
BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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February 15, 2001

DIRECTORY

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Affecting Calendar Numbers:

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DOCKET

New Case Filed Up to February 6, 2001

25-01-BZ B.M. 171 West 85th Street, north side, 49' east of Amsterdam Avenue, Block 1216, Lot 3, Borough of Manhattan. Applic.#102786772. Proposed expansion of the sixth floor of an existing six story community facility (Use Group 4), and an expansion of the elevator service within the facility, creates non-compliance with respect to height limitations for narrow buildings and enlargement, as well as permitted obstructions, is contrary to Z.R.§§ 33-492 and 23-692.

COMMUNITY BOARD #7M

26-01-A B.S.I. 116 Giergerich Avenue, west side, 146' east and 83.4' north of Bedell Avenue, Block 7796, Lot 76, Borough of Staten Island. Applic. #500465864. Proposed two family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

27-01-A B.S.I. 120 Giergerich Avenue, west side, 146' east and 41.7' north of Bedell Avenue, Block 7796, Lot 78, Borough of Staten Island. Applic. #500465855. Proposed two family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

28-01-A B.S.I. 124 Giergerich Avenue, west side, 146' east and 0' north of Bedell Avenue, Block 7796, Lot 80, Borough of Staten Island. Applic. #500465846. Proposed two family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

29-01-A B.S.I. 140 Giergerich Avenue, west side, 146.75' east and 0' north of Bedell Avenue, Block 7796, Lot 82, Borough of Staten Island. Applic. #500465837. Proposed two family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

30-01-BZ B.BK. 1336 east 23rd Street, west side, 300.0' south of Avenue "M", Borough of Brooklyn. Applic. #301081969. The legalization of the attic of an existing one family dwelling, for living purposes, which exceeds the allowable F.A.R., and increases the degree of non-compliance with respect to open space ratio, is contrary to Z.R.§§23-141 and 54-31.

COMMUNITY BOARD #14BK

31-01-A B.M. 116 East 73rd Street, south side, 140.6' east of Park Avenue, Block 1407, Lot 67, Borough of Manhattan. Applic. #102232344. An appeal challenging a decision of the Department of Buildings, issuance of permits and allowing the construction of a two-story enlargement (greenhouse), in the rear of subject premises.

32-01-BZ B.BK. 8321 Colonial Road, northwest corner of 84th Street, Block 6015, Lot 1, Borough of Brooklyn. Applic. #301088560. Proposed enlargement to an existing one family dwelling, Use Group 1, located in an R2 (BR) zoning which creates non-compliance with respect to F.A.R., open space ratio and side yards, is contrary to Z.R. §23-141, §54-31 and §23-461.

COMMUNITY BOARD #10BK

33-01-BZ B.Q. 133-01 41st Road, north side, 564.58' west of Main Street, Block 5041, Lot 67, Borough of Queens. Applic. #401191330. Proposed erection of a three story community facility, Use Group 4A, located in an R6 zoning district, which does not comply with the zoning requirements for height of building and complying signs, is contrary to Z.R.§24-12, §24-36, §23-321, §22-342 and §22-343.

COMMUNITY BOARD #7Q

34-01-A B.Q. 133-01 41st Road, north side, 564.58' west of Main Street, Block 5041, Lot 67, Borough of Queens. Applic. #401191330. Proposed erection of a three story community facility, located within the bed of a mapped street, is contrary to Section 35 of the General City Law.

DOCKET

35-01-A B.M. 2 East 82nd Street, corner of Fifth Avenue, Block 1493, Lot 68, Borough of Manhattan. Applic. #101710276. An appeal challenging the Department of Buildings' determination, dated January 11, 2001, allowing the construction of an exterior stairwell as a second means of egress at subject premises which constitutes a fire safety hazard, and violates the Building Code of the City of New York.

36-01-BZ B.M. 328 Spring Street, aka 489/95 Washington Street, southeast corner, Block 595, Lots 66 and 68, (Air rights to be obtained from Lots 71, 72, 73 and 76), Borough of Manhattan. Applic.#102600794. Proposed construction of a twenty-six story, mixed-use residential structure, containing a community facility in an M2-4 zoning district, is contrary to Z.R.§42-00.
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

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

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

SPECIAL ORDER CALENDAR

154-50-BZ

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

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

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

COMMUNITY BOARD #18BK

808-55-BZ

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

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

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

COMMUNITY BOARD #11Q

87-69-BZ

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

SUBJECT - Application October 26, 2000 - reopening for an amendment to permit modifications to the existing serve station, e.g. replacing the four(4) existing pump islands with three(3) new pump islands; install a metal canopy over the pump island; convert the accessory building to an attendant's area, storage area and convenience store.

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

COMMUNITY BOARD #9Q

271-71-BZ

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

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

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

COMMUNITY BOARD #6M

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

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

APPEALS CALENDAR

258-00-A

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

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

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

COMMUNITY BOARD #6M

297-00-A

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

OWNER OF PREMISES: Daniel Pelli

SUBJECT - Application December 13, 2000 - an appeal challenging the Department of Buildings' determination dated November 14, 2000, in which the Department refused to commence proceedings for Revocation of Certificate of Occupancy No. 118978 for subject premises.

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

COMMUNITY BOARD #5M

CALENDAR

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

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

ZONING CALENDAR

186-00-BZ

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

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

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

COMMUNITY BOARD #14BK

200-00-BZ

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

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

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

COMMUNITY BOARD #3Q

211-00-BZ

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

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

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

COMMUNITY BOARD #1BK

252-00-BZ

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

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

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

COMMUNITY BOARD #14Q

263-00-BZ

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

SUBJECT - Application November 1, 2000 - under Z.R. §72-21, to permit the legalization of a rear enlargement, to existing four story and basement one family dwelling (Use Group 2) located in an R8B-LH-1A zoning district, which does not comply with the zoning requirements for lot coverage and does not provide the require rear yard, which is contrary to Z.R. §23-145 and §23-47.

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

COMMUNITY BOARD #8M

264-00-BZ

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

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

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

COMMUNITY BOARD #8Q

Pasquale Pacifico, Executive Director

CALENDAR

MARCH 13, 2001, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, March 13, 2001, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

14-01-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Jack Nacmias, lessee.

SUBJECT - Application January 17, 2001 - proposed enlargement 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 - 3 Clinton Walk, west side, 55.0' north of 12th Avenue, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

MARCH 13, 2001, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, March 13, 2001, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

227-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Moshe Nachum, owner.

SUBJECT - Application October 6, 2000 - under Z.R. 73-622, to permit the legalization of the reduction in the size of the third floor in an existing one family dwelling, which creates non-compliance with respect to floor area, lot coverage and open space, and is contrary to Z.R. §23-141.

PREMISES AFFECTED - 1869 East 23rd Street, between Avenue R and Avenue S, Block 6829, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #15BK

Pasquale Pacifico, Executive Director

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**REGULAR MEETING
TUESDAY MORNING, FEBRUARY 6, 2001
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, January 16, 2001, were approved as printed in the Bulletin of January 25, 2001, Volume 86, No. 4.

SPECIAL ORDER CALENDAR

656-69-BZ

APPLICANT -Rothkrug and Rothkrug, for Peter C. LaBella Funeral Chapel, Inc., owner.

SUBJECT - Application September 27, 2000 - request for a waiver of the Rules of Practice and Procedure for a reopening for an extension of term of the variance which expired May 27, 2000.

PREMISES AFFECTED - 2617/23 Harway Avenue a/k/a 208-18 Bay 43rd Street, Block 6897, Lots 1, 2, Borough of Brooklyn

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure and a re-opening for an extension of the term of the variance which expired on May 27, 2000; and

WHEREAS, a public hearing was held on this application on December 12, 2000, after due notice by publication in the City Record, laid over to January 16, 2001 and then to February 6, 2001 for decision.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to Z.R §§ 72-01 and 72-22 ,said resolution having been adopted on March 10, 1970, as amended through December 4, 1990, only as to the term of the variance, so that as amended this portion of the resolution shall read:

“granted for a term of ten years from May 27, 2000 to expire on May 27, 2010; on condition that the

premises shall be maintained in substantial compliance with the existing and proposed plans submitted with the application marked ‘Received September 27, 2000’-(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects.”

(Alt. 910/68)

Adopted by the Board of Standards and Appeals, February 6, 2001.

348-79-BZ

APPLICANT -Rothkrug and Rothkrug, for Claude’s Auto Repair, Inc., owner.

SUBJECT - Application January 18 , 2000 - request for a waiver of the Rules of Practice and Procedure for a reopening for an extension of term of the variance which expired October 30, 1999.

PREMISES AFFECTED - 129-10 94th Avenue, Block 9445, Lot 23, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure for a re-opening for an extension of the term of the variance which expired on October 30, 1999 ; and

WHEREAS, Community Board #9, Queens, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on December 12, 2000, after due notice by publication in The City Record, laid over to January 16, 2001 and then to February 6, 2001 for decision.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to Z.R § 11-411, said resolution having been adopted on October 30, 1979, only as to the term of the variance, so that as amended this portion of the resolution shall read:

“granted for a term of ten years from October 30, 1999 to expire on October 30, 2009; on condition

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that the premises shall be maintained in substantial compliance with the existing and proposed plans submitted with the application marked 'Received January 16, 2001'-(4) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects, and that a new certificate of occupancy obtained within two years from the date of this amended resolution."

(Alt. 22/79)

Adopted by the Board of Standards and Appeals, February 6, 2001.

565-91-BZ

APPLICANT - Rothkrug and Rothkrug, for Congregation Beth Torah; owner.

SUBJECT - Application November 3, 2000 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction which expired April 27, 2000.

PREMISES AFFECTED - 1061/7 Ocean Parkway, East side of Ocean Parkway 240 Ft. North of Avenue K, Block 6527, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Rules of Practice and Procedure waived and time to complete substantial construction extended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested for a waiver of the Rules of Practice and Procedure and a reopening for an extension of time to complete substantial construction; and

WHEREAS, a public hearing was held on this application on January 16, 2001 after due notice by publication in The City Record, laid over to February 6, 2001 for decision; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution adopted on April 25, 1995, only as to the time to complete substantial construction, so that as amended this portion of the resolution shall read:

"That substantial construction shall be completed within 36 months of April 25, 1999".

(ALT. No. 24/90)

Adopted by the Board of Standards and Appeals, February 6, 2001.

208-88-BZ

APPLICANT - New York City Board of Standards and Appeals for Shaare Zion Congregation, owner.

SUBJECT - Application November 27, 1998 - For possible rescindment.

PREMISES AFFECTED - 2030 Ocean Parkway, a/k/a 2030 East 5th Street, 182' south of Avenue "T", Block 7108, Lots 17, 18, 69, 78, 79, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, February 6, 2001.

86-00-BZ thru 91-00-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Lorimer Street Realty Incorporated.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 171-179 Lorimer Street and 30 Throop Avenue, Block 2242, Lots 144, 145, 142, 140, 139, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

In Opposition: Eric Palatnik.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, February 6, 2001.

887-54-BZ

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

SUBJECT - Application August 8, 2000 - reopening for an extension of term of variance which expired September 23, 2000 and for an amendment to permit the erection of a new

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2,900 square feet accessory building to accommodate a retail convenience store with attendants area and the installation of a canopy over six new pump islands.

PREMISES AFFECTED - 218-01 Northern Boulevard a.k.a Northern Boulevard and 219th Street, Block 6321, Lots 21, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Ross W. Baughman.

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

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

300-64-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER: Pathmark Stores Inc.

SUBJECT - to dismiss the application for lack of prosecution.

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

COMMUNITY BOARD # 9BX

APPEARANCES -None.

For Applicant:

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

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

899-65-BZ

APPLICANT- Sheldon Lobel, P.C., for Regency Towers LLC; owner, Regency Garage Corporation, lessee.

SUBJECT - Application July 20, 2000 - a reopening for an extension of term of the variance which expired November 16, 2000.

PREMISES AFFECTED - 1201-1221 Second Avenue, 231-245 East 63rd Street, 234-244 East 64th Street, 2nd Avenue Between East 63rd Street & East 64th Street, Block 1418, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Eric Palatnik.

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

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice Chair Bonfilio,

Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

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

1136-80-BZ

APPLICANT - Sheldon Lobel, P.C., for East 68th Tenants Corporation, owner.

SUBJECT - Application October 24, 2000 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to complete construction and obtain certificate of occupancy, which expired December 8, 1999

PREMISES AFFECTED - 6 & 8 East 68th Street, a/k/a 68th Street between 5th Avenue and Madison, Block 1382, Lot 66, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Eric Palatnik.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

38-81-BZ

APPLICANT - Sheldon Lobel, P.C., for East 68th Tenants Corporation, owner.

SUBJECT - Application October 24, 2000- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to complete construction and obtain certificate of occupancy, which expired December 8, 1999

PREMISES AFFECTED - 6 & 8 East 68th Street, a/k/a 68th Street between 5th Avenue and Madison, Block 1382, Lot 65, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Eric Palatnik.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

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826-86-BZ thru 828-86-BZ

APPLICANT - Sheldon Lobel, P.C., for North Shore Towers Apts., Inc., owner; Continental Communications Inc., lessee.
SUBJECT - Application March 29, 2000 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 29, 1998 and for an amendment to legalize the increased activity at the site.

PREMISES AFFECTED -

269-10 Grand Central Parkway, northeast corner of the 267th Street, Block 8489, Lot 1, Floral Park, Borough of Queens.

270-10 Grand Central Parkway, northeast corner of the 267th Street, Block 8489, Lot 1, Floral Park, Borough of Queens.

271-10 Grand Central Parkway, northeast corner of the 267th Street, Block 8489, Lot 1, Floral Park, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Eric Palatnik and Barbara Hair.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

886-87-BZ

APPLICANT - Klein & O'Brien, LLP, for 11 East 36th Street Associates, owner; Sauna Haven, Inc., d/b/a Nu Look, lessee.

SUBJECT - Application December 28, 1999 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 3, 1998.

PREMISES AFFECTED - 11 East 36th Street, a/k/a 10 East 37th Street, between Fifth and Madison Avenues, Block 866, Lot 11, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Allison Farina

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

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice Chair Bonfilio,

Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

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

208-88-BZ

APPLICANT - Rothkrug & Rothkrug, for Shaare Zion Congregation., owner.

SUBJECT - Application - reopening for an amendment to permit the erection of an enlargement to the existing synagogue.

PREMISES AFFECTED - 2030 Ocean Parkway a/k/a 2003 East 5th Street, Block 7108, Lots 17, 18, 69, 78, 79, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Adam Rothkrug.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

1617-88-BZ

APPLICANT - Goidel and Siegel, LLP, for Vivian Properties, LLC as Contract Vendee to NYCTL 1996-1 Trust and the Bank of New York, owner.

SUBJECT - Application February 28, 2000 - reopening for an extension of term of variance which expired January 30, 2000.

PREMISES AFFECTED - 17-33 West 9th Street, north side, 163.6' east of Columbia Street, Block 534, Lots 35, 36 and 37, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Simon Benezhansky.

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

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

49-91-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., Vito J. Fossella, P.E., for James Kinsella.

SUBJECT - Application December 7, 2000 - request for a rehearing.

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PREMISES AFFECTED - 1845 Richmond Avenue, East side of Richmond Avenue 500.18' South of Eton Place, Block 2030, Lot 57, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to February 12, 2001, at 10 A.M., for continued hearing.

261-98-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 193 20th Street, north side, 200' west of Fourth Avenue, Block 637, Lot 69, Borough of Brooklyn

COMMUNITY BOARD #7BK

In Opposition: Steve Stegelsky and Ira Gluckoran.

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

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

270-00-A

APPLICANT - Gary Lenhart, R.A., for Breezy Point Cooperative, Inc., owner; Thomas and Veronica McNicholas, lessees.

SUBJECT - Application November 16, 2000 - proposed first floor alterations and enlargements, and the construction of a second floor to an existing one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 44 Beach 216th Street a.k.a. Tioga Walk, southwest corner of Sixth Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

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

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated November 3, 2000, acting on ALT. 1 Application Number 401179354, reads:

“Altering of an existing residence building located within the bed of a mapped street is contrary to General

City Law-Article 3, Section 35 and must be approved by the Board of Standards and Appeals”; and

WHEREAS, the applicant proposes to alter the first floor and construct a second floor to an existing one family dwelling; and

WHEREAS, by the letter dated December 28, 2000, the Department of Environmental Protection has reviewed the proposed project and has no objections; and

WHEREAS, by the letter dated December 8, 2000, the Department of Transportation has reviewed the proposed project and has no objections; and

WHEREAS, by the letter dated December 1, 2000, the Fire Department has reviewed the proposed 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 Borough Commissioner dated November 3, 2000, acting on ALT. 1 Application Number 401179354, the above objection, is modified under the power vested in the Board by §35 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 drawings filed with the application marked, “Received November 16, 2000”-(8) sheets and that all applicable laws, rules, and regulations shall be complied with.

Adopted by the Board of Standards and Appeals, February 6, 2001.

276-00-A

APPLICANT - Sheldon Lobel, P.C., for Affordable Housing Group of New York, owner.

SUBJECT - Application November 20, 2000 - proposed building to be constructed within the bed of a mapped street is contrary to Section 35 of the General City Law.

PREMISES AFFECTED - 72-59 Hillmeyer Avenue, southeast corner of Barbados Drive, Block 16058, Lot 50 (temporarily), Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Lyra Altman.

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

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

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WHEREAS, the decision of the Borough Commissioner, dated October 25, 2000, acting on N.B. #401033074, reads:

“Proposed building to be erected within the bed of Barbados Drive, a mapped street that is presently proposed to be widened to a width of 80 feet, is contrary to General City Law Sec. 35”; and

WHEREAS, the applicant proposes to construct a new building within the bed of a mapped street; and

WHEREAS, by the letter dated January 16, 2001, the Department of Environmental Protection has reviewed the proposed project and has no objections; and

WHEREAS, by the letter dated December 29, 2000, the Department of Transportation has reviewed the proposed project and has no objections; and

WHEREAS, by the letter dated December 19, 2000, the Fire Department has reviewed the proposed 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 Borough Commissioner dated October 25, 2000, acting on N.B. #401033074, the above objection, is modified under the power vested in the Board by §35 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 drawings filed with the application marked, “Received November 20, 2000”-(4) sheets; and that all applicable laws, rules, and regulations shall be complied with.

Adopted by the Board of Standards and Appeals, February 6, 2001.

277-00-A

APPLICANT - Sheldon Lobel, P.C., for Affordable Housing Group of New York, owner.

SUBJECT - Application November 20, 2000 - proposed building to be constructed within the bed of a mapped street is contrary to Section 35 of the General City Law.

PREMISES AFFECTED - 72-60 Almeda Avenue, northeast corner of Barbados Drive, Block 16058, Lot 42 (temporarily), Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Lyra Altman.

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

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated October 25, 2000, acting on N.B. #401033083, reads:

“Proposed building to be erected within the bed of Barbados Drive, a mapped street that is presently proposed to be widened to a width of 80 feet, is contrary to General City Law Sec. 35”; and

WHEREAS, the applicant proposes to construct a new building within the bed of a mapped street; and

WHEREAS, by the letter dated January 16, 2001, the Department of Environmental Protection has reviewed the proposed project and has no objections; and

WHEREAS, by the letter dated December 29, 2000, the Department of Transportation has reviewed the proposed project and has no objections; and

WHEREAS, by the letter dated December 19, 2000, the Fire Department has reviewed the proposed 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 Borough Commissioner dated October 25, 2000, acting on N.B.

#401033083, the above objection, is modified under the power vested in the Board by §35 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 drawings filed with the application marked, “Received November 20, 2000”-(4) sheets; and that all applicable laws, rules, and regulations shall be complied with.

Adopted by the Board of Standards and Appeals, February 6, 2001.

301-00-A

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

SUBJECT - Application December 18, 2000 - Proposed addition of an extension to the second floor of a two story, one family dwelling, not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 3 Beach 221st Street, east side, 48.5' south of Rockaway Point Boulevard, Block 16350, Lot part of 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Arthur Sullivan.

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

THE VOTE TO CLOSE HEARING -

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

MINUTES

Negative:0

ACTION OF THE BOARD - Laid over to February 27, 2001, at 11 A.M., for decision, hearing closed.

302-00-A

APPLICANT - Sheldon Lobel, P.C., for Linda & Gerald Vogt, owners.

SUBJECT - Application December 18, 2000 - Proposed two family dwelling, located within the bed of a mapped street is contrary to Section 35 of the General City Law.

PREMISES AFFECTED - 822 Dean Avenue, east side, 336.28' south of Lafayette Avenue, Block 5479, Lot 94, Borough of The Bronx.

COMMUNITY BOARD #10BX

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to February 27, 2001, at 11 A.M., for continued hearing.

303-00-A

APPLICANT - Sheldon Lobel, P.C., for Linda & Gerald Vogt, owners.

SUBJECT - Application December 18, 2000 - Proposed one family dwelling located within the bed of a mapped street is contrary to Section 35 of the General City Law.

PREMISES AFFECTED - 828 Dean Avenue, east side, 286.28' south of Lafayette Avenue, Block 5479, Lot 92, Borough of The Bronx.

COMMUNITY BOARD #10BX

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to February 27, 2001, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:05 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, FEBRUARY 6, 2001
2:00 P.M.**

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

ZONING CALENDAR

30-00-BZ

CEQR #00-BSA-086M

APPLICANT - Mothiur Rahman, for Sand Realty Group Inc. and S&H E. Corp., owner; The Barrington Travel Group Inc., lessee.

SUBJECT - Application February 7, 2000 - under Z.R. §72-21, to permit, within R7-2 zoning district, the legalization of an open parking lot (Use Group 8)) which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 458 West 166th Street, north side, between Amsterdam and Edgecomb Avenues, Block 2111, Lot 53-55, 57 and 71-73(Tentative Lot 57), Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Mothiur Rahman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 3, 2000, acting on Applic. No. 101948403, reads:

1. "PROPOSED OPEN PARKING LOT (USE GROUP 8 OR 12) IS NOT A PERMITTED USE IN A RESIDENTIAL ZONING DISTRICT AS PER SEC. 22-00 (ZR). OBTAIN BOARD OF STANDARDS & APPEALS APPROVAL."; and

WHEREAS, a public hearing was held on this application on September 12, 2000 after due notice by publication in The City Record, laid over to October 17, 2000, November 14, 2000, December 5, 2000, December 19, 2000, January 16, 2001 and then to February 6, 2001 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, within an R7-2 zoning district, the legalization of an open parking lot (Use Group 8) which is contrary to Z.R. §22-00; and

WHEREAS, the subject site is an irregular sized lot housing an existing parking facility located on West 166th Street between Amsterdam and Edgecomb Avenues; and

WHEREAS, Department of Buildings records indicate that the subject site previously housed a multiple dwelling complex that became vacant, was difficult to secure, was used a dump for garbage and debris, and was infested with rodents; and

WHEREAS, in 1997 the buildings were demolished and

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the lots remained vacant; and

WHEREAS, the applicant represents that as a vacant lot, the subject premises served as a "hang out" for local derelicts and a place for illegal activity; and

WHEREAS, the aforementioned circumstances create an unnecessary hardship in developing the site with a conforming residential use; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the premises with a conforming use would not yield the owner a reasonable return; and

WHEREAS, the record indicates that the parking lot provides parking for neighbors, teachers, parents and visitors to both P.S. 164 which is across from the subject premises and the Day care center that is adjacent; and

WHEREAS, due to Board concerns that in the future the area will become attractive for residential development, the term shall be limited to five years; and

WHEREAS, the Board notes that this is a legalization; and

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

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

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, within R7-2 zoning district, the legalization of an open parking lot (Use Group 8) which is contrary to Z.R. §22-00 on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 7, 2000-(2) sheets and June 28, 2000"-(1)

sheet; and on further condition;

THAT no vehicles will be parked on the sidewalk;

THAT there shall be no parking of commercial vehicles;

THAT the subject premises be kept clean and free of debris;

THAT the premises remain graffiti free at all times;

THAT all fencing be maintained in accordance with BSA approved plans;

THAT the term of the variance shall be limited to five years from the date of this grant to expire February 6, 2006;

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;

THAT a new certificate of occupancy will be obtained within one year of this grant.

Adopted by the Board of Standards and Appeals, February 6, 2001.

209-00-BZ

CEQR # 01-BSA-022K

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

SUBJECT - Application August 30, 2000 - under Z.R. §73-622, to permit in an R2 zoning district, the proposed enlargement and conversion of an existing two-family dwelling to a one family dwelling which would create new non-compliances with regard to floor area ratio, and rear yards contrary to Z.R. §§23-141, and 23-47.

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

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 3, 2000, acting on Application No. 301028938 reads, in pertinent part:

"OBJECTIONS:

- 1) Proposed plans are contrary to ZR Sec. 23-141 in that the Floor Area Ratio exceeds .5 and the

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Open Space Ratio is less than 150.

- 2) Proposed plans are contrary to Z.R. 23-47 in that the proposed rear yard is less than 30 feet.”; and

WHEREAS, a public hearing was held on this application on December 12, 2000 after due notice by publication in The City Record, laid over to January 9, 2001, January 23, 2001 and then to February 6, 2001 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to permit, in an R2 zoning district, the proposed enlargement and conversion of an existing two-family dwelling to a one family dwelling which would create new non-compliances with regard to floor area ratio, and rear yards contrary to Z.R. §§23-141, and 23-47; and

WHEREAS, the proposed enlargement will increase the floor area ratio to 1.08 decrease the open space ratio to .54 and decrease the rear yard to 20' ; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulations, set at 35'-0"; and

WHEREAS, the proposed enlargement will not further encroach on any legally required side yards; and

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

WHEREAS, the proposed project will not have any significant adverse impacts upon the quiet, privacy, light and air of the surrounding neighborhood; and

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special permit, to permit in an R2 zoning district, the proposed enlargement and conversion of an existing two-family dwelling to a one family dwelling which would create new non-compliances with regard to floor area ratio, and rear yards contrary to Z.R. §§23-141, and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received November 3, 2000-(10) sheets, “December 19, 2000”-(1) sheet and “January 8, 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; and

THAT substantial construction be completed and a new certificate of occupancy be obtained within four years of this grant.

Adopted by the Board of Standards and Appeals, February 6, 2001.

**223-00-BZ
CEQR #01-BSA-031M**

APPLICANT - Law Offices of Howard Goldman PLLC, for Village Community School, owner.

SUBJECT - Application September 27, 2000 - under Z.R. §72-21, to permit, in an R6 zoning district, the proposed modernization of a private, non-profit school for kindergarten through eighth grade (Use Group 3), by replacing a one-story gymnasium space with a 5-story enlargement, which is contrary to Z.R. §§24-11 and 24-522.

PREMISES AFFECTED - 272 West 10th Street, block bounded by Tenth, Washington and Greenwich Streets, Block 630, Lot 9 and 12, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Opposition: Doris Diether, Community Board #2.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION

WHEREAS, The decision of the Borough Commissioner, dated September 25, 2000, acting on Applic. No. 102766767, reads:

1. “PROPOSED LOT COVERAGE DOES NOT COMPLY WITH SECTION 24-11 OF THE NYC ZONING RESOLUTION.
2. PROPOSED HEIGHT OF FRONT WALL DOES NOT COMPLY WITH SECTION 24-522 OF THE NYC ZONING RESOLUTION.”; and

WHEREAS, Community Board No. 2, Manhattan, has recommended conditional approval of this application; and

WHEREAS, a public hearing was held on this application on January 9, 2001, after due notice by publication in The City Record, and laid over to February 6, 2001 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R6 zoning district, the proposed modernization of a private, non-profit school for kindergarten through eighth grade (Use Group 3), by replacing a one-story gymnasium space with a 5-story enlargement, which is contrary to Z.R. §§24-11 and 24-522; and

WHEREAS, the subject site contains approximately 20,000 square feet improved with a five-story main building, a playground, a one-story gymnasium (formerly a garage) and a small one-story wood shop located in a corner of the playground; and

WHEREAS, the subject site is an irregularly shaped parcel extending from Greenwich to Washington Streets along West 10th Street and wrapping around both corners; and

WHEREAS, the school's current main building was built as a public school in 1885; and

WHEREAS, in 1998, the school identified the need to create new space and overhaul existing space for different or more appropriate uses; and

WHEREAS, the school's master plan involved moving classrooms out of the basement and conducting a study to identify the school's programmatic needs; and

WHEREAS, the study revealed the need to construct a five-story enlargement on the portion of the site currently occupied by the gymnasium, at the corner of West 10th and Washington Streets; and

WHEREAS, the proposal would not significantly alter the existing main building and playground; and

WHEREAS, the record indicates that without increasing the height of the existing building or building in the playground, the only area that is available for new construction is the westerly portion of the site, which is occupied by a one-story former garage structure that currently serves as the school's gym; and

WHEREAS, the existing gymnasium will be demolished and replaced with a new one located on the uppermost portion of the enlargement; and

WHEREAS, the applicant represents that this portion of the site has an area of approximately 5,296 square feet; and

WHEREAS, at 70% lot coverage, complying floors of 3,700 square feet could be constructed; and

WHEREAS, the applicant represents that floors of 3,700 square feet would not allow the school to construct all of the additional classrooms and the other facilities that are required; and

WHEREAS, the record indicates that in order to

accommodate the Multi-Purpose Room and Gymnasium the proposal would require new floors of approximately 4,700 square feet; and

WHEREAS, the Board is being asked to allow 89.5% lot coverage within the Washington Street corner lot portion of the site; and

WHEREAS, applicant indicates that the proposed front wall variance is necessitated by the programmatic needs of the school, to provide full handicapped access and provide a seamless interior; and

WHEREAS, the combination of the irregular shape of the zoning lot burdened by its location on a narrow street creates an inadequate zoning lot that cannot meet the programmatic needs of the school and causes an unnecessary hardship in utilizing the site in conformity with the current zoning; and

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

WHEREAS, in response to community concerns, the applicant will provide six new trees, will replace the existing street lamp on the corner of West 10th and Washington Streets with a Bishop's Crook Street lamp and will work with the Far West 10th Street Block Association to control traffic congestion and noise near the school; and

WHEREAS, the applicant has agreed to comply with the following conditions:

1. The proposed action will not result in an increase in student enrollment or staff at the school.
2. Manually operated shades will be installed in the gymnasium and School personnel will be responsible for drawing these shades after sundown, so as to prevent light from shining into nearby apartments;
3. There will be no construction or demolition on the site outside of 7 AM to 7 PM on business days, unless agreed to by the local block association; and

WHEREAS, the Board notes that the school is already operating within the subject zoning district and the enlargement will be compatible with both the existing school building and the built character of this Greenwich Village neighborhood; and

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

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

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made

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under Z.R. §72-21; and

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

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

WHEREAS, the record indicates that the proposed action is consistent with the City's Local Waterfront Revitalization Program policies; and

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617.13 and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R6 zoning district, the proposed modernization of a private, non-profit school for kindergarten through eighth grade (Use Group 3), by replacing a one-story gymnasium space with a 5-story enlargement, which is contrary to Z.R. §§24-11 and 24-522; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 27, 2000"-(11), and December 29, 2000"-(2) sheets"; and on further condition;

THAT the premises will remain graffiti-free at all times;

THAT no sound amplification devices shall be used on the roof top recreation area after 6:00 p.m.;

THAT use of the rooftop recreation area shall be limited to the hours of 8:00 a.m. to 9:00 p.m.;

THAT as part of the Negative Declaration issued under 6 NYCRR Part 617.13, the owner will provide an archaeological documentary study for the site to the Landmarks Preservation Commission (LPC);

THAT the results of the archaeological study shall be submitted to the Board's Executive Director and the LPC;

THAT the existing building's hallways be equipped with a smoke detection system connected to a Fire Department approved central station;

THAT a fire alarm system connected to a Fire Department approved central station be installed throughout the existing building;

THAT an automatic wet sprinkler system connected to a Fire Department approved central station be installed throughout the cellar and all mechanical and electrical rooms of the existing building;

THAT a pair of three-hour fire rated doors on self-closing approved electro-magnetic devices to be activated by a fire alarm, smoke detection, or automatic wet sprinkler systems be provided and maintained for the new building;

THAT an automatic wet sprinkler system, a fire alarm

system and a smoke detection system shall be installed throughout the new building, with all three systems connected to a Fire Department approved Central Station;

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;

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

Adopted by the Board of Standards and Appeals, February 6, 2001.

249-00-BZ

CEQR #01-BSA-042M

APPLICANT - Fredrick A. Becker, Esq., for Evelyn Wertheim c/o James Leach, owner; Manhattan Ensemble Theater, lessee.

SUBJECT - Application October 19, 2000 - under Z.R. §73-202, to permit in an M1-5B zoning district, the proposed increase in seating capacity from 99 seats to 139 seats for a legally existing theater (Use Group 8).

PREMISES AFFECTED - 55 Mercer Street, west side, 96' south of Broome Street, Block 474, Lot 13, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Fredrick A. Becker and Doris Diether.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 26, 2000, acting on Applic. No102766561 reads:

"Proposed theater Use Group 8, in M1-5B zoning district, and with more than 100 seats requires special permit by the Board of Standards and Appeals per section Z.R. 42-14(D)(3)(d)."; and

WHEREAS, a public hearing was held on this application on January 9, 2001 after due notice by publication in *The City Record*, laid over to February 6, 2001 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin,

MINUTES

R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §73-202, to permit, in an M1-5B zoning district, the proposed increase in seating capacity from 99 seats to 139 seats for a legally existing theater (Use Group 8); and

WHEREAS, the site contains a five story commercial loft structure, with the theater use occupying the first floor; and

WHEREAS, a 99 seat theater is allowed as-of-right in the subject M1-5B zoning district; and

WHEREAS, the theater use will contain performance space, seating and lobby; and

WHEREAS, the cellar will be occupied by accessory uses including dressing rooms, rest rooms and storage; and

WHEREAS, the record indicates that the theater use is located in the Soho area where cultural uses and activities predominate ; and

WHEREAS, therefore, the Board finds that the proposed use will not impair the character or the future use or development of the surrounding residential or mixed use neighborhood; and

WHEREAS, the Board finds that the proposed increase of 40 additional seats and the accessibility of the establishment to public transportation are sufficient to prevent undue vehicular or pedestrian congestion in local streets; and

WHEREAS, the applicant represents that the subject theater has only one performance per day, except on Saturdays when there is a matinee and an evening performance; and

WHEREAS, the theater lobby is separate and distinct from other uses in the building, contains 470 square feet, and will open thirty minutes before each performance; and

WHEREAS, the Board finds that the owner's operating plan, size of the lobby area, the relative small number of performances and size of audience is sufficient to ensure that obstruction of street areas and other uses within the same or nearby buildings will not occur; and

WHEREAS, the record indicates that the applicant's proposal will have no adverse impact on the community, there are no potential hazards that impact on the privacy, quiet, light and air of the neighborhood as the facility is located within an existing structure, the subject project will not interfere with any public improvement project, and that the subject project will not interfere with the existing street system; and

WHEREAS, therefore, the Board finds that the subject proposal meets the findings required to be made under Z.R. §§ 73-03 and 73-202; and

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

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

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings and grants a special permit under Z.R. §73-202, to permit in an M1-5B zoning district, the proposed increase in seating capacity from 99 seats to 139 seats for a legally existing theater (Use Group 8), on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received October 19, 2000- (2) sheets, December 7, 2000"- (1) sheet, and "January 16, 2001"- (2) sheets; and on further condition;

THAT all sound attenuating measures shall be provided and maintained in accordance with BSA approved plans;

THAT all roof-mounted HVAC equipment shall comply with the New York City Noise Code;

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

THAT an automatic wet sprinkler system and interior fire alarm system be provided and connected to a Fire Department approved central station;

THAT all smoke and duct detectors be connected to a Fire Department approved central station;

THAT all panic hardware be installed on all exit doors;

THAT an additional exit sign be installed adjoining the dressing room in the cellar

THAT this special permit shall be limited to a term of five years to expire February 6, 2006;

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

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

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

Adopted by the Board of Standards and Appeals, February 6, 2001.

259-00-BZ

CEQR #01-BSA-048K

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

MINUTES

Sports Club, lessee.

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

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

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated October 24, 2000 acting on Alt. Applic. No. 301079696 reads:

“Proposed layout on the cellar, mezzanine, first and second floors is for physical culture establishment. Approval from BSA is required as per section ZR 73-36.”

WHEREAS, Community Board #2, Brooklyn, recommended approval of this application; and

WHEREAS, a public hearing was held on this application on January 16, 2001 after due notice by publication in The City Record, laid over to January 23, 2001 and then to February 6, 2001 for decision; and

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

WHEREAS, this is an application under Z.R. §73-36 to permit the proposed physical culture establishment, located in portions of the cellar, first floor, mezzanine and second floor, of an existing twenty-eight story plus penthouse commercial office building and, requires a special permit as per Z.R. §32-00; and

WHEREAS, the proposed hours of operation for the subject premises are Monday to Thursday 6:00 a.m.- 11:00 p.m., Friday 6:00 a.m.-9:00 p.m., and Saturday and Sunday 9:00 a.m. to 7:00 p.m.; and

WHEREAS, the physical culture establishment will contain space for athletic equipment and facilities for classes, instruction and programs for physical improvement,

body building, weight reduction, aerobics and martial arts; and

WHEREAS, the Board finds that the proposed action will not alter the essential character of the surrounding area or impair its future use and development nor be a detriment to public welfare; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that evidence in the record supports the findings to be made under Z.R. §73-36; and

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §73-36 and grants a special permit, to permit the proposed physical culture establishment, located in portions of the cellar, first floor, mezzanine and second floor, of an existing twenty-eight story plus penthouse commercial office structure building, which requires a special permit as per Z.R. §32-00, limited to the objections cited, 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 27, 2000”(5) sheets, “December 7, 2000”-(2) sheets and “January 18, 2001”-(1) sheet; and on further condition;

THAT the term of the special permit shall be limited to ten years from the date of this grant;

THAT the hours of operation for the subject premises are Monday to Thursday 6:00 a.m.- 11:00 p.m., Friday 6:00 a.m. - 9:00 p.m., and Saturday and Sunday 9:00 a.m. to 7:00 p.m.;

THAT the proposed wet sprinkler system and interior fire alarm system be installed throughout the subject physical culture establishment with both systems connected to a Fire Department approved central station;

THAT the proposed smoke detector system be installed throughout the subject physical culture establishment and be connected to a Fire Department approved central station;

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

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

Adopted by the Board of Standards and Appeals, February 6, 2001.

MINUTES

34-99-BZ

APPLICANT - Sheldon Lobel, P.C., for Ruach Chaim Institute, owner.

SUBJECT - Application February 22, 1999 - under Z.R. §72-21, to permit, the proposed nineteen unit residential building, with accessory on-site parking, and one ground floor retail space, located in an M1-6 zoning district, which is contrary to Z.R. §42-00, §43-43 and §13-12.

PREMISES AFFECTED - 491/97 Greenwich Street (tentatively 495 Greenwich Street) 150' north of Canal Street, bounded by Canal and Spring Streets, Block 594, Lots 21 and 23 (Tentatively Lot 21), Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Carole Slater.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

83-99-BZ

APPLICANT - Rothkrug & Rothkrug, Esqs., for Kenton Flaig, owner.

SUBJECT - Application April 21, 1999 - under Z.R. §72-21, to permit, the reestablishment of an expired variance, previously granted under Cal. No.180-75-BZ, which permitted an animal hospital (Use Group 16), in an R3-2 (SRD) zoning district.

PREMISES AFFECTED - 4230/40 Hylan Boulevard aka 101 Groton Street, northeast corner, Block 5316, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to June 5, 2001 at 2 P.M., for decision, hearing closed.

129-00-BZ

APPLICANT - Joseph P. Morsellino, Esq., for 144-31 91st

Avenue Realty Co. LLC, et al, owner; ROSCO, lessee.

SUBJECT - Application May 4, 2000 - under Z.R. §72-21, to permit the proposed expansion of an existing manufacturing building, Use Group 17, divided by three zoning districts, M1-1, C2-2 and R5, which creates non-compliance in respect to floor area ratio, side yard, required parking and storage in the rear building, which is contrary to Z.R. §43-12, §43-301, §43-302, §43-26, §44-21 and §32-00.

PREMISES AFFECTED - 144-31 91st Avenue, corner of 146th Street, Block 9985, Lot 20 (formerly 20 & pt of 11), Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

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

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

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

ACTION OF THE BOARD - Laid over to May 1, 2001, at 2 P.M., for postponed 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 Applicant: Janice Cahalane.

For Opposition: Battalion Chief Robert Stec and John

MINUTES

Scrofani, Fire Department; Thomas Cugger, John Marie Giambo and others.

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

265-00-BZ

APPLICANT - Fredrick A. Becker, Esq., for 142 Manhattan Avenue LLC, owner.

SUBJECT - Application November 2, 2000 - under Z.R. §72-21, to permit the proposed construction of a five family residential building (Use Group 2) located in an R8 zoning district, which exceeds the number of permitted dwelling units, and the maximum lot coverage requirements which is contrary Z.R. §23-145, §23-32 and §23-33.

PREMISES AFFECTED - 44 West 106th Street a.k.a. 142 Manhattan Avenue, southeast corner, Block 1841, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Fredrick A. Becker, Lewis Futterman and Starla Caldwell.

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

ACTION OF THE BOARD - Laid over to March 6, 2001, at 2 P.M., for continued hearing.

271-00-BZ

APPLICANT: Moshe M. Friedman, P.E., for Jochewet Aschkenazy, owner.

SUBJECT - Application November 16, 2000 - under Z.R. §73-622, to permit the proposed enlargement of an existing two family dwelling (Use Group 2) located in an R2 zoning district, which creates non-compliance with respect to floor area and open space ratio, which is contrary to Z.R. §23-141(a).

PREMISES AFFECTED - 2309 Avenue L a.k.a. 2305/09 Avenue L, north side, 50' east of East 23rd Street, Block 7623, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Moshe Friedman.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

272-00-BZ

APPLICANT: Moshe M. Friedman, P.E., for Moshko Fuchs, owner.

SUBJECT - Application November 16, 2000 - under Z.R. §73-622, to permit the proposed enlargement of a single family

residence, (Use Group 1) located in an R2 zoning district, which creates non-compliance with respect to floor area and open space ratio, which is contrary to Z.R. §23-141(a) and §23-47.

PREMISES AFFECTED - 1459 East 27th Street, east side, 301.29' north of Kings Highway, Block 7681, Lot 24, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Moshe Friedman.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

273-00-BZ

APPLICANT - Agusta and Ross, for 10 West 33rd Street Joint Venture, owner; Spa Sol Inc., lessee.

SUBJECT - Application November 16, 2000 - under Z.R. §73-36, to permit the proposed physical culture establishment, Use Group 9, located on the first floor, mezzanine and basement of an existing eleven story building, in a C6-4 zoning district, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 4 West 33rd Street, south side, 110' west of Fifth Avenue, Block 834, Lot 49, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Mitchell S. Ross.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

274-00-BZ

APPLICANT - Mark W. Scott, for Robert Bienstock for Carob Bean Realty Corp. II, owner; Carlin America, Inc., lessee.

SUBJECT - Application November 17, 2000 - under Z.R. §11-411, to permit the reestablishment of a variance, previously granted under Cal. No. 479-52-BZ, which permitted office occupancy, Use Group 6, in a residential district.

PREMISES AFFECTED - 134 East 38th Street, south side, 20' west of Lexington Avenue, Block 893, Lot 271, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Mark Scott.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

Pasquale Pacifico, Executive Director.

Adjourned: 3:45 P.M.

CORRECTION

***CORRECTION**

This resolution adopted on December 19, 2000, under Calendar No. 340-41-BZ and printed in Volume 85, Bulletin Nos. 51-52, is hereby corrected to read as follows:

340-41-BZ

APPLICANT - Walter T. Gorman, P.E., for Paul & Maria's Service Center, Inc.,owner; Sun Mart, Inc., lessee.

SUBJECT - Application February 23, 1999 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 1, 1997 and for an amendment to install one new 4'x24' concrete dispensing island, to erect a new steel canopy over dispensing islands and to convert a portion of the accessory building to a convenience store with an attendant's area.

PREMISES AFFECTED - 72-09 Main Street, southeast corner of 72nd Avenue, Block 6660, Lot 1, Flushing, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

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

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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application, on September 21, 1999, after due notice by publication in the City Record, laid over to October 19, 1999, November 9, 1999, December 7, 1999, January 11, 2000, February 1, 2000, February 8, 2000, March 7, 2000, March 14, 2000, April 4, 2000, May 9, 2000, June 20, 2000, October 3, 2000, November 14, 2000, December 5, 2000 and then to December 19, 2000 for decision; and

WHEREAS, the applicant seeks permission to install one new concrete gasoline dispensing island, the erection of new canopies over all the dispensing islands, and to convert one service bay and sales area into a convenience store and attendant's area; and

WHEREAS, at the Board's request, the applicant has removed the new pump island from the site and has amended the plans to eliminate the convenience store; and

WHEREAS, the Board has determined that the third pump island and convenience store will be permitted once the repair service use is eliminated; and

WHEREAS, the applicant has installed the street trees and landscaping as required by prior resolutions; and

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

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to Z.R. §§11-141 and 11-142, said resolution having been adopted on June 24, 1941 as amended through January 10, 1995 expiring May 1, 1997 so that as amended this portion of the resolution shall read:

“to permit the installation and erection of a new canopy over all the dispensing islands and attendant's area, and to permit an extension of term of the variance on condition that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received November 22, 2000'-(4) sheets, and on further condition:

THAT the term of the variance shall be limited to five years from May 1, 1997 through May 1, 2002;

THAT street trees and landscaping shall be maintained in accordance with BSA approved plans;

THAT the premises shall be kept clean of debris and graffiti;

THAT cars awaiting service shall be maintained within the lot;

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

THAT other than as herein amended the resolution above cited shall be complied with in all respects and a new certificate of occupancy shall be obtained within two years from the date of this amended resolution.”

(ALT. 2034/62, 400888223 and 400931444)

Adopted by the Board of Standards and Appeals, December 19, 2000.

***The resolution has been corrected in that the DOB# which read: “ALT#2034/62” now reads: “ALT#2034/62, 400888223 and 400931444, ”. Corrected in Bulletin Nos. 6-7, Vol. 86, dated February 15, 2001.**

CORRECTIONS

***CORRECTION**

This resolution adopted on May 9, 2000, under Calendar No. 52-99-BZ and printed in Volume 85, Bulletin No. 20, is hereby corrected to read as follows:

52-99-BZ

CEQR # 99-BSA-113M

APPLICANT - Klein and O’Brien, by Stuart A. Klein, Esq., for Greenwich Street Properties, Inc., owner.

SUBJECT - Application March 24, 1999 - under Z.R. § 72-21, to permit, within M1-6 zoning district the creation of 26 residential units, which will be contained within a new structure which will be built on the portion of the zoning lot presently occupied by the warehouse/garage structure and within three and one half stories which will be added to the

existing six story building, which is contrary to §§42-00 and 43-43.

PREMISES AFFECTED - 491/93 and 495/97 Greenwich Street (tentatively 495 Greenwich Street) 150' north of Canal Street, bounded by Canal and Spring Streets, Block 594, Lots 21 and 23 (Tentatively Lot 21), Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: James Plotkin and Doris Diether, Community Board No. 2.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

Absent: Chairman Chin1

THE RESOLUTION

WHEREAS, the decisions of the Borough Commissioner, dated March 17, 1999 and March 23,1999 acting on Applic. No.102002093, read:

March 17,1999

“Proposed initial setback in the M1-6 is contrary to zoning resolution 43-43. Therefore the BSA approval is required.”and

March 23,1999

“Proposed residential use in the M1-6 to the zoning resolution section 42-00. Therefore the BSA variance is required”, and

“Proposed parking in the M1-6 is contrary to zoning resolution section 13-11 and 13-12.Therefore the BSA variance is required.” and

WHEREAS, Community Board No.2, Manhattan, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on November 16, 1999, after due notice by publication in the *Bulletin* laid over to December 21,1999, January 18, 2000, February 29, 2000, April 4, 2000, April 18, 2000, and then to May 9, 2000 for decision; and

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

WHEREAS, this is an application under Z.R. § 72-21 to permit within an M1-6 zoning district, the erection of a twenty six unit residential building (Use Group 2) with accessory on site parking, which is contrary to Z.R. §§42-00, 43-43,13-11 and 13-12; and

WHEREAS, the subject zoning lot has a total lot area of approximately 8201.67 square feet and is presently improved with a vacant six story loft building and a one story warehouse/garage structure; and

WHEREAS, the aforementioned proposal has been modified, eliminating the proposed parking; and

WHEREAS, a new structure will be built on the portion of the site presently occupied by the warehouse/garage structure; and

WHEREAS, three and one half stories will be added to the existing six story building; and

WHEREAS, the ground floor of the premises will be reserved for commercial uses; and

WHEREAS, the rear yard of the zoning lot will have an aggregate width of approximately 50' and the portion of the rear yard behind the new building will have a depth that varies at points to either 20' or 30', while the rear yard of the existing six story building will maintain the existing rear yard of approximately 6' in depth; and

WHEREAS, the six story building is burdened with undersized loading docks, minimal load bearing floors, wooden support columns, lack of fire protection and a non working elevator; and

WHEREAS, these inherent conditions render the building functionally obsolete for conforming development; and

WHEREAS, the existing one story structure is not large enough to be effectively utilized for a conforming manufacturing or commercial use; and

WHEREAS, these inherent constraints that burden the zoning lot result in a practical difficulty and unnecessary hardship in utilizing the zoning lot for a conforming development; and

WHEREAS, a feasibility study demonstrates that development of the subject zoning lot with a conforming use or complying development will not yield the owner a reasonable return; and

WHEREAS, evidence in the record reveals that within the area of the subject zoning lot there exists a neighborhood characterized by residential, office, and industrial uses; and

WHEREAS, the owner has modified his original proposal to include the maintenance of the 19th century loft structure (the six story building); and

CORRECTIONS

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

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

WHEREAS, the Board finds that the variance is the 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.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §72-21 and *grants* a variance to permit, within M1-6 zoning district the creation of 26 residential units, which will be contained within a new structure which will be built on the portion of the zoning lot presently occupied by the warehouse/garage structure and within three and one half stories which will be added to the existing six story building, which is contrary to §§42-00 and 43-43; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 11, 2000"-(4) sheets; and *on further condition*;

THAT no bars or night clubs will be allowed to occupy any part of the premises;

THAT both buildings comply with Local Law 10/99;

THAT premises be maintained free of debris and graffiti;

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

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

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

Adopted by the Board of Standards and Appeals, May 9, 2000.

7, Vol. 86, dated February 15, 2001.

***The resolution has been corrected in that the portion which read:: "February 22, 2000-(1) sheet" now reads: "April 11, 2000"-(4) sheets. Corrected in Bulletin Nos. 6-**