
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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Volume 86, No. 25

June 21, 2001

DIRECTORY

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DOCKET

New Case Filed Up to June 12, 2001

203-01-BZ B.BX. 5701 Broadway,
northwest corner of 234th Street, Block 5760, Lot 175,
Borough of The Bronx. Applic. #200651482. Proposed
construction of a new automotive service station, Use
Group 16, with an accessory convenience store, installation
of underground gasoline storage tanks, a new overhead
canopy with five pump islands and installation of associated
signage, in a C2-3 within an R6 zoning district, requires a
special permit from the Board as per Z.R. §32-31.

COMMUNITY BOARD #8BX

204-01-BZ B.Q. 73-15 Parsons Boulevard,
between 73rd and 75th Avenues, Block 6822, Lot 20,
Borough of Queens. Applic. #401166787. Proposed
construction of a new automotive service station, Use
Group 16, with an accessory convenience store, installation
of underground gasoline storage tanks, a new overhead
canopy, re-arrangement of the existing pump islands, re-
landscaping of the premises and alteration of the signage,
in a C2-2 zoning district, requires a special permit from the
Board as per Z.R. §32-31.

COMMUNITY BOARD #8Q

205-01-A B.Q. 36-30 College Point
Boulevard. West side, 347.08' south of Northern Boulevard.
Block 4963, Lot 200, Borough of Queens. Applic.
#401126358. An administrative appeal for an interpretation
of Use Group 16 of the Zoning Resolution, in which the
Department of Buildings has categorized "Self-Storage
Facility" as being in said Use Group.

206-01-A B.Q. 441 Hillcrest Walk,
east side, 13' south of Rockaway Point Boulevard, Block
16350, Part of Lot 400, Borough of Queens. Applic.
#401224938. Proposed first story enlargement, and the
addition of a partial second floor to an existing one family
dwelling, not fronting on a legally mapped street, and
located partially within the bed of a mapped street, is
contrary to Sections 35 and 36, Article 3 of the General City
Law.

207-01-BZ B.M. 110 Greenwich Street,
aka 2 Carlisle Street, west side, at the intersection of Carlisle
Street, Block 53, Lot 33, Borough of Manhattan. Applic.
#101557414. The legalization of the cellar and first floor, of
an existing thirteen story building, for use as a physical
culture establishment, Use Group 9, located in a C6-9 zoning
district, requires a special permit from the Board as per
Z.R. §73-36.

COMMUNITY BOARD #1M

208-01-BZ B.BK. 2802 Avenue "N",
southeast corner of East 28th Street, Block 7682, Lot 46,
Borough of Brooklyn. Applic.#301168046. Proposed
extension to an existing two story, one family dwelling, Use
Group 1, which creates non-compliance with respect to floor
area, open space ratio, side yard, front yard, and height, is
contrary to Z.R. §23-141(a), §23-48, §23-45 and §23-631(a).

COMMUNITY BOARD #14BK

209-01-BZ B.BK. 146/48 Middleton Street,
south side, 158' west of Harrison Avenue, Block 2241, Lot
28 (Tentative Lot 28), Borough of Brooklyn. Applic.
#301160259. Proposed construction of a six story multiple
dwelling, Use Group 2, located in an M1-2 zoning district, is
contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

210-01-BZ B.BK. 150/52 Middleton Street,
south side, 116' west of Harrison Avenue, Block 2241, Lot
28 (Tentative Lot 30), Borough of Brooklyn. Applic.
#301160268. Proposed construction of a six story multiple
dwelling, Use Group 2, located in an M1-2 zoning district, is
contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

211-01-BZ B.BK. 154 Middleton Street,
south side, 95' west of Harrison Avenue, Block 2241, Lot 28
(Tentative Lot 31). Applic. #301160277. Proposed
construction of a six story multiple dwelling, Use Group 2,
located in an M1-2 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

DOCKET

212-01-BZ B.BK. 119/21 Lorimer Street,
north side, 20'-1" west of Union Avenue, Block 2241, Lot 28
(Tentative Lot 41), Borough of Brooklyn. Applic.
#301162177. Proposed construction of a six story multiple
dwelling, Use Group 2, located in an M1-2 zoning district, is
contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

213-01-BZ B.BK. 115/17 Lorimer Street,
north side, 62'-1" west of Union Avenue, Block 2241, Lot 28
(Tentative Lot 43), Borough of Brooklyn. Applic.
#301158878. Proposed construction of a six story multiple
dwelling, Use Group 2, located in an M1-2 zoning district, is
contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

214-01-BZ B.BK. 113 Lorimer Street,
north side, 104'-1" west of Union Avenue, Block 2241, Lot
28 (Tentative Lot 44), Borough of Brooklyn. Applic.
#301158896. Proposed construction of a six story multiple
dwelling, Use Group 2, located in an M1-2 zoning district, is
contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

**DESIGNATIONS: D-Department of Buildings; B.BK.-
Department of Buildings, Brooklyn; B.M.-Department of
Buildings, Manhattan; B.Q.-Department of Buildings,
Queens; B.S.I.-Department of Buildings, Staten Island;
B.BX.-Department of Building, The Bronx; H.D.-Health
Department; F.D.-Fire Department.**

CALENDAR

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, reopening for an extension of term of the variance which expires 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:

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

CALENDAR

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 of subject premises, also the enlargement of the premises by building over the garage and the 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

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

JULY 17, 2001, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, July 17, 2001, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

584-56-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER: BP Amoco Corp.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 73-15 Parson Blvd., Parson Blvd. Between 75th & 73rd Avenue, Block 6822, Lot 20, Borough of Queens.

COMMUNITY BOARD #8Q

130-01-BZ

CALENDAR

702-57-BZ

APPLICANT - Sheldon Lobel, P.C., for Chris M. Tartaglia, P.E., owner

SUBJECT - Application - reopening for an amendment to the resolution.

PREMISES AFFECTED - 5701 Broadway at W.234th Street, northwest corner of Broadway and W. 234th Street, Block 5760, Lot 175, Borough of The Bronx.

COMMUNITY BOARD #8BX

742-59-BZ

APPLICANT -Harold L. Robertson, for Lewis Rudin., owner.

SUBJECT - Application April 30, 2001 - reopening for an extension of term of variance which expired June 14, 2001.

PREMISES AFFECTED - 134-136 East 55th Street a/k/a 50 Park Avenue, Lexington Avenue and East 55th Street, Block 1309, Lot 50, Borough of Manhattan.

COMMUNITY BOARD #6M

743-59-BZ

APPLICANT -Harold L. Robertson, for Lewis Rudin., owner.

SUBJECT - Application April 30, 2001 - reopening for an extension of term of variance which expired July 12, 2001.

PREMISES AFFECTED - 38-50 East 36th Street, Park Avenue and East 36th Street, Block 865, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #6M

285-70-A

APPLICANT - Elliott M. Glass, Glass & Glass, Architects, for Schur Realty Company, LLC., Owner.

SUBJECT - Application November 14, 2000 - reopening for an extension of term of variance which expired October 28, 2000.

PREMISES AFFECTED -14-16 East 38th Street, south side 12'-0" West of Madison Avenue, Block 867, Lot 62, Borough of Manhattan.

COMMUNITY BOARD #5M

509-80-A

APPLICANT -Glass & Glass, Architects, for Gramercy Fire Associates., Owner.

SUBJECT - Application June 22, 2000 - reopening for an extension of term of variance which expired July 8, 2000.

PREMISES AFFECTED -114-120 East 23rd Street, south side 175'-0" east of Park Avenue South, Block 878, Lot 65, Borough of Manhattan.

COMMUNITY BOARD #5M

JULY 17, 2001, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, July 17, 2001, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR**140-01-A**

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Mr & Mrs. James Carlson, lessees.

SUBJECT - Application April 16, 2001 - proposed enlargement of the first floor and the addition of a new second floor 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 - 22 Courtney Lane, southeast corner of No Name Lane, Block 16350, Lot Part of lot 400, Borough of Queens.

141-01-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Bernadette and Michael Murray, lessees.

SUBJECT - Application April 16, 2001 - proposed enlargement of the first floor and the addition of a new second floor 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 - 167 Bedford Avenue, northside, 33' east of Eight Avenue, 167 Bedford, Block 16350, Lot Part of Lot 400, Borough of Queens.

142-01-A

CALENDAR

APPLICANT - Zygmunt Staszewski, for Breezy Point Co-op Inc., owner; Ms. Isabelle McGowan, lessee.
SUBJECT - Application April 16, 2001 - proposed addition of a partial second floor, 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 - 27 Queens Walk, eastside 245' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

APPLICANT - Sheldon Lobel, P.C., for Congregation Adas Yereim, owner.
SUBJECT - Application December 4, 2000 - under Z.R. 73-19, to permit the proposed school (Use Group 3) located in an M1-2 zoning district, which is contrary to Z.R. §42-00.
PREMISES AFFECTED - 35 Warsoff Place, east side, between Flushing & Park Avenues, Block 1718, Lot 15, Borough of Brooklyn.
COMMUNITY BOARD #3BK

191-01-A

APPLICANT - Kevin Saumell, for Breezy Point Cooperative Inc., owner; James Tucci, lessee.
SUBJECT - Application May 8, 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 - 32 Irving Walk, west side, 125' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

Pasquale Pacifico, Executive Director

JULY 17, 2001, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, July 17, 2001, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

173-00-BZ

APPLICANT - Sheldon Lobel, P.C., for RHIF Ltd., owner.
SUBJECT - Application June 30, 2000 - under Z.R. §Z.R. 72-21 to permit the proposed mixed use residential/community facility building, located in an R4 zoning district, which creates non-compliance in respect to F.A.R., lot coverage, perimeter wall height, total height and lot area is contrary to Z.R. §24-11, §24-522a, §35-411 and §24-21.

OPREMISES AFFECTED - 341/349 Troy Avenue a.k.a. 1515, 1519, 1523 Carroll Street, intersection of Troy Avenue and Carroll Street, Block 1407, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #9BK

292-00-BZ

MINUTES

**REGULAR MEETING
TUESDAY MORNING, JUNE 12, 2001
10:00 A.M.**

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

Absent: Commissioner Korbey.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, May 22, 2001, were approved as printed in the Bulletin of May 31, 2001, Volume 86, No. 22.

SPECIAL ORDER CALENDAR

132-58-BZ

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

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

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

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

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

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Bonfilio and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Korbey1

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Korbey1

THE RESOLUTION -

WHEREAS, the applicant requested an extension of the term of the variance and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on December 12, 2000 after due notice by publication in The City Record, laid to February 13, 2001, April 17, 2001, May 1, 2001, May 22, 2001 and then to June 12, 2001 for decision.

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

Resolved, that the Board of Standards and Appeals reopens and amends the resolution pursuant to Z.R. §11-411 and §11-412, said resolution having been adopted on March 31, 1959, as amended through October 29, 1996, expiring on June 18, 2000, so that as amended this portion of the resolution shall read:

"resolution amended to permit a reduction in the number of pump islands from six to five; the re-designing of the overhead canopy and to extend the term of the variance; *on condition* that the term shall be limited to ten years, to expire on June 18, 2010; that the hours of operation for the repair service shall be Monday through Saturday 7:00 A.M. through 7:00 P.M., closed all day on Sundays; that the portion of the site next to the repair building shall be secured after 7:00 P.M. and all day on Sundays; that no towing to this site shall be conducted between 10:00 P.M. and 7:00 A.M. from Monday to Saturday; that there shall be no towing to this site on Sundays; that no trucks shall be stored at this site; that the street trees, landscaping and signs shall be maintained in accordance with the BSA approved plans; 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 existing and proposed conditions plan submitted with the application marked 'Received December 5, 2000' - (1) sheet; and that other than herein amended, the above cited resolution shall be complied with in all respect and that a certificate of occupancy shall be obtained within eighteen months of the date of this amended resolution.

(DOB 400479601)

Adopted by the Board of Standards and Appeals, June 12, 2001.

236-97-BZ

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

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

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

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Peter Hirshman.

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

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

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Bonfilio and

MINUTES

Commissioner Caliendo:3
Negative:0
Absent: Commissioner Korbey.....1

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio and
Commissioner Caliendo:3
Negative:0
Absent: Commissioner Korbey.....1

THE RESOLUTION -

WHEREAS, the applicant requested an extension of the term of the variance; and

WHEREAS, a public hearing was held on this application on May 22, 2001 after due notice by publication in *The City Record*, laid to June 12, 2001, on June 12, 2001, the hearing was closed and decision rendered; and

WHEREAS, the Board finds that the premises has operated in substantial compliance with the conditions of the resolution, which permitted the addition of thirty arcade type games to an existing billiard establishment;

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution pursuant to Z.R. §72-01 and §72-22, said resolution having been adopted on August 4, 1998 expiring on August 4, 2001, so that as amended this portion of the resolution shall read:

"Term of the variance extended; *on condition* that the term shall be limited to ten years, to expire on June 12, 2011; that the amusement arcade shall be limited to thirty units; that the above conditions shall appear on the certificate of occupancy; that the premises shall be maintained in substantial compliance with the existing and proposed conditions plan submitted with the application marked 'Received January 19, 2001'- (2) sheets and that other than herein amended, the above cited resolution shall be complied with in all respect and that a certificate of occupancy shall be obtained within eighteen months of the date of this amended resolution.

(DOB 101587034)

Adopted by the Board of Standards and Appeals, June 12, 2001.

366-32-BZ

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

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

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

COMMUNITY BOARD #4BX

APPEARANCES -

For Applicant: Adam W. Rothkrug.

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

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

554-54-BZ

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

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

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

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Eric Palatnik.

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

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Bonfilio and
Commissioner Caliendo:3
Negative:0

Absent: Commissioner Korbey.....1

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

300-64-BZ

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

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

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

COMMUNITY BOARD #9BX

APPEARANCES - None.

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

93-72-BZ

APPLICANT - Fischbein Badillo Wager Harding, for Sovereign Apartment, owner.

SUBJECT - Application January 8, 2001 - reopening for an amendment of the variance.

PREMISES AFFECTED -405,411 to 449 East 58th Street/ 408, 420 to 438 East 59th Street, 106.6' West of Sutton Place, Block 1370, Lot(s)102,6,7108, 8, 15, 16, 17, 117, 18, 19, 29, 30, 31, 121, 44.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Barbara Hair.

MINUTES

For Administration: 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.

17-91-BZ

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

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

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

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Bonfilio and Commissioner Caliendo:3

Negative:0

Absent: Commissioner Korbey.....1

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

107-95-BZ

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

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

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

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Eric Palatnik.

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

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

243-98-BZ

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

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

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

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Bonfilio and Commissioner Caliendo:3

Negative:0

Absent: Commissioner Korbey.....1

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

290-99-BZ

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

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

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

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Adam W. Rothkrug.

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

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

310-00-A

APPLICANT - Helena Rosenwasser.

OWNER OF PREMISES: Michael Koegel.

SUBJECT - Application December 22, 2000 - an appeal challenging the Department of Buildings' determination dated November 28, 2000, in which the Department refused to revoke the approval and permit for Applic. No. 300936192, regarding side yards at the subject premises, on the basis that it finds no substantial reason(s) at the present time.

PREMISES AFFECTED - 1911 Avenue L, between Ocean Avenue and East 19th Street, Block 6730, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #14BK

MINUTES

APPEARANCES -

For Applicant: Irving E. Minkin.

For Administration: Mona Sehgal, Department of Buildings.

ACTION OF THE BOARD - Appeal denied.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio and Commissioner Caliendo:3

Negative:0

Absent: Commissioner Korbey.....1

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated November 28, 2000 acting on Alt. Applic. No. 300936192 refused to revoke the approval of permits for work at the above premises:

WHEREAS, a public hearing was held on this application on February 27, 2001 after due notice by publication in *The City Record*, laid over to May 22, 2001 and then to June 12, 2001 for decision; and

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

WHEREAS, this is an appeal challenging a decision of the Department of Buildings (DOB), refusing to revoke permits issued pursuant to Alt. Application Number 300936192; and

WHEREAS, the subject premises is improved with a three story detached two family dwelling with cellar located in an R6 residential district which prior to the proposed conversion had been a non-complying building because both side yards did not provide the minimum required width; and

WHEREAS, petitioner's lot at 1909 Avenue L, Block 6730, Lot 9, is adjacent to, and to the west of the premises; and

WHEREAS, on August 15, 1999, the Department of Buildings approved Application No. 300936192, and on November 1, 1999, the Department issued the work permit authorizing conversion of the premises from a two family dwelling with a home occupation medical office to a community facility medical office on the cellar and first floors and a two family dwelling on the second and third floors; and

WHEREAS, the permit also permitted an extension of the second and third floors to the western lot line and rear lot line, the removal of a bay window in the first floor at the eastern side of the premises and two extensions at the rear of the premises; and

WHEREAS, on December 17, 1999, a Post Approval Amendment was filed to provide shoring plans for the north, west, and rear of the premises; and

WHEREAS, from October 29, 1999 through October 16,

2000 the petitioner filed complaints, requesting revocation of the permit based on alleged violations of a private easement agreement as well as provisions of the Administrative Code and the Zoning Resolution; and

WHEREAS, in response to these complaints on December 9, 1999, March 22, 2000 and November 28, 2000, the Department of Buildings responded that the permit was lawfully issued and that the issues raised in the petitioner's complaint did not warrant revocation; and

WHEREAS, on February 7, 2001 a second Post Approval Amendment and plans were filed to reflect attic layout, roof configuration and plumbing changes at the premises; and

WHEREAS, the petitioner contends that the permitted extensions of the second and third floors and the placement of two swinging doors at the premises encroached on her driveway easement and that the Department of Buildings had knowledge of the existence of her private easement because the plot plan on the permit application approved August 21, 1999 labeled a 3' Driveway Easement area within the subject premises and a 5' Driveway Easement area within the petitioner's lot; and

WHEREAS, the evidence indicates that no easement was recorded with the Department of Buildings pertaining to either of the two buildings sharing the driveway; and

WHEREAS, the Department of Buildings did not and does not require an easement for approval of an application, nor is an easement necessary to comply with the Administrative Code, Zoning Resolution, or any other regulatory provision administered by the department; and

WHEREAS, the Department of Buildings asserts and the Board agrees that the Department has no authority to enforce the terms and conditions of the petitioner's private easement, thus, the alleged encroachment does not render the permit unlawful; and

WHEREAS, the rights under a private easement are not within the jurisdiction of the Department of Buildings; and

WHEREAS, the Board notes that the issue of the private easement is pending judicial determination; and

WHEREAS, petitioner contends the subject permit improperly allowed a medical office which is constructed out of wood frame material, classified as combustible construction class II-D; and

WHEREAS, the Board finds that §27-107 of the Administrative Code and New York City Charter §645 (b)(2) provide the Buildings Department Borough Commissioner the discretion to vary the Administrative Code regarding building material and allow a medical facility use in an existing combustible construction Group II-D Structure; and

WHEREAS, §27-301 of the Administrative Code takes into consideration the occupancy of the premises; and

WHEREAS, the record indicates that strict compliance with §27-301 of the Administrative Code would impose a

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practical difficulty to the owner of the subject premises; and

WHEREAS, the Board agrees with the Department of Buildings that the permitted alteration of the subject premises brought the western side yard into compliance with the minimum side yard requirement of Z.R. §24-35(b) which states that no side yards are required of community facility buildings in R-6 districts; and

WHEREAS, the Board disagrees with the petitioner's contention that the alteration is out of compliance with the eastern side yard requirement of Z.R. §24-35(b) because as stated above side yards are not required for community facility buildings in R-6 districts; and

WHEREAS, the Board determines that the issue of the private easement is beyond the jurisdiction of the Department of Buildings and that the Buildings Department reasonably acted within its discretion when issuing the subject permit.

Resolved, that decision of the Borough Commissioner, dated November 28, 2000 acting on Alt. Applic. No. 300936192 is upheld and the appeal is denied.

Adopted by the Board of Standards and Appeals, June 12, 2001.

109-01-A

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

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

PREMISES AFFECTED - 69 Reid Avenue, north side, 343.78' west of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

APPEARANCES - None.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio and Commissioner Caliendo:3

Negative:0

Absent: Commissioner Korbey.....1

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated February 13, 2001, acting on Alteration Application No. 401075812, reads:

"A1 - The site is located partially in the bed of a mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 35 of the General City Law"; and

"A2 - The site and building is not fronting on an official mapped street therefore; no permit or

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

WHEREAS, by the letter dated April 10, 2001, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by the letter dated April 24, 2001, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by the letter dated March 13, 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 Queens Borough Commissioner, dated February 13, 2001, acting on Alteration Application No. 401075812, objections Numbers 1, and 2, is modified under the power vested in the Board by §§35 and 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received February 28, 2001"-(1) sheet; and on further condition that the proposal comply with all applicable R4 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, May 22, 2001.

258-00-A

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

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

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

COMMUNITY BOARD #6M

APPEARANCES - None.

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

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37-01-A thru 41-01-A

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

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

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

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

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

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

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

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Adam Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Bonfilio and Commissioner Caliendo:3

Negative:0

Absent: Commissioner Korbey.....1

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

2-01-A

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

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

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

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Patrick Jones.

For Administration: Felicia Miller, Department of Buildings.

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

129-01-A

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

OWNER OF PREMISES: Park Edge Condominiums, LLC.

SUBJECT - Application March 30, 2001 - an appeal from a determination of the Department of Buildings' dated March 26, 2001, in which the department states that ground floor accessory parking should be exempted in computing permitted floor area for a proposed six-story building.

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

APPEARANCES -

For Applicant: Congressman Anthony Weiner, Assemblyman Brennan, John W. Carroll, John Keele, John Gallagher.

For Opposition: Stuart Klein and Simon Bankoff.

For Administration: Mona Sehgel, Department of Buildings.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Bonfilio and Commissioner Caliendo:3

Negative:0

Absent: Commissioner Korbey.....1

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

131-01-A

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

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

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

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to June 26, 2001, at 11 A.M., for postponed hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 12:10 P.M.

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**REGULAR MEETING
TUESDAY AFTERNOON, JUNE 12, 2001
2:00 P.M.**

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

ZONING CALENDAR

229-00-BZ

CEQR #01-BSA-037K

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

SUBJECT - Application October 12, 2000 - under Z.R. §72-21, to permit the proposed enlargement of a single family dwelling, located in an R5 zoning district, which creates non-compliance with respect to the rear yard requirement, is contrary to Z.R. §23-47.

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

COMMUNITY BOARD #12BK

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio and Commissioner Korbey.....3

Negative: Commissioner Caliendo1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 2, 2000, acting on Alt. Applic. No. 301081040, reads:

“Rear Yard requirement is contrary to sect. ZR 23-47.; and

WHEREAS, Community Board No. 12, Brooklyn recommends approval of this application; and

WHEREAS, a public hearing was held on this application on January 16, 2001 after due notice by publication in *The City Record*, laid over to March 6, 2001, to April 3, 2001, May 22, 2001 and then to June 12, 2001 for decision; and

WHEREAS, the premises and surrounding area had a 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, the proposed enlargement of a single family dwelling (Use Group 2) located in an R5 zoning district, which is contrary to Z.R. §23-47; and

WHEREAS, the record indicates that premises is located in an area that would enable it to qualify for a special permit pursuant to Z.R. §73-622; and

WHEREAS, the Community Board, 12, Brooklyn has been excluded from coverage under Z.R. § 73-622 and

WHEREAS, the record indicates that Z.R. § 23-146 was originally created with a prototype lot width of 30' to 40', which the applicant represents is the typical lot size in the subject block ; and

WHEREAS, the applicant represents that a recent text amendment to the above section permits as- of- right 10' projections into the rear yard; and

WHEREAS, the applicant also suggests that narrow lots, such as the subject lot, were overlooked when the above amendment was created; and

WHEREAS, the subject premises is a semi-detached half of a duplex building that is immediately adjacent to the only zero lot line building on the subject block and is the only building already built to the rear yard line; and

WHEREAS, the applicant represents that all other semi-detached houses on this block can both expand up to the rear yard line and beyond through the provisions of the amended text change; and

WHEREAS, this is the only lot that requires a variance to extend horizontally; and

WHEREAS, the aforementioned unique physical condition, the narrow and shallow lot, makes its occupancy for a conforming R5 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the property is located in an R5 residential zone; and

WHEREAS, within the vicinity of the site there exist other similar residential 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 §72-21 of the Zoning Resolution; 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

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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 objection cited, to permit, the proposed enlargement of a single family dwelling (Use Group 2) located in an R5 zoning district, which is contrary to Z.R. §23-47, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, December 6, 2000"-(6) sheets and "January 9, 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;

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

Adopted by the Board of Standards and Appeals, June 12, 2001.

287-00-BZ
CEQR #01-BSA- 060M

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

SUBJECT - Application November 28, 2000 - under Z.R §72-21, to permit in an M1-5 zoning district, a mixed-use development containing residential uses (Use Group 2), which is contrary to Z.R. §42-00 and which exceeds the number of permitted accessory off-street parking spaces contrary to Z.R. §13-12.

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

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Jesse Masyr.

For Opposition: Doris Diether, Community Board No. 2M.

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 Borough Commissioner, dated November 30, 2000, acting on N.B. Applic. No. 102901905, reads;

1. The proposed 17 story mixed use building containing residential uses in an M1-5 zoning district is not permitted pursuant to Section 42-00 of the Zoning Resolution.
 2. The proposed number of accessory off-street parking spaces exceed the number permitted pursuant to Section 13-12 of the zoning Resolution.
- and

WHEREAS, a public hearing was held on this application on April 3, 2001, after due notice by publication in the Bulletin, laid over to May 1, 2001. On June 12, 2001, the case was reopened to admit further evidence in the record and a decision was rendered; 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 in an M1-5 zoning district, a mixed-use development containing residential uses (Use Group 2), which is contrary to Z.R. §42-00 and which exceeds the number of permitted accessory off-street parking spaces contrary to Z.R. §13-12; and

WHEREAS, the subject site is located on a full block bounded by Washington, Morton, West and Leroy Streets in the West Village of Manhattan measuring approximately 199'9" along Washington Street, 321'6" along Morton Street, 200'5" along West Street, a major arterial highway, and 306' 4" along Leroy Street; and

WHEREAS, the applicant represents that from 1960 until the 1990's the site was used as a trucking and freight storage facility (Use Group 17) and was developed with a one and a two story building on the Leroy Street side and a small one story building in the eastern quadrant of the site and thereafter in 1997, Federal Express leased the open portions of the site for the parking and storage of vehicles; and

WHEREAS, the applicant originally requested a 17, 6, and 5 story building housing a mixture of uses with the 17-story portion on West Street wrapping around Leroy Street, a 6, story low rise portion on the remainder of Leroy Street and Washington Street and a 5-story portion on Morton Street with an increase in accessory parking spaces from 72 to 140; and

WHEREAS, in response to Board and community

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concerns the applicant's proposal was modified by reducing the mid-rise portion of the building to 14 stories and providing an 8' setback from the street line beginning at the eighth story, increasing the Washington Street and Leroy Street frontages to 7 stories and increasing the Morton Street frontage to 6 stories; and

WHEREAS, the site is burdened with subsurface soil conditions, petroleum contaminated soil from underground storage tanks ("USTs") and the construction restrictions imposed by the PATH tubes; and

WHEREAS, applicant represents that the subject lot is burdened by its irregular shape, its history of development, its subsurface soil conditions and its adjacency to the New Jersey Path System train tunnels create an unnecessary hardship in developing the site with conforming manufacturing or commercial uses; and

WHEREAS, the record indicates that the sub-surface soil conditions will require an extensive pile foundation system creating an unnecessary hardship in developing the site with conforming uses; and

WHEREAS, the tunnels of the Path Train system turn and descend at the corner of Morton and West Streets and come within 4' of the site creating additional construction contingencies and expenses; and

WHEREAS, the record indicates that the site's location, bordered on two sides by residential uses, surrounded by three narrow streets with frontage on an arterial highway, and the site's development as a largely under developed full block constitute unique characteristics and conditions creating an unnecessary hardship and a practical difficulty in developing the site with a conforming use or complying development; and

WHEREAS, evidence in the record, including detailed feasibility analyses characterized by comparables, cost break down and cost estimates demonstrates that a conforming and complying development would not yield a reasonable return; and

WHEREAS, those opposed to the project contend that residential uses are inappropriate for the subject site and will adversely affect the character of the neighborhood which they describe as predominantly developed with manufacturing uses and out of context with the neighborhood; and

WHEREAS, the applicant represents that the proposed mixed-use development is consistent with the existing character of the neighborhood which is characterized by a mixture of commercial manufacturing and residential, including two adjacent residential uses; and

WHEREAS, in order to minimize massing on West Street, the applicant has modified the proposed design to shorten the mid-rise portion of the building and to include an 8' setback beginning at the 8th floor; and

WHEREAS, the record and numerous site inspections

indicate that an increase in the number of parking spaces and the proposed mixed use development with a combination of studios, one, two and three bedroom apartments, town house style units, loft like units, combined with the retail and restaurant component is compatible with this mixed- use neighborhood; and

WHEREAS, the Board finds that use of the site for housing is compatible with other uses in the immediate area because it is located on the edge of the M1-5 district and is adjacent to existing residential uses; and

WHEREAS, the Board finds that the contentions that the proposal will cast undue shadows, worsen existing sewage problems, cause displacement and adversely impact the neighborhood are not supported by the evidence in the record; and

WHEREAS, the Board notes that an increase in the number of permitted parking spaces will have a beneficial affect on the surrounding neighborhood and the viability of the development; and

WHEREAS, the Board finds that the location of the accessory parking garage underneath the proposed interior courtyard is necessary as a result of the aforementioned sub-soil conditions and high water table; and

WHEREAS, therefore, the Board finds that this proposal, as modified, will not alter the essential character of the surrounding neighborhood or 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, as modified, is the minimum necessary to afford the owner relief; and

WHEREAS, the Board finds that the proposed action is consistent with the requirements of the City's Local Waterfront Revitalization Program; and

WHEREAS, the Board has determined that the evidence in the record supports the findings 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 including noise, open space, historic and archaeological resources, traffic and parking, air quality, solid waste and hazardous materials and socioeconomic issues; and

WHEREAS, in response to concerns over the sewage in the area, after consultation with the Department of Environmental Protection, the Board determines that the proposed action will not result in any significant adverse sewage impacts; and

WHEREAS, therefore, the Board has determined that the proposed action, as modified, will not result in any significant environmental effects; and

WHEREAS, the evidence demonstrates no foreseeable

MINUTES

significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, the community has expressed concerns about gentrification and displacement in the neighborhood; and

WHEREAS, the evidence in the record demonstrates no foreseeable significant socioeconomic impacts as demonstrated in the Supplementary Socioeconomic Analysis” dated April 23, 2001; and

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review. The Board also makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-5 zoning district, a mixed-use development containing residential uses (Use Group 2), which is contrary to Z.R. §42-00 and which exceeds the number of permitted accessory off-street parking spaces contrary to Z.R. §13-12; *on condition* that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received June 5, 2001"-(15) sheets; and on further condition;

THAT if there is excavation beyond that required to construct the site improvements as set forth in the BSA-approved plans, that the applicant (or if the applicant no longer owns the premises) its successors and assigns shall be required to contact the BSA with respect to such future plans, and the BSA in turn, shall consult with the NYC Department of Environmental Protection to determine if any specific health and safety requirements shall be imposed on those future excavation activities;

THAT as set forth in the BSA approved plans the development will provide a minimum exterior window/wall sound attenuation of 30dBA.

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

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

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

Adopted by the Board of Standards and Appeals June 12, 2001.

288-00-BZ

CEQR #01-BSA-061X

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

SUBJECT - Application November 29, 2000 - under Z.R. §72-21, to permit proposed erection of a two family dwelling, Use Group 2, located in an R3-1 zoning district, which creates non-compliance with respect to floor area, front yards, lot area, coverage & width, is contrary to Z.R. §23-141, §23-46 & §23-32.

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

COMMUNITY BOARD #10BX

APPEARANCES -

For Applicant: Nelly Bravo.

ACTION OF THE BOARD - 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 November 9, 2000, acting on Application No. 200639087 reads, in pertinent part:

- “1. Proposed construction of a 2 story - 2 family dwelling located in a R3-1 zone exceeds the max. permitted F.A.R. and lot coverage and therefore is contrary to sect. 23-141
2. Proposed 2 story - 2 family dwelling is proposed to be located in an existing lot which does not meet the minimum required lot area and lot width and therefore is contrary to sect. 23-32.
3. Proposed 2 story - 2 family dwelling does not provide one of the required front yards for a corner lot and therefore is contrary to sect. 23-46.”;

and

WHEREAS, a public hearing was held on this application on March 27, 2001 after due notice by publication in the *The City Record* and laid over to April 17, 2001, for decision. On April 17, 2001 the hearing was reopened for clarification and further testimony then laid over to May 1, 2001 and then to June 12, 2001 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed erection of a two family dwelling, Use Group 2, located in an R3-1 zoning district, which creates non-compliance with respect to floor area, front yards, lot area, coverage and width, therefore contrary to Z.R. §23-141, §23-46 and §23-32; and

WHEREAS, the subject site is a corner lot measuring 25' by approximately 109'; and

WHEREAS, the subject premises is currently vacant and unimproved; and

WHEREAS, being on a corner, the Zoning Resolution requires that two front yards, one facing Bayshore Ave. and the second facing Griswold Ave. be provided; and

WHEREAS, the minimum dimensions for these yards in an R3-1 zoning district are 15' and 10'; and

WHEREAS, the applicant represents that given the above requirements, and the required minimum side yards of 8' and 5', the depth of a complying residential structure would be limited to 10'; and

WHEREAS, the applicant further represents that this narrow lot size, given its location on a corner, which prevents the construction of a reasonable dwelling presents a unique physical condition; and

WHEREAS, the record indicates that the subject premises is burdened by poor soil characteristics requiring construction on piles which would need to be driven approximately 35' to 40' to obtain proper bearing capacity; and

WHEREAS, the aforementioned unique physical condition of the zoning lot, creates a practical difficulty with strict compliance with the bulk provisions of the Zoning Resolution; and

WHEREAS, the Board finds that the applicant need not address the requirements of Z.R. §72-21(b) since the applicant seeks a bulk variance for a two- family dwelling; and

WHEREAS, therefore, the Board also determines that this development would not alter the essential character of the neighborhood since the bulk variation would allow a residential dwelling consistent in size and type with what now exists in the surrounding area; and

WHEREAS, the practical difficulty associated with a complying use of the zoning lot was not caused by the

owner or a predecessor in title, but is inherent in the site; and

WHEREAS, the hardship results from the strict application of the Zoning Resolution which prevents the construction of a reasonable dwelling at the subject location; and

WHEREAS, the removal of a complying front yard, increase in floor area and lot coverage, represents the minimum necessary to permit the owner to develop his property with a residential dwelling of reasonable proportions.

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 objection cited, to permit under Z.R. §72-21, to permit proposed erection of a two family dwelling, Use Group 2, located in an R3-1 zoning district, which creates non-compliance with respect to floor area, front yards, lot area, coverage and width, and is therefore contrary to Z.R. §23-141, §23-46 and §23-32; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 6, 2001"-(6) sheets; 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; and

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

Adopted by the Board of Standards and Appeals, June 12, 2001.

299-00-BZ

CEQR #01-BSA-071Q

APPLICANT - Law Office of Carole S. Slater, for Congregation Machzekei Hadath, owner.

SUBJECT - Application December 14, 2000 - under Z.R. §72-21, to permit in an R4 zoning district, the proposed enlargement of an existing Rabbi's residence/Rectory which exceeds the permitted F.A.R., lot coverage, and increases the degree of non-compliance with respect to front and side yards, contrary to Z.R. §§24-11, 24-34 and 24-35.

PREMISES AFFECTED - 144-53 75th Avenue, northwest corner of 147th Street, Block 6663, Lot 32, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

MINUTES

For Applicant: Stuart Beckerman.

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 November 21, 2000 reads:

1. Proposed enlargement of Use Group 4 rectory exceeds permitted floor area ratio and lot coverage, and increases the degree of non-compliance in front and side yards, contrary to Sections 24-11, 24-34 and 24-35, and requires variance from the Board of Standards and Appeals .”;

and

WHEREAS, Community Board #8 Queens, recommends approval of this application; and

WHEREAS, a public hearing was held on this application on April 17, 2001 after due notice by publication in The City Record and laid over to May 22, 2001 and then to June 12, 2001 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R4 zoning district, the proposed enlargement of an existing Rabbi’s residence/Rectory which exceeds the permitted F.A.R., lot coverage, and increases the degree of non-compliance with respect to front and side yards, contrary to Z.R. §§24-11, 24-34 and 24-35; and

WHEREAS, the subject community facility consists of a residence for the synagogue’s rabbi, a library, rooms to provide counseling; and

WHEREAS, pursuant to the Zoning Resolution a Use Group 4 rectory is the building where the spiritual leader of the congregation is housed; and

WHEREAS, the applicant represents that the library and counseling uses are accessory to the rectory and to the Synagogue; and

WHEREAS, the Synagogue founded in 1950 purchased and converted a single family dwelling located at 147-30 73rd Avenue into its main sanctuary; and

WHEREAS, since 1980, the first and second floors have been used as the residence of the rabbi, wife and his eight children; and

WHEREAS, the applicant represents that the rabbi’s eight children share two of the three bedrooms; and

WHEREAS, the Synagogue currently has a membership of approximately 100 families; and

WHEREAS, the subject premises contain an existing two-story semi-detached building with a total floor area of 1,606 square feet; and

WHEREAS, the existing library is located in the cellar and houses approximately 10,000 volumes of books as well as office equipment; and

WHEREAS, the record indicates that the proposed enlargement would add a third story to the existing building and increase the building’s total floor area to 4, 200 square feet; and

WHEREAS, the instant proposal will increase the number of bedrooms from three to five; and

WHEREAS, the proposal will also relocate the Synagogue’s library from its current space in the cellar to a large space on the third floor; and

WHEREAS, the applicant notes that the proposed F.A.R. of 2.1 would only exceed the maximum permitted F.A.R. by five percent; and

WHEREAS, the proposed lot coverage of 70% would exceed the maximum permitted lot coverage by 16%; and

WHEREAS, the existing non-compliance arising from the lack of a side yard along the west lot line would be increased by the proposed vertical and horizontal enlargement; and

WHEREAS, further, the existing non-compliance arising from the lack of a front yard along 147th Street would be increased by the proposed vertical and horizontal enlargement; and

WHEREAS, the record indicates that the premises is burdened by its narrow width, small size and its location as a corner lot; and

WHEREAS, the aforementioned conditions create a practical difficulty in meeting the Synagogue’s programmatic needs within a complying building; and

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

WHEREAS, the record indicates that instant proposal complies with the height and sky exposure plane regulations; and

WHEREAS, the applicant notes that the proposed use is conforming and the bulk enlargements are minimal; and

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

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

WHEREAS, the Board finds that the variance is the

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minimum variance necessary to afford relief; and

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R4 zoning district, the proposed enlargement of an existing Rabbi's residence/Rectory which exceeds the permitted F.A.R., lot coverage, and increases the degree of non-compliance with respect to front and side yards, contrary to Z.R. §§24-11, 24-34 and 24-35 on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 20, 2001"-(5) sheets and "April 4, 2001"-(1) sheet; and on further condition;

THAT the community facility use shall be limited to a Use Group 4, rectory;

THAT an automatic sprinkler system connected to the domestic water supply be provided in the cellar and third floor in accordance with BSA approved plans;

THAT hard-wired smoke detectors be provided, in accordance with BSA approved plans;

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

Adopted by the Board of Standards and Appeals, June 12, 2001.

9-01-BZ

CEQR #01-BSA-087R

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

SUBJECT - Application January 11, 2001 - under Z.R. § 72-21, to permit the proposed construction of a two family detached residence (Use Group 2) located in an R4 zoning

district, which is contrary to Z.R. §23-45.

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

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Marcus Marino.

For Administration: Battalion Chief 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 January 5, 2001, acting on Alt. Applic. No. 500463768, reads:

"THE PROPOSED NEW BUILDING IN AN R-4 ZONING DISTRICT TO BE OCCUPIED AS A TWO FAMILY DETACHED RESIDENCE, USE GROUP 2, DOES NOT HAVE THE MINIMUM REQUIRED FRONT YARD ON CRITTEDEN PLACE AND IS CONTRARY TO SECTION 23-45 OF THE ZONING RESOLUTION. THEREFORE THIS IS REFERRED BACK TO THE BOARD OF STANDARDS AND APPEALS."; and

WHEREAS, a public hearing was held on this application on May 1, 2001 after due notice by publication in *The City Record*, laid over to May 22, 2001, and then to June 12, 2001 for decision; and

WHEREAS, the premises and surrounding area had a 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, the proposed construction of a two family detached residence (Use Group 2) located in an R4 zoning district, which is contrary to Z.R. §23-45; and

WHEREAS, the applicant represents that the site is a narrow and shallow corner lot, measuring 100' wide by 25' deep with 100' of frontage on Crittenden Place and 25' on Charles Avenue; and

WHEREAS, pursuant to Z.R. § 23-461 an 18' front yard is required on Charles Avenue, a 10' front yard is required on Crittenden Place and a 5' side yard is required along the side lot lines; and

WHEREAS, the record indicates that if a 10' front yard setback is measured along Crittenden Place and a 5' side yard is taken along the adjoining property line, the maximum interior depth of any constructed residential building would

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be 9'2" ; and

WHEREAS, the applicant represents that a 10' wide building cannot be properly braced against wind forces using customary building techniques; and

WHEREAS, the applicant also suggests that a building with a depth of only 9'2" cannot be built or marketed because owners and tenants would not be able to physically fit their furniture; and

WHEREAS, therefore, the proposal is seeking a reduction in the required front yard along Crittenden Place from 10' to 5' with a depth of 15'; and

WHEREAS, the aforementioned unique physical condition, the narrow and shallow corner lot, makes its occupancy for a conforming R4 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the property is located in an R4 residential zone; and

WHEREAS, within the vicinity of the site there exist other similar residential 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 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 objection cited, to permit, the proposed construction of a two family detached residence (Use Group 2) located in an R4 zoning district, which is contrary to Z.R. §23-45, 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 11, 2001"-(3) sheets; 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;

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

Adopted by the Board of Standards and Appeals, June 12, 2001.

119-01-BZ

CEQR #01-BSA-118K

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

SUBJECT - Application March 13, 2001 - under Z.R. §11-411, to permit the reestablishment of an expired variance which permitted automotive repairs (light type), in a C4-2 zoning district previously granted under Calendar Number 86-56-BZ.

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

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Mitchell Ross and Adam Rothkrug.

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 February 22, 2001 acting on ALT. Application No. 68/56 reads:

For B.S.A. only

"1. EXTENSION OF TERM OF VARIANCE GRANTED FOR AUTO REPAIR (LIGHT TYPE) IN C4-2 DISTRICT PREVIOUSLY GRANTED UNDER CAL #86/56 BZ-ON JULY 20, 1986 WHICH EXPIRED JULY 20, 1991 REQUIRES APPROVAL BY THE BOARD OF STANDARDS AND APPEALS.";

and

WHEREAS, a public hearing was held on this application on May 22, 2001 after due notice by publication in the *City Record*, and laid over to June 12, 2001 for decision; and

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

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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. §11-411, to permit the re-establishment of an expired variance which permitted automotive repairs (light type), in a C4-2 zoning district previously granted under Calendar Number 86-56-BZ; and

WHEREAS, in 1956, under Calendar Number 86-56- BZ, the Board permitted the use of automobile repairs (Use Group 16) in a commercial district for a term of ten years; and

WHEREAS, the applicant represents that the premises has been in continuous operation as an automobile repair facility since the 1956 grant; and

WHEREAS, the most recent term of the grant expired on July 20, 1991; and

WHEREAS, evidence in the record indicates that the automobile repair use has continued since the last Board approval; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §11-411; 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. §11-411 and *grants* a variation in the application of the Zoning Resolution, limited to the objection cited, for a special permit under Z.R. §11-411, on a site previously before the Board, to permit the re-establishment of an expired variance which permitted automotive repairs (light type), in a C4-2 zoning district previously granted under Calendar Number 86-56-BZ, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received June 4, 2001"-(3) sheets; and on further condition;

THAT the term of the variance shall be limited to ten years expiring on June 12, 2011;

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

THAT the development, as approved, is subject to

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

THAT a new certificate of occupancy be obtained within one year of the date of this resolution.

Adopted by the Board of Standards and Appeals, June 12, 2001.

186-99-BZ

APPLICANT - Peter F. Chang, for Razmik Oganessian, owner.
SUBJECT - Application September 2, 1999 - under Z.R. §11-41 to permit the proposed automotive repair shop (Use Group 16), contrary to Cal. No. 189-50-BZ, which permitted an automotive service station in a C2-2 zoning district.

PREMISES AFFECTED - 74-24 Rockaway Blvd., south side, 81.39 feet west of 91st Avenue, Block 8943, Lot 10, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Vincent A. Sireci.

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 26, 2001, at 2 P.M., for decision, hearing closed.

37-00-BZ

APPLICANT - Leo Weinberger, Esq., for Pappco Holding Co., Ltd., owner; Harbans Singh Dhillon, lessee.

SUBJECT - Application February 28, 2000 - under Z.R. §§11-411 and 11-412, to permit the reestablishment of an expired variance previously granted under Cal. #613-56-BZ, which permitted an automotive service station Use Group 16 in a C2-2 within an R3-2 zoning district.

PREMISES AFFECTED - 111-05/18 Van Wyck Expressway and 111-05/11 Lincoln Street, southwest corner, southwest corner, Block 11639, Lot 12, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Leo Weinberger.

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

ACTION OF THE BOARD - Laid over to July 17, 2001,

MINUTES

at 2 P.M., for continued hearing.

97-00-BZ

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

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

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

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Eric Palatnik, Kevin Jennings, Chris Targalia, Daniel P. Lame, Ken Barnes and Vince Ferrandino.

For Opposition: Pauline Gold, Eli Sitt, David Sitt, Eddie Sitt, Nathan Kaireg, Saul Shrem, Jack Hanon, Ezra Levy, Itschak Sebbag, Saul Levy, Sol Wahba, Rabbi H. Benoliel, Louis Husney, Selure Dushey, Enol Dusi, Alert Duoi, Jimmy Sitt and Ezra Askarinam.

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.

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, Sheldon Lobel, Hee Sik Park and Nam-Soo Kim.

For Opposition: 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 26, 2001, at 2 P.M., for decision, hearing closed.

268-00-BZ

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

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

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

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Adam W. Rothkrug, George Smith and Lillian Smith.

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 continued hearing.

298-00-BZ

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

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

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

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Sheldon Lobel, Lyra Altman, Charles Kimmel, Jason Kimmel, Bill Hamilton, Anthony Moralishvili and Marc Esrig.

For Opposition: Doris Diether, Community Board No. 2M; Ellen Peterson-Lewis, Sean Sweeney, Andreas Kaubisch,

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Audrey Code, Robert Colby, Eileen Hecht, Juan Gomez-Suiroz, George Enninga, Mon Levinson, Lynton Wells, Yasulvao Tone, Chie Tone, Jimmy Fong, Warren Sherwood and Vernita Nemeec.

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 continued hearing.

10-01-BZ

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

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

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

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik.

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 July 10, 2001, at 2 P.M., for decision, hearing closed.

25-01-BZ

APPLICANT - David Vandor, for DOROT Inc., owner.

SUBJECT - Application January 23, 2001 - under Z.R. §72-21, to permit the proposed expansion of the sixth floor of an existing six story community facility (Use Group 4) also an expansion of the elevator service within the facility, which creates non-compliance with respect to height limitations for narrow buildings and enlargement, as well as permitted obstructions, which is contrary to Z.R. §33-492 and §23-692.

PREMISES AFFECTED - 171 West 85th Street, north side, 49' east of Amsterdam Avenue, Block 1216, Lot 3, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: David Vandor.

For Opposition: 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 26, 2001, at 2 P.M., for decision, hearing closed.

42-01-BZ

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

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

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

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

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 2 P.M., for decision, hearing closed.

53-01-BZ

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

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

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

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Christopher Lynn.

For Opposition: Eric Palatnik

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Bonfilio,

MINUTES

Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

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

Pasquale Pacifico, Executive Director.

Adjourned: 4:35 P.M.

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