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# BULLETIN

OF THE  
NEW YORK CITY BOARD OF STANDARDS  
AND APPEALS

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40 Rector Street, 9th Floor, New York, N.Y. 10006.

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Volume 86, No. 15

April 12, 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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**OFFICE -** 40 Rector Street, 9th Floor, New York, N.Y. 10006  
**HEARINGS HELD -** 40 Rector Street, 6th Floor, New York, N.Y. 10006  
**BSA WEBPAGE @** <http://www.ci.nyc.ny.us/html/bsa/home.html>  
**TELEPHONE -** (212) 676-2800  
**FAX -** (212) 676-2828

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**MINUTES of Regular Meetings,**

**Tuesday, April 3, 2001**

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# DOCKET

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New Case Filed Up to April 3, 2001

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**125-01-BZ** B.BK. 125 Classon Avenue, bounded by Park Avenue on the south, and Flushing Avenue on the north, Block 1881, Lot 106, Borough of Brooklyn. Applic. #300713495. Proposed residential dwellings, Use Group 2, to be located in an M1-2 zoning district is contrary to Z.R.§42-00, and does not meet the zoning requirements for setback and location of balconies, as per Z. R. §43-43 §23-12 (d) and §23-131.

**COMMUNITY BOARD #3BK**

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**126-01-BZ** B.BK 131 Classon Avenue, bounded by Park Avenue on the south, and Flushing Avenue on the north, Block 1881, Lot 105, Borough of Brooklyn. Applic. #300713486. Proposed residential dwellings, Use Group 2, to be located in an M1-2 zoning district is contrary to Z.R.§42-00, and does not meet the zoning requirements for setback and location of balconies, as per Z. R. §43-43, §23-12 (d) and §23-131.

**COMMUNITY BOARD #3BK**

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**127-01-BZ** B.BK 135 Classon Avenue, bounded by Park Avenue on the south, and Flushing Avenue on the north, Block 1881, Lot 104, Borough of Brooklyn. Applic. #300715625. Proposed residential dwellings, Use Group 2, to be located in an M1-2 zoning district is contrary to Z.R. §42-00, and does not meet the zoning requirements for setback and location of balconies, as per Z. R. §43-43, §23-12 (d) and §23-131.

**COMMUNITY BOARD #3BK**

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**128-01-BZ** B.BK 141 Classon Avenue, bounded by Park Avenue on the south, and Flushing Avenue on the north, Block 1881, Lot 1, Borough of Brooklyn. Applic.#300715616. Proposed residential dwellings, Use Group 2, to be located in an M1-2 zoning district is contrary to Z.R. §42-00, and does not meet the zoning requirements for setback and location of balconies, as per Z. R. §43-43, §23-12 (d) and §23-131.

**COMMUNITY BOARD #3BK**

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**129-01-A** B.BK. 101 and 107 Prospect Park South West, corner lot at Prospect Park South West and 16th Street, Block 5259, Lot 22, Borough of Brooklyn. An appeal from a determination of the Department of Buildings'

dated March 26, 2001, in which the department states that ground floor accessory parking should be exempted in computing permitted floor area for a proposed six-story building.

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**130-01-BZ** B.M. 411/425 East 65th Street and 420 East 69th Street, mid-block portion bounded by East 68th and 69th Streets, between First and York Avenues, Block 1463, Lots 5 (Part of), and 11, Borough of Manhattan. Applic. #102494329. Proposed construction of a new 23-story research laboratory, and a seven-story addition to replace the existing 11-story laboratory, Use Group 4, which exceeds the permitted lot coverage and floor area, does not comply with height, setback regulations, and rear yard equivalent, is contrary to Z.R. §24-11, §24-522 and §24-382.

**COMMUNITY BOARD #8M**

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**131-01-A** B.Q. 152 Reid Avenue, west side, 545' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt. 1#401183394. Proposed addition of a new second floor to an existing one story building not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

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**132-01-BZ** B.BK. 1283 East 22nd Street, between Avenues "L and M", Block 7640, Lot 39, Borough of Brooklyn. Applic. #301118966. Proposed enlargement to an existing one family dwelling, Use Group 1, located in an R2 zoning district, which creates non-compliance with respect to floor area ratio, open space ratio, also side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

**COMMUNITY BOARD #14BK**

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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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**MAY 15, 2001, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, May 15, 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**

### **295-57-BZ**

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

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

PREMISES AFFECTED - 146-15 Union Turnpike, N/W/C of 147th Street and Union Turnpike, Block 6672, Lot 80, Borough of Queen.

**COMMUNITY BOARD #8M**

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### **737-65-BZ**

APPLICANT -Sheldon Lobel, P.C., for Helmsley Spear Inc, owner.

SUBJECT - Application December 28, 2000 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired November 3, 2000.

PREMISES AFFECTED -1660-1680 Second Avenue, 301-329 East 86th Street, 300-334 East 87th Street, Block 1549, Lot 1, Borough of Manhattan .

**COMMUNITY BOARD #8M**

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### **1038-80-BZ**

APPLICANT -Davidoff & Malito LLP, for Feinrose Association Lessee; owner, Expressway Arcade Corp, lessee.

SUBJECT - Application February 6, 2001 - reopening for an extension of term for a special permit which expired January 6, 2001.

PREMISES AFFECTED -31-07/09/11 Downing Street, Whitestone Expressway, Block 4367, Lot1, Borough of Queens.

**COMMUNITY BOARD #7Q**

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### **727-86-BZ**

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

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

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

**COMMUNITY BOARD #6M**

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**MAY 15, 2001, 11:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, May 15, 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**

### **113-01-A**

APPLICANT - Rothkrug & Rothkrug, for Dennis Zollo, owner.

SUBJECT - Application March 6, 2001 - proposed construction of a one story building to be used for the storage of motor vehicles, not fronting on a legally mapped street, which is contrary to Section 36 Article 3 of the General City Law.

PREMISES AFFECTED - 23 Kinsey Place a/k/a Woodcliff Avenue, southeast corner, Block 1290, Lot 61, Borough of Staten Island.

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**MAY 15, 2001, 2:00 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, May 15, 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**

### **196-00-BZ**

APPLICANT - Rothkrug & Rothkrug, for Patricia Cattani, owner.

SUBJECT - Application August 8, 2000 - under Z.R. §72-21, to permit the legalization of an existing office on the

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# CALENDAR

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second floor, and to permit similarly use of the first floor for professional offices, Use Group 6, in an existing community facility/residential building, located within an R1-2 zoning district, which is contrary to Z.R. §22-10. PREMISES AFFECTED - 269 Forest Avenue a.k.a. 81 Randall Avenue, north east corner, Block 131, Lot 63, Borough of Staten Island.

**COMMUNITY BOARD #1SI**

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**224-00-BZ**

APPLICANT - Sheldon Lobel, P.C., for Basile Builders; Carmela Basiole, President, owner.  
SUBJECT - Application September 28, 2000 - under Z.R. §72-21, to permit the proposed six story residential building (Use Group 2) located in an R-5 zoning district, which creates non-compliance with respect to F.A.R., lot coverage, O.S.R., height and perimeter wall, lot area per dwelling unit, and yard requirements, which is contrary to Z.R. §23-41, §23-631, §23-222, §23-45, §23-46 and §23-47. PREMISES AFFECTED - 2353 Cropsey Avenue a.k.a. 247 Bay 34th Street, Block 6889, Lots 7 and 9, Borough of Brooklyn.

**COMMUNITY BOARD #11BK**

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**245-00-BZ**

APPLICANT - Dominick Salvati & Son Architects, for Paul S. Grosman, owner.  
SUBJECT - Application October 16, 2000 - under Z.R. §72-21, to permit the proposed construction of a six story building, with residential use on the upper five floors and a retail store on the first floor, which is contrary to Z.R. §32-00, in that residential use, (Use Group 2) is not permitted in a C8-2 zoning district.  
PREMISES AFFECTED - 897-903 Grand Street, between Olive Street and Catherine Street, Block 2923, Lots 23, 24, 25, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

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**246-00-BZ**

APPLICANT - Sheldon Lobel, P.C., for M. T. M. Realty, Michael Tepler as President, owner.  
SUBJECT - Application October 17, 2000 - under Z.R. §72-21, to permit the proposed increase in the number of dwelling units in an existing commercial and residential seven story building, to increase the size of the building by adding a partial floor for residential use, plus a rooftop garden, which creates non-compliance with respect to

F.A.R., number of dwelling units and lot area, is contrary to Z.R. §23-223, §15-111, §54-31 and §23-142.

PREMISES AFFECTED - 77-79 Delancey Street, southeast corner of Allen Street, Block 414, Lot 50, Borough of Manhattan.

**COMMUNITY BOARD #3M**

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**16-01-BZ thru 20-01-BZ**

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

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

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

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

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

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

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

**COMMUNITY BOARD #3BK**

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*Pasquale Pacifico, Executive Director.*

**MAY 22, 2001, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, May 22, 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**

**554-54-BZ**

APPLICANT - Sheldon Lobel, P.C., for B.P. Amoco Corporation, owner.

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

PREMISES AFFECTED - 6201 Avenue U, Avenue U and Mill Avenue, Block 8405, Lot 44, Borough of Brooklyn.

**COMMUNITY BOARD #18BK**

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# CALENDAR

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## 539-87-BZ

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

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

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

### COMMUNITY BOARD #9BX

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## 236-97-BZ

APPLICANT - Omer Fenik Architect, for Leon Betsh, owner; Eastside Billiards, Lessee.

SUBJECT - Application January 19, 2001 - reopening for an extension of term of variance which expired August 4, 2001.

PREMISES AFFECTED - 163-165 East 86th Street, north side of East 86th Street 153'-4" of Third Avenue, Block 1515, Lot 29, Borough of Manhattan.

### COMMUNITY BOARD #8M

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**MAY 22, 2001, 11:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, May 22, 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

## 137-01-A

APPLICANT - Paul D. Selver, Esq./Jeremiah Candreva, Esq., for Intrepid Museum Foundation, owner; Intrepid Museum Foundation/lt. General Martin Steele, President & CEO Intrepid Museum, lessee.

SUBJECT - Application April 12, 2001 - proposed renovation program consists of the demolition and reconfiguration of certain improvements located on the Main, Gallery, Forecastle, Second, Third and Fourth Decks of the existing USS Intrepid.

PREMISES AFFECTED - One Intrepid Square, Hudson River Pier 86, 12th Avenue and West 46th Street, Block 1107, Lot 30, Borough of Manhattan.

### COMMUNITY BOARD #4M

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**MAY 22, 2001, 2:00 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, May 22, 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

## 275-00-BZ

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

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

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

### COMMUNITY BOARD #8BK

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## 293-00-BZ

APPLICANT - Gerald J. Caliendo, R.A., for NRPLLCII/Emmes Realty Services, owner; Steve Tallidis, lessee.

SUBJECT - Application December 8, 2000 - under §72-21, to permit the proposed physical culture establishment, to be located on the second floor of an existing two story building, in a C1-2 within an R5 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 22-11/27 31st Street, east side, 100' south of Ditmars Boulevard, Block 833, Lot 24, Borough of Queens.

### COMMUNITY BOARD #1Q

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## 300-00-BZ

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

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

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

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# CALENDAR

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of Queens.

**COMMUNITY BOARD #12BK**

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**307-00-BZ**

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

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

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

**COMMUNITY BOARD #7Q**

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**11-01-BZ**

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

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

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

**COMMUNITY BOARD #5BK**

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**119-01-BZ**

APPLICANT - Agusta & Ross, for Elaine Mass, owner; Global Car Stereo and Security Corp., lessee.

SUBJECT - Application March 13, 2001 - under Z.R. §11-411, to permit the reestablishment of an expired variance, previously granted by the Board under Cal. No. 86-56-BZ, which permitted automotive repairs (light type), in a C4-2 zoning district.

PREMISES AFFECTED - 8818 Fourth Avenue, west side, 210' north of 89<sup>th</sup> Street, Block 6062, Lot 40, Borough of Brooklyn.

**COMMUNITY BOARD #10BK**

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*Pasquale Pacifico, Executive Director.*

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# MINUTES

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**REGULAR MEETING  
TUESDAY MORNING, APRIL 3, 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 13, 2001, were approved as printed in the Bulletin of March 22, 2001, Volume 86, No. 12.

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**SPECIAL ORDER CALENDAR**

**234-56-BZ**

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

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

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

**COMMUNITY BOARD #7Q**

APPEARANCES -

For Applicant: Jeffrey Chester, Henry Brusic, Ronald Pellizzi, James Rutigliano, Arcadius Kazzuba and others.

For Opposition: Christine Vastanian, William Warr and Neal Vartanian.

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

**ACTION OF THE BOARD** - Laid over to May 1, 2001, at 10 A.M., for continued hearing.

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**1449-61-BZ**

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

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

PREMISES AFFECTED - 4085 Nostrand Avenue, north east

corner of Emmons Avenue, Block 8796, Lot 63, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

**ACTION OF THE BOARD** - Laid over to June 5, 2001, at 10 A.M., for continued hearing.

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**617-80-BZ**

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

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

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

**COMMUNITY BOARD #12BK**

APPEARANCES -

For Applicant: Eric Palatnik.

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

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

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**49-95-BZ**

APPLICANT - Sheldon Lobel, P.C., for Art Flock & Screen, Inc., owner

SUBJECT - Application May 23, 2000 - reopening for an amendment to permit a change of use from storage warehouse with showrooms and sales (Use Group 16E) to retail stores (Use Group 6) and to extend the term of the existing variance.

PREMISES AFFECTED - 806/814 Coney Island Avenue, west side of Coney Island Avenue, 300.75' north of the intersection with Ditmas Avenue, Block 5393, Lots 27, 93 and 140, Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

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 10 A.M., for continued hearing.

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**80-97-BZ**

APPLICANT -Joseph P. Morsellino, Esq, for George

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# MINUTES

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Korakis., owner, KMKLN LTD., lessee

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

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

**COMMUNITY BOARD #2Q**

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

**ACTION OF THE BOARD** - Laid over to June 5, 2001, at 10 A.M., for postponed hearing.

*Pasquale Pacifico, Executive Director.*

Adjourned: : P.M.

**REGULAR MEETING**

**TUESDAY AFTERNOON, APRIL 3, 2001**

**2:00 P.M.**

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

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**158-00-A**

APPLICANT - DeForest and Duer, for Demitri and Lynette Acot, owner.

SUBJECT - Application June 9, 2000 - proposed construction of a four family dwelling, located within the bed of a mapped street is contrary to Section 35 of the General City Law.

PREMISES AFFECTED - 442 West 259th Street, between Liebig and Riverdale Avenues, Block 5862, Lot 42, Borough of The Bronx.

**COMMUNITY BOARD #8BX**

APPEARANCES -

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

**ACTION OF THE BOARD** - Laid over to May 15, 2001, at 11 A.M., for continued hearing.

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**ZONING CALENDAR**

**265-00-BZ**

**CEQR # 01-BSA-051M**

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

SUBJECT - Application November 2, 2000 - under Z.R. §72-21, to permit in an R8 zoning district, the construction of a five family residential building which exceeds the number of permitted dwelling units and the lot coverage requirements contrary to 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.

**ACTION OF THE BOARD -**

**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 1, 2001 acting on Application No. 102811771 reads, in pertinent part:

“The proposed residential building is contrary to Section 23-145 of the Zoning Resolution in that it exceeds the maximum permitted lot coverage of 80% for a building in an R8 zone developed pursuant to the Quality Housing Program, and

The proposed residential building is contrary to Section 23-32 of the Zoning Resolution in that it does not meet the minimum lot size and width requirements for a Multiple

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**258-00-A**

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

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

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

**COMMUNITY BOARD #6M**

APPEARANCES -

For Applicant: Jeffrey Chester.

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

**ACTION OF THE BOARD** - Laid over to May 1, 2001, at 11 A.M., for postponed hearing.

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# MINUTES

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Dwelling in an R8 zone and it exceeds the number of units permitted for a small lot under the provisions of Section 23-33 of the Zoning Resolution”; and

WHEREAS, a public hearing was held on this application on February 6, 2001 after due notice by publication in the City Record, laid over to March 6, 2001, March 27, 2001 and then to April 3, 2001 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, 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 R8 zoning district, the construction of a five family residential building which exceeds the number of permitted dwelling units and the lot coverage requirements contrary to Z.R. §§23-145, 23-32 and 23-33; and

WHEREAS, the record indicates that subject premises is substandard in size measuring 17' 3" by 70"; and

WHEREAS, the subject premises are currently vacant; and

WHEREAS, the applicant represents that a complying building would result in a outer wall to wall width of 13'7" and an interior width of approximately 12" which would yield a substandard and impractical dwelling; and

WHEREAS, the record indicates that the subject site is burdened with below grade foundations resulting from a prior structure at the site; and

WHEREAS, the lack of cellars of adjoining buildings on lots 44 and 46 require that the owner provide additional underpinnings for the property; and

WHEREAS, the applicant represents that the small size of the property, its history of development and the condition of the adjacent properties create unique physical conditions creating practical difficulties in developing the site in strict conformity with the current zoning regulations; and

WHEREAS, the record indicates that the vicinity of the site will not be adversely affected by either a variation of the lot coverage requirement or an increase in family occupancy; and

WHEREAS, the applicant represents that the elimination of a small setback on West 106th Street should have no adverse impact because West 106th Street is a wide street; and

WHEREAS, the record indicates that applicant's proposal will only add 3 family units to immediate area; and

WHEREAS, the Board notes that multi-family dwellings are common in this area;

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

public welfare; and

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit in an R8 zoning district, the construction of a five family residential building which exceeds the number of permitted dwelling units and the lot coverage requirements contrary to Z.R. §§23-145, 23-32 and 23-33, 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 2, 2000"-(2) sheets, "March 19, 2001"-(4) sheets and "March 28, 2001"-(1) sheet; and on further condition;

THAT the floors be fully sprinklered with an automatic wet sprinkler with central station monitoring connected to a Fire Department approved Central Station;

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, April 3, 2001.

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## **86-00-BZ thru 91-00-BZ**

APPLICANT - Sheldon Lobel, P.C., for Lorimer Street Realty Inc., owner.

SUBJECT - Applications March 24, 2000 - under Z.R. §72-21, to permit the proposed residential dwellings (Use Group 2), in an M1-2 zoning district, which is contrary to Z.R. §42-00.

## PREMISES AFFECTED -

171 Lorimer Street, between Throop and Harrison

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# MINUTES

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Avenue, Block 2242, Lot Tentative 144 (prior 40),  
Borough of Brooklyn.

173 Lorimer Street, between Throop and Harrison  
Avenues, Block 2242, Lot Tentative Lot 145 (prior 40),  
Borough of Brooklyn.

175 Lorimer Street, between Throop and Harrison  
Avenues, Block 2242, Lot Tentative Lot 142 (prior 40),  
Borough of Brooklyn.

177 Lorimer Street, between Throop and Harrison  
Avenues, Block 2242, Lot Tentative Lot 141 (prior 40),  
Borough of Brooklyn.

179 Lorimer Street, between Throop and Harrison  
Avenues, Block 2242, Lot Tentative Lot 140 (prior 40),  
Borough of Brooklyn.

30 Throop Avenue, between Lorimer and Middleton  
Streets, Block 2242, Lot Tentative Lot 139 (prior 40),  
Borough of Brooklyn.

## **COMMUNITY BOARD #1BK**

### **APPEARANCES -**

For Applicant: Eric Palatnik.

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 24, 2001,  
at 2 P.M., for decision, hearing closed.

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## **103-00-BZ**

APPLICANT - Sheldon Lobel, P.C., for Kimberly Associates  
LLC, owner.

SUBJECT - Application April 7, 2000 - under Z.R. §72-21, to  
permit the proposed construction of a two story commercial  
building for retail use, Use Group 6, located in a C2-3 zoning  
district, which does not comply with parking and loading  
berth requirements, and is contrary to Z.R. §36-21 and §36-  
62.

PREMISES AFFECTED - 5510-5530 Broadway, northeast  
corner of West 230th Street, Block 3266, Lot 23, Borough of  
The Bronx.

## **COMMUNITY BOARD #8BX**

### **APPEARANCES -**

For Applicant: Janice Cahalane and Sheldon Lobel.

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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## **142-00-BZ**

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

owner.

SUBJECT - Application May 23, 2000 - under Z.R. §72-21, to  
permit the legalization of the residential occupancies of two  
floors, and the conversion of a vacant floor to residential, in  
a four story manufacturing facility, located in an M3-1  
zoning district, which is contrary to Z.R. §42-00.

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

## **COMMUNITY BOARD #1BK**

### **APPEARANCES -**

For Applicant: John Cahalane and Sheldon Lobel.

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

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

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## **174-00-BZ**

APPLICANT - Klein and O'Brien, LLP, for Worth  
Associates, LLC, owner; Millennium Sport Management  
Co., LLC, lessee.

SUBJECT - Application July 6, 2000 - under Z.R. §73-36, to  
permit the legalization of an addition to an existing physical  
culture establishment, to be located on the first floor, in the  
cellar and sub-cellar of a separate building at subject  
premises, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 79 Worth Street, between Church  
Street and Broadway, Block 173, Lot 4, Borough of  
Manhattan.

## **COMMUNITY BOARD #1M**

### **APPEARANCES -**

For Applicant: Stuart A. Klein

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 24, 2001,  
at 2 P.M., for decision, hearing closed.

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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

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# MINUTES

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Brooklyn.

**COMMUNITY BOARD #15BK**

APPEARANCES -

For Applicant: Eric Palatnik, Sheldon Lobel, Moishe Nachum and Ira Gluckman.

For Opposition: Neil Monheit.

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 24, 2001, at 2 P.M., for decision, hearing closed.

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**229-00-BZ**

APPLICANT - Sheldon Lobel, P.C., for Barry & Helen Webster, owners.

SUBJECT - Application October 12, 2000 - under Z.R. §73-622, to permit the proposed enlargement of a single family dwelling, located in an R5 zoning district, which creates non-compliance with respect to the rear yard requirement, is contrary to Z.R. §23-47.

PREMISES AFFECTED - 1840 58th Street, between 18th and 19th Avenues, Block 5505, Lot 23, Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

APPEARANCES -

For Applicant: Sheldon Lobel.

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

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**255-00-BZ**

APPLICANT - Sheldon Lobel, P.C., for Full Gospel N.Y. Church, owner.

SUBJECT - Application October 24, 2000 - under Z.R. §72-21, to permit the proposed alteration and expansion of an existing church (Use Group 4) located in an M3-1 zoning district, which is contrary to a previous approval under Cal. No. 181-97-BZ and Z.R. §42-00.

PREMISES AFFECTED - 130-30 31st Avenue, through block 31st Avenue to 30th Avenue, Block 4360, Lot 1, Borough of Queens.

**COMMUNITY BOARD #7Q**

APPEARANCES -

For Applicant: Janice Cahalane.

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 continued hearing.

**287-00-BZ**

APPLICANT - Jesse Masyr, Wachtel and Masyr, for Washington Street Associates, LLC, owner.

SUBJECT - Application November 28, 2000 - under Z.R. §72-21, to permit the proposed construction of a five, six and seventeen story mixed-use building, with more than the permitted number of accessory off-street parking spaces in an M1-5 zoning district, which is contrary to Z.R. §42-00 and §13-12.

PREMISES AFFECTED - 600 Washington Street, block bounded by Washington, Morton, West and Leroy Streets, Block 602, Lot 1, Borough of Manhattan.

**COMMUNITY BOARD #2M**

APPEARANCES -

For Applicant: Robert Hort, Jesse Masyr and Juliana Dunn.

For Opposition: Battalion Chief Robert J. Stec and John Scrofani, Fire Department; Howard Hornstein, Kenneth F. McCallion, Robert Spitz, Daryl Cochrane, Kathleen Faccini, Richard Barrett, Doris Diether, Jeanne Wilcke, Sandra Russo, Jan Schechter, Murray Weinstock, Jessie McNab, Conrad Vogel, Jessica Tomb and others.

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

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*Pasquale Pacifico, Executive Director.*

Adjourned: 6:01 P.M.

# CORRECTIONS

## \*CORRECTION

This resolution adopted on March 6, 2001, under Calendar No. 827-86-BZ and printed in Volume 86, Bulletin No. 11, is hereby corrected to read as follows:

### 827-86-BZ

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

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

### COMMUNITY BOARD #13Q

#### APPEARANCES -

For Applicant: Lyra Altman.

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

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

#### THE VOTE TO GRANT -

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

Negative: .....0

#### THE RESOLUTION -

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

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

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

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

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

“granted to extend the terms of the special permits and to permit the legalization of the 48 existing antennae and the installation of 54 additional

antennae, on condition:

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

THAT the number of accessory antennae shall not exceed 102;

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

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

(DOB-ALT #325/1986)

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

**\*The resolution has been corrected to reflect the number of antennae. Corrected in Bulletin No. 15, Vol. 86, dated April 12, 2001.**

## \*CORRECTION

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

### 828-86-BZ

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

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

### COMMUNITY BOARD #13Q

#### APPEARANCES -

For Applicant: Lyra Altman.

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

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

# CORRECTIONS

## THE VOTE TO GRANT -

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

Negative: .....0

## THE RESOLUTION -

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

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

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

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

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

“granted to extend the terms of the special permits and to permit the legalization of the 81 existing antennae and the installation of 77 additional antennae, on condition:

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

THAT the number of accessory antennae shall not exceed 75;

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

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

(DOB-ALT #325/1986)

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

**\*The resolution has been corrected to reflect the number of antennae. Corrected in Bulletin No. 15, Vol. 86, dated April 12, 2001.**

## \*CORRECTION

This resolution adopted on February 27, 2001, under Calendar No. 34-99-BZ and printed in Volume 86, Bulletin Nos. 9-10, is hereby corrected to read as follows:

### 34-99-BZ

#### CEQR #99-BSA-097K

APPLICANT - Sheldon Lobel, P.C., for Ruach Chaim Institute, owner.

SUBJECT - Application February 22, 1999 - under Z.R. §72-21, to permit, in an R2 zoning district, the proposed community facility (Use Group 4), which is contrary to the floor area, front yards, side yards, lot coverage, open space, height and setback, lot area and side setback as per Z.R. §§ 24-111, 24-34, 24-35, 24-521, and 25-31.

PREMISES AFFECTED - 1189 East 29th Street, corner of Avenue “L” and East 29th Street, Block 7629, Lot 6, Borough of Brooklyn.

#### COMMUNITY BOARD #2M

#### APPEARANCES -

For Applicant: Eric Palatnik.

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 Department of Buildings, dated November 30, 2000 acting on Applic. No. 300652531 reads:

“Obtain approval from the Board of Standards and Appeals for the following objections:

Proposed floor area is contrary to ZR 24-111

Proposed front yards are contrary to ZR 24-34

Proposed side yards are contrary to ZR 24-35

Proposed open space ratio is contrary to ZR 24-521

Proposed height & setback is contrary to ZR 24-521

Proposed side setback & sky exposure contrary to ZR 24-521

Proposed off street parking contrary to ZR 25-31”; and

WHEREAS, a public hearing was held on this application on January 18, 2000, after due notice by publication in *The City Record*, laid over to March 7, 2000, May 9, 2000, June 20, 2000, October 3, 2000, November 21, 2000, December 19, 2000, January 9, 2001, February 6, 2001 and then to February 27, 2001 for decision; and

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

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# CORRECTIONS

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R2 zoning district, the proposed community facility (Use Group 4), which is contrary to the floor area, front yards, side yards, lot coverage, open space, height and setback, lot area, side setback, and parking as per Z.R. §§ 24-111, 24-34, 24-35, 24-521, and 25-34; and

WHEREAS, the subject site is a rectangular shaped parcel of property located on the corners of both Avenue L and East 29th Street; and

WHEREAS the lot is presently developed with a two and one-half story dwelling and a separate garage; and

WHEREAS, the applicant seeks to replace the existing two and one-half story residence with a three-story with cellar Yeshiva; and

WHEREAS, the Yeshiva will provide secular and religious education to children ages three and above; and

WHEREAS, the subject building will house classrooms, kitchen, dining and office facilities; and

WHEREAS, the applicant notes that while a school facility is a permitted use in an R2 zoning district, Z.R. § 24-111 limits development to a floor area ratio of .5; and

WHEREAS, the applicant represents that the size of the present facility does not meet these increased programmatic needs; and

WHEREAS, the applicant demonstrated that the City Planning Commission's special permit would not be adequate to meet the programmatic needs of the Yeshiva; and

WHEREAS, in order to meet these increased programmatic needs, the applicant proposed a floor area ratio of 3.83; and

WHEREAS, in response to Board and opposition concerns, the proposal will provide a floor area ratio of 2.2; and

WHEREAS, a minimum of .40 open space ratio is required, the subject proposal provides for 2,100 square feet and 6,300 square open space is required; and

WHEREAS, Z.R. §24-34 requires a front yard of fifteen (15) feet in depth, however, the subject proposal provides no front yard; and

WHEREAS, Z.R. §24-35 requires that a community facility in an R2 district provide two side yards, each having a minimum width of 8'; and

WHEREAS, the subject proposal one of the two required side yards; and

WHEREAS, the proposed structure would not have a side yard wide enough from which a setback would be possible; and

WHEREAS, Z.R. §24-521, requires that a community

facility in an R2 district where front yards are required, have a vertical horizontal frontal setback ratio of 1:1 for every 25' where the sky exposure plane is penetrated; and

WHEREAS, the subject proposal provides no frontal elevation setback and would not be modified to allow for a change in the sky exposure plane; and

WHEREAS, the Yeshiva use is currently housed in temporary rental quarters on Avenue K where classes for six different grades are held; and

WHEREAS, the record indicates that the Yeshiva's student population is growing annually with scores of potential students on a waiting-list; and

WHEREAS, the Yeshiva expects its enrollment to increase from the current 130 to 540 by 2003; and

WHEREAS, evidence in the record indicates that an as-of-right alternative would not meet the programmatic needs of the Yeshiva; and

WHEREAS, the applicant represents that the size, shape and location of the existing building create unique conditions which result in practical difficulty in redeveloping the site in accordance with the current zoning while meeting the increased programmatic needs of the Yeshiva; 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, a school use is permitted as-of-right in the subject R2 zoning district; and

WHEREAS, two other schools are situated within a five block radius of the subject site; and

WHEREAS, Avenue L is a densely populated area and the subject site borders on an R6 zoning district to the east and a C2-2 zoning district on the northeast along Nostrand Avenue; and

WHEREAS, the floor to ceiling heights of the original proposal have been reduced; and

WHEREAS, the applicant represents that there are other religious uses within the immediate area; and

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

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

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

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

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

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

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# CORRECTIONS

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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 each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R2 zoning district, the proposed community facility (Use Group 4), which is contrary to the floor area, front yards, side yards, lot coverage, open space, height and setback, lot area and side setback as per Z.R. §§ 24-111, 24-34, 24-35, 24-521, and 25-31, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 2, 2001"-(9) sheets; and on further condition;

THAT all refuse shall be stored indoors in the cellar of the subject building;

THAT use of the rooftop be limited to the hours of 8:00 a.m. to 5:00 p.m.;

THAT all fire safety measures be in accordance with BSA approved plans;

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

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

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

**\*The resolution has been corrected in that the Premises Affected which read:** *"491/97 Greenwich Street (tentatively 495 Greenwich Street) 150' north of Canal Street, bounded by Canal and Spring Streets, Block 594, Lots 21 and 23 (Tentatively Lot 21), Borough of Manhattan."* **now reads:** *"1189 East 29th Street, corner of Avenue "L' and East 29th Street, Block 7629, Lot 6, Borough of Brooklyn. "* **Corrected in Bulletin No. 15, Vol. 86, dated April 12, 2001.**

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*Pasquale Pacifico, Executive Director.*