. Alt.# 68/56. The reestablishment of an expired variance, previously granted by the Board under Cal. No. 86-56-BZ, which permitted automotive repairs, alarm and stereo installation, Use Group 16, in a C4-2 zoning district.

**COMMUNITY BOARD #10BK**

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

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# CALENDAR

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**APRIL 17, 2001, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, April 17, 2001, at 10 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## **SPECIAL ORDER CALENDAR**

### **24-01-A**

APPLICANT - Edward F. Westfield, P.C., for John P. Johnson, Patrick Rona, owner.  
SUBJECT - Application June 19, 2001 - withdrawal.  
PREMISES AFFECTED - 114 East 36th Street, Park Avenue and Lexington Avenue, Block 891, Lot 81, Borough of Manhattan.

**COMMUNITY BOARD #6M**

### **261-98-BZ**

APPLICANT - Gluckman & Scire-Chianetta, Architects, P.C., for Anthony Crisano, owner; M.N.J.S., LLC, lessee.  
SUBJECT - Application January 29, 2001 - reopening for an amendment.

PREMISES AFFECTED - 193 20<sup>th</sup> Street, north side 200' west of fourth Avenue, Block 637, Lot 69, Borough of Brooklyn.

**COMMUNITY BOARD #7BK**

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**APRIL 17, 2001, 11:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, April 17, 2001, at 11 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## **APPEALS CALENDAR**

### **48-01-A**

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; William Dolan, lessee.  
SUBJECT - Application February 9, 2001 - proposed enlargement of the existing first floor and the addition of a new second floor, to a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 29 Gotham Walk, east side, 35' north of Breezy Point Boulevard, Block 16350, Lot part of 400, Borough of Queens.

**COMMUNITY BOARD #14Q**

**APRIL 17, 2001, 2:00 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, April 17, 2001, at 2 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## **ZONING CALENDAR**

### **299-00-BZ**

APPLICANT - Law Office of Carole S. Slater, for Congregation Machzekei Hadath, owner.

SUBJECT - Application December 14, 2000 - under Z.R. §72-21, to permit the proposed enlargement of a community facility (Use Group 4) located in an R4 zoning district, which exceeds the permitted F.A.R. and lot coverage, and increases the degree of non-compliance with respect to front and side yards, is contrary to Z.R. §24-11, §24-34 and §24-35.

PREMISES AFFECTED - 144-53 75th Avenue, northwest corner of 147th Street, Block 6663, Lot 32, Borough of Queens.

**COMMUNITY BOARD #8Q**

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### **3-01-BZ**

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

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

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

**COMMUNITY BOARD #8BK**

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### **23-01-BZ**

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

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

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

**COMMUNITY BOARD #8BK**

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### **25-01-BZ**

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

SUBJECT - Application January 23, 2001 - under Z.R. §72-21,

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# CALENDAR

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to permit the proposed expansion of the sixth floor of an existing six story community facility (Use Group 4) also an expansion of the elevator service within the facility, which creates non-compliance with respect to height limitations for narrow buildings and enlargement, as well as permitted obstructions, which is contrary to Z.R. §33-492 and §23-692.

PREMISES AFFECTED - 171 West 85th Street, north side, 49' east of Amsterdam Avenue, Block 1216, Lot 3, Borough of Manhattan.

**COMMUNITY BOARD #7M**

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*Pasquale Pacifico, Executive Director.*

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

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

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**APPEALS CALENDAR**

**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**

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

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

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**ZONING CALENDAR**

**294-00-BZ**

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

SUBJECT - Application December 11, 2000 - under Z.R. §72-21, to permit the proposed construction of a mixed use building (Use Groups 6 and 17) which will contain

commercial use on the ground floor and nine joint work living quarters for artists on the upper floors, located in an M1-5B zoning district, which does not conform with use requirements and fails to comply with bulk requirements relating to the sky exposure plane and setback, which is contrary to Z.R. §42-14(D)(1)(a), §42-14(D)(2)(b) and §43-43. PREMISES AFFECTED - 501 Broadway a/k/a 72 Mercer Street, west side of Broadway and east side of Mercer Street, 120' north of Broome Street, Block 484, Lot 22, Borough of Manhattan.

**COMMUNITY BOARD #2M**

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**312-00-BZ**

APPLICANT - Agusta and Ross, for WSA Equities, LLC, owner; John Street Fitness Club, LLC, lessee.

SUBJECT - Application December 26, 2000 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located on the first floor of a twenty-four story mixed-use building, in a C5-5CR zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 80-88 John Street, northwest corner of Gold Street, Block 68, Lot 33, Borough of Manhattan.

**COMMUNITY BOARD #1M**

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**33-01-BZ**

APPLICANT - Alfonso Duarte, P.E., for The Boys' Club of New York, owner.

SUBJECT - Application February 2, 2001 - under Z.R. §72-21 to permit the proposed erection of a three story community facility (Use Group 4A) located in an R6 zoning district, which does not comply with the zoning requirements for height of building and complying signs, which is contrary to Z.R. §24-12, §24-36, §23-321, §22-342 and §22-343.

PREMISES AFFECTED - 133-01 41st Road, north side, 564.58' west of Main Street, Block 5041, Lot 67, Borough of Queens.

**COMMUNITY BOARD #7Q**

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**34-01-A**

APPLICANT - Alfonso Duarte, P.E., for The Boys' Club of New York, owner.

SUBJECT - Application February 2, 2001 - proposed erection of a three story community facility, located within the bed of a mapped street, is contrary to Section 35 of the General City Law.

PREMISES AFFECTED - 133-01 41st Road, north side, 564.58' west of Main Street, Block 5041, Lot 67, Borough of Queens.

**COMMUNITY BOARD #7Q**

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*Pasquale Pacifico, Executive Director.*

# MINUTES

**REGULAR MEETING  
TUESDAY MORNING, MARCH 13, 2001  
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, February 27, 2001, were approved as printed in the Bulletin of March 8, 2001, Volume 86, Nos. 9-10.

**SPECIAL ORDER CALENDAR**

**315-90-BZ**

APPLICANT - Vassalotti Associates, A.I.A., for Tosco Marketing Company, Inc., owner.

SUBJECT - Application September 25, 2000 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of the term of variance which expires January 29, 2002.

PREMISES AFFECTED - 82-06 Astoria Boulevard, southeast corner of 82nd Street and Astoria Boulevard, Block 1904, Lot 1, Borough of Queens.

**COMMUNITY BOARD #1Q**

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

**ACTION OF THE BOARD** - Rules of Practice and Procedure waived, application reopened and term of the variance extended.

**THE VOTE TO GRANT -**

Affirmative: Vice Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....3

Negative: .....0

Absent: Chairman Chin .....1

**THE RESOLUTION -**

WHEREAS, the applicant has requested a waiver the Rules of Practice and Procedure, a reopening, an extension of the term of the variance which expires January 29, 2002; and

WHEREAS, a public hearing was held on this application February 27, 2001, after due notice by publication in The City Record and laid over to March 13, 2001, for decision; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to Z.R. § 72-22, said resolution having been adopted on April 28, 1992

as amended through November 21, 1995 expiring January 29, 2002, 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 from the date of this grant, expiring March 13, 2011;

THAT the premises shall be maintained free of debris and graffiti;

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

THAT all signs shall be maintained in accordance with BSA approved plans; and that the above referenced conditions appear on the certificate of occupancy and that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked ‘Received January 16, 2001’-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects, and that substantial construction shall be completed and a new certificate of occupancy obtained within two years from the date of this amended resolution.”

(N.B. 400089417)

Adopted by the Board of Standards and Appeals, March 13, 2001.

**72-95-BZ**

APPLICANT - Lorenzo Casanova, Esq.,for J & J Alarcon Realty Corp., owner; Chibcha Restaurant, Inc.,Lessee.

SUBJECT - Application October 24, 2000 - request for a waiver of Rules of Practice and Procedure and reopening for an extension of term of special permit which expired February 27, 1999.

PREMISES AFFECTED - 79-05/07/09 Roosevelt Avenue, a/k/a 41.5' east of intersection of 79th Street and Roosevelt Avenue, Block 1290, Lots 43, 44, 45, 136, Jackson Heights, Borough of Queens.

**COMMUNITY BOARD #3Q**

APPEARANCES -

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

**ACTION OF THE BOARD** - Rules of Practice and Procedure waived, application reopened and term of the special permit extended .

**THE VOTE TO GRANT -**

Affirmative: Vice Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....3

Negative: .....0

Absent: Chairman Chin .....1

**THE RESOLUTION -**

WHEREAS, the applicant has requested a waiver the Rules of Practice and Procedure and a reopening for an extension of the term of the special permit which expired

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February 27, 1999; and

WHEREAS, a public hearing was held on this application October 24, 2000, after due notice by publication in The City Record, laid over to December 5, 2000, January 23, 2001, and then to March 13, 2001 for decision; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to Z.R. § 73-244, said resolution having been adopted on February 27, 1996, expiring February 27, 1999, so that as amended this portion of the resolution shall read:

“granted for an extension of term, on condition

THAT the term of the special permit shall be limited to three years from the date of this grant, expiring March 13, 2004;

THAT the above referenced conditions appear on the certificate of occupancy and that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked ‘Received April 13, 2000’-(6) sheets and ‘October 17, 2000’- (1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects, and that substantial construction shall be completed and a new certificate of occupancy obtained within two years from the date of this amended resolution.”

(D.O.B 230/81.).

Adopted by the Board of Standards and Appeals, March 13, 2001.

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## 887-54-BZ

APPLICANT -Sheldon Lobel, P.C., for BP Amoco Corp., owner.

SUBJECT - Application August 8, 2000 - reopening for an extension of term of variance which expired September 23, 2000 and for an amendment to permit the erection of a new 2,900 square feet accessory building to accommodate a retail convenience store with attendant area and the installation of a canopy over six new pump islands.

PREMISES AFFECTED - 218-01 Northern Boulevard a.k.a Northern Boulevard and 219th Street, Block 6321, Lots 21, Borough of Queens.

### COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Ross W. Baughman.

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

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to March 27, 2001, at 10 A.M., for decision, hearing closed.

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## 808-55-BZ

APPLICANT -Vassalotti Associates Architects, for Jessica Lehecka Realty Corp., owner.

SUBJECT - Application November 30, 2000 - a reopening for an extension of the term of variance which expires April 23, 2001.

PREMISES AFFECTED - 35-04 Bell Boulevard, southwest corner of 35th Avenue and Bell Boulevard, Block 6169, Lot 6, Borough of Queens.

### COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to March 27, 2001, at 10 A.M., for decision, hearing closed.

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## 903-59-BZ

APPLICANT - Rothkrug & Rothkrug, Esqs., for Irving and Ruth Waldman, owners.

SUBJECT - Application June 27, 2000 - reopening for an extension of term of variance which expired June 14, 2000.

PREMISES AFFECTED - 1584/94 Rockaway Parkway, a/k/a 9523 Avenue J, northwest corner of Rockaway Parkway and Avenue J, Block 8204, Lot 1, Borough of Brooklyn.

### COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to March 27, 2001, at 10 A.M., for decision, hearing closed.

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## 62-83-BZ

APPLICANT - Sheldon Lobel, P.C., for Shaya B. Pacific, LLC, owner.

SUBJECT - Application November 6, 2000 - reopening for an amendment to modify the placement of a lobby and driveway as well as a change in the landscaping.

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PREMISES AFFECTED - 696 Pacific Street, 529/39 Dean Street and 549/59 Dean Street, Block 1128, Lots 16, 18, 37, 65, 68, 70, Borough of Brooklyn.

**COMMUNITY BOARD #8BK**

APPEARANCES -

For Applicant: Janice Cahalane

For Opposition: Bayo Callender, Elisabeth Martin, Paul Sheridan and Karen Gleeson.

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

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to March 27, 2001, at 10 A.M., for decision, hearing closed.

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**213-96-BZ**

APPLICANT - Law Office of Carole S. Slater, for Estate of Manny Duell c/o; owner, Cheers of Manhattan, Inc. (dba The Stonewall), lessee.

SUBJECT - Application August 11, 2000 - reopening for an extension of term of variance which expires March 24, 2001.

PREMISES AFFECTED - 51-53 Christopher Street, northeast corner of Seventh Avenue South, Block 610, Lots 1, Borough of Manhattan.

**COMMUNITY BOARD #2M**

APPEARANCES -

For Applicant: Stuart Beckerman.

For Opposition: Doris Diether.

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

**ACTION OF THE BOARD** - Laid over to March 27, 2001, at 10 A.M., for continued hearing.

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**213-00-A**

APPLICANT - New York City Board of Standards and Appeals.

OWNER: Congregation Tomchei Torah.

SUBJECT - to dismiss the application for lack of prosecution.

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: S. Illeiw.

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

THE VOTE TO WITHDRAW -

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

Negative: .....0

Adopted by the Board of Standards and Appeals, March 13, 2001.

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**267-00-A**

APPLICANT - Sheldon Lobel, P.C., for 344 DeGraw Street Development Corp., owner.

SUBJECT - Application November 13, 2000 - an appeal from a determination of the Commissioner of Buildings, dated October 10, 2000, relating to the subject's compliance with provisions of Z.R. §12-10, and the interpretation of such section.

PREMISES AFFECTED - 344 Degraw Street, north side, between Smith and Hoyt Streets, Block 421, Lot 25, Borough of Brooklyn.

APPEARANCES -

For Applicant: Janice Cahalane

For Administration: Scott Mason.

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

THE VOTE TO WITHDRAW -

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

Negative: .....0

Adopted by the Board of Standards and Appeals, March 13, 2001.

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**302-00-A**

APPLICANT - Sheldon Lobel, P.C., for Linda & Gerald Vogt, owners.

SUBJECT - Application December 18, 2000 - proposed two family dwelling, located within the bed of a mapped street is contrary to Section 35 of the General City Law.

PREMISES AFFECTED - 822 Dean Avenue, east side, 336.28' south of Lafayette Avenue, Block 5479, Lot 94, Borough of The Bronx.

**COMMUNITY BOARD #10BX**

APPEARANCES -

For Applicant: Janice Cahalane.

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

**ACTION OF THE BOARD** - Appeal 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 Borough Commissioner, dated November 28, 2000, acting on N.B. number 200647826, reads:

“CONSTRUCTION IN THE BED OF A MAPPED STREET (SHORE DRIVE) IS CONTRARY TO GENERAL CITY LAW Sec. 35”; and

WHEREAS, the applicant proposes to construct a two-

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family residence within the bed of a mapped street; and

WHEREAS, by maintenance and easement agreement, acceptable to the Department of Environmental Protection, the owner will provide a 35' sewer easement along the future 12" diameter storm sewer and 12" diameter sanitary sewer within Shore Drive; and

WHEREAS, by the letter dated February 20, 2001, the Department of Environmental Protection has reviewed the proposed project and has no objections provided the aforementioned 35' sewer easement within Shore Drive is recorded; and

WHEREAS, by the letter dated January 10, 2001, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by the letter dated February 9, 2001, the Fire Department has reviewed the proposed 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 Borough Commissioner dated November 28, 2000, acting on N.B. number 200647826, 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 prior to the issuance of a building permit, a sewer easement acceptable to the Department of Environmental Protection shall be recorded in the Office of the City Register and that construction shall substantially conform to drawings filed with the application marked, "Received March 1, 2001"-(1) sheet; and that all applicable laws, rules, and regulations shall be complied with.

Adopted by the Board of Standards and Appeals, March 13, 2001.

### 303-00-A

APPLICANT - Sheldon Lobel, P.C., for Linda & Gerald Vogt, owners.

SUBJECT - Application December 18, 2000 -proposed one family dwelling located within the bed of a mapped street is contrary to Section 35 of the General City Law.

PREMISES AFFECTED - 828 Dean Avenue, east side, 286.28' south of Lafayette Avenue, Block 5479, Lot 92, Borough of The Bronx.

### COMMUNITY BOARD #10BX

#### APPEARANCES -

For Applicant: Janice Cahalane.

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

**ACTION OF THE BOARD** - Appeal 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 Borough Commissioner, dated November 28, 2000, acting on N.B. number 200647719, reads:

"CONSTRUCTION IN THE BED OF A MAPPED STREET (SHORE DRIVE) IS CONTRARY TO GENERAL CITY LAW Sec. 35"; and

WHEREAS, the applicant proposes to construct a one-family residence within the bed of a mapped street; and

WHEREAS, by maintenance and easement agreement, acceptable to the Department of Environmental Protection, the owner will provide a 35' sewer easement along the future 12" diameter storm sewer and 12" diameter sanitary sewer within Shore Drive; and

WHEREAS, by the letter dated February 20, 2001, the Department of Environmental Protection has reviewed the proposed project and has no objections provided the aforementioned 35' easement within Shore Drive is recorded; and

WHEREAS, by the letter dated January 10, 2001, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by the letter dated February 9, 2001, the Fire Department has reviewed the proposed project and has no objections; and

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

Therefore it is Resolved, that the decision of the Borough Commissioner dated November 28, 2000, acting on N.B. #200647719, 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 prior to the issuance of a building permit, a sewer easement acceptable to the Department of Environmental protection shall be recorded in the Office of the City Register and that construction shall substantially conform to drawings filed with the application marked, "Received March 1, 2001"-(1) sheet; and that all applicable laws, rules, and regulations shall be complied with.

Adopted by the Board of Standards and Appeals, March 13, 2001.

### 310-00-A

APPLICANT - Helena Rosenwasser.

OWNER OF PREMISES: Michael Koegel.

SUBJECT - Application December 22, 2000 - an appeal challenging the Department of Buildings' determination dated November 28, 2000, in which the Department refused to revoke the approval and permit for Applic. No. 300936192, regarding side yards at subject premises, on the basis that it finds no substantial reason(s) at the present time.

PREMISES AFFECTED - 1911 Avenue L, between Ocean Avenue and East 19th Street, Block 6730, Lot 7, Borough of

# MINUTES

Brooklyn.

## COMMUNITY BOARD #14BK

### APPEARANCES -

For Applicant: Helena Rosenwasser, Irving E. Minkin and Louis Mangone.

For Opposition: Stuart A. Klein.

For Administration: Lisa Orrantia, Department of Buildings; Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to May 22, 2001, at 11 A.M., for continued hearing.

## 1-01-A

APPLICANT - Gary Lenhart, R.A., for Breezy Point Cooperative, Inc., owner; Terence Hurson, lessee.

SUBJECT - Application January 2, 2001 - proposed alteration and enlargement to a one family dwelling not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 5 Thetford Lane, northwest corner of Thetford Lane and Neptune Walk, Block 16350, Lot 300, Borough of Queens.

## COMMUNITY BOARD #14Q

### APPEARANCES -

For Applicant: Gary Lenhart.

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

### THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to March 27, 2001, at 10 A.M., for decision, hearing closed.

## 14-01-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Jack Nacmias, lessee.

SUBJECT - Application January 17, 2001 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street and located within the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 3 Clinton Walk, west side, 55.0' north of 12th Avenue, Block 16350, Lot 300, Borough of Queens.

## COMMUNITY BOARD #14Q

### APPEARANCES -

For Applicant: Loretta Papa.

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

**ACTION OF THE BOARD** - Laid over to April 17, 2001, at 11 A.M., for continued hearing.

*Pasquale Pacifico, Executive Director.*

Adjourned: 1:00 P.M.

## REGULAR MEETING

**TUESDAY AFTERNOON, MARCH 13, 2001**

**2:00 P.M.**

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

## ZONING CALENDAR

### 129-00-BZ

#### CEQR# 00-BSA-139Q

APPLICANT - Joseph P. Morsellino, Esq., for 144-31 91st Avenue Realty Co. LLC, et al, owner; ROSCO, lessee.

SUBJECT - Application May 4, 2000 - under Z.R. §72-21, to permit in an M1-1, C4-2, R5 zoning district, the expansion of an existing manufacturing building into the mixed zone portion of the zoning lot is contrary to Z.R. §§ 43-12, 43-301, 43-302, 43-26, 44-21 and 32-00.

PREMISES AFFECTED - 144-31 91st Avenue, corner of 146th Street, Block 9985, Lot 20 (formerly 20 and part of 11), Borough of Queens.

### COMMUNITY BOARD #12Q

#### APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Opposition: Battalion Chief Robert Stec and John Scrofani, 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 Borough Commissioner, dated September 26, 2000 acting on Alt. Application No. 401059019 reads, in pertinent part:

“the expansion of an existing manufacturing building into the mixed use portion of the zoning lot is contrary to Z.R. §§ 43-12, 43-301, 43-302, 43-26, 44-21 and 32-00 of the Zoning Resolution”;

and

WHEREAS, Community Board #12, Queens, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on November 21, 2000 after due notice by publication in The City Record, laid over to February 6, 2001, February 27, 2001 and then to March 13, 2001 for decision; and

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WHEREAS, the site 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 under Z.R. §72-21, to permit in an M1-1, C2-2, R5 zoning district, the expansion of an existing manufacturing building into the vacant portion of the zoning lot is contrary to Z.R. §§ 43-12, 43-301, 43-302, 43-26, 44-21 and 32-00; and

WHEREAS, the applicant is seeking a bulk and use variance from the F.A.R., the side and rear yards and parking requirements; and

WHEREAS, the proposal will expand the existing manufacturing use; and

WHEREAS, the proposal calls for a two story addition of approximately 36,000 square feet; and

WHEREAS, the subject proposal would double the size of the existing building and would be built to the lot line abutting the rear yard of eight, one-family residences located directly west of the site; and

WHEREAS, the expansion is entirely within the M1-1 portion of the zoning lot, where such use is permitted; and

WHEREAS, the C2 portion of the zoning lot will be used to provide 21 accessory parking spaces and the residential portion will be used to provide a landscaped area; and

WHEREAS, in order to provide the proposed parking spaces the existing loading bay will be widened to 30' 4"; and

WHEREAS, the applicant represents that the existing building is obsolete for today's manufacturing uses; and

WHEREAS, record indicates that the 49,035 square foot lot is highly irregular and as indicated above, extends over several zoning districts; and

WHEREAS, the existing 36,290 square foot building is located on 91st Street with the remainder of the applicant's property being used as an at grade open parking lot; and

WHEREAS, the applicant represents that there are unique physical conditions at the subject premises which create practical difficulties in developing the site in strict conformity with the current zoning regulations; and

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

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

WHEREAS, the new building will contain a loading area that is completely enclosed adjacent to the existing loading bay; and

WHEREAS, the Board finds that the proposed

application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

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

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

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit in an M1-1, C4-2, R5 zoning district, the expansion of an existing manufacturing building into the mixed zone portion of the zoning lot is contrary to Z.R. §§ 43-12, 43-301, 43-302, 43-26, 44-21 and 32-00; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 12, 2000"- (4) sheets; and "January 30, 2001"- (2) sheets and on further condition;

THAT a 5' side yard shall be provided;

THAT there be accessory parking only with no parking of buses or other commercial vehicles;

THAT the rear lot be secured at all times that it is not in use;

THAT all Fire Department safety measures be provided 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; and

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

Adopted by the Board of Standards and Appeals, March 13, 2001.

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**143-00-BZ**

**CEQR# 00-BSA-146K**

APPLICANT - Sheldon Lobel, P.C., for Congregation Keter

# MINUTES

Torah, owner.

SUBJECT - Application May 24, 2000 - under Z.R. §72-21, to permit, the proposed community facility use (synagogue) in an R2 zoning district which is contrary to the permitted F.A.R., lot coverage, front and side yards, setback, sky exposure plane and height of building, which is contrary to Z.R. §§24-11, 24-34, 24-35a and 24-521.

PREMISES AFFECTED - 2220 Avenue L, southwest corner of East 23rd Street, Block 7640, Lot 51, Borough of Brooklyn.

## COMMUNITY BOARD #14BK

### APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Albert Gonter, Richard Breyer and Milton Shurgin.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, 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 Borough Commissioner, dated May 5, 2000, acting on N.B. Applic. No. 301020222, reads:

1. FAR & Lot coverage exceed the permitted under sect. 24-11
2. Yards-Front and Sides-not comply under Sect. 24-34 and 24-35a
3. Set back-Sky exposure plane-Not comply under Sect. 24-34 & 24-521
4. The height of the building is not comply under Sect. 24-521.”; and

WHEREAS, a public hearing was held on this application on December 19, 2000, after due notice by publication in The City Record, laid over to February 27, 2001, and then to March 13, 2001; 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 under Z.R. §72-21, to permit, the proposed synagogue (Use Group 4) in an R2 zoning district (Use Group 4 )which is contrary to the permitted F.A.R., lot coverage, front and side yards, setback, sky exposure plane and height of building, which is contrary to Z.R. §§24-11, 24-34, 24-35a and 24-521; and

WHEREAS, the applicant proposes to replace a two-story dwelling and an attached garage with a two-story with a mezzanine and cellar to house a synagogue; and

WHEREAS, the record indicates that the cellar will

contain a praying room and warming kitchen; and

WHEREAS, the applicant represents that neither the praying room or warming kitchen will be used or designed as a reception hall; and

WHEREAS, a synagogue is a permitted use in the R2 zoning district; and

WHEREAS, Z.R. §24-11 limits the floor area ratio to 1.0; and

WHEREAS, the applicant is proposing a floor are ratio of 1.41; and

WHEREAS, Z.R. §24-11 also requires that a community facility have a lot coverage ratio of 60%; and

WHEREAS, the proposed synagogue will have a lot coverage ratio of 47.8 %; and

WHEREAS, Z.R. §24-34 requires a community facility to have a minimum front yard of 15'; and

WHEREAS, the proposed synagogue will provide a front yard of 10' on East 23rd Street and 10' on Avenue L; and

WHEREAS, Z.R. §24-35 requires that a community facility provide a minimum side yard of 8'; and

WHEREAS, the proposed synagogue will have side yards of 8' and 4' 6"; and

WHEREAS, Z.R. § 24-52 requires that a community facility to have a perimeter wall not exceeding 25'; and

WHEREAS, the proposed synagogue will have a perimeter wall of 25' ; and

WHEREAS, the applicant represents that, the congregation is expanding and its present synagogue at 1151 East 27th Street does not provide enough room to accommodate membership growth; and

WHEREAS, the record indicates that the proposed synagogue will be able to offer more services to meet the needs of its growing congregation; and

WHEREAS, applicant represents that the proposed location is better centralized than the 1151 East 27th Street facility: and

WHEREAS, the combination of the irregular shape of the zoning lot burdened by its location on a narrow street and the inadequacy of the zoning lot in meeting the programmatic needs of the synagogue causes an unnecessary hardship in utilizing the site in conformity with the current zoning; and

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

WHEREAS, the Board notes that a synagogue is an as-of-right use in the subject R2 zoning district; and

WHEREAS, the record indicates that the lots in the immediate neighborhood are fully occupied by dwellings except for a single lot that features a synagogue; and

WHEREAS, therefore, the Board finds that this action

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will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

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

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

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

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.13 and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, the proposed synagogue (Use Group 4) in an R2 zoning district which is contrary to the permitted F.A.R., lot coverage, front and side yards, setback, sky exposure plane and height of building, which is contrary to Z.R. §§24-11, 24-34, 24-35a and 24-521; 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 6, 2001"-(7) sheets and "March 9, 2001"-(7) sheets; and on further condition;

THAT no catering will take place at the subject premises;

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

THAT the premises shall remain graffiti free at all times;

THAT an automatic wet sprinkler system, fire alarm system and a smoke detection system shall be installed through the entire building with all three systems connected to a Fire Department approved Central Station;

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

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

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

Adopted by the Board of Standards and Appeals,

March 13, 2001.

## 199-00-BZ

### CEQR# 01-BSA-014Q

APPLICANT - Philip P. Agusta, R.A., M.U.P., for EN PING LTD., owner.

SUBJECT - Application August 10, 2000 - under Z.R. §73-244, to permit in a C2-3 zoning district, within an R6 zoning district, the use of the first floor as an eating and drinking establishment without restrictions, contrary to Z.R. § 32-31. PREMISES AFFECTED - 76-19 Roosevelt Avenue, north west corner of Roosevelt Avenue and 77th Street, Block 1287, Lot 37, Borough of Queens.

### COMMUNITY BOARD #3Q

#### APPEARANCES -

For Opposition: Battalion Chief Robert J. Stec and John Scrofani, 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 Borough Commissioner, dated July 19, 2000, acting on Applic. No. 401018206, reads:

"The proposed use as an Eating & Drinking Establishment without restrictions, including dancing Entertainment & music (U.G. 12) is not a permitted use in zoning district C2-3 in an R6, therefore, it is contrary to section 32-31 ZR, Refer to the Board of Standards and Appeals for special permit under Section 73-244 Z.R."; and

WHEREAS, a public hearing was held on this application on January 23, 2001 after due notice by publication in The City Record, laid over to February 27, 2001, and then to March 13, 2001 for decision; and

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

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

WHEREAS, this is an application under Z.R. §73-244, to permit in a C2-3 zoning district, within an R6 zoning district, the use of the first floor as an eating and drinking establishment without restrictions, contrary to Z.R. §32-31; and

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WHEREAS, the proposed eating and drinking establishment is a Use Group 12, use and the Zoning Resolution authorizes this special permit for a maximum term of three years; and

WHEREAS, the applicant's proposal will provide a waiting area of 800 square feet in the cellar of the subject premises; and

WHEREAS, the waiting area will not be furnished with chairs and benches or other furniture; and

WHEREAS, the applicant represents that the waiting area provides the required 4 square feet per occupant; and

WHEREAS, the applicant notes that the premises will be equipped with adequate lighting, heating and ventilation; and

WHEREAS, the record indicates that to prevent the gathering of crowds or the formation of lines on the street, the ticket admission window will be located in the cellar; and

WHEREAS, the main and only entrance to the premises is more than 100' from any residential district boundary; and

WHEREAS, the record indicates that the premises limited capacity of 200 persons and its proximity to public transportation ensure that the subject proposal will not cause undue vehicular or pedestrian congestion to the local streets; and

WHEREAS, therefore, the Board finds that the applicant's proposal will not impair the character or future development of the surrounding residential or mixed use neighborhoods ; and

WHEREAS, the applicant's proposal will provide sound attenuation of walls and doors and will comply with the noise levels required by the New York City Noise Control Code; and

WHEREAS, the record indicates that the application for this special permit was made jointly by the owner and operator of the proposed eating and drinking establishment; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R.§ 73-244; and

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

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

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617.13 and makes each and every one of the required findings under Z.R. §§73-03, 73-244 limited to the objection cited above to permit in a C2-3, within an R6 zoning district, a

special permit to permit the use of the first floor as an eating and drinking establishment without restrictions, contrary to Z.R.§ 32-31, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received sheets, August 10, 2000"-(4) sheets and "February 13, 2001"-(1) sheet"; and on further condition;

THAT the term of this special permit shall be limited to three years from the date of this grant to expire on March 13, 2004;

THAT all fire safety measures will be provided and maintained in accordance with BSA approved plans;

THAT there shall be no drinking in the cellar;

THAT there shall be no furniture in the cellar;

THAT the premises will remain graffiti free at all times;

THAT all lighting will be positioned down and away from residential uses;

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

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

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

Adopted by the Board of Standards and Appeals, March 13, 2001.

**221-00-BZ  
CEQR# 01-BSA-029R**

APPLICANT - Rampulla Associates Architects, for Charles Zakian, owner.

SUBJECT - Application September 26, 2000 - under Z.R. §72-21, to permit within an R3-2 zoning district, located within the Special South Richmond Development District, the addition of off-street parking, accessory to an existing automobile service station (Use Group 16) which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 5801 Amboy Road, northwest corner of Foster Road, Block 6896, Lots 52 and 53, Borough of Staten Island.

**COMMUNITY BOARD #3SI**

APPEARANCES -

For Applicant: Philip P. Rampulla.

**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**

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WHEREAS, the decisions of the Borough Commissioner, dated September 19, 2000 acting on ALT Applic. No.181969, reads:

1. The proposed use of Lot 52 as an Accessory Parking Lot for a Gasoline Service Station (Use Group 16) located within an R3-2 District (South Richmond District) is contrary to section 22-00 of the N.Y.C. Zoning Resolution
2. The proposed expansion of an existing Gasoline Service Station (Use Group 16) is contrary to Board of Standards & Appeals Calendar # 911-89-BZ and must be referred to the New York City Board of Standards and Appeals (BSA)"; and

WHEREAS, a public hearing was held on this application on February 27, 2001 after due notice by publication in The City Record and laid over to March 13, 2001, for decision; and

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

WHEREAS, this is an application under Z.R. § 72-21, on a site previously before the Board, to permit within an R3-2 zoning district, located within the Special South Richmond Development District, the addition off-street parking, accessory to an existing automobile service station (Use Group 16) which is contrary to Z.R. §22-00; and

WHEREAS, the applicant notes that the site consists of two parcels that will be merged into one zoning lot; and

WHEREAS, Block 6896, Lot 53 is an existing automobile service station (Use Group 16) under a prior Board variance; and

WHEREAS, Block 6896, Lot 52, is an existing vacant "L" shaped parcel that wraps around Lot 53 and has frontage on two separate streets; and

WHEREAS, Lot 52 is a narrow, irregular shaped parcel and contains Freshwater Wetland Adjacent Area; and

WHEREAS, the record indicates that, there is a widening line traversing both Lot 52 and 53 that impinges on both parcels by about 12' and is irregular; and

WHEREAS, the applicant represents that the Borough President's Office is in the process of widening Amboy Road by acquiring title in fee of portions of Amboy Road; and

WHEREAS, Lots 52 and 53 of will be part of the widening of Amboy Road; and

WHEREAS, the subject proposal seeks to add off-street parking on Lot 52, which will be accessory to a gasoline service station located on Lot 53; and

WHEREAS, lot 53 has been the subject of three prior Board actions; and

WHEREAS, in 1941, under Calendar Number 268-41-BZ,

the Board permitted the alteration and extension of an existing gasoline service station; and

WHEREAS, in 1969, under Calendar Number 279-69-BZ pursuant to Section 11-412, the Board permitted a rehabilitation to include minor automobile repairs and the parking of cars awaiting service; and

WHEREAS, in 1992, under Calendar Number 911-89-BZ pursuant to sections 11-411 and 11-412, the Board permitted the enlargement of the automobile service station; and

WHEREAS, the subject premises has housed an automobile service station use since the early 1940s; and

WHEREAS, the record indicates that the automobile service station was legally enlarged in 1992 and the use has continued since that time; and

WHEREAS, the "L" shape of lot 52 and the unparallel lot lines create irregular yard depths; and

WHEREAS, these inherent conditions and history of development render the building functionally obsolete for conforming development; and

WHEREAS, therefore, the Board finds that developing the site with a conforming use or complying development would result in a practical difficulty and unnecessary hardship in utilizing the zoning lot for a conforming development; and

WHEREAS, a feasibility study demonstrates that development of the subject zoning lot with a conforming use or complying development will not yield the owner a reasonable return; and

WHEREAS, evidence in the record reveals that within the area of the subject zoning lot there exists a neighborhood characterized by residential and commercial uses; and

WHEREAS, the applicant notes that this is a use that has existed without any adverse impact on the community and will not require any new construction; and

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

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

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

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

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

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

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Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §72-21 and grants a variance on a site previously before the Board, to permit within an R3-2 zoning district, located within the Special South Richmond Development District, the addition of off-street parking, accessory to an existing automobile service station (Use Group 16) which is contrary to Z.R. §22-00; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 19, 2000"-(2) sheets; and on further condition;

THAT the term of this grant shall be limited to ten years from the date of this grant to expire on March 13, 2011;

THAT premises be maintained free of debris and graffiti;

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

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

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

Adopted by the Board of Standards and Appeals, March 13, 2001.

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## 280-00-BZ

APPLICANT - Rothkrug & Rothkrug, for D'Amico Imburgia Realty Corp., owner.

SUBJECT - Application November 21, 2000 - under Z.R. §73-27, to permit the proposed funeral establishment, Use Group 7, located in an C1-1 (R3-2) SRD, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 797 Annadale Road a.k.a. Barb Street, east side, Block 6225, Lot 29, Borough of Staten Island.

## COMMUNITY BOARD #3SI

APPEARANCES -

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

**ACTION OF THE BOARD** - Laid over to March 27, 2001, at 2 P.M., for deferred decision.

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## 29-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Vrbnik Realty LLC, Contract Vendee .

SUBJECT - Application February 4, 2000 - under Z.R. §72-21, to permit the proposed residential building (Use Group 2) located in a C1-6A zoning district, which does not comply with the zoning requirements for floor area, height and

setback regulations, and the maximum allowable number of dwelling units, which is contrary to Z.R. §23-145, §23-223(c) and §23-633.

PREMISES AFFECTED - 229 East 13th Street, between Second Avenue and Third Avenue, Block 469, Lot 46, Borough of Manhattan.

## COMMUNITY BOARD #3M

APPEARANCES -

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

**ACTION OF THE BOARD** - Laid over to June 5, 2001, at 2 P.M., for continued hearing.

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## 227-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Moshe Nachum, owner.

SUBJECT - Application October 6, 2000 - under Z.R. 73-622, to permit the legalization of the reduction in the size of the third floor in an existing one family dwelling, which creates non-compliance with respect to floor area, lot coverage and open space, and is contrary to Z.R. §23-141.

PREMISES AFFECTED - 1869 East 23rd Street, between Avenue R and Avenue S, Block 6829, Lot 58, Borough of Brooklyn.

## COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik and Ira Gluckman.

**ACTION OF THE BOARD** - Laid over to April 3 2001, at 2 P.M., for continued hearing.

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## 286-00-BZ

APPLICANT - Agusta & Ross, for New York Health Club, Inc. and New York Children's Health Club, Inc., owner; New York Health and Racquet Club, lessee.

SUBJECT - Application November 27, 2000 - under Z.R. §73-36, to permit the proposed physical culture establishment, to be located on the first and second floors of a twenty story mixed-use building, which is currently under construction, situated in a C6-3A/C6-4M zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 60 West 23rd Street, northeast corner of Sixth Avenue, Block 824, Lots 1 and 11, Borough of Manhattan.

## COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Mitchell Ross.

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

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4  
Negative: .....0

*Pasquale Pacifico, Executive Director.*

Adjourned: 2:20 P.M.

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# CORRECTION

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**\*CORRECTION**

This resolution adopted on May 2, 2000, under Calendar No. 236-98-BZ and printed in Volume 85, Bulletin Nos. 18-19, is hereby corrected to read as follows:

**236-98-BZ**  
**99-BSA-002K**

APPLICANT - Greenberg Traurig, by Jay A. Segal, Esq., for Anthony Fernicola, owner.

SUBJECT - Application July 9, 1998 - under Z.R. §72-21, to permit, within an M3-1 zoning district, the conversion and enlargement of an existing one-story manufacturing building for residential use (Use Group 2), which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 103/117 Kent Avenue, northwest corner of North 7th Street, Block 2317, Lots 1, 3, 5, 6, 7, 8 and 36, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

APPEARANCES -

For Applicant: Jay Segal.

For Opposition: John Scrofani, 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 Borough Commissioner, dated July 2, 1998, acting on Applic. No.300738334, reads:

- “1. Proposed residential development is not permitted in an M3-1 zoning district.
2. There are no applicable bulk or parking regulations for a residential development in an M3-1 zoning district”; and

WHEREAS, Community Board No.1, Brooklyn, has recommended conditional approval of this application; and

WHEREAS, a public hearing was held on this application on February 29, 2000, after due notice by publication in the Bulletin, laid over to April 4, 2000 and then to May 2, 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 under Z.R. § 72-21 to permit within an M3-1 zoning district, the conversion and enlargement of an existing one story manufacturing building for residential use (Use Group 2), which is contrary to Z.R. §42-00; and

WHEREAS, the subject zoning lot is an irregularly shaped parcel, having a total lot area of approximately 20,734 square feet and frontages on both Kent Avenue and North 7th Street; and

WHEREAS, a portion of the subject zoning lot is presently improved with a manufacturing building of approximately 5,000 square feet which is currently utilized for storage and a contractor’s office; and

WHEREAS, other portions of the subject zoning lot are used as accessory parking for a near-by restaurant; and

WHEREAS, evidence in the record indicates that the zoning lot is burdened by dissimilar depths along each of its frontages; and

WHEREAS, these dissimilar depths and irregular shape result in an “L” shaped parcel; and

WHEREAS, the shape of the subject zoning lot constrains the development of a building that will conform to the underlying zoning while providing for the amenities associated with a manufacturing building of today’s standards; and

WHEREAS, evidence in the record indicates that the zoning lot is burdened with an existing obsolete building; and

WHEREAS, built in 1946, the existing building is undersized and is not suitable for today’s manufacturing standards; and

WHEREAS, the aforementioned characteristics combine to create unique conditions which are inherent in and peculiar to the subject zoning lot; and

WHEREAS, the aforementioned conditions cause a practical difficulty and unnecessary hardship in developing the zoning lot with a conforming development; and

WHEREAS, a feasibility study demonstrates that development of the subject zoning lot with a conforming use or complying development will not yield the owner a reasonable return; and

WHEREAS, evidence in the record reveals that within the vicinity of the subject zoning lot there exist other

residential uses contained within residential and mixed use buildings; and

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

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

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

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

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

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## CORRECTIONS

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

WHEREAS, therefore, the Board has determined the proposed action will not result in any significant environmental effects provided that the potential impacts are mitigated as follows in accordance with the Conditional Negative Declaration:

1) that the applicant shall prepare a field testing scope of work for the Landmarks Preservation Commission's ("LPC") review and that the applicant shall not commence any site grading, excavation, or building construction until the LPC approves the field testing scope of work and determines that there are no archaeological concerns;

2) that the applicant is required to conduct groundwater testing on the site to characterize and delineate the potential for hazardous materials contamination;

3) that the applicant agrees, through a Declaration reviewed and approved by the NYC DEP, to address/remediate all contamination on the site prior to any disturbance ie. site grading, excavation, demolition, or building construction ;

4) that a minimum of 35 dBA window/wall attenuation be provided so that, with the windows closed, noise levels for the proposed residential project do not exceed the 45 dBA noise level requirement. The closed window condition requires that an alternate means of ventilation be provided including, but not limited to, the provision of central air-conditioning and the provision of air-conditioning sleeves containing air-conditioner or HUD approved fans; and

WHEREAS, the Board finds that proposed action is consistent with the requirements of the City's Local Waterfront Revitalization Program.

Resolved that the Board of Standards and Appeals issues a Conditional Negative Declaration under 6 NYCRR

Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §72-21 and grants a variance to permit, within an M3-1 zoning district, the conversion and enlargement of an existing one-story manufacturing building for residential use (Use Group 2), which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, April 20, 2000"-(10) sheets; and on further condition;

THAT owner will adhere to the following requirements of the Conditional Negative Declaration dated January 28, 2000 and published on February 9, 2000:

1) that the applicant shall prepare a field testing scope of work for the Landmarks Preservation Commission's ("LPC") review and that the applicant shall not commence any site grading, excavation, or building construction until the LPC approves the field testing scope of work and determines that there are no archaeological concerns;

2) that the applicant is required to conduct groundwater testing on the site to characterize and delineate the potential for hazardous materials contamination;

3) that the applicant agrees, through a Declaration reviewed and approved by the NYC DEP, to address/remediate all contamination on the site prior to any disturbance ie. site grading, excavation, demolition, or building construction ;

4) that a minimum of 35 dBA window/wall attenuation be provided so that, with the windows closed, noise levels for the proposed residential project do not exceed the 45 dBA noise level requirement. The closed window condition requires that an alternate means of ventilation be provided including, but not limited to, the provision of central air-conditioning and the provision of air-conditioning sleeves containing air-conditioner or HUD approved fans; and

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# MINUTES

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THAT premises be maintained free of debris and graffiti;

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, May 2, 2000.

**\*The resolution has been corrected in that the plan date which read: "Received, March 28, 2000-(9) sheets" now reads: "April 20, 2000"-(10) sheets ". Corrected in Bulletin No. 12, Vol. 86, dated March 22, 2001.**

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*Pasquale Pacifico, Executive Director.*