
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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May 10, 2001

DIRECTORY

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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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Tuesday, May 1, 2001

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132-58-BZ 17-45 and 17-55 Francis Lewis Boulevard, Queens
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49-95-BZ 806/814 Coney Island Avenue, Brooklyn
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Affecting Calendar Numbers:

247-00-BZ 136-54 41st Avenue, Queens
134-99-BZ 18 West 89th Street, a/k/a 17-19 West, Manhattan
97-00-BZ 502 Avenue P, Brooklyn
208-00-BZ 2739-2747 86th Street, Brooklyn
218-00-BZ 1555 Bruckner Boulevard, Bronx
287-00-BZ 600 Washington Street, Manhattan
288-00-BZ 3297 Griswold Avenue, Bronx
306-00-BZ 2824-2834 Broadway, 550-560 West 110th Street, 253-259 West 109th Street,
 Manhattan
9-01-BZ 4 Crittenden Place, Staten Island
21-01-BZ 159-02 Jamaica Avenue, Queens
42-01-BZ 1145 East 22nd Street, Brooklyn

CORRECTION277

Affecting Calendar Number:

59-99-BZ 1740 52nd Street, Brooklyn

DOCKET

New Case Filed Up to May 1, 2001

162-01-BZ B.M. 499 Greenwich Street,
commences 40'-9" from the southeast intersection of
Greenwich and Spring Streets, Block 594, Lots 29 and 37,
Borough of Manhattan. Applic. #102493204. Proposed
construction of a fourteen story building, to be used almost
exclusively for residential use, located in an MI-6 zoning
district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #2M

163-01-A B.M. 501 Broadway
and 72 Mercer Street, west side of Broadway, east side of
Mercer Street and 120' north of Broome Street, Block 484, Lot
22, Borough of Manhattan. Applic. #102918498. Proposed
mixed use building must comply with Sections 26.5(d) (1),
26.7 and 30.3 of the Multiple Dwelling Law, relating to court
and rear yard equivalent dimensions.

164-01-BZ B.BK. 1118 East 28th Street,
west side, 140'- 0" south of Avenue "K", Block 7627, Lot 53,
Borough of Brooklyn. Alt.1#301155407. Proposed
enlargement to an existing one family dwelling, Use Group
1, located in an R2 zoning district, which does not comply
with the zoning requirements for floor area ratio, open space
ratio, rear and side yards is contrary to Z.R. §23-141(a), §23-
47 and §23-48.

COMMUNITY BOARD #14BK

165-01-A B.S.I. 46 Beard Street,
west side, 345.35' north of Travis Avenue, Block 2370, Lot 1,
Borough of Staten Island. Applic. #500424338. Proposed
two family dwelling, located within the bed of a mapped
street, is contrary to Section 35, Article 3 of the General City
Law.

166-01-A B.S.I. 40 Beard Street,
west side, 409.85' north of Travis Avenue, Block 2370, Lot 4,
Borough of Staten Island. Applic. #500424365. Proposed
two family dwelling, located within the bed of a mapped
street, is contrary to Section 35, Article 3 of the General City
Law.

167-01-A B.S.I. 38 Beard Street,
west side, 441.85' north of Travis Avenue, Block 2370, Lot 5,
Borough of Staten Island. Applic. #500424374. Proposed
two family dwelling, located within the bed of a mapped
street, is contrary to Section 35, Article 3 of the General City
Law.

168-01-A B.S.I. 34 Beard Street,
west side, 473.85' north of Travis Avenue, Block 2370, Lot 7,
Borough of Staten Island. Applic. #500424392. Proposed
two family dwelling located within the bed of a mapped
street, is contrary to Section 35, Article 3 of the General City
Law.

169-01-A B.S.I. 32 Beard Street,
west side, 489.85' north of Travis Avenue, Block 2370, Lot 8,
Borough of Staten Island. Applic. #500424409. Proposed
two family dwelling, located within the bed of a mapped
street, is contrary to Section 35, Article 3 of the General City
Law.

170-01-A B.S.I. 28 Beard Street,
west side, 520.85' north of Travis Avenue, Block 2370, Lot
10, Borough of Staten Island. Applic. #500424427.
Proposed two family dwelling, located within the bed of a
mapped street, is contrary to Section 35, Article 3 of the
General City Law.

171-01-A B.S.I. 26 Beard Street,
west side, 544.68' north of Travis Avenue, Block 2370, Lot
11, Borough of Staten Island. Applic. #500424436.
Proposed two family dwelling, located within the bed of a
mapped street, is contrary to Section 35, Article 3 of the
General City Law.

172-01-A B.S.I. 20 Beard Street,
west side, 568.51' north of Travis Avenue, Block 2370, Lot
12, Borough of Staten Island. Applic. #500424454. Proposed
two family dwelling, located within the bed of a mapped
street, is contrary to Section 35, Article 3 of the General City
Law.

DOCKET

173-01-A B.S.I. 22 Beard Street,
west side, 584.51' north of Travis Avenue, Block 2370, Lot
13, Borough of Staten Island. Applic. #500424463. Proposed
two family dwelling, located within the bed of a mapped
street, is contrary to Section 35, Article 3 of the General City
Law.

174-01-A B.S.I. 16 Beard Street,
west side, 600.51' north of Travis Avenue, Block 2370, Lot
14, Borough of Staten Island. Applic. #500424472.
Proposed two family dwelling, located within the bed of a
mapped street, is contrary to Section 35, Article 3 of the
General City Law.

175-01-A B.S.I. 14 Beard Street,
west side, 616.51' north of Travis Avenue, Block 2370, Lot
15, Borough of Staten Island. Applic. #500424481.
Proposed two family dwelling, located within the bed of a
mapped street, is contrary to Section 35, Article 3 of the
General City Law.

176-01-A B.S.I. 8 Beard Street,
west side, 664.51' north of Travis Avenue, Block 2370, Lot
18, Borough of Staten Island. Applic. #500424515.
Proposed two family dwelling, located within the bed of a
mapped street, is contrary to Section 35, Article 3 of the
General City Law.

177-01-A B.S.I. 6 Beard Street,
west side, 670.51' north of Travis Avenue, Block 2370, Lot
20, Borough of Staten Island. Applic. #500424524.
Proposed two family dwelling, located within the bed of a
mapped street, is contrary to Section 35, Article 3 of the
General City Law.

178-01-A B.S.I. 3 Beard Street,
west side, 672.52' north of Travis Avenue, Block 2370, Lot
42, Borough of Staten Island. Applic. #500468692.
Proposed two family dwelling, located within the bed of a
mapped street, is contrary to Section 35, Article 3 of the
General City Law.

179-01-A B.S.I. 30 Monahan Avenue,
south side, 72.18' east of Lewiston Street, , Block 2370, Lot
208, Borough of Staten Island. Applic. #500408150.
Proposed two family dwelling, located within the bed of
mapped street, is contrary to Section 35, Article 3 of the
General City Law.

180-01-A B.S.I. 28 Monahan Avenue,
south side, 86.02' east of Lewiston Street, , Block 2370, Lot
209, Borough of Staten Island. Applic. #500408169.
Proposed two family dwelling, located within the bed of a
mapped street, is contrary to Section 35, Article 3 of the
General City Law.

181-01-A B.S.I. 26 Monahan Avenue,
south side, 99.85' east of Lewiston Street, Block 2370, Lot 210,
Borough of Staten Island. Applic. #500408178. Proposed two
family located within the bed of a mapped street, is contrary
to Section 35, Article 3 of the General City Law.

182-01-A B.S.I. 24 Monahan Avenue,
south side, 113.69' east of Lewiston Street, Block 2370, Lot
211, Borough of Staten Island. Applic. #500408187.
Proposed two family dwelling, located within the bed of a
mapped street, is contrary to Section 35, Article 3 of the
General City Law.

183-01-A B.S.I. 22 Monahan Avenue,
south side, 127.52' east of Lewiston Street, Block 2370, Lot
212, Borough of Staten Island. Applic. #500408196.
Proposed two family dwelling, located within the bed of a
mapped street, is contrary to Section 35, Article 3 of the
General City Law.

184-01-A B.S.I. 20 Monahan Avenue,
south side, 161.35 east of Lewiston Street, Block 2370, Lot
213, Borough of Staten Island. Applic. #500408203.
Proposed two family dwelling, located within the bed of a
mapped street, is contrary to Section 35, Article 3 of the
General City Law.

DOCKET

185-01-A B.S.I. 18 Monahan Avenue,
south side, 175.18 east of Lewiston Street, Block 2370, Lot
214, Borough of Staten Island. Applic. #500408212.
Proposed two family dwelling, located within the bed of a
mapped street, is contrary to Section 35, Article 3 of the
General City Law.

186-01-A B.S.I. 14 Monahan Avenue,
south side, 202.85 east of Lewiston Street, Block 2370, Lot
216, Borough of Staten Island. Applic. #500408230.
Proposed two family dwelling, located within the bed of a
mapped street, is contrary to Section 35, Article 3 of the
General City Law.

187-01-A B.S.I. 12 Monahan Avenue,
south side, 216.68 east of Lewiston Street, Block 2370, Lot
217, Borough of Staten Island. Applic. #500408249.
Proposed two family dwelling, located within the bed of a
mapped street, is contrary to Section 35, Article 3 of the
General City Law.

188-01-A B.S.I. 8 Monahan Avenue,
south side, 244.35 east of Lewiston Street, Block 2370, Lot
219, Borough of Staten Island. Applic. #500408267.
Proposed two family dwelling, located within the bed of a
mapped street, is contrary to Section 35, Article 3 of the
General City Law.

189-01-A B.S.I. 6 Monahan Avenue,
south side, 258.18 east of Lewiston Street, Block 2370, Lot
220, Borough of Staten Island. Applic. #500408276.
Proposed two family dwelling, located within the bed of a
mapped street, is contrary to Section 35, Article 3 of the
General City Law.

**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

JUNE 12, 2001, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 12, 2001, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

366-32-BZ

APPLICANT - Rothkrug & Rothkrug, for Lorenzo Garcia, owner.

SUBJECT - Application March 20, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 1385/95 Webster Avenue, west side of Webster Avenue, 772' north of East 169th Street, Block 2887, Lots 151 thru 155, Borough of The Bronx.

COMMUNITY BOARD #4BX

300-64-BZ

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

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

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

COMMUNITY BOARD #9BX

107-95-BZ

APPLICANT - Sheldon Lobel, P.C., for Confectionary Realty Corp., owner.

SUBJECT - Application April 9, 2001 - reopening for an extension of time to obtain a certificate of occupancy which expired March 7, 2001.

PREMISES AFFECTED - 290/98 Dyckman Street, corner of Dyckman Street and Henshaw Street, Block 2246, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #12M

243-98-BZ

APPLICANT - Harold Weinberg, P.E., for Marlene Feinberg, owner.

SUBJECT - Application April 12, 2001 - reopening for an extension of time to complete construction which expired April 20, 2001.

PREMISES AFFECTED - 4282 Ocean Avenue, west side, 506' south of Oriental Boulevard, Block 8743, Lot 92, Borough of Brooklyn.

COMMUNITY BOARD #15BK

290-99-BZ

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

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

PREMISES AFFECTED - 99/101 Greenwich Avenue a/k/a 230 West 12th Street, southwest corner of Greenwich Avenue and West 12th Street, Block 615, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #2M

JUNE 12, 2001, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 12, 2001, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

2-01-A

APPLICANT - Davidoff & Malito LLP, for 149 Fifth Avenue Corp., owner.

SUBJECT - Application January 4, 2001 - an appeal challenging the Department of Buildings' determination dated December 5, 2000, in which the Department refused to dismiss a Notice of Violation No. 042700025E01MAD regarding the continuance of a legal nonconforming advertising sign.

PREMISES AFFECTED - 149 Fifth Avenue, north corner of the intersection of Fifth Avenue, East 21st Street & Broadway, Block 850, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #2M

CALENDAR

129-01-A

APPLICANT - Wolfson & Carroll, for John T. Gallagher and Citizens for the Preservation of Windsor.

OWNER OF PREMISES: Park Edge Condominiums, LLC.

SUBJECT - Application March 30, 2001 - 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.

PREMISES AFFECTED - 101 and 107 Prospect Park South West, corner lot at Prospect Park South West and 16th Street, Block 5259, Lot 22, Borough of Brooklyn.

131-01-A

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

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

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

JUNE 12, 2001, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, June 12, 2001, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

268-00-BZ

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

SUBJECT - Application November 14, 2000 - under Z.R. §72-21, to permit the proposed enlargement of an existing eating and drinking establishment (Use Group 6) and the addition of lot area to legalize accessory parking, which is contrary to Z.R. §22-10, §52-22 and §52-41.

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

COMMUNITY BOARD #2SI

298-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Wooster Ventures LLC, owner.

SUBJECT - Application December 13, 2000 - under Z.R. §72-21, to permit the proposed construction of a seven story building, with retail use on the ground floor and residential use on the upper floors, (Use Groups 2 & 6) located in an M1-5B zoning district, which exceeds the maximum permitted (F.A.R.) and is contrary to Z.R. §42-00, §42-14 and §43-12.

PREMISES AFFECTED - 3-7 Wooster Street, west side, between Grand and Canal Streets, Block 228, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #2M

10-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Crilis Realty Corp., owner.

SUBJECT - Application January 11, 2001 - under Z.R. §72-21, to permit the proposed development of a one story building, to be utilized as four retail stores (Use Group 6) located in an R-5 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 85-28/34 Rockaway Boulevard, between 85th and 86th Streets, Block 9057, Lots 27 and 33, Borough of Queens.

COMMUNITY BOARD #10Q

53-01-BZ

APPLICANT - Barry Clare c/o APPI, for Charter Management Co., owner; Eun Sung, Inc. (Barry Clare), lessee.

SUBJECT - Application February 16, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, to be located on portions of the first floor, of an existing twelve story building, in a C5-3 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 6 West 48th Street, south side, 125' west of the corner formed by Fifth Avenue and 48th Street, Block 1263, Lot 43, Borough of Manhattan.

COMMUNITY BOARD #5M

Pasquale Pacifico, Executive Director.

CALENDAR

JUNE 19, 2001, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 19, 2001, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

334-66-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for Newton Avenue Realty, LLC, owner; Gotham Nightclub Association, Inc., lessee.

SUBJECT - Application January 10, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 30-07 Newton Avenue, between 30th and 31st Street, Block 598, Lot 73, Borough of Queens.

COMMUNITY BOARD #1Q

599-76-BZ

APPLICANT - Joseph P. Morsellino, Esq., for F. M. Brush Company, owner.

SUBJECT - Application April 20, 2001 - reopening for an extension of term of the variance which expires December 21, 2001

PREMISES AFFECTED - 70-02 72nd Place and 72-20 Edsall Avenue, southwest corner of Edsall Avenue and 72nd Place, Block 3664, Lot 7, Borough of Queens.

COMMUNITY BOARD #5Q

739-76-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Cord Meyer Development, Corp., owner; Peter Pan Games of Bayside, lessee.

SUBJECT - Application April 6, 2001 - reopening for an extension of term of variance which expired April 10, 2001.

PREMISES AFFECTED - 212-95 26th Avenue, 26th Avenue and Bell Boulevard, Block 5900, Lot 2, Borough of Queens.

COMMUNITY BOARD #1Q

192-90-BZ

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

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

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

COMMUNITY BOARD #12BX

JUNE 19, 2001, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 19, 2001, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

133-01-A

APPLICANT - Philip L. Rampulla, for Emanuel Licitra, owner.

SUBJECT - Application April 4, 2001 - proposed one family dwelling not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 105 Giegerich Avenue, 514.74' south of Minerva Avenue, Block 7792, Lot 435, Borough of Staten Island.

JUNE 19, 2001, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, June 19, 2001, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

290-00-BZ

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

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

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

COMMUNITY BOARD #7Q

CALENDAR

5-00-BZ

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

SUBJECT - Application December 12, 2000 - under Z.R. §72-21, to permit the proposed construction of a two family dwelling (Use Group 2) which exceeds the permitted floor area, and does not meet the minimum requirements for side and front yards, also does not meet the requirements for optional provisions for certain R5 and R6 zoning districts, which is contrary to Z.R. §23-45, §23-46, §23-141 and §23-146.

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

COMMUNITY BOARD #12BK

55-01-BZ

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

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

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

COMMUNITY BOARD #2M

115-01-BZ

APPLICANT - Namyong Pak, for Namyong Pak, owner.

SUBJECT - Application March 12, 2001 - under Z.R. §72-21, to permit the proposed erection of five story residential building (Use Group 2) located in an R7-2 zoning district, which does not comply with the zoning requirements for F.A.R., lot coverage, side and rear yards, which is contrary to Z.R. §23-145, §23-47 and §23-462.

PREMISES AFFECTED - 362 West 127th Street, 50' south of the southern end of St. Nicholas Terrace, Block 1953, Lot 54, Borough of Manhattan.

COMMUNITY BOARD #9M

116-01-A

APPLICANT - Namyong Pak, for Namyong Pak, owner.

SUBJECT - Application March 12, 2001 - proposed erection of five story residential building, which must comply with the NYC Building Code regarding installation of elevators, extra exit, sprinkler and side lot line windows, as per §27-366, §27-368(a), LL 10/99& Table 3-4, Subchapter #4.

PREMISES AFFECTED - 362 West 127th Street, 50' south of the southern end of St. Nicholas Terrace, Block 1953, Lot 54, Borough of Manhattan.

Pasquale Pacifico, Executive Director.

MINUTES

**REGULAR MEETING
TUESDAY MORNING, MAY 1, 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, April 17, 2001, were approved as printed in the Bulletin of April 25, 2001, Volume 86, No. 16 & 17.

SPECIAL ORDER CALENDAR

41-97-BZ

APPLICANT - Robert L. Henry, for Linton Grant, owner.
SUBJECT - Application December 11, 2000 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction which expired September 29, 1999.

PREMISES AFFECTED - 5566 Kings Highway, West side of Kings High 102-5 South of Tilden Avenue, Block 4740, Lot 61, Borough of Brooklyn.

COMMUNITY BOARD # 17BK

APPEARANCES - None.

ACTION OF THE BOARD - Rules of Practice and Procedure waived and time to complete substantial 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 requested a reopening for waiver of the Rules of Practice and Procedure and an extension of the time to complete substantial construction; and

WHEREAS, a public hearing was held on this application on January 16, 2001 after due notice by publication in The *City Record*, laid over to March 6, 2001, April 17, 2001 and then May 1, 2001 for decision; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure *and reopens and amends* the resolution adopted on September 29, 1998, only as to the time to complete substantial construction, so that as amended this portion of the resolution shall read:

"That substantial construction shall be completed within 36 months of September 29, 1999".

(N.B. No. 509/89)

Adopted by the Board of Standards and Appeals, May 1, 2001.

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.

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

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

132-58-BZ

APPLICANT -Vassalotti Associates Architects.,for The Estate of Joseph P. Barone, owner.

SUBJECT - Application November 24, 1999 - reopening for an extension of term of the variance which expired June 18, 2000.

PREMISES AFFECTED - 17-45 and 17-55 Francis Lewis Boulevard, Block 4747, Lots 31 and 41, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

ACTION OF THE BOARD - Laid over to May 22, 2001, at 10 A.M., for continued hearing.

173-94-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

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

COMMUNITY BOARD #13Q

APPEARANCES -

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

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

49-95-BZ

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

SUBJECT - Application May 23, 2000 - reopening for an

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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 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, Battalion Chief Phil Parb and John Scrofani, Fire Department.

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

14-01-A

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

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

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

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: Battalion Chief Robert J. Stec, Battalion Chief Phil Parb 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 January 2, 2001 acting on N.B. number 401179862, reads:

- A1- The proposed enlargement is on a site located partially in the bed of a mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 sect. 35 of the General City Law.
- A2- the site and building is not fronting on an official mapped street therefore no permit or Certificate

of Occupancy can be issued as per Art. 3 Sect. 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 (C26-401.1 of the Administrative Code of the City of New York.

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

WHEREAS, by letter dated February 28, 2001, the Department of Environmental Protection has reviewed the proposed project and has no objections; and

WHEREAS, by letter dated April 17, 2001, the Department of Transportation has reviewed the proposed project and has no objections; and

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

Therefore it is Resolved, that the decision of the Queens Borough Commissioner dated January 2, 2001, acting on N.B. number 401179862, the above objections, A1 & A2 are modified, to approve the site plan under the power vested in the Board by § 35 and §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to drawing filed with the application marked, "Received January 17, 2001"-(1) sheet; and on further condition that the proposal comply with all applicable R4 zoning district requirements;

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

Adopted by the Board of Standards and Appeals, May 1, 2001.

48-01-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; William Dolan, lessee.

SUBJECT - Application February 9, 2001 - proposed enlargement of the existing first floor and the addition of a new second floor, to a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3

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of the General City Law.

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

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Art Sullivan.

For Administration: Battalion Chief Robert J. Stec, Battalion Chief Phil Parb 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 February 2, 2001 acting on N.B. number 401275124, reads:

1. Proposed to enlarge the existing first floor and add a new second floor on a home which is located in an R4 zoning district but which does not front on a mapped street is contrary to Article 3, Section 36(2) of the General City Law and Contrary to Section 27-291 of the Building Code and must, therefore, be referred to the Board of Standards and Appeals for approval.

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

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

Therefore it is Resolved, that the decision of the Queens Borough Commissioner dated February 2, 2001, acting on N.B. number 401275124, the above objection, is modified, to approve the site plan, 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 drawing filed with the application marked, "Received February 9, 2001"- (1) sheet; and on further condition that the proposal comply with all applicable R4 zoning district requirements;

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

Adopted by the Board of Standards and Appeals, May 1, 2001.

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, Bill Feinberg, Dr. Sonoda and Dennis Ereoy.

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

ACTION OF THE BOARD - Laid over to June 12, 2001, at 11 A.M., for continued hearing.

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.

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: Battalion Chief Robert J. Stec, Battalion Chief Phil Parb 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 May 22, 2001, at 11 A.M., for decision, hearing closed.

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'

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

APPEARANCES -

For Applicant: Loretta Papa.

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

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

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.

APPEARANCES -

For Applicant: Gary Lenhart, R.A.

For Administration: Battalion Chief Robert J. Stec, Battalion Chief Phip Parb 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 May 22, 2001, at 11 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:55 A.M.

REGULAR MEETING TUESDAY AFTERNOON, MAY 1, 2001 2:00 P.M.

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

ZONING CALENDAR

247-00-BZ

CEQR #00-BSA-040Q

APPLICANT - Martyn and Don Weston Architects, for Prince Street Corporation, owner; Tiffany Huang, lessee.

SUBJECT - Application October 17, 2000 - under Z.R. §73-36, to permit the proposed physical culture establishment, to be located within the first floor and cellar of a four story building, located in a C4-3 zoning district which requires a special permit.

PREMISES AFFECTED - 136-45 41st Avenue, north side, 511'-11" west of Union Street, Block 5019, Lot 100, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Don Weston.

For Administration: Battalion Chief Robert J. Stec, Battalion Chief Parb 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 December 21, 2000, acting on Alt. application number 401139335 reads;

Z-1 "as per Section 73-36 Z.R., a physical culture establishment is permitted in a C4-3 zoning district by special permit from the Board of Standards and Appeals"; and

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 April 17, 2001, and then to May 1, 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 §73-36 to permit the proposed physical culture establishment, to be located within the first floor and cellar of a four story building, located in a C4-3 zoning district, which requires a special permit; and

WHEREAS, the remainder of the building will be occupied by residential tenants; and

WHEREAS, the applicant represents that the proposed physical culture establishment will be a traditional spa facility and will contain facilities for the practice of massages by New York State licensed masseurs or masseuses; and

WHEREAS, the spa will contain a lounge, a Jacuzzi, sauna and steam bath; and

WHEREAS, the subject site is located in a mixed-use

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area of Queens, characterized by retail commercial and residential uses; and

WHEREAS, the physical culture establishment is completely enclosed within an existing building; and

WHEREAS, the hours of operation of the physical culture establishment shall be limited to 9:00 A.M. to 9:00 P.M., seven days a week; and

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

WHEREAS, the record indicates that the proposed use 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. §§ 73-03 and 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. §§ 73-03 and 73-36 and grants a special permit, to permit the proposed physical culture establishment, to be located within the first floor and cellar of a four story building, located in a C4-3 zoning district, requires a special permit; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received December 6, 2000"- (1) sheet and "March 26, 2001"-(1) sheet; 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 of the physical culture establishment shall be limited to 9:00 A.M. to 9:00 P.M., seven days a week;

THAT fire protection measures, including a smoke detection 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 May 1, 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 substantial construction shall be completed in accordance with Z.R. §73-70.

Adopted by the Board of Standards and Appeals, May 1, 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 Z.R. §24-33, since a permitted obstruction in required rear yards or rear yard equivalents are limited to one story not exceeding 23' above curb level.

PREMISES AFFECTED - 18 West 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 and Sheldon Lobel.

For Opposition: Deirdre A. Carson.

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

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

97-00-BZ

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

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

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

COMMUNITY BOARD #12BK

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APPEARANCES -

For Applicant: Eric Palatnik.

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

ACTION OF THE BOARD - Laid over to June 12, 2001, at 2 P.M., for continued hearing.

208-00-BZ

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

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

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

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Peter Hirshman.

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

ACTION OF THE BOARD - Laid over to June 19, 2001, at 2 P.M., for continued hearing.

218-00-BZ

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

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

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

COMMUNITY BOARD #9BX

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to July 17, 2001, at 2 P.M., for postponed hearings.

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: Jesse Masyr.

For Opposition: Battalion Chief Robert J. Stec, Battalion Chief Philip Parb and John Scrofani, Fire Department; Jeanne Wicks, Community Board 2M, Lisa La Frieda, Kathleen M. Faccini, Kin McCallin, Katy Bordmono, Sara Crean, Albert Bernnett, Ellen Peterson-Lewis, Andrew Ridle, Samantha Ridle, Richard Barrell 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 June 12, 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 (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: Nelly Bravo.

ACTION OF THE BOARD - Laid over to May 22, 2001, at 2 P.M., for continued hearing.

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,

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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

APPEARANCES -

For Applicant: Gary Tarnoff, Samuel H. Lindenbaum, Karen Thomas, Jonathan Cole and others.

For Opposition: Laura Lee Ross, Alberto Betaucourt, Steve Strauss and others.

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

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

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

APPEARANCES -

For Applicant: Marcus Marino.

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

ACTION OF THE BOARD - Laid over to May 22, 2001, at 2 P.M., for continued hearing.

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

APPEARANCES -

For Applicant: Barbara Hair.

For Administration: Battalion Chief Robert J. Stec, Battalion Chief Philip Parb 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 May 22, 2001, at 2 P.M., for decision, hearing closed.

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

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to May 22, 2001, at 2 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 6:05 P.M.

*CORRECTION

This resolution adopted on June 6, 2000, under Calendar No. 59-99-BZ and printed in Volume 85, Bulletin No. 24, is hereby corrected to read as follows:

59-99-BZ

APPLICANT - Harold Weinberg, P.E., for Chaim Leshkowitz, owner.

SUBJECT - Application March 31, 1999 - under Z.R. § 73-622, to permit, in an R5 zoning district, the enlargement of an existing one-family dwelling which would create new non-compliances with regard to floor area ratio, open space ratio and rear yard and would increase the degree of non-

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compliance in one side yard

PREMISES AFFECTED - 1740 52nd Street, south side, 310'-0" east of 17th Avenue, Block 5473, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: Lt. Arthur Haven, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 29, 1999, acting on Application No. 300824366 reads, in pertinent part:

“THE PROPOSED ENLARGEMENT OF THE EXISTING TWO FAMILY RESIDENCE IN AN R5 ZONING DISTRICT:

1. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO FLOOR AREA RATIO AND OPEN SPACE RATIO AND IS CONTRARY TO SECTIONS 23-141 AND 54-31 OF THE ZONING RESOLUTION (ZR).
2. CREATES A NEW NON-COMPLIANCE WITH RESPECT TO THE REAR YARD AND IS CONTRARY TO SECTION 23-47.
3. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO A SIDE YARD AND IS CONTRARY TO SECTION 23-48 AND 54-31.”; and

WHEREAS, a public hearing was held on this application on February 1, 2000 after due notice by publication in the Bulletin, laid over to February 15, 2000, March 7, 2000, March 14, 2000, April 4, 2000, April 18, 2000, May 9, 2000, May 16, 2000 and then to June 6, 2000 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R5 zoning district, the enlargement of an existing two-family dwelling which would create new non-compliances with regard to floor area ratio, open space ratio and rear yard and would increase the degree of non-compliance in one side yard; and

WHEREAS, the proposed enlargement will increase the floor area ratio to 1.53, decrease the open space ratio to 29%,

decrease the rear yard to 20' and build within a non-conforming side yard; and

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

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

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

WHEREAS, the proposed project will not have any significant adverse impacts upon the quiet, privacy, light and air of the surrounding neighborhood; and

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special permit to allow, in an R5 zoning district, the enlargement of an existing one-family dwelling which would create new non-compliances with regard to floor area ratio, open space ratio and rear yard and would increase the degree of non-compliance in one side yard, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received April 7, 2000”-(2) sheets, “March 6, 2000”-(1) sheet and “June 5, 2000”-(7) sheets; and on further condition;

THAT the garage roof not be used for any occupancy; and

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 be completed and a new certificate of occupancy be obtained within four years of this grant.

Adopted by the Board of Standards and Appeals, June 6, 2000.

***The resolution has been corrected in that the part which read: “WHEREAS, the proposed enlargement will increase the floor area ratio to 1.49...” now reads: “WHEREAS, the proposed enlargement will increase the floor area ratio to 1.53...”. Corrected in Bulletin No. 19, Vol. 86, dated May 10, 2001.**

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Pasquale Pacifico, Executive Director.