
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 86, Nos. 51-52

December 27, 2001

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Trevis Bethea, *Deputy Director*

Juan D. Reyes, III, *Counsel*

OFFICE -	40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD -	40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html
	TELEPHONE - (212) 513-4670
	FAX - (212) 513-4690

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DOCKET

New Case Filed Up to December 18, 2001

386-01-BZ B.BK. 223 84th Street,
north side, between Ridge Boulevard and Third Avenue,
Block 6016, Lot 67, Borough of Brooklyn. Applic.
#301156727. Proposed construction of a one family
dwelling, Use Group 1, located in an R-2 zoning district,
which exceeds the permitted floor area, is contrary to Z.R.
§23-141.

COMMUNITY BOARD #10BK

387-01-BZ B.Q. 3660 Boston Road,
3471 Ely Avenue and 3478 Bruner Avenue, end lot facing
Bruner Avenue, Boston Road and Ely Avenue, Block 4884,
Lot 1, Borough of Queens. Applic. #200685044. Proposed
outdoor storage of cars on subject lot, which is to be
improved with a building to be used as a car dealership,
and also the legalization of an existing sign, located in a
C2-2 overlay within an R-4 zoning district, is contrary to
Z.R. §32-00.

COMMUNITY BOARD #12Q

388-01-BZ B.S.I. 2071 Clove Road,
northeast corner, between Hillcrest Terrace and Mosel
Avenue, Block 2921, Lot 6, Borough of Staten Island.
Applic. #500496368. The legalization of an existing
physical culture establishment, located within a portion of
an existing commercial building, requires a special permit
from the Board as per Z.R. §32-10.

COMMUNITY BOARD #2SI

389-01-A B.S.I. 79 Industrial Loop,
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Lot 253, Borough of Staten Island. Applic. #500483425.
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not fronting on a legally mapped is contrary to Section 36,
Article 3 of the General City Law.

390-01-BZ B.S.I. 98 Richmond Hill
Road,
south side, 1014' off Richmond Avenue, Block 2400, Lot
118, Borough of Staten Island. Applic. #500512411.
Proposed reduction in the number of required accessory
off- street parking spaces, for a proposed furniture store
requires a special permit from the Board as per Z.R. §73-44.

COMMUNITY BOARD #2SI

391-01-A B.Q. 21 Hudson Walk,
east side, 132.18' north of Breezy Point Boulevard. Block
16350, Part of Lot 300, Borough of Queens. Applic.
#401282152. Proposed enlargement to the first floor, and
the addition of a partial second floor, to an existing one
story, one family dwelling, not fronting on a legally
mapped is contrary to Section 36, Article 3 of the General
City Law.

392-01-A B.Q. 34-14 31st Street,
west side, 90.11' south of 34th Avenue, Block 607, Lot 34,
Borough of Queens. Applic. #401203130. The legalization
of the conversion of the residential use to commercial use
(office), in an existing frame (IID) structure, is contrary to
§ 27-297 and Table 4-1 of the NYC Administrative Code.

393-01-BZ B.S.I. 3295 Amboy Road,
northwest corner, between Buffalo Street and Hopkins
Avenue, Borough of Staten Island. Applic. #500496377.
The legalization of an existing physical culture
establishment, located within a portion of an existing
commercial building, requires a special permit from the
Board as per Z.R. §32-10.

COMMUNITY BOARD #2SI

394-01-A B.S.I. 56 William Avenue,
south side, 680.0' east of Hillcrest Street, Block 5282, Lot
40, Borough of Staten Island. Applic. #500510128.
Proposed construction of a two family residence, located
partially within the bed of a mapped street, is contrary to
Section 35, Article 3 of the General City Law.

395-01-BZ B.Q. 36-27 Vernon
Boulevard,
south side, between 36th and 37th Avenues, Block 355, Lot
7, Borough of Queens. Applic. #401281082. Proposed
addition of a mezzanine in an existing manufacturing
building, Use Group 17B, which exceeds the maximum
permitted floor area ratio, and to waive the additional
parking requirement due to the increase in floor area ratio,
is contrary to Z.R. §43-12 and §44-21.

COMMUNITY BOARD #3Q

DOCKET

396-01-BZ B.M. 43A West 13th
Street,

north side, 275' east of Sixth Avenue, Block 577, Lot 66, Borough of Manhattan. Applic. #103009478. Proposed physical culture establishment, located in the cellar level with an entrance on the first floor, in an existing cellar and nine story mixed use building, requires a special permit from the Board as per Z.R. §32-10.

COMMUNITY BOARD #2M

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

CALENDAR

JANUARY 29, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, January 29, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

16-95-BZ

APPLICANT - The Agusta Group, for STA Parking Corp., owner.

SUBJECT - Application August 24, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction.

PREMISES AFFECTED - 434 East 77th Street, aka 433 East 76th Street, south of East 77th Street, 150' west of York Avenue, Block 1471, Lot 31, Borough of Manhattan.

COMMUNITY BOARD #8M

180-95-BZ

APPLICANT - Jay Segal, Greenberg Traurig, LLP, for Brewran West Associates, LP, owner.

SUBJECT - Application August 10, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 256 West Street/416-424 Washington Street, MANHATTAN.

COMMUNITY BOARD #1M

JANUARY 29, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, January 29, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

300-01-A

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Henry Lieberman, owner.

SUBJECT - Application October 30, 2001 - Proposed construction of a paved parking area and related facilities, for a proposed one story retail building, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 3903/3911 Amboy Road, north side, 407' east of Giffords Lane, Borough of Staten Island.

COMMUNITY BOARD #3SI

326-01-A

APPLICANT - Vassalotti Associates, Architects, for St. Christopher-Ottlie, owner.

SUBJECT - Application November 9, 2001 - Proposed change of use of an existing 2-1/2 story frame two family dwelling, located inside the fire districts, to community facility use, which is contrary to §27-296 and Tables 4-1 and 4-2 of the Administrative Code of the City of New York.

PREMISES AFFECTED - 85-80 148th Street, west side, 415-92" north of 87th Avenue, Block 9724, Lot 67, Borough of Queens.

COMMUNITY BOARD #8Q

CALENDAR

JANUARY 29, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, January 29, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

198-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Sputnik Restaurant Corp., owner; Ftelia Associates, Inc., lessee.

SUBJECT - Application May 25, 2001 - under Z.R. §72-21, to permit the enlargement of an existing eating and drinking establishment, Use Group 6, located in an R4 zoning district, which is contrary to Z.R. §§22-00 and 52-00.

PREMISES AFFECTED - 105-45 Cross Bay Boulevard, near 108th Avenue, bounded by Cross Bay Boulevard and 95th Street, Block 9163, Lot 71, Borough of Queens.

COMMUNITY BOARD #10Q

238-01-BZ

APPLICANT - The Agusta Group for Aquarius Corp., owner.

SUBJECT - Application July 18, 2001 - under Z.R. §72-21, to permit the proposed erection of a one family dwelling, Use Group 1, in an R2 zoning district, which does not meet the zoning requirements for front yard, open space, lot area, lot width and lot area per dwelling unit, which is contrary to Z.R. §23-141, §23-32, §23-221 and §23-45.

PREMISES AFFECTED - 135-04 11th Avenue, southeast corner of 135th Street, Block 4016, Lot 52, Borough of Queens.

COMMUNITY BOARD #7Q

239-01-BZ

APPLICANT - The Agusta Group for D.S.B. Construction, LLC, owner.

SUBJECT - Application July 18, 2001 - under Z.R. §72-21, to permit the proposed erection of a one family dwelling, Use Group 1, in an R2 zoning district, which does not meet the zoning requirements for front yard, open space, lot area, lot width and lot area per dwelling unit, which is contrary

to Z.R. §23-141, §23-32, §23-221 and §23-45.

PREMISES AFFECTED - 135-16 11th Avenue, southeast corner of 136th Street, Block 4016, Lot 4, Borough of Queens.

COMMUNITY BOARD #7Q

259-01-BZ

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

SUBJECT - Application August 23, 2001 - under Z.R. §72-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in an 1-2 zoning district, which is contrary to Z.R. §32-25.

PREMISES AFFECTED - 222-25 Jamaica Avenue, north side, between 222nd and 224th Streets, Block 10741, Lot 48, Borough of Queens.

COMMUNITY BOARD #13Q

Pasquale Pacifico, Executive Director

FEBRUARY 5, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, February 5, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

382-01-A

APPLICANT - Fischbein Badillo Wagner Harding, for Hearst Corporation, owner; Jil Sander America, Inc., lessee.

SUBJECT - Application December 7, 2001 - 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.

PREMISES AFFECTED - 11 East 57th Street, north side, between Madison and Fifth Avenues, Block 1293, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #5M

CALENDAR

391-01-A

APPLICANT - Gary Lenhart, R.A., for Breezy Point Cooperative, Inc., owner; Robert Rooney, lessee.

SUBJECT - Application December 18, 2001 - Proposed first floor enlargement and partial second floor addition to existing single family dwelling not fronting a mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 21 Hudson Walk, east side of Hudson Walk, 132.18 north of Breezy Point Boulevard, Rockaway Point, Borough of Queens.

COMMUNITY BOARD #14Q

1-02-A

APPLICANT - Rampulla Associates Architects, for Joseph Cafiero, owner.

SUBJECT - Application January 2, 2002 - Proposed construction of a single family detached residence, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 574 Pendale Street, south east side, 100' northeast of Malone Avenue, Block 4726, Lot 16, Borough of Staten Island.

COMMUNITY BOARD #3SI

FEBRUARY 5, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, February 5, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

214-00-BZ

APPLICANT - Harold Weinberg, P.E., for Bill Jordan,

Owner.

SUBJECT - Application September 11, 2000 - under Z.R. §73-242, to permit the reestablishment of an expired special permit, previously granted under Cal No. 733-86-BZ.

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

COMMUNITY BOARD #15BK

226-01-BZ

APPLICANT - Francis R. Angelino, Esq., for GDM Hudson Laight Street, LLC, owner; TMG-48 Laight, LLC, contract vendee.

SUBJECT - Application July 26, 2001 - under Z.R. §72-21, to permit the proposed development of a new six-story building, with retail use on the ground floor and loft dwellings on the upper floors, Use Groups 6 and 2, located in an M1-5 (TMU) zoning district, which is contrary to Z.R. §111-02 and §12-10.

PREMISES AFFECTED - 48 Laight Street and 166/72 Hudson Street, northeast corner, Block 220, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #1M

234-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 80 North 5th Street, Corp., owner.

SUBJECT - Application July 10, 2001 - under Z.R. §72-21, to permit the proposed conversion of the second, third and fourth floors of an existing building in an manufacturing zone (M3-1 zoning district), to residential uses, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 80 North 5th Street, north side, bounded west by Wythe Avenue and south by North 4th Street, Block 2342, Lots 1, 15 and 31, Borough of Brooklyn.

COMMUNITY BOARD #1BK

241-01-BZ

APPLICANT - Harold Weinberg, P.E., for Martin Cukier, Owner.

SUBJECT - Application July 18, 2001 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning

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requirements for FAR, OSR and rear yard and is contrary to Z.R. §23-141 and §23-47.

PREMISES AFFECTED - 1279 East 23rd Street, east side, 100' north of Avenue M, Block 7641, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #14BK

Pasquale Pacifico, Executive Director

REGULAR MEETING

**TUESDAY MORNING, DECEMBER 18, 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, November 13, 2001, were approved as printed in the Bulletin of November 22, 2001, Volume 86, No. 41-42.

SPECIAL ORDER CALENDAR

88-81-BZ

APPLICANT - Joseph M. Morace, R.A. for Antonio Palmiotto, President Antlor Corporation, owner.

SUBJECT - Application July 19, 2001 - reopening for an extension of term of variance which expired July 21, 2001.

PREMISES AFFECTED - 3309 Richmond Avenue, east side 264' north of Barlow Avenue, Block 5533, Lot 20, Borough of Staten Island.

COMMUNITY BOARD #SSI

APPEARANCES -

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 :
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THE RESOLUTION -

WHEREAS, the applicant requested an extension of the term of the variance which expired July 21, 2001; and

WHEREAS, Community Board #5, Staten Island, recommends approval of this application; and

WHEREAS, a public hearing was held on this application on December 4, 2001 after due notice by publication in *The City Record*, laid to December 18, 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 §§72-02 and 72-22 of the *Zoning Resolution*, said resolution having been adopted on July 21, 1981 as amended through July 21, 1991 expiring on July 21, 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 21, 2001, expiring on July 21, 2011; that the premises shall be maintained in substantial compliance with the existing conditions plan submitted with the application marked “Received, July 19, 2001”-(1) sheet and “December 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.”

(DOB/500462402/01)

Adopted by the Board of Standards and Appeals, December 18, 2001.

28-96-BZ

APPLICANT - Sheldon Lobel, P.C., for Combined Management Inc., owner.

SUBJECT - Application July 5, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 144 East 39th Street, between Lexington and Third Avenue, Block 894, Lot 56, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Frances Angelino.

For Administration: 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

.....0

THE VOTE TO GRANT -

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

N e g a t i v e :
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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 December 4, 2001, after due notice by publication in The *City Record*, laid over to December 18, 2001 for decision; and

WHEREAS, on June 7, 1955 under Calendar # 933-54-BZ the Board permitted a use conversion on the first and second floor of a five story structure to business use and to permit the openings between two structures on the first and second floors for the building located at 146 East 39th Street; and

WHEREAS, on January 19, 1960 under Calendar # 933-54-BZ, Vol. II, the Board permitted, for a term of 20 years, the change in occupancy of the third floor of 144 East 39th Street from two apartments to office space and office space for engineers (as well as a superintendents apt) on the third, fourth and fifth floors of East 39th Street; and

WHEREAS, the applicant seeks to legalize the enlargement of the existing greenhouse located at the rear of the third floor; and

WHEREAS, the subject premises is located within an R-8 zoning district improved with a three story structure that was the subject of a Board action on April 8, 1997; and

WHEREAS, on April 8, 1997, the Board approved the legalization of the greenhouse structure at the rear of the third floor of the premises that was approximately 28' in width, the re-establishment of a use variance, a reduction in the size of the zoning lot, and the elimination of the adjacent building at 146 East 39th Street; and

WHEREAS, the applicant represents that subsequent to the Board's 1997 grant, the owner has enlarged the greenhouse by approximately 117' and now occupies the entire rear portion of the third floor; and

Resolved, that the Board of Standards and Appeals hereby *reopens and amends* the resolution pursuant to Z.R §11-412, said resolution having been adopted on April 8, 1997 expiring April 8, 2007, so that as amended this portion of the resolution shall read:

“to permit the legalization of approximately 117 square feet currently used as a greenhouse located at the rear of the third floor, on condition that the premises shall be maintained in substantial compliance with the existing and proposed plans

submitted with the application marked “Received July 5, 2001”-(3) sheets and “December 10, 2001”-(1) sheet; 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 in all respects.”

(DOB 102877816)

Adopted by the Board of Standards and Appeals, December 18, 2001.

191-00-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Barbara Hair.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

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

N e g a t i v e :
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Not Voting: Vice-Chair Babbar
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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

MINUTES

application on November 13, 2001, after due notice by publication in the *City Record*, laid over to December 4, 2001 and then to December 18, 2001 for decision.

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 December 19, 2000, so that as amended this portion of the resolution shall read:

“to permit the use of courtyard space in the center corridor of the building on floors 4-6, redistribute the floor area and create 30 new residential units on the roof, on condition that the premises shall be maintained in substantial compliance with the proposed plans submitted with the application marked “Received, June 25, 2001”-(15) sheets and “October 18, 2001”-(5) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects.”

(301050403)

Adopted by the Board of Standards and Appeals, December 18, 2001.

271-98-BZ

APPLICANT - Agusta & Ross, Esqs., for 432-434 Flushing F. Corp., owner.

SUBJECT - request for a withdrawal.

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

COMMUNITY BOARD #3BK

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

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

Adopted by the Board of Standards and Appeals, December 18, 2001.

127-99-BZ

APPLICANT - Agusta & Ross, Esqs., for Congregation

Tiferes Yissochor Ber, Inc., owner.

SUBJECT - request for a withdrawal.

PREMISES AFFECTED - 118-120 South 4th Street, a/k/a 364-368 Bedford Avenue, northwest corner of Bedford Avenue and South 4th Street, Block 2443, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

N e g a t i v e :
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Adopted by the Board of Standards and Appeals, December 18, 2001.

1069-27-BZ, Vol. III

APPLICANT - Sheldon Lobel, P.C., for Frank Mormando, owner.

SUBJECT - Application July 12, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 6, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 6702/6724 New Utrecht Avenue, irregular-shaped triangular block bounded by New Utrecht Avenue, 15th Avenue and 68th Street, Block 5565, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #11BK

For Applicant: Lyra Altman

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

789-45-BZ

APPLICANT - Walter T. Gorman, P.E., for Trust Under The Will of Theodore Tannor FBO Ida Tannor, owner; Getty Properties Corp., lessee.

SUBJECT - Application June 25, 2001 - reopening for an extension of time to complete construction and to obtain a Certificate of Occupancy which expired May 27, 2001.

PREMISES AFFECTED - 56-02 to 56-20 Broadway, Block 1195, Lot 44, Borough of Queens.

COMMUNITY BOARD #2Q

For Applicant: Arthur Sullivan

For Administration: John Yacovone, Fire Department.

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

MINUTES

636-54-BZ, Vol. II

APPLICANT - Walter T. Gorman, P.E., for Stephen & Jeanne Tamor (Trustees), owner; Motiva Enterprises, LLC (Shell), lessee.

SUBJECT - Application August 23, 2001 - reopening for an extension of term of variance which expired October 16, 2001.

PREMISES AFFECTED - 9612/24 Seaview Avenue, southwest corner of Rockaway Parkway, Block 8328, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #18BK

For Applicant: Arthur Sullivan.

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

234-56-BZ

APPLICANT - Sullivan & Chester, LLP, for Haymeli Enterprises, Inc., owner, 10th Avenue Auto Service Corp, lessee.

SUBJECT - Application August 30, 2000 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 10-02 Clintonville Street Whitestone, New York, Block 4515, Lot 29, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Jeffrey Chester.

For Opposition: Christine Vartarme and William Warr.

For Administration: John Yacovone, Fire Department.

THE VOTE TO REOPEN 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 February 5, 2002, at 10 A.M., for continued hearing.

329-59-BZ

APPLICANT - Rosenman & Colin, LLP, for Coliseum Tenants Corp., c/o Rosedale Management Co., Inc., owner; Central Parking System of New York, Inc., lessee.

SUBJECT - Application August 24, 2001 - request for a

waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired November 17, 1999.

PREMISES AFFECTED - 910-924 Ninth Avenue, a/k/a 22-44 West 60th Street, east side of Ninth Avenue, between 58th Street and West 60th Street, Block 1049, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

For Applicant: Albert Fredericks.

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 15, 2002, at 10 A.M., for decision, hearing closed.

727-59-BZ

APPLICANT - Sheldon Lobel, P.C., for Square-Arch Realty Corp., owner; Garage Management Corp., lessee.

SUBJECT - Application July 13, 2001 - reopening for an extension of term of variance which expired July 12, 2001.

PREMISES AFFECTED - 2-8 Fifth Avenue, 14 Washington Square and 4-6 West 8th Street, Block 551, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #2M

For Applicant: Lyra Altman and Doris Diether, Community Board #2.

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 15, 2002, at 10 A.M., for decision, hearing closed.

252-71-BZ

APPLICANT - Alfonse Duarte, P.E., for Jacob Pearlstein, LLC, owner.

SUBJECT - Application July 10, 2001 - reopening for an

MINUTES

extension of term of variance which expired July 13, 2001.
PREMISES AFFECTED - 190-18 Northern Boulevard,
south side between 189th and 192nd Streets, Block 5513, Lot
22, Borough of Queens.

COMMUNITY BOARD #11Q

For Applicant: Alfonso Duarte.

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 February
5, 2002, at 10 A.M., for decision, hearing closed.

659-76-A

APPLICANT - Walter T. Gorman, P.E., for Dr. Allan
Mirkin.,owner, Rockaway Chamber of Commerce, lessee.

SUBJECT - Application June 12, 2001 - reopening for an
extension of term of variance which expires November 9,
2001.

PREMISES AFFECTED - 253 Beach 116th Street,w/s
240'south of Newport Avenue, Block 16212, Lot 19,
Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Arthur Sullivan.

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

926-86-BZ

APPLICANT - Sheldon Lobel, P.C., for Morton Manes,
owner.

SUBJECT - Application July 5, 2001 - request for a waiver
of the Rules of Practice and Procedure, reopening for an
extension of term of variance which expired November 4,
2000 and for an amendment to resolution.

PREMISES AFFECTED - 217-07 Northern Boulevard,
northeast corner of 217th Street, Block 6320, Lot 18,
Borough of Queens.

COMMUNITY BOARD #11Q

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to January

29, 2002, at 10 A.M., for continued hearing.

8-87-BZ

APPLICANT - Walter T. Gorman, P.E. for Andre & Jose
Vasquez, owner, D/B/A Broadway Hand Carwash, lessee.

SUBJECT - Application July 16, 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 June 8, 2000.

PREMISES AFFECTED - 4778/82 Broadway, East side
Broadway, 225' North of Dyckman Street, Block 2233, Lot
10, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Arthur Sullivan.

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 May 15,
2002, at 10 A.M., for decision, hearing closed.

416-87-BZ

APPLICANT - Blythe S. Brewster, A.I.A., for Michael
Abruzese, owner.

SUBJECT - Application June 18, 2001 - request for a
waiver of the Rules of Practice and Procedure and
reopening for an extension of term of variance which
expired June 1, 1999.

PREMISES AFFECTED - 547-551 West 133rd Street,
northside 175' east of Broadway, Block 1987, Lot 9,
Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to January
15, 2002, at 10 A.M., for postponed hearing.

964-87-BZ

APPLICANT- Catapano Engineering, P.C., for Leemilt
Petroleum, Inc.,owner.

SUBJECT - Application November 14, 2000 - request for
a waiver of the Rules of Practice and Procedure, reopening
for an extension of term of variance which expired
February 6, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 780/798 Burke Avenue,
southwest corner of Barnes Avenue, Block 4571, Lot 28,
Borough of The Bronx.

COMMUNITY BOARD #12BX

MINUTES

APPEARANCES -

For Applicant: Michelle Spallino.

For Opposition: 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
15, 2002, at 10 A.M., for decision, hearing closed.

53-91-BZ

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

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

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

COMMUNITY BOARD #1Q

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February
12, 2002, at 10 A.M., for continued hearing.

174-92-BZ

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

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

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

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Gerald Caliendo.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February
12, 2002, at 10 A.M., for continued hearing.

175-92-BZ

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

SUBJECT - Application July 20, 2001- request for a

waiver of the Rules of Practice and Procedure, reopening
for an extension of time to obtain the certificate of
occupancy which expired August 20, 1997.

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

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Gerald Caliendo.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February
12, 2002, at 10 A.M., for continued hearing.

176-92-BZ

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

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

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

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Gerald Caliendo.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February
12, 2002, at 10 A.M., for continued hearing.

177-92-BZ

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

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

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

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Gerald Caliendo.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February
12, 2002, at 10 A.M., for continued hearing.

338-98-BZ

APPLICANT - Sheldon Lobel, P.C., for Flatlands and 107th

MINUTES

Co., LLC, owner.

SUBJECT - Application August 10, 2001 - reopening for an extension of time to complete construction and to obtain a Certificate of Occupancy which expired July 11, 2001.

PREMISES AFFECTED - 901-949 East 107th Street, southeast corner of the intersection of 107th Street and Flatlands Avenue, Block 8215, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Lyra Altman.

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 10 A.M., for decision, hearing closed.

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 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.

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 Applicant: Adam W. Rothkrug.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

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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THE VOTE TO GRANT -

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

N e g a t i v e :
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THE RESOLUTION-

WHEREAS, the decision of the Staten Island Borough Commissioner, dated February 5, 2001, acting on ALT. Application Nos. 500466373, 500466364, 500466355, 500466346, 500466337, 500466328, 500466300, 500466319:

1. Street giving access to the proposed building is not placed on the official map of the City of New York, Therefore:
- A. No Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law, and
- B. Permits may not be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space; and, therefore, contrary to Section 27-291 of the Administrative.

WHEREAS, by the letter dated November 28, 2001 the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Staten Island Borough Commissioner, dated February 5, 2001, acting on the ALT. Application Nos. 500466373, 500466364, 500466355, 500466346, 500466337, 500466328, 500466319, 500466300 are modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received, November 13, 2001"-(1) sheet; and that the

MINUTES

proposal complies with all applicable R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Adopted by the Board of Standards and Appeals, December 18, 2001.

247-01-A

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

SUBJECT - Application August 7, 2001 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street and located partially within the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law.

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

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal 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 :
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THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated July 10, 2001, acting on ALT 1. Application No. 401226990, reads:

For Board of Standards & Appeals only:

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

of the General City Law.

A2- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. Sect. 36 of the General City Law ; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 (C26-401.1) of the Administrative Code of the City of New York.

WHEREAS, by the letter dated September 7, 2001, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated September 18, 2001, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated October 15, 2001, the Department of Transportation has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated July 10, 2001, acting on ALT 1. Application No. 401226990, is modified under the power vested in the Board by §35 and §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received, August 7, 2001"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Adopted by the Board of Standards and Appeals, December 18, 2001.

251-01-A

APPLICANT - Gary Lenhart, R.A., for Breezy Point Cooperative Inc., owner; Tracey and Kevin Keane, lessees.

SUBJECT - Application August 10, 2001 - proposed first story enlargement and the addition of a second story to an existing one family dwelling, not fronting on a legally mapped street and located within the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 37 Market Street, intersection of

MINUTES

Beach 202nd Street and Rockaway-Breezy Boulevard,
Block 16350, Part of Lot 300, Borough of Queens.

APPEARANCES -

For Applicant: Gary Lenhart.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal 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 :
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THE RESOLUTION-

WHEREAS, the decision of the Queens Borough
Commissioner, dated August 3, 2001, acting on ALT 1.
Application No. 401273162, reads:

- A1- The street giving access to the existing building to be altered is not duly placed on the original map of the City of New York , therefore :
- 3) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law.
- 4) Exiting dwelling to be altered does not have at least 8% of total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to Section 27-291 of the Administrative Code.
- A2- Existing dwelling to be altered lies within the bed of a mapped street contrary to General City Law Article 3, Section 35.

WHEREAS, by the letter dated August 28, 2001, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated September 18, 2001, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated November 9, 2001, the Department of Transportation has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated August 3, 2001, acting on ALT 1. Application No. 401273162, is modified under the power vested in the Board by §35 and §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received, August 10, 2001"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Adopted by the Board of Standards and Appeals,
December 18, 2001.

255-01-A

APPLICANT - Wachtel & Masyr, LLP, by Jesse Masyr, for 356 Bowery Ventures, LLC, owner; Millenium Billboard, LLC, lessee.

SUBJECT - Application August 16, 2001 - an appeal seeking the reinstatement of the approvals and permits issued by the Department of Buildings for Application Nos. 102816730 and 102816749 (sign approvals) and 102816721 (the sign support structure approval), that were revoked in a final determination by the Department by letter dated July 25, 2001.

PREMISES AFFECTED - 356 Bowery, north side, between Great Jones and East 14th Streets, Block 531, Lot 39, Borough of Manhattan.

APPEARANCES -

For Applicant: Ethan Goodman.

For Administration: John Reisinger, Department of Buildings.

ACTION OF THE BOARD - Appeal granted.

THE VOTE TO GRANT -

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

N e g a t i v e :
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Not Voting: Vice-Chair Babbar
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THE RESOLUTION-

WHEREAS, the final determination of the Acting Commissioner of the Department of Buildings dated July 25, 2001 acting on Application Nos. 102816730, 102816749 and 102816721, reads in pertinent part:

“that the sign permits automatically lapsed on February 27, 2001 pursuant to amendments to the New York City Zoning Resolution”.

And that DOB also determined:

“that since the sign structure does not support approved signage, the sign structure application approved and permit are hereby revoked.” The DOB further stated that it did not have the jurisdiction to consider common law claims of vested rights to construct and use the sign structure.

WHEREAS, this application seeks a determination that

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the owner of the premises has acquired a common law vested right to complete construction of the sign structure and non- illuminated advertising sign (the "sign") in accordance with permits lawfully issued by the Department of Buildings (DOB) despite the recent amendments to the Zoning Resolution; and

WHEREAS, the premises is located in an M1-5 manufacturing district, developed with a five- story building with the area in the rear yard being the subject of this application; and

WHEREAS, on November 22, 2000 the DOB issued lawful permits to erect the sign; which expired on December 15, 2000; however the advertising sign permit has no expiration date and on February 1, 2001 DOB issued a renewal permit for the sign support structure; and

WHEREAS, on December 13, 2000 CPC adopted the sign zoning amendments; and

WHEREAS, on February 27, 2001, the New York City Council passed into law an amendment to the sign regulations set forth in the New York City Zoning Resolution; and

WHEREAS, there is no dispute that the sign would exceed the new height and size limitations set forth in the amendment; and

WHEREAS, instead, the applicant maintains that it has acquired a vested right to complete construction of the sign because it has undertaken substantial construction and made substantial expenditures pursuant to lawfully issued permits prior to the effective date of the amendment; and

WHEREAS, to support this position, the applicant has provided significant proof, including detailed construction costs supported by invoices, to document the significant expenditures and irrevocable commitments made prior to February 27, 2001 that were made in furtherance of the DOB permits and which would be completely unrecoverable under the amendment; and

WHEREAS, in addition the evidence demonstrates that prior to February 27, 2001 the underpinning and excavation was complete and the foundation, including the steel and rebar for the retaining walls and the concrete base sub-footing leveling pad for the sign support structure, was substantially complete; and

WHEREAS, in response to this application, both the DOB and the Department of City Planning claim that the effective date of any vesting analysis should not be February 27, 2001 the applicable date of the amendment, but rather the earlier date of December 13, 2000 wherein the amendment grants "non-conforming use" status to those signs that were erected prior to December 13, 2000; and

WHEREAS, while the applicant does not claim that the sign was erected on or before December 13, 2000 and

the BSA is unaware of any legal authority, nor has any been provided, which requires the BSA to make a vested rights determination based on a date more than two months earlier than the effective date of the amendment; and

WHEREAS, the Board also finds that all work was performed pursuant to valid permits and although there was a period of time wherein the structure permit had expired, no work was performed during that period that required a structure permit; the structure permit was subsequently routinely renewed and the sign permit was continuously in effect until rescinded on July 25, 2001 retroactive to February 27, 2001; and

WHEREAS, accordingly, the Board finds that significant expenditures were made and substantial construction was completed prior to February 27, 2001 and that the applicant has acquired a vested right to complete construction pursuant to permits issued under Application Nos. 102816730, 102816749, and 102816721; and

WHEREAS, accordingly the Board grants the applicant a reasonable time to expeditiously complete the construction pursuant to the permits issued; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions. Resolved, that the decision of the Acting Commissioner of the Department of Buildings dated July 25, 2001 acting on application nos. 102816730, 102816749 and 102816721 is reversed and the appeal is granted, on condition:

THAT substantial construction shall be completed within 18 months from July 25, 2001.

Adopted by the Board of Standards and Appeals, December 18, 2001.

262-01-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; James Gildea, lessee.

SUBJECT - Application August 27, 2001 - proposed addition of a one family room and greenhouse to an existing one family dwelling which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 41 Roosevelt Walk, east side, 180' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Arthur Sullivan.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

MINUTES

Caliendo.....4
N e g a t i v e :
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THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated July 24, 2001, acting on ALT.1.Application No. 401271798, reads:

1. Proposal to add a one (1) story family room and greenhouse on the southside of an existing home which lies within an R4 district but which does not front on a mapped street (Roosevelt Walk) is contrary to Article 3, Section 36 (2) of the General City Law and contrary to Section 27-291 of the Building Code and must, therefore, be referred back to the Board of Standards and Appeals for approval.”

WHEREAS, by the letter dated September 5, 2001 the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated July 24, 2001, acting on ALT .1 Application No. 401271798, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received, August 27, 2001”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition;

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

Adopted by the Board of Standards and Appeals, December 18, 2001.

264-01-A

APPLICANT - Zygmunt Staszewski, for Breezy Point Co-op Inc., owner; Kenneth Wallace, lessee.

SUBJECT - Application August 28, 2001 - proposed alteration of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 23 Queens Walk, east side, 310' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Michael Harley.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal 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 Queens Borough Commissioner, dated August 10, 2001, acting on ALT.1.Application No. 401279905, reads:

Z-1. The street giving access to the existing building to be altered is not duly placed on the official map of the City of New York , therefore :

- A) A Certificate of Occupancy may be issued as per Article 3, Section 36 of the General City Law.
- B) Existing dwelling to be altered does not have at least 8% of total perimeter of the building fronting directly on a legally mapped street or frontage space is contrary to Section 27-291 of the Administrative Code.

WHEREAS, by the letter dated September 7, 2001 the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated August 10, 2001, acting on ALT .1 Application No. 401279905, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received, August 28, 2001”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition;

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

Adopted by the Board of Standards and Appeals, December 18, 2001.

291-01-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Thomas McDonald, lessee.

SUBJECT - Application October 18, 2001 - proposed

MINUTES

enlargement to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 117 Beach 222nd Street, east side, 320' south of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

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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THE VOTE TO GRANT -

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

N e g a t i v e :
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THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated September 4, 2001, acting on ALT.1.Application No. 401246380, reads:

Objection A-1 Building Not Fronting on Mapped Street

The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect 36 of the General City Law ; also no permit can be issued since proposed construction does not have at least 8% of total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York.

WHEREAS, by the letter dated December 5, 2001 the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated September 5, 2001, acting on ALT .1 Application No. 401246380, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received, October 18, 2001"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition;

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

Adopted by the Board of Standards and Appeals, December 18, 2001.

123-01-A

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

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

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

APPEARANCES -

For Opposition: John Reisinger, Department of Buildings .

ACTION OF THE BOARD - Laid over to February 5, 2002, at 11 A.M., for postponed hearing.

151-01-A thru 161-01-A

APPLICANT - Rothkrug & Rothkrug, for Nicole Development Corporation, owner.

SUBJECT - Applications April 20, 2001 - proposed two family dwelling, not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

28 Keppel Avenue, south side, 250' west of Sprague Avenue, Block 7867, Lot 1, Borough of Staten Island.

29 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 168, Borough of Staten Island.

25 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 170, Borough of Staten Island.

24 Keppel Avenue, south side, 250' west of Sprague Avenue, Block 7867, Lot 172, Borough of Staten Island.

20 Keppel Avenue, south side, 250' west of Sprague Avenue, Block 7867, Lot 174, Borough of Staten Island.

19 Sapphire Court, south side, 250' west of

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Sprague Avenue, Block 7867, Lot 176, Borough of Staten Island.

15 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 178, Borough of Staten Island.

16 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 184, Borough of Staten Island.

20 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 186, Borough of Staten Island.

24 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 188, Borough of Staten Island.

28 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 190, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 29, 2002, at 11 A.M., for continued hearing.

165-01-A thru 189-01-A

APPLICANT - Rothkrug & Rothkrug, for Tower Hill at Springville, Inc., owner.

SUBJECT - Applications April 30, 2001 - proposed two family dwelling located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

46 Beard Street, west side, 345.35' north of Travis Avenue, Block 2370, Lot 1, Borough of Staten Island.

40 Beard Street, west side, 409.85' north of Travis Avenue, Block 2370, Lot 4, Borough of Staten Island.

38 Beard Street, west side, 441.85' north of Travis Avenue, Block 2370, Lot 5, Borough of Staten Island.

34 Beard Street, west side, 473.85' north of Travis Avenue, Block 2370, Lot 7, Borough of Staten Island.

32 Beard Street, west side, 489.85' north of Travis Avenue, Block 2370, Lot 8, Borough of Staten Island.

28 Beard Street, west side, 520.85' north of Travis Avenue, Block 2370, Lot 10, Borough of Staten Island.

26 Beard Street, west side, 544.68' north of Travis Avenue, Block 2370, Lot 11, Borough of Staten

Island.

20 Beard Street, west side, 568.51' north of Travis Avenue, Block 2370, Lot 12, Borough of Staten Island.

22 Beard Street, west side, 584.51' north of Travis Avenue, Block 2370, Lot 13, Borough of Staten Island.

16 Beard Street, west side, 600.51' north of Travis Avenue, Block 2370, Lot 14, Borough of Staten Island.

14 Beard Street, west side, 616.51' north of Travis Avenue, Block 2370, Lot 15, Borough of Staten Island.

8 Beard Street, west side, 664.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

6 Beard Street, west side, 670.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

3 Beard Street, west side, 672.52' north of Travis Avenue, Block 2370, Lot 42, Borough of Staten Island.

30 Monahan Avenue, south side, 72.18' east of Lewiston Street, Block 2370, Lot 208, Borough of Staten Island.

28 Monahan Avenue, south side, 86.02' east of Lewiston Street, Block 2370, Lot 209, Borough of Staten Island.

26 Monahan Avenue, south side, 99.85' east of Lewiston Street, Block 2370, Lot 210, Borough of Staten Island.

24 Monahan Avenue, south side, 113.69' east of Lewiston Street, Block 2370, Lot 211, Borough of Staten Island.

22 Monahan Avenue, south side, 127.52' east of Lewiston Street, Block 2370, Lot 212, Borough of Staten Island.

20 Monahan Avenue, south side, 161.35' east of Lewiston Street, Block 2370, Lot 213, Borough of Staten Island.

18 Monahan Avenue, south side, 175.18' east of Lewiston Street, Block 2370, Lot 214, Borough of Staten Island.

14 Monahan Avenue, south side, 202.85' east of Lewiston Street, Block 2370, Lot 216, Borough of Staten Island.

12 Monahan Avenue, south side, 216.68' east of Lewiston Street, Block 2370, Lot 217, Borough of Staten Island.

8 Monahan Avenue, south side, 244.35' east of Lewiston Street, Block 2370, Lot 219, Borough of Staten Island.

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6 Monahan Avenue, south side, 258.18' east of
Lewiston Street, Block 2370, Lot 220, Borough of
Staten Island.

APPEARANCES -

For Applicant: Adam W. Rothkrug, Stanley Krebusheski,
Allan Bresnick and Larry Brensnick.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February
12, 2002, at 11 A.M., for continued hearing.

220-01-A

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

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

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

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January
29, 2002, at 11 A.M., for continued hearing.

289-01-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point
Cooperative, Inc., owner; Dana and Joseph Henry, lessee.

SUBJECT - Application October 18, 2001 - proposed
alteration and enlargement to an existing one family
dwelling, not fronting on a legally mapped street, located
within the bed of a mapped street, and is contrary to
Section 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 398-1/2 Sea Breeze Avenue,
between Hillside and Sea Breeze Avenues, west of Beach
182nd Street, Block 16340, Part of Lot 50, Borough of
Queens.

APPEARANCES -

For Applicant: Gary Lenhart.

For Administration: 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
15, 2002, at 11 A.M., for decision, hearing closed.

290-01-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point
Cooperative, Inc., owner; Marie and Daniel McCarthy,
lessee.

SUBJECT - Application October 18, 2001 - proposed
alteration and enlargement, to an existing one family
dwelling, not fronting on a legally mapped street, which is
contrary to Section 36, Articles 3 of the General City Law.
PREMISES AFFECTED - 13 Beach 220th Street, southeast
corner of Rockaway Point Boulevard, Block 16350, Part of
Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Gary Lenhart.

For Administration: John A. 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
15, 2002, at 11 A.M., for decision, hearing closed.

296-01-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point
Cooperative, Inc., owner; Victor LaPlace, lessee.

SUBJECT - Application October 24, 2001 - proposed
enlargement of the existing first floor and the construction
of a new second floor to an existing one family dwelling, not
fronting on a legally mapped street, and also lies within the
bed of mapped street, which is contrary to Section 35 and
36, Article 3 of the General City Law.

PREMISES AFFECTED - 171 Ocean Avenue, north side,
110' west of Breezy Point Boulevard, Block 16350, Part of
the Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Arthur Sullivan.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January
15, 2002, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 12:00 P.M.

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**REGULAR MEETING
TUESDAY AFTERNOON, DECEMBER 4, 2001
2:00 P.M.**

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

ZONING CALENDAR

8-01-BZ

CEQR #01-BSA-086R

APPLICANT - Michael DeRuvo, for Bruno Savo - Savo Brothers, owner.

SUBJECT - Application January 11, 2001 - under Z.R. §72-21, to permit the proposed construction of a one family dwelling on a zoning lot which does not have the minimum required lot width and was not owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of the application for a building permit, which is contrary to Z.R. §23-32.

PREMISES AFFECTED - 352 Clifton Avenue, south side, 125' east of Reynolds Street, Block 2981, Lot 7, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

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 :
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THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 21, 2000 acting on Alt. Applic. No.500418078, reads:

“The Proposed Detached Two Family Residence inside Zoning District R3-2 where Zoning Lot:

- a) Does not meet the minimum lot width contrary to section 23-32 Zoning Resolution.
- b) Zoning Lot was not owned separately and individually from all other adjoining tract of land, both on December 15, 1961 or and the date of application for building permit is contrary to section 23-33(b) Zoning Resolution.

Therefore is referred to the Board of Standards and Appeals for Variance.”; 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 October 16, 2001, and then to November 13, 2001 and December 4, 2001 and then to December 18, 2001 for decision; and

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

WHEREAS, this is an application under §72-21, to permit, in an R3-2 zoning district, the proposed construction of a one family dwelling on a zoning lot which does not have the minimum required lot width and was not owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of the application for a building permit, which is contrary to Z.R. §23-32 ; and

WHEREAS, the narrowness of the lot is a unique physical condition which prevents the strict application of the zoning provisions; and

WHEREAS, the property is located in an R3-2 residential zone; and

WHEREAS, the applicant originally proposed a two family dwelling but now is proposing a one family dwelling in response to concerns raised by the Board; and

WHEREAS, the lot has less than the required minimum width for a detached residence within a R3-2 Zone because it is only 25' wide and Z.R. §23-32 requires the lot to be 40' wide; and

WHEREAS, the aforementioned unique physical condition, the narrowness of the lot, makes its occupancy for a conforming R3-2 use impractical creating an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the applicant represents that the above referenced conditions leave no reasonable possibility constructing a conforming development; and

WHEREAS, the record demonstrates that because of the narrowness of the zoning lot it becomes impossible to conform to the applicable provisions of the Zoning Resolution to construct a residence or any other allowable building type on this property either detached or otherwise and the only alternative the owner has is to seek relief by variance application; and

WHEREAS, within the vicinity of the site there exist other similar residential uses; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public

MINUTES

welfare; and

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

WHEREAS, the subject property, lot #7, was purchased by the current owner in 1993, and the property is now owned separately; and

WHEREAS, lots #7 and #8 were owned were jointly owned on December 15, 1961, therefore the subject vacant #7 cannot be developed as of right per ZR 23-33 (b); and

WHEREAS, the neighboring owners of the adjacent lots to the left built on lots #8 and #10 without the inclusion of lot #7; and

WHEREAS, lot #7 was not considered buildable and the property was abandoned and title was taken by the City of New York on March 19, 1971; and

WHEREAS, the applicant represents on the record that when the City of New York sold this lot it was sold as a buildable lot; and

WHEREAS, lot #6 is owned separately and has no effect on the application; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

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

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

Resolved that the Board of Standards and Appeals issues a Type II Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit the proposed construction of a one family dwelling on a zoning lot which does not have the minimum required lot width and was not owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of the application for a building permit, which is contrary to Z.R. §23-32, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, October 24, 2001"-(5) sheets; and on further condition;

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

laws under the jurisdiction of the Department;

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

Adopted by the Board of Standards and Appeals, December 18, 2001.

122-01-BZ

CEQR #01-BSA-121M

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

SUBJECT - Application March 20, 2001 - under Z.R. §72-21, to permit the propose construction of a rooftop enlargement to an exiting 520-bed nursing home facility which increases non-compliance to F.A.R, rear yard and the required loading berth, which is contrary to Z.R. §§24-11, 24-36, 25-70 and 54-71.

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

COMMUNITY BOARD #7M

APPEARANCES -

For Administration: Battalion Chief Phil Parr and 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 :
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THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 7, 2001 acting on Applic. No. 102945235 reads:

"Proposed enlargement of existing non-complying nursing home (Use Group 3) will increase the degree of non-compliance as to permitted floor area (24-11 Z.R.) Rear yard (24-36 Z.R.) F.A.R. and required loading berths (25-70), contrary to section 54-31, and must be referred to the Board of Standards and Appeals."

WHEREAS, Community Board 7, of Manhattan, recommends unanimous 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* and laid over to December

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18, 2001 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the propose construction of a rooftop enlargement to an exiting 520-bed nursing home facility which increases non-compliance to F.A.R, rear yard and the required loading berth, which is contrary to Z.R. §§24-11, 24-36, 25-70 and 54-71; and

WHEREAS, the subject site consists of a rectangular corner lot, with 100 ft. 8 ½ in. Frontage on Riverside Drive by 157 ft. frontage on West 87th Street, a total of 15,806.47 sq. ft. in area, developed with an existing sixteen-story nursing home; and

WHEREAS, the applicant represents the existing sixteen-story building contains a total of 217,843 sq. ft. of floor area, including 520 skilled nursing and rehabilitation beds, as well as administrative and recreational facilities for the facility's residents; and

WHEREAS, the applicant's proposal requires the construction of a glass-enclosed rooftop solarium to be utilized as lounge/recreation area by residents of the facility; and

WHEREAS, the applicant represents that the proposed addition of 1, 793.75 sq. ft. will increase the degree of existing non-compliance with respect to floor area, required rear yard and loading berth; and

WHEREAS, the applicant represents the existing building is legally non-complying, having been erected prior to December 15, 1961, when the current zoning became effective; and

WHEREAS, the applicant represents the non-complying status of the existing building prohibits any additions or enlargements to the existing facility without filing for a zoning variance; and

WHEREAS, the applicant further represents that the proposed addition will increase the total floor area of the facility and increases the degree of existing deficiencies with regard to the required loading berth; and

WHEREAS, pursuant to the current zoning, a 30-foot rear yard is required for the portion of the building not located within the 100 ft. corner of the lot; and

WHEREAS, the applicant represents that the small portion of the building that is not within 100' of the corner lot of the rear yard, that is the subject of this variance, will not have any substantive impact on the adjoining property, as a result of its location on the roof of the building; and

WHEREAS, the proposed structure will be glass enclosed, and will have a pitched roof on top of 12 foot high walls and the structure will be lower than the

structural support for the existing water tower and existing rooftop mechanical area, and only slight taller than the existing elevator machine room; and

WHEREAS, there is no possibility of providing a similar space anywhere else within the existing building without affecting existing rooms or required facilities, and the proposed structure is the minimum addition required in order to fulfill the programmatic needs of the existing facility; and

WHEREAS, the applicant represents that the practical difficulties and unnecessary hardship arise from the impact of the applicable zoning restrictions on the subject lot, which was developed the with pre-existing building which became non-complying when the current zoning went into effect in December 1961; and

WHEREAS, the non-complying status of the building results in an inability to make improvements or changes that would result in addition of floor area and the need to provide required therapy and recreational areas consistent with advances in treatment of the elderly has been resulted in a lack of adequate lounge/recreation areas for the residents of the home; and

WHEREAS, the record indicates that the ability to provide the proposed rooftop, sunlit, lounge with desirable views will greatly enhance the day to day quality of life of the nursing home; and

WHEREAS, the proposed non-complying design is necessary in order to meet the programmatic needs of the nursing home, as the subject nursing home does provide an adequate area to accommodate the residents; and

WHEREAS, these circumstances create a unique burden on the nursing home, creating the need for a non-complying design that is better suited to its programmatic needs; and

WHEREAS, the proposed enlargement will accommodate the existing residents and allow for them to receive the necessary access to the outside that they need; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, the applicant represents that the proposed rooftop addition will not have any impact on any adjacent property, and will not alter the essential character of the neighborhood and that the addition is modest in size and the existing building is taller than the adjacent properties and will not be visible or have any impact; and

WHEREAS, the record indicates that the subject proposal will not adversely affect the nature of the area residence district; and

WHEREAS, Community Board 7, Manhattan,

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recommends approval of this application; and

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

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

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type II Determination, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. 72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the propose construction of a rooftop enlargement to an exiting 520-bed nursing home facility which increases non-compliance to F.A.R, rear yard and the required loading berth, which is contrary to Z.R. §§24-11, 24-36, 25-70 and 54-71, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, March 20, 2001"- (11) sheets; and on further condition;

THAT the proposed enlargement obtain certification from CPC pursuant to Section 22-42;

THAT the development comply with all Fire Department conditions;

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 two years from the date of this resolution.

Adopted by the Board of Standards and Appeals, December 18, 2001.

APPLICANT - Jay Segal (Greenberg Traurig), for Greenwich Renwich, LLC, Contract Vendee.

OWNER OF PREMISES: Lava, LLC and Henry Murad.

SUBJECT - Application April 26, 2001 - under Z.R. §72-21, to permit in an M1-6 district the proposed construction of a new 14 story and cellar residential building, with a retail use on a portion of the first floor (Use Groups 2 and 6), which residential uses are not permitted in M1-6 districts.

PREMISES AFFECTED - 499 Greenwich Street, commences 40'-9" from the southeast intersection of Greenwich and Spring Streets, Block 594, Lots 29 and 37, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES - None.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo
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Negative:0

Abstain: . . . Vice - Chair Babbar.....1

ACTION OF THE BOARD - Application granted on condition.

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 11, 2001 acting on Applic. No. 102493204 reads:

3. "Residential use not permitted in M1-6 Zoning District, requires variance from BSA. (As per 41-11 of the NYC Zoning Resolution)."; and
2. M1-6 Zoning District does not provide bulk regulations for residential use must be provided by BSA.

WHEREAS, a public hearing was held on this application on July 17, 2001 after due notice by publication in *The City Record* and laid over to September 11, October 16, October 30 and December 4, 2001 and then to December 18, 2001 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21 to permit in an M1-6 district the proposed construction of a new 14 story and cellar residential building, with a retail use on a portion of the first floor (Use Groups 2 and 6); and

WHEREAS, which residential use does not conform with the district use regulations in that residential uses are not permitted in M1-6 districts and the district's regulations make no provision for bulk or density of residential uses;

162-01-BZ

CEQR #01-BSA-135M

MINUTES

and

WHEREAS, the applicant represents that the subject zoning lot is vacant, except for a small, unoccupied, one-story building in the central portion of the zoning lot; and

WHEREAS, the subject zoning lot will consist of two tax lots (Lot 29 and Lot 37), and is irregularly shaped with 137 feet of frontage on Greenwich Street and 109 feet of frontage on Renwick Street, a configuration which results in the zoning lot having two narrow interior lots of different depths and one through lot; and

WHEREAS, Lot 37 is irregular in shape, having frontage of approximately 109 feet on Renwick Street and only approximately 45 feet on Greenwich Street; and

WHEREAS, Lot 29 is entirely vacant and is only 6,900 SF, which is smaller than most of the other vacant lots in the area; and

WHEREAS, Lot 29 is only 75 feet deep, a depth which is less than any other lot fronting on the subject zoning lot's block, except for the improved lot on the corner of Spring Street; and

WHEREAS, there is evidence that the subject zoning lot contains some petroleum contaminants that will have to be removed in order to construct a cellar for a conforming commercial building; and

WHEREAS, there is evidence that the subject zoning lot contains a subsurface boulder and cobble layer that is not generally prevalent in the neighborhood; and

WHEREAS, the record collectively demonstrates that construction of a conforming commercial building would incur significant special costs associated with the unique characteristics of the subject zoning lot; and

WHEREAS, the special costs include costs resulting from the irregular shape of the subject zoning lot, which costs include the construction of more façade area, transfer girders and mechanical, electrical, plumbing and fire protection materials than would be required for a conforming commercial building if the subject zoning lot were regularly shaped; and

WHEREAS, the special costs include a premium for removing soil with petroleum contaminants; and

WHEREAS, the special costs include additional foundation costs resulting from the subsurface boulder and cobble layer; and

WHEREAS, therefore, these unique conditions demonstrate that the development of this site with a conforming use creates an unnecessary hardship; and

WHEREAS, the applicant represents that the above referenced conditions leave no reasonable possibility of obtaining a reasonable return through conforming development; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with

a conforming use would not yield a reasonable return; and

WHEREAS, in response to the concerns of the community the proposed residential building was reduced; and

WHEREAS, the block in which the proposed residential building is located contains both existing residential units and new residential units now in construction, so that when such construction is complete, the entire Greenwich Street blockfront of the proposed residential building will consist of buildings containing residential units, except for a one-story building on the corner of Spring Street; and

WHEREAS, the buildings to the north and south of the proposed residential building on the Renwick street frontage also contain residential units; and

WHEREAS, the blocks to the immediate east and west of the block of the proposed residential building contain existing residential units directly across Greenwich and Renwick Streets from the proposed residential building, and other locations on the two blocks also contain residential units; and

WHEREAS, a letter from the Department of City Planning dated October 11, 2001, stated that residential use of the subject property might be appropriate, although such letter took issue with the proposed density of the project; and

WHEREAS, the floor area of the proposed residential building is no greater than the floor area currently allowed in the district for manufacturing or commercial buildings; and

WHEREAS, a conforming manufacturing or commercial building with the same floor area as the proposed residential building would have a significant impact on the character of the neighborhood; and

WHEREAS, the rental use of the proposed residential building would allow people to reside in the area who could not afford to purchase large condominium units and thus allow for some diversity in the economic circumstances of the occupants of the building; and

WHEREAS, therefore, the Board finds that the proposed application, as modified, 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 financial hardship was not self-created because there is evidence that the owner of the subject property did not purchase the property for the purpose of bringing a variance seeking residential use on the subject property, but instead purchased the subject property for development along with other property as a telecom hotel, but that the anticipated tenant for such use decided to locate elsewhere; and

MINUTES

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

WHEREAS at the request of the Board the application has been modified several times to increase the number of multi-bedroom units and thereby reduce the total number of apartments in order to minimize the total number of people that would be residing therein; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Conditional Negative Declaration duly published on November 7, 2001, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. § 72-21 to permit in an M1-6 district the proposed construction of a new 14 story and cellar residential building, with a retail use on a portion of the first floor (Use Groups 2 and 6), which residential uses are not permitted in M1-6 districts, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "August 20, 2001- (3) sheets and November 15, 2001 - (3) sheets"; and *on further condition*;

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

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

Adopted by the Board of Standards and Appeals, December 18, 2001.

208-01-BZ

CEQR #01-BSA-151K

APPLICANT - Moshe M. Friedman, P.E., for Yehuda Peretz, owner.

SUBJECT - Application June 8, 2001 - under Z.R. §72-21, to permit the proposed enlargement of a two story single family dwelling (Use Group 1) located in an R2 zoning

district, which creates non-compliance with respect to floor area, open space ratio, side yard and height contrary to Z.R. §§23-141(a), 23-48, 23-45, & 23-63(a).

PREMISES AFFECTED - 2802 Avenue N, southeast corner of East 28th Street, Block 7682, Lot 46, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Administration: Battalion Chief Phil Parr and 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 :
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THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 5, 2001, acting on Alt. Applic. No. 301168046, reads:

"Proposed extensions to existing one-family dwelling are contrary to

Z.R. §23- 141(a) Floor Area

Z.R. §23 -141(a) Open Space Ratio

Z.R. §23- 48 Minimum Side Yard; and

Z.R. §23- 45 Front Yard

Z.R. §23- 631(a) Height

and requires a variance from the Board of Standards and Appeals as per Z.R. §72-21.

WHEREAS, a public hearing was held on this application on December 4, 2001 after due notice by publication in *The City Record*, laid over to December 18, 2001, for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, the proposed enlargement of a two story single family dwelling (Use Group 1) located in an R2 zoning district, which creates non-compliance with respect to floor area, open space ratio, side yard and height contrary to Z.R. §§23-141(a), 23-48, 23-45, and 23-63(a); and

WHEREAS, the subject lot contains 22' of frontage and 100 in depth developed with a two story residential, one family dwelling constructed in 1924; and

WHEREAS, the record indicates that premises is located in an area that would enable it to qualify for a special permit pursuant to Zoning Resolution section 73-622; and

MINUTES

WHEREAS, the Board notes that the only reason the subject property utilize the aforementioned special permit to accomplish the desired enlargement, is that the subject building sits on a corner lot and is subject to front yard requirements making §73-622 inapplicable; and

WHEREAS, the applicant also suggests that the subject building is unique due to its location on a narrow corner lot, and that its location is also a burden because the zoning resolution requires it to provide two front yards; and

WHEREAS, the record indicates that in R2 Zoning Districts the minimum lot width is 40' making the subject house non-complying; and

WHEREAS, the applicant represents that the subject lot is the narrowest lot within a radius of 200 feet; and

WHEREAS, the instant proposal only seeks to extend the building 14' at the rear, along East 28th Street; and

WHEREAS, the aforementioned unique physical condition, the narrow and shallow lot, makes its occupancy for a conforming R2 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the instant application is for a bulk variance for a single family house and the Board has determined that no showing of financial hardship is required pursuant to Z.R. §72-21(b)

WHEREAS, the property is located in an R2 residential zone; and

WHEREAS, within the vicinity of the site there exist many larger single family houses; and

WHEREAS, the Board notes that the proposed extension is smaller than that which could be granted under Z.R. §73-622, if the subject property was located on an interior lot; and

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

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

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

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

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

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, the proposed enlargement of a two story single family dwelling (Use Group 1) located in an R2 zoning district, which creates non-compliance with respect to floor area, open space ratio, side yard and height contrary to Z.R. §§23-141(a), 23-48, 23-45, & 23-63(a), on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, June 8, 2001"- (5) sheets, "August 7, 2001"- (1) sheet and "December 4, 2001"- (1) sheet; and on further condition;

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

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

Adopted by the Board of Standards and Appeals, December 18, 2001.

218-01-BZ

CEQR #01-BSA-161X

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

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

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

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Moshe M. Friedman.

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

THE VOTE TO CLOSE HEARING -

MINUTES

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

N e g a t i v e :
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THE VOTE TO GRANT -

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 - Application granted on
condition.

THE RESOLUTION -

WHEREAS, the decision of the Borough
Commissioner, dated June 12, 2001 acting on Applic. No.
200673789 reads:

“In an R1-2 in an NA-2 Zoning District

3. Proposed vertical extension of existing School
Building is contrary to

ZR 24-111 FAR

ZR 24-521 Height, Perimeter Wall & Sky Exposure

ZR 25-31 Parking

and requires a Variance from the Board of
Standards and Appeals.

4. Approval from City Planning Commission required
in a Special Natural Area (NA-2)

District ZR 105-02”

WHEREAS, a public hearing was held on this
application on October 2, 2001, after due notice by
publication in *The City Record* and laid over to October 18,
2001 and November 20, 2001 and then to December 18,
2001 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21,
to permit the proposed vertical addition of a second story,
to an existing one story school building, Use Group 3,
located in an R1-2 within an NA-2 zoning district, which
creates non-compliance with respect to FAR, height,
perimeter wall, sky exposure plane, front yard & parking,
is contrary to Z.R. §24-111, §24-521, §24-34 and §25-31;
and

WHEREAS, the subject site is improved with an
existing building which is a one story, detached brick
school building; and

WHEREAS, the applicant represents the existing
school requires more space in order to accommodate the
growing needs of the community; and

WHEREAS, the applicant represents that the school
requires more floor area in order to have more classrooms

and a larger Synagogue; and

WHEREAS, the applicant represents the proposed
construction takes into account the unique sensitivity of the
current zoning as a Special Natural Area and in order not
to disturb the ground or create more covered space, the
building will only be enlarged vertically; and

WHEREAS, the applicant represents the subject
premises is occupied by a brick school building on an
irregularly shaped lot of 10,510; and

WHEREAS, the applicant represents the site is
bounded on three sides by streets, West 250th Street to the
north, Delafield Avenue to the east, and Henry Hudson
Parkway to the west; and

WHEREAS, it is proposed to vertically extend the
school building without change to the existing footprint;
and

WHEREAS, these circumstances create a unique
burden on the school, creating the need for a non-
complying design that is better suited to its programmatic
needs; and

WHEREAS, the proposed non-complying design is
necessary in order to meet the programmatic needs of the
Religious School-Yeshiva requiring both Synagogue study
hall and classrooms in the same building; and

WHEREAS, the site itself is unique, as the lot fronts
three Streets, and is graded at an extreme slope causing
construction to be difficult and expensive; and

WHEREAS, the site also fronts an arterial highway-
the Henry Hudson Parkway, making the site undesirable for
a one family residential use; and

WHEREAS, the applicant represents and the Board
agrees that the practical difficulties and unnecessary
hardship arise from the impact of the applicable zoning
restrictions on the subject lot; and

WHEREAS, the Board finds that the applicant need
not address Z.R. §72-21(b) since the applicant is a not-for-
profit organization and the development will be in
furtherance of its not-for-profit status; and

WHEREAS, as the building fronts a busy arterial
highway and is at a different level than all the residential
buildings in the neighborhood, it will not substantially
impair the appropriate use or development of adjacent
properties; and

WHEREAS, the Board has reviewed the applicant’s
proposal and finds it consistent with New York City’s
Waterfront policy; and

WHEREAS, the applicant represents the proposed
addition will not have any impact on any adjacent property,
and will not alter the essential character of the
neighborhood and that the addition is modest in size; and

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

MINUTES

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed vertical addition of a second story, to an existing one story school building, Use Group 3, located in an R1-2 within an NA-2 zoning district, which creates non-compliance with respect to FAR, height, perimeter wall, sky exposure plane, front yard and parking, is contrary to Z.R. §24-111, §24-521, §24-34 and §25-31, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, November 20, 2001"- (7) sheets; and *on further condition*;

THAT the development, as approved, is subject to approval from City Planning Commission as required in a Special Natural Area (NA-2) District Z.R. §105-02; and

THAT in accordance to the request from the Fire Department that the premises is not to be used for housing;

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 two years from the date of this resolution.

Adopted by the Board of Standards and Appeals, December 18, 2001.

208-00-BZ

APPLICANT - Dominick Salvati & Son, Architects, for Blis Operating Co. Inc., owner; B & R Auto, lessee.

SUBJECT - Application August 24, 2000 - under Z.R. §22-10, to permit the automotive storage and parking, repairs, preparation and sales of used cars with accessory auto-related uses on the project site.

PREMISES AFFECTED - 2739-2747 86th Street, northwest corner of West 10th Street, Block 7117, Lots 45-48, 50, 51, 52, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

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.

248-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Tile and Stone Warehouse Inc., owner.

SUBJECT - Application October 17, 2000 - under Z.R. §72-21, to permit the proposed construction of a building to be used as a retail/office and warehouse, in an area zoned for residential use (R-5) which is contrary to Z.R. §22-00. PREMISES AFFECTED - 2398 Stillwell Avenue, west side, between Bay 49th and Bay 50th Streets, Block 6904, Lots 19 and 31, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Opposition: 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.

291-00-BZ

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

SUBJECT - Application December 4, 2000 - under ZR §73-19 to permit the proposed use of the premises for a school (yeshiva), Use Group 3, located in a C8-3 (OP) zoning district, which is contrary to ZR §32-12, §32-31 & §22-13. PREMISES AFFECTED - 2316-2324 Coney Island Avenue, a/k/a 920 Avenue T, southwest corner, Block 7112, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Henry Stricoff and Bill Wissenmann.

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

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

295-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Sara Feferkorn, owner.

MINUTES

SUBJECT - Application December 12, 2000 - under Z.R. §72-21, to permit the proposed construction of a two family dwelling (Use Group 2) which exceeds the permitted floor area, and does not meet the minimum requirements for side and front yards, also does not meet the requirements for optional provisions for certain R5 and R6 zoning districts, which is contrary to Z.R. §23-45, §23-46, §23-141 and §23-146.

PREMISES AFFECTED - 1706 57th Street a.k.a. 5701 17th Avenue, southwest corner, Block 5498, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Janice Cahalane.

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.

304-00-BZ

APPLICANT - Robert A. Caneco, R.A., for Robert Gullery, owner.

SUBJECT - Application December 20, 2000 - under Z.R. §72-21, to permit the proposed enlargement of an existing auto repair center (Use Group 16B) located in a C1-8 zoning district, which creates non-compliance with respect to floor area ratio and required parking, is contrary to Z.R. §33-122 and §36-21.

PREMISES AFFECTED - 2044 Hylan Boulevard, southeast corner of Adams Avenue, Block 3670, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Robert A. Caneco.

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 15, 2002, at 2 P.M., for decision, hearing closed.

305-00-BZ

APPLICANT - Robert A. Caneco, R.A., for Robert Gullery, owner.

SUBJECT - Application December 20, 2000 - under Z.R.

§72-21, to permit the proposed parking lot (Use Group 8) accessory to an existing auto repair center, located in an R3-2 zoning district, which is contrary to Z.R. §22-10. PREMISES AFFECTED - 268 Adams Avenue, south side, 100' east of Hylan Boulevard, Block 3672, Lot 14, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Janice Cahalane and Robert A. Caneco.

For Administration: Battalion Chief Phi 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 15, 2002, at 2 P.M., for decision, hearing closed.

54-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Michael & Fran Koegel, owner.

SUBJECT - Application February 20, 2001 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling (Use Group 1) located in an R2 zoning district, which does not comply with the zoning requirements for F.A.R., O.S.R. and side yards and is contrary to Z.R. §23-141 & §23-461.

PREMISES AFFECTED - 2508 Avenue J, between Bedford Avenue and 26th Street, Block 7607, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

For Opposition: Battalion Chief Phil Parr and John Scrofani, 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 December 18, 2001, at 2 P.M., for decision, hearing closed.

149-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

SUBJECT - Application April 20, 2001 - under Z.R. §72-21, to permit the proposed inclusion of the first and cellar

MINUTES

floor areas of an existing six story building for residential use, which does not comply with the zoning requirements floor area ratio, open space ratio, zoning rooms and bedrooms windows, which is contrary to Z.R. §23-14, §23-223, §23-553 and §23-861.

PREMISES AFFECTED - 88/90 Jane Street a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Fischbein Badillo Wagner Harding.

For Opposition: Doris Diether, Community Board #2.

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.

150-01-A

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

SUBJECT - Application April 20, 2001 - proposed residential use must comply with Section 310 of the Multiple Dwelling Law regarding light, air and rear yard equivalent.

PREMISES AFFECTED - 88/90 Jane Street a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Fischbein Badillo Wagner Harding.

For Opposition: Doris Diether, Community Board #2.

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.

190-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Fruma Schiftenbauer, owner.

SUBJECT - Application May 3, 2001 - under Z.R. §73-622 to permit proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which creates non-compliance with respect to F.A.R. and open space ratio, contrary to Z.R.23-141.

PREMISES AFFECTED - 2107 Avenue "M", between East 21st and East 22nd Streets, Block 7639, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Battalion Chief Phil Parr and John Scrofani, 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 December 18, 2001, at 2 P.M., for decision, hearing closed.

199-01-BZ

APPLICANT - Harold Weinberg, P.E., P.C., for Doris Mosseri, owner.

SUBJECT - Application May 31, 2001 - under Z.R. §72-21, to permit the proposed erection of horizontal and vertical enlargements, to an existing one family dwelling (Use Group 1) which do not comply with the zoning requirements for front yard, perimeter wall height, setback and sky-exposure plane, is contrary to Z.R. §23-45, §23-461, §23-631 and §54-31.

PREMISES AFFECTED - 440 Quentin Road, southwest corner of East 4th Street, between 3rd and 4th Streets, Block 6660, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Opposition: 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.

200-01-BZ

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

SUBJECT - Application May 31, 2001 - under Z.R. §72-21 to permit the proposed enlargement of the twelfth floor of an existing 11 (plus partial 12) story community facility building and the addition of three elevators, located in an C2-2 within an R5 zoning district, which does not comply with the zoning requirements for floor area, F.A.R. and sky exposure plane, which is contrary to Z.R. §33-441, §33-161 and §54-31.

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

COMMUNITY BOARD #8Q

APPEARANCES -

For Administration: Battalion Chief Phil Parr and John

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Yacovone, Fire Department.

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

235-01-BZ

APPLICANT - Rothkrug & Rothkrug for Mermaid Commons, LLC, owner; Coney Island Memorial Chapel, Inc., lessee.

SUBJECT - Application July 10, 2001 - under Z.R. §73-27 to permit the proposed funeral establishment, Use Group 7, located in a C1-2/R5 zoning district.

PREMISES AFFECTED - 2009 Mermaid Avenue a/k/a 2879 West 21st Street, a/k/a 2882 West 20th Street, northwest corner of West 20th Street and Mermaid Avenue, Block 7018, Lot 42 (Tentatively), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Adam Rothkrug, Rev. Debbie Santiago and others.

For Opposition: Assemblywoman Adele Cohen, Councilmember-Elect Domenic Recchia, Yony Hong Zheng, Po Chu Seto and others.

ACTION OF THE BOARD - Laid over to February 5, 2002, at 10 A.M., for continued hearing.

252-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jose Perez, owner.

SUBJECT - Application August 10, 2001 - under Z.R. §72-21 to permit the legalization of an existing public parking lot, Use Group 8C, located in an R-8 (partially within C4-4C zoning district) which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2382-2388 Creston Avenue, between 184th and 188th Streets, Block 3165, Lot 7, Borough of The Bronx.

COMMUNITY BOARD #5X

APPEARANCES -

For Applicant: Sheldon Lobel.

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

258-01-BZ

APPLICANT - Sybil H. Pollet for Congregation Rodeph Sholom, owner.

SUBJECT - Application August 22, 2001 - under Z.R. §72-21 to permit the proposed expansion of the third and fourth floors and the addition of a floor within the envelope of the 23' high gymnasium, to be used for additional classroom

space for an existing community facility (school), which creates non-compliance with respect to permitted obstructions in the rear yard and required rear yard equivalents, and is contrary to Z.R. §24-33(b), §24-36, §24-382 and §54-31.

PREMISES AFFECTED - 168/70 West 79th Street, a/k/a 165/67 West 78th Street, bounded by Amsterdam and Columbus Avenues, Block 1150, Lots 59 and 5, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Sophie Poeg, Eliot Soffes, Robert A. Kandel, Rabbi Robert Levine, David Vandor, Irwin Shcachter, David Aronld, Andrew Roberts and Rabbi Robert Levin, Senior.

For Opposition: Elizabeth Klaber, Bob Lamm and Lilly Evans.

For Administration: John Yacovone, Fire Department.

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

286-01-BZ

APPLICANT - Rampulla Associates, A.I.A., for Robert Rampulla, owner.

SUBJECT - Application October 15, 2001 - under Z.R. §72-21 to permit the proposed construction of a one family dwelling, located in an R2 zoning district, which creates non-compliance in respect to front yard is contrary Z.R. §23-45.

PREMISES AFFECTED - 165 Bryson Avenue, southeast corner of Waters Street, Block 1474, Lot 20, Borough of Staten Island.

COMMUNITY BOARD # 1S.I.

APPEARANCES -

For Applicant: Phillip Rampulla.

For Opposition: Michael Lewandoski.

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 15, 2002, at 2 P.M., for decision, hearing closed.

295-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Yeled V'Yalda Early Childhood Center, Inc., owner.

SUBJECT - Application October 23, 2001 - under Z.R. §72-21 to permit the proposed construction and operation of a school (Use Group 3) located within an M2-1 zoning

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district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1257/63 38th Street, between 12th and 13th Avenues, Block 5295, Lots 47, 48 and 49, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Howard Hornstein, Solomon Igol, Wayne Goldberg, Naomi Auerbach, Joanne Lamopuggine, Carla Minyan, Miriam Schmukler and Lydia Palafo.

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

322-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Sephardic Foundation for Torah Studies, Inc., owner.

SUBJECT - Application November 2, 2001 - under Z.R. §72-21 to permit the proposed construction of a 23 unit multiple dwelling and synagogue, Use Group 4 and 2, in an R6A zoning district, which does not comply with the zoning requirements for floor area, side yard, base and building heights, is contrary to Z.R. §23-145, §23-633 and §23-51.

PREMISES AFFECTED - 402 Avenue "U", southern corner of East 2nd Street, Block 7129, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Howard Hornstein, Stephen Jacobs, Murray Dweck, Rabbi Abraham Benhama, Money Douek, Jack Doueck, Jack Freeman and Ethan Eldon.

For Opposition: Angelina Eriquez, Steven Eriquez and Joseph Santantonio.

ACTION OF THE BOARD - Laid over to February 12, 2002, at 2 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 7:15 P.M.

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