
BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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May 24, 2001

DIRECTORY

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Tuesday, June 5, 2001**

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83-99-BZ 4230/40 Hylan Boulevard a/k/a 101 Groton Street, Staten Island
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Affecting Calendar Number:

212-00-BZ 640/666 Conduit Boulevard, Brooklyn
252-00-BZ 104-02/104-10 Rockaway Beach Boulevard, Queens

DOCKET

New Case Filed Up to June 5, 2001

197-01-BZ B.BK. 951 81st Street, north side, 223'-4" west of 10th Avenue, Block 1992, Lot 58, Borough of Brooklyn. Applic.#301119448. Proposed one story enlargement at the rear of an existing one family dwelling, Use Group 1, located in an R4 zoning district, which does not comply with the zoning requirement for rear yard, is contrary to Z.R. §23-00.
COMMUNITY BOARD #10BK

Applic.#301084289. Proposed enlargement of an existing structure for use as an automobile laundry, lubrication and detailing establishment, as well as an accessory auto supply store, Use Group 16, within a C4-1 zoning district, is contrary to a previous variance granted by the Board under Cal. No. 1280-65-BZ and Z.R. §32-00.

COMMUNITY BOARD #5BK

198-01-BZ B.Q. 105-45 Cross Bay Boulevard, near 10th Avenue, bounded by Cross Bay Boulevard and 95th Street, Block 9163, Lot 71, Borough of Queens. N. B. #401102294. Proposed enlargement of an existing eating and drinking establishment, Use Group 6, located in an R4 zoning district, is contrary to Z.R. §22-00 and 52-00.

COMMUNITY BOARD #10Q

202-01-BZ B.M. 225 Park Avenue South, northeast corner of East 18th Street, Block 874, Lot 1, Borough of Manhattan. Applic.#102580574. Proposed change of use within portions of an existing nineteen building, located partially within C6-4A and R-8 zoning districts, from community facility, Use Group 3, to office use, Use Group 6, is contrary to Z.R. §22-00.

COMMUNITY BOARD #5M

199-01-BZ B.BK. 440 Quentin Road, southwest corner of East 4th Street, between East Third and Fourth Streets, Block 6660, Lot 10, Borough of Brooklyn. Applic.#301133164. Proposed erection of horizontal and vertical enlargements, to an existing one family dwelling, Use Group 1, which do not comply with the zoning requirements for front yard, perimeter wall height, setback and sky-exposure plane, is contrary to Z.R. §23-45, §54-31, §23-461 and §23-631.

COMMUNITY BOARD #15BK

200-01-BZ B.Q. 182-15 Hillside Avenue, northeast corner of Avon Street, Block 9950, Lot 1, Borough of Queens. Applic.#401196031. Proposed enlargement of the twelfth floor of an existing 11 (plus partial 12) story community facility building, and the addition of three elevators, located in an C2-2 within an R5 zoning district, which does not comply with the zoning requirements for floor area, floor area ratio and sky exposure plane, is contrary to Z.R. §33-441, §33-161 and §54-31.

COMMUNITY BOARD #8Q

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.

201-01-BZ B.BK. 2591/2613 Atlantic Avenue, aka 53/59 Georgia Avenue, between Georgia and Sheffield

CALENDAR

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

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

57-01-A thru 98-01-A

APPLICANT - Diffendale & Kubec, A.I.A., for Findora Homes, Inc., owner.

SUBJECT - Application February 26, 2001 - proposed one family semi-detached dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 226 Wild Avenue, northeast corner of Beresford Avenue, Block 2643, Lot 1, Borough of Staten Island.

224 Wild Avenue, east side, 26.12' northeast of Beresford Avenue, Block 2643, Lot 2, Borough of Staten Island.

25 Beresford Avenue, north side, 427.6' northwest of Dean Avenue, Block 2643, Lot 54, Borough of Staten Island.

27 Beresford Avenue, north side, 405.2' northwest of Dean Avenue, Block 2643, Lot 53, Borough of Staten Island.

29 Beresford Avenue, north side, 382.8' northwest of Dean Avenue, Block 2643, Lot 52, Borough of Staten Island.

31 Beresford Avenue, north side, 360.4' northwest of Dean Avenue, Block 2643, Lot 51, Borough of Staten Island.

35 Beresford Avenue, north side, 338.0' northwest of Dean Avenue, Block 2643, Lot 50, Borough of Staten Island.

37 Beresford Avenue, north side, 315.6' northwest of Dean

CALENDAR

Avenue, Block 2643, Lot 49, Borough of Staten Island.
39 Beresford Avenue, north side, 293.2' northwest of Dean Avenue, Block 2643, Lot 48, Borough of Staten Island.
41 Beresford Avenue, north side, 270.8' northwest of Dean Avenue, Block 2643, Lot 47, Borough of Staten Island.
45 Beresford Avenue, north side, 248.4' northwest of Dean Avenue, Block 2643, Lot 46, Borough of Staten Island.
47 Beresford Avenue, north side, 226' northwest of Dean Avenue, Block 2643, Lot 45, Borough of Staten Island.
49 Beresford Avenue, north side, 203.6' northwest of Dean Avenue, Block 2643, Lot 44, Borough of Staten Island.
51 Beresford Avenue, north side, 181.2' northwest of Dean Avenue, Block 2643, Lot 43, Borough of Staten Island.
53 Beresford Avenue, north side, 158.8' northwest of Dean Avenue, Block 2643, Lot 42, Borough of Staten Island.
55 Beresford Avenue, north side, 136.4' northwest of Dean Avenue, Block 2643, Lot 41, Borough of Staten Island.
57 Beresford Avenue, north side, 114' northwest of Dean Avenue, Block 2643, Lot 40, Borough of Staten Island.
59 Beresford Avenue, north side, 91.6' northwest of Dean Avenue, Block 2643, Lot 39, Borough of Staten Island.
63 Beresford Avenue, north side, 69.2' northwest of Dean Avenue, Block 2643, Lot 38, Borough of Staten Island.
65 Beresford Avenue, north side, 46.8' northwest of Dean Avenue, Block 2643, Lot 37, Borough of Staten Island.
67 Beresford Avenue, north side, 24.4' northwest of Dean Avenue, Block 2643, Lot 36, Borough of Staten Island.
69 Beresford Avenue, north side, 0' northwest of Dean Avenue, Block 2643, Lot 35, Borough of Staten Island.
116 Alberta Avenue, south side, 427.6' northwest of Dean Avenue, Block 2643, Lot 15, Borough of Staten Island.
118 Alberta Avenue, south side, 405.2' northwest of Dean Avenue, Block 2643, Lot 16, Borough of Staten Island.
120 Alberta Avenue, south side, 382.8' northwest of Dean Avenue, Block 2643, Lot 17, Borough of Staten Island.
122 Alberta Avenue, south side, 360.4' northwest of Dean Avenue, Block 2643, Lot 18, Borough of Staten Island.
124 Alberta Avenue, south side, 338' northwest of Dean Avenue, Block 2643, Lot 19, Borough of Staten Island.
126 Alberta Avenue, south side, 315.6' northwest of Dean Avenue, Block 2643, Lot 20, Borough of Staten Island.
128 Alberta Avenue, south side, 293.2' northwest of Dean Avenue, Block 2643, Lot 21, Borough of Staten Island.
130 Alberta Avenue, south side, 270.8' northwest of Dean Avenue, Block 2643, Lot 22, Borough of Staten Island.
132 Alberta Avenue, south side, 248.4' northwest of Dean Avenue, Block 2643, Lot 23, Borough of Staten Island.
134 Alberta Avenue, south side, 226' northwest of Dean Avenue, Block 2643, Lot 24, Borough of Staten Island.
136 Alberta Avenue, south side, 203.6' northwest of Dean Avenue, Block 2643, Lot 25, Borough of Staten Island.
138 Alberta Avenue, south side, 181.2' northwest of Dean Avenue, Block 2643, Lot 26, Borough of Staten Island.
140 Alberta Avenue, south side, 158.8' northwest of Dean Avenue, Block 2643, Lot 27, Borough of Staten Island.
142 Alberta Avenue, south side, 136.4' northwest of Dean Avenue, Block 2643, Lot 28, Borough of Staten Island.
146 Alberta Avenue, south side, 114' northwest of Dean Avenue, Block 2643, Lot 29, Borough of Staten Island.

148 Alberta Avenue, south side, 91.6' northwest of Dean Avenue, Block 2643, Lot 30, Borough of Staten Island.
150 Alberta Avenue, south side, 69.2' northwest of Dean Avenue, Block 2643, Lot 31, Borough of Staten Island.
152 Alberta Avenue, south side, 46.8' northwest of Dean Avenue, Block 2643, Lot 32, Borough of Staten Island.
154 Alberta Avenue, south side, 24.4' northwest of Dean Avenue, Block 2643, Lot 33, Borough of Staten Island.
156 Alberta Avenue, south side, 0' northwest of Dean Avenue, Block 2643, Lot 34, Borough of Staten Island.

COMMUNITY BOARD #2SI

145-01-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Patricia Troy, lessee.

SUBJECT - Application April 18, 2001 - 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.

PREMISES AFFECTED - 40 Reid Avenue, east side 154.06' west of Marshall Avenue, Block 16350, Lot 300, Borough of Queens.

146-01-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Ken Bavne, lessee.

SUBJECT - Application April 18, 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, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 183 Reid Avenue, north side, 3.18' east of Beach 201st Street, Block 16350, Lot 400, Borough of Queens.

147-01-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Rita Sear, lessee.

SUBJECT - Application April 18, 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, is contrary to Sections 35 and 36 Article 3 of the General City Law.

PREMISES AFFECTED - 191 Reid Avenue, east side, 16.77' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

163-01-A

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

CALENDAR

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 unit 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 and, 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

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 to 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 for F.A.R., 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.

CALENDAR

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

JULY 10, 2001, 10:00 A.M.

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

SPECIAL ORDER CALENDAR

36-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Antonio Nino Vendome & Paul Raquel, LLC.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 328 Spring Street, aka 489-495 Washington Street, southeast corner, Block 595, Lots 66 and 68, Borough of Manhattan.

COMMUNITY BOARD #2M

502-60-BZ

APPLICANT - Rothkrug & Rothkrug, for 4452 Broadway Realty Co., owner.

SUBJECT - Application February 27, 2001- request for a waiver of the Rules of Practice and Procedure and a reopening for an extension of term of the variance which expired January 20, 2001.

PREMISES AFFECTED - 4452/6 Broadway, a/k/a 88/90 Fairview Avenue s/e/s of Broadway and Fairview Avenue, Block 2170, Lot(s) 400, 62, Borough of Manhattan.

COMMUNITY BOARD #12M

370-82-BZ

APPLICANT - Walter T. Gorman, P.E., for Douglaston Plaza Shopping Center, LLC, owner; Charles Business Associates, Inc., lessee.

SUBJECT - Application April 25, 2001 - reopening for an extension of time to obtain a certificate of occupancy which expired June 2, 2001.

PREMISES AFFECTED - 242-02 61st Avenue, southwest corner of 245th Place, Block 8286, Lot 185, Borough of Queens.

COMMUNITY BOARD #11Q

65-95-BZ

APPLICANT - Vito J. Fossella, P.E., for Shoprite Supermarkets Inc., owner.

SUBJECT - Application March 21, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED -2424 Hylan Boulevard, east Side of Hylan Blvd, southeast of Locust Avenue, Block 3901, Lots 17, 45, 55, Borough of Staten Island

COMMUNITY BOARD #2SI

263-98-BZ

APPLICANT - Rothkrug and Rothkrug, for Paul and Constance Glickman, owners.

SUBJECT - Application May 1, 2001 - reopening for an extension of time to complete construction which expired April 27, 2001.

PREMISES AFFECTED - 118 Oxford Street, 115'' south of Shore Boulevard, Block 8757, Lot 90, Borough of Brooklyn.

COMMUNITY BOARD #15BK

JULY 10, 2001, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, July 10, 2001, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

MINUTES

ZONING CALENDAR

291-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Torah Academy High School of Brooklyn, Contract Vendee.

SUBJECT - Application December 4, 2000 - under Z.R. §73-19, to permit the proposed use of the premises for a school (yeshiva), Use Group 3, located in a C8-3 (OP) zoning district, which is contrary to Z.R. §32-12, §32-31 and §22-13.

PREMISES AFFECTED - 2316-2324 Coney Island Avenue a.k.a. 920 Avenue "T", southwest corner, Block 7112, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #15BK

296-00-BZ

APPLICANT - Alfonso Duarte, for Akiva Teitz, owner.

SUBJECT - Application December 13, 2000 - under Z.R. §72-21, to permit the legalization of existing office use (Use Group 6) on the first and second floors and the enlargement of the premises by building over the garage and in space between the garage and the building, located in an R4B zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 69-69 Main Street, northeast corner of 70th Avenue, Block 6642, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

4-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for 18 Richardson Street Holding Corp., LLC, owner.

SUBJECT - Application January 9, 2001 - under Z.R. §72-21, to permit the proposed conversion of the second floor of an existing manufacturing building, located in an M1-6(R-6) zoning district, to residential occupancy (Use Group 2), which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 18 Richardson Street, south side, 175' east of Union Street, Block 2731, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #1BK

111-01-BZ

APPLICANT - Charles R. Foy, for George Marinello Used Trucks, Inc., owner; Wendy's International Corp., lessee.

SUBJECT - Application March 6, 2001 - under Z.R. §73-243 to permit, the proposed accessory drive-thru facility for a proposed eating and drinking establishment, located in a C1-2 within an R2 zoning district, which requires a special permit.

PREMISES AFFECTED - 900 Ditmas Avenue, west side, between Remsen Avenue and East 91st Street, Block 8108, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #17BK

130-01-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for Memorial Sloan-Kettering Cancer Center, owner.

SUBJECT - Application May 25, 2001 - under Z.R. §§72-21 and 73-642 to permit in an R8 zoning district, the proposed construction of a new 23-story research building and a seven-story addition to replace the existing 11-story building (Use Group 4) and a special permit for temporary failure to comply for time period prior to demolition of existing building on Lot 11, which exceeds the permitted lot coverage and floor area and does not comply with the rear yard equivalent which is contrary to Z.R. §24-11 and §24-382, respectively.

PREMISES AFFECTED - 411/425 East 68th Street, mid-block portion bounded by East 68th and East 69th Streets, between First and York Avenues, Block 1463, Lots 5 (Part of) and 11, Borough of Manhattan.

COMMUNITY BOARD #8M

Pasquale Pacifico, Executive Director

REGULAR MEETING TUESDAY MORNING, JUNE 5, 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, May 15, 2001, were approved as printed in the Bulletin of May 24, 2001, Volume 86, Nos. 20-21.

SPECIAL ORDER CALENDAR

687-49-BZ

APPLICANT - Sheldon Lobel, P.C.; for Angelo Zanetti; owner.

SUBJECT - Application January 18, 2001 - reopening for an amendment to the resolution.

MINUTES

PREMISES AFFECTED 222-22 Jamaica Avenue, Between 222nd and 224th Street, Block 10813, Lot 5, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, June 5, 2001.

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 of the 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 W. Jones.

For Administration: John Scrofani, Fire Department.

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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, this is an application to extend the term of the special permit; and

WHEREAS, a public hearing was held on this application on May 15, 2001 after due notice by publication in the City Record, and laid over to June 5, 2001 for decision; and.

WHEREAS, Community Board #7Q recommends approval of the application.

Resolved, that the Board of Standards and Appeals hereby reopens and extends the term of the resolution pursuant to Z.R. §73-03, said resolution having been adopted on January 6, 1981 as amended through May 16, 2000, expiring January 6, 2001, only as to the term of the special permit, so that as amended this portion of the resolution shall read:

“granted for an extension of term, on condition that the term of the special permit shall be limited to one

year from January 6, 2001 to expire on January 6, 2002; that the premises shall be maintained in substantial compliance with the existing and proposed drawing submitted with the application marked ‘Received February 6, 2001’- (1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects and that a new certificate of occupancy shall be obtained within six months from the date of this amended resolution.”

(Alt. 435/81)

Adopted by the Board of Standards and Appeals, June 5, 2001.

261-98-BZ

APPLICANT - Gluckman and Scire-Chianetta, Architects, P.C., for Anthony Crisano, owner; M.N.J.S., LLC., lessee.

SUBJECT - Application January 29, 2001 - reopening for an amendment to 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 -

For Applicant: Steve Steigelfest

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application reopened and resolution amended.

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 applicant has requested an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on April 17, 2001 after due notice by publication in The City Record, laid to May 15, 2001 and then to June 5, 2001 for decision. On June 5, 2001 the record was reopened to accept a revised plan, closed and then a decision was rendered.

WHEREAS, the applicant proposes to amend the resolution to reflect a change in the size of the previously approved structure; and

MINUTES

WHEREAS, Community Board #7 Brooklyn, recommended conditional approval of the application; and

WHEREAS, on April 20, 1999, the Board legalized the use of the subject property for storage, sales, service and light production of commercial HVAC equipment and accessories (Use Group 16) in an R6 zoning district; and

WHEREAS, various fire safety conditions were imposed by the Board to insure the safe operation of the site; and

WHEREAS, the subject property was destroyed by fire and thereafter reconstructed with ceilings 18'-3" in height in lieu of the prior 12' ceilings to better accommodate the vehicles used in the operation of this establishment; and

WHEREAS, the property owner has submitted sprinkler plans to the Department of Building under DOB# 301110027; and

WHEREAS, the Board finds that the reconstructed building does not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution pursuant to §72-01 and §72-22 of the Zoning Resolution, said resolution having been adopted on April 20, 1999, expiring on April 20, 2009, so that as amended this portion of the resolution shall read:

"resolution amended to legalize the reconstruction of the building; on condition that the sprinkler system approved under DOB #301110027 shall be connected to an approved Fire Department station and adequately maintained; that the hours of operation shall be limited to 7:30 a.m. to 4:30 p.m., Monday through Friday; that the operator of the site shall continue to maintain three off-street parking for business vehicles; that the freon shall be stored in a non-combustible cabinet and that only three 30 pound canisters shall be stored at the premises; that no acetylene torches, combustible gases or liquids or other flammable material shall be used or stored on the premises; that no propane forklift shall be used on the premises; that the owner shall comply the performance standards of ZR §42-20; that the site shall be kept graffiti and debris free; that the of the premises shall be limited to the storage, sales, service and assembly of HVAC equipment and accessories; that the activities on the premises shall be limited to Group 16A uses; that the term of this variance shall expire on April 20, 2009; that the above conditions shall appear on the certificate of occupancy; that the premises shall be maintained in substantial compliance with the existing conditions plans submitted with the application marked 'Received January 29, 2001'-(4) sheets and 'June 5, 2001'-(1) sheet; 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 a certificate of occupancy shall be obtained within eighteen months of the date of this amended resolution.

Adopted by the Board of Standards and Appeals, June 5, 2001.

77-99-BZ

CEQR #99-BSA-132R

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: Sol Korman.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

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

WHEREAS, a public hearing was held on this application on February 27, 2001 after due notice by publication in The City Record, laid to April 17, 2001; May 15, 2001 and then to June 5, 2001 for decision.

WHEREAS, the applicant proposes to amend the resolution to permit the erection of second story to the existing building; and

WHEREAS, Community Board #13, Queens recommended conditional approval of the application; and

WHEREAS, the Board finds that the addition of a second story on the C8 portion of the property will not alter the essential character of the surrounding neighborhood.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution pursuant to Z.R.§11-412, said resolution having been adopted on February 8, 2000, expiring on February 8, 2005, so that as amended this portion of the resolution shall read:

"resolution amended to permit the erection of a second story on the C8 portion of the existing building; on condition that the owner post signs at the entrance to the facility requesting patrons to turn off any car stereos or audio equipment; that the hours of operation of the premises shall be Monday through Saturday 8:00 A.M.

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through 6:00 P.M. and Sundays 8:00 A.M. through 4:00 P.M.; that all gates shall be locked after closing; that the 257th Street side of the property shall remain closed; that the gate located in this area shall not be used for ingress or egress; that the term of this variance shall expire on February 8, 2005; that the above conditions shall appear on the certificate of occupancy; that the premises shall be maintained free of graffiti and debris and in substantial compliance with the proposed conditions plans submitted with the application marked 'Received November 1, 2000' - (2) sheets and 'March 21, 2001' - (2) sheets 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; that a certificate of occupancy shall be obtained within eighteen (18) months of the date of this amended resolution.

(ALT 412/1989)

Adopted by the Board of Standards and Appeals, June 5, 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, Richard Reinle and Theodore Gianikos.

For Administration: John Scrofani, Fire Department.

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

1449-61-BZ

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

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

PREMISES AFFECTED - 4085 Nostrand Avenue, north east corner of Emmons Avenue, Block 8796, Lot 63, Borough of

Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 10, 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: Lyra Altman.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to June 19, 2001, at 10 A.M., for decision, hearing closed.

772-67-BZ

APPLICANT - Carl A. Sulfaro, Esq; for 1234 Forest Avenue Realty Corp, owner.

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

PREMISES AFFECTED -1234 Forest Avenue, Southeast Corner of Jewett Avenue and Forest Avenue, Block 354, Lot 32, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Carl A. Sulfaro.

For Administration: John Scrofani, Fire Department.

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

318-70-BZ

APPLICANT - Rampulla Associates Architects, LLP, for 1725 Richmond Avenue Corp., owner; Scott Lizo, lessee.

SUBJECT - Application February 9, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1725 Richmond Avenue, south of

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Victory Boulevard, Block 2071, Lot 23, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Philip L. Rampulla.

For Administration: 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 19, 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 Applicant: Fredrick A. Becker and Bruno

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

ACTION OF THE BOARD - Laid over to June 19, 2001, at 10 A.M., for continued hearing.

1617-88-BZ

APPLICANT - Goidel and Siegel, LLP, for Vivian Properties, LLC as Contract Vendee to NYCTL 1996-1 Trust and the Bank of New York, owner.

SUBJECT - Application February 28, 2000 - reopening for an extension of term of variance which expired January 30, 2000.

PREMISES AFFECTED - 17-33 West 9th Street, north side, 163.6' east of Columbia Street, Block 534, Lots 35, 36 and 37, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Andrew Siegel.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 17, 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 Applicant: Adam W. Rothkrug.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 17, 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 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: 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 19, 2001, at 10 A.M. for decision, hearing closed.

80-97-BZ

APPLICANT -Joseph P. Morsellino, Esq, for George Korakis., owner, KMKN LTD., lessee

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

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

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

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

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

230-98-BZ

APPLICANT - Agusta & Ross, for John & Gaetano Lacono, owner1, Washington Cemetery, owner2.

SUBJECT - Application February 9, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term which expired June 22, 2000 and for an amendment to the resolution.

PREMISES - 5810-5824 Bay Parkway, northeasterly corner of Bay Parkway and 59th Street, Block 5508, Lots 44 and 38, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 17, 2001, at 10 A.M., for continued hearing.

119-00-BZ

APPLICANT - The Agusta Group, for Gani Realty Corp., owner; Jose Ulloa, lessee.

REMANDED: "to specifically consider whether a variance of limited duration should be granted, based on the history of this store, and the community support for it, to allow the Petitioner to pursue being included as part of the Grand Concourse Special District".

PREMISES AFFECTED - 2788/2790 Grand Concourse, between Miriam Street and 197th Street, Block 3304, Lot 103, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Laura Dilimetin, Sol Korman and others.

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 26, 2001, at 10 A.M. for decision, hearing closed.

APPEALS CALENDAR

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: 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 decisions of the Bronx Borough Commissioner, dated May 1, 2000, and June 2, 2000 acting on Application No. 200614335, reads:

"A1 -PROPOSED CONSTRUCTION OF NEW BUILDING IN THE BED OF A MAPPED STREET IS CONTRARY TO SECTION 35 OF THE GENERAL CITY LAW; and

"A2 - NOTE: THERE IS ANOTHER BLDG. (444 WEST 259TH STREET) ON THIS ZONING LOT (COMPRISED OF TAX LOTS 42 AND 140)."; and

WHEREAS, by the letter dated March 26, 2001, the Department of Environmental Protection has reviewed the above project and has no objections, on condition that a 31' easement along the future 12" dia. combined sewer be maintained; and

WHEREAS, by the letter dated November 14, 2000, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by the letter dated June 28, 2000, the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decisions of the Bronx Borough Commissioner, dated May 1, 2000, and June 2, 2000 acting on Application No. 200614335, objections Numbers 1, and 2, 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 construction shall substantially conform to the drawing filed with the application marked, "Received March 6, 2001"-(1) sheet; and on further condition that the proposal comply with all applicable R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with;

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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, June 5, 2001.

113-01-A

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

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

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

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: 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 Staten Island Borough Commissioner, dated February 26, 2001, acting on Application No. 500469860, reads:

STREET GIVING ACCESS TO THE PROPOSED BUILDING IS NOT PLACED ON THE OFFICIAL MAP OF THE CITY OF NEW YORK; THEREFORE,

“A) NO CERTIFICATE OF OCCUPANCY CAN BE ISSUED AS PER ARTICLE 3, SECTION 36 OF THE GENERAL CITY LAW, AND,

B) PERMIT MAY NOT BE ISSUED SINCE PROPOSED CONSTRUCTION DOES NOT HAVE AT LEAST 8% OF THE TOTAL PERIMETER OF THE BUILDING FRONTING DIRECTLY UPON A LEGALLY MAPPED STREET OR FRONTAGE SPACE AND THEREFORE CONTRARY TO SECTION 27-291 OF THE ADMINISTRATIVE CODE.”; and

WHEREAS, by the letter dated May 1, 2001, the Fire Department has reviewed the above 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 Staten Island Borough Commissioner, dated February 26, 2001, acting on Application No. 500469860, is modified under the power vested in the Board by § 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received March 6, 2001”-(1) sheet; and on further condition that the proposal comply with all applicable M1 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with;

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, June 5, 2001.

297-00-A

APPLICANT - Gulielmetti and Gesmer, P.C., for Susan Byrne and William Connors, lessees/tenants.

OWNER OF PREMISES: Daniel Pelli

SUBJECT - Application December 13, 2000 - an appeal challenging the Department of Buildings' determination dated November 14, 2000, in which the Department refused to commence proceedings for a revocation of certificate of occupancy No. 118978 for subject premises.

PREMISES AFFECTED - 5 West 21st Street, 145' west of Fifth Avenue, Block 823, Lot 35, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Susan Byrne, Lucy Mayo and William A. Connors.

For Administration: Mona Sehgal, Department of Buildings and Battalion Chief Phil Parr, 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 July 17, 2001, at 10 A.M. for decision, hearing closed.

26-01-A thru 29-01-A

APPLICANT - Rothkrug & Rothkrug, for ATP Development Corp., owner.

SUBJECT - Application January 23, 2001 - proposed two family dwellings, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

116 Giegerich Avenue, west side, 146' east and 83.4' north of Bedell Avenue, Block 7796, Lot 76, Borough of

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Staten Island.

120 Giegerich Avenue, west side, 146' east and 41.7' north of Bedell Avenue, Block 7796, Lot 78, Borough of Staten Island.

124 Giegerich Avenue, west side, 146' east and 0' north of Bedell Avenue, Block 7796, Lot 80, Borough of Staten Island.

140 Giegerich Avenue, west side, 146.75' east and 0' north of Bedell Avenue, Block 7796, Lot 82, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: 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 19, 2001, at 10 A.M. for decision, hearing closed.

43-01-A

APPLICANT - Gerald J. Caliendo, R.A., for Israel Prus, owner.

SUBJECT - Application February 6, 2001 - proposed construction of a two-story, two family dwelling, located in the bed of a mapped street is contrary to Section 35 of the General City Law.

PREMISES AFFECTED - 259-21 Francis Lewis Boulevard, east side, 245.7' north of 147th Drive, Block 13682, Lot 156, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Gerald Caliendo.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 10, 2001, at 11 A.M., for continued hearing.

44-01-A

APPLICANT - Gerald J. Caliendo, R.A., for Israel Prus, owner.

SUBJECT - Application February 6, 2001 - proposed construction of a two-story, two family dwelling, located in the bed of a mapped street is contrary to Section 35 of the General City Law.

PREMISES AFFECTED - 259-21A Francis Lewis Boulevard, east side, 215.90' north of 147th Drive, Block 13682, Lot 154, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Gerald Caliendo.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 10, 2001, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 12:40A.M.

REGULAR MEETING

TUESDAY AFTERNOON, JUNE 5, 2001

2:00 P.M.

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

ZONING CALENDAR

83-99-BZ

CEQR #01-BSA-134R

APPLICANT - Rothkrug & Rothkrug, Esqs., for Kenton Flaig, owner.

SUBJECT - Application April 21, 1999 - under Z.R. §72-21, to permit, within anR3-2 (SRD) zoning district, on a site previously before the Board, the reestablishment of an animal hospital (Use Group 16)), contrary to Z.R. §22-00. PREMISES AFFECTED - 4230/40 Hylan Boulevard aka 101 Groton Street, northeast corner, Block 5316, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 26, 1999, acting on Applic. No. 500346798, reads:

“Proposed animal hospital (Use Group 16) in an R3-2 (SRD) district is contrary to section 22-00 Z.R. and

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resolution under Cal. No. 180-75-BZ which expired July 19, 1992"; and

WHEREAS, a public hearing was held on this application on September 28, 1999 after due notice by publication in The City Record and laid over to November 9, 1999, January 16, 2000, March 7, 2000, May 5, 2000, June 6, 2000, July 25, 2000, September 26, 2000, November 14, 2000, December 19, 2000, February 6, 2001 and then to June 5, 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 and Vice Chair Paul Bonfilio R.A. and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, to permit, within an R3-2 (SRD) zoning district, on a site previously before the Board, the reestablishment of an expired variance, which permitted the maintenance of an animal hospital (Use Group 16)), contrary to Z.R. §2200; and

WHEREAS, the premises is located on a corner with approximately 125' of frontage on Hylan Boulevard and approximately 102' of frontage on Groton Street; and

WHEREAS, the applicant represents that the premises consisting of 12,143 square feet developed with a one-story building that is 80' by 47' is irregular in area; and

WHEREAS, the record indicates that, subject to Board approval, the subject lot has operated as an animal hospital since July 19, 1977; and

WHEREAS, on July 19, 1977, the Board granted a variance, under Cal. No. 180-75-BZ, for a term of fifteen years expiring July 18, 1992 permitting use of the subject premises as an animal hospital; and

WHEREAS, the applicant represents that the factors which led the Board to determine that the property was unique in 1977 have not changed; and

WHEREAS, by letter dated May 30, 2001 the applicant represents that all required work has been completed, inspected by the Fire Department and approved; and

WHEREAS, the aforementioned circumstances create an unnecessary hardship in developing the site with a conforming residential or commercial use; 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 Board notes that the proposed development and use has existed at the premises for over 20 years; 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

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 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, within an R3-2 (SRD) zoning district, on a site previously before the Board, the reestablishment of an expired variance, which permitted the maintenance of an animal hospital (Use Group 16)), contrary to Z.R. §22-00; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 12, 2000"-(3) sheets; and on further condition;

THAT the term of the variance shall be limited to ten years from the date of this grant to expire June 5, 2011;

THAT the premises shall not be used as a kennel;

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

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

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

Adopted by the Board of Standards and Appeals, June 5, 2001.

312-00-BZ

CEQR #01-BSA-079M

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, in a C5-5CR zoning district, the legalization of

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an existing physical culture establishment, to be located within the first floor of an "existing" twenty- four story mixed used residential building with ground floor commercial uses, which is contrary to Z.R. §32-00.

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.

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 8, 2000, acting on Alt. Application number 102910575 reads;

“ the proposed physical culture establishment is not allowed as of right and requires a variance from the Board of Standards and Appeals.”; 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 and then to June 5, 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 for a special permit under Z.R. §73-03 and §73-36, located in a C5-5CR zoning district, to permit the legalization of an existing physical culture establishment, located within the first floor of an existing twenty-four story mixed used residential building with ground floor commercial uses, which is contrary to Z.R. §32-00; and

WHEREAS, the subject development includes the physical culture establishment, a first floor dry cleaner, an accessory parking garage in the basement, and 147 dwelling units; and

WHEREAS, the subject physical culture establishment will occupy 5,856 square feet of floor area; and

WHEREAS, the facility will provide separate locker rooms for men and women, a cardiovascular training areas, weight training, aerobic training, and a laundry/storage area; and

WHEREAS, the proposed hours of operation of the subject physical culture establishment will be limited to Monday-Friday 6:00 A.M. to 11:00 P.M. and Saturday and

Sunday 10:00 A.M. to 6:00 P.M.

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 will be completely enclosed within an existing building; 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, in a C5-5CR zoning district, the legalization of an existing physical culture establishment, to be located within the first floor of an "existing" twenty-four story mixed used residential building with ground floor commercial uses, which is contrary to Z.R. §32-00, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received December 26, 2000"-(10) sheets and "May 1, 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 fire protection measures, including a fire alarm system and a smoke detection system with both 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 be limited to a term of ten years from January 1, 2001, to expire on January 1, 2011;

THAT the hours of operation shall be limited to

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Monday-Friday 6:00 A.M. to 11:00 P.M. and Saturday and Sunday 10:00 A.M. to 6:00 P.M.

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, June 5, 2001.

103-00-BZ

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

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

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

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Janice Cahalane.

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

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, June 5, 2001.

259-98-BZ

APPLICANT - Agusta & Ross, for Kent Plaza Realty Corporation, owner.

SUBJECT - Application August 21, 1998 - under Z.R. §72-21, to permit the proposed erection of two multiple dwellings (Use Group 2) located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 761/773 Kent Avenue a.k.a. 763 Kent Avenue, south side, between Little Nassau Street and Flushing Avenue, Block 1884, Lots 33 and 36 (Tentative Lot 36), Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

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

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

125-99-BZ

APPLICANT - Agusta & Ross, for 8-10 Little Nassau Corp., owner.

SUBJECT - Application May 25, 1999 - under Z.R. §72-21, to permit the proposed erection of a five story, eight unit multiple dwelling, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 786 Kent Avenue a.k.a. 8-10 Little Nassau Street, southwest corner of Little Nassau Street and Kent Avenue, Block 1883, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

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

ACTION OF THE BOARD - Laid over to June 27, 2001, at 2 P.M., for continued hearing.

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.

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

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

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29-00-BZ

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

SUBJECT - Application February 4, 2000 - under Z.R. §72-21, to permit the proposed residential building (Use Group 2) located in a C1-6A zoning district, which does not comply with the zoning requirements for floor area, height and setback regulations, and the maximum allowable number of dwelling units, which is contrary to Z.R. §23-145, §23-223(c) and §23-633.

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

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Jamice 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.

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 19, 2001, at 2 P.M., for continued hearing.

250-00-BZ

APPLICANT - Paul Hastings, Janofsky & Walker LLP, for New York University, owner.

SUBJECT - Application October 19, 2000 - under Z.R. §11-411, to permit the proposed reestablishment of an expired special permit, previously granted under Cal. No. 374-60-BZ, which permitted transient parking in an existing multiple dwelling accessory garage in an R7-2 within a C1-5 zoning

district.

PREMISES AFFECTED - 521-541 and 553-63 LaGuardia Place (West Broadway) a.k.a. 207-245 Mercer Street, bounded by LaGuardia Place, West Third, Mercer and Bleecker Streets, Block 533, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Doris Diether.

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

ACTION OF THE BOARD - Laid over to July 24, 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, 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 R. Tarnoff, Andrew Albert, Steven Soulios, Adam C. Kolasinski, Gloria Miele, Mayra Marte-Miraz, Zenubia White-Farrell, Oliver Conant and Barbara Hohol.

For Opposition: Clark Whitsett, Dr. Hildreth Walter, Carolyn M. Birden, Laura Lee Ross and Steve Strauss.

For Administration: 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 19, 2001, at 2 P.M., for decision, hearing closed.

308-00-BZ

APPLICANT - Charles R. Foy, Esq., for KFC of America,

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Inc., owner.

SUBJECT - Application December 21, 2000 - under Z.R. § 72-21 and §73-213 to permit the proposed eating and drinking establishment with an accessory drive through facility, Use Group 6, located in C8-1, C1-2 and R5 zoning districts, which is contrary to Z.R. §22-00 and requires a special permit as per Z.R. §73-243 and §32-15.

PREMISES AFFECTED - 1125 East Gunhill Avenue, 79' west of the intersection of East Gunhill & Boston Roads, Block 4705, Lot 5, Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Charles Foy.

For Opposition: Robert Stantana and William H.

For Administration: John Scrofani, Fire Department.

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

12-01-BZ & 13-01-BZ

APPLICANT - Jesse Masyr, Wachtel & Masyr, LLP, for R. D. Hendon Realty, Inc., owner.

SUBJECT - Application January 16, 2001 - under Z.R. §72-21 to permit the proposed construction of a one story building, to be developed as a restaurant and local retail uses, and also the proposed construction of a five story self-storage facility, located in an R4 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2829 Edson Avenue, block bounded by Edson, Bartow, Grace and Arnow Avenues, Block 4800, Lots 5, 6 and 8 (Tentative Lot 8), Borough of The Bronx.

2875 Edson Avenue, block bounded by Edson, Bartow, Grace and Arnow Avenues, Block 4800, Lots 5, 6, and 8 (Tentative Lot 6), Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Jesse Masyr, John Clifford, Sam Schwartz, Jack Freeman and Shalom Horowitz.

For Opposition: 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.

144-01-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Alexander's Kings Plaza Center, Inc., owner; King Arcade Corp., lessee.

SUBJECT - Application April 17, 2001 - under Z.R. §73-35, to permit the proposed erection and maintenance of an amusement arcade within an existing shopping center (Use Group 15), which requires a special permit as per Z.R. §42-31.

PREMISES AFFECTED - 5100 Kings Plaza a/k/a 5102

Avenue U, 5102-5430 Avenue U, 2483-2671 Flatbush Avenue, Block 8470, Lots 1, 50 and 55, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Opposition: 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 19, 2001, at 2 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 3:50 P.M.

CORRECTIONS

***CORRECTION**

This resolution adopted on April 17, 2001, under Calendar No. 212-00-BZ and printed in Volume 86, Bulletin Nos. 16-17, is hereby corrected to read as follows:

212-00-BZ

CEQR#01-BSA-024K

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

SUBJECT - Application September 7, 2000 - under Z.R. §72-21, to permit, on a site previously before the Board, the proposed construction and operation of a gasoline service station with an accessory convenience store, minor auto repairs with auto laundry on a site located in a C1-2 within an R5 zoning district which is contrary to previous variance granted under Cal. #550-55-BZ and Z.R. §32-25.

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

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Art Sullivan.

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 decisions of the Borough Commissioner, dated September 6, 2000 and January 4, 2001 acting on ALT.

Application Nos. 301079179, 301079160, 301104089 and 301114988 reads:

- “1. Proposal to install three (3) new 4' x 8' dispensing islands with (1) multi-product dispenser on each island; one (1) new 4' x 12' dispensing island with a gasoline and diesel dispenser and erect a new steel canopy over all four islands on a site located in a C1-2 within an R5 zoning district is contrary to the latest drawings approved by the Board of Standards and Appeals under Cal. # 550-55 BZ and contrary to section 32-25 Z.R. and must, therefore, be referred back to the BSA for approval.
2. Proposal to construct a new curb-cut on the Sheridan Avenue side of the site which is located in a C1-2 within an R5 zoning district is contrary to the latest drawing approved by the Board of Standards & Appeals under Cal. # 550-55-BZ and must, therefore, be referred back to the BSA for approval.
3. Proposal to construct a new curb cut on the Conduit Blvd. Side of the site which is located in a C1-2 within an R5 zoning district is contrary to the latest drawings approved by the Board of Standards & Appeals under Cal.# 550-55-BZ and must, therefore, be referred back to the BSA for approval
4. Proposal to construct and operate a use group no. 16 gasoline service station with accessory convenience store and accessory automotive repair shop with lube oil bays and to construct and operate a use group no. 16 automatic auto laundry on a site located in a C1-2 within an R5 zoning

district is contrary to the latest drawings approved by the Board of Standards and Appeals under Cal.# 550-55-BZ and contrary to section 32-25 Z.R. and must, therefore, be referred back to the BSA for approval”; and

WHEREAS, a public hearing was held on this application on December 19, 2000 after due notice by publication in *The City Record*, laid over to February 13, 2001, March 6, 2001, March 27, 2001 and then April 17, 2001 for decision; and

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

WHEREAS, this is an application under Z.R.§72-21, on a site previously before the Board, to permit the proposed construction and operation of a gasoline service station with an accessory convenience store and minor auto repairs with auto laundry on a site located in a C1-2 within an R5 zoning district

which is contrary to previous variance granted by the Board under Cal. #550-55-BZ and Z.R.§32-25; and

WHEREAS, in 1956, when the property lied within a Residence Use District, under Calendar Number 550-55- BZ, the Board permitted the erection and maintenance of a gasoline service station with accessory uses; and

WHEREAS, through a series of minor amendments, the site has evolved to its current form; and

WHEREAS, the most recent term of the grant expires on July 24, 2001; and

WHEREAS, the record indicates that the gasoline service station use has been continuous since 1956 but was discontinued in the last year and a half; and

WHEREAS, the record indicates that the subject parcel is irregular because it occupies the entire block and exceeds half an acre; and

WHEREAS, the applicant represents that subject parcel is virtually isolated from the surrounding community because it is bounded by Grant, Belmont, and Sheridan Avenues as well as Conduit Boulevard; and

WHEREAS, the applicant also represents that Conduit Boulevard is one of the busiest thoroughfares in the City for vehicular traffic but is isolated from pedestrian traffic; and

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WHEREAS, the aforementioned unique physical condition of the site and its history of development as a gasoline service station, makes its occupancy for a conforming C1-2/R5 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 Board notes that the gasoline service station use has existed at the site for more than 45 years; and

WHEREAS, the Board finds that the new curb cut on Sheridan Avenue improves traffic flow because it is directly in line with cars exiting the site; and

WHEREAS, the hours of operation of the repair shop will remain limited to 7:00 a.m. to 6:00 p.m. daily, closed

Sundays, with the gasoline sales and store business operation continuously; and

WHEREAS, the hours of operation of the auto laundry shall be limited to 7:00 a.m. to 7:p.m, seven days a week.; 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

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 each and every one of the required findings under Z.R. §72-21 and *grants* a variation to permit, on a site previously before the Board, the proposed construction and operation of a gasoline service station with an accessory convenience store and minor auto repairs with auto laundry on a site located in a C1-2 within an R5 zoning district which is contrary to previous variance granted under Cal. #550-55-BZ and Z.R.§32-25, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 3, 2001" -(5) sheets; and on further condition;

THAT the term of the variance shall be limited to twenty years expiring on April 17, 2021;

THAT signage shall be provided in accordance with BSA-approved plans;

THAT fencing and screening shall be provided in accordance with BSA-approved plans;

THAT the hours of operation of the repair shop will remain limited to 7:00 a.m. to 6:00 p.m. daily, closed Sundays;

THAT the hours of operation of the auto laundry shall be limited to 7:00 a.m. to 7:p.m., seven days a week;

THAT lighting shall be provided in accordance with BSA-approved plans and shall be positioned down and away from the adjacent residential uses;

THAT there will be no vehicle detailing at this site;

THAT all spaces on the site are for customer parking;

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 be completed in accordance with Z.R.§ 72-23.

Adopted by the Board of Standards and Appeals, April 17, 2001

***The resolution has been corrected to add all four DOB objection numbers. Corrected in Bulletin Nos. 23-24, dated June 14, 2001.**

CORRECTIONS

*CORRECTION

This resolution adopted on April 24, 2001, under Calendar No. 252-00-BZ and printed in Volume 86, Bulletin No. 18, is hereby corrected to read as follows:

252-00-BZ

CEQR#01-BSA-045Q

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

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

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

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Lyra Altman.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated September 26, 2000, acting on Alt. application number 401121987 reads:

BSA OBJECTION: A1

“The proposed physical culture establishment in a C2-2 zoning district is not permitted absent a Special Permit from the Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on March 6, 2001 after due notice by publication in The City Record, and laid over to April 17, 2001, and then to April 24, 2001 for decision; and

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

WHEREAS, Community Board 14, Queens, has recommended approval of this application; 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 a portion of the first floor of a one story building, located in a C2-2 zoning district, requires a special permit as per Z.R. §32-00; and

WHEREAS, the subject physical culture establishment will be located in Far Rockaway, on the North East corner of Rockaway Beach Boulevard and Beach 105th Street; and

WHEREAS, the subject site contains approximately 52,112 square feet utilized as part of a commercial strip mall; and

WHEREAS, the subject building contains approximately 19,005 square feet; and

WHEREAS, the portion housing the subject physical culture establishment will occupy 5,435 square feet on a portion of the first floor; and

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

WHEREAS, the facility will provide separate locker rooms for men and women; and

WHEREAS, the subject site is located in a mixed-use 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 Monday to Friday 5:00 A.M. to 11:00 P.M. and Saturday and Sunday 6:30 A.M. to 8:00 P.M.; 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 a portion of the first floor of a one story building, located in a C2-2 zoning district, which requires a special

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permit as per Z.R. §32-00 on condition that all work shall

CORRECTIONS

substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received October 23, 2000"-(3) sheets and "April 10, 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 Monday to Friday 5:00 A.M. to 11:00 P.M. and Saturday and Sunday 6:30 A.M. to 8:00 P.M.;

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 April 24, 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, April 24, 2001.

***The resolution has been corrected to change the hours of operation from 5:30 A.M. to 5:00 A.M.. Corrected in Bulletin Nos. 23-24, dated June 14, 2001.**