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# BULLETIN

## OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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Volume 86, No. 5

February 1, 2001

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### DIRECTORY

**JAMES CHIN**, *Chairman*

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**PETER CALIENDO**

*Commissioners*

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**Trevis Bethea**, *Deputy Director*

**Juan D. Reyes, III**, *Counsel*

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**MINUTES of Regular Meetings,  
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662-56-BZ	3875 Flatlands Avenue, a/k/a 1973/83 Flatbush Avenue, Brooklyn
82-65-BZ	500 East 77 <sup>th</sup> Street, Manhattan
17-92-BZ	60-06/16 Northern Boulevard, Queens
240-55-BZ	207-22 Northern Boulevard, Queens
1449-61-BZ	4085 Nostrand Avenue, Brooklyn
62-83-BZ	696 Pacific Street, 529/39 Dean Street, and 549/59 Dean Street, Brooklyn
137-85-BZ	40-27/33 215 <sup>th</sup> Place, Queens
72-95-BZ	79-05/07/09 Roosevelt Avenue, Queens
84-99-BZ	158/60 12 <sup>th</sup> Street, 137/63 13 <sup>th</sup> Street, Brooklyn
130-00-A/131-00-A & 133-00-A	157-17/157-19/157-23 Cross Island Parkway, Queens
257-00-A	90-15 to 90-25 Queens Boulevard, a/k/a 91-05 to 91-19 59 <sup>th</sup> Avenue, Queens
269-00-A	34 Marion Walk, Queens
278-00-A	234 West 42 <sup>nd</sup> Street, Manhattan
279-00-A	257-02 Union Turnpike, a/k/a 79-03 257 <sup>th</sup> Street, Queens

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**Affecting Calendar Numbers:**

187-97-BZ	148-02 Rockaway Boulevard, Queens
134-99-BZ	18 West 89 <sup>th</sup> Street, a/k/a 17-19 West 88 <sup>th</sup> Street, Manhattan
173-99-BZ	43-60 Ditmars Boulevard, a/k/a 43-02 Ditmas Boulevard, Queens
92-00-BZ	227 East 56 <sup>th</sup> Street, Brooklyn
97-00-BZ	502 Avenue P, Brooklyn
124-00-BZ	1213 Doone Court, Brooklyn
189-00-BZ	215 East Houston Street, Manhattan
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193-00-BZ	87-26 Lefferts Boulevard, Queens
199-00-BZ	76-19 Roosevelt Avenue, Queens
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204-00-BZ	4294 Ocean Avenue, Brooklyn
209-00-BZ	1124 East 28 <sup>th</sup> Street, Brooklyn
259-00-BZ	26 Court Street, a/k/a 179 Remsen Street, Brooklyn

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**MINUTES** of Dismissal Calendar,  
**Wednesday, January 24, 2001**

Morning Calendar .....64

**Affecting Calendar Numbers:**

186-00-BZ	2301 Avenue L, Brooklyn
300-64-BZ	1038-64 Leland Avenue, Bronx
351-98-BZ thru	71, 75, 76, 80, 84, 88, 92, 96, 100, 101, 104, 105, 108 Skillman and
370-98-BZ	826, 830, 834, 840 and 874 Bedford Avenue, Brooklyn
125-99-BZ	786 Kent Avenue, a/k/a 8/10 Little Nassau Street, Brooklyn
213-00-A	1966 Ocean Avenue, Brooklyn

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# DOCKET

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New Case Filed Up to January 23, 2001

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**9-01-BZ** B.S.I. 4 Crittenden Place,  
between Hatfield Place and Charles Avenue, Block 1098, Lot  
21, Borough of Staten Island. Applic. #500463768.  
Proposed construction of a two family detached residence,  
Use Group 2, located in an R4 zoning district, with less than  
the minimum required front yard, is contrary to Z.R. §23-45.  
**COMMUNITY BOARD #1S.I.**

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**10-01-BZ** B.Q. 85-28/34 Rockaway  
Boulevard, between 85<sup>th</sup> and 86<sup>th</sup> Streets, Block 9057, Lots 27  
and 33, Borough of Queens. Applic. #401191223. Proposed  
development of a one story building, to be utilized as four  
retail stores, Use Group 6, located in an R-5 zoning district,  
is contrary to Z.R. §22-00.  
**COMMUNITY BOARD #10BK**

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**11-01-BZ** B.BK. 586/606 Conduit  
Boulevard, southeast corner of Autumn Avenue, Block  
4219, Lot 1, Borough of Brooklyn. Alt I. 301092715. The  
reestablishment of an expired variance for an existing  
gasoline service station with accessory uses, and the  
conversion of the existing auto repair facility and offices  
into a convenience store, also the erection of a canopy over  
five new gasoline pump islands, is contrary to Z.R. §11-411  
and Cal. No. 535-60-BZ.  
**COMMUNITY BOARD #5BK**

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**12-01-BZ** B.BX. 2829 Edson Avenue,  
block bounded by Edson, Bartow, Grace and Arnov  
Avenues, Block 4800, Lots 5, 6, and 8 (Tentative Lot 8),  
Borough of The Bronx. N.B. #200651222. Proposed  
construction of a one story building, to be developed as a  
restaurant, and local retail uses in an R4 zoning district, is  
contrary to Z.R. §22-00.  
**COMMUNITY BOARD #12BX**

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**13-01-BZ** B.BX. 2875 Edson Avenue,  
block bounded by Edson, Bartow, Grace and Arnov  
Avenues, Block 4800, Lots 5, 6 and 8 (Tentative Lot 6),  
Borough of The Bronx. N.B. #200651179. Proposed  
construction of a five story self-storage facility located in an  
R4 zoning district, is contrary to Z.R. §22-00.  
**COMMUNITY BOARD #12BX**

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**14-01-A** B.Q. 3 Clinton Walk,

west side, 55.0' north of 12<sup>th</sup> Avenue, Block 16350, Lot 300,  
Borough of Queens. Applic. #401179862. Proposed  
enlargement to an existing one family dwelling, not fronting  
on a legally mapped street and located within the bed of a  
mapped street, is contrary to Sections 35 and 36, Article 3 of  
the General City Law.

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**15-01-BZ** B.BK. 337/47 Kent Avenue,  
east side, 68' south of South Fourth Street, Block 2441, Lots  
4, 104 and 107, (Tentative Lot 4), Borough of Brooklyn.  
Applic. #300952440. 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, is contrary to Z.R. §42-00.  
**COMMUNITY BOARD #1BK**

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**16-01-BZ** B.BK. 99 Taaffe Place,  
east side, between Myrtle and Park Avenues, Block 1897,  
Lot 21, Borough of Brooklyn. Applic. #301104203. Proposed  
construction of a four story, 3-unit residential building, Use  
Group 2, located in an M1-1 zoning district, is contrary to  
Z.R. §42-00.  
**COMMUNITY BOARD #3BK**

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**17-01-BZ** B.BK. 101 Taaffe Place,  
east side, between Myrtle and Park Avenues, Block 1897,  
Lot 120, Borough of Brooklyn. Applic. #301104196.  
Proposed construction of a four story, 3-unit residential  
building, Use Group 2, located in an M1-1 zoning district, is  
contrary to Z.R. §42-00.  
**COMMUNITY BOARD #3BK**

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**18-01-BZ** B.BK. 103 Taaffe Place,  
east side, between Myrtle and Park Avenues, Block 1897,  
Lot 19, Borough of Brooklyn. Applic. #301104579. Proposed  
construction of a four story, 3-unit residential building, Use  
Group 2, located in an M1-1 zoning district, is contrary to  
Z.R. §42-00.  
**COMMUNITY BOARD #3BK**

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**19-01-BZ** B.BK. 135 Taaffe Place,

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# DOCKET

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east side, between Myrtle and Park Avenues, Block 1897, Lot 2, Borough of Brooklyn. Applic. #301104178. Proposed construction of a four story, 3-unit residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

**COMMUNITY BOARD #3BK**

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**20-01-BZ** B.BK. 137 Taaffe Place, east side, between Myrtle and Park Avenues, Block 1897, Lot 1, Borough of Brooklyn. Applic. #301104640. Proposed construction of a four story, 3-unit residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

**COMMUNITY BOARD #3BK**

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**21-01-BZ** B.Q. 159-02 Jamaica Avenue, corner of 160<sup>th</sup> Street, Block 10100, Lot 1, Borough of Queens. Applic. #400910065. Proposed operation of a physical culture establishment, Use Group 9, on the second floor a theatre/retail center, currently under construction, located in a C6-1A zoning district, requires a special permit as per Z.R. §32-31.

**COMMUNITY BOARD #12Q**

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**22-01-A** B.BK. 337/47 Kent Avenue, east side, 68' south of South Fourth Street, Block 2441, Lots 4, 104 and 107, (Tentative Lot 4) Borough of Brooklyn. Applic. #300952440. Proposed conversion of a former industrial building to joint living, in conjunction with working quarters, with natural light and ventilation by windows, is contrary to Sections 27-733 and 27-749 of the NYC Building Code.

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**23-01-BZ** B.BK. 618 Dean Street,

aka 616 Dean Street, south side, between Carlton and Vanderbilt Avenues, Block 1137, Lots 28, 29 and 30, Borough of Brooklyn. Applic. #301116995. Proposed conversion of a vacant building to residential use, in an M1-1 zoning district, is contrary to §42-00.

**COMMUNITY BOARD 8BK**

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**24-01-A** B.M. 114 East 36<sup>th</sup> Street, between Park and Lexington Avenue s, Block 891, Lot 81, Borough of Manhattan. Alt.I #102797635. An appeal and review of the Department of Buildings' approval of alteration application, work permit and reconsiderations granted on December 20, 2000, on grounds that the work would increase the height and number of stories of the subject premises in violation of MDL(2)(a) and Table 4-1 and Section 27-305 of the Building Code.

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**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.**

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# CALENDAR

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**FEBRUARY 27, 2001, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, February 27, 2001, at 10 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## **SPECIAL ORDER CALENDAR**

### **837-85-A**

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Dr. Stephen Gari, D.M.D., F.A.G.D., owner.  
SUBJECT - Application December 13, 2000 - reopening for an extension of term of the variance which expired December 17, 2000.  
PREMISES AFFECTED - 166-18 73rd Avenue and 73-02 167th Street, southwest corner of 73rd Avenue and 167th Street, Block 6974, Lot 19, Borough of Queens.  
**COMMUNITY BOARD #8Q**

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### **315-90-BZ**

APPLICANT - Vassalotti Associates, A.I.A., for Tosco Marketing Company, Inc., owner.  
SUBJECT - Application September 25, 2000 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of the term of variance which expired January 29, 2002.  
PREMISES AFFECTED - 82-06 Astoria Boulevard, southeast corner of 82nd Street and Astoria Boulevard, Block 1904, Lot 1, Borough of Queens.  
**COMMUNITY BOARD #1Q**

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### **77-99-BZ**

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Turnpike Auto Laundry Inc., for Phil Frank, President, owner.  
SUBJECT - Application November 1, 2000 - reopening for an amendment.  
PREMISES AFFECTED - 255-39 Jamaica Avenue, north side of Jamaica Avenue, a/k/a Jericho Turnpike 80' west of 256th Street, Block 8830, Lot 52, Borough of Queens.  
**COMMUNITY BOARD #13Q**

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**FEBRUARY 27, 2001, 11:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, February 27, 2001, at 11 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## **APPEALS CALENDAR**

### **267-00-A**

APPLICANT - Sheldon Lobel, P.C., for 344 DeGraw Street Development Corp., owner.  
SUBJECT - Application November 13, 2000 - an appeal from a determination of the Commissioner of Buildings, dated October 10, 2000, relating to the subject's compliance with provisions of Z.R. §12-10, and the interpretation of such section.  
PREMISES AFFECTED - 344 Degraw Street, north side, between Smith and Hoyt Streets, Block 421, Lot 25, Borough of Brooklyn.

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### **310-00-A**

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

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

### **COMMUNITY BOARD #14BK**

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### **1-01-A**

APPLICANT - Gary Lenhart, R.A., for Breezy Point Cooperative, Inc., owner; Terence Hurson, lessee.  
SUBJECT - Application January 2, 2001 - proposed alteration and enlargement to a one family dwelling not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.  
PREMISES AFFECTED - 5 Thetford Lane, northwest corner of Thetford Lane and Neptune Walk, Block 16350, Lot 300, Borough of Queens.

### **COMMUNITY BOARD #14Q**

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# CALENDAR

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**FEBRUARY 27, 2001, 2:00 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, February 27, 2001, at 2 P.M., at 40 Rector Street, 6<sup>h</sup> Floor, New York, N.Y. 10006, on the following matters:

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## ZONING CALENDAR

### 37-00-BZ

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

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

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

### COMMUNITY BOARD #10Q

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### 221-00-BZ

APPLICANT - Rampulla Associates Architects, for Charles Zakian, owner.

SUBJECT - Application September 26, 2000 - under Z.R. §72-21, to permit the proposed additional off-street parking, accessory to an existing automobile service station, Use Group 16, located in an R3-2(SRD) zoning district, is contrary to Z.R. 22-10.

PREMISES AFFECTED - 5801 Amboy Road, northwest corner of Foster Road, Block 6896, Lot 53 and 52, Borough of Staten Island.

### COMMUNITY BOARD #3SI

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### 247-00-BZ

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

SUBJECT - Application October 17, 2000 - under Z.R. §73-36, to permit the proposed physical culture establishment, to be located on the first floor and cellar in an existing four story building, in a C4-2 zoning district, which requires a special permit as per Z.R. §32-31.

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

### COMMUNITY BOARD #7Q

### 280-00-BZ

APPLICANT - Rothkrug & Rothkrug, for D'Amico Imburgia Realty Corp., owner.

SUBJECT - Application November 21, 2000 - under Z.R. §73-27, to permit the proposed funeral establishment, Use Group 7, located in an C1-1 (R3-2) SRD, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 797 Annadale Road a.k.a. Barb Street, east side, Block 6225, Lot 29, Borough of Staten Island.

### COMMUNITY BOARD #3SI

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### 286-00-BZ

APPLICANT - Agusta & Ross, for New York Health Club, Inc. and New York Children's Health Club, Inc., owner; New York Health and Racquet Club, lessee.

SUBJECT - Application November 27, 2000 - under Z.R. §73-36, to permit the proposed physical culture establishment, to be located on the first and second floors of a twenty story mixed-use building, which is currently under construction, situated in a C6-3A/C6-4M zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 60 West 23rd Street, northeast corner of Sixth Avenue, Block 824, Lots 1 and 11, Borough of Manhattan.

### COMMUNITY BOARD #5M

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*Pasquale Pacifico, Executive Director*

**MARCH 6, 2001, 10:00 A.M.**

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

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## SPECIAL ORDER CALENDAR

### 154-50-BZ

APPLICANT - Walter T. Gorman, P.E., for Larry Hirschhorn, owner, Golan Service Station, Inc., lessee.

SUBJECT - Application January 16, 2001 - reopening for an amendment to reflect a change in the size of the canopy.

PREMISES AFFECTED - 5213/29 Flatlands Avenue, a/k/a 1260/64 East 53rd Street, northwest corner of Avenue "J", Block 7800, Lot 39, Borough of Brooklyn.

### COMMUNITY BOARD #18BK

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# CALENDAR

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**808-55-BZ**

APPLICANT -Vassalotti Associates Architects, for Jessica Lehecka Realty Corp., owner.

SUBJECT - Application November 30, 2000 - reopening for an extension of the term of variance which expires April 23, 2001.

PREMISES AFFECTED - 35-04 Bell Boulevard, southwest corner of 35th Avenue and Bell Boulevard, Block 6169, Lot 6, Borough of Queens.

**COMMUNITY BOARD #11Q**

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**87-69-BZ**

APPLICANT - Walter T. Gorman, P.E., for Amerada Hess Corporation, owner.

SUBJECT - Application October 26, 2000 - reopening for an amendment to permit modifications to the existing service station, to include replacing the four existing pump islands with three new pump islands; installing a metal canopy over the pump island; converting the accessory building to an attendant's area, storage area and convenience store.

PREMISES AFFECTED - 104-09 Atlantic Avenue, northeast corner of 104th Street, Block 9313, Lot 51, Borough of Queens.

**COMMUNITY BOARD # 9Q**

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**271-71-BZ**

APPLICANT -Sheldon Lobel, P.C.,for Sheldon E. Leibowitz, owner.

SUBJECT - Application October 24, 2000 - reopening for an extension of the term of variance which expires July 6, 2001.

PREMISES AFFECTED - 1006/20 First Avenue /k/a 400/416 East 56th Street, Block 1367, Lots 1, 10, Borough of Manhattan.

**COMMUNITY BOARD #6M**

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**MARCH 6, 2001, 11:00 A.M.**

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

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**APPEALS CALENDAR****258-00-A**

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

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

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

**COMMUNITY BOARD #6M**

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**297-00-A**

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

OWNER OF PREMISES: Daniel Pelli

SUBJECT - Application December 13, 2000 - an appeal challenging the Department of Buildings' determination dated November 14, 2000, not to commence proceedings for revocation of Certificate of Occupancy No. 118978 for subject premises.

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

**COMMUNITY BOARD #5M**

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# MINUTES

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**MARCH 6, 2001, 2:00 P.M.**

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

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## ZONING CALENDAR

### **186-00-BZ**

APPLICANT - Harold Weinberg, P.E., for Murray Dana, owner.

SUBJECT - Application July 14, 2000 - under Z.R. §73-622, to permit the proposed conversion of a two family dwelling to a one family dwelling and extending the one family use into the attic and enlarging the second floor, which creates non-compliance with respect to F.A.R., O.S.R. and side yard, and is contrary to Z.R. §23-141, §54-31 and §23-461.

PREMISES AFFECTED - 2301 Avenue L, northeast corner of East 23rd Street, Block 7623, Lot 7, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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### **200-00-BZ**

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

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

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

**COMMUNITY BOARD #3Q**

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### **211-00-BZ**

APPLICANT - Sheldon Lobel, P.C., for Hoffman & Hoffman, LLC, owner.

SUBJECT - Application September 1, 2000 - under Z.R. §72-21, to permit the legalization of a portion of a mixed use four story building; located within an M1-2 zoning district, to legalize the 1st-4th floors of the building, Use Groups 17 and 6, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 252 Norman Avenue, located at the intersection of the Southerly side of Norman Avenue and the Easterly side of Monitor Avenue, Block 2657, Lot 1, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

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### **252-00-BZ**

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

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

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

**COMMUNITY BOARD #14Q**

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### **263-00-BZ**

APPLICANT - Philip P. Agusta and Gerald McCabe, for 19 East 77th Associates, LLC, owner.

SUBJECT - Application November 1, 2000 - under Z.R. §72-21, to permit the legalization of a rear enlargement, to an 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, and is contrary to Z.R. §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**

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### **264-00-BZ**

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

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

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

**COMMUNITY BOARD #8Q**

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*Pasquale Pacifico, Executive Director*

**REGULAR MEETING**

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# MINUTES

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**TUESDAY MORNING, JANUARY 23, 2001  
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, January 9, 2001, were approved as printed in the Bulletin of January 18, 2001, Volume 86, No. 1-3.

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## **SPECIAL ORDER CALENDAR**

### **662-56-BZ**

APPLICANT - Rothkrug & Rothkrug, for Frank Salerno, owner.

SUBJECT - Application July 25, 2000 - request for a waiver of the Rules of Practice and Procedure and a reopening for an extension of term of variance which expired March 8, 2002.

PREMISES AFFECTED - 3875 Flatlands Avenue aka 1973/83 Flatbush Avenue, Block 7821, Lots 21 and 23, Borough of Brooklyn.

### **COMMUNITY BOARD #18BK**

APPEARANCES - None.

**ACTION OF THE BOARD** - Rules of Practice and Procedure waived, application reopened, and term of the variance extended.

### **THE VOTE TO GRANT -**

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4  
Negative: .....0

### **THE RESOLUTION -**

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

WHEREAS, a public hearing was held on this application on November 21, 2000, after due notice by publication in The *City Record*, laid over to January 9, 2001 and then to January 23, 2001 for decision; and

WHEREAS, Community Board 18, Brooklyn, has recommended approval of this application.

*Resolved*, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the resolution, pursuant to Z.R. Section 11-411, said resolution adopted on February 26, 1957 as amended through March 23, 1993, expiring March 8, 2002 only as to the term of the variance, so that as amended this portion of the resolution shall read: "granted for an extension of term, *on condition*

THAT the term of the variance shall be limited to ten years from the date of this grant to expire on January 23, 2011;

THAT the premises shall be maintained in substantial compliance with the existing and proposed conditions plan submitted with this application marked 'Received July 25, 2000'- (1) sheet;

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

(ALT. 2112/56)

Adopted by the Board of Standards and Appeals, January 23, 2001.

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### **82-65-BZ**

APPLICANT - Rosenman and Colin LLP, for East 77th Street Realty LLC; owner.

SUBJECT - Application October 20, 2000 - reopening for an extension of term of the variance which expired September 23, 2000.

PREMISES AFFECTED - 500 East 77th Street, east side of York Avenue and 76th Street, Block 1488, Lots 1, 13 and 45, Borough of Manhattan.

### **COMMUNITY BOARD #8M**

APPEARANCES -

For Applicant: James Power.

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

### **THE VOTE TO GRANT -**

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4  
Negative: .....0

### **THE RESOLUTION -**

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

WHEREAS, a public hearing was held on this application on January 9, 2001, after due notice by publication in The *City Record*, and laid over to January 23, 2001 for decision; and

WHEREAS, Community Board 8, Manhattan, has recommended approval of this application.

*Resolved*, that the Board of Standards and Appeals hereby *reopens and amends* the resolution, said resolution adopted on May 25, 1965 as amended through May 29, 1991, expiring September 23, 2000 only as to the term of the variance, so that as amended this portion of the resolution shall read: "granted for an extension of term, *on condition*

THAT the term of the variance shall be limited to ten years from September 23, 2000 to expire on September 23, 2010;

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THAT a sign advising tenants of their right to recapture transient spaces shall be conspicuously displayed in the garage at all times;

THAT the premises shall be maintained in substantial compliance with the existing and proposed conditions plans submitted with this application marked "Received 'October 20, 2000'" - (2) sheets;

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

(ALT. 2058/64)

Adopted by the Board of Standards and Appeals, January 23, 2001.

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## 17-92-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 60-06/16 Northern Boulevard, southwest corner of 60th Street, Block 1183, Lots 1 and 59, Borough of Queens.

### COMMUNITY BOARD #2Q

APPEARANCES - None.

**ACTION OF THE BOARD** - Application withdrawn

THE VOTE TO WITHDRAW -

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

Negative: .....0

Adopted by the Board of Standards and Appeals, January 23, 2001.

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## 240-55-BZ

APPLICANT - Joseph P. Morsellino, for Douglas Callahan, owner.

SUBJECT - Application September 11, 2000 - reopening for an amendment to permit the erection of a 2<sup>nd</sup> story to the existing one story building.

PREMISES AFFECTED - 207-22 Northern Boulevard, Northern Boulevard and 208<sup>th</sup> Street, Block 7305, Lot 19, Borough of Queens.

### COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Joseph P. Morsellino, Suzanne Cochrane and Warren Taylor.

For Opposition: Mandingo Tshata.

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

**ACTION OF THE BOARD** - Laid over February 13, 2001, at 10 A.M., for continued hearing.

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## 1449-61-BZ

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

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

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

### COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

**ACTION OF THE BOARD** - Laid over to April 3, 2001, at 10 A.M., for continued hearing.

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## 62-83-BZ

APPLICANT - Sheldon Lobel, P.C., for Shaya B. Pacific, LLC, owner.

SUBJECT - Application November 6, 2000 - reopening for an amendment to modify the placement of a lobby and driveway and a change in the landscaping.

PREMISES AFFECTED - 696 Pacific Street, 529/39 Dean Street and 549/59 Dean Street, Block 1128, Lots 16, 18, 37, 65, 68, 70, Borough of Brooklyn.

### COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Janice Cahalane and Paul Sherdon.

For Opposition: Karen Gleeson and Bayo Calleneber.

**ACTION OF THE BOARD** - Laid over to February 27, 2001, at 10 A.M., for continued hearing.

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## 137-85-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER: Jack Garfinkel for Lund Fire Products Company.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 40-27/33 215<sup>th</sup> Place, northeast corner of 41<sup>st</sup> Avenue and 40-30/6 216<sup>th</sup> Street, Block 6303, Lot 20, Borough of Queens.

### COMMUNITY BOARD #11Q

APPEARANCES -

In Opposition: Philip P. Agusta and Richard F. Alexander.

In Support: Lisa L. Gye.

For Administration: Battalion Chief Robert J. Stec and John

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Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to March 6 , 2001, at 10 A.M., for continued hearing.

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## 72-95-BZ

APPLICANT - Lorenzo Casanova, Esq.,for J & J Alarcon Realty Corp., owner; Chibcha Restaurant, Inc.,Lessee.

SUBJECT - Application October 24, 2000 - request for a waiver of Rules of Practice and Procedure and reopening for an extension of term of variance which expired February 27, 1999.

PREMISES AFFECTED - 79-05/07/09 Roosevelt Avenue, a/k/a 41.5' east of intersection of 79th Street and Roosevelt Avenue, Block 1290, Lots 43, 44, 45, 136, Jackson Heights, Borough of Queens.

### COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Mark Stone.

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

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to March 13, 2001, at 10 A.M., for decision, hearing closed.

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## 84-99-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Dominic and Joseph Terzouli.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 158/60 12th Street 137/63 13th Street, south side of 12th Street, 100' east from intersection of Third Avenue, Block 1027, Lots 1, 3, 5, 6, 10, 11, 65, 66, Borough of Brooklyn

### COMMUNITY BOARD #6BK

APPEARANCES -

In Opposition: Janice Callahane.

In Support: Rik Little and Amy Schaetzel.

**ACTION OF THE BOARD** - Laid over to March 6, 2001, at 10 A.M., for continued hearing.

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## 130-00-A /131-00-A and 133-00-A

APPLICANT - Paul Mok, P.E., P.C., for Block 8044 Lot 1

Corp., owner.

SUBJECT - Application May 9, 2000 - proposed dwellings, located partially in the bed of a mapped street is contrary to Article 3, Section 35 of the General City Law.

PREMISES AFFECTED -

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

157-19 Cross Island Parkway , north side of Cross Island Parkway, 150' east of 157th Street, Block 4568, Lot 85, Borough of Queens.

157-23 Cross Island Parkway, north side of Cross Island Parkway, 150' east of 157th Street, Block 4568, Lot 83, Borough of Queens.

### COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Anthony Nastasi.

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

**ACTION OF THE BOARD** - Appeals granted on condition.

THE VOTE TO GRANT -

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

Negative: .....0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated, November 14, 2000, acting on Application #(s) 401011169, 401001178 and 401011196, reads:

“Proposed structure within the bed of a mapped street is contrary to Article 3, Section 35, of the General City Law.”

WHEREAS, Community Board 7, Queens, unanimously recommended approval of these applications; and

WHEREAS, based on the record, the Board finds that the City has no plans to install sewers in the bed of 158<sup>th</sup> Street; and

WHEREAS, by letter dated November 17, 2000 the Department of Transportation has reviewed the proposed project and has no objection; and

WHEREAS, by letter dated October 26, 2000 the Fire Department has reviewed the proposed project and has no objection; and

WHEREAS, the applicant has submitted adequate evidence to warrant these approvals under certain conditions.

*Resolved*, that the decisions of the Queens Borough Commissioner, dated, November 14, 2000, acting on Application #(s) 401011169, 401001178 and 401011196, objection #1, are modified under the powers vested in the Board by §35 of the General City Law, and that the appeals are granted, limited to the decision noted, *on condition* that the construction shall substantially conform to drawing filed

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with the application marked, "Received December 11, 2000"- (1) sheet; and that all applicable laws, rules and regulations shall be complied with.

Adopted by the Board of Standards and Appeals January 23, 2001.

## 257-00-A

APPLICANT - Winthrop Stimson Putnam and Roberts, by: Melanie Myers and Macerich Property Management Company, for Macerich Queens Limited Partnership, J.C. Penney Company, Inc., Macy's East Inc., 4 T's Realty Corp. LLC, Tedlen Realty Corp., the City of New York, owner.

Contract Vendee: Macerich Queens Expansion

Ground Lessee: Macerich Queens Adjacent Limited Partnership

SUBJECT - Application October 26, 2000 - proposed light atriums, to be located within an enlarged and renovated mall, which does not comply with the requirements of Sections 27-521.03(b), 27-521.03(c), 27-521.08(a) and 27-314(a) of the NYC Building Code.

PREMISES AFFECTED - 90-15 - 90-25 Queens Blvd. a..k.a. 91-05 - 91-19 59th Avenue, northeast corner of Queens Boulevard and 59th Avenue, Block 1860- Lots 59, 64, 100; Block 1873, Lot 1, Borough of Queens.

## COMMUNITY BOARD #4Q

### APPEARANCES -

For Applicant: Melanie Myers.

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

ACTION OF THE BOARD - Appeal granted on condition.  
THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4  
Negative: .....0

### THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner of the Department of Buildings, dated September 26, 2000 reads in pertinent part:

1. Proposed atrium does not comply with Section 27-521.03(b) in that the atrium is open on more than the lowest two levels.
2. Proposed atrium does not comply with Section 27-521.03(c) in that the minimum horizontal clear dimension of an atrium of 40 feet is not met
3. Proposed smoke exhaust of atrium does not comply with Section 27-521.08(a) in that six (6) air changes per hour are not provided for all spaces that open onto the atrium
4. Proposed layout does not comply with Section 27-314(a) in that a minimum of one- hour separation between tenants retail spaces and circulation space is not provided."

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

WHEREAS, this is an appeal application seeking a modification of the regulations pertaining to atriums; and

WHEREAS, the Queens Center Mall is presently a three story plus concourse retail development; and

WHEREAS, the applicant seeks a waiver from the above provisions of the building code relating to light atriums located within an enlarged and renovated mall; and

WHEREAS, for more than 25 years, the Queens Center Mall has been the Borough's only regional shopping center; and

WHEREAS, the subject premises is located on most of the block bounded by Queens Boulevard, 59<sup>th</sup> Avenue, 92<sup>nd</sup> Street, 57<sup>th</sup> Avenue, and 90<sup>th</sup> Street; and

WHEREAS, the enlargement of the mall will include the addition of a fourth floor over the existing mall; and

WHEREAS, the enlargement will also require a three-story addition on a site immediately east of the mall, a three story retail building and a seven-story parking facility on a City- owned municipal parking field on the block across 92<sup>nd</sup> Street;

WHEREAS, the proposal will also provide retail and vehicular bridges spanning over 92<sup>nd</sup> Street connecting the two halves of the enlarged mall; and

WHEREAS, the Board is being asked to vary four provisions of the Building Code; and

WHEREAS, the applicant proposes to bring additional light and air into the mall by introducing six light wells spaced along the common area corridor contrary to Section 27-521.03(b) (Atriums-Construction); and

WHEREAS, the proposed light wells will range from three to five stories and open on all levels ; and

WHEREAS, some of the light wells running along the common area corridor will have a dimension of less than 40' and a minimum atrium area of less than 1,200 square feet requiring a waiver of Building Code Section 27-521.03(c) ; and

WHEREAS, the record indicates that a waiver of Building Code Section 27-521.08(a) is required as all of the common areas in the mall open on to each of the atrium spaces and do not provide a system of mechanical ventilation of sufficient capacity to exhaust at least six changes per hour ; and

WHEREAS, the subject proposal contains retail openings between tenant spaces and the Mall's common areas requiring a waiver of Building Code Section 27-314(a)(Fire Separations); and

### LIGHT WELLS

WHEREAS, the applicant will provide baffles at each

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story of the light well of at least 24" in height with sprinklers located 6' on center at each story; and

WHEREAS, each light well opening will be supplied with an exhaust fan or fans capable of providing six changes of air per hour of the volume of air contained within the light well volume; and

WHEREAS, the fan will be activated by smoke detectors near the top of the volume and will also be able to be activated from the building's fire alarm control panel ; and

WHEREAS, make up air will be provided at the ceiling line of the lowest level of each opening at the rate of 75% of exhaust; and

WHEREAS, the exhaust and make up air fans will be connected to the building's emergency generator; and

## RETAIL OPENINGS

WHEREAS, in lieu of providing fire separation the developer will provide a non-combustible draft curtain at the entrance to each tenant space; and

WHEREAS, in addition to the fire protection at the retail entrances, the project will provide rear egress corridors directly accessible from new tenant spaces; and

WHEREAS, any current occupancy having only one means of egress, if relocated as part of the renovation project, will not have its occupant load or floor area increased unless the renovated space has direct access to the perimeter egress corridor; and

WHEREAS, the applicant notes that while the Building Code requires that corridors have a one-hour fire rating, egress corridors will be two-hour rated and will be fully sprinklered; and

WHEREAS, two- hour fire protection will be provided for all egress stairs; and

WHEREAS, a two-hour fire separation will be maintained between the Mall structure and the adjoining parking garage; and

WHEREAS, the applicant represents that in addition to the above measures, the building will be fully sprinklered in accordance with applicable Building Code provisions, will contain an interior fire alarm system (or multiple systems throughout the building, and will be constructed to a minimum of I-C construction classification; and

WHEREAS, to address Fire Department concerns, the applicant will provide addressable smoke detectors connected to a fire alarm control panel; and

WHEREAS, the Fire Department has no objection to the granting of this appeal provided that the fire prevention and detection systems indicated below are complied with; and

WHEREAS, the record indicates that the proposed renovation and enlargement will bring the mall into compliance with life safety, ADA and other Building Code standards ; and

*Resolved,* that the decision of the Borough

Commissioner, dated September 26, 2000 is modified and the appeal is granted *on condition* that the building substantially conform to drawings filed with this application marked "Received October 26, 2000"-(7) sheets and that all other applicable laws, rules, and regulations be complied with and on *further condition*; that fire prevention and detection systems will be provided within the subject building in accordance with Board of Standards and Appeals approved plans and that the applicant provide the following prevention and detection systems:

THAT baffles at each story of the light well of at least 24" in height with sprinklers located 6' on center at each story;

THAT each light well opening will be supplied with an exhaust fan or fans capable of providing six changes of air per hour of the volume of air contained within the light well volume;

THAT the fan will be activated by smoke detectors near the top of the volume and will also be able to be activated from the building's fire alarm control panel;

THAT make up air will be provided at the ceiling line of the lowest level of each opening at the rate of 75% of exhaust;

THAT the exhaust and make up air fans will be connected to the building's emergency generator;

THAT in lieu of providing fire separation the developer will provide a non-combustible draft curtain at the entrance to each tenant space;

THAT rear egress corridors directly accessible from new tenant spaces be provided;

THAT any current occupancy having only one means of egress, if relocated as part of the renovation project, will not have its occupant load or floor area increased unless the renovated space has direct access to the perimeter egress corridor;

THAT egress corridors will be two- hour rated and will be fully sprinklered;

That two-hour fire protection will be provided for all egress stairs;

THAT a two hour fire separation will be maintained between the Mall structure and the adjoining parking garage.

Adopted by the Board of Standards and Appeals, January 23, 2001.

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## 269-00-A

APPLICANT - Miro C. Stracar, P.E., Stracar Engineering, P.C., for Breezy Point Cooperative, owner; Mr. and Mrs. William Hayes, lessees.

SUBJECT - Application November 15, 2000 - proposed

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building not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 34 Marion Walk, west side, 160' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

**COMMUNITY BOARD #14Q**

APPEARANCES -

For Applicant: Miro C. Stracar.

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

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to February 13, 2001, at 11 A.M., for decision, hearing closed.

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**278-00-A**

APPLICANT - Rachel Tanur for FC 42nd Street Associates, L.P., Ground Lessee

OWNER OF PREMISES: 42nd Street Development Project, Inc.,

SUBJECT - Application November 20, 2000 - proposed marquee sign does not comply with Section 27-504(a) of the New York City Building Code, in that the total height of the proposed sign exceeds 8' above the fascia of the marquee.

PREMISES AFFECTED - 234 West 42nd Street, southwest corner of 8th Avenue, Block 1013, Lots 12, 45, 46, 49, 50, 51, 53, 55 and 57, Borough of Manhattan.

**COMMUNITY BOARD #5M**

APPEARANCES -

For Applicant: Rachel Tanur.

For Opposition: John Persinger, Department of Buildings.

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

**ACTION OF THE BOARD** - Laid over to February 13, 2001, at 11 A.M., for continued hearing.

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**279-00-A**

APPLICANT - Sal T. Tartaglione, for Glen Oaks Volunteer Ambulance Corps. Richard Keller -- Chairman, owner.

SUBJECT - Application November 21, 2000 - proposed construction of a two story and cellar masonry building without providing accessibility in the form of an elevator for

the entire building, which is contrary to Section 27-295.5 of the New York City Building Code.

PREMISES AFFECTED - 257-02 Union Turnpike a.k.a. 79-03 257th Street, southeast corner, Block 8694, Lot 25, Borough of Queens.

**COMMUNITY BOARD #13Q**

APPEARANCES -

For Applicant: Rex Carner.

For Administration: Lisa Orrantia and Felicia Miller, Department of Buildings.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to February 13, 2001, at 11 A.M., for decision, hearing closed.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 12:00 P.M.

**REGULAR MEETING  
TUESDAY AFTERNOON, JANUARY 23, 2001  
2:00 P.M.**

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

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**ZONING CALENDAR**

**187-97-BZ**

**CEQR #98-BSA-015Q**

APPLICANT - Catapano Engineering, P.C., by Robert W. Heilmann, Jr., for Frank Gombocs, owner.

SUBJECT - Application September 10, 1997, 2000 - under Z.R. §73-211, to permit the proposed operation of an existing gasoline service station with a convenience store, and the installation of a canopy over new gas pump islands with MPD's and underground tanks, located in a C2-2 within an R3-2 zoning district, which is contrary to Z.R. §§ 32-31, 32-25, 32-41 and previous Calendar Number 280-71-BZ.

PREMISES AFFECTED - 148-02 Rockaway Boulevard, southeast corner of 148th Street, Block 12103, Lots 25, 35 and 39, Borough of Queens.

**COMMUNITY BOARD #12Q**

APPEARANCES -

For Applicant: Michelle Spallino.

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

**ACTION OF THE BOARD** - Application granted on

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condition.

THE VOTE TO GRANT -

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

Negative: .....0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated acting on Applic. No. 400760280, reads:

“1. In a c2-2 in R3-2 zone proposed convenience store (Use #6 in conjunction with existing gasoline service station is contrary to BSA 280-71-BZ, need BSA approval”;

WHEREAS, a public hearing was held on this application on December 5, 2000 after due notice by publication in *The City Record*, laid over to December 19, 2000, January 9, 2001, and then to January 23, 2001 for decision; and

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

WHEREAS, this is an application for a special permit under Z.R. § 73-211 on a site previously before the Board, to permit the proposed operation of an existing gasoline service station with convenience store and the installation of a canopy over new gas pump islands with MPD’s and underground tanks, located in a C2-2 within an R3-2 zoning district, which is contrary to Z.R. §§ 32-31, 32-25, 32-41 and previous Calendar Number 280-71-BZ; and

WHEREAS, in 1972, under Calendar Number 280-71-BZ, the Board permitted the erection and maintenance of a gasoline service station; and

WHEREAS, the applicant seeks an expansion of the gasoline service station use, to install a canopy over pump islands, and to allow a convenience store within the existing building; and

WHEREAS, the existing building has a total floor area of 1931 square feet plus a proposed addition of a walk-in cooler of 11’x 22’, with an increase of 231 square feet of floor area for a total of 2073; and

WHEREAS, screening from adjoining residential properties will be provide by a chainlink fence with privacy slats and low maintenance landscaping along the fence line in accordance with Z.R. § 73-211(4)(1) and (2); and

WHEREAS, the proposed convenience store use will contain 1287 square feet; and

WHEREAS, a 10’ by 10’ trash enclosure will be located adjacent to the existing building; and

WHEREAS, evidence in the record reveals that the area of the subject zoning lot is characterized by commercial, retail uses along Rockaway Boulevard east and west of the site and residential uses to the north and south; and

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. § 73-211; 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 the required findings under Z.R. § 73-211, and *grants* a special permit, on a site previously before the Board, to permit the proposed operation of an existing gasoline service station with a convenience store, and the installation of a canopy over new gas pump islands with MPD’s and underground tanks, located in a C2-2 within an R3-2 zoning district, which is contrary to Z.R. §§ 32-31, 32-25, 32-41 and previous Calendar Number 280-71-BZ *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received December 12, 2000”- (5) sheets; and *on further condition*;

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

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

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

THAT premises be maintained free of debris and graffiti;

THAT the above conditions appear on the certificate of occupancy;

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

THAT substantial construction shall be completed in accordance with Z.R. §73-70.

Adopted by the Board of Standards and Appeals, January 23, 2001.

**134-99-BZ**

APPLICANT - Martyn and Don Weston Architects, for

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Franklyn Holding Company, owner ; The Dwight School, lessee.

SUBJECT - Application June 23, 1999 - under Z.R. §72-21 to permit the proposed enlargement to an existing school (Use Group 3) located in an rear yard, which is contrary to Z.R. §24-33, since a permitted obstruction in required rear yards or rear yard equivalents are limited to one story not exceeding 23' above curb level.

PREMISES AFFECTED - 18 West 89th Street a.k.a. 17-19 West 88th Street, south side, 160' west of Central Park West, Block 1202, Lots 25 and 40, Borough of Manhattan.

**COMMUNITY BOARD #7M**

APPEARANCES -

For Applicant: Don Weston.

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

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

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**173-99-BZ**

APPLICANT - Gerald J. Caliendo, R.A., for Andrew Rosenwach, owner; Jerrold Gusick LaGuardia Fitness Center Corp., 163-44 16th Avenue, Whitestone, N.Y. 11357, lessee.

SUBJECT - Application August 6, 1999 - under Z.R. §73-36, to permit the proposed physical culture establishment (Use Group 9) located in an M1-1 zoning district, which requires a special permit.

PREMISES AFFECTED - 43-60 Ditmars Boulevard a.k.a. 43-02 Ditmars Boulevard, southeast side of Ditmars Boulevard on the corner formed by Ditmars Boulevard and 43rd Avenue, Block 782, Lot 1, Borough of Queens.

**COMMUNITY BOARD #1Q**

APPEARANCES -

For Applicant: Gerard Galiendo.

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

**ACTION OF THE BOARD** - Laid over to February 13, 2001, at 2 P.M., for continued hearing.

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**92-00-BZ**

APPLICANT - Sheldon Lobel, P.C., for 227 East 56th Company, owner; Club Robert Paul, Inc. d/b/a Spa 227, lessee.

SUBJECT - Application March 24, 2000 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment (Use Group 9) located in a C1-9 zoning district.

PREMISES AFFECTED - 227 East 56th Street, northside,

between Second and Third Avenues, Block 1330, Lot 11, Borough of Brooklyn.

**COMMUNITY BOARD #6M**

APPEARANCES -

For Applicant: Eric Palatnik and Craig Dix.

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

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to February 13, 2001, at 2 P.M., for decision, hearing closed.

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**97-00-BZ**

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

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

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

**COMMUNITY BOARD #12BK**

APPEARANCES -

For Applicant: Eric Palatnik.

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

**ACTION OF THE BOARD** - Laid over to May 1, 2001, at 2 P.M., for postponed hearing.

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**124-00-BZ**

APPLICANT - Rothkrug and Rothkrug, for Spartacus Realty Inc., owner.

SUBJECT - Application April 26, 2000 - under Z.R. §72-21, to permit the proposed construction of a two family dwelling (Use Group 2) located in an R4 zoning district, which does not provide the required side yards and required number of off-street parking spaces and is contrary to Z.R. §23-461 and §25-22.

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# MINUTES

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PREMISES AFFECTED - 1213 Doone Court, north side, 90' east of East 12th Street, Block 7413, Lot 83, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Harry Rock, Doris Donna Hennessy, Lois Gatti, Harvey Appelblatt and Yonnor Fung.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to February 13, 2001, at 2 P.M., for decision, hearing closed.

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**189-00-BZ**

APPLICANT - Law Offices of Howard Goldman PLLC, for Houston Street Properties LLC, owner.

SUBJECT - Application July 19, 2000 - under Z.R. §72-21, to permit the proposed erection of a 23 story mixed use building, which exceeds the permitted floor area for residential and commercial space, O.S.R. for residential and commercial space, number of zoning rooms; and violates the allowable height and setback requirements.

PREMISES AFFECTED - 215 East Houston Street, East Houston Street, between Ludlow and Essex Streets, Block 412, Lot 53, Borough of Manhattan.

**COMMUNITY BOARD #3M**

APPEARANCES -

For Applicant: Howard Goldman.

For Opposition: Miguel Hernandez, Susan Howard, Erica Depiero, Rachel Frammer, Alica O'Malley, Morica Forrestall, Ussuri Yu, Harvey Epstein, Kwong T. Hui, Hoon Kim, Lissette Mevy and Bruce Alexander.

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

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to February 13, 2001, at 2 P.M., for decision, hearing closed.

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**192-00-BZ**

APPLICANT - H. Irving Sigman, for 157-06 Linden Blvd. Corp., owner.

SUBJECT - Application July 24, 2000 - under Z.R. §72-21, to permit the proposed new one story building, located within an R3-2 zoning district, for use as a store (Use Group 6) with an accessory parking lot for seven cars, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 144-43 Farmers Boulevard,

southeast corner of Farmer's Boulevard and South Conduit Avenue, Block 13314, Lot 1, Borough of Queens.

**COMMUNITY BOARD #13Q**

APPEARANCES -

For Applicant: H. Irving Sigman.

**ACTION OF THE BOARD** - Laid over to February 13, 2001, at 2 P.M., for continued hearing.

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**193-00-BZ**

APPLICANT - H. Irving Sigman, for Louhal Properties, Inc., owner.

SUBJECT - Application July 24, 2000 - under Z.R. §72-21, to permit the proposed use of a parking lot for 19 cars, located within an R3-1 zoning district (Use Group 6) in conjunction with a proposed new laundromat, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 87-26 Lefferts Boulevard, west side, 210.17' south of Jamaica Avenue and 680' north of 89th Avenue, Block 9328, Lot 16, Borough of Queens.

**COMMUNITY BOARD #9Q**

APPEARANCES -

For Applicant: H. Irving Sigman.

For Opposition: Alvi Richmond Mamntinc.

**ACTION OF THE BOARD** - Laid over to February 13, 2001, at 2 P.M., for continued hearing.

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**199-00-BZ**

APPLICANT - Philip P. Agusta, R.A., M.U.P., for EN PING LTD., owner.

SUBJECT - Application August 10, 2000 - under Z.R. §73-244, to permit the proposed addition of entertainment and dancing (Use Group 12) to an existing eating and drinking establishment (Use Group 6) located in a C2-3/R6 zoning district, which requires a special permit.

PREMISES AFFECTED - 76-19 Roosevelt Avenue, north west corner of Roosevelt Avenue and 77th Street, Block 1287, Lot 37, Borough of Queens.

**COMMUNITY BOARD #3Q**

APPEARANCES -

For Applicant: Philip Agusta, Eduardo Valentin and Casimino Villa.

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

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

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**203-00-BZ**

APPLICANT - Jay A. Segal (Greenberg Traurig, LLP), for 603 Greenwich Street LLC, owner.

SUBJECT - Application August 11, 2000 - under Z.R. §72-21,

# MINUTES

to permit the proposed residential use of floors three thru five, plus the addition of a new partial penthouse, in a former five story mini-storage facility, located in an MI-5 zoning district which is contrary to Z.R. § 42-00.

PREMISES AFFECTED - 603 Greenwich Street, northwest intersection of Greenwich and Clarkson Streets, Block 601, Lot 42, Borough of Manhattan.

## COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Jay Segal, Bruce Robbing, Jack Freeman and Doris Diether, Community Board #2.

For Opposition: Ellen Peterson-Lewis, Carole Slater, Jody Rudin, Carnest Rice, Lisa LaLrieda and others.

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

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to February 13, 2001, at 2 P.M., for decision, hearing closed.

## 204-00-BZ

APPLICANT - Harold Weinberg, P.E., for Eric Piker, owner.

SUBJECT - Application August 15, 2000 - under Z.R. §73-622, to permit the proposed erection of a rear enlargement, and an enlargement in the front of the level of the second story, to an existing one family dwelling, which does not comply with the zoning requirements for floor area ratio, lot coverage, and rear and side yards, which is contrary to Z.R. § 23-141, §23-47, §23-4641(b) and §54-31.

PREMISES AFFECTED - 4294 Ocean Avenue, west side, 594'-3" south of Oriental Boulevard, Block 8743, Lot 96, Borough of Brooklyn.

## COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to February 6, 2001, at 2 P.M., for decision, hearing closed.

## 209-00-BZ

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

SUBJECT - Application August 30, 2000 - under Z.R. §73-622, to permit the proposed enlargement of a single family residence, located in an R2 zoning district, the expansion of the first and second floors of the house, which is contrary to Z.R. §23-141 and §23-47.

PREMISES AFFECTED - 1124 East 28th Street, between Avenue K and L, Block 7627, Lot 55, Borough of Brooklyn.

## COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to February 6, 2001, at 2 P.M., for decision, hearing closed.

## 259-00-BZ

APPLICANT - Fredrick A. Becker, Esq., for 26 Court Street Associates LLC, owner; TSI Court Street Inc., dba New York Sports Club, lessee.

SUBJECT - Application October 27, 2000 - under Z.R. §73-36, to permit the proposed physical culture establishment, located in portions of the cellar, first floor, mezzanine and second floor, of an existing twenty-eight story plus penthouse commercial office structure building, requires a special permit as per Z.R. §32-00.

PREMISES AFFECTED - 26 Court Street a.k.a. 179 Remsen Street, northwest corner, Block 250, Lot 1, Borough of Brooklyn.

## COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

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

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to February 6, 2001, at 2 P.M., for decision, hearing closed.

*Pasquale Pacifico, Executive Director.*

Adjourned: 5:10 P.M.

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# MINUTES

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**DISMISSAL CALENDAR  
WEDNESDAY MORNING, JANUARY 24, 2001  
10:00 A.M.**

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

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**186-00-BZ**

APPLICANT - New York City Board of Standards and Appeals.

OWNER: Murray Dana

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 2301 Avenue L, northeast corner of East 23rd Street, Block 7623, Lot 7, Borough of Brooklyn.

**COMMUNITY BOARD # 14BK**

APPEARANCES -

In Opposition: Harold Weinberg.

**ACTION OF THE BOARD** - Application withdrawn

THE VOTE TO WITHDRAW -

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

Negative: .....0

Adopted by the Board of Standards and Appeals,  
January 24, 2001.

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**300-64-BZ**

APPLICANT - New York City Board of Standards and Appeals.

OWNER: Pathmark Stores Inc.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED -1038-64 Leland Avenue, east side, 100' south of Watson Avenue, Block 3731, Lots 26 and 36, Borough of The Bronx.

**COMMUNITY BOARD # 9BX**

APPEARANCES - None.

**ACTION OF THE BOARD** - Laid over to February 6, 2001, at 10 A.M., for continued hearing on the SOC Calendar.

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APPLICANT - New York City Board of Standards and Appeals.

OWNER: Bedford Park Homes, Inc.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 71, 75, 76, 80, 84, 88, 92, 96, 100, 101, 104, 105, 108 Skillman and 826, 830, 834, 840, 874 Bedford Avenue, Block 1899, Lot 156, Borough of Brooklyn.

**COMMUNITY BOARD # 3BK**

APPEARANCES - None.

**ACTION OF THE BOARD** - Laid over to May 23, 2001, at 10 A.M., for postponed hearing.

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**125-99-BZ**

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - to dismiss the application for lack of prosecution.

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

**COMMUNITY BOARD #3BK**

APPEARANCES -

In Opposition: Mitchell Ross.

**ACTION OF THE BOARD** - Laid over to April 17, 2001, at 10 A.M., for continued hearing on the SOC Calendar.

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**213-00-A**

APPLICANT - New York City Board of Standards and Appeals.

OWNER: Congregation Tomchei Torah.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 1966 Ocean Avenue, west side, 146.3' north of Avenue O, Block 6757, Lot 45, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

APPEARANCES -

In Opposition: S. Illeiw.

**ACTION OF THE BOARD** - Laid over to March 13, 2001, at 10 A.M., for continued hearing on the SOC Calendar.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 10:30 A.M.

**351-98-BZ thru 370-98-BZ**

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# MINUTES

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