
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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May 23, 2002

DIRECTORY

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(Vacant), Counsel

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Tuesday, May 14, 2002**

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189-96-BZ	85-12 Roosevelt Avenue, Queens
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1069-27-BZ Vol. III	6702/6724 New Utrecht Avenue, Brooklyn
245-32-BZ	123-05 101 st Avenue, Queens
74-49-BZ	515 7 th Avenue and 144-158 West 38 th Street, Manhattan
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635-57-BZ	115 East 69 th Street, Manhattan
436 Tenth Avenue, 80-BZ	432/438 10 th Avenue, Manhattan
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DOCKET

New Case Filed Up to May 14, 2002

147-02-BZ B.Q. 201-06 Hillside Avenue, southeast corner of 201st Street, Block 10495, Lot 52, Borough of Queens. Alt. #401122584. The legalization of the change of use of covered parking area, to automobile repair service bays, and the addition of a mezzanine with an accessory office and storage area, located in a C1-2 within an R-4 zoning district, is contrary to a previous variance granted by the Board under Cal. No. 148-87-BZ and Z.R. §32-00.

COMMUNITY BOARD #12Q

148-02-BZ B.BK. 72 Highlawn Avenue, southwest corner of West 11th Street, Block 6669, Lot 8, Borough of Brooklyn. Applic. #300831107. The legalization of an existing inground swimming pool, which was constructed in the front yard of a corner zoning lot, and is less than five feet from the front lot line, is contrary to Z.R. §23-44(a) and §12-10.

COMMUNITY BOARD #11BK

149-02-BZ B.S.I. 1821 Richmond Avenue, southeast corner of Eton Place, Block 2030, Lot 68, Borough of Staten Island. N.B. #500509782. Proposed construction of a one story eating and drinking establishment, Use Group 6, located in an R3-2 zoning district, is contrary to Z.R. §22-10.

COMMUNITY BOARD #2SI

150-02-BZ B.S.I. 1837 Richmond Avenue, southeast corner of Eton Place, Block 2030, Lot 68, Borough of Staten Island. N.B. #500509781. Proposed construction of a one story bank with drive-thru facility, Use Group 6, located in an R3-2 zoning district, is contrary to Z.R. §22-10.

COMMUNITY BOARD #2SI

151-02-BZ B.M. 223 West 80th Street, between Broadway and Amsterdam Avenue, Block 1228, Lot 19, Borough of Manhattan. N.B. #103134724. Proposed construction of a twelve story building with a penthouse, which exceeds the maximum permissible height, located in a C4-6A zoning district, is contrary to Z.R. §23-692.

COMMUNITY BOARD #7M

152-02-BZ B.M. 1768/81 Second Avenue (aka 235/45 East 92nd Street and 220/48 East 93rd Street), hereinafter 1781 Second Avenue, southwest corner of East 93rd Street, Block 1538, Lot 21, Borough of Manhattan. Alt. #103044055. The legalization of an existing physical culture establishment, located in a portion of the cellar and the first floor, in a seventeen story, commercial and residential building, in a C2-8 zoning district, requires a special permit from the Board as per Z.R. §32-31.

COMMUNITY BOARD #8M

153-02-BZ B.BK. 275/77 Third Avenue, east side, between President and Carroll Streets, Block 448, Lots 7 and 8, Borough of Brooklyn. N.B. #301065638. Proposed three-story school building, Use Group 3, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #6K

154-02-A B.S.I. 26 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 445, Borough of Staten Island. Applic. #500524818. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

155-02-A B.S.I. 28 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 444, Borough of Staten Island. Applic. #500524827. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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

JUNE 11, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 11, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

1045-64-BZ

APPLICANT - Seymour W. Gage, P.E., for Kips Bay Tower Associates, owner; Rapid Park Industries, lessee.

SUBJECT - Application December 5, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 21, 2001.

PREMISES AFFECTED - 300-330 East 33rd Street (aka 575 First Avenue) northwest corner of East 33rd Street and First Avenue, Block 936, Lots 7501 and 4280, Borough of Manhattan.

COMMUNITY BOARD #6M

93-97-BZ

APPLICANT - Sheldon Lobel, P.C., for PI Associates, LLC, owner.

SUBJECT - Application May 10, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 136-21 Roosevelt Avenue, Main Street and 39th Avenue, Block 4980, Lot 11, Borough of Queens.

COMMUNITY BOARD #7Q

JUNE 11, 2002, 11:00 A.M.

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

APPEALS CALENDAR

90-02-A

APPLICANT - Moshe M. Friedman, P.E., for Abraham Sandberg, owner.

SUBJECT - Application March 27, 2002 - proposed seven story apartment building, with the layout of the living rooms on the 1st, 2nd, 3rd, 4th and 6th floors, lacking in the required natural ventilation, is contrary to NYC Building Code, Subchapter 12, Article 6, Section 27-746.

PREMISES AFFECTED - 392 11th Street, south side, 47'-3" west of Sixth Avenue, Block 1023, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #6BK

113-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.

SUBJECT - Application April 11, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

PREMISES AFFECTED - 777 Third Avenue, east side, between East 48th and East 49th Streets, Block 1322, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

CALENDAR

115-02-A thru 118-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.

SUBJECT - Application April 16, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

PREMISES AFFECTED - 767 Third Avenue, southeast corner of East 48th Street, Block 1321, Lots 41-47, Borough of Manhattan.

747 Third Avenue, east side, between East 46th and East 47th Streets, Block 1320, Lots 1-5 and 46-49, Borough of Manhattan.

437 Madison Avenue, east side, between East 49th and East 50th Streets, Block 1285, Lot 21, Borough of Manhattan.

320 West 13th Street, northwest corner of Horatio Street, Block 627, Lot 43, Borough of Manhattan.

COMMUNITY BOARD #6M

JUNE 11, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, June 11, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

282-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six story and basement Class "A" multiple dwelling, Use Group 2, in an M1-2 zoning district is contrary to Z.R. §42-00.

PREMISES AFFECTED - 222 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #1BK

283-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six(6) story and basement Class "A" multiple dwelling, Use Group 2, in an M1-2 zoning district is contrary to Z.R. §42-00.

PREMISES AFFECTED - 266 Lee Avenue, between Wallabout Street and Flushing Avenue, Block 2263, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #1BK

384-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six (6) story and cellar Class "A" multiple dwelling, Use Group 2, located in an M1-2 zoning district, is contrary to §42-00.

PREMISES AFFECTED - 218 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #1BK

263-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Lee & Wythe Realty Corp., owner; 85-101 North Third Street Associates, Inc., lessee.

SUBJECT - Application January 8, 2002 - under Z.R. §72-21, to permit the proposed 58 residential units on floors 2-6 of an existing six story building, which number includes legalization of 22 residential units and 10 loft law tenancies, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 85/101 North Third Street, northeast corner of Wythe Avenue, Block 2350, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1M

CALENDAR

297-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Snake River Development LLC, owner; Synergy Fitness 23rd Street Inc., lessee.

SUBJECT - Application April 15, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the second floor of an existing two story building, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 201 East 23rd Street, northeast corner of Third Avenue, Block 904, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

324-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jill Moir, owner.

SUBJECT - Application November 8, 2001 and updated April 29, 2002 - under Z.R. §72-21, to permit the proposed construction of a mixed-use development (commercial and residential), located in an M1-2 zoning district, in which the commercial use is as of right, is contrary to §42-00.

PREMISES AFFECTED - 1077 Bay Street, between Bay and Edgewater Streets, Block 2825, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

395-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Mutual Realty, LLC, owner.

SUBJECT - Application December 17, 2001 - under Z.R. §72-21, to permit the 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, which is contrary to Z.R. §43-12 and §44-21.

PREMISES AFFECTED - 36-27 Vernon Boulevard, south side, between 36th and 37th Avenues, Block 355, Lot 7, Borough of Queens.

COMMUNITY BOARD #2Q

Pasquale Pacifico, Executive Director

JUNE 18, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 18, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

545-56-BZ

APPLICANT- Walter T. Gorman, P.E., for Williamsbridge Road Realty Corp., owner; Williamsbridge Repairs Service Station, lessee.

SUBJECT - Application March 19, 2002 - reopening for an extension of term of variance which expired October 29, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 2001-2007 Williamsbridge Road a/k/a 1131-39 Neill Avenue, northwest corner of Neill Avenue, block 4306, Lot 20, Borough of The Bronx.

COMMUNITY BOARD #11BX

1043-80-BZ

APPLICANT- Rothkrug & Rothkrug Weinberg & Spector for RANS 1680 Building Corp., owner.

SUBJECT- Application December 17, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 3, 2000.

PREMISES AFFECTED - 1680/88 Albany Avenue a/k/a 4024 Marginal Street, southwest corner of Albany Avenue and Marginal Street, Block 7744, Lots 47, 49, 50, Borough of Brooklyn.

COMMUNITY BOARD #18BK

271-90-BZ

APPLICANT- Rothkrug Rothkrug Weinberg & Spector for EPT Holding Corp., owner.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 29, 2001.

PREMISES AFFECTED - 68-01/05 Queens Boulevard, northeast corner of Queens Boulevard and 68th Street, Block 1348, Lot 53, Woodside, Borough of Queens.

COMMUNITY BOARD #2Q

CALENDAR

JUNE 18, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 18, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

389-01-A

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

SUBJECT - Application December 17, 2001 - Proposed construction of two story commercial building, not fronting on a legally mapped is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 79 Industrial Loop, east side, 550.14' north of Arthur Kill Road, Block 7206, Lot 253, Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

47-02-A & 48-02-A

APPLICANT - Michael DeRuvo, R.A., for Carmen Loconte, owner.

SUBJECT - Application February 6, 2002 - Proposed construction of a two story, 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 - 3667 Richmond Avenue, east side, 675.0' south of Katan Avenue, Block 5515, Lot 3, Borough of Staten Island.

3669 Richmond Avenue, east side, 715.0' south of Katan Avenue, Block 5515, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

93-02-A

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

SUBJECT - Application March 29, 2002 - Proposed enlargement of the existing first floor, construct a new second floor addition, and install a new septic system in connection with a home, which does not front on a legally mapped street and simultaneously lies within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED -465 Seabreeze Walk, west side, 50' south of Rockaway Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

94-02-A & 95-02-A

APPLICANT - Miro C. Stracar, P.E., Stracar Engineering, P.C., for Breezy Point Cooperative, owner; Mr. & Mrs. Edward Carr, lessee.

SUBJECT - Application April 2, 2002 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law, also an interpretation of Z.R. §23-47 and how it relates to rear yard requirement.

PREMISES AFFECTED - 10 Lincoln Walk, west side, 135' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

28 Pelham Walk, west side, 115 north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

JUNE 18, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, June 18, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

256-01-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Mundream Realty, Inc., owner; Hempstead Aut Care, Inc., lessee.

SUBJECT - Application August 21, 2001 - under Z.R. §§11-411, 11-412 and 11-413, to permit the reestablishment of an expired variance, previously granted under Cal. No. 634-54-BZ, which permitted a gasoline service station with accessory uses in a C1-2 within an R3-2 zoning district, and to permit the change in use to motor vehicle repairing with accessory parking of cars awaiting service, also the incidental sale of used cars.

PREMISES AFFECTED - 219-06 Hempstead Avenue, aka 103-01/09 219th Street, southeast corner, Block 11154, Lot 22, Borough of Queens.

COMMUNITY BOARD # 13Q

CALENDAR

388-01-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Equinox Partners, LTD, owner; Clove Road Body Builders, Inc., lessee.

SUBJECT - Application December 17, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within a portion of an existing commercial building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 2071 Clove Road, northeast corner, between Hillcrest Terrace and Mosel Avenue, Block 2921, Lot 6, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

393-01-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Riviera Plaza, LLP., owner; Buffalo Rd. Body Building, Inc., lessee.

SUBJECT - Application December 17, 2001 - under Z.R. §73-36, to permit 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.

PREMISES AFFECTED - 3295 Amboy Road, northwest corner, between Buffalo Street and Hopkins Avenue, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

18-02-BZ

APPLICANT - Agusta & Ross, for Jobil Auto Repairs, Inc., owner.

SUBJECT - Application January 7, 2002 - under Z.R. §§11-412 & 11-413, to permit the proposed automotive laundry, Use Group 16, located in an R5 zoning district, is contrary to a previous variance granted under Cal. #652-54-BZ, which permitted an automotive service station in an R5 zoning district.

PREMISES AFFECTED - 8610/24 Flatlands Avenue, aka 902/12 East 87th Street, southeast corner, Block 8023, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #18BK

19-02-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Tottenville Square, LLC, owner; Page Avenue Body Building, Inc., lessee.

SUBJECT - Application January 7, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within a portion of a one story commercial building, in an M1-1 zoning district, requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 7001 Amboy Road, northwest side, between Page and Bethel Avenues, Block 8008, Lot 14, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

61-02-BZ

APPLICANT - Martyn & Don Weston Architects, for Asset One Corp., owner.

SUBJECT - Application February 19, 2002 - under Z.R. §72-21, to permit the proposed conversion of floors two through four, of an existing four story manufacturing building, into sixteen residential units, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 71-83 Beaver Street and 35-47 Belvidere Street, southwest corner, Block 3135, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #4BK

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, MAY 14, 2002
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, April 16, 2002, were approved as printed in the Bulletin of April 25, 2002, Volume 87, No. 17.

SPECIAL ORDER CALENDAR

982-83-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 191-20 Northern Boulevard, Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: H. I. Sigman, and Peter Takudrim.

For Opposition: E. Terri Pouymari.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on April 24, 2002, after due notice by publication in *The City Record*, laid over to May 14, 2002; and

WHEREAS, The Board received complaints alleging non-compliance with a Variance granted for the subject premises under BSA Cal. No.982-83-BZ; and

WHEREAS, Specifically, the complaints allege that the site is being used for the illegal storage and sale of vehicles; and

WHEREAS, on April 24, 2002, a hearing was held to rescind the variance; and

WHEREAS, in response to Board requests for documentation that the alleged violations had been cured, the applicant submitted an operations plan detailing and explaining that the accessory parking at 190-02 Northern

Boulevard is exclusively for the tenants of 190-22 Northern Boulevard, and that any illegally parked trucks or other motor vehicles will be towed; and

WHEREAS, the applicant will also secure the premises by locking both gates between 10:30 p.m. and 9:00 a.m.

Resolved, that the Board of Standards and Appeals finds that the applicant has submitted adequate documentation demonstrating substantial compliance with the Board's prior grant and the application to rescind the variance is withdrawn from the Compliance Calendar.

Adopted by the Board of Standards and Appeals, May 14, 2002.

130-88-BZ

APPLICANT - Vassalotti Associates, AIA, for Phillips Petroleum Co., owner.

SUBJECT - Application February 12, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a new certificate of occupancy which expired October 12, 2000. PREMISES AFFECTED - 1007 Brooklyn Avenue, southeast corner of Snyder Avenue and Brooklyn Avenue, Block 4907, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Rules of practice and procedure waived, application reopened and time to obtain a new certificate of occupancy extended

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on October 12, 2000; and

WHEREAS, a public hearing was held on this application on April 23, 2002, after due notice by publication in *The City Record*, laid over to May 14, 2002 for decision.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on January 24, 1989 as amended through January 24, 1999 expiring January 24, 2009, only as to the time to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“That a new Certificate of Occupancy shall be obtained within thirty-six (36) months from October 12, 2000; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

MINUTES

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, May 14, 2002.

189-96-BZ

APPLICANT - John C Chen, A.I.A., for Ping Yee, owner; Edith D’ Angelino-Canandonga, lessee.

SUBJECT - Application October 25, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 19, 2001.

PREMISES AFFECTED - 85-12 Roosevelt Avenue, Block 1502, Lot 3, Borough of Queens.

COMMUNITY BOARD #4Q

For Applicant: John C. Chen.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended and term of the special permit extended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the special permit which expired May 19, 2001; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in *The City Record*, laid over to April 16, 2002 and then to May 14, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional three (3) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the term of the resolution pursuant to Z.R. §73-244, said resolution having been adopted May 19, 1998, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the resolution for three years from May 19, 2001 expiring May 19, 2004, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received January 24, 2002”-(4) sheets and “April 16, 2002” (1) sheet; and that other than as herein amended the resolution above cited shall be complied with

in all respects;

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

THAT all lighting shall be pointed away from residential dwellings;

THAT there shall be no loitering or queuing of customers in front of the premises;

THAT there parking for a minimum of thirty-five cars shall be reserved for patron parking at the parking garage at 86-10 Roosevelt Avenue;

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

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

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted" (ALT No. 400662831)

Adopted by the Board of Standards and Appeals, May 14, 2002.

262-99-BZ

APPLICANT - Sheldon Lobel, P.C., for ARE Group Inc., owner.

SUBJECT - Application August 21, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 230-234 East 124th Street, between Second and Third Avenues, Block 1788, Lots 35, 37, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application reopened and the resolution amended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

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

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WHEREAS, a public hearing was held on this application on April 23, 2002, after due notice by publication in *The City Record*, laid over to May 14, 2002 for decision; and

WHEREAS, the applicant now seeks to extend use of the subject premises, at the eastern rear, so that the variance will now cover the entire lot, to permit use of the premises at block 1789, lot 21, as an accessory parking lot for employees of the subject premises, to permit the proposed second floor at the eastern side of the premises to line up with the existing mezzanine level of the existing adjacent building on the western side, to raise the height of the previously proposed enlargement to provide for the alignment of all floors; and

WHEREAS, by letter dated April 22, 2002, the applicant states that the premises continues to remain unsuitable for residential development as same continues to be infeasible.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on September 12, 2000, so that as amended this portion of the resolution shall read:

“To permit full coverage of the rear eastern portion of the lot, to permit use of the premises at block 1789, lot 21, as an accessory parking lot, to permit the proposed second floor at the eastern side of the premises to line up with the existing mezzanine level of the existing adjacent building on the western side, to raise the height of the previously proposed enlargement to provide for the alignment of all floors; on condition;

THAT landscaping shall be provided and maintained in accordance with BSA approved plans; and on further condition;

THAT the Certificates of Occupancy for both the subject premises and for block 1789, lot 21 shall note that block 1789, lot 21 shall be reserved as accessory parking to the subject premises only;

THAT the premises shall be maintained in substantial compliance with previously Board approved plans marked “Received August 28, 2001”-(8) sheets;

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, May

14, 2002.

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: Eric Palatnik.

ACTION OF THE BOARD - Laid over to June 11, 2002, at 10 A.M., for continued hearing.

245-32-BZ

APPLICANT - Sion Hourizadez, for 123-05 Realty Corp., owner.

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

PREMISES AFFECTED - 123-05 101st Avenue, Northeast corner of 101st Avenue and 123rd Street, Block 9464, Lot 30, Borough of Queens.

COMMUNITY BOARD # 9Q

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 18, 2002, at 10 A.M., for continued hearing.

74-49-BZ

APPLICANT - Sheldon Lobel, P.C., for 515 Seventh Associates, L.P., owner.

SUBJECT - Application November 8, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction and to obtain a certificate of occupancy which expired April 4, 2001.

PREMISES AFFECTED - 515 7th Avenue and 144-158 West 38th Street, Block 813, Lot 64, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10 A.M., for continued hearing.

MINUTES

674-52-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Steven Ibrahim, owner.

SUBJECT - Application August 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired December 13, 2000.

PREMISES AFFECTED - 21-04 21st Avenue, southeast corner of 21st Street, Block 880, Lot 46, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10 A.M., for continued hearing.

635-57-BZ

APPLICANT - DeCampo, Diamond & Ash by Francis R. Angelino, Esq., for Landmark East 69th Street Associates I, L.P.

SUBJECT - Application January 25, 2002 - reopening for an extension of term of variance which expired January 26, 2002.

PREMISES AFFECTED - 115 East 69th Street, north side 185' east of Park Avenue, Block 1404, Lot 8, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Francis Angelino.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to June 4, 2002, at 10 A.M., for decision, hearing closed.

1263-80-BZ

APPLICANT - Henry A. Alpert, for Spartan Petroleum Corp., owner; BP Products North America Inc., lessee.

SUBJECT - Application March 5, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 12, 2001.

PREMISES AFFECTED - 436 Tenth Avenue aka 432/438 10th Avenue and 461/469 West 34th Street, northeast corner of Tenth Avenue and West 34th Street, Block 732,

Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10 A.M., for decision, hearing closed.

62-83-BZ

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

SUBJECT - Application October 22, 2001 - reopening for an amendment to the resolution.

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

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Janice Cahalane, Paul Sheridan, Karen Gleeson and Ben Klein.

For Opposition: Roger Mendis, Elizabeth Martin, Bayo Callender and other.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10 A.M., for continued hearing.

840-86-BZ

APPLICANT - Martyn & Don Weston, for 125 East 38th Street, LLC, owner; Picard International, lessee.

SUBJECT - Application February 7, 2002 - reopening for an extension of term of variance which expired March 3, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 125 East 38th Street, north west corner of Lexington Avenue, Block 894, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Don Weston

For Opposition: Olanike Alabi.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to June 4, 2002, at 10 A.M., for decision, hearing closed.

32-91-BZ

MINUTES

APPLICANT - Walter T. Gorman for Fulvan Realty Corp., owner; Fulton Auto Repair Inc., lessee.

SUBJECT - Application December 28, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 838/846 Fulton Street, a/k/a 489/93 Vanderbilt Avenue, Block 2010, Lot 25, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Arthur Sullivan.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10 A.M., for continued hearing.

51-99-BZ

APPLICANT - Ira Zicherman, for Ira Zicherman, owner.

SUBJECT - Application October 15, 2001 - reopening for an extension of time to complete construction which expired September 14, 2001.

PREMISES AFFECTED - 1192 East 22nd Street, between Avenue K and Avenue L, Block 7621, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik and Ira Zicherman.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10 A.M., for continued hearing.

193-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: 3044 Coney Island Avenue Associates.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 3034 Coney Island Avenue, between Brighton 8th Street and Neptune Avenue, Block 7264, Lot 72, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 10 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 Applicant: Glen V. Cutrona.

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

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Staten Island Commissioner, dated May 30, 2001, acting on ALT Application No. 500483684, reads:

“Proposed construction in the bed of a final mapped street is contrary to Article 111, Section 35 of the General City Law and is referred to the Board of the Standards and Appeals.”; and

WHEREAS, the applicant proposes to build one (1) two-family home in the bed of Everton Avenue, a mapped street; and

WHEREAS, by letter dated October 17, 2001, Community Board #3SI has reviewed the above project and has no objections; and

WHEREAS, by letter dated December 4, 2001, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated December 11, 2001, the Department of Environmental Protection has reviewed the above project and finds it acceptable with the following condition: “... That the Board of Standards and Appeals reserves the remaining part of Everton Avenue for the construction and maintenance of the future drainage plan sewers.”; and

WHEREAS, by the letters dated April 5, 2002 and April 8, 2002, the Department of Transportation has reviewed the above project and has no objection to building on the mapped right -of- way of Everton Avenue, but recommends that the developer not build in the mapped right-of-way of Woodrow Road; 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 May 30, 2001, acting on ALT Application No. 500483684, 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 the drawing filed with the application marked, “Received December 11, 2001”- (1) sheet; and that the

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proposal complies with all applicable R3X/ (SSRD) zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; and on further condition

THAT the remaining portion of Everton Avenue shall be reserved for the construction and maintenance of future drainage plan sewers;

THAT the mapped right-of-way of Woodrow Road shall remain undeveloped;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, May 14, 2002.

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 Applicant: Philip P. Agusta.

For Opposition: John Reisinger, Department of Buildings.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to June 11, 2002, at 11 A.M., for decision, hearing closed.

299-01-A

APPLICANT - Pillsbury Winthrop, LLP, for 42nd Street Development Project, Inc., owner; Dream Team Hotel Associates, LLC, lessee.

SUBJECT - Application October 26, 2001 - Proposed atrium located between the 9th floor to 16th Floor, is contrary to §27-521.05(c) of the Admin. Code, in that one of the required exits shall be only through an enclosed

passageway or corridor conforming to the requirements of exits as per Subchapter 6 of the Admin. Building Code.

PREMISES AFFECTED - 270 West 43rd Street, bounded by 43rd Street, Eighth Avenue and 42nd Street, Block 1014, Lot 58, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: A. Bernard, John McKormick and Jerome Gildman.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department; John Reisinger, Department of Buildings.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 11 A.M., for continued hearing.

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

APPEARANCES -

For Applicant: Hiram Rothkrug.

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

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

80-02-A

APPLICANT - Kevin Saumell, R.A., for Breezy Point Cooperative, Inc., owner; Megan Fitzpatrick, lessee.

SUBJECT - Application - March 20, 2002 - Proposed enlargement to an existing one family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 155 Oceanside Avenue, 32.75'x110.58' from the intersection of Oceanside Avenue and Beach 209th Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Kevin Saumell.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

MINUTES

Caliendo.....4
Negative:0
ACTION OF THE BOARD - Laid over to June 4, 2002, at 11 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 12:00 P.M.

**REGULAR MEETING
TUESDAY AFTERNOON, MAY 14, 2002
2:00 P.M.**

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

ZONING CALENDAR

120-01-BZ

CEQR # 01-BSA-119Q

APPLICANT - Sheldon Lobel, for Tony Ariola, owner.
SUBJECT - Application March 19, 2001 - under Z.R. §72-21 to permit in an R4 zoning district, the legalization of commercial uses (Use Group 6) in an existing two-story building, which is contrary to Z.R. §22-00.

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

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Scrofani, 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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 16, 2001, acting on Applic. No.400376080, reads;

“1) A Commercial Use in a R-4 Zoning District is contrary to Section 22-00 Z.R.”; and

WHEREAS, a public hearing was held on this application on January 8, 2002, after due notice by publication in *The City Record* and laid over to, and then to May 14, 2002 for decision; and

WHEREAS, the premises and surrounding area had a

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R4 zoning district, the legalization of commercial uses (Use Group 6) in an existing two-story building, which is contrary to Z.R. §22-00; and

WHEREAS, the subject premises is an irregularly shaped 2,514.2 square foot parcel located on the west side of Cross Bay Boulevard between Gold and Silver roads in Queens improved with a two-story building; and

WHEREAS, the applicant states that the cellar level is used for storage and utilities and the ground floor houses a real estate office, a mortgage office and a beauty salon occupying 2,294 square feet, the second floor houses the real estate company, the mortgage company and two additional offices occupying a total of 2,156 square feet; and

WHEREAS, the record indicates that the premises have a three-sided configuration, it contains approximately 112 feet of frontage along Cross-Bay Boulevard, and the applicant represents that the triangular shape of the parcel, the shape of any building on the lot would also need to be triangular in order to maximize the amount of floor area that could be built on the lot, making it impracticable the use of the lot for a residential or community facility development; and

WHEREAS, the applicant presented a scheme illustrating that a maximized residential use would be limited to a two-story, two family house with approximately 765 square feet on each floor and that a community facility use would be limited to a two-story building with approximately 430 square feet on each floor; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical condition and history of development of the zoning lot, housing office and commercial uses, creates an undue hardship with strict compliance with the use provisions of the Zoning Resolution; and

WHEREAS, evidence in the record, including an economic analysis demonstrates that a conforming residential development would not yield a reasonable return; and

WHEREAS, the record indicates that immediate vicinity of the subject premises is characterized by commercial uses along Cross Bay Boulevard; and

WHEREAS, therefore, the Board agrees with the applicant's contention that legalizing a commercial use in this building would have no adverse affect on the surrounding area ; and

WHEREAS, to ensure that certain commercial uses do not alter the essential character of the neighborhood, the Board informed the applicant that uses at the premises shall

MINUTES

be limited to Use Group 6 uses, except for dry cleaning or clothes pressing establishments, eating and drinking establishments, food stores, including supermarkets, grocery stores, meat markets or delicatessen stores, veterinary medicine, automobile supply stores, docks for ferries, docks for water taxis, frozen food lockers, pet shops, court houses, electric or gas utility substations, public utility stations, terminal facilities at river crossings for access to electric, gas, or steam lines, no water or sewage pumping stations, no clubs; and

WHEREAS, therefore, the Board finds that the subject proposal will not alter the essential character of the neighborhood or substantially impair the appropriate use or development of the surrounding area 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, evidence in the record demonstrates that this proposal, is the minimum necessary to provide the relief requested; 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 the 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 variation in the application of the Zoning Resolution limited to the objections above-noted, to permit, in an R4 zoning district, the legalization of commercial uses (Use Group 6) in an existing two-story building, 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, March 19, 2001" - (6) sheets; and on further condition;

THAT uses at the subject premises shall be limited to Use Group 6 uses, except for dry cleaning or clothes pressing establishments, eating and drinking establishments, food stores, including supermarkets, grocery stores, meat markets or delicatessen stores, veterinary medicine, automobile supply stores, docks for ferries, docks for water taxis, frozen food lockers, pet shops, court houses, electric or gas utility substations, public utility stations, terminal facilities at river crossings for access to electric, gas, or steam lines, no water or sewage pumping stations, and no clubs;

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

THAT a new Certificate of Occupancy shall be obtained within four years from the date of this grant;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 14, 2002.

239-01-BZ
CEQR # 02-BSA-007Q

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 creates non-compliance with respect to front yard, open space, lot area, lot width and lot area per dwelling unit 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

APPEARANCES -

For Applicant: Philip Agusta.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 27, 2001, acting on Applic. No. 401205904, reads:

1. Proposed one family dwelling is contrary to section 23-32 Z.R. since the proposed lot area is less than 3,800 SF. and the lot width facing 136th Street is less than 40 feet.
2. The proposed front yard of 10.96 feet average on 11th Avenue is contrary to section 23-45.
3. The proposed open space is contrary to section 23-141.

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4. Proposed lot area per dwelling is contrary to Section 23-21 ZR.”

WHEREAS, a public hearing was held on this application on January 29, 2002 after due notice by publication in *The City Record*, laid over to April 16, 2002, and then to May 14, 2002 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 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 erection of a one-family dwelling (Use Group 1) in an R2 zoning district, which creates non-compliance with respect to front yard, openspace, lot area, lot width and lot area per dwelling unit contrary to Z.R. §§23-141, 23-32, 23-221 and 23-45; and

WHEREAS, the applicant originally proposed to subdivide the subject lot and erect two single-family dwellings under Calendar Numbers 238-01-BZ and 239-01-BZ, but has since withdrawn 238-01-BZ; and

WHEREAS, the record indicates that the subject premises is an irregular narrow corner lot located on the southwest corner of 11th Avenue and 136th Street measuring approximately 195.40' of frontage on 11th Avenue and a depth of approximately 38.12' along the west lot line and 26.91' along the east lot line, and approximately 195.32' along the south lot line; and

WHEREAS, the applicant notes that subject zoning lot is narrow, sloping and irregular with poor sub-soil conditions; and

WHEREAS, Eleventh Avenue is the southern boundary of Powells Cove Park and runs east and west along the shoreline of Powell's Cove, and across 11th Avenue and opposite the site are the mapped but unbuilt portions of 136th Street; and

WHEREAS, an as-of-right development on a corner lot with two fifteen-foot front yards, would result in a building that would be extremely narrow and irregular, as a result, this application is merely asking for relief for the front yard facing 11th Avenue, and for less than the required minimum lot width on one frontage; 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); and

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, 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, under Z.R. §72-21, to permit, the proposed erection of a one-family dwelling (Use Group 1) in an R2 zoning district, which creates non-compliance with respect to front yard, open space, lot area, lot width and lot area per dwelling unit contrary to Z.R. §§23-141, 23-32, 23-221 and 23-45 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 19, 2002”-(4) sheets and “April 23, 2002”- (1) sheet, and on further condition;

THAT the applicant shall provide a sidewalk which shall meet all applicable New York City Department of Transportation guidelines;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

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

Adopted by the Board of Standards and Appeals, May 14, 2002.

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252-01-BZ

CEQR # 02-BSA-017BX

APPLICANT - Sheldon Lobel, P.C., for Jose Perez, owner.
SUBJECT - Application August 10, 2001 - under Z.R. §72-21 to permit the proposed legalization of an existing public parking lot, Use Group 8C, located in an R-8 (partially within a C4-4 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 - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 6, 2001 and updated July 16, 2001 acting on Application No. 200434093 reads:

- “1. A PUBLIC PARKING LOT (USE GROUP 8C) PARTLY IN A C4-4 DISTRICT, BUT MOSTLY IN AN R8 DISTRICT, IS CONTRARY TO SECTION 22-00 Z.R..”; and

WHEREAS, a public hearing was held on this application on December 18, 2001 after due notice by publication in *The City Record* and laid over to January 29, 2002, March 5, 2002, April 16, 2002 and then to May 14, 2002; 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 legalization of an existing public parking lot, Use Group 8C, located in an R-8 (partially within a C4-4 zoning district) which is contrary to Z.R. §22-00; and

WHEREAS, Community Board 5, the Bronx, recommends approval of this application; and

WHEREAS, the subject site has been occupied by the current parking lot since the owner purchased it at an auction more than four years ago; and

WHEREAS, the record indicates that prior to the current use, the lot was vacant and filled with rubble, which the applicant represents created an eyesore and a safety hazard to the surrounding community; and

WHEREAS, immediately after the purchase the current owner cleaned and paved the property, erected secure fencing and began to provide secure parking for neighborhood residents; and

WHEREAS, east of the Premises and in the same block are a public parking lot and garage and a 12-story apartment building, each within a C2-2 district mapped within an R5 district; and

WHEREAS, the record indicates that even though the lot is located in a residential area, it abuts a commercial zoning district; and

WHEREAS, the applicant represents that the subject site is surrounded by local and regional shopping located on the Grand Concourse and Fordham Road; and

WHEREAS, additionally, there are two public schools within one block of the subject premises, and the applicant represents that many staff members use the instant parking lot because there is a shortage of off-street parking and that therefore, the subject variance, will be an asset to the community; and

WHEREAS, the record indicates that the sites history of development as a parking lot and its location partially within a C4-4 zoning district and its prior history of being vacant, abandoned and filled with rubble and debris, the applicant asserts are unique to this property; and

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

WHEREAS, the evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that conforming use in the entire building are extremely costly and would not yield a reasonable return; and

WHEREAS, the record indicates that the neighborhood contains a number of mixed-use multiple dwelling residential and commercial occupancies, as well as many buildings which are solely residential or commercial; and

WHEREAS, out of concern that the surrounding area may return to an as-of-right residential use, the Board notified the applicant that the term for this variance would be limited to five years; and

WHEREAS, the applicant consented to the five year term; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of

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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 application is the minimum variance 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.

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, to permit the proposed legalization of an existing public parking lot, Use Group 8C, located in an R-8 (partially within a C4-4 zoning district) which is contrary to Z.R. § 22-00, on condition that the lot be paved, striped and maintained in accordance with the drawings as they apply to the objections above noted, filed with this application marked "Received May 10, 2002"-(6) sheets; and on further condition;

THAT the term of the variance shall be limited to five years from the date of this grant;

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 14, 2002.

295-01-BZ

CEQR # 02-BSA-038K

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 in an M2-1 zoning district, which creates non-conformance to M1-1 district regulations per §42-00, and 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.

For Administration: John Scrofani, 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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 26, 2001 acting on N.B. Applic. No. 301268964, reads;

"Proposed school is not permitted in an M2-1 zoning district as per Z.R. 42-00.

Refer to Board of Standards and Appeals for use and bulk regulations."

WHEREAS, a public hearing was held on this application on December 18, 2001 after due notice by publication in *The City Record*, and laid over to January 29, 2002, March 26, 2002, and April 23, 2002 and then to May 14, 2002 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 Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed construction and operation of a school, Use Group 3, located in an M2-1 zoning district, which creates non-conformance to M1-1 district regulations per §42-00, and which is contrary to Z.R. §42-00; and

WHEREAS, Community Board # 12 in Brooklyn has approved this application; and

WHEREAS, the subject premises comprised of three interior lots, two of which are currently vacant and the third occupied by a deteriorated warehouse type building; and

WHEREAS, evidence in the record indicates that the subject premises is located in a small M2-1 zoning district, located between large R5 and R6 zoning districts and has a total lot area of approximately 15,040 square feet with 100 of frontage on 38th Street and a depth of approximately 150.3' ; and

WHEREAS, the proposed school will be constructed to be a five-story building with a cellar and sub-cellar and

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will be 80'-0" wide, with 10'-0" side yards and a 105'-4" depth; and

WHEREAS, the applicant states that the school will have fifteen (15) primary classrooms serving 255 children and families, and provision for five (5) expansion classrooms serving an additional 85 children and families; and

WHEREAS, the proposed school will house a number of programs for pre-school children and their parents, centered around the Head Start program; and

WHEREAS, the applicant represents that the proposed schools will include programs for children with developmental delays, requiring additional space for therapies; and

WHEREAS, the applicant further represents that due to the highly regulated nature of these programs, the proposed school will require a significant amount staff, including teachers, assistants, special education teachers, therapists and support personnel; and

WHEREAS, the applicant states that the upper floors will contain conference rooms, waiting areas and 23 offices which are necessary to support the programs to be offered at the site and are not intended to serve as central offices; and

WHEREAS, the evidence in the record indicates that the site contains an obsolete warehouse structure in poor condition with a partially collapsed roof; and

WHEREAS, the applicant contends that a portion of the site contained housing in the early part of this century and when the warehouse was built, the foundations for the housing were left at the site and the housing debris was filled into the site; and

WHEREAS, the applicant further contends that this increases excavation costs and decreases the viability of commercial development; and

WHEREAS, according to the applicant, although zoned M2-1, almost the entire blockfronts facing the Site across 38th Street, and on the north side of 37th Street are occupied by dwelling units; and

WHEREAS, the applicant represents that the abundance of residential uses in the area further complicates the possibility of a conforming use on the site; and

WHEREAS, the applicant states that the site is relatively small for a modern industrial use and the proximity to housing creates added difficulty for large commercial vehicles to access the site; and

WHEREAS, the applicant represents that while the location between large R5 and R6 zoning districts makes the property poorly suited for M2-1 development, this central location is crucial to the school; and

WHEREAS, the applicant further represents that through its various government funded programs, the

school must offer its services to preschoolers in targeted, disadvantaged areas; and

WHEREAS, therefore, the school must be centrally located while also finding a parcel large enough to support its special programs; and

WHEREAS, the applicant maintains that in conforming districts, there are few sites which are available for development which could accommodate the school, and furthermore that those sites do not have the central location which the school needs to effectively service the community; and

WHEREAS, the applicant claims that the combination of the deteriorated building, the existence of foundations and debris, the extensive residential uses surrounding the Site and the need for the school to be centrally located with a highly customized building creates practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations and in developing the Site to meet the programmatic needs of the school; and

WHEREAS, the school has had difficulty in obtaining land for the development of a school sufficient to meet the programmatic needs of the school; and

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

WHEREAS, the applicant claims that although zoned M2-1, the properties facing the Site are almost exclusively residential and the operation of this school will be compatible with the adjacent residential properties as well as the larger residential districts; and

WHEREAS, the facility will only operate on weekdays with no evening or weekend programs planned; and

WHEREAS, the applicant represents that the facility is almost exclusively for children 0-5 years old, and due to their young age, the children will be highly supervised, reducing any chances that the children will conflict with adjacent properties; and

WHEREAS, the applicant states that there is no bus service except for severely handicapped children, of which there will be very few at this facility; and

WHEREAS, the applicant further states that most of the children will be walked to and from the Site since the program participants will come from the surrounding neighborhood; and

WHEREAS, the applicant represents that 19 teachers/staff will drive to work, and the school intends to utilize an existing lot for teachers/staff which it owns at 1450 37th Street (two blocks from the site) which has approximately 30 spaces available; and

WHEREAS, the applicant states that the school has also made an application to the City of New York to lease a 100' by 50' vacant parcel behind the subject site on 37th

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Street, between 12th and 13th Streets that could be used for staff parking; and

WHEREAS, the New York City Department of Transportation (“DOT”) has approved the subject proposal based on the following conditions being implemented by the applicant: 1) School crossing guards shall be posted at the two intersections of 13th Avenue and 37th and 38th Streets during the hours of 8:00 AM to 9:30 AM and 2:30 PM to 4:30 PM during school days; and 2) A “No Parking 8:00 AM to 5:00 PM during school days” sign shall be posted in front of the proposed building; and

WHEREAS, the applicant represents that refuse pick-up will be done by the New York City Department of Sanitation twice a week at the curb of 38th Street, and refuse will be stored inside the building until the day of pick-up; and

WHEREAS, the applicant further represents that double glazed windows will be installed for noise attenuation, and the windows would achieve an interior noise level of less than 45 dba; and

WHEREAS, therefore, the Board finds that the proposed 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, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school; 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 proposed building will contain an automatic wet sprinkler system to be installed throughout the building with the system to be connected to a Fire Department approved central station; and

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit the proposed construction and operation of a school, Use Group 3, located in an M2-1 zoning district, which creates non-conformance to M1-1 district regulations per §42-00, and which is contrary to Z.R. §42-00, on condition that all work shall substantially

conform to drawings as they apply to the objection above noted, filed with this application marked “Received October 23, 2001”- (12) sheets and “April 16, 2001”- (1) sheet; and *on further condition*;

THAT, school crossing guards shall be posted at the two intersections of 13th Avenue and 37th and 38th Streets during the hours of 8:00 AM to 9:30 AM and 2:30 PM to 4:30 PM during school days;

THAT a “No Parking 8:00 AM to 5:00 PM during school days” sign shall be posted in front of the proposed building;

THAT the applicant shall accept a condition requiring the installation of All-Way stop or other stop signs at the intersections of 12th Avenue at 38th Street and 13th Avenue and 37th Street if the DOT determines that they are warranted after their analysis of the applicant’s intersection analysis is completed;

THAT the proposed school shall own or lease a parking lot for at least 25 cars and this condition shall be included in the Certificate of Occupancy;

THAT the applicant has secured a lease for a parking lot for 25 cars at 1450 37th Street, two blocks from the project site. The lease is renewable until June 2006;

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

THAT refuse pick-up shall be done by the New York City Department of Sanitation twice a week at the curb of 38th Street, and all refuse shall be stored inside the building until the day of pick-up;

THAT adequate separation of the surrounding non-Residential District from noise, traffic and other adverse effects shall be provided through the use of sound-attenuating double-glazed window construction;

THAT a Certificate of Occupancy shall be obtained within two (2) years of occupancy;

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

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Adopted by the Board of Standards and Appeals, May 14, 2002.

385-01-BZ

CEQR # 02-BSA-090K

APPLICANT - Moshe M. Friedman, P.E., for Bais Tziporah, Inc., owner.

SUBJECT - Application December 12, 2001 - under Z.R. §72-21, to permit the legalization of an existing Yeshiva (Religious School), at the first and second floor levels and to extend the building one and a half stories, to include a third floor and a partial fourth floor, with a play area at the roof level, which creates non-compliance with regard to use regulations, and side and rear yards, and which is contrary to §42-00, §43-24 and §43-26.

PREMISES AFFECTED - 1449 39th Street, a/k/a 1443/49 39th Street, north side, 290' west of the intersection of 39th Street and 15th Avenue, Block 5347, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Moshe M. Friedman.

For Administration: John Scrofani, 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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 27, 2001 acting on Applic. No. 301190397, reads;

“Proposed Yeshiva (school) and Extension in an M1-2

Zone is Contrary to:

ZR § 42-00 Use Regulations

ZR § 43-24 Side Yards

ZR § 43-26 Rear Yard

and requires a Variance from the New York City Board of Standards and Appeals as per ZR § 72-21”; and

WHEREAS, a public hearing was held on this application on April 16, 2002 after due notice by publication in *The City Record*, and laid over to May 14, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the

Board consisting of Chairman James Chin, Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the legalization of an existing Yeshiva (Religious School), at the first and second floor levels and to extend the building one and a half stories, to include a third floor and a partial fourth floor, with a play area at the roof level, which creates non-compliance with regard to use regulations, and side and rear yards, and which is contrary to §42-00, §43-24 and §43-26; and

WHEREAS, Community Board # 12 has approved this application; and

WHEREAS, the applicant represents that the subject premises is occupied by a two-story plus cellar brick school building on a lot of approximately 9,120 square feet, with 95.79 feet of frontage on 39th Street and a depth of 92.21 feet; and

WHEREAS, the record indicates that the applicant currently operates a Yeshiva (Religious School) that provides both religious and secular education to hundreds of girls of the Orthodox Jewish Chasidic community; and

WHEREAS, the applicant proposes to legalize the existing school at the first and second floor levels, and to extend the building one and a half stories to include a third floor and a partial fourth floor, with a play area on the roof level; and

WHEREAS, the school will have approximately 650 students, grades Nursery through 12th grade; and

WHEREAS, the applicant contends that the burgeoning population of in the Borough Park area has led to an increased need for classroom space in the school; and

WHEREAS, the applicant represents that the school is needed in order to provide Religious Education, along with secular studies, for Orthodox Jewish children, and without this variance, the school would not be able to have the classroom space it needs; and

WHEREAS, evidence in the record indicates that the existing structure was built in 1925 for use as a two-story factory building, and in 1993 the building was converted into a Business School; and

WHEREAS, the applicant represents that the original building was built almost on the entire lot, without a rear yard, and that this configuration causes a practical difficulty in extending the building, as the current structure necessitates the use of the existing walls as much as possible; and

WHEREAS, the applicant further represents that it is necessary for the school to be located in close proximity to the community which it serves; and

WHEREAS, the applicant claims the combination of the configuration of the existing structure, and the need for the school to meet the growing need for girls education creates practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying

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district regulations and in developing the site that meets the programmatic needs of the school; and

WHEREAS, the Board finds that evidence in the record shows that the requirements of the school's programmatic needs cannot be met in a complying building; and

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

WHEREAS, the applicant notes that the building exists and falls within the floor area requirements for a community facility and thus would have little impact upon adjacent properties of the surrounding community; and

WHEREAS, the applicant represents that the proposed play area on the roof will be enclosed by a fence, and utilized from 10 a.m. to 2 p.m. weekdays and shall be closed on the weekends; and

WHEREAS, the applicant further represents that the fence at the rear lot line shall be filed in with noise abatement material; and

WHEREAS, the applicant states that almost all the teachers and staff members live in the immediate area and walk to work, and as none of them drive to school, no parking is needed for the staff; and

WHEREAS, the New York City Department of Transportation ("DOT") recommends that one crossing guard be posted at each of the intersections of 14th Avenue with 38th Street and 39th Street; and

WHEREAS, in its recommendation dated February 21, 2002, Community Board #12 stated that "this is a much needed facility in this district and will only enhance the neighborhood."; and

WHEREAS, the Board finds that the proposed 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, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school; 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 including potential parking and traffic impacts; and

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6

N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit the legalization of an existing Yeshiva (Religious School), at the first and second floor levels and to extend the building one and a half stories, to include a third floor and a partial fourth floor, with a play area at the roof level, which creates non-compliance with regard to use regulations, and side and rear yards, and which is contrary to §42-00, §43-24 and §43-26, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received December 12, 2001"-(3) sheets; "March 4, 2002"-(3) sheets; "April 29, 2002"-(1) sheet; and *on further condition*;

THAT the applicant shall obtain the New York City Department of Transportation's ("DOT") written approval of accident mitigation measures developed by the applicant's environmental consultant;

THAT a "No Standing 7am-7pm School Days - except School Buses" sign shall be erected in front of the school as indicated on BSA approved plans;

THAT there shall be no parking of buses on the sidewalk;

THAT one crossing guard be posted at each of the intersections of 14th Avenue with 38th Street and 39th Street;

THAT the rooftop play area shall only be used from 10 a.m. to 2 p.m. weekdays and shall be closed on the weekends;

THAT the fence at the rear lot line shall be filed in with noise abatement material;

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

THAT the above conditions be noted in the Certificate of Occupancy;

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 14, 2002.

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56-02-BZ

CEQR # 02-BSA-134K

APPLICANT - Fischbein Badillo Wagner Harding, for Bnos Yerushalayim D'Chasidei Belz, owner.

SUBJECT - Application - under Z.R. §72-21, to permit the construction of a four-story plus cellar school within an R5 zoning district, which creates non-compliance in an R5 district with respect to floor area ratio, lot coverage, side, front and rear yards, and which is contrary to §24-11, §24-34, §24-35, §24-36 and §24-521.

PREMISES AFFECTED - 317 Dahill Road, east side, between Avenue "C" and Cortelyou Road, Block 5369, Lots 82, 83, 84 and 85, (Tentative Lot 82), Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Howard Hornstein.

For Administration: John Scrofani, 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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 23, 2002 acting on Applic. No. 300648823, reads;

“Proposed school does not conform to bulk regulations of an R-5 zoning district as per Z.R. 23.00.

Refer to the Board of Standards and Appeals for use and bulk regulations.”; and

WHEREAS, a public hearing was held on this application on April 16, 2002 after due notice by publication in *The City Record*, and laid over to May 14, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21 to permit the construction of a four-story plus cellar school within an R5 zoning district, which creates non-compliance in an R5 district with respect to floor area ratio, lot coverage, side, front and rear yards, and which is

contrary to §24-11, §24-34, §24-35, §24-36 and §24-521; and

WHEREAS, while the school use is permitted as-of-right in the R5 district, the floor area, lot coverage, perimeter wall and yards would not be in compliance with the Zoning Resolution; and

WHEREAS, the applicant represents that the site is comprised of four formerly separate lots, all of which are improved with old row houses which are now vacant with the exception of some administrative offices occupied by the school; and

WHEREAS, the site has a total lot area of approximately 10,000 square feet with 100' of frontage on Dahill Road and a depth of approximately 100'; and

WHEREAS, the record indicates that the applicant currently operates a school for Jewish girls from kindergarten through 12th grade in an adjacent building at 600 McDonald Avenue; and

WHEREAS, the applicant represents that the proposed building would be used for the upper grades (9-12) while the younger students would remain in the McDonald Avenue building; and

WHEREAS, the applicant states that although the two portions of the school would remain separate buildings under the Administrative Code and the Zoning Resolution, an access way would be created between the buildings so that the institution could function more efficiently; and

WHEREAS, the applicant contends that the growing Orthodox Jewish population in the Borough Park area has led to an increased demand for private schooling; and

WHEREAS, evidence in the record indicates that the Site is currently encumbered with four formerly residential buildings which are vacant, except for some school offices; and

WHEREAS, the applicant contends that since these buildings were designed for dwellings, they are not adequate for modern educational needs and therefore, must be removed; and

WHEREAS, the applicant maintains that a new compliant building constructed on the site would be too small to satisfy the programmatic needs of the institution, as the side yards mandated by the Zoning Resolution would result in smaller floor plates; and

WHEREAS, the applicant claims the combination of the existing buildings, the relatively small size of the Site, and the need for the school to meet the growing need for girls education creates practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations and in developing the site that meets the programmatic needs of the school; and

WHEREAS, the Board finds that evidence in the record shows that the requirements of the school's programmatic needs cannot be met in a complying building; and

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

WHEREAS, the applicant notes that the proposed school is an as-of-right use and the variance seeks only to waiver bulk provisions which would not impact upon adjacent properties of the surrounding community; and

WHEREAS, evidence in the record indicates that the proposed building would be identical in height to the multiple dwelling located directly to the south; and

WHEREAS, similar to the proposed building, the adjacent multiple dwelling is built along the street line, with no front yard provided; and

WHEREAS, the applicant represents that to the east of the Site, along McDonald Avenue, is the school's current facility; and

WHEREAS, the applicant represents that to the north of the Site is a small row of two-story homes and a community facility, all of which would be separated from the Site by their existing rear yards as well as the proposed 4' side yard; and

WHEREAS, the proposed building is intended to be used by 250 high school age girls; and

WHEREAS, the applicant states that these older students would not be transported by school bus and would walk to the Site since most students live within walking distance from the school; and

WHEREAS, the applicant represents that the new building would likely generate an increase in administrative staff of only about 2 people with about 10 new teachers also being added; and

WHEREAS, the applicant asserts that the teachers would all be Orthodox women, who, by tradition, do not drive; and

WHEREAS, therefore, the applicant represents that additional people utilizing the Site would not create any increased amount of traffic or demand for parking; and

WHEREAS, the Board finds that the proposed 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, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school; 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 including potential parking and traffic impacts; and

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit the construction of a four-story plus cellar school within an R5 zoning district, which creates non-compliance in an R5 district with respect to floor area ratio, lot coverage, side, front and rear yards, and which is contrary to §24-11, §24-34, §24-35, §24-36 and §24-521, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received February 11, 2002" - (1) sheet and "March 7, 2002" - (8) sheets; and *on further condition*;

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

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 14, 2002.

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 a 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

APPEARANCES -

For Applicant: Janice Cahalane.

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For Administration: John Yacovone, Fire Department.

THE VOTE TO REOPEN HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to July 9, 2002, at 2 P.M., for continued hearing.

250-01-BZ

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

SUBJECT - Application August 7, 2001 - under Z.R. §72-21 to permit the proposed construction of a one story building, for use as retail stores (Use Group 6) located in an R3-2 zoning district, which is contrary to Z.R. §22-00. PREMISES AFFECTED - 101-03 Astoria Boulevard, aka 27-31 Kearney Street, northeast corner, Block 1659, Lots 54 and 56, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Janice Cahalane, Mark Astric and Creig Trvent.

For Opposition: Norman Archer, Grace Lawrence, Pearl Major, Reggie Smith, Adel Thomson, Yvonne Bernum and Roy Caldwell.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 16, 2002, at 2 P.M., for continued hearing.

261-01-BZ

APPLICANT - Robert Saya, Vice President for Consolidated Edison Co. of New York, Inc., owner

SUBJECT - Application August 27, 2001 - under Z.R. §72-21 and §73-16, to permit the proposed construction of an electric utility substation, Use Group 17(c), located in C6-4X zoning district, which does comply with the zoning requirements for street wall location and setback, is contrary to Z.R. §32-10, §33-432 (b) and §35-25 (b) and (c), and also requires a special permit as per §73-16.

PREMISES AFFECTED - 105 West 24th Street, aka 735/57 Avenue of the Americas, west side, at the corner formed by the intersection of 24th Street and Avenue of the Americas, Block 800, Lot 37, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES - None.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2 P.M., for deferred decision.

305-01-BZ thru 320-01-BZ

APPLICANT - Sheldon Lobel, P.C., for HRF Construction, Co., Inc., owner.

SUBJECT - Application October 31, 2001 - under Z.R. §72-21, to permit the proposed construction of a residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED -

65-97 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 28, Borough of Queens.

65-77 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 20, Borough of Queens.

65-79 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 21, Borough of Queens.

65-81 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 22, Borough of Queens.

65-83 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 23, Borough of Queens.

65-85 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 24, Borough of Queens.

65-87 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 25, Borough of Queens.

65-89 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 26, Borough of Queens.

65-91 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 27, Borough of Queens.

65-90 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and

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65th Lane, Block 3605, Lot 29, Borough of Queens.

65-88 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 30, Borough of Queens.

65-86 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 31, Borough of Queens.

65-84 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 32, Borough of Queens.

65-82 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 33, Borough of Queens.

65-80 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 34, Borough of Queens.

65-78 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 35, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 23, 2002, at 2 P.M., for continued hearing.

360-01-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Kings Knapp Development Corp., owner.

SUBJECT - Application November 19, 2002 - under Z.R. §§73-211 & 73-212, to permit the proposed enlargement in lot area to an existing automotive service station with accessory uses (Use Group 16) previously before the Board under Cal. Number 249-29-BZ, and the construction of a new one story accessory convenience store and a new metal canopy above a new fuel dispensing area, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 2228 Gerritsen Avenue, southwest corner of Avenue "U", Block 7370, Lots 10 and 15, Borough of Brooklyn.

COMMUNITY BOARD #15

APPEARANCES -

For Applicant: Carl A. Sulfaro and Brian Morghery.

For Opposition: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 2 P.M., for continued hearing.

371-01-BZ

APPLICANT - Greenberg Traurig, LLP, Jay A. Segal, Esq., for Andrew Bradfield 104 Charlton LLC, owner.

SUBJECT - Application November 28, 2001 - under Z.R. §72-21, to permit proposed residential use in its upper six stories and a portion of its first story, in a seven story former warehouse building, also the construction of a new eighth story for said use, located in an M1-6 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 104 Charlton Street, south side, 125' east of Greenwich Street, Block 597, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Jay Segal and Doris Diether, Community Board #2M.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE CLOSE HEARING -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 8, 2001 acting on Applic. No. 103026280 reads:

1. "Residential use not permitted in M1-6 Zoning District as per Zoning Resolution 42-00"; and
2. There are no bulk regulations for residential use in M1-6 district. They must be provided by BSA.;"

WHEREAS, a public hearing was held on this application on March 19, 2002 after due notice by publication in The City Record and laid over to April 16, 2002 and then to May 14, 2002 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, Vice Chairman Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. 72-21, to permit proposed residential use in its upper six stories and a portion of its first story, in a seven story former warehouse building, and the construction of a new eighth

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story for said use, located in an M1-6 zoning district, which is contrary to Z.R. 42-00; and

WHEREAS, the building is located at the south side of Charlton Street in an M1-6 zoning district; and

WHEREAS, the site's zoning lot has a frontage of 49'2 1/2" on Charlton, a depth of 124'6" on its eastern portion and 100'4" on its western portion, with a total lot area of 5,552 sf ; and

WHEREAS, the building has historically completely covered its zoning lot ; and

WHEREAS, the applicant proposes in order to provide light and air for the residential occupants of the Building that: for the Eastern Portion, its rear 15 feet be removed, which together with the 12 feet that exist between the rear lot line of the Western Portion and the wall of the residential building to the south would provide the residential occupants of floors 3 through 7 of the Western Portion of the Building with 22 feet of light and ai ; and

WHEREAS, the applicant proposes that some of the floor area removed from the Building to create the rear yards of the Eastern Portion and Western Portion would be used to create an eighth floor, and application is made to use this newly constructed eighth floor for residential use; and

WHEREAS, the record indicates that the Building was constructed as a warehouse prior to 1880 and it is no longer feasible to use the Building for such use; and

WHEREAS, the applicant claims that among the practical difficulties which burden this structure are the two foot thick structural wall divides the Building into the Eastern Portion and Western Portion, with narrow widths and great depths; and

WHEREAS, the applicant also claims that only one small elevator located in the Eastern Portion provides access to the upper floors of both the Eastern Portion and Western Portion, and because the structural wall separating the Eastern Portion from the Western Portion has only two openings, the movement of the warehoused goods to the Western Portion is severely restricted; and

WHEREAS, the applicant further claims that only one wooden stairway connecting the upper floors of the Building to the ground level, there are low floor to ceiling heights on most floors, there is no HVAC system and they building only has minimum plumbing; and

WHEREAS, the applicant represents that it is not feasible to convert the Building to office use for many of the same reasons and the Building now provides light and air only through windows in its front facade, which requires that almost all the offices be interior; and the single elevator would not be adequately serve and office population; and

WHEREAS, therefore, the Board finds that these unique conditions demonstrate that the development of this

site with a conforming use creates an unnecessary hardship; and

WHEREAS, the evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that conforming use in the entire building are extremely costly and would not yield a reasonable return; and

WHEREAS, the record indicates that the neighborhood contains a number of mixed-use multiple dwelling residential and commercial occupancies, as well as many buildings which are solely residential or commercial; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of 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 application is the minimum variance 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.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. 72-21, to permit proposed residential use in its upper six stories and a portion of its first story, in a seven-story former warehouse building, and the construction of a new eighth story for said use, located in an M1-6 zoning district, which is contrary to Z.R. 42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 9, 2002"-(10) sheets and "April 16, 2002"-(3) sheets; and on further condition;

THAT a automatic wet-pipe sprinkler system connected to a Fire Department approved Cental Station will be installed throughout the building;

THAT any change in use on the first floor or cellar shall require approval from the Board;

THAT the above conditions shall be noted in the Certificate of Occupancy;

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

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THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 14, 2002.

373-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 372-376 Avenue U Realty, LLC, owner.

SUBJECT - Application November 29, 2001 - under Z.R. §72-21, to permit the proposed use of the 2nd, 3rd and 4th floors of a proposed four story masonry building, as medical offices, Use Group 4, located in an R6A zoning district, which is contrary to Z.R. §22-14.

PREMISES AFFECTED - 372 Avenue 'U', between East 1st and 2nd Streets, Block 7128, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 2 P.M., for continued hearing.

377-01-BZ

APPLICANT - Gerald J. Caliendo, R.A., for The City of New York D.D.C., owner; New York Public Library, lessee.

SUBJECT - Application December 3, 2001 - under Z.R. §72-21, to permit the proposed enlargement of an existing community facility, Use Group 3A, located in an SRD within an R3-1 overlay zoning district, which does not comply with the zoning requirements for floor area ratio and front yards, is contrary to Z.R. §54-31.

PREMISES AFFECTED - 56 Giffords Lane, southwest corner of Margaret Street, Block 5436, Lot 19, Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

APPEARANCES -

For Applicant: Gerald J. Caliendo and David Prentorgas.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to June 11, 2002, at 2 P.M., for decision, hearing closed.

378-01-A

APPLICANT - Gerald J. Caliendo, R.A., for The City of New York - D.D.C., owner; New York Public Library, lessee.

SUBJECT - Application December 3, 2001 - Proposed entry platform/terrace, which projects into the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 56 Giffords Lane, southwest corner of Margaret Street, Block 5436, Lot 19, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Gerald J. Caliendo and David Prentorgas.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to June 11, 2002, at 2 P.M., for decision, hearing closed.

383-01-BZ

APPLICANT - The Agusta Group, for Thomas Morley, owner.

SUBJECT - Application - under Z.R. §72-21, to permit the proposed one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for front yard, side yard and front wall setback, is contrary to §23-45, §23-461(a) and §23-631.

PREMISES AFFECTED - 146-01 17th Avenue, corner of 46th Place and 17th Avenue, Block 4626, Lot 8, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Philip Agusta.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2 P.M., for decision, hearing closed.

387-01-BZ

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APPLICANT - Sheldon Lobel, P.C., for Maria Inzano, owner; Cox Nissan Inc., lessee.

SUBJECT - Application January 15, 2002 - under Z.R. §72-21, to permit the 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, which is contrary to Z.R. §32-00.

PREMISES AFFECTED - 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 The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Janice Cahalane, Howard Kopell and Sheldon Lobel.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 18, 2002, at 2 P.M., for continued hearing.

396-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Glass House Cooperative, Inc., owner; Le Spa D'Soleil, LLC dba Lounge Spa, lessee.

SUBJECT - Application December 19, 2001 - under Z.R. §73-36, to permit the 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, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 43A West 13th Street, northside, 275' east of Sixth Avenue, Block 577, Lot 66, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Doris Diether, Community Board # 2M.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 11, 2002, at 2 P.M., for continued hearing.

397-01-BZ

APPLICANT - Sullivan, Chester & Gardner, LLP, for Newton Avenue Realty, LLC, owner; Gotham Nightclub Assoc., Inc., lessee.

SUBJECT - Application December 19, 2001 - under Z.R. §72-21, to permit the legalization of the conversion of an accessory auto supply storage facility, into an eating and drinking establishment, Use Group 6, located in an R-6 zoning district, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 30-07 Newtown Avenue, between 30th and 31st Streets, Block 598, Lot 73, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Jeffery Chester.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 11, 2002, at 2 P.M., for continued hearing.

401-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Tore, Isaac and Rivka Rappaport, owner.

SUBJECT - Application December 24, 2001 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, Use Group 1, which does not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage and side and rear yards, located in an R3-2 zoning district, which is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 1555 East 28th Street, east side, between Avenue "P" and Kings Highway, Block 7689, Lot 28, of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2 P.M., for continued hearing.

57-02-BZ

APPLICANT - Klein & O'Brien, LLP, by Allison Farina, Esq., for Northside Studios, LLC by Moshe Reisman, owner.

SUBJECT - Application February 14, 2002 - under Z.R. §72-21, to permit the proposed enlargement and conversion of an existing two-story brick manufacturing building, to a four-story residential building, with eleven dwelling units, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 194 North 14th Street, border by Wythe Avenue east side of Nassau Avenue and west side of Berry Street, Block 2279, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Allison Farina.

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For Opposition: Stephanie Eisenberg.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2 P.M., for continued hearing.

58-02-A

APPLICANT - Klein & O'Brien, LLP, by Allison Farina, Esq., for Northside Studios, LLC by Moshe Reisman, owner.

SUBJECT - Application - February 14, 2002 - Proposed enlargement and conversion of an existing two-story brick manufacturing building, to a four-story residential building, with eleven dwelling units, requires a 30' rear yard as per Article 3, Section 26 of the Multiple Dwelling Law.

PREMISES AFFECTED - 194 North 14th Street, border by Wythe Avenue east side of Nassau Avenue and west side of Berry Street, Block 2279, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Allison Farina.

For Opposition: Stephanie Eisenberg.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 4:45 P.M.

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