
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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April 5, 2001

DIRECTORY

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Affecting Calendar Number:

161-00-BZ	314-322 East 52 nd Street, Manhattan
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DOCKET

New Case Filed Up to March 27, 2001

120-01-BZ B.Q. 134-02 Cross Bay
Boulevard, west side, between Gold and Silver Roads, Block
11374, Lot 134, Borough of Queens. Applic. #400376080.
The legalization of commercial uses, Use Group 6, in an
existing two story building, located in an R4 zoning district,
is contrary to Z.R.§22-00.

COMMUNITY BOARD #10Q

121-01-BZ B.M. 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. Applic. #102957052. 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 buildings, is contrary to Z.R. §24-522,
§24-382 and §24-652.

COMMUNITY BOARD #6M

01-BZ B.M. 122-150 Riverside Drive,
aka 355 W. 87th Street, northeast corner, Block 1249, Lot 1,
Borough of Manhattan. Applic. #102945235. Proposed
construction of a rooftop enlargement to an existing 520-bed
nursing home facility, Use Group 3, located in R10A and R8
zoning districts, which does not comply with the zoning
requirements for floor area, rear yard and the required
loading berth, is contrary to Z.R. §24-11, §24-36, §25-70 and
§54-31.

COMMUNITY BOARD #7M

123-01-A B.M. 540/42 West 50th Street,
south side, between 10th and 11th Avenues, Block 1078, Lot
53, Borough of Manhattan. Applic. #102429301. An appeal
for an interpretation of Z.R.§52-332 and how it relates to a
change of use from an electrical contractor's
establishment,(U.G.16), to an automobile repair shop (Use
Groups 16 and 17), public garage (U.G. 8) with accessory
offices and the parking of vehicles awaiting repairs.

124-01-A B.Q. 47-01 Queens Boulevard,
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entrance to the garage, for the building's parking in the
cellar (four story commercial building), must provide a 20'
landing in accordance with Section 27-458 of the NYC
Building Code

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

APRIL 24, 2001, 10:00 A.M.

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

SPECIAL ORDER CALENDAR

728-29-BZ, Vol. II

APPLICANT - Sheldon Lobel, P.C., for Exxon Mobil Oil Corp., owner.

SUBJECT - Application January 8, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of the variance which expired March 19, 2000 and for an amendment to add three additional multi-product gasoline dispensers.

PREMISES AFFECTED - 154-04 Horace Harding Expressway, bounded easterly by Kissena Boulevard, northerly by Horace Harding Expressway and southerly by 64th Street, Block 6744, Lot 71, Borough of Queens.

COMMUNITY BOARD #8Q

950-40-BZ, Vol. III

APPLICANT - Vassalotti Associates, A.I.A., for New York Funeral Chapels, Inc., owner.

SUBJECT - Application February 23, 2001 - reopening for an extension of term of the variance which expired January 24, 2001.

PREMISES AFFECTED - 7610/7618 Fourth Avenue, west side, 59' south of 76th Street, Lot 47, Borough of Brooklyn.

COMMUNITY BOARD #10BK

17-91-BZ

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

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

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

COMMUNITY BOARD #11Q

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

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

37-01-A thru 41-01-A

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

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

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

481C Father Capodanno Boulevard, west side, 1877.86' south of Sand Lane, Block 3500, Lot 26, Borough of Staten Island.
481D Father Capodanno Boulevard, west side, 1877.86' south of Sand Lane, Block 3500, Lot 25, Borough of Staten Island.

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

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

COMMUNITY BOARD #2SI

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

CALENDAR

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

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

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

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

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

Pasquale Pacifico, Executive Director.

MAY 1, 2001, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, May 1, 2001, at 11 A.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

108-01-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Eddy and Geraldine Stansky, Lessees.

SUBJECT - Application February 28, 2001 - proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street and located partially within the bed of a mapped street, is contrary to Sections 35 & 36 Article 3 of the General City Law.

PREMISES AFFECTED - 56 Bedford Avenue, west side, 187.60' north of 12th Avenue, Block 16350, Lot 300, Borough of Queens.

109-01-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Mr. and Mrs. Michael Sammon, Lessees.

SUBJECT - Application February 28, 2001 - proposed enlargement of 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 - 69 Reid Avenue, north side, 343.78'

MINUTES

west of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

110-01-A

APPLICANT - Gary Lenhart, R.A., for Breezy Point Cooperative Inc., owner.

SUBJECT - Application March 2, 2001 - proposed enlargement of 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 - 108 Beach 219th Street, west side, 120' south of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

MAY 1, 2001, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, May 1, 2001, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

218-00-BZ

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

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

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

COMMUNITY BOARD #9BX

306-00-BZ

APPLICANT - Rosenman & Colin, LLP, for Columbia University; Congregation Ramath Orah, owners.

SUBJECT - Application December 20, 2000 - under Z.R. §72-21, to permit the proposed construction of a 12 story building with commercial use on the ground floor, a school on floors 2 through 6, and housing for faculty and staff on floors six through twelve, located in a C1-5 overlay in an R8 zoning district, which creates non-compliance with respect to height, setback, lot coverage, rear yard equivalent, supplementary use minimum distance between legally required windows, wall or lot lines and lot area per room, which is contrary to Z.R. §33-431, §24-522, §24-11, §24-382, §32-421, §23-861 and §23-223.

PREMISES AFFECTED - 2824-2834 Broadway; 550-560 West 110th Street; 253-259 West 109th Street, westernmost portion of the block bounded by Broadway, 109th and 110th Streets and Amsterdam Avenue, Block 1881, Lots 1, 3, 4, 6 & 56, Borough of Manhattan.

COMMUNITY BOARD #7M

9-01-BZ

APPLICANT - Marcus Marino Architects, for C & M Development, owner.

SUBJECT - Application January 11, 2001 - under Z.R. § 72-21, to permit the proposed construction of a two family detached residence (Use Group 2) located in an R4 zoning district, with less than the minimum required front yard, which is contrary to Z.R. §23-45.

PREMISES AFFECTED - 4 Crittenden Place, between Hatfield Place and Charles Avenue, Block 1098, Lot 21, Borough of Staten Island.

COMMUNITY BOARD #1SI

21-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Mattone Group Jamaica Co., LLC, Ground Lessee; Jack Lalannes Fitness Centers, Inc., Lessee.

SUBJECT - Application January 18, 2001 - under Z.R. §73-36, to permit the proposed operation of a physical culture establishment (Use Group 9) on the second floor a theatre/retail center, currently under construction, located in a C6-1A zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 159-02 Jamaica Avenue, corner of 160th Street, Block 10100, Lot 1, Borough of Queens.

COMMUNITY BOARD #12Q

42-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Eli Matalon, owner.

SUBJECT - Application February 6, 2001 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling (Use Group 1) located in an R-2 zoning district, which creates non-compliance with respect to side yard, F.A.R., O.S.R. and rear yard, which is contrary to Z.R. §23-461, §23-141 and §23-47.

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

COMMUNITY BOARD #14BK

Pasquale Pacifico, Executive Director.

REGULAR MEETING

MINUTES

**TUESDAY MORNING, MARCH 27, 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, March 6, 2001, were approved as printed in the Bulletin of March 5, 2001, Volume 86, No. 11.

SPECIAL ORDER CALENDAR

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 attendants 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: Janice Cahalane.

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

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

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening for an extension of the term of the variance which expired on September 23, 2000, and for an amendment to the resolution to permit the erection of a new 2,900 square foot accessory building to house a retail convenience store with an attendant's area and the installation of a canopy over six new pump islands; 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 6, 2001 and then to March 27, 2001 for decision; and

WHEREAS, the proposed amendment seeks to permit the construction of a 2,900 square foot accessory convenience store, alter signage, install a new canopy, re-arrange the existing pump islands and re-landscape the premises.

Resolved, that the Board of Standards and Appeals

hereby *reopens and amends* the resolution pursuant to Z.R. §11-412, said resolution having been adopted on May 3, 1955 as amended through May 17, 1994 expiring September 23, 2000, so that as amended this portion of the resolution shall read:

“to permit the construction of a 2,900 square foot accessory convenience store and the installation of a metal canopy over the existing pump islands on condition

THAT the term of the variance shall be limited to ten years from September 23, 2000, expiring September 23, 2010;

THAT the canopy lighting shall comply with the BSA conditions plans;

THAT in accordance with BSA approved plans, landscaping be provided and maintained on 219th Street;

THAT the refuse container be placed along the rear of the structure on the corner of Northern Boulevard and 218th Street;

THAT no vacuums be stored at the premises;

THAT the above conditions appear on the certificate of occupancy;

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received March 6, 2001'-(6) sheets; and that other than as herein amended the resolution above cited shall be complied with.

(DOB #401106209/00)

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

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

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

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening for an extension of the term of the variance which expires on April 23, 2001; and

WHEREAS, a public hearing was held on this

MINUTES

application on March 6, 2001, after due notice by publication in the *City Record*, and laid over to March 27, 2001 for decision; and

WHEREAS, Community Board 11, Queens, recommended approval of this application.

Resolved, that the Board of Standards and Appeals hereby *reopens and amends* the resolution pursuant to Z.R. §11-411, said resolution having been adopted on April 3, 1956 as amended through June 25, 1991 expiring April 3, 2001, only as to the term of the variance, so that as amended this portion of the resolution shall read:

“granted for a term of ten years from the date of this grant expiring March 27, 2011; on condition 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 23, 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 669-85)

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

2000, January 9, 2001, March 13, 2001 and then March 27, 2001 for decision; and

WHEREAS, Community Board 18, Brooklyn, has recommended approval of this application.

Resolved, that the Board of Standards and Appeals hereby *reopens and amends* the resolution pursuant to Z.R. §11-411, said resolution having been adopted on June 14, 1960 as amended through May 8, 1990 expiring June 14, 2000, only as to the term of the variance, so that as amended this portion of the resolution shall read:

“granted for a term of ten years expiring June 14, 2010; on condition 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 February 27, 2001’-(4) sheets; 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 3080/59)

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

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.

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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening for an extension of the term of the variance which expired on June 14, 2000; and

WHEREAS, a public hearing was held on this application on October 10, 2000, after due notice by publication in the *City Record*, laid over to November 21,

87-69-BZ

APPLICANT - Walter T. Gorman, P.E., for Amerada Hess Corporation, owner.

SUBJECT - Application October 26, 2000 - reopening for an amendment to permit modifications to the existing serve station, e.g. replacing the four existing pump islands with three new pump islands; install a metal canopy over the pump island; convert the accessory building to an attendant’s area, storage area and convenience store.

PREMISES AFFECTED - 104-09 Atlantic Avenue, northeast corner of 104th Street, Block 9313, Lot 51, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Arther Sulliman.

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

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

THE VOTE TO GRANT -

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

MINUTES

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening for an amendment to the resolution; 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 March 27, 2001 and then to for decision.

Resolved, that the Board of Standards and Appeals hereby *reopens and amends* the resolution pursuant to Z.R §§ 72-01 and 72-22 said resolution having been adopted on March 28, 1972, so that as amended this portion of the resolution shall read:

“to permit the replacement of four existing pump islands with three new pump islands; to allow the installation of a metal canopy over the pump islands; to convert the existing sales area to a convenience store and to permit an attendant’s area and a storage area; on condition that the premises shall be maintained in substantial compliance with the existing and proposed plans submitted with the application marked ‘Received January 16, 2001’-(6) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects.”

(Alt. II 401167811/2000)

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

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.

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

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening for an amendment to the resolution; and

WHEREAS, a public hearing was held on this

application on January 23, 2001, after due notice by publication in *The City Record*, laid over to February 27, 2001, March 13, 2001 and then to March 27, 2001 for decision; and

WHEREAS, the applicant proposes to convert the existing structures to mixed residential and commercial use; to retain two of the five loading docks that were previously approved on Dean Street; and to create a driveway and seating area within the previously approved green space; and

WHEREAS, Community Board #8, Brooklyn, has recommended conditional approval of this application; and

WHEREAS, an application was granted by the New York City Department of City Planning on December 13, 2000 and by the New York City Council on February 7, 2001 changing the zoning designation from M1-1 to C4-4A; and

WHEREAS, the Board finds that the proposed development will be a lesser impact on the community than the prior use.

Resolved, that the Board of Standards and Appeals hereby *reopens and amends* the resolution pursuant to Z.R. §72-01 and §72-22, said resolution having been adopted on June 14, 1983 so that as amended this portion of the resolution shall read:

"To permit the retention of two of the previously approved enclosed loading docks located on the Dean Street portion of the premises; create a lobby area, install a driveway and seating area within the previously approved green area and modify the landscaping, *on condition*;

THAT there shall be a 15-Minute limitation imposed for vehicles making pick-ups and drop-offs to the residential area;

THAT entry to the the landscaped area at Dean Street will be open to public between the hours of 7:00 a.m. to 7:00 p.m.;

THAT deliveries shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday with no deliveries permitted on Sunday;

THAT all loading and unloading of trucks shall be conducted within the loading docks;

THAT the curb on Dean Street, accessing the loading area shall be reduced from 95' to 22' and the curb cut accessing the residential driveway shall be limited to 18';

THAT all commercial garbage shall be stored in the compactor within the loading dock;

THAT the hours for commercial garbage pick-up shall be within 7:00 a.m. and 7:00 p.m.;

THAT there shall be no storage of any kind or parking within the open space provided on Lot 37(previously lots 55, 56, 58, 59 and 60) in accordance with the BSA approved

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plans;

THAT landscaping shall be provided and maintained in the open space of Lot 37 (previously lots 55, 56, 58, 59 and 60);

THAT an intercom system shall be installed outside of the enclosed docks so that the drivers will be able to notify the building attendant of the delivery truck arrival;

THAT a sign shall be posted clearly indicating that drivers shall not beep their horns or create any other noise in attempt to alert the building attendant of their arrival;

THAT Dean Street shall be maintained free of debris and graffiti;

THAT the above conditions appear on the certificate of occupancy;

THAT the premises shall be maintained in substantial with the proposed plans submitted with the application marked "Received November 6, 2000"-(3) sheets and "March 6, 2001"-(1) sheet; and that other than as herein amended the resolution above cited and all other relevant laws and regulations of the City of New York shall be complied with in all respects and that the substantial work shall be completed within two years of this amended resolution. (DOB 301092699.)

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

96-90-BZ

APPLICANT - EH & HD 183rd Realty, LLC, by Eyal Schmulevich, for 548 East 183rd Street Corp., c/o Pronto Property Services Inc., owner.

SUBJECT - Application December 21, 2000 - request for a waiver of the Rules of Practice and Procedure and a reopening for an extension of time to complete construction which expired February 7, 2000.

PREMISES AFFECTED - 548 East 183rd Street, Block 3501, Lot 31, Borough of The Bronx.

COMMUNITY BOARD #6BX

APPEARANCES -

For Applicant: Eyal Schmulevich.

ACTION OF THE BOARD - Rules of Practice and Procedures waived, application reopened and time to complete construction extended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure and an extension of time to complete substantial construction; and

WHEREAS, a public hearing was held on this

application February 13, 2001 after due notice by publication in *The City Record*, laid over to February 27, 2001 and then to March 27, 2001 for decision; and

Resolved, that the Board of Standards and Appeals hereby *waives the Rules of Practice and Procedures and reopens and amends* the resolution said resolution having been adopted on October 8, 1991 only as to time to complete substantial construction, so that as amended this portion of the resolution shall read:

"THAT substantial construction shall be completed within 36 months of February 7, 2000."

(D.O.B. ALT 373/1989)

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

200-24-BZ

APPLICANT -Stephen Ely, for Haymes Investment Company, owner; Cha Duk Kim, Hail Super Corp, lessee.

SUBJECT - Application October 20, 2000 - reopening for an extension of term of the variance which expired September 23, 2000, and for an amendment to legalize the change use from automotive related service (Use Group 16) to use food store (U.G.6).

PREMISES AFFECTED -3030 Jerome Avenue a.k.a 3103 Villa Avenue, 161.81' south ov East 204th Street, Block 3321, Lots 25 Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Stephen Ely.

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 April 17, 2001, at 10 A.M., for decision, hearing closed.

154-50-BZ

APPLICANT - Walter T. Gorman, P.E., for Larry Hirschhorn, owner, Golan Service Station, Inc., lessee.

SUBJECT - Application January 16, 2001 - reopening for an amendment to reflect a change in the size of the canopy.

PREMISES AFFECTED - 5213/29 Flatlands Avenue, a/k/a 1260/64 East 53rd Street, northwest corner of Avenue "J", Block 7800, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Arthur Sulliman.

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For Opposition: 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 April 17, 2001, at 10 A.M., for decision, hearing closed.

271-71-BZ

APPLICANT -Sheldon Lobel, P.C., for Sheldon E. Leibowitz, owner.

SUBJECT - Application October 24, 2000 - a reopening for an extension of the term of variance which expired July 6, 2001.

PREMISES AFFECTED - 1006/20 First Avenue a/k/a 400/416 East 56th Street, Block 1367, Lots 1, 10, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Lyra Altman.

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 April 17, 2001, at 10 A.M., for decision, hearing closed.

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.

For Opposition: Philip Schneidr.

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

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

854-87-BZ

APPLICANT -Sheldon Lobel, P.C.,for Ansano Construction Corp, owner.

SUBJECT - Application November 30, 2000 - request for a

waiver of the Rules of Practice and Procedure and a reopening for an extension of term of the variance which expired December 20, 1998.

PREMISES AFFECTED - 3924 East Tremont Avenue, Southwesterly corner of the intersection of East Tremont Avenue and Cross Bronx Expressway, Block 5576, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Janice Cahalane.

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 April 17, 2001, at 10 A.M., for decision, hearing closed.

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 August11, 2000 - a 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.

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 April 17, 2001, at 10 A.M., for decision, hearing closed.

260-00-A thru 262-00-A

APPLICANT - Rothkrug & Rothkrug, for John Grillo, owner.

SUBJECT - Applications October 31, 2000 - proposed buildings, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

39 Weiner Street, east side, 40' north of Cole Street, Block 7564, Lot 3, Borough of Staten Island.

45 Weiner Street, east side, 40' south of Butler Street, Block 7564, Lot 5, Borough of Staten Island.

49 Weiner Street, south east corner of Butler Street,

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Block 7564, Lot 7, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

ACTION OF THE BOARD - Appeals 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 decisions of the Borough Commissioner, dated October 23, 2000, acting on N.B. numbers 500432427, 500432436 and 500432454, read:

1. Street giving access to the proposed building is not placed on the official map of the City of New York, therefore:
 - A. No certificate of occupancy can be issued as per Article 3, Section 36 of the General City Law, and,
 - B. Permit may not be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space, and, therefore, contrary to section 27-291 of the administrative code.

WHEREAS, by the letter dated January 23, 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 decisions of the Borough Staten Island Commissioner dated October 23, 2000, acting on N.B. number 500432427, 500432436 and 500432454 objections 1A and 1B, are modified under the power vested in the Board by §36 of the General City Law, and that these appeals are granted, limited to the decisions noted above, on condition that construction shall substantially conform to drawings filed with the application marked, "Received January 16, 2001"-(1) sheet; and that all applicable laws, rules, and regulations shall be complied with.

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

281-00-A thru 285-00-A

APPLICANT - Rothkrug & Rothkrug, for DGR II Building Corp., contract vendee.

SUBJECT - Applications November 21, 2000 - proposed construction located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

417 Father Capodanno Boulevard, west side, 1336'

south of Sand Land, Block 3491, Lot 4, Borough of Staten Island.

419 Father Capodanno Boulevard, west side, 1359' south of Sand Land, Block 3491, Lot 103, Borough of Staten Island.

421 Father Capodanno Boulevard, west side, 1372' south of Sand Land, Block 3491, Lot 3, Borough of Staten Island.

423 Father Capodanno Boulevard, west side, 1387' south of Sand Land, Block 3491, Lot 2, Borough of Staten Island.

425 Father Capodanno Boulevard, west side, 1410' south of Sand Land, Block 3491, Lot 101, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

ACTION OF THE BOARD - Appeals 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 decisions of the Staten Island Borough Commissioner, dated November 9, 2000, acting on N.B. numbers 500439616, 500439607, 500439590, 500439581 and 500439572 read:

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

WHEREAS, the Department of Environmental Protection Drainage Plan No. RDP-OB-2-4 calls for a future 10" dia. sanitary sewer and 12" dia. storm sewer to be connected in McLaughlin Street which could pass the proposed site; and

WHEREAS, in response to Department of Environmental Protection concerns, by letter faxed March 26, 2001, the owner has agreed to amend the City's drainage plan; and

WHEREAS, by the letter dated January 25, 2001 the Department of Transportation has reviewed the proposed project and has no objections; and

WHEREAS, by the letter dated January 5, 2001, the Fire Department has reviewed the proposed project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant these approvals under certain conditions.

Resolved, that the decision of the Staten Island Borough Commissioner dated November 9, 2000, acting on

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N.B. numbers 500439616, 500439607, 500439590, 500439581 and 500439572 the above objections, are modified under the power vested in the Board by §35 of the General City Law, and that these appeals are granted, limited to the decision noted above, on condition that Drainage Plan No. RDP-OB-2-4 provide a 10" dia. sanitary sewer and 12" dia. storm sewer to be connected in McLaughlin Street which could pass the proposed site, and on further condition that construction shall substantially conform to drawings filed with the application marked, "Received January 9, 2001"-(1) sheet; and that all applicable laws, rules, and regulations shall be complied with.

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

evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner dated December 5, 2000, acting on N.B. number 401177579, the above objections, 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 drawings filed with the application marked, "Received January 2, 2001"-(7) sheets; and that all applicable laws, rules, and regulations shall be complied with.

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

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 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 Queens Borough Commissioner, dated December 5, 2000, acting on N.B. number 401177579, 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. A certificate of occupancy may not be issued as per Article 3, Section 36 of the General City Law.

B. Existing dwelling to be altered does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to section 27-291 of the administrative code.

WHEREAS, by the letter dated January 16, 2001, the Fire Department has reviewed the proposed project and has no objections; and

WHEREAS, the applicant has submitted adequate

309-00-A

APPLICANT - New York City Department of Buildings.

OWNER OF PREMISES: J. J. Family Realty, Beach Auto Parts, Inc., Lessee.

SUBJECT - Application December 22, 2000 - Application to review and set aside Certificate of Occupancy No. Q400089079, for subject premises on basis that the Certificate of Occupancy, issued June 10, 1993, which permitted the use of an accessory garage for installation of auto parts, sold at an attached retail auto parts store, was issued in error.

PREMISES AFFECTED - 13-26/36 Beach Channel Drive, bounded by Dix and Redfern Avenues and Beach Channel Drive, Block 15528, Lot 12, Borough of Queens.

APPEARANCES -

For Applicant: John Reisinger, Department of Buildings.

For Opposition: Henry Radusky.

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 April 17, 2001, at 11 A.M., for decision, hearing closed.

31-01-A

APPLICANT - Fischbein Badillo Wagner Harding for Joseph E. Sheehan.

OWNER OF PREMISES: George Pantelidis.

SUBJECT - Application January 26, 2001 - an appeal challenging a decision of the Department of Buildings, issuance of permits and allowing the construction of a two-story enlargement (greenhouse), in the rear of subject premises.

PREMISES AFFECTED - 116 East 73rd Street, south side, 140.6' east of Park Avenue, Block 1407, Lot 67, Borough of

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Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Howard B. Hornstein and Marvin Mitzner.

For Opposition: Irving E. Minkin.

For Administration: Mona Sehgal, Department of Buildings.

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 April 17, 2001,
at 11 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:45 A.M.

REGULAR MEETING

TUESDAY AFTERNOON, MARCH 27, 2001

2:00 P.M.

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

ZONING CALENDAR

171-99-BZ

APPLICANT - Sheldon Lobel, P.C., for Congregation Shmiel
V'Yakov, owner.

SUBJECT - Application August 3, 1999 - under Z.R. §72-21,
to permit the proposed construction of residential dwellings
(Use Group 2) above an existing school with an accessory
synagogue, in an M1-2 zoning district, is contrary to Z.R.
§42-00.

PREMISES AFFECTED - 52-62 Keap Street a.k.a. 700-716
Wythe Street, Keap Street and Wythe Street, Block 2197, Lot
25 (tentative), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Eric Palatnik.

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

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 27, 2001.

206-00-BZ

APPLICANT - Martyn and Don Weston, for Swiatoslaw
Kuziw, owner.

SUBJECT - Application August 18, 2000 - under Z.R. §72-21,
to permit the proposed enlargement and conversion of the
first floor bars into restaurants, also the proposed change of
the existing commercial use in the cellar from office to
restaurant, in an existing six story retail and residential
building, located in an R7-2 zoning district, which is contrary
to Z.R. §52-41 and §54-31.

PREMISES AFFECTED - 41 East 7th Street, north side, 100"-
0" west of Second Avenue, Block 463, Lot 36, Borough of
Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Don Weston.

For Opposition: Battalion Chief Robert J. Stec and John
Scrofani, Fire Department, Doris Diether and Robert F.
Joyce.

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 27, 2001.

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 a 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 - Application granted on
condition

THE VOTE TO GRANT -

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

Negative:0

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THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated November 16, 2000 acting on Alt. Applic. No. 500447395 reads:

“THE PROPOSED FUNERAL HOME, USE GROUP 7 IN A C1-1 OVERLAY IN AN R3-2 ZONE REQUIRES A SPECIAL PERMIT FROM THE BOARD OF STANDARDS AND APPEALS.”

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

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

WHEREAS, this is an application under Z.R. §§73-03 and 73-27 to permit the proposed funeral establishment (Use Group 7) located in a C1-1(R3-2) SRD zoning district, which is contrary to Z.R. §32-01; and

WHEREAS, the subject premises is located within the Special South Richmond Development District (SRD); and

WHEREAS, the premises consists of an irregular, triangular corner zoning lot, with 153' of frontage along Annadale Road, and 296' of frontage along Barb Street; and

WHEREAS, further, the premises contains a varying depth which is approximately 135' deep at the widest point, with a total of 16,900 square feet in area developed with two buildings; and

WHEREAS, the record indicates that one of the two buildings was originally constructed and used as a garden center and is currently used as a commercial garden center store with various commercial uses; and

WHEREAS, the subject proposal will demolish the building housing the garden center store and replace it with a new one-story with cellar building to be used as a funeral establishment, with accessory off-street parking for 26 automobiles ; and

WHEREAS, the funeral establishment will contain 5,088.5 square feet of area at the cellar level housing offices, facilities for the preparation of the bodies, as well as a display area for caskets; and

WHEREAS, the cellar space is exempt from floor area zoning calculations; and

WHEREAS, the first floor will also contain 5,088 square feet of area, housing an office and chapel areas designed with folding partitions; and

WHEREAS, the record indicates that there will be two parking areas, located at the southerly end of the lot which will provide more off-street parking than required by zoning regulations; and

WHEREAS, the parking areas will be accessible from

both Barb Street and Annadale Road; and

WHEREAS, the proposal provides accessibility to the disabled in accordance with Local Law 58; and

WHEREAS, the record indicates that there are no foreseeable hazards or disadvantages to the community and no foreseeable adverse effects on the privacy, quiet, light and air of the neighborhood; and

WHEREAS, further, the proposed funeral establishment will not interfere with any public improvement project which is approved or pending before the City Council, Site Selection Board or the City Planning Commission; and

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

WHEREAS, the record indicates that prior to locating the subject parcel, the owners spent significant time and were unsuccessful in locating a suitably zoned parcel ; and

WHEREAS, a Board site visit revealed that the proposed funeral establishment will be located at the end of an existing C1-1 zoning district and will not interrupt an existing frontage devoted to shopping uses; and

WHEREAS, the record indicates that the proposed funeral establishment is modest in size and will not generate traffic traveling through residential developments or “side” streets; and

WHEREAS, the Board finds that the applicant’s proposal is consistent with New York City’s Waterfront Development policies; and

WHEREAS, in response to Board and Community concerns, the owner represents that the embalming room will be connected to a separate, sealed, septic tank; and

WHEREAS, therefore, the Board has determined that evidence in the record supports the findings to be made under Z.R. §73-27.

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. §§73-03 and 73-27 and grants a special permit to permit the proposed funeral establishment (Use Group 7) located in a C1-1(R3-2) SRD zoning district, which is contrary to Z.R. §32-01; limited to the objections cited, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received “November 21, 2000-(1) sheet, “January 16, 2001”-(1) sheet; “March 7, 2001”-(2) sheets and “March 21, 2001”-(1) sheet; and on further condition;

THAT the term of the special permit shall be limited to ten years from the date of this grant to expire on March 27, 2011;

THAT the proposed wet sprinkler system and interior fire alarm system be installed throughout the subject funeral

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establishment with both systems connected to a Fire Department approved central station;

THAT the proposed smoke detector system be installed throughout the subject funeral establishment and be connected to a Fire Department approved central station;

THAT the embalming room shall be connected to a separate, sealed, septic tank;

THAT the above conditions 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; and

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

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

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 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 October 27, 2000, acting on application number 101962814 reads;

“Proposed Physical Culture/Health Establishment at 60 West 23rd Street (Block 824, Lots 1, 11) is contrary to Z.R. 32-31 and requires approval from the Board of Standards and Appeals.”;

and

WHEREAS, a public hearing was held on this

application on, 2001 after due notice by publication in the *City Record*, laid over to May16, 2000, and then to March 27, 2001 for decision; and

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

WHEREAS, Community Board 5, Manhattan, has recommended approval of this application; and

WHEREAS, this is an application under per Z.R. §73-36, to permit the proposed physical culture establishment, to be located on the first floor and second floors of a twenty story mixed-use building, currently under construction, in a C6-3A/C6-4M zoning district, requires a special permit as per Z.R. §32-31; and

WHEREAS, the subject physical culture establishment will be operated by the New York Health and Racquet Club; and

WHEREAS, the subject physical culture establishment will contain 38,798 square feet of area; and

WHEREAS, 5,805 square feet will be on the first floor and 32,993 square feet will be on the second floor; and

WHEREAS, the first floor will include a reception area, sales and manager’s offices, sales’ area, juice bar, lounge, hydro-therapy treatment room, men’s and women’s locker rooms, and a storage area; and

WHEREAS, the second floor will include men’s and women’s locker rooms, cardiovascular training areas, weight training, and aerobic training, spinning/aerobics studio, pool, offices, etc.

WHEREAS, the proposed hours of operation are Monday through Thursday 6:00 AM to 11:00 PM, Friday 6:00 AM to 10:00 PM, and Saturday and Sunday 8:00 AM to 10:00 PM; and

WHEREAS, the subject site is located in a mixed-use area of Manhattan, characterized by hi-rise buildings containing commercial and office uses; and

WHEREAS, the physical culture establishment will be completely enclosed within a building currently under construction; and

WHEREAS, the record indicates that to lessen noise impacts on residential uses, sound attenuation construction materials will be used; and

WHEREAS, the proposal will contain internal spring mounted heating and air conditioning units on the ceiling of the first and second floors with acoustical tiles which will mitigate any noise or vibration impacts; and

WHEREAS, the subject physical culture establishment is located in a 20 story mixed-use commercial building; and

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

WHEREAS, the record indicates that the proposed use

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will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-36; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §73-36 and grants a special permit to permit, the proposed physical culture establishment, to be located on the first floor and second floors of a twenty story mixed-use building, in a C6-3A/C6-4M zoning district which requires a special permit as per 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 March 8, 2001"-(5) sheets; and on further condition;

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

THAT the hours of operation for the physical culture establishment shall be limited to Monday through Thursday 6:00 AM to 11:00 PM, Friday 6:00 AM to 10:00 PM, and Saturday and Sunday 6:00 AM to 10:00 PM;

THAT all individuals practicing massage at the premises shall possess valid New York State licenses for such practice which licenses shall be prominently displayed at the premises;

THAT fire protection measures, including an automatic wet sprinkler system connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of ten years, to expire on March 27, 2011;

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

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

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

THAT a new certificate of occupancy shall be obtained within one year of this grant.

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

134-99-BZ

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

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

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

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Don Weston, Barbara Marks, Terry Rice and Sheldon Lobel.

For Opposition: Deirdre A. Carson.

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

ACTION OF THE BOARD - Laid over to May 1, 2001, at 2 P.M., for continued hearing.

152-00-BZ

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

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

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

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik.

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

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

186-00-BZ

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APPLICANT - Harold Weinberg, P.E., for Murray Dana, owner.

SUBJECT - Application July 14, 2000 - under Z.R. §73-622, to permit the proposed conversion of a two family dwelling to a one family dwelling and extending the one family use into the attic and enlarging the second floor, which creates non-compliance with respect to F.A.R., O.S.R. and side yard, and is contrary to Z.R. §23-141, §54-31 and §23-461.

PREMISES AFFECTED - 2301 Avenue L, northeast corner of East 23rd Street, Block 7623, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg and Murray Dana.

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 April 17, 2001, at 2 P.M., for decision, hearing closed.

211-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Hoffman & Hoffman, LLC, owner.

SUBJECT - Application September 1, 2000 - under Z.R. §72-21, to permit the legalization of a portion of a mixed use four story building, manufacturing and residential, located within an M1-2 zoning district, to legalize the 1st-4th floors of the building, Use Group 17/6, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 252 Norman Avenue, located at the intersection of the Southerly side of Norman Avenue and the Easterly side of Monitor Avenue, Block 2657, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

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 April 17, 2001, at 2 P.M., for decision, hearing closed.

212-00-BZ

APPLICANT - Walter T. Gorman, P.E., for Show-Raka Enterprises Corp., owner; Belmont Services, Inc., lessee.

SUBJECT - Application September 7, 2000 - under Z.R. §72-21, to permit the proposed construction and operation of a gasoline service station with an accessory convenience

store, minor auto repairs with lube oil bays, also the construction and operation of an automatic auto laundry on a site located in a C1-2 within an R5 zoning district, which is contrary to a previous variance granted under Cal. No. 550-55-BZ and Z.R. §32-25.

PREMISES AFFECTED - 640/666 Conduit Blvd. a.k.a. 600/608 Grant Avenue, block bounded by Grant, Belmont, Sheridan Avenues and Conduit Boulevard, Block 4239, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: John Ronan.

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 April 17, 2001, at 2 P.M., for decision, hearing closed.

222-00-BZ

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

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

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

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Sol Korman.

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

ACTION OF THE BOARD - Laid over to May 15, 2001, at 2 P.M., for postponed hearing.

228-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Hoffman and Partners, LLC, owners.

SUBJECT - Application October 10, 2000 - under Z.R. §72-21, to permit the proposed conversion of a vacant building, zoned for manufacturing use, to be used for residential purposes (Use Group 2) which is contrary to Z.R. §42-

MINUTES

00.PREMISES AFFECTED - 28/32 Locust Street, between Broadway and Beaver Street, Block 3135, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #4BK

APPEARANCES -

For Applicant: Janice Cahalane.

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

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

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: Janice Cahalane.

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

ACTION OF THE BOARD - Laid over to April 17, 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, Community Board 2, Elise Wagner, Martin Taub.

For Opposition: Harold Magida.

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

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

252-00-BZ

APPLICANT - Sheldon Lobel, P.C., for ICC Performance 3 LP by Alan Leavitt, owner.

SUBJECT - Application October 23, 2000 - under Z.R. §73-36, to permit the proposed physical culture establishment, within a portion of the first floor of an existing one story building, located in a C2-2 zoning district, which requires a special permit as per Z.R. §32-00.

PREMISES AFFECTED - 104-02/104-10 Rockaway Beach Blvd., northeast corner of Beach 105th Street, Block 16176, Lot 1, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Lyra Altman.

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

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

265-00-BZ

APPLICANT - Fredrick A. Becker, Esq., for 142 Manhattan Avenue LLC, owner.

SUBJECT - Application November 2, 2000 - under Z.R. §72-21, to permit the proposed construction of a five family residential building (Use Group 2) located in an R8 zoning district, which exceeds the number of permitted dwelling units, and the maximum lot coverage requirements which is contrary Z.R. §23-145, §23-32 and §23-33.

PREMISES AFFECTED - 44 West 106th Street a.k.a.142 Manhattan Avenue, southeast corner, Block 1841, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Fredrick A. Becker.

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 April 3, 2001, at 2 P.M., for decision, hearing closed.

288-00-BZ

APPLICANT - The Agusta Group, for Dominick Terrasi, owner.

SUBJECT - Application November 29, 2000 - under Z.R. §72-21, to permit the proposed erection of a two family dwelling

MINUTES

(Use Group 2) located in an R3-1 zoning district, which creates non-compliance with respect floor area, front yards, lot area, coverage and width, which is contrary to Z.R. §23-141, §23-45 and §23-32.

PREMISES AFFECTED - 3297 Griswold Avenue, northwest corner of Bayshore Avenue, Block 5417, Lot 117, Borough of The Bronx.

COMMUNITY BOARD #10BX

APPEARANCES -

For Applicant: Sol Korman and other.

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 April 17, 2001, at 2 P.M., for decision, hearing closed.

311-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Charles & Diane Suede, owners.

SUBJECT - Application December 22, 2000 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling (Use Group 1) located in an R-2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, side and rear yards, and is contrary to Z.R. §54-31, §23-461 and §23-47.

PREMISES AFFECTED - 3195 Bedford Avenue, 214' north of Avenue K, Block 7607, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

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 April 17, 2001, at 2 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 4:45 P.M.

CORRECTIONS

*CORRECTION

This resolution adopted on December 12, 2000, under Calendar No. 161-00-BZ and printed in Volume 85, Bulletin No. 50, is hereby corrected to read as follows:

161-00-BZ

CEQR # 00-BSA-156M

APPLICANT - Klein and O'Brien, LLP for Ida Greenberg, owner; Bodescu Skin Care, Inc., lessee.

SUBJECT - Application June 15, 2000 - under Z.R. §72-21 to permit the legalization of an existing physical culture establishment, located in the cellar of a twelve story residential apartment building with penthouse.

PREMISES AFFECTED - 314-322 East 52nd Street, between First and Second Avenues, Block 1344, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Stuart Klein.

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 June 2, 2000 acting on Application No. 102889297 reads, in pertinent part:

“APPLICATION INITIALLY BEING FILED TO RECEIVE THE FOLLOWING OBJECTION FOR APPEAL TO THE BOARD OF STANDARDS AND APPEALS. PROPOSED CHANGE OF USE TO SKIN CARE CLINIC AND PHYSICAL CULTURE ESTABLISHMENT (MASSAGES) ARE COMMERCIAL USES WHICH ARE NOT PERMITTED IN A RESIDENCE ZONING DISTRICT AND ARE CONTRARY TO SEC. 22-00 Z.R.”; and

WHEREAS, a public hearing was held on this application on, October 31 2000 after due notice by publication in *The City Record*, laid over to November 21, 2000 and then to December 12, 2000 for decision; and

WHEREAS, Community Board #6, Manhattan has recommended approval of this application; and

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 the legalization of an existing physical culture establishment, located in the cellar of a twelve story residential apartment building with penthouse; and

WHEREAS, the subject premises is located on the South side of 52nd Street between First and Second Avenues, on a lot that is 95' wide by 100 feet deep; and

WHEREAS, the subject building is 95' wide and 67' deep with approximately 75,000 square feet of residential floor area and 4,915 square feet of commercial space located in the cellar (excluding lobby space); and

WHEREAS, although located within an R8B district, First Avenue, a C-1-5 district brackets the block in question to the east, and Second Avenue, a C1-9 district to the west; and

WHEREAS, the premises is currently improved by a twelve-story residential apartment building with penthouse located completely within the R8B zoning district and consisting of 90 rental apartments with a cellar and sub-cellar; and

WHEREAS, in 1967, the cellar-space, consisting of approximately 4,915 square feet was converted to a Skin Care Clinic; and

WHEREAS, the applicant represents that the skin care clinic use with accessory massage therapy is staffed by New York State licensed skin care specialists; and

WHEREAS, the subject site is more than 50% below grade and cannot be converted to or used for residential purposes; and

WHEREAS, the applicant represents that the use of the subject premises is limited to medical offices or to an accessory residential storage facility; and

WHEREAS, the premises were established in 1967, and must be retrofitted to meet the accessibility requirements of the Americans with Disabilities Act and Local Law 58/87; and

WHEREAS, the aforementioned conditions create 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, evidence in the record, including a feasibility study, demonstrates that a complying development would not yield a reasonable return; and

WHEREAS, the record indicates that the existing subject skin-care use has been in existence for over 33 years and is between First and Second Avenue where according to the applicant, commercial uses predominate; and

WHEREAS, therefore, the Board finds that the proposed application, for a legalization, 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

CORRECTIONS

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 proposed physical culture establishment will contain facilities for for skin care and treatment; and

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §72-21, to permit the legalization of an existing physical culture establishment, located in the cellar of a twelve story residential apartment building with penthouse; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 31, 2000"- (1) sheet, and *on further condition*;

THAT an automatic wet sprinkler system connected to a Fire Department-approved central station be provided throughout the entire cellar;

THAT an interior fire alarm system connected to a Fire Department-approved central station be provided throughout the entire cellar;

THAT a smoke detection system connected to a Fire Department-approved central station be provided throughout the entire cellar;

THAT the above fire protection systems be installed throughout the entire cellar within two years of this grant;

THAT the term of the variance shall be limited to ten years from June 2, 2000 expiring June 2, 2010;

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

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

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

Adopted by the Board of Standards and Appeals, December 12, 2000.

***The resolution has been corrected to indicate that application was granted under Z.R. §72-21. Corrected in Bulletin Nos. 13-14, Vol. 86, dated April 5, 2001.**