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# BULLETIN

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

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Volume 86, No. 50

November 29, 2001

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### DIRECTORY

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**SATISH BABBAR**, *Vice-Chair*

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**PETER CALIENDO**

*Commissioners*

**Pasquale Pacifico**, *Executive Director*

**Trevis Bethea**, *Deputy Director*

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**MINUTES of Regular Meetings,  
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717

**Affecting Calendar Number:**

36-01-BZ	328 Spring Street, Manhattan
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192-01-BZ  
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525 Broome Street, Manhattan  
33 Division Street, Manhattan

# DOCKET

New Case Filed Up to December 11, 2001

**381-01-BZ** B.BK. 1723 8th Avenue, aka 443 18th Street, northeast corner, Block 876, Lot 1, Borough of Brooklyn. Applic.#301230353. Proposed construction of a rooftop enlargement to an existing community facility, Use Group 4, located in an R5 zoning district, which will result in an increase in the degree of non-compliance with respect to floor area, perimeter wall height, encroachment within the sky exposure plane and required front yards, is contrary to Z.R. §54-31, §24-11, §24-34 and §24-521.

**COMMUNITY BOARD #7BK**

**384-01 BZ** B.BK. 218 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 43, Borough of Brooklyn. Applic.#301247880. Proposed construction of a six (6) story and cellar Class "A" multiple dwelling, Use Group 2, located in an M1-2 zoning district, is contrary to §42-00.

**COMMUNITY BOARD #1BK**

**382-01-A** B.M. 11 East 57th Street, north side, between Madison and Fifth Avenues, Block 1293, Lot 10, Borough of Manhattan. Alt.II.#103042306. Proposed access "convenience" stairs, located in the rear of an existing six story building and penetrating the three retail floors, first through third, is contrary §27-375 (i) (2) of the NYC Building Code.

**385-01-BZ** B.BK. 1449 39th Street, aka 1443/49 39th Street, north side, 290' west of the intersection of 39th Street and 15th Avenue, Block 5347, Lot 58, Borough of Brooklyn. Applic. #301190397. The legalization of an existing Yeshiva (Religious School), at the first and second floor levels and to extend the building one and a half stories, to include a third floor and a partial fourth floor, with a play area at the roof level, which creates non-compliance with regards to use regulations, and side and rear yards, is contrary to Z.R. §42-00, §43-24 and §43-26.

**COMMUNITY BOARD #12BK**

**383-01-BZ** B.Q. 146-01 17th Avenue, corner of 46th Place and 17th Avenue, Block 4626, Lot 8, Borough of Queens. Applic.#401229657. Proposed one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for front yard, side yard and front wall setback, is contrary to §23-45, §23-461(a) and §23-631.

**COMMUNITY BOARD #7Q**

**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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**JANUARY 8, 2002, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, January 8, 2002, 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**

### **36-99-BZ**

APPLICANT - Harold Weinberg, P.E., for Avery Eisenreich, owner.

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

PREMISES AFFECTED - 1347-53 East 23rd Street, east side, 340' north of Avenue N, between Avenues M and N, Block 7659, Lot 23, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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**JANUARY 8, 2002, 11:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, January 8, 2002, 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**

### **229-01-A thru 232-01-A**

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application November 9, 2001 - proposed multiple dwellings, must comply with Article 3, Section 26 of the MDL regarding rear yard and Section 27-733 of the NYC Building Code regarding light and air requirements.

PREMISES AFFECTED - 125 Classon Avenue (tentatively 127 Classon Avenue), bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lots 106 (tentative 107), Borough of Brooklyn.

131 Classon Avenue (tentatively 123 Classon Avenue), bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 105, Borough of Brooklyn.

135 Classon Avenue (tentatively 137 Classon Avenue), bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 106 (Tentative Lot 4),

Borough of Brooklyn.

141 Classon Avenue (tentatively 391 Park Avenue), bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1, Borough of Brooklyn.

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### **266-01-A thru 278-01-BZ**

APPLICANT - Robert A. Caneco, R.A., for Alan Becker, owner.

SUBJECT - Application August 30, 2001 - proposed construction of a two story and cellar one family attached residence, which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 15 Beachview Avenue, north side, 87.15' east of Boundary Avenue, Block 3686, Lot 65, Borough of Staten Island.

17 Beachview Avenue, north side, 117.15' east of Boundary Avenue, Block 3686, Lot 64, Borough of Staten Island.

19 Beachview Avenue, north side, 139.15' east of Boundary Avenue, Block 3686, Lot 63, Borough of Staten Island.

21 Beachview Avenue, north side, 161.15' east of Boundary Avenue, Block 3686, Lot 62, Borough of Staten Island.

23 Beachview Avenue, north side, 183.15' east of Boundary Avenue, Block 3686, Lot 60, Borough of Staten Island.

27 Beachview Avenue, north side, 215.15' east of Boundary Avenue, Block 3686, Lot 59, Borough of Staten Island.

29 Beachview Avenue, north side, 247.15' east of Boundary Avenue, Block 3686, Lot 57, Borough of Staten Island.

31 Beachview Avenue, north side, 269.15' east of Boundary Avenue, Block 3686, Lot 56, Borough of Staten Island.

33 Beachview Avenue, north side, 291.15' east of Boundary Avenue, Block 3686, Lot 54, Borough of Staten Island.

37 Beachview Avenue, north side, 323.15' east of Boundary Avenue, Block 3686, Lot 53, Borough of Staten Island.

39 Beachview Avenue, north side, 355.15' east of Boundary Avenue, Block 3686, Lot 52, Borough of Staten Island.

41 Beachview Avenue, north side, 377.15' east of Boundary Avenue, Block 3686, Lot 51, Borough of Staten Island.

43 Beachview Avenue, north side, 399.15' east of Boundary Avenue, Block 3686, Lot 50, Borough of Staten Island.

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# CALENDAR

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## 298-01-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Rachele and James Boyhan, lessees.

SUBJECT - Application October 25, 2001 - proposed enlargement and alteration of an existing single family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 107 Beach 221st Street, east side, 120' south of Breezy Point Boulevard, Block 16350, Part of Lot 300, Borough of Queens.

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**JANUARY 8, 2002, 2:00 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, January 8, 2002, at 2 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## ZONING CALENDAR

### 120-01-BZ

APPLICANT - Sheldon Lobel, for Tony Ariola, owner.

SUBJECT - Application March 19, 2001 - under Z.R. §72-21 to permit the legalization of commercial uses (Use Group 6) in an existing two story building, located in an R4 zoning district.

PREMISES AFFECTED - 134-02 Cross Bay Boulevard, west side, between Gold and Silver Roads, Block 11374, Lot 134, Borough of Queens.

**COMMUNITY BOARD #10Q**

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### 125-01-BZ thru 128-01BZ

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is

contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.

PREMISES AFFECTED - 125 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 106, Borough of Brooklyn.

131 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 105, Borough of Brooklyn.

135 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1 (tentative 4), Borough of Brooklyn.

141 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1, Borough of Brooklyn.

**COMMUNITY BOARD #3BK**

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### 136-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Cel-Net Holding, Inc., owner.

SUBJECT - Application April 10, 2001 - under Z.R. §72-21 to permit the proposed increase in floor area for a wholesale office with accessory storage currently under construction (Use Group 10), also the legalization of the existing encroachment into the rear yard, which is contrary to Z.R. §43-26 and §43-12.

PREMISES AFFECTED - 11-11 44th Drive, north side, between 11th and 21st Streets, Block 447, Lot 13, Borough of Queens.

**COMMUNITY BOARD #1Q**

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### 143-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Thomas R. Birchard and Sarah R. Haddock, owners.

SUBJECT - Application April 16, 2001 - under Z.R. §72-21 to permit the legalization and the enlargement of an existing veterinary clinic (Use Group 6), located at the cellar and first floor levels of a six story building in an R7-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 348 East 9th Street, northeast corner of 1st Avenue, Block 450, Lot 28, Borough of Manhattan.

**COMMUNITY BOARD #3M**

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# CALENDAR

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## 201-01-BZ

APPLICANT - Sheldon Lobel, P.C., for John Lage, owner.  
SUBJECT - Application May 31, 2001 - under Z.R. §72-21 to permit the proposed enlargement of an existing structure for use as an automobile laundry, lubrication and detailing establishment, as well as an accessory auto supply store, Use Group 16, within a C4-1 zoning district, which is contrary to a previous variance granted under Cal. No. 1280-65-BZ and Z.R. §32-00.

PREMISES AFFECTED - 2591/2613 Atlantic Avenue aka 53/59 Georgia Avenue, between Georgia and Sheffield Avenues, Block 3668, Lot 36, Borough of Brooklyn.

**COMMUNITY BOARD #5BK**

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## 217-01-BZ

APPLICANT - David Flores-Rivera, P.E., for Hale Rickman (Jerome Assoc., LLC), owner; Jose Felipe, lessee.

SUBJECT - Application June 15, 2001 - under Z.R. §72-21 to permit the reinstatement of an expired variance for an attended open parking lot, Use Group 8, located in an R6 zoning district, previously granted under Cal. No. 232-77-BZ, and the adding of Lot 41 to the premises, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 505 East 188th Street, north side, 186.80' west of Bathgate Avenue, Block 3058, Lots 40 and 41 (Tentative lot 40), Borough of The Bronx.

**COMMUNITY BOARD #6BX**

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## 219-01-BZ

APPLICANT - Rothkrug and Rothkrug, for Young Israel of Forest Hills, owner.

SUBJECT - Application June 19, 2001 - under Z.R. §72-21 to permit the proposed addition of a new one-story structure, to an existing synagogue (Use Group 3) designed solely to contain an elevator and elevator lobby, which will encroach into the required front yard and is contrary to Z.R. §24-34.

PREMISES AFFECTED - 67-85 Burns Street, aka 67-85 Yellowstone Boulevard, northeast corner, Block 3166, Lot 84, Borough of Queens.

**COMMUNITY BOARD #6Q**

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## 250-01-BZ

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

SUBJECT - Application August 7, 2001 - under Z.R. §72-21 to permit the proposed construction of a one story

building, for use as retail stores (Use Group 6) located in an R3-2 zoning district, which is contrary to Z.R. §22-00.  
PREMISES AFFECTED - 101-03 Astoria Boulevard, aka 27-31 Kearney Street, northeast corner, Block 1659, Lots 54 and 56, Borough of Queens.

**COMMUNITY BOARD #7Q**

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## 254-01-BZ

APPLICANT - Rothkrug and Rothkrug, for Chabad of NY Queens, owner.

SUBJECT - Application August 14, 2001 - under Z.R. §72-21 to permit the proposed construction of a synagogue (Use Group 4) located in an R2 zoning district, which does not comply with the zoning requirements for F.A.R., lot front and side yards, which is contrary to Z.R. §24-11, §24-521, §24-34 and §24-35.

PREMISES AFFECTED - 26-06 213th Street, aka 212-24 26th Avenue, southwest corner, Block 5999, Lot 23, Borough of Queens.

**COMMUNITY BOARD #11Q**

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*Pasquale Pacifico, Executive Director*

**JANUARY 15, 2002, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, January 15, 2002, 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

## 648-88-BZ

APPLICANT - Philip Lloyd Rampulla, A.I.A., for Raghava Raju, M.D., owner.

SUBJECT - Application December 5, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to complete construction and for an amendment to the resolution.

PREMISES AFFECTED - 2107 Richmond Road, north east of Todt Hill Road, Block 899, Lot 18, Borough of Staten Island.

**COMMUNITY BOARD #2SI**

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# MINUTES

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*Pasquale Pacifico, Executive Director*

**REGULAR MEETING  
TUESDAY MORNING, DECEMBER 11, 2001  
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, October 30, 2001, were approved as printed in the Bulletin of November 8, 2001. Volume 86, No. 40.

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**SPECIAL ORDER CALENDAR**

**871-46-BZ**

APPLICANT - Joseph P. Morsellino, Esq for Boulevard Leasing Limited Partnership., owner

SUBJECT - Application July 31, 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 July 28, 2001.

PREMISES AFFECTED - 97-45 Queens Boulevard, 64th Road, Block 2091, Lot 1, Borough of Queens.

**COMMUNITY BOARD #6Q**

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Rules of Practice and Procedures waived; application reopened and time to obtain

a certificate of occupancy extended.

THE VOTE TO GRANT -

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

N e g a t i v e :  
.....0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedures and an extension of the time to obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on November 20, 2001, after due notice by publication in The City Record, laid over to December 11, 2001 for decision.

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and procedures and reopens and amends the resolution adopted on July 28, 1992 only as to the time to obtain a certificate of occupancy, so that as amended this portion of the resolution shall read:

“That a new certificate of occupancy shall be obtained within one year from the date of this amended resolution.”

Adopted by the Board of Standards and Appeals, December 11, 2001.

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**433-61-BZ**

APPLICANT -Yen B Toy, R.A., for United Y & C Property Management Inc., owner.

SUBJECT - Application June 26, 2001 - reopening for an extension of term which expired July 18, 2001.

PREMISES AFFECTED- 1702/1712 East 16 Street, 264'-9 3/8 south from corner formed by East 16th Street and Kings Highway, Block 6798, Lot 13 Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

APPEARANCES -

For Applicant: Yen B. Toy.

For Administration: John Yacovone, Fire Department.

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

THE VOTE TO GRANT -

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

N e g a t i v e :  
.....0

THE RESOLUTION -

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

WHEREAS, a public hearing was held on this application on November 20, 2001 after due notice by

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# MINUTES

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publication in The City Record, laid to December 11, 2001 for decision.

WHEREAS, the Board finds that the premises has operated in substantial compliance with the conditions of the resolution.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution pursuant to Z.R.§11-411, said resolution having been adopted on March 29, 1961 as amended through March 31, 1992 expiring on July 18, 2001, so that as amended this portion of the resolution shall read:

"Term of the variance extended; on condition that the term shall be limited to ten years, from July 18, 2001, expiring on July 18, 2001; that the premises shall be maintained in substantial compliance with the existing conditions plan submitted with the application marked 'Received June 26, 2001'-(1) sheet and 'August 17, 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.

(N.B. 247/61)

Adopted by the Board of Standards and Appeals, December 11, 2001.

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## 719-68-BZ

APPLICANT - Mario Dini, for Crown Memorial, Inc., owner.

SUBJECT - Application February 16, 2001 - reopening for an extension of term of the variance which expired February 24, 2001.

PREMISES AFFECTED - 2731 Lafayette Avenue, north side of Lafayette Avenue, 24.7' from the corner of Lafayette Avenue and Balcom Avenue, Block 5537, Lot 92, Borough of The Bronx.

### COMMUNITY BOARD #10BX

APPEARANCES -

For Applicant: Franco Marcano.

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

**THE VOTE TO GRANT** -

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

**THE RESOLUTION** -

WHEREAS, the applicant requested an extension of the

term of the variance which expired February 24, 2001; and

WHEREAS, a public hearing was held on this application on November 20, 2001 after due notice by publication in The City Record, laid to December 11, 2001 for decision.

WHEREAS, the Board finds that the premises has operated in substantial compliance with the conditions of the resolution;

Resolved, that the Board of Standards and Appeals reopens and amends the resolution pursuant to § 72-01 and 72-22 of the Zoning Resolution, said resolution having been adopted on February 25, 1969 as amended through February 25, 1992 expiring on February 24, 2001, so that as amended this portion of the resolution shall read:

"Term of the variance extended; on condition that the term shall be limited to ten (20) years, from February 24, 2001, expiring on February 24, 2011; that the premises shall be maintained in substantial compliance with the existing conditions plan submitted with the application marked 'Received February 16, 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 (18) months of the date of this amended resolution.

(ALT 223/75)

Adopted by the Board of Standards and Appeals, December 11, 2001.

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## 289-86-BZ

APPLICANT - Mark Levine, for ASH60 Corp., owner.

SUBJECT - Application October 16, 2001 - reopening for an amendment to the resolution.

PREMISES - 20 West End Avenue, West End Avenue between 60 and 61<sup>st</sup> Street, Block 1152, Lot 1, Borough of Manhattan.

### COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Richard Bass.

For Opposition: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - application reopened and resolution amended.

**THE VOTE TO CLOSE HEARING** -

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

N e g a t i v e :

# MINUTES

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## THE VOTE TO GRANT -

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

Negative: .....0

## THE RESOLUTION -

WHEREAS, the applicant has requested a re-opening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on November 20, 2001, after due notice by publication in The City Record, laid over to December 11, 2001 for decision.

Resolved, that the Board of Standards and Appeals hereby reopens and amends the resolution pursuant to Z.R § 73-11, said resolution having been adopted on August 12, 1986, so that as amended this portion of the resolution shall read:

“to permit a one-story enlargement containing approximately 16,800 to the existing school building, on condition;

THAT the school shall assign a sufficient number of adult personnel to be on duty outside at all times when students arrive and depart;

THAT school personnel shall be provided to prevent students from congregating in the streets;

THAT sound attenuation be provided in accordance with BSA approved plans;

THAT the rooftop play area shall be secured in accordance with BSA approved plans and on further condition that, the premises shall be maintained in substantial compliance with the existing and proposed plans submitted with the application marked ‘Received October 23, 2001 -(17) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects.”

(ALT.# 215/1986)

Adopted by the Board of Standards and Appeals, December 11, 2001.

## 118-95-BZ

APPLICANT -Windels Marx Lane & Mittendorf, for White Castle System, Inc., owner.

SUBJECT - Application July 16, 2001 - reopening for an extension of term of variance which expired July 25, 2001. PREMISES AFFECTED 89-03 57th Avenue, northeast corner of Boulevard and 57th Avenue, Block 1845, Lot 41 Borough of Queens.

## COMMUNITY BOARD #4Q

APPEARANCES -

For Administration: John Yacovone, Fire Department and Edward Nolan.

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

THE VOTE TO GRANT -

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

N e g a t i v e :  
.....0

## THE RESOLUTION -

WHEREAS, the applicant requested an extension of the term of the special permit which expired July 25, 2001; and

WHEREAS, a public hearing was held on this application on November 20, 2001 after due notice by publication in The City Record, laid to December 11, 2001 for decision.

WHEREAS, the Board finds that the premises has operated in substantial compliance with the conditions of the resolution;

Resolved, that the Board of Standards and Appeals reopens and amends the resolution pursuant to §§ 73-03 and 73-243 of the Zoning Resolution, said resolution having been adopted on July 23, 1996 expiring on July 25, 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 five years, from July 25, 2001, expiring on July 25, 2006; that the premises shall be maintained in substantial compliance with the existing conditions plan submitted with the application marked ‘Received October 3, 2001’- (4) 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.

(ALT.1 400559588/95)

Adopted by the Board of Standards and Appeals, December 11, 2001.

## 218-96-BZ

APPLICANT -The Agusta Group, for The Armenian Apostolic Church of America., owner.

SUBJECT - Application June 14,2001- reopening for an extension of time to complete construction.

PREMISES AFFECTED - 138 East 39th Street south side 123.4' east of Lexington Avenue, Block 894, Lot 60, Borough of Manhattan.

## COMMUNITY BOARD #6M

APPEARANCES - None.

**ACTION OF THE BOARD** - Application reopened and time to complete construction extended.

THE VOTE TO CLOSE HEARING -

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

N e g a t i v e :  
.....0

THE RESOLUTION -

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WHEREAS, the applicant requested a re-opening and an extension of the time to complete construction; 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 November 13, 2001, November 20, 2001, and then to December 11, 2001 for decision.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution adopted on May 20, 1997 only as to the time to complete construction, so that as amended this portion of the resolution shall read:

“That the time to complete construction shall be extended to two years from the date of this amended resolution.”

Adopted by the Board of Standards and Appeals, December 11, 2001.

## 6-98-BZ

APPLICANT - Pillsbury Winthrop LLP for WXII/ Hubert Street, L.L.C., owner.

SUBJECT - Application July 23, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 3-9 Hubert Street/137 Hudson Street/4 Collister Street, Block 214, Lot 14, Borough of Manhattan.

### COMMUNITY BOARD # 1M

#### APPEARANCES -

For Applicant: Adriene Bernard.

**ACTION OF THE BOARD** - application reopened, and resolution amended.

#### THE VOTE TO CLOSE HEARING -

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

#### THE RESOLUTION -

WHEREAS, the applicant has requested a re-opening and an amendment to the resolution; and

WHEREAS, Community Board #1, Manhattan, recommends approval of this application; and

WHEREAS, a public hearing was held on this application on November 20, 2001, after due notice by publication in the City Record, laid over to December 11, 2001 for decision; and

WHEREAS, the applicant seeks a minor modification of the prior variance (6-98-BZ) which authorized the construction of a twelve-story building (including mezzanine) consisting of sixty-eight loft style residential units and penthouse, which is contrary to Z.R.§ 41-11; and

WHEREAS, on June 1, 2001, the Landmarks Preservation Commission granted approval of certain design changes in the building as previously approved; and

WHEREAS, the instant application seeks to alter the configuration of the building as approved by the Board to conform to the design of the building as approved by the Landmarks Preservation Commission, and to make certain changes in the interior layout of the building and to permit

a curb cut; and

WHEREAS, the building as modified, will contain fewer residential units, including the residential units in the townhouses on Collister Street and Hubert Street; and

WHEREAS, the building’s massing will be more slender and slightly taller but will not create any greater encroachment of the sky exposure plane than previously approved; and

WHEREAS, the decorative bridge connecting the subject building to 145 Hudson Street has been removed; and

WHEREAS, the infill building on Hudson Street has been designed for commercial use, which is permitted by the M1-5 and Tribeca Mixed Use regulations; and

WHEREAS, the curb-cut on Collister Street would only access a single enclosed parking space within the Collister Street townhouse building and will not inhibit traffic or pedestrian flow.

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 November 4, 1998, so that as amended this portion of the resolution shall read:

“to permit the reduction in the number of residential units from sixty eight (68) to thirty six (36) and a reduction in floor area from 96,410 to 96,094 square feet, to remove the decorative bridge connecting the subject building to 145 Hudson Street and to allow a curb cut to be located on Collister Street, within 50 feet of the intersection of Collister and Beach Streets, on condition that the premises shall be maintained in substantial compliance with the existing and proposed plans submitted with the application marked ‘Received July 23, 2001-(14) sheets; and on further condition;

THAT the premises shall be maintained in compliance with all applicable provisions of the Administrative Code with respect to fire safety and prevention

THAT the premises remain graffiti free at all times

THAT the above conditions shall appear on the Certificate of Occupancy;

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

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

(DOB 101700358/98)

Adopted by the Board of Standards and Appeals, December 11, 2001.

## 223-98-BZ

APPLICANT - New York City Board of Standards and Appeals.

# MINUTES

OWNER: M.A.A. Realty Corp.  
SUBJECT - Application filed May 22, 1998 - to modify the resolution.

PREMISES AFFECTED - 451-459 Lorimer Street, a/k/a 51-59 Maujer Street, northwest of Lorimer Street, Block 2785, Lots 31 and 32, Borough of Brooklyn.

## COMMUNITY BOARD #1BK

### APPEARANCES -

For Applicant: Peter Hirshman.

For Administration: John Yacovone, Fire Department.

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

### THE VOTE TO GRANT -

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

Negative: .....0

### THE RESOLUTION -

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

WHEREAS, a public hearing was held on this application on November 20, 2001 after due notice by publication in The City Record, laid to December 11, 2001 for decision.

WHEREAS, the Board finds that the premises has operated in substantial compliance with the conditions of the resolution;

Resolved, that the Board of Standards and Appeals reopens and amends the resolution pursuant to §73-211 of the Zoning Resolution, said resolution having been adopted under Calendar # 743-42-BZ on February 20, 1943 as amended through February 1, 2000, so that as amended this portion of the resolution shall read:

"Term of the variance extended; on condition that the term shall be limited to ten years, from February 1, 2000, expiring on February 1, 2010; that a certificate of occupancy shall be obtained within eighteen months of the date of this amended resolution.

(DOB 300732982/98)

Adopted by the Board of Standards and Appeals, December 11, 2001.

## 330-98-BZ

APPLICANT -Sheldon Lobel, P.C. for Steller Management AAF., owner.

SUBJECT - Application July 19, 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 May 16, 2001.

PREMISES AFFECTED - 242 East 14th Street, corner of East 14th Street and Second Avenue, Block 469, Lot 30, Borough of Manhattan.

## COMMUNITY BOARD #3M

### APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Rules of Practice and

Procedure waived, application reopened and time to obtain a Certificate of Occupancy extended.

### THE VOTE TO GRANT -

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

N e g a t i v e :  
.....0

### THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the rules of practice and procedure and a reopening and an extension of the time to complete construction; and

WHEREAS, a public hearing was held on this application on November 20, 2001, after due notice by publication in The City Record, laid over to December 11, 2001 for decision.

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedures and reopens and amends the resolution adopted on May 16, 2000 only as to the time to the time to obtain a Certificate of Occupancy, so that as amended this portion of the resolution shall read:

"That the time to obtain a Certificate of Occupancy shall be extended to two years from the date of this amended resolution."

Adopted by the Board of Standards and Appeals, December 11, 2001.

## 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 - None.

**ACTION OF THE BOARD** - Laid over to January 29, 2002, at 10 A.M., for continued hearing.

## 100-01-A thru 107-01-A

APPLICANT - Rothkrug & Rothkrug, for Guido Passarelli, owner.

SUBJECT - Applications February 28, 2001 - proposed construction of a two family dwelling not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

### PREMISES AFFECTED -

114 Churchill Avenue, north side, 354.29' east of Veterans Road East, Block 7356, Lot 80, Borough of Staten Island.

# MINUTES

116 Churchill Avenue, north side, 329.29' east of Veterans Road East, Block 7356, Lot 81, Borough of Staten Island.

118 Churchill Avenue, north side, 304.29' east of Veterans Road East, Block 7356, Lot 82, Borough of Staten Island.

120 Churchill Avenue, north side, 279.29' east of Veterans Road East, Block 7356, Lot 83, Borough of Staten Island.

124 Churchill Avenue, north side, 254.29' east of Veterans Road East, Block 7356, Lot 84, Borough of Staten Island.

126 Churchill Avenue, north side, 229.29' east of Veterans Road East, Block 7356, Lot 85, Borough of Staten Island.

128 Churchill Avenue, north side, 204.29' east of Veterans Road East, Block 7356, Lot 86, Borough of Staten Island.

130 Churchill Avenue, north side, 179.29' east of Veterans Road East, Block 7356, Lot 87, Borough of Staten Island.

## COMMUNITY BOARD #3SI

### APPEARANCES -

For Opposition: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to December 18, 2001, at 11 A.M., for continued hearing.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 11:45 A.M.

## REGULAR MEETING

**TUESDAY AFTERNOON, DECEMBER 11, 2001  
2:00 P.M.**

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

## 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

### APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Yacovone, Fire Department.

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

### THE VOTE TO GRANT -

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

N e g a t i v e :  
.....0

### THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated May 22, 2001 acting on Applic. No. 200651482 reads:

“Proposed construction of a new automotive service station with accessory retail convenience store within a C2-3 zoning district requires a special permit from the NYC Board of Standards and Appeals.”

and

WHEREAS, a public hearing was held on this application on November 20, 2001 after due notice by publication in The City Record, and laid over to December 11, 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 for a special permit under Z.R. §73-211, to permit the proposed construction of an 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 is permitted by special permit as per Z.R. §32-31; and

WHEREAS, in 1950, under Calendar Number 189-50- BZ, the Board permitted the use of an automotive service station with gasoline sales (Use Group 16) in a commercial district for a term of ten years; and

WHEREAS, in 1958, under Calendar Number 702-57- BZ, the premises was granted a variance to permit in a business use district the extension of an existing gasoline station for the reconstruction and maintenance of the accessory building for the station, car wash and sale of cars; and

WHEREAS, variance was granted to also include motor vehicle repair and for parking and storage for more than five vehicles and no term was included; and

WHEREAS, the Board granted extensions of time to complete work and obtain permits on April 30, 1963, May 28, 1963, and May 28, 1964; and

WHEREAS, the site is improved with an existing 1889 square foot masonry building with three repair bays

# MINUTES

with one pump island and four 4,000 gallon underground storage tanks; and

WHEREAS, the applicant seeks to authorize the construction of an automotive service station with an accessory convenience store, installation of underground gasoline storage tank, construction of a new overhead canopy with 5 pumps and installation of associated signage in a C2-3 within an R6 zoning district; and

WHEREAS, the applicant seeks to demolish the existing building and to replace the existing 1,889 square foot service station with a new 2,833 square foot automotive service station with an accessory convenience store, install one 10,000 gallon underground tank and new overhead canopy with five pump islands; and

WHEREAS, the proposed convenience store will contain 1,461 square feet of sales area; and

WHEREAS, the proposed total illuminated signage is 100 square feet and the proposed total non-illuminated signage is 93 square feet; and

WHEREAS, this application does not conflict with the requirements of Z.R. §73-211; and

WHEREAS, Z.R. §73-211(a) requires that the site has a minimum area of 7,500 square feet; and

WHEREAS, the premises meets this requirement because it is 14,500 square feet; and

WHEREAS, Z.R. §73-211(b) requires that the site not be located on an arterial highway or a major street have a maximum area of 15,000 square feet; and

WHEREAS, since the premises is located on the corner of two major streets, Broadway and West 234th Street, this condition does not apply; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under §73-211 of the Zoning Resolution; and

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

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

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §73-211, and grants a variation in the application of the Zoning Resolution, limited to the objection cited, for a special permit 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 is permitted by special permit as per Z.R. §32-31 on condition that all work shall substantially conform to drawings as they apply to the

objection above noted, filed with this application marked "Received August 21, 2001"-(7) sheets; and on further condition;

THAT the term of the special permit shall be limited to ten years expiring on December 11, 2011;

THAT there will be a five foot high chain link fence that screens the perimeter of the site;

THAT the fences and gates shall be of legal and uniform height;

THAT there will be no lubrication, repair or washing of cars at the Premises;

THAT lighting shall be directed down and away from residential uses, and in accordance with BSA approved plans;

THAT in accordance with BSA approved plans, a landscaped buffer shall be provided and maintained along the side and rear property lines which is to be a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year round dense screen at least six feet high within three years;

THAT street trees shall be provided and maintained along the sidewalk, and in accordance with BSA approved plans;

THAT the site is so designed to provide reservoir space for five waiting automobiles within the zoning lot in addition to spaces available at the pumps;

THAT entrances and exits are so planned that, at maximum expected operation, vehicular movement into or from the automotive service station will cause a minimum of obstruction on streets or sidewalks;

THAT the above conditions shall appear on the Certificate of Occupancy;

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

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

Adopted by the Board of Standards and Appeals, December 11, 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,

# MINUTES

Borough of Manhattan.

## **COMMUNITY BOARD #3M**

APPEARANCES -

For Applicant: Eric Palatnik and ?.

For Opposition: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to January 8, 2002, at 2 P.M., for decision, hearing closed.

## **173-00-BZ**

APPLICANT - Sheldon Lobel, P.C., for RHIF Ltd., owner.

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

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

## **COMMUNITY BOARD #9BK**

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to February 2, 2002, at 2 P.M., for continued hearing.

## **139-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Joseph and Morris Wasserstein and Estate of Theo, owners.

SUBJECT - Application April 12, 2001 - under Z.R. §72-21 to permit the proposed legalization of an existing residential use and to permit the construction of additional residential units in an existing six-story building, located in an M1-6 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 27 West 38th Street, north side, between Fifth and Sixth Avenue, Block 840, Lot 26, Borough of Manhattan.

## **COMMUNITY BOARD #5M**

APPEARANCES -

For Applicant: Lyra J. Altman.

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

**ACTION OF THE BOARD** - Laid over to January 15, 2002, at 2 P.M., for continued hearing.

## **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**

APPEARANCES -

For Applicant: Eric Palatnik.

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

THE VOTE TO CLOSE HEARING -

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

N e g a t i v e : .....0

**ACTION OF THE BOARD** - Laid over to January 8, 2002, at 2 P.M., for decision, hearing closed.

## **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**

APPEARANCES -

# MINUTES

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

**ACTION OF THE BOARD** - Laid over to January 8, 2002, at 2 P.M., for continued hearing.

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**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**

APPEARANCES -

For Applicant: Peter Hirshman

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

**ACTION OF THE BOARD** - Laid over to January 29, 2002, at 2 P.M., for continued hearing.

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**228-01-BZ**

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

SUBJECT - Application July 2, 2001 - under Z.R. §72-21, to permit the legalization of a retail and commercial use (grocery store and record shop) located in an R8 zoning district, which is non-conforming and therefore is contrary to Z.R. §22-00, §22-10 and §122-03.

PREMISES AFFECTED - 1153 Grand Concourse, northwest corner of the Grand Concourse and McClellan Street, Block 2463, Lot 21, Borough of The Bronx.

**COMMUNITY BOARD #4BX**

APPEARANCES -

For Applicant: Irvin Minkin and David Rosenbaum.

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

THE VOTE TO CLOSE HEARING -

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

**ACTION OF THE BOARD** - Laid over to January 8, 2002, at 2 P.M., for decision, hearing closed.

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**242-01-BZ**

APPLICANT - Rosenman & Colin, LLP for DPSW West 14 LLC, owner, Clay, LLC, lessee.

SUBJECT - Application July 20, 2001 - under Z.R. §73-36 to permit the proposed use of the second floor of a two story commercial building as a physical culture establishment,

located in a C6-2M zoning district.

PREMISES AFFECTED - 25 West 14th Street, north midblock of 14th Street, between Fifth and Sixth Avenues, Block 816, Lot 23, Borough of Manhattan.

**COMMUNITY BOARD #5M**

APPEARANCES -

For Applicant: Michael T. Sillemann and Brent Capron.

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

THE VOTE TO CLOSE HEARING -

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

N e g a t i v e :  
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**ACTION OF THE BOARD** - Laid over to January 8, 2002, at 2 P.M., for decision, hearing closed.

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**243-01-BZ**

APPLICANT - Edward Lauria, P.E., for American Parkinson Disease Association, Inc., owner.

SUBJECT - Application June 14, 2001 - under Z.R. §73-44 to permit proposed reduction in the number of required parking spaces, for not-for-profit offices, which requires a special permit.

PREMISES AFFECTED - 135 Parkinson Avenue, aka 1217 Hylan Boulevard, northeast corner, Block 3208, Lot 1, Borough of Staten Island.

**COMMUNITY BOARD #2S.I.**

APPEARANCES -

For Applicant: Edward Lauria.

THE VOTE TO CLOSE HEARING -

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

N e g a t i v e :  
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**ACTION OF THE BOARD** - Laid over to January 8, 2002, at 2 P.M., for decision, hearing closed.

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**245-01-BZ**

APPLICANT - Francis R. Angelino, Esq., for 601 West Associates, L.P., owner; Stretch LLC, lessee.

SUBJECT - Application July 24, 2001 - under Z.R. §73-36 to permit the proposed physical culture establishment, to be located within a portion of the 16th floor of the subject premises, located in an M2-3 zoning district.

PREMISES AFFECTED - 601 West 26th Street, entire block, between 11th and 12th Street Avenues, Block 672, Lot 1, Borough of Manhattan.

**COMMUNITY BOARD #4M**

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# MINUTES

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**APPEARANCES -**

For Applicant: Frank Angelino, James Slade, Michelle Peperone and Jessica Natale.

For Administration: Battalion Chief Phil Parr, Fire Department

**THE VOTE TO CLOSE HEARING -**

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

Negative: .....0

**ACTION OF THE BOARD -** Laid over to January 8, 2002, at 2 P.M., for decision, hearing closed.

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**ACTION OF THE BOARD -** Laid over to February 5, 2002, at 2 P.M., for continued hearing.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 4:40 P.M.

**280-01-BZ**

**APPLICANT -** Howard Z. Zipser, Esq., and Howard Hornstein, Esq., for Metropolitan Transportation Authority and S & M Enterprises, LLC, owners.

**SUBJECT -** Application August 10, 2001 - under Z.R. §72-21 to permit the proposed erection of a 34 story mixed-use building, (Use Groups 2 and 6 respectively), located in a C1-9 zoning district, which does not comply with the zoning requirements for commercial use above the 2nd floor ceiling, rear yard equivalent, residential tower, street wall, accessory parking and curb cuts for accessory berths, and is contrary to Z.R. §32-421, §33-283, §35-63-(a), §23-652, §37-017, §13-134, §26-05 and §36-682.

**PREMISES AFFECTED -** 663/73 Second Avenue and 241/49 East 36th Street, west side, between East 36th and 37th Streets, Block 917, Lots 21, 24/30, 32 and 34, (Tentative Lot 21), Borough of Manhattan.

**COMMUNITY BOARD #6M**

**APPEARANCES -**

For Applicant: Howard Zipser, Howard Hornstein, Sam Schwartz, Mark Adams Taylor, David West, Jerome Haims and Sheldon Gottlieb.

For Opposition: Carole Slater, Keelan Noble, Angela Olmeta, Jim Noble, Mark London and Hugh McGlincy.

**ACTION OF THE BOARD -** Laid over to January 29, 2002, at 2 P.M., for continued hearing.

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**294-01-BZ**

**APPLICANT -** Sheldon Lobel, P.C., for 125 Green Street Realty Corp., owner.

**SUBJECT -** Application October 22, 2001 - under Z.R. §72-21 to permit the legalization of the fourth floor of an existing fourstory building for residential use and to permit the remaining three floors to be utilized for residential purposes (Use Group 2) located in an M1-1 zoning district, which is contrary to §42-10.

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

**COMMUNITY BOARD #1BK**

**APPEARANCES -**

For Applicant: Eric Palatnik.

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# MINUTES

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**SPECIAL MEETING  
TUESDAY MORNING, DECEMBER 12, 2001  
10:00 A.M.**

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

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**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, mixed-use residential structure, containing a community facility in an M2-4 zoning district, 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**

APPEARANCES -

For Applicant: Sheldon Lobel, Philip Johnson, Alan Ritchie, Joseph Cordo, Brian McLockin, Sharon Ruffin, Gail Guillet, Ron Mineo and others.

For Opposition: State Senator Tom Duane, Councilmember Chris Quinn, Assemblymember P. Glick, Doris Diether, Scott Melvin, Barbara Siegel and others.

**ACTION OF THE BOARD** - Laid over to March 27, 2002, at 9:30 A.M., for continued hearing.

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**192-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Paul Stallings, owner; Bear Restaurant Group, LLC (D/B/A Veruka), lessee.

SUBJECT - Application May 8, 2001 - under Z.R. §73-24 to permit the legalization of the use of the cellar and first floor levels of the premises, as an eating and drinking establishment with entertainment, Use Group 6c, requires a special permit.

PREMISES AFFECTED - 525 Broome Street, between Thompson Street and Avenue of the Americas, Block 476, Lot 7501, Borough of Manhattan.

**COMMUNITY BOARD #2M**

APPEARANCES -

For Applicant: Eric Palatnik, Mark Axinn, David Shteierman and Timothy Spuche.

For Opposition: Blane Roberts of Manhattan Borough President, Doris Diether, Stuart Klein, Joel Dranove and others.

For Administration: Battalion Chief Phil Parr, Fire Department

**ACTION OF THE BOARD** - Laid over to January 30, 2002, at 9:30 A.M., for continued hearing.

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**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 building (community facility), 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, which is contrary to Z.R. §33-123 and §33-432.

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

**COMMUNITY BOARD #3M**

APPEARANCES -

For Applicant: Marvin Mitzner, Herb Barish and Cindy Harden.

For Opposition: Don Lee, Henry Chung, William Chiu, Paul Lee, Jack Wasserman and others.

**ACTION OF THE BOARD** - Laid over to February 13, 2002, at 9:30 A.M., for continued hearing.

*Pasquale Pacifico, Executive Director.*

Adjourned: 12:40 P.M.