
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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June 13, 2002

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DOCKET

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160-02-A B.S.I. 24-01 89th Street, east side, 532.67' north of Astoria Boulevard, Block 1101, Lot 8, Borough of Queens. Applic. #401265536. Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

161-02-BZ B.BK. 2433 Knapp Street, corner of Knapp Street and Avenue "X", Block 8833, Lot 1, Borough of Brooklyn. Applic. #301318376. Proposed construction of a six story residential building, Use Group 2, located in a C3 zoning district, which does not comply with the zoning requirements for floor area ratio, perimeter wall, height, lot area per dwelling unit, setback, sky exposure and parking, is contrary to Z.R. §§23-00 and 25-00.

COMMUNITY BOARD #15BK

162-02-BZ B.BK. 1222 East 22nd Street, 358' north of Avenue "L", between Avenues "K and L", Block 7621, Lot 67, Borough of Brooklyn. Alt.#301064531, Proposed enlargement to an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and side and rear yards, is contrary Z.R.§23-46, §23-461 and §23-141.

COMMUNITY BOARD #14BK

163-02-BZ B.BK. 2029 East 21st Street, 300' south of Avenue "S", between Avenues "S and "T", Block 7300, Lot 72, Borough of Brooklyn. Alt.#301337998. Proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, side and rear yards, lot coverage and wall height, is contrary Z.R.§23-47, §23-461 and §23-141 and §23-461.

COMMUNITY BOARD #15BK

164-02-BZ B.BX. 1913 Hobart Avenue, west side, bounded by St. Theresa Avenue to the south and Wilkinson Avenue to the north, Block 4234, Lot 58, Borough of The Bronx. Alt.#200592037. The legalization of an enlargement to an existing two family dwelling, which does not comply with the zoning requirements for side yards, is contrary to Z.R. § 23-48(b), §23-48 and §23-461(a).

COMMUNITY BOARD #10BX

165-02-BZ B.BK. 147 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 27, Borough of Brooklyn. Applic. #301341625. Proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #2BK

166-02-A B.BK. 147 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 27, Borough of Brooklyn. Applic.#301341625. Proposed five story, five family residential building, which does not provide the required light and ventilation, is contrary to §27-733 of the NYC Building Code.

167-02-BZ B.BK. 151 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 25, Borough of Brooklyn. Applic. #301341876. Proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #2BK

168-02-A B.BK. 151 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 25, Borough of Brooklyn. Applic. #301341876. Proposed five story, five family residential building, which does not provide the required thirty foot rear yard and the required light and air, is contrary to Article 3, Section 26 of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

DOCKET

169-02-BZ B.BK. 153 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 24, Borough of Brooklyn. Applic. #301341643. Proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #2BK

170-02-A B.BK. 153 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 24, Borough of Brooklyn. Applic. #301341643. Proposed five story, five family residential building, which does not provide the required thirty foot rear yard and the required light and air, is contrary to Article 3, Section 26 of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

171-02-BZ B.BK. 155 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 23, Borough of Brooklyn. Applic. #301341607. Proposed five story, five family residential building, Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #2BK

172-02-A B.BK. 155 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 23, Borough of Brooklyn. Applic. #301341607. Proposed five story, five family residential building, which does not provide the required thirty foot rear yard and the required light and air, is contrary to Article 3, Section 26 of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

173-02-BZ B.BK. 157 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 22, Borough of Brooklyn. Applic. #301341616. Proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #2BK

174-02-A B.BK. 157 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 22, Borough of Brooklyn. Applic. #301341616. Proposed five story, five family residential building, which does not provide the required thirty foot rear yard and the required light and air, is contrary to Article 3, Section 26 of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

175-02-BZ B.BK. 159 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 21, Borough of Brooklyn. Applic. #301341652. Proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #2BK

176-02-A B.BK. 159 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 21, Borough of Brooklyn. Applic. #301341652. Proposed five story, five family residential building, which does not provide the required thirty foot rear yard and the required light and air, is contrary to Article 3, Section 26 of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

177-02-A B.Q. 13 Fulton Walk, east side, 146.99' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens. Applic. #401446388. Proposed first floor enlargement, and the addition of a partial second story to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

178-02-BZ B.BK. 57 Eagle Street, a/k/a 233 Franklin Street, northwest corner, Block 2494, Lot 26, Borough of Brooklyn. Applic. #300463228. The legalization of two contiguous building on one zoning lot, from a laundry facility to residential use, Use Group 2. Located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

DOCKET

179-02-BZ B.Q. 158-05 Union Turnpike, northeast corner of the Parsons Boulevard, Block 6831, Lot 1, Borough of Queens. Applic. #401400140. Proposed accessory drive-thru facility, for a fast food restaurant, located in a C1-2 within an R3-2 zoning district, requires a special permit from the Board as per Z.R. §32-15.

COMMUNITY BOARD #8Q

180-02-BZ B.Q. 39-17 Bell Boulevard, between 39th and 40th Avenues, Block 6241, Lot 9, Borough Queens. Applic. #401456287. Proposed rear yard addition at the second floor level of an existing two story vacant building (proposed restaurant), which creates non-compliance with respect to the height and rear yard requirements, is contrary to Z.R. §§33-23 and 33-26.

COMMUNITY BOARD #11Q

181-02-BZ B.BX. 1875 Bartow Avenue, northwest corner of Ely Avenue, Block 4795, Lot 21, Borough of The Bronx. N.B. #200726438. Proposed erection and maintenance of a one story car wash facility, Use Group 16, located in an R4 zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #12BX

182-02-BZ B.S.I. 2990 Victory Boulevard, a/k/a 1705 Richmond Avenue, southeast corner, Block 2072, Lot 42, Borough of Staten Island. N.B. #500512331. Proposed construction of a new automotive service station, with an accessory convenience store, Use Group 16b, located in a C1-2 within an R3-2 and R3-2 zoning district is contrary to §32-25.

COMMUNITY BOARD #2SI

183-02-BZ B.BX. 150/54 Van Cortland Avenue, corner lot bounded by Van Cortland Avenue and St. George's Crescent, Block 3313, Lot 18, Borough of The Bronx. Applic. #200713656. The reestablishment of a special permit, previously granted by the Board, under Cal. No. 660-23-BZ, which permitted open storage and parking of more than five (5) motor vehicles, Use Group 8, in an R8 zoning district.

COMMUNITY BOARD #7BX

184-02-A B.Q. 24 Gotham Walk, west side, 135' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens. Applic. #401454387. Proposed enlargement of the 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, 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

JULY 16, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, July 16, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

200-24-BZ

APPLICANT - Stephen Ely, for Haymes Investment Company, owner.

SUBJECT - Application April 19, 2002 - reopening for an extension of time to complete construction and to obtain a certificate of occupancy.

PREMISES AFFECTED - 3030 Jerome Avenue a/k/a 3103 Villa Avenue, 161.81' south of East 204th Street, Block 3321, Lot 25, Borough of The Bronx.

COMMUNITY BOARD #7BX

16-36-BZ

APPLICANT - Vassalotti Associates, A.I.A., for Phillips Petroleum Co., owner.

SUBJECT - Application April 18, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy.

PREMISES AFFECTED - 1885 Westchester Avenue, northeast corner of Leland Avenue, Block 3880, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #9BX

915-46-BZ

APPLICANT - Carl A. Sulfaro, Esq., for 184 Jero, Inc., owner; Gaseteria Oil Corporation, lessee.

SUBJECT - Application March 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 40-08 30th Avenue, southeast corner of Newtown Road, Block 681, Lot 114, Borough of Queens.

COMMUNITY BOARD #1Q

657-49-BZ

APPLICANT - Fredrick A. Becker, Esq., for Geofra Realty Corp., owner.

SUBJECT - Application April 8, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 20, 2000.

PREMISES AFFECTED - 92-02/08 Rockaway Beach Boulevard, northwest corner of Rockaway Beach Boulevard and Beach 92nd Street, Block 16127, Lot 16, Borough of Queens.

COMMUNITY BOARD #14Q

641-59-BZ

APPLICANT - Kenneth H. Koons, R.A., for Jesus Beniquez, owner.

SUBJECT - Application September 11, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 6, 2000.

PREMISES AFFECTED - 760 Castle Hill Avenue, northeast corner of Homer Avenue, Block 3614, Lot 28, Borough of The Bronx.

COMMUNITY BOARD #9BX

JULY 16, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, July 16, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

89-02-A

APPLICANT - Sheldon Lobel, P.C., for McDonalds Corporation, owner.

SUBJECT - Application March 27, 2002 - Proposed construction of a trash enclosure and parking stalls for a proposed fast food restaurant, on a portion of the subject lot, which is located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 244-10 Merrick Boulevard, aka 244-16 Merrick Boulevard, south side, between 244th and 245th Streets, Block 13208, Lot 33, Borough of Queens.

COMMUNITY BOARD #13Q

CALENDAR

JULY 16, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, July 16, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

265-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Sandro E. Falla, owner.

SUBJECT - Application August 28, 2001 - under Z.R. §72-21, to permit the legalization of an enlargement to an existing one family dwelling which does not comply with the zoning requirements for lot size, side, front and rear yards, F.A.R. and O.S.R., which is contrary to Z.R. §23-141, §23-32, §23-45 and §23-47.

PREMISES AFFECTED - 102-06 Russell Street, south side, between 102nd and 103rd Streets, Block 14238, Lot 1045, Borough of Queens.

COMMUNITY BOARD #10Q

405-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Aron Welz United Talmudical Academy, owner.

SUBJECT - Application December 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a five story school building and synagogue, Use Groups 3 and 4, located in an R5 within a C2-3/R5 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage and front and side yards, is contrary to Z.R. §24-11, §24-521, §24-34 and §24-35.

PREMISES AFFECTED - 1275 36th Street, aka 123 Clara Street, southeast corner, between Clara and Luisa Streets, Block 5310, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

71-02-BZ

APPLICANT - Raymond H. Levin, Esq., for Wachtel & Masyr, LLP, for Lafayette Crosby Development, LLC c/o Cape Advisors, owner.

SUBJECT - Application March 1, 2002 - under Z.R. §72-21, to permit the proposed construction of a 15-story mixed-use building, with residential uses on the upper floors, and retail use below the second story, Use Groups 2 and 6, located in an M1-5B zoning district, is contrary to Z.R. §42-00 and §42-14D(2)(b).

PREMISES AFFECTED - 204/210 Lafayette Street, aka 51 Crosby Street, between Spring and Broome Streets, Block

482, Lot 32, Borough of Manhattan
COMMUNITY BOARD #2M

74-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Ben and Phyllis Lifshitz, owner.

SUBJECT - Application March 12, 2002 - under Z.R. §73-622, to permit the proposed enlargement of a single family residence, Use Group 1, located within an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, and is contrary to Z.R. §23-141.

PREMISES AFFECTED - 1383 East 23rd Street, 80' north of Avenue "N", Block 7660, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #13BK

107-02-BZ

APPLICANT - Philip L. Rampulla, for Bartholomeo Castellano, owner.

SUBJECT - Application April 3, 2002 - under Z.R. §73-52, to permit the proposed addition of two accessory off-street parking spaces, to be located in the residential portion of the subject lot, for a Use Group 6 retail store, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 298 Naughton Avenue, corner of Hylan Boulevard, Block 3656, Lot 10, Borough of Staten Island.

COMMUNITY BOARD #2SI

110-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Anna Shchiglik and Mark Kotliar, owner.

SUBJECT - Application April 5, 2002 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, floor area, and side and rear yards, is contrary to Z.R. §23-141(b), §23-461(a) and §23-47.

PREMISES AFFECTED - 1880 East 22nd Street, between Avenues "R" and "S", Block 6827, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #15BK

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, JUNE 4, 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, May 7, 2002, were approved as printed in the Bulletin of May 16, 2002, Volume 87, No. 19-20.

SPECIAL ORDER CALENDAR

636-53-BZ

APPLICANT - David L. Businelli, A.I.A., for Pazh Realty Corporation, owner.

SUBJECT - Application April 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 8, 2000.

PREMISES AFFECTED - 700 Post Avenue, Block 227, Lot 74, Borough of Staten Island.

COMMUNITY BOARD #1

APPEARANCES -

For Applicant: David L. Businelli.

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair 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 variance which expired January 8, 2000; and

WHEREAS, a public hearing was held on this application on March 26, 2002, after due notice by publication in *The City Record*, laid over to April 16, 2002 and then to June 4, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional five (5) 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. §11-411, said resolution having been adopted June 15, 1954, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the resolution for five years from January 8, 2000 expiring January 8, 2005, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received April 18, 2002"-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT there shall be no parking on the sidewalk;

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

THAT all lighting shall be pointed away from residential dwellings;

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

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; 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." (ALT. No. 500414795)

Adopted by the Board of Standards and Appeals, June 4, 2002.

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.

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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

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WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired January 26, 2002; and

WHEREAS, a public hearing was held on this application on May 14, 2002 after due notice by publication in *The City Record*, laid over to June 4, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten (10) 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. §11-411, said resolution having been adopted March 3, 1958 as amended through February 7, 1984, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the resolution for ten years from January 26, 2002 expiring January 26, 2012, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received February 12, 2002”-(4) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

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; 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.” (ALT. No. 101488061)

Adopted by the Board of Standards and Appeals, June 4, 2002.

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 Administration: John Scrofani, Fire Department.

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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, an amendment to the resolution and extension of the term of the variance which expired on March 3, 2002; and

WHEREAS, a public hearing was held on this application on May 14, 2002, after due notice by publication in *The City Record*, laid over to June 4, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten (10) years; and

WHEREAS, the applicant also seeks to amend the resolution to reflect changes in the interior layout; and

WHEREAS, the applicant represents that the following modifications from the previously Board approved plans were made:

- 1) Office Space in the Basement was slightly rearranged,
- 2) The Office on the First Floor was converted to a conference room,
- 3) The Office space on the Second Floor was rearranged,
- 4) The living room and dining room on the Third Floor was converted to bed rooms,
- 5) The bedroom on the Fourth Floor was converted to a living and dining room; and

MINUTES

alterations are associated with this application.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on February 25, 1997 so that as amended this portion of the resolution shall read:

“to extend the term of the variance for ten years from March 3, 2002 expiring March 3, 2012 and to permit the following changes in the interior layout:

- 1) The rearrangement of Office Space in the Basement,
- 2) The conversion of the Office on the First Floor to a conference room,
- 2) The rearrangement of Office space on the Second Floor,
- 3) The conversion of the living room and dining room on the Third Floor into bed rooms,
- 4) The conversion of the bedroom on the Fourth Floor into a living and dining room; on condition;

THAT the premises shall be maintained in substantial compliance with Board approved plans marked “Received February 7, 2002”-(6) sheets; and on further condition

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; 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.” (ALT. No. 1042/86)

Adopted by the Board of Standards and Appeals, June 4, 2002.

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 - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, June 4, 2002.

257-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Kol Israel Cong by Albert Dweck, VP.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 2504 Avenue X, southeast corner of Bedford Avenue, Bedford Avenue and East 26th Street, Block 7625, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Opposition: Harold Weinberg.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, June 4, 2002.

363-01-BZ thru 365-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Harold Lane.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED -

3304 Rombouts Avenue, east side of Rombuts Avenue, 50' south of Givan Avenue, Block 5245, Lots 39 and 42 (Lot 39 Tentative), Borough of The Bronx..

3306 Rombouts Avenue, east side of Rombuts Avenue, 50' south of Givan Avenue, Block 5245, Lots 39 and 42 (Lot 40 Tentative), Borough of The Bronx..

3308 Rombouts Avenue, east side of Rombuts Avenue, 50' south of Givan Avenue, Block 5245, Lots 39 and 42 (Lot 41 Tentative), Borough of The Bronx..

COMMUNITY BOARD #2BX

APPEARANCES -

For Opposition: Peter Hirshman.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

MINUTES

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

Negative:0

Adopted by the Board of Standards and Appeals, June 4, 2002.

438-29-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 406-418 Remsen Avenue, Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES -

For Opposition: Amit Itshiah.

ACTION OF THE BOARD - Laid over to August 13, 2002, at 10 A.M., for continued hearing

618-55-BZ

APPLICANT - Catapano Engineering, P.C., for Leemilts Petroleum, Inc. (aka Power Test Realty Co.), owner.

SUBJECT - Application January 15, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 22, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 3902 Avenue U, between Ryder Street and Kimball Street, Block 8556, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Michelle Spallino.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 10 A.M., for continued hearing.

1558-61-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Trump CPS, LLC, owner.

SUBJECT - Application March 20, 2002 - reopening for an extension of term of variance which expired March 13, 2002.

PREMISES AFFECTED - 100 Central Park South a/k/a 1439 Avenue of the Americas, southwest corner of Central Park South and Avenue of the Americas, Block 1011, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Peter Geis.

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 18, 2002, at 10 A.M., for decision, hearing closed.

1250-65-BZ

APPLICANT - Seymour W. Gage, P.E., for 87th Street Owner's Corp., owner; Park 87th Corp., lessee.

SUBJECT - Application August 21, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 2, 1991.

PREMISES AFFECTED - 55 East 87th Street, north side of East 87th Street, between Madison and Park Avenues, Block 1499, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Peter Hirshman.

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 18, 2002, at 10 A.M., for decision, hearing closed.

68-91-BZ

APPLICANT - Walter T. Gorman, P.E., for Cumberland Farms, (GULF) Inc., owner; NOR-Springfield Service Station, owner.

SUBJECT - Application February 5, 2002 - reopening for an extension of term of variance which expired May 19, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 223-15/25 Union Turnpike aka 79-10 Springfield Boulevard, Block 7780, Lot 1, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 10 A.M., for continued hearing.

64-96-BZ

APPLICANT - Vassalotti Associates, A.I.A., for Michael Koloniaris and Nichol Koloniaris, owner.

SUBJECT - Application October 16, 2001 - reopening for an extension of term of variance which expired December 11, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 148-20 Cross Island Parkway, west side 102.67' south of 14th Avenue, Block 4645, Lot 3, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

MINUTES

For Applicant: Hiram A. Rothkrug.

THE VOTE TO REOPEN HEARING -

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

Negative:0

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 August 20,
2002, at 10 A.M., for decision, hearing closed.

75-97-BZ

APPLICANT - Rampulla Associates Architects, for
Pergament Enterprise of S.I., owner; Lovely Lady Figure
Salon, lessee.

SUBJECT - Application January 29, 2002 - request for a
waiver of the Rules of Practice and Procedure, reopening
for an extension of term of variance which expired
September 1, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 2795 Richmond Avenue,
Richmond Avenue and Yukon Avenue, Block 2440, Lot 2,
Borough of Staten Island.

COMMUNITY BOARD #2 S.I.

APPEARANCES -

For Applicant: Philip Rampulla.

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

175-97-BZ

APPLICANT - Francis R. Angelino, Esq., for H S
Acquisition, LLC, owner.

SUBJECT - Application March 19, 2002 - reopening for
an extension of time to complete construction which
expired April 21, 2002.

PREMISES AFFECTED - 55 West Houston Street, aka
158-160 Wooster Street, 200' along south side of W.
Houston, Wooster and Green Streets, Block 514, Lot 14,
Borough of Manhattan.

COMMUNITY BOARD #M1-5A

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 18,
2002, at 10 A.M., for decision, hearing closed.

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 Administration: 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 Queens Borough
Commissioner, dated February 22, 2002, acting on
Application No. 401130628, reads:

“Request made to enlarge existing dwelling located on
site partially within the bed of a mapped street and
contrary to General City Law 35.”; and

WHEREAS, the applicant proposes an enlargement to
an existing one family dwelling, located partially within the
bed of a mapped street; and

WHEREAS, by letter dated March 27, 2002, the Fire
Department has reviewed the above project and has no
objections; and

WHEREAS, by letter dated May 1, 2002, the
Department of Environmental Protection has reviewed the
above project and has no objections; and

WHEREAS, by the letter dated April 15, 2002, the
Department of Transportation has reviewed the above
project and has no objections; and

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

Resolved, that the decision of the Queens Borough
Commissioner, dated February 22, 2002, acting on
Application No. 401130628, 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 March 20, 2002”- (1) sheet; and that the
proposal complies with all applicable R4 zoning district
requirements; that all applicable laws, rules, and regulations
shall be complied with; 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;

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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, June 4, 2002.

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: Adrienne Bernard

For Administration: John Scrofani, Fire Department; Lisa Orrantia, 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.

333-01-A thru 358-01-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for OTT LLC, owner.

SUBJECT - Application November 13, 2001 - proposed one family dwelling, located within the bed of a mapped street, which is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

50 Tennyson Drive, east side, 349.3' north of Nelson Avenue, Block 5212, Tentative Lot 56, Borough of Staten Island.

52 Tennyson Drive, east side, 333.2' north of Nelson Avenue, Block 5212, Tentative Lot 57, Borough of Staten Island.

54 Tennyson Drive, east side, 317.06' north of Nelson Avenue, Block 5212, Tentative Lot 58,

Borough of Staten Island.

56 Tennyson Drive, east side, 300.89' north of Nelson Avenue, Block 5212, Tentative Lot 59, Borough of Staten Island.

58 Tennyson Drive, east side, 284.68' north of Nelson Avenue, Block 5212, Tentative Lot 60, Borough of Staten Island.

60 Tennyson Drive, east side, 268.42' north of Nelson Avenue, Block 5212, Tentative Lot 61, Borough of Staten Island.

62 Tennyson Drive, east side, 252.11' north of Nelson Avenue, Block 5212, Tentative Lot 62, Borough of Staten Island.

64 Tennyson Drive, east side, 235.75' north of Nelson Avenue, Block 5212, Tentative Lot 63, Borough of Staten Island.

66 Tennyson Drive, east side, 219.22' north of Nelson Avenue, Block 5212, Tentative Lot 64, Borough of Staten Island.

68 Tennyson Drive, east side, 202.84' north of Nelson Avenue, Block 5212, Tentative Lot 65, Borough of Staten Island.

70 Tennyson Drive, east side, 186.28' north of Nelson Avenue, Block 5212, Tentative Lot 66, Borough of Staten Island.

72 Tennyson Drive, east side, 169.64' north of Nelson Avenue, Block 5212, Tentative Lot 67, Borough of Staten Island.

74 Tennyson Drive, east side, 152.92' north of Nelson Avenue, Block 5212, Tentative Lot 68, Borough of Staten Island.

76 Tennyson Drive, east side, 136.11' north of Nelson Avenue, Block 5212, Tentative Lot 69, Borough of Staten Island.

78 Tennyson Drive, east side, 119.21' north of Nelson Avenue, Block 5212, Tentative Lot 70, Borough of Staten Island.

80 Tennyson Drive, east side, 102.21' north of Nelson Avenue, Block 5212, Tentative Lot 71, Borough of Staten Island.

82 Tennyson Drive, east side, 85.10' north of Nelson Avenue, Block 5212, Tentative Lot 172, Borough of Staten Island.

84 Tennyson Drive, east side, 67.88' north of Nelson Avenue, Block 5212, Tentative Lot 73, Borough of Staten Island.

86 Tennyson Drive, east side, 50.54' north of Nelson Avenue, Block 5212, Tentative Lot 174, Borough of Staten Island.

88 Tennyson Drive, east side, 33.07' north of Nelson Avenue, Block 5212, Tentative Lot 175, Borough of Staten Island.

90 Tennyson Drive, east side, 1.54' north of Nelson Avenue, Block 5212, Tentative Lot 76,

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Borough of Staten Island.

92 Tennyson Drive, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 177, Borough of Staten Island.

12 Dream Lane, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 78, Borough of Staten Island.

14 Dream Lane, east side, 14.4' north of Nelson Avenue, Block 5212, Tentative Lot 79, Borough of Staten Island.

15 Dream Lane, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 115, Borough of Staten Island.

17 Dream Lane, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 114, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Administration: Adam Rothkrug.

For Opposition: Borough President Jim Molinaro, Sherry Diamond, Carol Zirngibl, Eileen Monreale, Linda Cohen, Carol Hefty, Kerry Sullivan, Robert Calandra, Carl Peter, Shirlee Marraccini, Anthony Marraccinc, Alice Ruch and Tom Bouglm.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 11 A.M., for continued hearing.

139-02-A

APPLICANT- FischbeinBadillo Wagner Harding for Mark Perlbinder, WMP II Real Estate Limited Partnership, owner.

SUBJECT - Application May 1, 2002 - An appeal from a determination of the Department of Buildings dated April 17, 2002, which declined to seek a Revocation of Certificate of Occupancy No. 107549 issued July 7, 1995 for subject premises.

PREMISES AFFECTED - 1511 Third Avenue, northeast corner of East 85th Street and Third Avenue, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Peter Geis.

ACTION OF THE BOARD - Laid over to June 18, 2002, at 11 A.M., for postponed hearing.

140-02-A

APPLICANT - New York City Department of Buildings, for Joseph DeFronzo, owner.

SUBJECT - Application May 1, 2002 - Application to revoke Certificate of Occupancy No. 401029338, on the basis that the conversion of the subject premises from a two family to a four family dwelling violates the Multiple Dwelling Law and the Zoning Resolution.

PREMISES AFFECTED - 67-35 73rd Place, east side, 96.37' south of 67th Road, Block 3771, Lot 8, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: John Resinger, Department of Buildings.

For Opposition: John Feijco.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 12:30 P.M.

REGULAR MEETING

TUESDAY AFTERNOON, JUNE 4, 2002

2:00 P.M.

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

ZONING CALENDAR

208-00-BZ

CEQR # 01-BSA-021K

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

SUBJECT - Application August 24, 2000 - under Z.R. §22-10, to permit on a site previously before the Board, to allow, in an R5 zoning district, the re-establishment of uses previously granted under an expired special permit which permitted use of automotive service station (Use Group 16), automotive storage (Use Group 16) and the preparation of automobiles for delivery (Use Group 16), granted under Calendar Number 572-84-BZ.

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

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Peter Hirshman

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on

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condition.

THE VOTE TO REOPEN -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

WHEREAS, the decision of the Borough Commissioner, dated June 22, 2001 acting on Application No. 300922045 reads:

For denial to BSA.

“CONTINUED USE OF THE PREMISES AS AUTO REPAIR, AUTO STORAGE AND AUTO SALES (USE GROUP 16) BEYOND FEBRUARY 6, 1996 MUST BE REFERRED BACK TO THE BSA.”; and

WHEREAS, a public hearing was held on this application on February 6, 2001 after due notice by publication in the *City Record*, and laid over to May 1, 2001, June 19, 2001, July 24, 2001, September 11, 2001, November 20, 2001, December 4, 2001, December 18, 2001, January 29, 2002, April 9, 2002, and May 7, 2002 and then laid over to June 4, 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-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a variance under Z.R. 72-21, on a site previously before the Board, to allow, in an R5 zoning district, the re-establishment of uses previously granted under an expired special permit which permitted use of automotive service station (Use Group 16), automotive storage (Use Group 16) and the preparation of automobiles for delivery (Use Group 16), granted under Calendar Number 572-84-BZ; and

WHEREAS, the applicant represents that since 1957, under Calendar Number 618-56-BZ, the above lots have received variances allowing commercial uses; and

WHEREAS, the record indicates that since 1984, pursuant to Calendar # 572-84-BZ the subject site has housed two independent automobile related facilities, one on the westerly side and one on the easterly side; and

WHEREAS, the westerly portion of the lot is occupied with a one-story masonry “garage” building housing the sale of used cars, minor automobile repairs, with hand tools

only (limited to used cars sales), and the preparation of automobiles for sale; and

WHEREAS, the easterly side of the property is occupied with a one-story metal shed used for the detailing of automobiles (hand wash only); and

WHEREAS, the application will retain above-referenced establishments with hours of operation of 7:30 a.m. to 6:00 p.m. Monday through Saturday closed Sunday for both facilities; and

WHEREAS, the applicant represents that the subject site is unique because among other factors, the accessory building has a limited floor area that can only be changed to uses within the same use group at a prohibitive cost; and

WHEREAS, further, the automotive related uses are open for the entire lot area and the small building cannot be reused in a complying manner; and

WHEREAS, the aforementioned history of development with automotive repairs and sales of used cars as well as the unique physical condition of the buildings makes occupation for a conforming R5 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

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

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

WHEREAS, the record indicates that within the vicinity of the subject premises similar uses are present; and

WHEREAS, the applicant provided assurances that the owner will maintain the property and uses to ensure that the light and privacy of adjoining and nearby residents is not disturbed; 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

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issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, on a site previously before the Board, to allow, in an R5 zoning district, the re-establishment of uses previously granted under an expired special permit which permitted use of automotive service station (Use Group 16), automotive storage (Use Group 16) and the preparation of automobiles for delivery (Use Group 16), granted under Calendar Number 572-84-BZ, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received August 24, 2000”-(1) sheet and May 28, 2002 (1) sheet; and on further condition;

THAT there shall be no commercial parking or overnight storage on the detailing portion of the lot;

THAT there shall be no outdoor repairs done on the premises;

THAT there shall not be any auto body or collision work done on the premises;

THAT there shall not be any public auto repair shop on the premises and that minor auto repairs shall be limited to hand tools only and shall only be done for dealer preparation of used cars for sale;

THAT there shall be no banners or sandwich boards;

THAT the term of the variance shall be limited to ten (10) years;

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

THAT a new Certificate of Occupancy be obtained within one year of 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;

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, June 4, 2002.

261-01-BZ

CEQR # 02-BSA-024M

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, a/k/a 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 -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:.....0

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

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 10, 2001 acting on NB Applic. No. 102500811 reads:

“1. The proposed Electric Utility Substation is not a permitted as-of-right use in a C6-4X district as set forth in Section 32-10 of the Zoning Resolution.

A Special Permit will be required from the Board of Standards and Appeals.”

WHEREAS, a public hearing was held on this application on November 20, 2001 after due notice by publication in *The City Record* and laid over to January 15, 2002 and then to January 30, 2002, March 27, 2002, May 7, 2002 and then to June 4, 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-Chair Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §§72-21 and 73-16, to permit the proposed change in use from a parking lot of approximately 135 cars to a Con Edison electrical utility substation, located in a C4-6X zoning district; and

WHEREAS, the applicant represents that the subject lot lies within a C4-6X zoning district and is currently improved with a commercial parking lot with 135 spaces and a total lot area of approximately 17,692 square feet,

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with 177 feet of frontage on Avenue of the Americas and 100 feet of frontage on 24th Street; and

WHEREAS, the applicant contends that the Proposed Substation would provide the permanent load relief necessary to provide continuous and reliable service to the surrounding residential and commercial area, as well as areas to the north and east that are currently served by other substations; and

WHEREAS, according to the applicant, as a result of re-zoning and an immediate need for an additional substation, it has attempted to purchase property located in the M1 district located near the site, where the Proposed Substation would be as-of-right; and

WHEREAS, the applicant claims that it has not been able to find an alternative property and that in order to provide sufficient service for the growing need for power in and around the area, it must do so by a specific deadline; and

WHEREAS, the record indicates that the applicant owns another property where the applicant's needs could be met as-of-right; and

WHEREAS, the applicant contends that the property which it owns on West 28th Street is not viable for a substation use; and

WHEREAS, the applicant represents that locating the Proposed Substation at 28th Street would result in a delay of at least one to two years in the required load relief, with an accompanying risk of service interruptions and increased use of temporary diesel generators; and

WHEREAS, the applicant claims that substation construction would substantially disrupt this site, which is the smallest workout facility in the applicant's service system; and

WHEREAS, the applicant further claims that this would result in an approximately \$30 million dollar increase in the cost of the substation, without benefit to the power distribution system; and

WHEREAS, finally, the applicant contends that the increased cable length required to locate the substation at 28th Street would result in diminished reliability because reliability varies inversely with the number of cables and splices in the network; and

WHEREAS, the Board has reviewed evidence in the record and finds that the applicant has failed to sufficiently support its claim that the delay and risk of service interruptions, disruption of the workout facility, extremely high cost, and the possibility of diminished reliability from increased cable length rise to the level of serious difficulties in the utilization of this site for a substation; and

WHEREAS, the Board also notes that a substation at the 28th Street location would only occupy a relatively small portion of the site; and

WHEREAS, the Board does not find credible the

claims of the applicant rise to the level specified in the special permit, specifically the serious difficulties in locating such use in a nearby district where it is permitted as-of-right; and

WHEREAS, the applicant initially promoted the Project as essential to meet the needs of the Chelsea network but then stated that the majority of the plant's capacity would be used for load relief in the Midtown South area and other areas; and

WHEREAS, the finding that in the case of public transit or railroad electric substations, that the site for such use has a minimal frontage of 50 feet and a minimum lot area of 4,500 square feet is not applicable; and

WHEREAS, this district allows department stores, theaters and other commercial uses that serve a larger area but it does not allow the inclusion of home maintenance and repair services that would interrupt the desired continuous retail frontage; and

WHEREAS, the applicant claims that the location and design of the Proposed Substation would minimize the interruption of the continuity of retail frontage; and

WHEREAS, the Site is currently a parking lot, with no retail frontage, and the record indicates that building to the north of the Site has retail frontage; and

WHEREAS, after a site visit, a review of testimony and the record the Board is not convinced that the site for such use is so located in Residence Districts as to minimize the interruption of the continuity of retail frontage; and

WHEREAS, the proposed Substation would range from one to four stories and from approximately 64 feet to 67 feet along the street wall to 93 feet to 96 feet at the tower behind the street wall; and

WHEREAS, the proposed Substation would be a steel framed building with facades consisting of masonry, glass, decorative metal screen, and louvers; and

WHEREAS, the area adjacent to the proposed substation is characterized by continuous commercial uses on ground floor and residential uses; and

WHEREAS, the Board finds that even with the architectural and landscaping treatment of such use, the interruption of the continuity of retail frontage with the rest of the area will not be minimal; and

WHEREAS, according to the applicant, the Proposed Substation, which would be similar in design to other existing substations in New York City, would conform with the performance standards contained in Z.R. §42-20 that are applicable in M1 districts and it would involve none of the undesirable hazards regulated thereby; and

WHEREAS, the Board believes that such use would conform to the performance standards applicable to M1 Districts; and

WHEREAS, the applicant claims that it has satisfied the findings required by Z.R. §73-16, as the Proposed Substation would also comply with the general findings of

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Z.R. §73-03, which requires that a special permit use shall conform to and comply with all of the applicable district regulations on use, bulk, supplementary use regulations, regulations applying along district boundaries, accessory signs, accessory off-street parking and off-street loading, and all other applicable provisions of the Zoning Resolution; and

WHEREAS, the applicant states that rather than proving the five findings set forth in §72-21, in a situation where a public utility proves that the proposed site is necessary to enable the company to provide safe and adequate service, and that no alternative sites are available that could be used with less disruption of the existing zoning, the Board must grant the variance; and

WHEREAS, also in a situation where the intrusion or burden on the community is minimal, the showing required by the utility is correspondingly reduced; and

WHEREAS, the Board finds that the applicant has failed to prove Public or Programmatic need under the variance portion of the application because they have failed to adequately demonstrate the inability to utilize their 28th Street location where the substation could be located as-of-right; and

WHEREAS, the Board finds that the applicant has failed to prove that no alternative sites are available that could be used with less disruption of the existing zoning or character of the community; and

WHEREAS, the Board also finds that the Proposed Substation is out of character with the neighborhood and the intrusion or burden on the community is not minimal; and

WHEREAS, the Board finds that the Proposed Substation application fails to meet the requirements of Z.R. §73-16 (a), (c) and (d), and it must be denied.

WHEREAS, the Board also finds that the application fails to meet the requirements as modified for a public utility of Z.R. §72-21, requiring it to demonstrate that it can provide safe and adequate service and that no alternative sites are available, and therefore it must be denied.

Therefore, it is Resolved that the decision of the Borough Commissioner must be sustained and the application denied.

Adopted by the Board of Standards and Appeals, June 4, 2002.

383-01-BZ
CEQR # 02-BSA-087K

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

SUBJECT - Application - under Z.R. §72-21, to permit the proposed enlargement of a single-family dwelling (Use Group 1) located in an R2 zoning district, which creates non-compliance with respect to front yard, side yard and front wall setback, contrary to Z.R. §§23-45, 23-461(a), 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 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 14, 2001, updated November 8, 2001 acting on Application No. 401229657, reads:

- “1) Proposed front yard of 6'-7" facing 46th Ave. (sic) does not meet the minimum 15 foot front yard requirement of an R2 zoning district (23-45) .
- 2) Proposed side yard of 3'-5" does not meet the minimum 5 foot side yard requirement of an R2 zoning district (23-461)(a)).
- 3) Proposed 6'-7" front yard setback facing 46th Ave. (sic) does not meet the minimum 15 foot front wall setback requirement in an R2 zoning district (23-631) .”; and

WHEREAS, a public hearing was held on this application on May 14, 2002 after due notice by publication in *The City Record*, and laid over to June 4, 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 enlargement of a single-family dwelling (Use Group 1) located in an R2 zoning district, which creates non-compliance with respect to front yard, side yard and front wall setback, contrary to Z.R. §§23-45, 23-461(a), 23-631; and

WHEREAS, the record indicates that the subject

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premises is an irregularly narrow corner lot consisting of two stories totaling 1,0245 square feet of floor area, yielding a home of only four rooms, including the kitchen; and

WHEREAS, the record indicates that the 25'-0" width of the lot yields a non-complying front yard of only 6'-7" facing 146th Place and that the proposed enlargement extending along 146th Place will therefore increase the degree of non-compliance of this front yard; and

WHEREAS, the applicant asserts that the narrowness of the lot also creates a front yard setback of only 6'- 7" from the property line, rather than the 15 feet required, and results in side yards at the rear of the 23'-0" building that are only 3'-5" rather than the required 5'-0"; and

WHEREAS, the proposed enlargement seeks to enlarge the house with the addition of a dining room and a third bedroom, and will further increase the aforementioned non-compliances ; and

WHEREAS, the applicant notes that a complying development would require two front yards and yield a house that is 5' wide; and

WHEREAS, the aforementioned unique physical conditions, the narrow and shallow lot, make its occupancy for a conforming R2 use impractical and create an unnecessary hardship and practical difficulty in developing the site in conformity with the current zoning; and

WHEREAS, the applicant represents and the Board agrees that given the applicable yard and setback requirements, no addition to the existing building is possible without a variance; and

WHEREAS, moreover, the application is for a bulk variance for a single family house and the Board has determined that no demonstration 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, evidence in the record indicates that 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.

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, to permit the proposed enlargement of a single-family dwelling (Use Group 1) located in an R2 zoning district, which creates non-compliance with respect to front yard, side yard and front wall setback, contrary to Z.R. §§23-45, 23-461(a), 23-631, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 7, 2001"-(5) sheets; and *on further condition*;

THAT a new Certificate of Occupancy shall be obtained within 4 years;

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;

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

Adopted by the Board of Standards and Appeals, June 4, 2002.

**17-02-BZ
CEQR # 02-BSA-110K**

APPLICANT - Fredrick A. Becker, Esq., for Park Slope Fifth Avenue, NY LLC, owner; Town Sports International dba New York Sports Club, lessee.

SUBJECT - Application January 7, 2002 - under Z.R. §73-36, to permit the proposed physical culture establishment, located in portions of the second and third floors, in an existing two and three-story commercial building, situated a C4-3 zoning district.

PREMISES AFFECTED - 445/455 Fifth Avenue (453 Fifth Avenue), east side, between Ninth and Tenth Streets, Block 1011, Lots 5 and 8, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

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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 Manhattan Borough Commissioner, dated March 8, 2002 acting on ALT. Application No. 301136367 reads:

“The proposed use is a Physical Culture Establishment on the 2nd and third floors of this project requires a special permit from the BSA per Sec. 32-31 of the Zoning resolution.”; and

WHEREAS, a public hearing was held on this application on May 7, 2002 after due notice by publication in *The City Record* and laid over to June 4, 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-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 73-36 to permit the proposed physical culture establishment, located in portions of the second and third floors, in an existing two and three-story commercial building, situated a C4-3 zoning district; and

WHEREAS, the applicant states that the total floor area of the physical culture establishment will be 20,521 square feet; and

WHEREAS, the applicant maintains that the remainder of the subject premises is currently occupied by as-of-right uses which are not part of this application; and

WHEREAS, the applicant represents that the interior space is specifically arranged to allow for the location of athletic equipment and that it contains facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics and martial arts; and

WHEREAS, the applicant states that massages will all be performed by licensed massage therapists; and

WHEREAS, the applicant has agreed to comply with the Fire Department’s requirements; and

WHEREAS, the applicant represents that sound attenuation measures, including insulated walls, a sound limiting system under locked control, and sound insulating measures for the rooftop air conditioner, will be installed; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, the Department of Investigation has

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-36 and 32-10; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §73-36 to permit the proposed physical culture establishment, located in portions of the second and third floors, in an existing two and three-story commercial building, situated a C4-3 zoning district, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked “Received January 7, 2002”-(7) sheets, “March 14, 2002”-(1) sheet and “May 21, 2002”-1 sheet; and *on further condition*;

THAT all massages will all be performed by New York State licensed massage therapists;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT sound attenuation measures, including insulated walls, a sound limiting system under locked control, and sound insulating measures for the rooftop air conditioner, shall be installed;

THAT fire protection measures, including a fire alarm system, an auto-wet sprinkler system and a smoke detection system with all three systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of ten (10) years from the date of this grant;

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

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

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;

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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, June 4, 2002.

36-02-BZ

CEQR # 02-BSA-123M

APPLICANT - Fredrick A. Becker, Esq., for 117 West 72nd LLC, owner; Airmid LLC, lessee.

SUBJECT - Application January 22, 2002 - under Z.R. § 73-36, to permit the proposed physical culture establishment, located on the second floor, in an existing vacant five-story commercial building, situated a C4-6A zoning district.

PREMISES AFFECTED - 117 West 72nd Street, north side, 127' west of Columbus Avenue, Block 1144, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Fredrick A. Becker.

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 Manhattan Borough Commissioner, dated December 28, 2001 acting on Application No. 103066389 reads:

“The proposed occupancy, Physical Culture Establishment requires a special permit from BSA as per Sec. 32-31 of Z.R. pursuant to Section 73-36.”; and

WHEREAS, a public hearing was held on this application on May 7, 2002 after due notice by publication in *The City Record* and laid over to June 4, 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-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 73-36 to permit the proposed physical culture establishment, located on the second floor, in an existing vacant five-story commercial building, situated a C4-6A zoning district; and

WHEREAS, by a resolution dated April 2, 2002, Community Board #7 approved this application; and

WHEREAS, the applicant represents that the proposed physical culture establishment will have a total floor area of 3,900 square feet; and

WHEREAS, the applicant maintains that the remainder of the subject premises is currently occupied by as-of-right uses which are not part of this application; and

WHEREAS, the applicant represents that the interior space is specifically arranged to allow for the location of athletic equipment and that it contains facilities for classes, instruction and programs for physical improvement, body building, and weight reduction; and

WHEREAS, the applicant states that the facility will be operated as a personalized training center with one on one individual training between the trainer and the patron, and that occupancy will be limited, most likely fewer than 15 persons at any one time; and

WHEREAS, the applicant indicates that massages will all be performed by licensed massage therapists; and

WHEREAS, pursuant to the Fire Department’s recommendations, an interior fire alarm system and smoke detection system connected to a Fire Department approved central station will be installed; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-36 and 32-10; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. § 73-36 to permit the proposed physical culture establishment, located on the second floor, in an existing vacant five-story commercial building, situated a C4-6A zoning district, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked “Received January 22, 2002”-(5) sheets and “May 21, 2002”-(1) sheet; and *on further condition*;

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THAT all massages will all be performed by New York State licensed massage therapists;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT fire protection measures, including a fire alarm system and a smoke detection system connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of ten (10) years from the date of this grant;

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

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

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, June 4, 2002

125-01-BZ thru 128-01-BZ

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

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.

PREMISES AFFECTED -

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

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

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

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

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Stuart Klein.

For Administration: John Scrofani, Fire Department.

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

229-01-A thru 232-01-A

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

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.

PREMISES AFFECTED -

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

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

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

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

COMMUNITY BOARD #3BK

APPEARANCES -

For Administration: John Scrofani, Fire Department.

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

136-01-BZ

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

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

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

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO REOPEN HEARING -

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

Negative:0

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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.

143-01-BZ

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

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

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

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Lyra Altman.

For Opposition: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2 P.M., for defer decision, hearing closed.

149-01-BZ

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

SUBJECT - Application April 20, 2001 - under Z.R. §72-21, to permit the proposed inclusion of the first and cellar floor areas of an existing six story building for residential use, which does not comply with the zoning requirements floor area ratio, open space ratio, zoning rooms and bedrooms windows, which is contrary to Z.R. §23-14, §23-223, §23-553 and §23-861.

PREMISES AFFECTED- 88/90 Jane Street, a/k/a357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein, Barbara Hair

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

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 18, 2002, at 2 P.M., for decision, hearing closed.

150-01-A

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

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

PREMISES AFFECTED- 88/90 Jane Street, a/k/a357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein, Barbara Hair

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

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 18, 2002, at 2 P.M., for decision, hearing closed.

201-01-BZ

APPLICANT- Sheldon Lobel, P.C., for John Lage, owner.

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

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

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO REOPEN HEARING -

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

Negative:0

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 25, 2002, at 2 P.M., for decision, hearing closed.

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215-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for 185 Union Realty, LLC, owner.

SUBJECT - Application June 13, 2001 - under Z.R. §72-21, to permit the proposed construction of a four story and cellar multiple dwelling (Use Group 2) located in an M3-1 zoning district, is contrary to Z.R.§42-10.

PREMISES AFFECTED - 85 Union Avenue, southwest corner of Lorimer Street, Block 2245, Lot 24, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Fredrick Becker.

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

304-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Kneseth Bais Yaakov by Rabbi Kahn, owner.

SUBJECT - Application February 26, 2002 - under Z.R. §72-21, to permit the proposed community facility (Use Group 4) located in R2 zoning district, which creates non-compliance with respect to floor area ratio, open space ratio, front and side yards, perimeter wall height/sky exposure and parking, which is contrary to Z.R. §24-11, §24-34, §24-35, §24-521 and §25-18.

PREMISES AFFECTED - 1720 Avenue "J", southwest corner of East 18th Street, Block 6719, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman, Rabbi Kahn, Sheldon Lobel, Richard Bienenfeld, Edward Klein and others.

For Opposition: David Roth, Milton Pincus, Dr. Leon A. Petch, Herzl S. Eisenstadt and Nathan Weinman.

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 18, 2002, at 2 P.M., for decision, hearing closed.

322-01-BZ

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

SUBJECT - Application November 2, 2001 - under Z.R. §72-21 to permit the proposed construction of a 23 unit multiple dwelling and synagogue, Use Group 4 and 2, in an R6A zoning district, which does not comply with the zoning

requirements for floor area, side yard, base and building heights, is contrary to Z.R. §23-145, §23-633 and §23-51. PREMISES AFFECTED - 402 Avenue "U", southern corner of East 2nd Street, Block 7129, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Howard Hornstein.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 13, 2002, at 2 P.M., for continued hearing.

366-01-BZ

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

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed conversion of a six story manufacturing building, into residential dwellings, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 500 Driggs Avenue, aka 482/504 Driggs Avenue, through lot fronting North 9th and 10th Streets, Block 2305, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane, Sheldon Lobel, Michael Wartzburg, Gary McDvrmnet and Jerry Jacobs.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 9, 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.

THE VOTE TO CLOSE HEARING -

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

Negative:0

MINUTES

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

27-02-BZ

APPLICANT - Omer Fenik, Architects, Omer E. Fenik, R.A., for 287 Hudson Realty Corp., owner.

SUBJECT - Application January 15, 2002 - under Z.R. §72-21, to permit the legalization of the second floor conversion from office, to residential use within the existing four story mixed use building, located in an M1-6 zoning district, is contrary to Z.R. §52-35.

PREMISES AFFECTED - 287 Hudson Street, west side, 50'-0" south of Spring Street, Block 594, Lot 81, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Doris Diether, Community Board #2.

For Opposition: Stuart Klein.

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 2 P.M., for decision, hearing closed.

70-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Joseph and Pearl Shapiro, owner.

SUBJECT - Application February 26, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which creates non-compliance with respect to floor area ratio, open space ratio, side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 1456 East 26th Street, between Avenues "N and O", Block 7679, Lot 75, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

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 18, 2002, at 2 P.M., for decision, hearing closed.

81-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Beth Jacob Day School, owner.

SUBJECT - Application March 20, 2002 - under Z.R. §72-21, to permit the proposed construction of a religious high school (Yeshiva), Use Group 3, located in an R5 Special Ocean Parkway zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, street wall, total height, side yards and loading, is contrary to Z.R. §113-11, §23-141(b), §23-622(d), §23-462(a) and §113-22(b).

PREMISES AFFECTED - 100 Lawrence Avenue, aka 98/102 Lawrence Avenue, south side, 50' west of the intersection of Lawrence Avenue and Seton Place (East 3rd Street), Block 5422, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Moshe Friedman.

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 2 P.M., for decision, hearing closed.

92-02-BZ

APPLICANT - Paul, Hastings, Janofsky & Walker, LLP, by Elise Wagner, Esq., and Jeremiah H. Candreva, Esq., for Alvin Ailey Dance Foundation, owner.

SUBJECT - Application March 28, 2002 - under Z.R. §72-21, to permit the proposed development of a new building, (Alvin Ailey Dance Foundation), Use Group 4, located in an R8(C1-5)/C6-2 zoning district and The Preservation of the Special Clinton District, which does not comply with the zoning requirements for lot coverage, initial setback distance and height, which is contrary to §96-102 and §33-341.

PREMISES AFFECTED - 841/49 Ninth Avenue and 401/09 West 55th Street, northwest corner, Block 1065, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Elise Wagner and Sharon Luckma.

THE VOTE TO CLOSE HEARING -

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

Negative:0

MINUTES

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

Pasquale Pacifico, Executive Director.

Adjourned: 4:50 P.M.

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