
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 86, Nos. 20-21

May 24, 2001

DIRECTORY

JAMES CHIN, *Chairman*

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

MITCHELL KORBAY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Trevis Bethea, *Deputy Director*

Juan D. Reyes, III, *Counsel*

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

CONTENTS

DOCKET	281
CALENDAR of June 19, 2001	
Morning	282
Afternoon	283
CALENDAR of June 26, 2001	
Morning	283
Afternoon	284-285

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, May 15, 2001**

Morning Calendar286

Affecting Calendar Numbers:

728-29-BZ, Vol. II	154-04 Horace Harding Expressway, Queens
950-40-BZ, Vol. III	7610/7618 Fourth Avenue, Brooklyn
295-57-BZ	146-15 Union Turnpike, Queens
737-65-BZ	1660-1680 Second Avenue, Manhattan
1038-80-BZ	31-07/09/11 Downing Street, Queens
727-86-BZ	240 East 58 th Street, Manhattan
261-98-BZ	193 20 th Street, Brooklyn
77-99-BZ	255-39 Jamaica Avenue, Queens
158-00-A	442 West 259 th Street, The Bronx
113-01-A	23 Kinsey Place a/k/a Woodcliff Avenue, Staten Island

Afternoon Calendar289

Affecting Calendar Numbers:

174-00-BZ	79 Worth Street, Manhattan
228-00-BZ	28/32 Locust Street, Brooklyn
33-01-BZ	133-01 41 st Road, Queens
34-01-A	133-01 41 st Road, Queens
281-99-BZ	6055 Strickland Avenue, Brooklyn
142-00-BZ	240 Wythe Avenue, Brooklyn
152-00-BZ	135-36 Centerville Street, Queens
196-00-BZ	269 Forest Avenue, a/k/a 81 Randall Avenue, Staten Island
200-00-BZ	107-24 37 th Avenue, Queens
222-00-BZ	4177 Hylan Boulevard, Staten Island
224-00-BZ	2353 Cropsey Avenue, a/k/a 247 Bay 34 th Street, Brooklyn
245-00-BZ	897-90-3 Grand Street, Brooklyn
246-00-BZ	77-79 Delancey Street, Manhattan
248-00-BZ	2398 Stillwell Avenue, Brooklyn
255-00-BZ	130-30 31 st Avenue, Queens
264-00-BZ	65-45 Fresh Meadow Lane, Queens
312-00-BZ	80-88 John Street, Manhattan
16-01-BZ thru	
20-01-BZ	99, 101, 103, 135, 137 Taaffe Place, Brooklyn

DOCKET

New Case Filed Up to May 15, 2001

190-01-BZ B.BK 2107 Avenue "M", between East 21st and East 22nd Street, Block 769, Lot 7, Borough of Brooklyn. Applic.#301123246. 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 and open space ratio, is contrary to Z.R. §23-141. **COMMUNITY BOARD #14BK**

190-01-BZ B.BK. 2111 East 21st Street, Block 769, Lot 7, Borough of Brooklyn. Applic.#30111539. Proposed development of a six story mixed use multiple dwelling, containing ground floor commercial (office and retail), and ten apartments on the upper floors, Use Groups 6 and 2, located in a C8-2 zoning district, is contrary to Z.R. §32-00. **COMMUNITY BOARD #1BK**

191-01-A B.Q. 32 Irving Walk, west side, 125' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Applic.#401213058. Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

195-01-BZ B.BK. 2519 West 22nd Street, east side, 84' north of Bay 53rd Street, Block 6949, Lot 17, Borough of Brooklyn. Applic.#301151839. Proposed eating and drinking establishment, Use Group 6, located in an R-4 zoning district, is contrary to Z.R. §22-00. **COMMUNITY BOARD #13BK**

192-01-A B.M. 525 Broome Street, between Thompson Street and Avenue of the Americas, Block 476, Lot 7501, Borough of Manhattan. Applic.#102490788. Proposed legalization of the use of the cellar and first floor levels of the premises, as an eating and drinking establishment, Use Group 6c, requires a special permit as per Z.R.§42-14B. **COMMUNITY BOARD #2M**

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.

193-01-BZ B.BK. 3034 Coney Island Avenue, between Brighton 8th Street and Neptune Avenue, Block 7264, Lot 72, Borough of Brooklyn. Applic.#300985272. Proposed use of the second and third floors of an existing three story building, as business offices, Use Group 6, located in an R6 zoning district, is contrary to Z.R. §22-00. **COMMUNITY BOARD #13BK**

194-01-BZ B.BK. 440/42 South Fifth Street, south

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

CALENDAR

149th and 150th Streets, Block 4660, Lot 10, Borough of Queens.

COMMUNITY BOARD #7Q

295-00-BZ

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

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

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

COMMUNITY BOARD #12BK

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.

JUNE 26, 2001, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, June 26, 2001, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

30-58-BZ

APPLICANT -Vassalotti Associates, Architects, for the Benenson Capital Company, owner.

SUBJECT - Application September 25, 2000 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 184-17 Horace Harding Expressway, northwest corner of 185th Street, Block 7067, Lot 50, Borough of Queens

COMMUNITY BOARD #11Q

137-85-BZ

APPLICANT - The Agusta Group, for Lund Fire Products, Inc., owner.

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

PREMISES AFFECTED - 40-27/33 215 Place and 40-30/36 216th Street, Block 6303, Lot 20, Borough of Queens.

COMMUNITY BOARD #11Q

942-87-BZ

CALENDAR

APPLICANT -Philip P. Agusta, for Camastro Corp., owner, FCZ Restaurant Inc., lessee.

SUBJECT - Application January 11, 2001 - reopening for an extension of term of the special permit which expired January 13, 2001.

PREMISES AFFECTED 23-70 Steinway Street, west side of Steinway Street, 17.5' north of Astoria Boulevard, Block 803, Lot 75 Borough of Queens.

COMMUNITY BOARD #1Q

65-90-BZ

APPLICANT -Sheldon Lobel, P.C., for Street Retail Inc., owner, Meadows Spa, Inc., lessee.

SUBJECT - Application January 9, 2001 - reopening for an extension of term of special permit which expired January 29, 2001.

PREMISES AFFECTED 61-19 190th Street, northeast corner of 64th Avenue, 190th Street, Block 7117, Lot 4 Borough of Queens.

COMMUNITY BOARD #8Q

192-92-BZ

APPLICANT -Anthony M. Salvati, for Paul Rose, owner.

SUBJECT - Application January 4, 2001 - reopening for an extension of term of variance which expires July 23, 2001.

PREMISES AFFECTED 900 Southern Blvd., Northeast corner formed by Southern Boulevard and Barreto Street, Block 2735, Lot 1 Borough of The Bronx.

COMMUNITY BOARD #2BX

JUNE 26, 2001, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 26, 2001, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

163-01-A

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

SUBJECT - Application April 26, 2001 - 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.

PREMISES AFFECTED - 501 Broadway and 72 Mercer Street, west side of Broadway, east side of Mercer Street, 120' north of Broome Street, Block 484, Lot 22, Borough of Manhattan.

JUNE 26, 2001, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, June 26, 2001, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

226-00-BZ

APPLICANT - Agusta & Ross, for Simon Pollack, owner.

SUBJECT - Application October 5, 2000 - under Z.R. §72-21, to permit the proposed erection of a six story, 35 units multiple dwelling, upon a vacant lot, located in an M1-2 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 210 Middleton Street, southeast corner of Throop Avenue, Block 2242, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #1BK

313-00-BZ

APPLICANT - Alfonso Duarte, for Rajesh Pushparajan, owner.

SUBJECT - Application December 28, 2000 - under Z.R. §72-21, to permit the legalization of an existing auto repairs and sales establishment (Use Groups 16A and 16B); and a proposed extension into the side yard of the subject premises which is contrary to Z.R. §32-00 and §33-291 also, a previous variance granted under Cal. No. 107-34-BZ, which permitted a gasoline service station in a C2-2 within an R4 zoning district.

PREMISES AFFECTED - 248-55 Jamaica Avenue, northwest corner of 249th Street, Block 8664, Lot 45, Borough of Queens.

COMMUNITY BOARD #13Q

CALENDAR

118-01-BZ

APPLICANT - Land Planning & Engineering Consultants, P.C., Vito J. Fossella, P.E., for James Kinsella, owner.

SUBJECT - Application March 13, 2001 - under Z.R. §72-21, to permit the proposed one story office building (Use Group 6) located in an R3-2 zoning district, which is contrary Z.R. §22-00.

PREMISES AFFECTED - 1845 Richmond Avenue, east side, 500.18' south of Eton Place, Block 2030, Lot 57, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

132-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Mark Spiegel, owner.

SUBJECT - Application April 2, 2001 - under Z.R. §73-622, to permit the 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, and is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 1283 East 22nd Street, between Avenues "L" and "M", Block 7640, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #14BK

135-01-BZ

APPLICANT - Rothkrug & Rothkrug, for Go-Go Car Wash, Inc., owner; Personal Touch Car Wash, lessee.

SUBJECT - Application April 9, 2001 - under Z.R. §11-411, to permit the reestablishment of an expired variance, previously granted under Cal. No. 318-56-BZ, which permitted a high speed auto laundry (Use Group 16) in a C1-2 within an R5 zoning district.

PREMISES AFFECTED - 1815/17 86th Street a/k/a 1815/17 New Utrecht Avenue, north side, 78.8' west of New Utrecht Avenue, Block 6344, Lot 69, Borough of Brooklyn.

COMMUNITY BOARD #11BK

149-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

SUBJECT - Application April 20, 2001 - under Z.R. §72-21, to permit the proposed inclusion of the first and cellar floor areas of an existing six story building for residential use, which does not comply with the zoning requirements floor area ratio, open space ratio, zoning rooms and bedrooms

windows, which is contrary to Z.R. §23-14, §23-223, §23-553 and §23-861.

PREMISES AFFECTED - 88/90 Jane Street a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

150-01-A

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

SUBJECT - Application April 20, 2001 - proposed residential use must comply with Section 310 of the Multiple Dwelling Law regarding light, air and rear yard equivalent.

PREMISES AFFECTED - 88/90 Jane Street a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

Pasquale Pacifico, Executive Director

MINUTES

2000 and for an amendment to add three additional multi-product gasoline dispensers.

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

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Eric Palatnik.

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

ACTION OF THE BOARD - Rules of Practice and Procedure waived, term of the variance extended and resolution amended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening for a waiver of the Rules of Practice and Procedure for an extension of the term of the variance and for an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on April 24, 2001, after due notice by publication in The City Record laid over to May 15, 2001, for decision; and

WHEREAS, Community Board No. 8Q, recommended approval of the application; and

WHEREAS, the applicant seeks an extension of the term of the variance which expired March 19, 2000 and an amendment to add three additional multi-product gasoline dispensers; and

WHEREAS, the proposed amendment is warranted under certain conditions.

Resolved, that the Board of Standards and Appeals hereby, waives the Rules of Practice and Procedure, reopens and amends the resolution pursuant to Z.R. §11-411, said resolution having been adopted on April 15, 1958 as amended through June 12, 1990 expiring on March 19, 2000, so that as amended this portion of the resolution shall read:

"To extend the term of the variance and to permit the addition of three multi-product gasoline dispensers on condition:

THAT the term of the variance shall be limited to ten years from March 19, 2000, expiring March 19, 2010;

THAT the hours of operation for the food store shall remain 7:00 A.M. to 11:00 P.M., Monday through Sunday;

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

THAT the premises shall be maintained of graffiti and debris and in substantial compliance with the plans submitted with the application marked 'Received March 15, 2001'-(3) sheets;

THAT other than herein amended the above cited resolution shall be complied with in all respects and a new certificate of occupancy shall be obtained within 24 months

REGULAR MEETING

TUESDAY MORNING, MAY 15, 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 24, 2001, were approved as printed in the Bulletin of May 3, 2001, Volume 86, No. 18.

SPECIAL ORDER CALENDAR

728-29-BZ, Vol. II

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

SUBJECT - Application January 8, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of the variance which expired March 19,

MINUTES

of this grant.

(DOB 401196969)

Adopted by the Board of Standards and Appeals, May 15, 2001.

950-40-BZ, Vol. III

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

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

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

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening for an extension of the term of the variance; and

WHEREAS, a public hearing was held on this application on April 24, 2001, after due notice by publication in The City Record, and laid over to May 15, 2001 for decision; and

WHEREAS, Community Board #10, Brooklyn, has recommended approval of this application.

Resolved, that the Board of Standards and Appeals hereby reopens and amends the resolution, said resolution adopted on November 5, 1958 as amended through March 5, 1991, expiring January 24, 2001 only as to the term of the variance, so that as amended this portion of the resolution shall read: "granted for an extension of term, on condition;

THAT the term of the variance shall be limited to ten years from January 24, 2001 expiring January 24, 2011;

THAT the premises shall be maintained in substantial compliance with the existing and proposed conditions plans "Received, May 1, 2001"- (6) sheets;

THAT other than herein amended the above cited resolution shall be complied with in all respects and a new Certificate of Occupancy shall be obtained within 24 months of this grant.

(ALT. 1669/58)

Adopted by the Board of Standards and Appeals, May 15, 2001.

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, northwest corner of 147th Street and Union Turnpike, Block 6672, Lot 80, Borough of Queens.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

ACTION OF THE BOARD - Laid over to June 26, 2001, at 10 A.M., for continued hearing.

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 a 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

APPEARANCES -

For Applicant: Eric Palatnik.

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

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

APPEARANCES -

For Applicant: Patrick Jones.

For Administration: Battalion Chief Phil Parr and John

MINUTES

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 June 5 2001, at 10 A.M., for decision, hearing closed.

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

APPEARANCES -

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

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

261-98-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 193 20th Street, north side, 200' west of Fourth Avenue, Block 637, Lot 69, Borough of Brooklyn

COMMUNITY BOARD #7BK

APPEARANCES -

In Favor: Steve

For Administration: Battalion Chief Phil Parr 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 June 5, 2001, at 11 A.M., for decision, hearing closed.

77-99-BZ

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Turnpike Auto Laundry Inc., for Phil Frank, President, owner.

SUBJECT - Application November 1, 2000 - reopening for an amendment.

PREMISES AFFECTED - 255-39 Jamaica Avenue, north side of Jamaica Avenue, a/k/a Jericho Turnpike 80' west of 256th Street, Block 8830, Lot 52, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Juan Hernandez.

For Administration: Battalion Chief Phil Parr 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 June 5, 2001, at 10 A.M., for decision, hearing closed.

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 Applicant: Robert Cook.

For Administration: Battalion Chief Phil Parr 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 June 5, 2001, at 11 A.M., for decision, hearing closed.

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.

MINUTES

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

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: Battalion Chief Phil Parr 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 June 5, 2001, at 11 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:25A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, MAY 15, 2001
2:00 P.M.**

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

ZONING CALENDAR

174-00-BZ

CEQR #01-BSA-00M

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, located on the first floor, in the cellar and sub-cellar of a separate building at the subject premises, located in a C6-2A zoning district, 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 Opposition: Battalion Chief Phil Parr 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 June 27, 2000, acting on application number 101395269 reads;

“PROPOSED PHYSICAL CULTURE ESTABLISHMENT IN C6-2A REQUIRES BSA SPECIAL PERMIT AS PER SEC. 32-11. Z.R.”; and

WHEREAS, a public hearing was held on this application on December 12, 2000 after due notice by publication in The City Record, laid over to January 16, 2001, March 6, 2001, April 3, 2001, and then to April 24, 2001, and then to May 15, 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 legalization of an addition to an existing physical culture establishment, located on part of the first floor, in the cellar and sub-cellar of a separate building at the subject premises, located in a C6-2A zoning district, requires a special permit as per Z.R. §32-31; and

WHEREAS, the proposed addition to the subject physical culture establishment will be located on Worth Street bounded by Church Street and Broadway; and

WHEREAS, the subject building is a five story building currently occupied by residences on floors 2 through 5, and office space and a residence on the first floor; and

WHEREAS, the addition will contain approximately 7,950 square feet representing a 1% expansion of the total floor area of the building; and

WHEREAS, the hours of operation of the addition will be the same as for the existing physical culture establishment, Monday through Friday 6:00 A.M. to 12 midnight and weekends 7:00 A.M. to 10:00 P.M.; and

WHEREAS, the applicant represents that the annual membership will remain at approximately 2000 members; and

WHEREAS, under Calendar Number 44-97-BZ, the

MINUTES

Board granted a special permit to 78-80 Leonard Street; and
WHEREAS, 79 Worth Street and 78-80 Leonard Street are conjoined by an egress bridge; and

WHEREAS, the proposed addition will be operated in conjunction with the pre-existing PCE; and

WHEREAS, the subject site is located in a mixed-use area of Manhattan, characterized by retail commercial and residential uses; and

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

WHEREAS, the subject physical culture establishment will offer massage therapy by New York State licensed masseuses and masseurs with space for classes for physical improvement, weight reduction, Yoga, aerobics and martial arts; and

WHEREAS, the applicant has agreed to comply with the Fire Department's requirements for a wet sprinkler system, an interior fire alarm and a smoke detection system, with all systems connected to a Fire Department Approved Central station; and

WHEREAS, to address Fire Department and Board concerns, the applicant will also provide 2 smoke purge systems, one at 78 Leonard and one at 79 Worth, with six air changes per hour; and

WHEREAS, the applicant has agreed to provide a Fire Safety Director, at all times when the physical culture establishment is occupied; and

WHEREAS, to minimize adverse noise impacts to other uses in the surrounding area, the applicant will provide sound and vibration attenuation; 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 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 the subject premises, located in a C6-2A zoning district, which requires a special permit as per Z.R. §32-31 on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received September 28, 2000"-(3) sheets; and on further condition;

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

THAT fire protection measures including an interior fire alarm, a wet sprinkler system, and a smoke detection system, with all three systems 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 run concurrent with the special permit granted under 44-97-BZ and therefore shall be limited to a term to expire on October 28, 2007;

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 15, 2001.

228-00-BZ

CEQR #01-BSA-036K

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

SUBJECT - Application October 10, 2000 - under Z.R. §72-21, to permit in an M1-1 zoning district, the conversion of a vacant building in a manufacturing district for residential use (Use Group 2), which is contrary to Z.R. §42-00.

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

COMMUNITY BOARD #4BK

APPEARANCES -

For Applicant: Janice Cahalane.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

MINUTES

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 14, 2000, acting on Applic. No. 301073549, reads:

“The proposed use group 2/J2 occupancy not permitted in M1-1 district”; and

WHEREAS, a public hearing was held on this application on March 27, 2001 after due notice by publication in The City Record, laid over to April 24, 2001, and then to May 15, 2001 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-1 zoning district, the conversion of a vacant building in a manufacturing district for residential use (Use Group 2), which is contrary to Z.R. §42-00; and

WHEREAS, the proposal will require the rehabilitation and conversion of an old vacant four story 19,716 square foot building into a modern residential building housing 19 dwelling units; and

WHEREAS, the record indicates that the subject building was constructed prior to 1918 and originally used for cooperage (barrel making) a manufacturing use; and

WHEREAS, the applicant represents that the barrel making use occupied several buildings on the northern section of the block; and

WHEREAS, the applicant further represents that the southern section of the block was developed with residences, a use that continues to the present; and

WHEREAS, the record indicates that the current owner purchased the building in January 10, 2000 and that the subject building has been vacant since 1998; and

WHEREAS, the subject premises is located in a mixed-use area zoned for and characterized by residential, manufacturing, and commercial uses ; and

WHEREAS, the applicant represents that in addition to the many residential uses within the M1-1 district, there is an R6 zoning district on the next block, east of the subject premises; and

WHEREAS, the record indicates that the subject building is old, deteriorated, with one small elevator and thus inadequate for modern manufacturing uses; and

WHEREAS, with the exception of two automobile garages all properties fronting on Locust Street are residential; and

WHEREAS, applicant represents that there is little demand for manufacturing uses in this area and that the

subject building is obsolete for those manufacturing uses; and

WHEREAS, the building is functionally obsolete for other manufacturing or commercial uses by virtue of its inadequate space for use as a garage or automotive use, its lack of a large loading space, and its insufficient elevator capacity prevents a warehouse use; and

WHEREAS, the Board notes that for modern manufacturing and warehouse uses, large open floor plates on single levels with sufficient loading capability are desirable; and

WHEREAS, the subject building is burdened with an inadequate loading area; and

WHEREAS, the aforementioned burdens pose a suspect capability for use as a viable, modern manufacturing or warehouse facility; and

WHEREAS, the aforementioned unique physical condition of the building makes its occupancy for a conforming M1-1 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

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

WHEREAS, the property is located in an M1-1 manufacturing zone; and

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

WHEREAS, within the vicinity of the site there exist other residential or community facility uses; and

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

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

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

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

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

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

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

MINUTES

Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, in an M1-1 zoning district, the conversion of a vacant building in a manufacturing district for residential use (Use Group 2), which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received January 30, 2001"-(8) sheets; and on further condition;

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

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

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

Adopted by the Board of Standards and Appeals, May 15, 2001.

33-01-BZ

CEQR# 01-BSA-102Q

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

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

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

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Alfonso Duarte.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

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 January 28, 2001 acting on N.B. Applic. No. 4001191330 reads:

1. Proposed 25'-0" height, 1 story at rear (gymnasium) is contrary to Section 24-12 Z.R. and 24-36 Z.R.
2. Proposed area of signs on wall and at entrance exceed 16 sq. ft. and is contrary to section 22-321 Z.R.
3. Height of wall sign is 30'-9" and is contrary to Section 22-342.
4. Number of signs on 41st Road contrary to Section 22-343 Z.R.
5. Proposed new building is located in city bed mapped street and is contrary to section G.C.L. B.S.A. variance required.”; and

WHEREAS, the Board notes that this case was heard with a companion appeals application filed under Calendar Number 34-01-A, objection #5; and

WHEREAS, a public hearing was held on this application on April 24, 2000 after due notice by publication in The City Record and laid over to May 15, 2001 to for decision; and

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

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

WHEREAS the site is located west of Main Street; and
WHEREAS, the allowable F.A.R. is 4.80 but the actual F.A.R. is 1.31; and

WHEREAS, the subject lot is an irregularly “L” shaped parcel; and

WHEREAS, the applicant represents that due to the large influx of immigrant families in the neighborhood, it is essential for the proposed expansion to take place in order to serve the immediate community and provide a center for the large number of boys in the district, and

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

WHEREAS, the applicant represents that it is not feasible or practical to construct a smaller building due to

MINUTES

the number of boys that this facility will serve ; and

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

WHEREAS, the record indicates that the applicant's proposal will not substantially impair the appropriate use or development of the adjacent property since the adjacent sites are developed residential; and

WHEREAS, it will not be detrimental to the public welfare since the Boys' Club has been in existence for over 100 years and has been an asset to the community and the public welfare; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent 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

Resolved that the Board of Standards and Appeals issues a Type II Determination 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, the proposed erection of a three story community facility (Use Group 4A) located in an R6 zoning district, which does not comply with the zoning requirements for height of building and complying signs, which is contrary to Z.R. §24-12, §24-36, §23-321, §22-342 and §22-343, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "February 2, 2001"- (6) sheets, "March 7, 2001"-(1) sheet; "May 7, 2001"-(2) sheets and "May 14, 2001"-(1) sheet; and on further condition;

THAT in accordance with Fire Department requirements a fire alarm system, an automatic wet sprinkler system, a smoke detection system and an automatic smoke purge system be installed with all systems 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;

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

Adopted by the Board of Standards and Appeals, May 15, 2001.

34-01-A

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

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

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

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Alfonse Duarte.

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

ACTION OF THE BOARD -

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

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 January 28, 2001 acting on N.B. Applic. No. 4001191330 reads:

- "1. Proposed 25'-0" height, 1 story at rear (gymnasium) is contrary to Section 24-12 Z.R. and 24-36 Z.R.
2. Proposed area of signs on wall and at entrance exceed 16 sq. ft. and is contrary to section 22-321 Z.R.
3. Height of wall sign is 30'-9" and is contrary to Section 22-342.
4. Number of signs on 41st Road contrary to Section 22-343 Z.R.
5. Proposed new building is located in city bed mapped street and is contrary to section G.C.L. B.S.A. variance required"; and

MINUTES

WHEREAS, the Board notes that this case was heard with a companion zoning case filed under Calendar Number 33-01-BZ, objections 1, 2, 3, and 4; and

WHEREAS, a public hearing was held on this application on April 24, 2000 after due notice by publication in The City Record and laid over to May 15, 2001 to 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, by letter dated March 7, 2001 the Department of Environmental Protection has reviewed the proposed project and has no objections; and

WHEREAS, by the letter dated April 23, 2001, the Department of Transportation has reviewed the above project and has no objections; and

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

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

Resolved, that the decision of the Queens Borough Commissioner dated January 28, 2001 acting on N.B. Applic. No. 4001191330, the above objection, # 5, is modified under the power vested in the Board by §35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "February 2, 2001"-(6) sheets, "March 7, 2001"-(1) sheet; "May 7, 2001"-(2) sheets and "May 14, 2001"-(1)sheet; and on further condition;

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

Adopted by the Board of Standards and Appeals, May 15, 2001.

281-99-BZ

APPLICANT - Jay A. Segal (Greenberg Traurig), for Enopac Holding LLC, owner.

SUBJECT - Application November 5, 1999 - under Z.R. §72-21, to permit the proposed mini-storage facility (Use Group 16) located in an R3-1 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 6055 Strickland Avenue, west side of Strickland Avenue roughly between the prolongation of

Mayfair Avenue and East 59th Place, Block 8470, Lots 1060, 1064, 1070, 1076, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

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

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

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: Janice Cahalane.

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

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

152-00-BZ

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

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

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

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik.

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

ACTION OF THE BOARD - Laid over to June 26, 2001, at 2 P.M., for continued hearing.

196-00-BZ

MINUTES

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 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

APPEARANCES -

For Applicant: Adam W. Rothkrug.

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

200-00-BZ

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Blans Development Corp., owner.

SUBJECT - Application August 10, 2000 - under Z.R. §72-21, to permit the legalization of an existing physical culture establishment, on the first floor and portion of the second floor, in an existing two story manufacturing building, located in an R6 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 107-24 37th Avenue, southwest corner of 108th Street, Block 1773, Lot 10, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Philip P. Agusta.

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

ACTION OF THE BOARD - Laid over to June 26, 2001, at 2 P.M., for continued hearing.

222-00-BZ

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

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

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

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Philip P. Agusta, Sol Kerman and Joe D.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.; Carl Pearce, Donna Londo and Robert Borruso.

ACTION OF THE BOARD - Laid over to July 10, 2001, at 2 P.M., for continued hearing.

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

APPEARANCES -

For Applicant: Janice Cahalane and other.

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

ACTION OF THE BOARD - Laid over to June 26, 2001, at 2 P.M., for continued hearing.

245-00-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Peter Hirshman and Gerald Esposito.

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

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

MINUTES

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

APPEARANCES -

For Applicant: Lyra Altman and other.

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

ACTION OF THE BOARD - Laid over to June 26 2001, at 2 P.M., for continued hearing.

248-00-BZ

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

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

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

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Janice Cahalane.

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

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

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 Phil Parr and John Scrofani, Fire Department.

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

264-00-BZ

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

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

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

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Philip P. Agusta.

For Opposition: Michael J. Farina, Arnold Haber, John Callari and Walter Beckhardt.

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

ACTION OF THE BOARD - Laid over to July 10, 2001, at 2 P.M., for postponed hearing.

312-00-BZ

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

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

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

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Mitchell Ross.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

MINUTES

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

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

APPEARANCES -

For Applicant: Stuart Klein and Raphael Davron.

For Opposition: Robert Baird Paterson, Douglas Mulaire and
other.

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

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

Pasquale Pacifico, Executive Director.

Adjourned: 5:20 P.M.