
BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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August 23, 2001

DIRECTORY

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MITCHELL KORBEY

PETER CALIENDO

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New Case Filed Up to August 14, 2001

251-01-A B.Q. 37 Market Street, intersection of Beach 202nd street and Rockaway-Breezy Boulevard, Block 16350, Part of Lot 300, Borough of Queens. Alt. 1#401273162. Proposed first story enlargement, and the addition of a second story 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.

252-01-BZ B.BX. 2382/88 Creston Avenue, between East 184th and 188th Streets, Block 3165, Lot 7, Borough of The Bronx. Applic.#200434093. The legalization of an existing public parking lot, Use Group 8C, located in an R-8(partially within a C4-4C zoning district), is contrary to Z.R. §22-00.
COMMUNITY BOARD #5BX

253-01-BZ B.M. 848 Washington Street, west side, between Little West 12th and West 13th Streets, Block 645, Lots 9 and 11, Borough of Manhattan. Applic.#102514030. Proposed residential use (34 units) Use Group 2, to be located in a 13 story mixed use building , also the use of additional accessory parking, in an M1-5 zoning district, is contrary to Z .R. §§42-00 and 13-12.
COMMUNITY BOARD #2M.

254-01-BZ B.Q. 26-06 213th Street, aka 212-24 26th Avenue, southwest corner, Block 5999, Lot 23, Borough of Queens. N.B.#401224000. Proposed construction of a synagogue, Use Group 4, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, penetrates the required sky exposure plane, and fails to provide the required front and side yards, is contrary to Z.R.§24-11, §24-521, §24-34 and §24-35.
COMMUNITY BOARD #11Q

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

SEPTEMBER 25, 2001, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, September 25, 2001, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

53-91-BZ

APPLICANT -Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-27/27A Steinway Street, Westside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 64, Borough of Queens.

COMMUNITY BOARD #1Q

174-92-BZ

APPLICANT -Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-29/29A Steinway Street, eastside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 63g, Borough of Queens.

COMMUNITY BOARD #1Q

175-92-BZ

APPLICANT -Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-31/31A Steinway Street, Wastside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 62, Borough of Queens.

COMMUNITY BOARD #1Q

176-92-BZ

APPLICANT -Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-33/33A Steinway Street, Eastside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 60, Borough of Queens.

COMMUNITY BOARD #1Q

177-92-BZ

APPLICANT -Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-35/35A Steinway Street, Eastside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 52, Borough of Queens.

COMMUNITY BOARD #1Q

173-93-BZ

APPLICANT - Sheldon Lobel, P.C. for YMCA of Greater NY/Long Island City., owner

SUBJECT - Application June 19, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 32-23 Queens Boulevard, northeast corner of intersection at Queens Boulevard, Block 224, Lots 24(9,13,24), Borough of Queens.

COMMUNITY BOARD # 2Q

191-00-BZ

APPLICANT - Fischbein Badillo Wagner Harding for NYC Industrial Development Agency, owner; 184 Kent Avenue Associates, lessee.

SUBJECT - Application June 25, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 184 Kent Avenue, northwest corner of intersection of N. 3rd Street and Kent Avenue, Block 2348, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

CALENDAR

SEPTEMBER 25, 2001, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, September 25, 2001, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

220-01-A

APPLICANT - Glen V. Cutrona, AIA, for Thomas A. Maira, owner.

SUBJECT - Application June 20, 2001 - proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 10 Everton Avenue, northwest side of Woodrow Road, 52.57' southwest of the corner formed by the intersection of Everton Avenue and Woodrow Road, Block 6045, Lot 4, Borough of Staten Island.

222-01-A

APPLICANT - Sheldon Lobel, P.C., for Forest Hills NY CVS, LLC, Long-term, lessee.

SUBJECT - Application June 25, 2001 - proposed building to be erected within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 101-110 Metropolitan Avenue, between 71st Avenue and 70th Drive, Block 3896, Lots 33 and 42, Borough of Queens.

247-01-A

APPLICANT - Joseph A. Sherry for Breezy Point Cooperative, Inc., owner; William D. Sciarba, lessee.

SUBJECT - Application August 7, 2001 - proposed enlargement to 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 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 195 Reid Avenue, east side, 45.51' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

251-01-A

APPLICANT - Gary Lenhart, R.A., for Breezy Point Cooperative Inc., owner; Tracey and Kevin Keane, lessees. SUBJECT - Application August 10, 2001 - proposed first story enlargement and the addition of a second story to an existing one family dwelling, not fronting on a legally mapped street and located within the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 37 Market Street, intersection of Beach 202nd Street and Rockaway-Breezy Boulevard, Block 16350, Part of Lot 300, Borough of Queens.

SEPTEMBER 25, 2001, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, September 25, 2001, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

217-00-BZ

APPLICANT - Anthony M. Salvati/Mario Pesa, for Double B Realty c/o Lab Plumbing, owner.

SUBJECT - Application September 13, 2000 - under Z.R. §72-21 to permit the proposed construction of four additional stories to the rear of a two story residential structure, located in an R8 zoning district, (Special Clinton District), which exceeds the allowable F.A.R. and is contrary to Z.R. §96-101.

PREMISES AFFECTED - 530 West 50th Street, south side, 375' west of 10th Avenue, Block 1078, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #4M

36-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Antonio Nino Vendome and Paul Raquel, LLC (OWNERS), owner.

SUBJECT - Application February 5, 2001 - under Z.R. §72-21, to permit the proposed construction of a twenty-six story,

CALENDAR

mixed-use residential structure, containing a community facility in an M2-4 zoning district which is contrary to Z.R. §42-00.

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

COMMUNITY BOARD #2M

122-01-BZ

APPLICANT - Rothkrug and Rothkrug, for Kateri Residence Inc., owner.

SUBJECT - Application March 20, 2001 - under Z.R. §72-21, to permit the proposed construction of a rooftop enlargement to an existing 520-bed nursing home facility (Use Group3) located in R10A and R8 zoning districts, which does not comply with the zoning requirements for F.A.R., rear yard and the required loading berth, and is contrary to Z.R. §24-11, §24-36, §25-70 and §54-31.

PREMISES AFFECTED - 150 Riverside Drive a/k/a 355 West 87th Street, northeast corner, Block 1249, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #7M

134-01-BZ

APPLICANT - Mark A. Levine, for 139 East 57th Street, LLC, owner; LiftGym, lessee.

SUBJECT - Application April 6, 2001 - under Z.R. §73-03 and §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the fifth through seventh, and ninth floors of an existing commercial and retail building, located in a C5-2 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 139 East 57th Street, northeast corner of Lexington Avenue, Block 1312, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #6M

209-01-BZ thru 214-01-BZ

APPLICANT - Agusta & Ross for Middleton Estates, LLC, owner.

SUBJECT - Application June 12, 2001 - under Z.R. §72-21, to permit the proposed construction of a six story multiple dwelling (Use Group 2) located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 146/48 Middleton Street, south side, 158' west of Harrison Avenue, Block 2241, Lot 28,

Borough of Brooklyn.

150/52 Middleton Street, south side, 116' west of Harrison Avenue, Block 2241, Lot 28 (Tentative Lot 30), Borough of Brooklyn.

154 Middleton Street, south side 95' west of Harrison Avenue, Block 2241, Lot 28 (Tentative Lot 31), Borough of Brooklyn

119/21 Lorimer Street, north side, 20'-1" west of Union Avenue, Block 2241, Lot 28 (Tentative Lot 41), Borough of Brooklyn.

115/17 Lorimer Street, north side, 62'-1" west of Union Avenue, Block 2241, Lot 28 (Tentative Lot 43), Borough of Brooklyn

113 Lorimer Street, north side, 104'-1" west of Union Avenue Block 2241, Lot 28 (Tentative Lot 44), Borough of Brooklyn.

COMMUNITY BOARD #1BK

237-01-BZ

APPLICANT - Friedman and Gotbaum, LLP by Shelly S. Friedman, Esq., for The Spence School, owner.

SUBJECT - Application July 17, 2001 - under Z.R. §72-21, to permit the proposed addition to an existing fifth floor, in a five story community facility (school), Use Group 3, located in an R8B and C1-5/R10 zoning district, which will increase the extent of non-compliance with respect to the rear yard requirement, in the R8B portion of the yard, and is contrary to Z.R. §24-36.

PREMISES AFFECTED - 56 East 93rd Street, south side, between Madison and Park Avenue, Block 1504, Lot 47, Borough of Manhattan.

COMMUNITY BOARD #8M

Pasquale Pacifico, Executive Director

OCTOBER 2, 2001, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, October 2, 2001, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

123-01-A

APPLICANT - The Agusta Group, for Russell S. Fridman, 540 West 50th Street, LLC, owner; Charalamavos Ballis,

CALENDAR

lessee.

SUBJECT - Application March 21, 2001 - an appeal for an interpretation of Z.R. §52-332 as it relates to a change of use from an electrical contractor's establishment (Use Group 16) to an automobile repair (Use Groups 16 and 17) public garage (Use Group 8) with accessory offices and the parking of vehicles awaiting repairs.

PREMISES AFFECTED - 540/2 West 50th Street, south side, between 10th and 11th Avenues, Borough of Manhattan.

248-01-A

APPLICANT - Joseph A. Sherry for Breezy Point Cooperative Inc., owner; Mary Leonard, lessee.

SUBJECT - Application August 7, 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 - 112 Beach 221st Street, west side, 200' south of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

OCTOBER 2, 2001, 2:00 P.M.

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

ZONING CALENDAR

203-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco Corp., owner.

SUBJECT - Application June 5, 2001 - under Z.R. §73-211, to permit the 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, which requires a special permit as per Z.R.32-31.

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

COMMUNITY BOARD #8BX

204-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco Corp., owner.

SUBJECT - Application June 5, 2001 - under Z.R. §73-211, to permit the 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, rearrangement of the existing pump islands, relandscaping of the premises and alteration of the signage, in a C2-2 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 73-15 Parsons Boulevard, between 73rd and 75th Avenues, Block 6822, Lot 20, Borough of Queens.

COMMUNITY BOARD #8Q

218-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for Misrad Associates, LP, owner; Yeshiva Ohavei Torah, lessee.

SUBJECT - Application June 25, 2001 - under Z.R. §72-21, to permit the proposed vertical addition of a second story, to an existing one story school building (Yeshiva), Use Group 3, located in an R1-2 within an NA-2 zoning district, which creates non-compliance with respect to F.A.R., height, perimeter wall, sky exposure plane, front yard and parking, and is contrary to Z.R. §24-111, §24-521, §24-34 and §25-31.

PREMISES AFFECTED - 450 West 250th Street, south east corner of Henry Hudson Parkway, Block 5824, Lot 2470, Borough The Bronx.

COMMUNITY BOARD #8BX

223-01-BZ

APPLICANT - Marvin B. Mitzner, Esq., for Fischbein Badillo Wagner Harding for Lower East Side Service Center, Inc., owner.

SUBJECT - Application June 25, 2001 - under Z.R. §72-21, to permit the proposed construction of an 8-story community facility building, which will connect on seven levels to an existing 7-story building, which does not comply with zoning requirements for F.A.R. and height of the front wall setback, and is contrary to Z.R. §33-123 and §33-432.

PREMISES AFFECTED - 33 Division Street a/k/a 46 East Broadway, between Market and Catherine Streets, Block 281, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #3M

MINUTES

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, AUGUST 14, 2001
10:00 A.M.**

Present: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, July 24, 2001, were approved as printed in the Bulletin of August 3, 2001, Volume 86, No. 31.

SPECIAL ORDER CALENDAR

939-65-BZ

APPLICANT - Law Offices of Howard Goldman, for Jus Sara Jac Corp, LLC., owner, Waterview Nursing Care Center., lessee

SUBJECT - Application June 19, 2001- reopening for a re-argument in accordance with §1-10 of the BSA Rules of Practice and Procedures.

PREMISES AFFECTED- 119-15 27th Avenue, Bounded by 27th Avenue, 119th Street and 26th Avenue, Block 4291, Lot 20, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Chris Wright.

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

ACTION OF THE BOARD - Application reopened for a rehearing.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a re-opening for a re-hearing; and

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

WHEREAS, a public hearing was held on this application on August 7, 2001 after due notice by publication in The City Record, laid over to August 14, 2001 for decision; and

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

WHEREAS, this is an application for a re-argument under §1-10 of the Board of Standards and Appeals Rules of Practice and Procedure, to permit, in an R4 Zoning District the proposed modernization of an existing community facility; and

WHEREAS, the premises is a 200 bed proprietary residential health care facility located at 119-15 27th Avenue in the College Point section of Queens, located on the western portion of the block bounded by Flushing Bay and 119th Street, 27th Avenue, 26th Avenue and College Point Boulevard; and

WHEREAS, the record indicates that a prior application was denied after a change to the City Map made the prior application unnecessary; and

WHEREAS, the existing complex includes a three-story wing that covers almost the entire portion of the lot, fronting on 27th Avenue and is connected to two northern one-story wings located along 26th Avenue; and

WHEREAS, the applicant notes that the southern wing was the subject of the prior application and that the northern wing will be the subject of the proposed application; and

WHEREAS, therefore, the Board determines that the prior denial and the proposed application are distinguishable because they concern different portions of the property; and

WHEREAS, the Board finds that the applicant has submitted substantial new evidence that was not available at the time of the initial hearing demonstrating a material change in circumstance.

Resolved, that the Board of Standards and Appeals hereby reopens the record and grants the owner's application for a rehearing to permit the restoration of a new application to the zoning calendar.

Adopted by the Board of Standards and Appeals, August 14, 2001.

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, 7, 108, 8, 15, 16, 17, 117, 18, 19, 29, 30, 31, 121, 44, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Howard B. Hornstein.

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

ACTION OF THE BOARD - Application reopened and

MINUTES

resolution amended.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested an amendment of the prior variance; and

WHEREAS, a public hearing was held on this application on March 27, 2001 after due notice by publication in The City Record, laid to April 24, 2001, May 22, 2001, June 12, 2001, July 24, 2001, and then to August 14, 2001 for decision, on August 14, 2001, the hearing was reopened, closed, and a decision rendered; and

WHEREAS, on April 11, 1972 the Board permitted the construction of a 47-story mixed building on the condition that the developer create and maintain a patch of 5,000 square feet in area along the 59th Street frontage; and

WHEREAS, the subject site is a combination of multiple tax lots with three distinct areas with frontage along East 58th and 59th Streets, between First Avenue and Sutton Place; and

WHEREAS, along 59th Street there is an unimproved 50'x100' portion of the site which contains a grass area, other landscaping and some bench seating, located approximately 100' west of the main portion of the site separated by two unrelated, mixed-use buildings, it is this unimproved portion that is the subject of this application; and

WHEREAS, the applicant seeks to legalize the installation of a fence that has stood on the property since it was originally developed in 1972, along a portion of the 59th Street frontage; and

WHEREAS, the proposed amendment will not alter any of the structures or uses on the zoning lot; and

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 April 11, 1972, so that as amended this portion of the resolution shall read:

“to permit the replacement of the existing fence with a new wrought iron type fence along the 59th Street frontage on condition:

THAT the gates remain open from both the East 58th Street and East 59th Street sides, during the hours specified below;

THAT in accordance with BSA approved plans a public notice plaque shall be placed at each entrance informing the public of the hours of access to the “open space”;

THAT the public shall have access to the “open space” from 7:00 a.m. to 8:30 p.m. from May 1st to September 30th and from 7:00 a.m. to 7:00 p.m. from October 1st to April 30th;

THAT the public shall have access to the “open space” during the above hours except when the premises is closed for construction and maintenance;

THAT the new entrance on East 59th Street will be wheelchair accessible;

THAT benches accommodating seating for 16 people and two litter receptacles be provided and maintained in accordance with BSA approved plans;

THAT the posted public notice plaques shall contain the following language:

“This space is open to the public from 7 a.m. to 8:30 p.m. from May 1 to September 30 and from 7 a.m. to 7 p.m. from October 1, to April 30. No pets permitted. This space is owned and operated by the Sovereign Apartments, Inc., 425 East 58th Street, New York, N.Y. 10022. Complaints regarding this space may be addressed to the Executive Director of the Board of Standards and Appeals.”

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

THAT a photograph as evidence of completion of the work be submitted to the Board on or before December 31, 2001, and on further condition

THAT the premises be maintain in substantial compliance with the with existing conditions plans submitted with the application, marked “Received, August 7, 2001”- (1) sheet;” (DOB# 102930214)

Adopted by the Board of Standards and Appeals, August 14, 2001.

613-74-BZ

APPLICANT -Pillsbury Winthrop LLP, for Verizon New York Inc., owner.

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

PREMISES AFFECTED - 1095 Avenue of the Americas, Block 994, Lot 33, Borough of the Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Melanie Meyers.

ACTION OF THE BOARD - Application reopened and

MINUTES

resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a reopening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on July 24, 2001 after due notice by publication in The City Record, laid over to August 14, 2001 for decision; and

WHEREAS, the applicant seeks a minor modification of the prior variance which authorized the installation of illuminated signage, at the subject premises on the north and south facades near the top of the subject building, and

WHEREAS, the instant application seeks to depict the new corporate logo of the existing company housed at the subject premises; and

Resolved, that the Board of Standards and Appeals hereby reopens and amends the resolution pursuant to Z.R. §72-01 and §72-22, said resolution having been adopted on January 21, 1975, so that as amended this portion of the resolution shall read:

“to permit the installation of the new illuminated signage approved by the Department of Buildings; on condition:

THAT the premises shall be maintained in substantial compliance with the proposed conditions plans submitted with the application marked “Received June 6, 2001”-(5) 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 (18) months of the date of this amended resolution.”

(DOB.102295044/102295035)

Adopted by the Board of Standards and Appeals, August 14, 2001.

139-92-BZ

APPLICANT - Samuel H. Valencia, for Valencia Enterprises, owner.

SUBJECT - Application April 5, 2001 - reopening for an extension of term of special permit which expired March 7, 2001.

PREMISES AFFECTED - 52-15 Roosevelt Avenue, northside, 125.53 east of intersection at 52nd Street, Block 1315, Lot 76, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES -

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

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested an extension of the term of the special permit; and

WHEREAS, Community Board #2Q recommended approval of the application; and

WHEREAS, a public hearing was held on this application on July 24, 2001 after due notice by publication in the City Record, laid to August 14, 2001 for decision.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution pursuant to Z.R. §73-03, said resolution having been adopted on March 7, 1995 as amended through October 20, 1998 expiring on March 7, 2001, so that as amended this portion of the resolution shall read:

“Term of the special permit extended; on condition that the term shall be limited to three years, to expire on March 7, 2004; that the premises shall be maintained in substantial compliance with the existing and proposed conditions plans submitted with the application marked “Received, April 5, 2001”- (6) sheets and that other than herein amended, the above cited resolution shall be complied with in all respect.”

(DOB 400322469)

Adopted by the Board of Standards and Appeals, August 14, 2001.

102-95-BZ

APPLICANT - Fredrick A. Becker, Esq., for 50 West 17 Realty Co., owner, Renegades Associates dba Splash Bar, lessee.

SUBJECT - Application March 15, 2001 - reopening for an extension of term of variance which expired March 5, 2001.

PREMISES AFFECTED - 50 West 17th Street, south side between 5th Avenue and 6th Avenue, Block 818, Lot 78 Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Fredrick A. Becker.

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

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

MINUTES

THE RESOLUTION -

WHEREAS, the applicant requested an extension of the term of the special permit; and

WHEREAS, a public hearing was held on this application on July 24, 2001 after due notice by publication in the City Record, laid to August 14, 2001 for decision.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution pursuant to Z.R. §73-03, said resolution having been adopted on March 5, 1996 as amended through August 4, 1998 expiring on March 5, 2001, so that as amended this portion of the resolution shall read:

“Term of the special permit extended; on condition that the term shall be limited to three years, to expire on March 5, 2004; that the premises shall be maintained in substantial compliance with the proposed conditions plans submitted with the application marked “Received, June 21, 2001”- (4) sheets and “August 1, 2001”- (1) sheet; and that other than herein amended, the above cited resolution shall be complied with in all respect.”

(DOB 102482760)

Adopted by the Board of Standards and Appeals, August 14, 2001.

171-97-BZ

APPLICANT - Gerald J. Caliendo, R.A., Howard Alan Zipser, Stadtmauer Bailkin, LLP, for Rocco Sacco, owner; Research and Development Center, lessee.

SUBJECT - Application June 8, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 65-01 Kissena Boulevard, formed by the intersection of Kissena Boulevard and 65th Avenue, Block 6742, Lot 10, Flushing, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

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

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a reopening for an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on August 7, 2001 after due notice by publication in The City Record, laid over to August 14, 2001 for decision; and

WHEREAS, the applicant seeks a change of use from a retail store (Use Group 6) on the first floor to trade school

(Use Group 9), with accessory offices, and a change of the use on the second floor from offices (Use Group 6) to trade school (Use Group 9) and a change of use in the cellar from storage for the retail store (Use Group 6) and trade school computer labs (Use Group 9); and

WHEREAS, the existing eating and drinking establishment use will remain; and

Resolved, that the Board of Standards and Appeals hereby reopens and amends the resolution pursuant to Z.R. §72-01 and §72-22, said resolution having been adopted on October 20, 1998, so that as amended this portion of the resolution shall read:

“to permit the changes in use from retail store (Use Group 6) to trade school (Use Group 9) and accessory uses on the first floor; a change from offices (Use Group 6) to trade school (Use Group 9) and allow a change of use in the cellar from storage for the retail store (Use Group 6) to trade school Use Group 9); on condition:”

THAT the term of the variance shall be limited to twenty years from October 20, 1998 expiring October 20, 2018;

THAT the premises shall be maintained in substantial compliance with the proposed conditions plans submitted with the application marked “Received, June 8, 2001”-(7) sheets and “July 12, 2001”-(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.

(ALT. 6501/97)

Adopted by the Board of Standards and Appeals, August 14, 2001.

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 and Doris Diether.

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

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO REOPEN HEARING -

MINUTES

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

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

WHEREAS, a public hearing was held on this application on June 12, 2001 after due notice by publication in the City Record.

WHEREAS, the applicant proposes to perform additional excavation to create a cellar that will accommodate an accessory swimming pool; and

WHEREAS, Community Board #2M recommended approval of the application; and

WHEREAS, the Board finds that the proposed addition will not result in any significant changes to the prior approval.

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 March 28, 2000, expiring on March 28, 2010; so that as amended this portion of the resolution shall read:

“To permit the installation of an accessory swimming pool at the cellar level of the establishment, on condition that the hours of operation shall be limited to Monday through Thursday 6:00 A.M. to 11:00 P.M., Friday 6:00 A.M. to 10:00 P.M., Saturday and Sunday 8:00 A.M. to 8:00 P.M.; that a wet sprinkler system with interior fire alarms connected to a Fire Department approved central station shall be installed throughout the entire establishment; that the above conditions shall appear on the certificate of occupancy; that the premises shall be maintained in substantial compliance with the proposed conditions plans submitted with the application marked “Received, August 10, 2001”- (7) sheets; that the development, as approved, is subject to verification by the Department of Buildings for compliance with any applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; the above cited resolution shall be complied with in all respect and that substantial construction shall be completed in accordance with Z.R. §72-23.”

(DOB 102009728)

Adopted by the Board of Standards and Appeals, August 14, 2001.

130-00-A

APPLICANT - Paul Mok, for Block 8044, Lot 1 Corp., owner.
SUBJECT - Application June 14 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 157-17 Cross Island Parkway, north side 150' east of 157th Street, Block 4568, Lot 86, Whitestone, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Paul Mok and Anthony Nastasi.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

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

WHEREAS, a public hearing was held on this application on July 24, 2001 after due notice by publication in the City Record, and laid over to August 14, 2001 for decision.

WHEREAS, the applicant proposes to provide side yards in compliance with the requirements of the Department of Buildings; and

Resolved, that the Board of Standards and Appeals hereby reopens and amends the resolution adopted on January 23, 2001, 1970, so that as amended this portion of the resolution shall read:

“That the proposed construction shall substantially conform with the plans filed with this application marked “Received August 1, 2001”- (4) sheets; and that other than herein amended the resolution above cited and all other laws, rules and regulations under the jurisdiction of the Department shall be complied with in all respects.”

(DOB 401011169)

Adopted by the Board of Standards and Appeals, August 14, 2001.

131-00-A

APPLICANT - Paul Mok, for Block 8044, Lot 1 Corp., owner.
SUBJECT - Application June 14 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 157-19 Cross Island Parkway, north side 190' east of 157th Street, Block 4568, Lot 85, Whitestone, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

MINUTES

For Applicant: Paul Mok and Anthony Nastasi.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

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

WHEREAS, a public hearing was held on this application on July 24, 2001 after due notice by publication in the City Record, and laid over to August 14, 2001 for decision.

WHEREAS, the applicant proposes to provide side yards in compliance with the requirements of the Department of Buildings; and

Resolved, that the Board of Standards and Appeals hereby reopens and amends the resolution adopted on January 23, 2001, so that as amended this portion of the resolution shall read:

“That the proposed construction shall substantially conform with the plans filed with this application marked “Received August 1, 2001”- (4) sheets; and that other than herein amended the resolution above cited and all other laws, rules and regulations under the jurisdiction of the Department shall be complied with in all respects.”

(DOB 401011178)

Adopted by the Board of Standards and Appeals, August 14, 2001.

133-00-A

APPLICANT - Paul Mok, for Block 8044, Lot 1 Corp., owner.

SUBJECT - Application June 14 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 157-23 Cross Island Parkway, north side 187.51' east of 159th Street, Block 4568, Lot 83, Whitestone, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Paul Mok and Anthony Nastasi.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

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

WHEREAS, a public hearing was held on this application on July 24, 2001 after due notice by publication in the City Record, laid over to August 14, 2001 for decision.

WHEREAS, the applicant proposes to provide side yards in compliance with the requirements of the Department of Buildings; and

Resolved, that the Board of Standards and Appeals hereby reopens and amends the resolution adopted on January 23, 2001, so that as amended this portion of the resolution shall read:

“That the proposed construction shall substantially conform with the plans filed with this application marked “Received August 1, 2001”- (4) sheets; and that other than herein amended the resolution above cited and all other laws, rules and regulations under the jurisdiction of the Department shall be complied with in all respects.”

(DOB 401011196)

Adopted by the Board of Standards and Appeals, August 14, 2001.

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

APPEARANCES -

In Favor: Doris Diether.

In Opposition: Eric Palatnik.

ACTION OF THE BOARD - Application Withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Adopted by the Board of Standards and Appeals, August 14, 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 reopening for an extension of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 1385/95 Webster Avenue, west

MINUTES

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 September 25, 2001, at 10 A.M., for continued hearing.

109-34-BZ

APPLICANT - Carl A. Sulfaro, Esq, for Kino Realty Corp., owner.

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

PREMISES AFFECTED - 64-40 Myrtle Avenue a.k.a 72-02 Cypress Hills Street, Southwest corner of Cypress Hills Street, Block 3594, Lot 7, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

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

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

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

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Laid over to September 25, 2001, at 10 A.M., for continued hearing.

39-66-BZ

APPLICANT - Sheldon Lobel, P.C., for Jonathan Woodner Company, owner.

SUBJECT - Application April 9, 2001- reopening for an extension of term of variance which expires April 13, 2001.

PREMISES AFFECTED - 43-70 Kissena Boulevard,

Flushing, south side of Kissena Boulevard, 304.22' west of Elder Avenue, Block 5137, Lot 102, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Eric Palatnik and Arlene Marks.

For Opposition: Isaac Sasson and Ronald Fechter.

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

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

1181-80-BZ

APPLICANT - Sheldon Lobel, P.C., for Kenneth Koeing, owner.

SUBJECT - Application June 20, 2001- reopening for an extension of term of an variance which expires April 7, 2001.

PREMISES AFFECTED- 62-07 Woodside Avenue, north side, 349' east of 61st Street, Block1294, Lot 20, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: Lyra Altman.

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

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

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

205-98-BZ

APPLICANT - Philip P. Agusta, for Dr. Haresh Shah, D.D.S., owner.

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

PREMISES AFFECTED - 257-10/18 Union Turnpike, south side of Union Turnpike 75.65' east of 257th Street, Block 8694, Lots 27 and 28, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Philip P. Agusta.

For Opposition: Michael Castellano.

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

ACTION OF THE BOARD - Laid over to September 25, 2001, at 10 A.M., for continued hearing.

MINUTES

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 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.

MINUTES

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

APPEARANCES -

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

ACTION OF THE BOARD - Appeals granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION-

WHEREAS, the decisions of the Staten Island Borough Commissioner, dated January 26, 2001, and updated on April 5, 2001 on Application Nos. 500415428, 500415419, 500415099, 500415062, 500415080, 500415071, 500415053, 500415044, 50041535, 500415026, 500415017, 500415106, 500415115, 500415124, 500415133, 500415142, 500415151, 500415160, 500415179, 500415188, 500415197, 500415204, 500415240, 500415259, 500415268, 500415277, 500415286, 500415295, 500415302, 500415311, 500415320, 500415339, 500415348, 500415357, 500415366, 500415375, 500415384, 500415393, 500415400, 500415231, 500415222, 500415213, which reads:

“The Street giving access to the proposed building is not duly placed on the official map and therefore:

1. No Certificate of Occupancy can be issued, as per Article 3, Section 36 of the General City Law
2. 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 contrary to Section 27-291 of the NYC Building Code”; and

WHEREAS, by the letter dated June 21, 2001, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the Board notes that the proposed subject development will contain 42-semi-detached one family residences; and

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

Resolved, that the decisions of the Staten Island Borough Commissioner, dated January 26, 2001, and updated on April 5, 2001, Application Nos. 500415428, 500415419, 500415099, 500415062, 500415080, 500415071, 500415053, 500415044, 50041535, 500415026, 500415017, 500415106, 500415115, 500415124, 500415133, 500415142, 500415151, 500415160, 500415179, 500415188, 500415197, 500415204, 500415240, 500415259, 500415268, 500415277, 500415286, 500415295, 500415302, 500415311, 500415320, 500415339, 500415348, 500415357, 500415366, 500415375, 500415384, 500415393, 500415400, 500415231, 500415222, 500415213, objection Nos. A & B 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 the following conditions:

THAT a deed restriction which requires that a homeowner’s association be formed shall be placed on the property. Each homeowner shall be required to join the homeowner’s association; and the homeowner’s association will be responsible installing, maintaining, cleaning, repair and replacement if necessary, a sanitary sewer system. The County Clerk’s office and made part of the Department of Buildings file prior to the issuance of a Building Permit, with the exception of model homes, for which the deed restriction can be filed prior the issuance of the Certificate of Occupancy. The deed restriction shall be recorded on the Certificate of Occupancy.

THAT construction shall substantially conform to the drawing filed with the application marked, “Received, July 16, 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;

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, August 14, 2001.

MINUTES

APPLICANT - Fischbein Badillo Wagner Harding, by: Marvin B. Mitzner, Esq., for Queens Boulevard Realty Group, LLC., owner.

SUBJECT - Application March 23, 2001 - proposed ramp at the entrance to the garage, for the building's parking in the cellar (four story commercial building), must provide a 20' landing in accordance with Section 27-458 of the NYC Building Code and proposed number of exits from all floors is contrary to Section 27-366 (C26-603..2) of Building Code must provide 2 means of egress.

PREMISES AFFECTED - 47-01 Queens Boulevard, northeast corner of 47th Street, Block 140, Lot 10, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: Marvin Mitzner.

For Opposition: John Reisinger, Department of Buildings.

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

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION-

WHEREAS, the decisions of the Borough Commissioner dated March 20, 2001 and May 11, 2001, regarding the subject premises, read in pertinent part:

MARCH 20, 2001

“provide a 20' landing (as per 27-458) at the top of proposed ramp at the entrance to garage for the building's parking in the cellar”

MAY 11, 2001

“proposed number of exits from all floors is contrary to 27-366 (C26-603.2) of Building Code in that: provide 2 Means of Egress.”; and

WHEREAS, the premises and the 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 appeal seeking to modify two provisions of the Building Code allowing a ramp to an accessory parking garage to be constructed without a 20' landing at grade and with a slope greater than 1:8 which is contrary to Building Code Sections 27-377 and 27-458; and

WHEREAS, the subject premises is a corner lot located on the northeast corner of Queens Boulevard and 47th Street, and

WHEREAS, the total lot area is approximately 9,000' and is currently improved with a partially constructed four-story and cellar retail and office building which will contain approximately 30,407' of floor area; and

WHEREAS, pursuant to Section 666 of the New York City Charter, the Board can vary sections of the Building

Code where the applicant can show a practical difficulty or unnecessary hardship in complying with the strict letter of the law; and

WHEREAS, Z.R. §36-21 requires that the subject development provide a minimum of 74 accessory parking spaces; and

WHEREAS, applicant represents that the relative small size of the subject lot limits the amount of space available for a garage and a ramp; and

WHEREAS, the record indicates that the garage space cannot accommodate a compliant ramp unless a series of turns were added or cars forced to make awkward maneuvers; and

WHEREAS, the applicant notes that the installation of a fully compliant ramp would use substantially more garage space and considerably reduce the amount of accessory parking spaces to well below the 74 required by the Zoning Resolution; and

WHEREAS, therefore, the Board finds that the aforementioned conditions are practical difficulties in achieving a complying development; and

WHEREAS, before varying the Building Code, the Board must find that the spirit of the law is observed, public safety secured and substantial justice done; and

WHEREAS, Sections 27-458, 27-366 and 26-6003.2, the codes at issue before the Board have two distinct purposes; and

WHEREAS, the requirement of Section 27-458 of the Building Code that a 20' landing be provided is related to pedestrian safety at the street level; and

WHEREAS, in order to increase pedestrian safety, the applicant has proposed a number of safety features; and

WHEREAS, specifically, the applicant proposes to: 1) place large convex mirrors at the garage exit to increase driver visibility, 2) placing bollards at both sides of the garage exit, which would physically separate pedestrians from the entrance of the garage, the location of poorest visibility, and 3) placing automatic audible and visual alarms to alert pedestrians of exiting vehicles; and

WHEREAS, the Board finds that the proposed pedestrian safety measures preserve the spirit of Building Code Section 27-458, secure public safety and afford substantial justice for the appellant; and

WHEREAS, the Building Code Section 27-377 requires that there be a 20' landing and a slope of 1:8 related to egress, which are safety provisions for persons using the ramp as a second means of egress in case of a fire; and

WHEREAS, the Board finds that the appellant has shown that the subject garage will have little occupancy, since it is a valet parking garage, not a retail or office space; and

WHEREAS, the record indicates that the garage space is constructed with two-hour fire ratings, will have an

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automatic dry sprinkler system connected to a Fire Department approved central station and will have a deluge type sprinkler system at the base of the ramp; and

WHEREAS, the ramp will be coated with a non-slip material and a handrail will be mounted along the wall, aiding any exiting persons; and

WHEREAS, the Board also finds that the proposed safety measures will decrease the likelihood of fire spread and ease the exiting of people from the garage space; and

WHEREAS, the Board notes that the Fire Department has reviewed the application inspected the site and has no objections with the appellant's proposal; and

WHEREAS, based on the fire safety measures proposed by the appellant and the opinion of the Fire Department, the Board finds that granting the subject appeal from the provisions of Building Code Section 27-377 observe public safety and ensure substantial justice.

Resolved, that the decisions of the Borough Commissioner dated March 20, 2001 and May 11, 2001 are modified the appeal granted and a permit issued to allow the installation and use of the subject ramp for an accessory parking garage and second means of egress, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received August 7, 2001"-(2) sheets.

Adopted by the Board of Standards and Appeals August 14, 2001.

35-01-A

APPLICANT - Jack Lester, Esq., on behalf of Iver Iverson and East 82nd Street Neighborhood Association.

OWNER OF PREMISES: Marymount School.

SUBJECT - Application February 2, 2001 - an appeal challenging the Department of Buildings' determination dated January 11, 2001, allowing the construction of an exterior stairwell as a second means of egress at subject premises which constitutes a fire safety hazard, and also is in violation of the Building Code of the City of New York.

PREMISES AFFECTED - 2 East 82nd Street, corner of Fifth Avenue, Block 1493, Lot 68, Borough of Manhattan.

APPEARANCES -

For Opposition: Jack Lester, Battalion Chief Phil Parr and John Scrofani, Fire Department; Irving Gotbaum and Todd Anderson.

For Administration: Lisa Orrantia, Department of Buildings.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

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

46-01-A

APPLICANT - Rothkrug & Rothkrug, for Robert Kelly, owner.

SUBJECT - Application February 8, 2001 - proposed two family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 133 Giegerich Avenue, south side, 215' east of Bedell Avenue, Block 7793, Lot 188, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam Rothkrug.

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

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

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

47-01-A

APPLICANT - Rothkrug & Rothkrug, for Robert Kelly, owner.

SUBJECT - Application February 8, 2001 - proposed two family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 145 Giegerich Avenue, south side, 100' east of Bedell Avenue, Block 7793, Lot 187, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam Rothkrug.

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

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

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

50-01-A

APPLICANT - Rothkrug & Rothkrug, for Robert Kelly, owner.

SUBJECT - Application February 12, 2001 - proposed two family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 146 Bartow Avenue, south side, 159' east of intersection of Page Avenue, Block 7756, Lot 14, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam Rothkrug.

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

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and
Commissioner Caliendo.....3

Negative:0

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

Pasquale Pacifico, Executive Director.

Adjourned: 11:45 A.M.

51-01-A

APPLICANT - Rothkrug & Rothkrug, for Robert Kelly,
owner.

SUBJECT - Application February 12, 2001 - proposed two
family dwelling not fronting on a legally mapped street, is
contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 148 Bartow Avenue, south side,
129' east of intersection of Page Avenue, Block 7756, Lot 13,
Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam Rothkrug.

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

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and
Commissioner Caliendo.....3

Negative:0

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

REGULAR MEETING

TUESDAY AFTERNOON, AUGUST 14, 2001

2:00 P.M.

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

ZONING CALENDAR

245-00-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Peter Hirshman.

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

ACTION OF THE BOARD - Application granted on
condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and
Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner,
dated September 8, 2000, acting on N.B. Applic. No.
300979225, reads;

“Proposed plans are contrary to Z.R. 32-00 in that
residential Use Group 2 is not permitted in a C-8 zone
and applicable bulk regulations do not exist.”

WHEREAS, a public hearing was held on this
application on May 15, 2001 after due notice by publication

206-01-A

APPLICANT - Gary Lenhart, R.A., for Breezy Point
Cooperative, Inc., owner; Esilda and Paul Bruder, lessees.

SUBJECT - Application June 7, 2001 - proposed first story
enlargement and 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, which is contrary to Sections 35 & 36, Article
3 of the General City Law.

PREMISES AFFECTED - 441 Hillcrest Walk, east side, 13'
south of Rockaway Point Boulevard, Block 16350, Part of
Lot 100, Borough of Queens.

APPEARANCES -

For Applicant: Gary Lenhart.

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

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and
Commissioner Caliendo.....3

Negative:0

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

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in The City Record, laid over to June 19, 2001, July 24, 2001 and then to August 14, 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, Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

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

WHEREAS, the subject premises is an irregular lot consisting of three contiguous lots each with 25' frontage on Grand Street totaling 75' in length and the depth of the lot is irregular with the westerly lot line totaling 98.75' and the easterly lot line 90'; and

WHEREAS, the site is designated as Block 2923, Lots 23, 24 and 25 with total lot area is 7,206' and is located in a C8-2 zoning district which does not permit residential development; and

WHEREAS, presently lot 23 is developed with a one story masonry building used as a garage, Lot 24 is developed with a three story masonry building used as a commercial building and Lot 25 is a vacant parking lot; and

WHEREAS, it is proposed to demolish the existing buildings on the lot and construct a new six story Class A residential multiple dwelling; and

WHEREAS, the first floor consists of one retail store of 1,125', a lobby and two apartments and the upper five floors will be identical with approximately 5,096' open floor and the proposed F.A.R. is 4.2 with a 30' rear yard; and.

WHEREAS, the neighborhood in the immediate vicinity of the subject site is primarily residential with a small percentage of commercial and manufacturing buildings; and

WHEREAS, the history of development of this site indicates the lot is developed with a pre-existing non-conforming commercial office use and residential structure; and

WHEREAS, the site is developed with two independent structures and an open courtyard which does not allow for a complying enlargement; and

WHEREAS, the applicant represents that this development was originally built in the 1920's prior to the current Zoning Resolution and evidence in the record indicates that the restoration of the building on the site would require considerable expenditures resulting in substantial loss; and

WHEREAS, the zoning lot is unique because it is an irregularly shaped parcel consisting of three tax lots developed with obsolete structures erected in the early 1940's which are not able to be occupied in an economically sound manner; and

WHEREAS, these unique conditions create a practical difficulty and an unnecessary hardship in developing this site with a conforming and complying development; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that a conforming and complying development would not yield a reasonable return; and

WHEREAS, the proposed development is surrounded by community facilities, including schools, churches and a rectory, residences and small retail stores throughout the area; and

WHEREAS, on the south side of Grand Street the area is predominately residential with manufacturing uses on the south side; and

WHEREAS, the applicant has agreed to limit commercial uses on the first floor to the following uses: Use Group 6 Stationary store, Variety store, Drug store, office, Antique store, Art Galleries, Art Supplies, Furniture store, Book store, or interior decorating establishment; and

WHEREAS, the Board finds that this proposal 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 is the minimum necessary to afford the owner relief; 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; 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 significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. 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, to permit the proposed construction of a six story building, with residential use on the upper five floors and a retail store on the first floor, which is contrary to Z.R. §32-00, in that residential use, (use Group 2) is not permitted in a C8-2 zoning district, 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 12, 2001"- (5) sheets, "Received, June 19, 2001"- (1) sheet, and

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“Received, August 1, 2001”-(3) sheets; and on further condition;

THAT commercial uses on the first floor shall be limited to the following uses: Use Group 6 Stationary store, Variety store, Drug store, office, Antique store, Art Galleries, Art Supplies, Furniture store, Book store, or interior decorating establishment;

THAT any use not listed above must receive prior approval from the Board;

THAT hard-wired smoke detectors shall be installed in all residential units;

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

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

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

Adopted by the Board of Standards and Appeals, August 14, 2001

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 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: Elise Wagner and Doris Diether.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and

Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 4, 2000 acting on Applic. No. 5931960, reads: “Herewith respectfully request a reconsideration to continue transient parking at the above captioned premises in accordance with variance granted by the Board of Standards and Appeals under Cal. Number 374-60-BZ.”; and

WHEREAS, a public hearing was held on this application on March 27, 2001, after due notice by publication in The City Record and laid over to April 24, 2001, June 5, 2001 July 24, 2001 and then to August 14, 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, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application Under Z.R. §11-411, on a site previously before the Board, to permit the proposed reestablishment of 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 with a small portion in a C1-5 zoning district; and

WHEREAS, this is an application for a special permit to reestablishment a lapsed variance which expired on May 25, 1992; and

WHEREAS, the applicant seeks to re-establish the prior variance and extend the term; and

WHEREAS, the subject site has been occupied by a parking garage with transient parking for 40 years; and

WHEREAS, the garage is situated on two floors at the base of the Washington Square Village housing complex (“WSV Development”) located on the “superblock” bordered by LaGuardia Place; West Third Street, Mercer Street and Bleecker Street; and

WHEREAS, the WSV Development, consists of one 16-story and one 17-story residential building with associated landscaping, playgrounds, and driveways; and

WHEREAS, the two residential buildings contain a total of 1,296 dwelling units; and

WHEREAS, the WSV Development was constructed in the late 1950's, and the University acquired title to it in January 1964; and

WHEREAS, the WSV development is located in an R7-2 district with a small portion located in a (C1-5) district; and

WHEREAS, the balance of the block is zoned R7-2(C1-5) and contains commercial uses; and

WHEREAS, the vehicular entrances and exits are located on two private driveways in the approximate location of former Greene and Broome Streets leading from

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West Third Street on the north to Bleecker Street on the south; and

WHEREAS, the garage's most recent Certificate of Occupancy ("CO"), No. 65789 dated April 12, 1968, provides that the garage has a minimum capacity of 388 cars and a maximum capacity of 1,296 cars; and

WHEREAS, it further provides that the garage shall contain no less than 201 accessory parking spaces and may contain not more than 149 transient parking spaces; and

WHEREAS, the current license for the garage states that it accommodates 670 cars; and

WHEREAS, the garage provides parking for residents, monthly parking for non-residents and transient parking for non-residents for periods of less than one month; and

WHEREAS, the variance was granted by the BSA on February 7, 1961 under Cal. No. 374-60-BZ; and

WHEREAS, the BSA also approved a related application under Section 60 of the MDL (Cal. No. 374-60-A); and

WHEREAS, on May 25, 1982, the variance was renewed for a period of ten years pursuant to a special permit granted under Z.R. §11-411 (the "Special Permit"); and

WHEREAS, the special permit was not renewed in 1992, nor was a new ("CO") obtained subsequent to the renewal; and

WHEREAS, the current application requests reestablishment of the variance for a period of ten years; and

WHEREAS, the renewal of the variance is consistent with the character of the neighborhood since it will continue an existing use; and

WHEREAS, the garage has been continuously used for transient parking since the Special Permit lapsed in 1992; and

WHEREAS, the area surrounding the WSV Development is characterized by residential apartment buildings, numerous retail stores and restaurants, and University buildings—classrooms, offices, the University's gymnasium, and faculty apartments; and

WHEREAS, these uses generate considerable vehicular traffic seeking parking facilities; and

WHEREAS, the transient parking provided by the garage satisfies a significant portion of this demand; 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 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. §11-411, to permit the proposed reestablishment of 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, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received, August 3, 2001"-(6) sheets; and on further condition;

THAT the term of the variance shall be limited to ten years from the date of this grant, expiring on August 14, 2011;

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

THAT the wall fronting on Mercer Street shall be free of graffiti and maintained at all times;

THAT the certificate of occupancy shall include the statement that when a lease is issued to new residential tenants it shall indicate that, as tenants of this apartment house, they may recapture any space devoted to transient parking on 30 days notice to the owner in accordance with Section 60 (1)(d) of the Multiple Dwelling Law;

THAT there will be no parking on the sidewalk area or double parking in the streets, including the service road, at any time;

THAT there shall be no parking or blocking of ramp or exit leading to the underground garage;

THAT the facility shall be operated at all times in such a fashion so as to minimize traffic congestion;

THAT other than as herein amended the resolution above cited shall be complied with in all respects;

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, August 14, 2001.

298-00-BZ

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

SUBJECT - Application December 13, 2000 - under Z.R. §72-

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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: Lyra Altman and Sheldon Lobel

For Opposition: Mon Levinson, Sean Sweeney, Mary Vaccaro and Doris Diether.

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, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 13, 2000, acting on Applic. No. 102691294, reads:

- “1. As per section 42-00 ZR: Use Group 2 (residential) is not a permitted use in an M1-5B Zoning District.
3. As per section 42-14 ZR: Use Group 6 (retail) is not permitted below the floor level of the second story.
4. As per section 43-12 Z.R.: The maximum permitted F.A.R. is 5.00. The proposed building is greater (5.15).”; and

WHEREAS, a public hearing was held on this application on June 12, 2001 after due notice by publication in The City Record, laid over to July 10, 2001, August 7, 2001 and then laid over to August 14, 2001 for decision; on August 14, 2001, the hearing was reopened, closed and decision rendered; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, former 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 seven story building, with a (Use Group 6) retail use on the ground floor and residential use on the upper floors, (Use Group 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; and

WHEREAS, the premises is an irregularly-shaped 5,582.5' parcel, currently used as a 35-space parking lot, located on the west side of Wooster Street between Grand and Canal streets at the southern edge of SoHo; and

WHEREAS, the site is located in an M1-5B zoning district and is also within the SoHo Cast Iron Historic District, designated in 1973; and

WHEREAS, a Certificate of Appropriateness has been issued by the Landmarks Preservation Commission for the construction of a new apartment building on a vacant lot; and

WHEREAS, consistent with this certificate, a building is proposed with first floor retail uses, and residential uses on the second through seventh floors; and

WHEREAS, the applicant represents that the site can be classified as unique because the premises has a highly unique six-sided configuration, featuring one obtuse angle, three right angles, and one angle greater than 180 degrees floors; and

WHEREAS, this results in an oddly shaped lot; and

WHEREAS, the aforementioned unique physical condition of the lot makes its occupancy for a conforming use on the first through seventh floors 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 record indicates that within the vicinity of the subject premises many residential uses are present; and

WHEREAS, within the vicinity of the site there is a significant mixture of commercial/manufacturing and residential uses; and

WHEREAS, the applicant shall comply with Proposed Conditional Negative Declaration published in the City Record on April 10, 2001, requiring the applicant to submit an archaeological documentary study for the subject project sites to the Landmark Preservation Commission for its evaluation and approval before the applicant can commence any site grading, excavation, or building construction; 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

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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 applicant shall submit an archaeological documentary study for the above referenced project sites to the Landmarks Preservation Commission (LPC) for its evaluation and approval; and

WHEREAS, the applicant shall not commence any site grading, excavation, or building construction on the project site until the LPC approves of this study and determines that there are no archaeological concerns; 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 Conditional 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, 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, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, June 27, 2001"-(12) sheets, and "July 24, 2001"-(1) sheet; and on further condition;

THAT fire protection measures shall be provided and maintained in accordance with the BSA-approved plans;

THAT the ground floor uses be restricted to retail uses;

THAT no eating and drinking establishments shall be permitted on the premises;

THAT the applicant shall submit an archaeological documentary study for the above referenced project sites to the Landmarks Preservation Commission (LPC) for its evaluation and approval;

THAT in accordance with the Conditional Negative Declaration published in the City Record on April 10, 2001, the applicant shall not commence any site grading, excavation, or building construction on the project site until the LPC approves of this study and determines that there are no archaeological concerns;

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, August 14, 2001.

3-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jacob Pinson (contract vendee), owner.

SUBJECT - Application January 9, 2001 - under Z.R. §72-21, to permit the proposed conversion of a vacant building zoned for manufacturing use, to residential use, in an M1-1 zoning district, which is contrary to §Z.R. 42-00.

PREMISES AFFECTED - 626 Dean Street, south side, between Carlton and Vanderbilt Avenues, Block 1137, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

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, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 3, 2001, acting on Applic. No. 301097364, reads:

"The proposed residential dwellings in M1-1 Zoning District are contrary to Section 42-00 of the Zoning Resolution and requires a variance from the Board of Standards and Appeals."; and

WHEREAS, a public hearing was held on this application on April 17, 2001 after due notice by publication in The City Record, laid over to June 19, 2001, July 17, 2001 and then to August 14, 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, former 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 conversion of a vacant building zoned

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for manufacturing use, to residential use, in an M1-1 zoning district, which is contrary to §Z.R. 42-00; and

WHEREAS, the applicant seeks variances under two different applications for two properties to be used as a single project one located on 618 Dean Street, a.k.a. 616 Dean Street (Block 1137, lots 28, 29 and 30), Calendar Number 23-01-BZ, the other on 626 Dean Street, (Block 1137, lot 33) Calendar Number 3-01-BZ; and

WHEREAS, the site is located on the south side of Dean Street between Carlton Avenue and Vanderbilt Avenue in Prospect Heights, Brooklyn; and

WHEREAS, the tax and zoning lot is currently improved with a two-story building; and

WHEREAS, the building has a frontage of 36' along Dean Street, and is 100' deep; and

WHEREAS, the Premises has been vacant for at least twelve years; and

WHEREAS, the two-story building and

WHEREAS, the applicant represents that the absence of loading docks and the narrowness of the subject site makes the space impractical for trucks to make the deliveries further burdening the ability to have purposeful access to the building under current zoning; and

WHEREAS, the block on which the subject Premises is located contains three different zoning designations; and

WHEREAS, the Premises is located towards the center of and manufacturing zoned block and is sandwiched between two different residential districts, one having a commercial overlay; and

WHEREAS, the lots on the end of each side of the subject block, as well as the block to the south, east, and west, are zoned for residential use; and

WHEREAS, the aforementioned unique physical conditions of the lot and building makes its occupancy for a conforming 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 record indicates that within the vicinity of the subject premises many residential uses are present; and

WHEREAS, two blocks north of the premises is the Atlantic Center development a multi-storied 400,000' shopping center on both sides of Flatbush Avenue; and

WHEREAS, within the vicinity of the site is characterized by a mixture of commercial/manufacturing and 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 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, to permit the proposed conversion of a vacant building zoned for manufacturing use, to residential use, in an M1-1 zoning district, which is contrary to §Z.R. 42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 9, 2001"-(6) sheets and "August 7, 2001"-(1) sheet; and on further condition;

THAT fire protection measures, shall be provided and maintained in accordance with the BSA-approved plans and the Fire Protection Synopsis dated October 5, 2000;

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, August 14, 2001.

23-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jacob Pinson, Contract Vendee.

SUBJECT - Application January 19, 2001 - under Z.R. §72-21, to permit the proposed conversion of a vacant building zoned for manufacturing use, to residential use, in an M1-1 zoning district, which is contrary to §Z.R. 42-00.

PREMISES AFFECTED - 618 Dean Street, a.k.a 616 Dean Street, south side, between Carlton and Vanderbilt Avenues, Block 1137, Lots 28, 29 and 30, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

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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, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 18, 2001, acting on Applic. No. 301116995, reads:

“The proposed residential dwellings in M1-1 Zoning District are contrary to Section 42-00 of the Zoning Resolution and requires a variance from the Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on April 17, 2001 after due notice by publication in The City Record, laid over to June 19, 2001, July 17, 2001, and then to August 14, 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, former 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 conversion of a vacant building zoned for manufacturing use, to residential use, in an M1-1 zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, the applicant seeks variances under two different applications for two properties to be used as a single project one located on 618 Dean Street, a.k.a. 616 Dean Street (Block 1137, lots 28, 29 and 30), Calendar Number 23-01-BZ, the other on 626 Dean Street, (Block 1137, lot 33) Calendar Number 3-01-BZ; and

WHEREAS, the site is located on the south side of Dean Street between Carlton Avenue and Vanderbilt Avenue in Prospect Heights, Brooklyn; and

WHEREAS, the tax and zoning lot is currently improved with a four-story building; and

WHEREAS, the building has a frontage of 90.5' along Dean Street, and is 70' deep; and

WHEREAS, the applicant represents that the Premises has been vacant for at least twelve years; and

WHEREAS, the subject four-story building was constructed in an unusual manner as it has two rows of beams which divide the building into three roughly equal interconnected portions which are further divided by center beams running straight down the length of the building; and

WHEREAS, the record indicates that the load bearing interior walls and beams create a significant inefficiency in the moving and storage of materials and equipment; and

WHEREAS, the subject site at its longest point is 110'

long, however, the buildings were only built out 70'; and

WHEREAS, the applicant represents that the rectangular building could not be built out across the back of the lot due to the odd shape of the site; and

WHEREAS, there is a large triangular chunk excluded from Lot 28; and

WHEREAS, the applicant represents that the absence of loading docks further burdens the ability to have purposeful access to the building under current zoning; and

WHEREAS, the block on which the subject Premises is located contains three different zoning designations; and

WHEREAS, the Premises is located towards the center of and manufacturing zoned block and is sandwiched between two different residential districts, one having a commercial overlay; and

WHEREAS, the record indicates that the lots on the end of each side of the subject block, as well as the block to the south, east, and west, are zoned for residential use; and

WHEREAS, the aforementioned unique physical conditions of the lot and building makes its occupancy for a conforming 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 record indicates that within the vicinity of the subject premises many residential uses are present; and

WHEREAS, two blocks north of the premises is the Atlantic Center development, a multi-storied 400,000' shopping center on both sides of Flatbush Avenue; and

WHEREAS, the vicinity of the site is characterized by a mixture of commercial/manufacturing and 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

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preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed conversion of a vacant building zoned for manufacturing use, to residential use, in an M1-1 zoning district, which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, January 19, 2001"-(7) sheets and "August 7, 2001"-(1) sheet; and on further condition;

THAT fire protection measures, shall be provided and maintained in accordance with the BSA-approved plans and the Fire Protection Synopsis dated October 5, 2000;

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, August 14, 2001.

32-01-BZ

APPLICANT - Harold Weinberg, for Barbara Manning, owner.

SUBJECT - Application January 30, 2001 - under Z.R. §73-622 to permit, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to FAR, OSR, side yards, and is contrary to Z.R. §§ 23-141, 23-461 and 54-31.

PREMISES AFFECTED - 8321 Colonial Road, northwest corner of 84th Street, Block 6015, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 16, 2001, acting on Alt. 1. Application No. 301088560 reads, in pertinent part:

BOARD OF STANDARDS AND APPEALS DENIAL

"THE PROPOSED ENLARGEMENT OF THE ONE

FAMILY RESIDENCE IN AN R2 ZONING DISTRICT:

1. INCREASES THE DEGREE ON NON-COMPLIANCE WITH RESPECT TO FLOOR AREA RATIO (FAR) AND OPEN SPACE RATIO AND IS CONTRARY TO SECTIONS 23-141 AND 54-31 OF THE ZONING RESOLUTION (ZR).

2. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO SIDE YARDS AND IS CONTRARY TO SECTIONS 23-461 & 54-31."; and

WHEREAS, a public hearing was held on this application on July 24, 2001 after due notice by publication in The City Record, and laid over to August 14, 2001 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to F.A.R., OSR, side yards contrary to Z.R. §§23-141, 23-461 and 54-31; and

WHEREAS, the proposed enlargement will increase the F.A.R. to .84, decrease the OSR .69.3, decrease one side yard by .43.4; and

WHEREAS, no rear yard is required as the subject premises sits on a corner lot; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulation and the proposed enlargement will not further encroach on any legally required side yard; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special permit to permit, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to FAR, OSR, and side yards contrary to Z.R. §§23-141, 23-461 and 54-31, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received, January 30,

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2001”-(5) sheets, “June 8, 2001”-(8) sheets and “June 13, 2001”-(2) 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 be completed and a new certificate of occupancy be obtained within four years of this grant.

Adopted by the Board of Standards and Appeals, August 14, 2001.

49-01-BZ

APPLICANT - Harold Weinberg, P.E., for The Ronen Schwartz 1994 Trust by Gady Schwartz, owner.

SUBJECT - Application February 9, 2001 - under Z.R. §73-622, to permit, in an R3-1 zoning district, the enlargement to an existing two-family dwelling which creates non-compliance with regard to FAR, and lot coverage contrary to Z.R. §§23-141, and 54-31.

PREMISES AFFECTED - 54 Coleridge Street, west side, 340.0' north of Hampton Avenue, Block 8728, Lot 46, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 16, 2001, acting on Alt.1. Application No. 301137222 reads, in pertinent part:

BOARD OF STANDARDS AND APPEALS DENIAL

“THE PROPOSED ENLARGEMENT OF THE TWO FAMILY RESIDENCE IN AN R3-1 ZONING DISTRICT:

1. INCREASES THE DEGREE ON NON-COMPLIANCE WITH RESPECT TO FLOOR AREA RATIO AND IS CONTRARY TO SECTIONS 23-141 AND 54-31 OF THE ZONING RESOLUTION (ZR).

2. CREATES A NEW NON-COMPLIANCE WITH RESPECT TO LOT COVERAGE AND IS CONTRARY TO SECTION 23-141.”; and

WHEREAS, Community Board #15, Brooklyn, recommends approval of this application; and

WHEREAS, a public hearing was held on this application on July 17, 2001 after due notice by publication

in The City Record, and laid over to August 14, 2001 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to permit, in an R3-1 zoning district, the enlargement to an existing two-family dwelling which creates non-compliance with regard to FAR, and lot coverage contrary to Z.R. §§ 23-141, and 54-31; and

WHEREAS, the proposed enlargement will increase the F.A.R. to .81 and exceeds the permitted lot coverage by .27; and

WHEREAS, the rear yard will remain unchanged, the existing complying side yards will remain complying and the existing complying front yard will remain complying; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulation and the proposed enlargement will not further encroach on any legally required side yard; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special permit to permit, in an R3-1 zoning district, the enlargement to an existing two-family dwelling which creates non-compliance with regard to FAR, and lot coverage contrary to Z.R. §§ 23-141, and 54-31; on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “ Received February 9, 2001”-(4) sheets and “May 17, 2001”-(7) 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 be completed and a new certificate of occupancy be obtained within four years of this grant.

Adopted by the Board of Standards and Appeals, August 14, 2001.

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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

APPEARANCES -

For Applicant: Charles Foy and Marva Shaker.

For Opposition: Lynette Edwin, P. Warner, E. Trotman, Shirley Kapur, Paula Reid-Pennant and others.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated February 12, 2001 acting on Alt. Applic. N.B.# 301128232 reads:

“Proposed construction of new 2,969 SF restaurant with drive-thru lane, two (2) proposed curb cuts, twenty-five (25) parking stalls and installation of associated signage in a C1-2 Zoning District requiring BSA special permit.”; and

WHEREAS, Community Board No. 17, Brooklyn, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on July 10, 2001, after due notice by publication in the Bulletin and laid over to August 14, 2001 for decision; On August 14, 2001 the hearing was reopened, closed and a decision 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, former Vice-Chair Paul Bonfilio, R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application 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; and

WHEREAS, the subject premises is located on the westerly side of Ditmas Avenue between Remsen Avenue and East 91st Street; and

WHEREAS, it has frontage along Remsen Avenue and 100' frontage along East 91st Street, a split lot with it front 100' in depth; and

WHEREAS, the subject premises is presently developed with an approximately 192' metal trailer used in conjunction with sale of used trucks at the site; and

WHEREAS, the zoning lot was occupied by a diner from the 1940's until it burnt down approximately 18 to 20 years ago; and

WHEREAS, since 1995 the site has been used for the sale of used cars; and

WHEREAS, the site has only an approximately 192' metal trailer used as an accessory sales office; and

WHEREAS, the remainder of the site is a paved parking area; and

WHEREAS, Ditmas Avenue is a heavily trafficked commercial strip with a number of nearby automotive service stations, as well as a manufacturing district on the easterly side of Ditmas Avenue; and

WHEREAS, along Remsen Avenue and East 91st Street are three story multiple dwellings; and

WHEREAS, the proposed drive-thru lane contains reservoir space for ten as specified under ZR §72-243; and

WHEREAS, there is also additional reservoir space for several additional cars in front of the proposed restaurant on the Remsen Avenue side of the zoning lot; and

WHEREAS, the main entrance for the site will be on Ditmas Avenue, a commercial orientated avenue; and

WHEREAS, as the proposed site plan provides for twenty-five parking spaces, 15 more than required, cars seeking parking spaces will not impede traffic flow on the site; and

WHEREAS, moreover, the proposed double lane drive-thru design, permitting those not using drive-thru service to circulate around the entire site, will ensure regular traffic flow on the site; and

WHEREAS, access to the site from the adjoining residential area will be limited to a single curb cut on Remsen Avenue, thereby greatly limiting traffic flow from restaurant on East 91st Street; and

WHEREAS, therefore the drive-thru facility will cause minimal interference with traffic flow in the immediate vicinity; and

WHEREAS, the proposed plan calls for twenty-five off-street accessory parking spaces. Pursuant to Z.R. §36-21

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the proposed 2,969' restaurant only requires 10 parking spaces; and

WHEREAS, therefore, the proposed plan complies with applicable off-street parking regulations; and

WHEREAS, the subject site is currently being used as a facility for the sale of used automobiles; and

WHEREAS, the site is bordered by a gasoline service station and an auto body repair station is located to the west beyond Remsen Avenue; and

WHEREAS, the character of the commercially zoned street frontage within 500' of the site reflects substantial orientation toward the motor vehicle; and

WHEREAS, presently, the site is occupied by an automotive sales facility with trucks parked next to residential dwellings; and

WHEREAS, the proposed restaurant will eliminate this heavy automotive use, provide a 13' landscaped buffer area at the rear of the side and locate the proposed restaurant building approximately 30' from any nearby residential building; and

WHEREAS, the drive-thru lane itself will be more than 10' from the zoning lot's rear lot line; and

WHEREAS, the drive thru facility will not have an undue adverse impact on residences within the immediate vicinity; and

WHEREAS, the proposed site design calls for a 13' buffer between the drive-thru lane and rear lot line on the Remsen Avenue side of the site there is a narrower buffering zone; and

WHEREAS, however, the entire rear lot line has a 6' fence with privacy slats to buffer the residences from the drive-thru lane; and

WHEREAS, 18 of the proposed 25 parking spaces are on the Ditmas Avenue side of the site; and

WHEREAS, this design will ensue that most patrons park in spaces away from adjoining residences; and

WHEREAS, there will be adequate buffering between the drive-thru lane and adjacent residential uses; and

WHEREAS, the hours of operation of the proposed set will be daily, 10:00 A.M. through 12:00 midnight; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR §73-243; and

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

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the

required findings under ZR §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, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, May 22, 2001"- (5) sheets; and on further condition;

THAT the premises remain graffiti free at all times;

THAT the hours of operation of the drive-thru shall be Sunday thru Thursday, 10:00 A.M. through 11:00 P.M., and Friday and Saturday 10:00 A.M. to 12:00 midnight;

THAT landscaping be maintained in accordance with BSA approved plans;

THAT the above referenced conditions be noted 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, August 14, 2001.

221-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Charand Associates, LLC, owner; The Learning Spring Foundation, Inc., Lessee.

SUBJECT - Application June 21, 2001 - under ZR §73-19 to permit the proposed school, on the fourth floor of the building of the site, located within an M1-5 zoning district which is not permitted as of right, contrary to ZR 42-00.

PREMISES AFFECTED - 252-254 West 29th Street, south side 65' east of 8th Avenue, Block 778, Lot 70, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick A. Becker and James Snyder.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE VOTE TO GRANT -

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Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 7, 2001, acting on N.B. Applic. No. 102557537, reads;

“Proposed school, Use Group 3, not permitted as-of-right in M1-5 zoning district. Obtain Special Permit from Board of Standards and Appeals as per Sections 42-31 and 73-19 ZR”

WHEREAS, a public hearing was held on this application on August 14, 2001 after due notice by publication in The City Record, closed and a decision rendered; and

WHEREAS, Community Board 5, Manhattan recommended approval; and

WHEREAS, the premises 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. §73-19 to permit the proposed school pursuant to 73-19, 73-01 and 73-03, on the fourth floor of the building of the site, located within an M1-5 zoning district which is not permitted as of right, contrary to Z.R. §42-00; and

WHEREAS, the subject premises is situated in a C6-2 zoning district, the majority of the site is located in the M1-5 zoning district, and therefore the M1-5 zoning district regulations govern the site; and

WHEREAS, the applicant represents that because of the M1-5 status for the entire zoning lot the special permit is required; and

WHEREAS, the record indicates that the site contains a seven story commercial loft structure and the school will occupy the fourth floor; and

WHEREAS, this floor is currently vacant, but was previously used for office use, however, the remainder of the structure is occupied by retail use on the ground floor, and an adult trade school use on the five remaining upper floors, uses which are as-of-right and are not part of the application; and

WHEREAS, additionally there are two separate lobbies and elevators in the subject premises located on either side of the building; and

WHEREAS, the proposed school will have a dedicated and separate elevator and lobby and will not interfere with the other uses in the building, or be affected by them; and

WHEREAS, the proposed school will be operated by a not-for-profit entity, and will provide instructions for grades K through 5 for developmentally disabled children; and

WHEREAS, the school will have a student body of 45 students ranging in age from 5 to 10 years old and there will

also be a staff of 18 individuals as well as speech and other therapists and administrative individuals; and

WHEREAS, the proposed hours of operation are 8:00 a.m. to 3:00 p.m.; and

WHEREAS, students will come from all five boroughs and the surrounding areas and will arrive and depart in mini-vans that will be slightly staggered in arrival and departure to avoid congestion; and

WHEREAS, given the age of the students, and the large number of staff at the school, there will be substantial supervision of the arrivals and departures to insure the children’s safety and there will also be an adult staff member on each mini-van to oversee the students; and

WHEREAS, the applicant represented on the record that there were no available spaces with existing certificates of occupancy for school use, and landlords were not willing to undertake the cost or effort to amend the certificate of occupancy and the inspections and other efforts associated with obtaining it; and

WHEREAS, the applicant represented that it was difficult finding a building that could provide two means of egress or separate access for the school as specified under code and finding a landlord willing to provide a space for children with specialized needs; and

WHEREAS, the Board finds that within the neighborhood to be served by the proposed school there is no practical possibility of obtaining a site of adequate size located in a district wherein it is permitted as-of-right, because appropriate sites in such districts are occupied by substantial improvements; and

WHEREAS, the subject zoning lot is partially located within a C6-2 zoning district, a zoning district where the school is permitted as-of-right; and

WHEREAS, the Board finds that such school is located not more than 400' from the boundary of a district wherein such school is permitted as-of-right; and

WHEREAS, as set forth in the Board approved plans, the premises will contain sound attenuated windows; and

WHEREAS, the Board finds that an adequate separation from noise, traffic and other adverse effects of the surrounding non-Residential Districts is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open area along lot lines of the zoning lot; and

WHEREAS, the majority of the students will arrive and depart via mini-vans, there will be an adult attendant on each mini-van, the students will be supervised upon arrival and departure by the staff (one staff member for every three children) so that the students will not be exposed to vehicular hazards because of staff oversight and ability of the staff to control the movement of the students and traffic; and

WHEREAS, although the subject site is partially

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located in a M1-1 zone, the site is surrounded by commercial uses, such as parking lots and residential lofts, which are similar to uses in a commercial zoning district where the school would be allowed as-of-right; and

WHEREAS, the Board finds that the movement of the traffic through the street on which the school is located can be controlled so as to protect children going to and from the school; and

WHEREAS, the Board has determined that the evidence in the record support that the school satisfies the criteria of Z.R. §73-19 and the subject school use is appropriate for the site and the surrounding community; 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, 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 significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. 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. §73-19, to permit the proposed school pursuant to 73-19, 73-01 and 73-03, on the fourth floor of the building of the site, located within an M1-5 zoning district which is not permitted as of right, contrary to Z.R. §42-00; on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "June 21, 2001"-(1) sheet and "July 9, 2001"-(1) sheet; and on further condition;

THAT fire protection measures shall be provided and maintained in accordance with the BSA-approved plans;

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

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

Adopted by the Board of Standards and Appeals, August 14, 2001.

29-00-BZ

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

SUBJECT - Application February 4, 2000 - under ZR §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 ZR §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: Eric Palatnik, Stanley H. Goldstein, Peter Palazzo, Salvator A. Caradonna and Jack Freeman.

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

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

97-00-BZ

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

SUBJECT - Application March 29, 2000 - under ZR §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 ZR §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.

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

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo:3

Negative:0

ACTION OF THE BOARD - Laid over to October 16, 2001, at 2 P.M., for continued hearing.

222-00-BZ

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

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

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

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Philip P. Agusta.

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

ACTION OF THE BOARD - Laid over to September 25,

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

226-00-BZ

APPLICANT - Agusta & Ross, for Simon Pollack, owner.
SUBJECT - Application October 5, 2000 - under ZR §72-21, to permit the proposed erection of a six story, 35 units multiple dwelling, upon a vacant lot, located in an M1-2 zoning district, which is contrary to ZR §42-10.
PREMISES AFFECTED - 210 Middleton Street, southeast corner of Throop Avenue, Block 2242, Lot 28 , Borough of Brooklyn.

COMMUNITY BOARD #1BK

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

ACTION OF THE BOARD - Laid over to September 11, 2001, at 2 P.M., for continued hearing.

263-00-BZ

APPLICANT - Philip P. Agusta and Gerald McCabe, for 19 East 77th Associates, LLC, owner.
SUBJECT - Application November 1, 2000 - under ZR §72-21, to permit the legalization of a rear enlargement, to existing four story and basement one family dwelling (Use Group 2) located in an R8B-LH-1A zoning district, which does not comply with the zoning requirements for lot coverage and does not provide the require rear yard, which is contrary to ZR §23-145 and §23-47.

PREMISES AFFECTED - 19 East 77th Street, north side, 120' west of Madison Avenue, Block 1392, Lot 12, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -
For Applicant: Philip P. Agusta.
THE VOTE TO CLOSE HEARING -
Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo:3
Negative:0

ACTION OF THE BOARD - Laid over to September 11, 2001, at 2 P.M., for decision, hearing closed.

291-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Torah Academy High School of Brooklyn, owner.
SUBJECT - Application December 4, 2000 - under ZR §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 ZR §32-12, §32-31 & §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

APPEARANCES -
For Applicant: Eric Palatnik.
For Opposition: William Wissemann, Mazen Turk, Theresa Acavo, David Mammina and Henry Stricoff.
For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 16, 2001, at 2 P.M., for continued hearing.

300-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Kolel Zichron Yosef Dovid by Mayer Laufer, President, owner.
SUBJECT - Application December 14, 2000 - under Z.R. §72-21, to permit the proposed construction of a five story masonry residential building (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-00.
PREMISES AFFECTED - 5902/08 14th Avenue, between 59th and 60th Streets, Block 5712, Lots 69 thru 72, Borough of Queens.

COMMUNITY BOARD #12BK

APPEARANCES -
For Applicant: Lyra Altman.
For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 16, 2001, at 2 P.M., for continued hearing.

313-00-BZ

APPLICANT - Alfonso Duarte, for Rajesh Pushparajan, owner.
SUBJECT - Application December 28, 2000 - under ZR §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 ZR §32-00 and §33-291 also, a previous variance granted under Cal. No. 107-34-BZ, which permitted a gasoline service station in a C2-2 within an R4 zoning district.

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

COMMUNITY BOARD #13Q

APPEARANCES -
For Applicant: Alfonso Duarte.
For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.
THE VOTE TO CLOSE HEARING -
Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo:3
Negative:0

ACTION OF THE BOARD - Laid over to September 11, 2001, at 2 P.M., for decision, hearing closed.

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15-01-BZ/22-01-A

APPLICANT - Agusta & Ross, for Mazel Equities, Inc., owner.

SUBJECT - Application January 17, 2001 - under Z.R. §72-21 to permit the proposed conversion of a former industrial building, located in an M1-2 zoning district, to joint living, in conjunction with working quarters (Use Groups 2 and 9), which is contrary to Z.R. §42-00 and is contrary to Sections 27-733 and 27-749 of the NYC Building Code.

PREMISES AFFECTED - 337/47 Kent Avenue, east side, 68' south of South Fourth Street, Block 2441, Lots 4, 104 & 107 (Tentative Lot 4), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

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

ACTION OF THE BOARD - Laid over to September 11, 2001, at 2 P.M., for continued hearing.

PREMISES AFFECTED - 182-15 Hillside Avenue, northeast corner of Avon Street, Block 9950, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Patrick W. Jones

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

ACTION OF THE BOARD - Laid over to October 16, 2001, at 2 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 4:05 P.M.

195-01-BZ

APPLICANT - Agusta and Ross, for Warren Dingtott, owner.

SUBJECT - Application May 11, 2001 - under Z.R. §72-21, to permit the proposed eating and drinking establishment (Use Group 6) located in an R-4 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2519 West 22nd Street, east side, 84' north of Bay 53rd Street, Block 6949, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Mitchell Ross.

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

ACTION OF THE BOARD - Laid over to September 11, 2001, at 2 P.M., for continued hearing.

DISMISSAL CALENDAR WEDNESDAY AFTERNOON, AUGUST 15, 2001 2:00 P.M.

Present: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.

56-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Baroukh Sassoon, Sassoon Realty Management, Inc..

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 443 East 186th Street, northeast corner of Park Avenue and East 186th Street, Block 3040, Lots 1, 35, 33, Borough of The Bronx.

COMMUNITY BOARD #6BX

APPEARANCES - None.

ACTION OF THE BOARD - Application dismissed for lack of prosecution.

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo:3

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has been given considerable opportunity to complete this application and no satisfactory

200-01-BZ

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for Bowne Associates, owner; Hillside Manor Rehabilitation and Extended Care Center, Lessee.

SUBJECT - Application May 31, 2001 - under Z.R. §72-21 to permit the 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, F.A.R. and sky exposure plane, which is contrary to Z.R. §33-441, §33-161 and §54-31.

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progress has been made.

Resolved, the Board does hereby dismiss the application for lack of prosecution.

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

117-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: 125 Green Street Realty Corporation.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 125 Green Street, between Franklin Street and Manhattan Avenue, Block 2512, Lot 60, Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

ACTION OF THE BOARD - Application dismissed for lack of prosecution.

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo:3

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has been given considerable opportunity to complete this application and no satisfactory progress has been made.

Resolved, the Board does hereby dismiss the application for lack of prosecution.

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

122-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Kateri Residence, Inc.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 150 Riverside Drive, a/k/a 355 West 87th Street, N/E/C of Riverside Drive and West 87th Street, Block 1249, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES - None.

ACTION OF THE BOARD - Application dismissed for lack of prosecution.

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo:3

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has been given considerable opportunity to complete this application and no satisfactory progress has been made.

Resolved, the Board does hereby dismiss the application for lack of prosecution.

Adopted by the Board of Standards and Appeals,

August 15, 2001.

214-00-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Bill Jordan.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 2761 Plumb 2nd Street, northwest corner of Harkness Avenue, Block 8841, Lot 500, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES - None.

ACTION OF THE BOARD - Applicant withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo:3

Negative:0

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

217-00-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Double B. Realty c/o Lab Plumbing.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 530 West 50th Street, south side, 375' west of 10th Avenue, Block 1078, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES - None.

ACTION OF THE BOARD - Applicant withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo:3

Negative:0

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

251-00-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Chaim Kaninetzky.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 71-41 171st Street, east side, 140' north of 73rd Avenue, Block 6959, Lot 14, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES - None.

ACTION OF THE BOARD - Application dismissed for lack of prosecution.

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Commissioner Korbey and

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Commissioner Caliendo:3
Negative:0

THE RESOLUTION -

WHEREAS, the applicant has been given considerable opportunity to complete this application and no satisfactory progress has been made.

Resolved, the Board does hereby dismiss the application for lack of prosecution.

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

5-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Palmira Gonzalez.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 585 East 178th Street, a.k.a 1987 Arthur Avenue, northwest corner, Block 3068, Lot 44, Borough of The Bronx.

COMMUNITY BOARD #6BX

APPEARANCES - None.

ACTION OF THE BOARD - Application dismissed for lack of prosecution.

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo:3

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has been given considerable opportunity to complete this application and no satisfactory progress has been made.

Resolved, the Board does hereby dismiss the application for lack of prosecution.

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

6-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Daisy Velez.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 624 East 179th Street, south side, north of the corner of East 179th Street and Hughs Avenue, Block 3068, Lot(s) 77-78, Borough of The Bronx.

COMMUNITY BOARD #6BX

APPEARANCES - None.

ACTION OF THE BOARD - Application dismissed for lack of prosecution.

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo:3

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has been given considerable opportunity to complete this application and no satisfactory

progress has been made.

Resolved, the Board does hereby dismiss the application for lack of prosecution.

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

7-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Daisy Velez.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 2040 Arthur Avenue, northeast corner of East 179th Street, Block 3069, Lot 50, Borough of The Bronx.

COMMUNITY BOARD #6BX

APPEARANCES - None.

ACTION OF THE BOARD - Application dismissed for lack of prosecution.

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo:3

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has been given considerable opportunity to complete this application and no satisfactory progress has been made.

Resolved, the Board does hereby dismiss the application for lack of prosecution.

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

271-98-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER: 432-434 Flushing F. Corp.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 432-434 Flushing Avenue, south side of Flushing Avenue, 41 feet west of Bedford Avenue, Block 1886, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #8Q

APPEARANCES -

In Opposition: Mitchell Ross.

ACTION OF THE BOARD - Laid over to November 21, 2001, at 10 A.M., for continued hearing on Dismissal Calendar.

127-99-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER: Congregation Tiferes Yissochor Ber, Inc.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 118/20 South Fourth Street, a/k/a

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364/68 Bedford Avenue, northern corner, Block 2443, Lot 23,
Borough of the Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

In Opposition: Mitchell Ross.

ACTION OF THE BOARD - Laid over to November 21,
2001, at 10 A.M., for continued hearing on Dismissal
Calendar.

99-01-A

APPLICANT - New York City Board of Standards and
Appeals.

OWNER: Nicolo Balducci.

SUBJECT - to dismiss the application for lack of
prosecution.

PREMISES AFFECTED - 37-18 74th Street, West of 74th
Street 161.107' south of 37th Avenue, Block 1284, Lot 47,
Borough of Queens

COMMUNITY BOARD #3Q

APPEARANCES -

In Favor: Nelly Bravo.

ACTION OF THE BOARD - Laid over to September 25,
2001, at 10 A.M., for continued hearing SOC Calendar.

Pasquale Pacifico, Executive Director.

Adjourned: 12:00 P.M.