
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

Volume 88, Nos. 1-3

January 16, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEBY

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - Counsel

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

| | |
|--------------------------------------|-----|
| DOCKET | 4 |
| CALENDAR of February 4, 2003 | |
| Morning | 6 |
| Afternoon | 8 |
| CALENDAR of February 11, 2003 | |
| Morning | 9 |
| Afternoon | 10. |

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, January 7, 2003**

Morning Calendar10

Affecting Calendar Numbers:

| | |
|---------------|--|
| 1673-61-BZ | 264 Winthrop Street, Brooklyn |
| 1207-66-BZ | 305 Washington Avenue, Brooklyn |
| 1237-66-BZ | 1 East 233 rd Street, The Bronx |
| 106-76-BZ | 129-03 North Conduit Avenue, Queens |
| 172-86-BZ | 256-10 Union Turnpike, Queens |
| 111-94-BZ | 3543-49 Broadway, Manhattan |
| 174-94-BZ | 99-07 Roosevelt Avenue, Queens |
| 467-71-BZ | 56-01 Main Street, Queens |
| 13-78-BZ | 144-20 Liberty Avenue, Queens |
| 165-98-BZ | 3701 Mermaid Avenue, Brooklyn |
| 551-37-BZ | 233-02 Northern Boulevard, Queens |
| 211-74-BZ | 1004-1022 Second Avenue, Manhattan |
| 374-75-BZ | 380-394 Amsterdam Avenue, Manhattan |
| 1043-80-BZ | 1680/88 Albany Avenue, Brooklyn |
| 478-91-BZ | 1911 Richmond Avenue, Staten Island |
| 217-02-A | 20 Englewood, Staten Island |
| 219-02-A thru | |
| 221-02-A | Watson Place, Queens |
| 251-02-A | 11 Suffolk Walk, Queens |
| 260-02-A | 129-02 Liberty Avenue, Queens |
| 340-02-A | 19 Atlantic Walk, Queens |
| 349-02-A | 183-01 Horace Harding Expressway, Queens |

CONTENTS

Afternoon Calendar.....19

Affecting Calendar Numbers:

| | |
|--------------------|--|
| 234-01-BZ | 80 North 5 th Street, Brooklyn |
| 263-01-BZ | 85/101 North Third Street, Brooklyn |
| 374-01-BZ | 836 Kent Avenue, Brooklyn |
| 375-01-BZ | 838 Kent Avenue, Brooklyn |
| 144-02-BZ/145-02-A | 113-40 Merrick Boulevard, Queens |
| 179-02-BZ | 158-05 Union Turnpike, Queens |
| 182-02-BZ | 2990 Victory Boulevard, Staten Island |
| 204-02-BZ | 144-31 Farmers Boulevard, Queens |
| 249-02-BZ | 2501 Grand Concourse, The Bronx |
| 262-02-BZ | 4801 Tenth Avenue, Brooklyn |
| 249-01-BZ | 9 White Street, Brooklyn |
| 297-01-BZ | 201 East 23 rd Street, Manhattan |
| 363-01-BZ thru | |
| 365-01-BZ | 3304, 3306 & 3308 Rombourts Avenue, The Bronx |
| 366-01-BZ | 500 Driggs Avenue, Brooklyn |
| 373-01-BZ | 372 Avenue U, Brooklyn |
| 83-02-BZ | 925 Bergen Street, Brooklyn |
| 226-02-BZ | 319/21 East 21 st Street, Manhattan |
| 229-02-BZ thru | |
| 231-02-BZ | 24, 32 & 42 Walton Street, Brooklyn |
| 236-02-BZ | 2324 Avenue R, Brooklyn |
| 240-02-BZ | 1745 East 23 rd Street, Brooklyn |
| 339-02-BZ | 147-65/76 Springfield Boulevard, Queens |

DOCKET

New Case Filed Up to January 7, 2003

366-02-BZ B.BK. 2702 Avenue "M" aka 1301 East 27th Street, southeast corner, Block 7663, Lot 44, Borough of Brooklyn. Alt.#301476203.

Proposed conversion of a two family dwelling, to a synagogue and Rabbi's apartment (rectory), Use Group 4, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, front yard, lot coverage and side yards, is contrary to Z.R. §24-111, §23-141, §24-34, §24-35.

COMMUNITY BOARD #14BK

367-02-BZ B.M. 434 East 75th Street, between First and York Avenues, Block 1469, Lot 34, Borough of Manhattan. Alt.#103336267. The legalization of an existing dance studio, Use Group 9, located in the cellar of a five story multi-family building, is not permitted in an R8-B zoning district, and is therefore contrary to Z.R. §22-10.

COMMUNITY BOARD #8M

368-02-BZ B.M. 22/36 Astor Place, aka 443/49 Lafayette Street and aka 64/78 Cooper Square, blockfront of Astor Place, between Lafayette Street and Cooper Square, Block 544, Lot 22, Borough of Manhattan. Applic.#103219553. Proposed development of a 22 story and cellar mixed use building, on a site divided by a district boundary, requires a special permit from the Board under Z.R. §73-52, to extend the C6-2 use and bulk regulations 25' into the adjacent M1-5B zoning district.

COMMUNITY BOARD #2M

369-02-BZ B.M. 785 Washington Street, east side, between Jane and Horatio Streets, 25' north of Jane Street, Block 642, Lot 39, Borough of Manhattan. Applic.#103309279. Proposed conversion of an existing two-story commercial building into a residential dwelling, with a minor rooftop addition, located in a C8-4 is contrary to Z.R. §32-10 and §15-021.

COMMUNITY BOARD #2M

370-02-BZ B.Q. 56-14 Main Street, between Booth Memorial and 56th Avenues, 100' south of 56th Avenue, Block 5133, Lot 40, Borough of Queens. Applic.#401482766.

The legalization of the conversion of the second floor of an existing two story structure, to a medical office, Use Group 4, located within an R4 zoning district, and also does not comply with the zoning requirements for rear yard, is contrary to Z.R. §22-14 and §24-36.

COMMUNITY BOARD #7Q

371-02-BZ B.Q. 56-24 Main Street, between Booth Memorial and 56th Avenues, 210' south of 56th Avenue, Block 5133, Lot 45, Borough of Queens. Applic.#401482784. The legalization of the conversion of the second floor of an existing two story structure, to a medical office, Use Group 4, located within an R4 zoning district, and also does not comply with the zoning requirements for rear and side yards, is contrary to Z.R. §22-14, §24-35 and §24-36.

COMMUNITY BOARD #7Q

372-02-BZ B.Q. 56-26 Main Street, between Booth Memorial and 56th Avenues, 230' south of 56th Avenue, Block 5133, Lot 47, Borough of Queens. Applic.#401482891. The legalization of the conversion of the second floor of an existing two story structure, to a medical offices, Use Group 4, located within an R4 zoning district, and also does not comply with the zoning requirements for rear and side yards, is contrary to Z.R. §22-14, §24-35 and §24-36.

COMMUNITY BOARD #7Q

373-02-BZ B.Q. 56-44 Main Street, between Booth Memorial and 56th Avenues, 230' south of 56th Avenue, Block 5133, Lot 45, Borough of Queens. Applic.#401482775. The legalization of the conversion of the second floor of an existing two story structure, to medical offices, Use Group 4, located within an R4 zoning district, and also does not comply with the zoning requirements for rear and side yards, is contrary to Z.R. §22-14, §24-35 and §24-36.

COMMUNITY BOARD #7Q

DOCKET

374-02-BZ B.Q. 267-20 74th Avenue, block bounded by 74th and 76th Avenues, also 263rd Street and the Queens/Nassau Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of 4 Queens. N.B.#401573784. Proposed 1,660 space parking garage, located within the medical center campus, in an R3-2 zoning district, which exceeds the number of spaces permitted by Z.R. §§25-12 and 25-13, and also will have rooftop parking that is only permitted pursuant to Z.R. §25-11, requires a special permit from the Board as per Z.R. §73-481 and §73-49.

COMMUNITY BOARD #13Q

375-02-BZ B.BK. 1559 59th Street, north side, 200' west of 16th Avenue, Block 5502, Lot 54, Borough of Brooklyn. N.B.#301480733. Proposed new synagogue and Rabbi's apartment (rectory), Use Group 4, located in an R5 zoning district, which does not comply with the zoning requirements for floor area, side yards, front yard, maximum lot coverage, front wall height, narrow outer court and the sky exposure plane, is contrary to Z.R. §24-11, §24-34, §24-35, §24-521 and §24-631.

COMMUNITY BOARD #12BK

376-02-BZ B.BK. 916 East 23rd Street, west side, 100'-0" south of Avenue "I", Block 7586, Lot 52, Borough of Brooklyn. Applic.#301480966. Proposed two story rear 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, open space ratio and rear yard, is contrary to Z.R. §23-141, §54-31 and §23-47.

COMMUNITY BOARD #14BK

377-02-BZ B.BK. 163/65 Parkville Avenue, north side, 198' west of Ocean Parkway, Block 5423, Lots 60 and 61, Borough of Brooklyn. Alt.1#301340582. The proposed merging and expansion of two, two-story plus basement buildings, to become one-three story, cellar and basement synagogue, with Rabbi's apartment, Use Group 4, located in an R5 zoning district, which creates non-compliance with respect to lot coverage ratio, also side and rear yards, is contrary to Z.R. §24-11, §24-35 and §24-36.

COMMUNITY BOARD #12BK

1-03-BZ B.Q. 128-05 Hawtree Creek Road, southwest corner of 109th Avenue, Block 11609, Lot 1, Borough of Queens. Applic.#401547643. Proposed erection of

a two story, two family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirements for zoning lot, front yards, floor area, and will have the required parking located within the front yard, is contrary to Z.R. §23-45, §23-141, §23-32 and §23-44.

COMMUNITY BOARD #10BK

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

FEBRUARY 4, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, February 4, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

152-95-BZ

APPLICANT - Gerald J. Caliendo, R.A., for McDonald's Corporation, owner; Krim Kris, Inc., lessee.

SUBJECT - Application July 1, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 2, 2001.

PREMISES AFFECTED - 32-55 31st Street, east side of 31st Street 256.97' north of 34th Avenue and 31st Street, Block 611, Lot 11, Borough of Queens.

COMMUNITY BOARD #1Q

FEBRUARY 4, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, February 4, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

178-02-BZ

APPLICANT - Dominick Salvati & Son Architects, for Diego Salazar, owner.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21 to permit 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.

PREMISES AFFECTED - 57 Eagle Street aka 233 Franklin Street, northwest corner, Block 2494, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #1BK

274-02-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Products N.A. (owner lot 18), owner; Gasatria Oil Corporation, lessee.

SUBJECT - Application October 9, 2002 - under Z.R. §73-50 to permit the proposed construction of a new automotive service

317-02-A

APPLICANT - Rampulla Associates Architects, for Lee Ugo, owner.

SUBJECT - Application October 25, 2002 - Proposed erection of a one family dwelling, located within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

station, with an accessory convenience store, Use Group 16, located in a C8-3 zoning district, situated within the required 30' rear yard setback along district boundary, which requires a special permit.

PREMISES AFFECTED - 2350 Jerome Avenue, between 184th Street and North Street, Block 3187, Lots 14 and 18, Borough of The Bronx.

COMMUNITY BOARD #5BX

278-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Steven Mishan, owner.

SUBJECT - Application October 16, 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, also side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 4056 Bedford Avenue, between Avenues "S" and "T", Block 7303, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #15BK

286-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Moshe & Sima Mehlman, Contract Vendee.

SUBJECT - Application October 25, 2002 - under Z.R. §73-622 to permit the proposed enlargement to an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, rear and side yards, is contrary to Z.R. §23-141, §23-47 and §23-461.

PREMISES AFFECTED - 1111 East 26th Street, between Avenues "K" and "L", 100' south of Avenue "K", Block 7626, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #14BK

316-02-BZ

APPLICANT - Rampulla Associates Architects, for Lee Ugo, owner.

SUBJECT - Application October 25, 2002 - under Z.R. §72-21 to permit the proposed erection of a one family dwelling, Use Group 1, located in an R3-1 zoning district, which is deficient in the required lot area and does not have the required front yards, is contrary to Z.R. §§23-32, 23-45 and 107-461.

PREMISES AFFECTED - 175 Buffalo Street, northeast corner of Durant Avenue, Block 4979, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

PREMISES AFFECTED - 175 Buffalo Street, northeast corner of Durant Avenue, Block 4979, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #3SI

344-02-BZ

CALENDAR

APPLICANT - Sheldon Lobel, P.C., for Amerada Hess Corp., owner.

SUBJECT - Application November 18, 2002 - under Z.R. §73-50 to permit the proposed redevelopment of an existing automotive service station at said premises, with an accessory convenience store, located within the required 30' rear yard setback along the district boundary, which requires a special permit.

PREMISES AFFECTED - 3501 Fort Hamilton Parkway, between 36th Street and Chester Avenue, Block 5302, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #12BK

Pasquale Pacifico, Executive Director

FEBRUARY 11, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, February 11, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

426-54-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Howard Levine, owner.

SUBJECT - Application April 4, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired April 22, 2000 and Application November 12, 2002 for an amendment to the resolution.

PREMISES AFFECTED - 78-11 Linden Boulevard, northwest corner of Linden Boulevard and 79th Street, Block 11376, Lot 23, Borough of Queens.

COMMUNITY BOARD #10Q

421-62-BZ

APPLICANT - Omer Fenik Architects, for Gotham Towne House Owners Corp., owner; Rapid Park Industries, lessee

SUBJECT - Application August 22, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expires November 20, 2003.

PREMISES AFFECTED - 153 East 57th Street, intersection of
SUBJECT - Application April 15, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, Use Group 9, located in the cellar of a six story building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 42 Avenue "A", northeast corner of East Third Street, Block 399, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #3M

223-02-BZ & 224-02-A

APPLICANT - Sheldon Lobel, P.C., for 320 West 84th Street, Corp, owner.

East 57th Street, 120' west of Third Avenue, Block 1312, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #6M

830-62-BZ

APPLICANT - Omer Fenik Architects, for 157 East 57th Street, LLC, owner; Rapid Park Industries, lessee.

SUBJECT - Application August 22, 2002 - reopening for an extension of term of variance which expired November 29, 2002.
PREMISES AFFECTED - 157 East 57th Street, northwest corner of Third Avenue and East 57th Street, Block 1312, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEALS CALENDAR

2-03-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Steven & Denise Domenech, lessees.

SUBJECT - Application January 8, 2002 - proposed construction of a new second floor and upgrade of the septic system for a home which lies within an R4 district, but does not front on a mapped street which is contrary to Article 3, Section 36(2) of the General City Law and Section 27-291 of the Building Code.

PREMISES AFFECTED - 37 Bedford Avenue, east side 150' south of Bayside, Block 16350, Part of Lot 300, Borough of Queens.

FEBRUARY 11, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, February 11, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

120-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Abraham Lokshin, owner; Dolphin Fitness, Inc., lessee.

SUBJECT - Application August 6, 2002 - under Z.R. §73-621 to permit the legalization of an existing rental apartment in the cellar of a six story building, located in an R8B zoning district, which increases the degree of non-compliance with respect to floor area ratio and open space ratio, which is contrary to Z.R. §23-142 and §54-31; and does not comply with §§34.6 and 216 of the Multiple Dwelling Law and § 27-2082 and 27-2085 of the Housing Maintenance Code.

PREMISES AFFECTED - 320 West 84th Street, between Riverside Drive and West End Avenue, Block 1245, Lot 86, Borough of Manhattan.

COMMUNITY BOARD #7M

CALENDAR

228-01-BZ

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

SUBJECT - Application Remanded back to BSA as per Supreme Court Decision

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

COMMUNITY BOARD #4BX

244-02-BZ & 245-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for 361 West 34th Street Corp., owner; B & B Gym, Inc., lessee.

SUBJECT - Application September 9, 2002 - under Z.R. §73-36 to permit the proposed physical culture establishment, on the second floor of a four story commercial building, to be located in two separate buildings with a convenience opening, requires a special permit as per Z.R. §32-00.

PREMISES AFFECTED - 365/67 West 34th Street, north side, 58.6' east of Ninth Avenue, Block 758, Lot 5, Borough of Manhattan.

373 West 34th Street, northwest corner of Ninth Avenue, Block 758, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

322-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Marylena Auto Repair Inc., owner.

SUBJECT - Application October 29, 2002 - under Z.R. §73-211 to permit the reestablishment of an expired variance, previously granted under Cal. No. 80-88-BZ, which permitted an automotive service station in a C2-2 zoning district, also the proposed addition of a new steel canopy, concrete dispenser island with dispensers and doublewall fiberglass tanks, which is contrary to Z.R. §32-35.

PREMISES AFFECTED - 1840 Richmond Terrace, between Clove Road and Bodine Street, Block 201, Lot 32, Borough of

REGULAR MEETING

TUESDAY MORNING, JANUARY 7, 2003

10:00 A.M.

Present: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

Absent: Chairman Chin and Vice-Chair Babbar

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, November 19 2002, were approved as printed in the Bulletin of November 28, 2002, Volume 87, No. 47.

SPECIAL ORDER CALENDAR

Staten Island.

COMMUNITY BOARD #1SI

323-02-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Irving J. Gotbaum, Esq., for 783 W. Street Corp./Blansig Realty Corp., c/o

Kenneth B. Frankel, owner; Sean MacPherson, contract vendee. SUBJECT - Application October 29, 2002 - under Z.R. §72-21 to permit the proposed conversion of an existing commercial building, to a single family residence, Use Group 2, located in a C8-4 zoning district, is contrary to Z.R. §§15-021 & 32-10.

PREMISES AFFECTED - 783 Washington Street, east side, corner of Washington and Jane Streets, Block 642, Lot 38. Borough of Manhattan.

COMMUNITY BOARD #2M

351-02-BZ

APPLICANT - Stadtmauer Bailkin, LLP by Steven Sinacori, for 33-11 Associates, owner; Operative Cake Company, lessee.

SUBJECT - Application December 3, 2002 - under Z.R. §72-21 to permit the reestablishment of an expired variance previously granted under Cal. No. 662-69-BZ, which permitted the operation of a food warehouse and distribution facility, Use Group 17, in an R5 zoning district.

PREMISES AFFECTED - 33-55 11th Street, aka 33-41/47th 11th Street, between 33rd Road and 34th Avenue, and 11th and 12th Streets, Block 318, Lot 15, Borough of Queens.

COMMUNITY BOARD #1Q

Pasquale Pacifico, Executive Director

1673-61-BZ

APPLICANT - Victoria St. Clair, for Victoria St. Clair, owner. SUBJECT - Application August 16, 2002 - reopening for an extension of term of variance which expired October 25, 2002.

PREMISES AFFECTED - 264 Winthrop Street, south side 252'.6" West of Nostrand Avenue, Block 5050, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES -

For Applicant: Victoria St. Clair.

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

THE VOTE TO GRANT -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

MINUTES

THE RESOLUTION -

WHEREAS, the applicant has requested a re-opening for an extension of the term of the variance, permitting a non-transient parking lot, which expired on October 25, 2002; and

WHEREAS, a public hearing was held on this application on December 17, 2002, after due notice by publication in The City Record, laid over to January 7, 2003 for decision; and

WHEREAS, the applicant represents that there are no substantial changes from what was previously approved by the Board;

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 pursuant to Z.R. §11-411, reopens and extends the term of the variance, said resolution having been adopted June 26, 1962, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional ten (10) years from the October 25, 2002 to expire on October 25, 2012, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received October 30, 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 the conditions from all prior BSA resolutions for this site shall remain in effect;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT a License from the Department of Consumer Affairs shall be obtained within one year from the date of this grant, and

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: H. Irving Sigman.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened for an extension of term of variance and resolution amended.

THE VOTE TO GRANT -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated September 18, 2002, acting on Application No. 301369800 reads:

"the proposed extension of the term of the variance and the proposed minor modifications of the artist supply & bookstore, Use Group 6, of providing additional sales area and accessory office space in lieu of a portion of the storage area at the basement level are contrary to the Board of Standards and Appeals Resolution Cal. #1207-66 BZ, adopted on March 16, 1993, and are referred back to the Board for reconsideration."; and

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a re-opening for an amendment to the

that a copy of the License shall be forwarded to the Board's Executive Director by January 7, 2004; and

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 grant;

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

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

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

(DOB # 3235/61)

Adopted by the Board of Standards and Appeals, January 7, 2003.

1207-66-BZ

APPLICANT - H. Irving Sigman, for Young Kil Kwon, owner.
SUBJECT - Application October 10, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired July 5, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 305 Washington Avenue, a/k/a 321 Dekalb Avenue, northeast corner of Washington and Dekalb Avenue, Block 1918, Lot 7501, Borough of Brooklyn.

resolution and an extension of the term of the variance which expired on July 5, 2002; and

WHEREAS, a public hearing was held for this application on December 10, 2002, after due notice by publication in The City Record, laid over to January 7, 2003 for decision; and

WHEREAS, the applicant seeks to amend the resolution to permit the replacement of storage area with additional sales area and accessory office space on the basement level of the subject premises; and

WHEREAS, the applicant represents that there will be no visible alterations to the exterior of the premises.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to §11-413, said resolution having been adopted on May 2, 1967, so that as amended this portion of the resolution shall read:

"To extend the term of the variance for a period of ten (10) years from July 5, 2002, to expire on July 5, 2012, and to permit additional sales area and accessory office space on the basement level in place of storage area; on condition

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received October 10, 2002"-(6) sheets; and on further condition

THAT the conditions from all prior BSA resolutions for this

MINUTES

site shall remain in effect;

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

THAT a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant;

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

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

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

Adopted by the Board of Standards and Appeals, January 7, 2003.

1237-66-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Products, N.A., owner.

SUBJECT - Application August 15, 2002 - reopening for an extension of time to complete construction and obtain a certificate of occupancy.

PREMISES AFFECTED - 1 East 233rd Street, northeast corner of Van Cortland Park East and East 233rd Street, Block 3363, Lots 18 and 23, The Bronx.

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

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

THAT the 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, January 7, 2003.

106-76-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Amerada Hess Corp., owner.

SUBJECT - Application September 27, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired July 20, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 129-03 North Conduit Avenue,

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Janice Cahalan.

ACTION OF THE BOARD - Application reopened and time to obtain Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION-

WHEREAS, the applicant requested a re-opening for an extension of the time to obtain a Certificate of Occupancy which expired on November 14, 2002; and

WHEREAS, a public hearing was held on this application on October 8, 2002, after due notice by publication in The City Record, and laid over to November 26, 2002 and then to January 7, 2003 for decision; and

WHEREAS, on April 11, 1967, the Board granted an application under §§72-01 and 72-22 permitting the erection and maintenance of a gasoline service station with accessory uses.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution to extend the time to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

"THAT a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant; on further condition

northeast corner of 129th Street, Block 11863, Lot 12, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Carl A. Sulfaro, Esq.

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

THE VOTE TO GRANT -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated September 23, 2002, acting on Application No. 401504412 reads:

- A1) PROPOSED NEW CONVENIENCE STORE, CHANGES TO THE FUEL DISPENSING AREA WITH ADDITIONAL PUMPS, NEW CANOPY, ALTERATION TO THE PROPERTY AND MODIFICATIONS OF CURB CUTS IS CONTRARY TO BSA #106-76 BZ ALSO PROPOSING TO CONTINUE TO OCCUPY THE PROPERTY AS A GASOLINE SERVICE STATION BEYOND JULY 20th, 2001 IS CONTRARY TO BSA CAL. 106-76 BZ

- 2) EXTEND USE PERMITTED BY 105-76 BZ

MINUTES

EXPIRED 7-20-2001. REFER BACK TO BSA REQUIRED."; and

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a re-opening for an amendment to the resolution and an extension of the term of the variance which expired on July 20, 2001; and

WHEREAS, a public hearing was held for this application on December 10, 2002, after due notice by publication in The City Record, laid over to January 7, 2003 for decision; and

WHEREAS, on July 20, 1976, an application was granted by the Board under Z.R.§72-21 to permit the erection and maintenance of an automotive service station with accessory uses; and

WHEREAS, the applicant now seeks to amend the resolution to permit the addition of a one-story convenience store, new fuel dispensers, a new canopy and alteration to the existing curb cuts.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to Z.R.§72-01, said resolution having been adopted on July 20, 1976, amended through August 4, 1998, so that as amended this portion of the resolution shall read:

"To extend the term of the variance for a period of 10 years from July 20, 2001 to expire on July 20, 2011, and to permit the addition of a one-story convenience store, new fuel dispensers, a new canopy and alteration to the existing curb cuts; on condition

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received September 27, 2002"-(6) sheets, and "December 31, 2002"-(1) sheet; and on further condition

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

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

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

Adopted by the Board of Standards and Appeals, January 7, 2003.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and pursuant to Z.R. "72-01 and 72-22, reopens and extends the term of the variance, said resolution having been adopted March 31, 1987, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional ten (10) years from the March 31, 2002 to expire on March 31, 2012, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received March 27, 2002"-(3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

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."

(DOB # 400227447)

Adopted by the Board of Standards and Appeals, January 7, 2003.

172-86-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, Llp for Jomar Associates, LLC, NY, owner.

SUBJECT - Application March 27, 2002 - reopening for an extension of term of variance which expired March 31, 2002.

PREMISES AFFECTED - 256-10 Union Turnpike, southside Union Turnpike, 84.65' east of 256th Street, Block 8693, Lot 14, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Hiram. Rothkrug.

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

THE VOTE TO GRANT -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION -

WHEREAS, the applicant has requested a re-opening and an extension of the term of the variance, permitting a professional office building in an R2 district, which expired on March 31, 2002; and

WHEREAS, a public hearing was held on this application on December 10, 2002, after due notice by publication in The City Record, laid over to January 7, 2003 for decision; and

WHEREAS, the applicant represents that there are no substantial changes from what was previously approved by the Board;

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

111-94-BZ

MINUTES

APPLICANT - Jay Segal, Esq., Greenberg Traurig, LLP, for 25-02 Eighth Avenue Corp., owner.

SUBJECT - Application March 29, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of special permit which expired April 5, 2000.

PREMISES AFFECTED - 3543-49 Broadway, northwest intersection of Broadway and West 145th Street, Block 2092, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: Jay Segal.

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

THE VOTE TO GRANT -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE
" To extend the term of the variance for a period of five (5) years from April 4, 2000 to expire on April 4, 2005; on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received January 6, 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 License from the Department of Consumer Affairs shall be obtained within one year from the date of this grant, and that a copy of the License shall be forwarded to the Board's Executive Director by January 7, 2004; and

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 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.

(DOB N.B. Application No. 100494635)

Adopted by the Board of Standards and Appeals, January 7, 2003.

174-94-BZ

APPLICANT - Carl A. Sulfaro, Esq., for David Rosero, owner; Carlandia Auto Sales, lessee.

SUBJECT - Application May 23, 2002 - reopening for an extension of term of variance which expired May 6, 2002.

PREMISES AFFECTED - 99-07 Roosevelt Avenue, northwest corner of 99th Street, Block 1765, Lot 44, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

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

RESOLUTION -

WHEREAS, the application seeks to waive the Rules of Practice and Procedure and to extend the term of the special permit which expired on April 4, 2000; and

WHEREAS, a public hearing was held on this application on November 11, 2002, after due notice by publication in The City Record, and laid over to December 10, 2002 and then to January 7, 2003 for decision; and

WHEREAS, on April 4, 1995, the Board granted an application under Z.R. §73-42, to permit the expansion of an existing commercial use into a residential district, by the legalization of an accessory parking lot; and

WHEREAS, the applicant represents that there have been no substantial changes from previously approved Board plans.

Resolved, that the Board of Standards and Appeals Waives the Rules of Practice and Procedure and reopens and amends the resolution, adopted on April 4, 1995 so that as amended this portion of the resolution shall read:

THE VOTE TO GRANT -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION -

WHEREAS, the applicant has requested a re-opening and an extension of the term of the variance, permitting an automotive sales establishment, which expired on May 6, 2002; and

WHEREAS, a public hearing was held on this application on October 29, 2002, after due notice by publication in The City Record, laid over to December 10, 2002 and then to January 7, 2003 for decision; and

WHEREAS, the applicant represents that there are no substantial changes from what was previously approved by the Board;

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 reopens and extends the term of the variance, said resolution having been adopted May 6, 1997, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional ten (10) years from the May 6, 2002 to expire on May 6, 2012, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received May 23, 2002"- (2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

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

MINUTES

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."

(DOB#401458971)

Adopted by the Board of Standards and Appeals, January 7, 2003.

467-71-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Amerada Hess Oil, Corp., owner.

SUBJECT - Application September 20, 2002 - reopening for an SUBJECT - Application August 1, 2002 - reopening for an extension of term of variance which expired June 27, 2003.

PREMISES AFFECTED - 144-20 Liberty Avenue, Liberty Avenue and Inwood Street, Block 10043, Lot 6, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: John Yacovone, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

ACTION OF THE BOARD - Laid over to January 28, 2003, at 10 A.M., for continued hearing.

165-98-BZ

APPLICANT - Klein & O'Brien, LLP, for Seagate Minimmall, Inc., owner; Za Zaborom, Inc., aka/dba Mermaid Spa, lessee.

SUBJECT - Application July 8, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired February 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 3701 Mermaid Avenue, north east corner of Mermaid Avenue and West 37th Street, south of Oceanic Avenue, Block 7029, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Richard Budd.

For Administration: John Yacovone, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

ACTION OF THE BOARD - Laid over to February 4, 2003, at 10 A.M., for continued hearing.

551-37-BZ

amendment to the resolution.

PREMISES AFFECTED - 56-01 Main Street, northwest corner of 56th Avenue, Block 5165, Lot 28, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Carl A. Sulfaro, Esq.

ACTION OF THE BOARD - Laid over to January 28, 2003, at 10 A.M., for deferred decision.

13-78-BZ

APPLICANT - Joseph P. Morsellino, for Bernard Huttner, owner; Jamaica Plumbing and Heating Supply, Inc., lessee.

APPLICANT - Joseph P. Morsellino, for Beverly Fetner, et al., owner; Red's Auto Repair, lessee.

SUBJECT - Application June 27, 2002 & August 30, 2002 - reopening for an extension of term of variance which expired July 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 233-02 Northern Boulevard, southeast corner of 233rd Street, Block 8166, Lot 20, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 28, 2003, at 10 A.M., for continued hearing.

211-74-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for Connaught Tower Corporation, owner.

SUBJECT - Application October 8, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1004-1022 Second Avenue, 300-318 East 54th Street, 301-305 and 315 East 53rd Street, east side of Second Avenue, between East 53rd and 54th Streets, Block 1346, Lots 1,49, 101, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Robert Flahive and Gary Tarnoff.

For Opposition: Philip Schneider.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

ACTION OF THE BOARD - Laid over to January 14, 2003, at 10 A.M., for decision, hearing closed.

374-75-BZ

APPLICANT - New York City Board of Standards and Appeals.

MINUTES

OWNER OF PREMISES:

SUBJECT -

PREMISES AFFECTED - 380-394 Amsterdam Avenue, Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Barbara Hair.

ACTION OF THE BOARD - Laid over to March 25, 2003, at 10 A.M., for continued hearing

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Opposition: John A. Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

ACTION OF THE BOARD - Laid over to January 14, 2003, at 10 A.M., for decision, hearing closed.

478-91-BZ

APPLICANT - David L. Businelli, for Joseph Canizzaro, owner.

SUBJECT - Application September 16, 2002 - reopening for an extension of term of variance which expired September 15, 2002.

PREMISES AFFECTED - 1911 Richmond Avenue, Rockland Avenue, Block 2030, Lot 16, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: David L. Businelli and Rudolf J. Beneda.

THE VOTE TO CLOSE HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

ACTION OF THE BOARD - Laid over to January 14, 2003, at 10 A.M., for decision, hearing closed.

217-02-A

APPLICANT - Rudolf J. Beneda, A.I.A., for John Velazquez, owner.

SUBJECT - Application July 26, 2002 - Proposed building not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 20 Englewood Avenue, southwest corner of Pearl Street, Block 7465, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Rudolf J. Beneda.

For Administrative: John A. Yacovone, Fire Department.

1043-80-BZ

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

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

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

COMMUNITY BOARD #18BK

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION-

WHEREAS, the decision of the Staten Island Borough Commissioner, dated July 1, 2002 acting on N.B. Application No. 500526807, reads:

“A1. Street giving access to the proposed building is not placed on the official map of the City of New York therefore :

A. No Certificate of Occupancy can be issued as per Article 3, Section. 36 of the General City Law and

B. Permit may not be issued since proposed construction does not have at least 8% of total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 (C26-401.1) of the Administrative Code of the City of New York.”; and

WHEREAS, by the letter dated October ,16, 2002 , the Fire Department has reviewed the above project and has no objections provided the building will be fully sprinklered; and

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

Resolved, that the decision of the Staten Island Borough Commissioner, dated July 1, 2002 acting on N.B. Application No. 500526807, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received November 25, 2002”-(1) sheet; and that the proposal comply with all applicable M1-1 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Adopted by the Board of Standards and Appeals, January 7, 2003.

219-02-A thru 221-02-A

APPLICANT - The Agusta Group, for BRK Properties, Inc.,

MINUTES

owner.

SUBJECT - Applications August 5, 2002 - Proposed two story and basement, two family dwelling, located within the bed of a mapped street, is contrary to Section 35, of the General City Law. **PREMISES AFFECTED** -

107-72 Watson Place, south side, 700' east of Polhemas Avenue, Block 10251, Tentatively Lot 47, Borough of Queens.

APPEARANCES -

For Administrative: Nelly Bravo

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2 **THE**

VOTE TO GRANT -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2 **THE**

RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated July 17, 2002 acting on N.B. Application Nos. 401466604, 401466613, 401466622 reads:

“Construction of a dwelling in the bed of a mapped street, is contrary to General City Law Number 35. Refer to the Board of Standards for their determination”; and

WHEREAS, by the letter dated September 9, 2002, the Fire Department has reviewed the above project and has no objections provided all buildings are fully sprinklered; and

WHEREAS, by the letter dated October 21, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by the letter dated October 7, 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 July 17, 2002 acting on N.B. Application Nos. 401466604,401466613,401466622, are modified under the power vested in the Board by §35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received December 13, 2002”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Avenue, Block 10251, Tentatively Lot 43, Borough of Queens.

107-76 Watson Place, south side, 700' east of Polhemas Avenue, Block 10251, Tentatively Lot 45, Borough of Queens.

Adopted by the Board of Standards and Appeals, January 7, 2003

251-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Joanne Billot, lessee.

SUBJECT - Application September 10, 2002 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of mapped street and also has a private disposal system within the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 11 Suffolk Walk, east side, 76.09' north of Sixth Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2 **THE**

RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated August 28, 2002 acting on ALT 1. Application No. 401465758, reads:

“For Board of Standards and Appeals Only

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

A-2 - the site and building is not fronting on an official mapped street therefore , no permit or Certificate of Occupancy can be issued as per Art. 3 , proposed construction does not have at least 8% of total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 (C26-401.1) of the Administrative Code of the City of New York.

A3- the upgraded private disposal system is partially in the bed of a mapped street and a private service road , contrary to Department of Buildings policy.”; and

WHEREAS, by the letter dated October, 8, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated October 11, 2002, the Department of Environmental Protection has reviewed the above project and has no objections ; and

WHEREAS, by the letter dated November 15, 2002, the

MINUTES

Department of Transportation has reviewed the above project and has no objections; and

Resolved, that the decision of the Queens Borough Commissioner, dated August 28, 2002 acting on ALT 1. Application No. 401465758, is modified under the power vested in the Board by §35 & §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 17, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Adopted by the Board of Standards and Appeals, January 7, 2003.

260-02-A

APPLICANT - Sharif S. Mohammad/Almadina Eng., for Peoples Foreign Exchange, owner.

SUBJECT - Application September 25, 2002 - Proposed one story office building, located within the street widening, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 129-02 Liberty Avenue, southeast corner of 129th Street, Block 9583, Lot 1, Borough of Queens.

APPEARANCES -

For Applicant: Almadini Binani.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 4, 2003, at 10 A.M., for continued hearing.

340-02-A

APPLICANT - Legend Architecture by Timothy Costello, for Breezy Point Cooperative, Inc., owner; Gina Benfanta, lessee.

SUBJECT - Application November 15, 2002 - Proposed reconstruction of an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 19 Atlantic Walk, between Beach 207th Street and Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Tim Costello.

For Administration: John Yacovone, Fire Department.

REGULAR MEETING

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

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

ACTION OF THE BOARD - Laid over to January 28, 2003, at 10 A.M., for decision, hearing closed.

349-02-A

APPLICANT -Rudolf J. Beneda, for Charles Fleming, owner.

SUBJECT - Application November 25, 2002 - Proposed , addition, to an existing two story ,one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 183-01 Horace Harding Expressway, northeast corner of 183rd Street, Block 7067, Lot 11, Borough of Queens.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Rudolf J. Beneda

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

ACTION OF THE BOARD - Laid over to January 28, 2003, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 10:50 A.M.

TUESDAY AFTERNOON, JANUARY 7, 2003

MINUTES

2:00 P.M.

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

ZONING CALENDAR

234-01-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 14, 2001 and updated November 16, 2001 acting on Application No. 300855135 reads:

"Proposed conversion of commercial building into a multiple dwelling is not permitted in an M1-2 district as per 42-00 of the Zoning Resolution and, as such, must be referred to the Board of Standards and Appeals for approval "; and

WHEREAS, a public hearing was held on this application on January 31, 2002 after due notice by publication in The City Record and laid over to February 5, 2002, April 9, 2002, May 14, 2002, July 9, 2002, and August 6, 2002 for continued hearings and laid over to October 8, 2002 for decision. The case was re-opened on October 8, 2002 and laid over to November 26, 2002 for continued hearing to accept further submissions, and then laid over to January 7, 2003 for decision; and

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

WHEREAS, the Board finds that the proposed action is consistent with the City's Local Waterfront Revitalization Program Policies; and

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

WHEREAS, the hardship herein was not created by the owner

Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-2 zoning district, the conversion to residential use of 26,845 square feet of a 212,277 square foot building contrary to Z.R. §42-00; and

WHEREAS, originally, the subject lot was improved with two buildings which were later joined resulting in the present building with differing heights, with one portion of the building being three stories and the other four stories extending the entire length of the block along the southerly side of Wythe Avenue, continuing southeasterly 263 feet along the northeasterly side of North 4th Street and the southwesterly side of North 5th Street; and

WHEREAS, the applicant represents that due to the building's design history, the present structure is burdened by numerous support columns with columns in the east side of the building being eight feet wide, broadening at the base and the top of the columns reducing the cubic square feet of stackable space, while the west portion of the building was built with less intrusive columns and fronts along Wythe Avenue with attractive views of the Manhattan skyline; and

WHEREAS, the record indicates that the building is functionally obsolete for the purpose for which it was intended by virtue of its vertical arrangement of space with ceiling heights that limit industrial/manufacturing uses; and WHEREAS, the Board notes that for modern manufacturing and warehouse uses, large open floor plates on single levels with sufficient loading capability are desirable; and

WHEREAS, the subject building is burdened with an inadequate loading area, and with floor plates interrupted by support columns; and

WHEREAS, the aforementioned burdens pose a suspect capability for use as viable, modern manufacturing or warehouse facility; and

WHEREAS, the aforementioned unique physical condition of the building makes its occupancy for a conforming M1-2 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 entire premises with a conforming use would not yield the owner a reasonable return; and

WHEREAS, the property is located in an M1-2 manufacturing zone; and

WHEREAS, the Board notes that the instant proposal creates a mixture of a residential and manufacturing use by limiting residential occupancy to the fourth floor; and

WHEREAS, the record indicates that within the vicinity of the subject premises many residential uses are present and that the surrounding area is characterized by numerous renovated, converted residential lofts; and
or a predecessor in title; and

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental

MINUTES

Assessment Statement and has carefully considered all relevant areas of environmental concern; and

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and '6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. '72-21 to permit, in an M1-2 zoning district, the conversion to residential use of 26,845 square feet of a 212,277 square foot building contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 15, 2002"- (8) sheets; and on further condition;

THAT residential uses shall be limited to the existing fourth floor as illustrated in the BSA-approved plans; and

THAT in accordance with Fire Department recommendations and Board approved plans the premises shall provide and maintain a wet sprinkler system connected to a Fire Department approved center station;

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

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

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

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

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

Adopted by the Board of Standards and Appeals, January 7, 2003.

263-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Lee &

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 Peter Caliendo and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-2 zoning district, the creation of 59, residential units, of which 27 require a legalization, 22 will be new and 10 will be existing loft law tenancies located on floors 2-6 of an existing six-story building which is contrary to Z.R. §42-00; and

WHEREAS, the subject site is improved with two attached structures, a six-story and a five-story, erected in 1910 operating as one building, located on the northeast corner of the intersection of North 3rd Street and Wythe Avenue; and

WHEREAS, the subject building covers the entire lot with the two attached structures separated by a structural wall and

Wythe Realty Corp., owner; 85-101 North Third Street Associates, Inc., lessee.

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

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

COMMUNITY BOARD #1M

APPEARANCES-

For Applicant: Howard Hornstein and Barbara Hair.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE VOTE TO CLOSE HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE VOTE TO GRANT -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated July 27, 2001 acting on Application No. 300128047 reads:

"PROPOSED RESIDENTIAL DWELLINGS IN AN M1-2 ZONING DISTRICT ARE CONTRARY TO SECTION 42-00 OF THE ZONING RESOLUTION AND REQUIRE A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS. "; and

WHEREAS, a public hearing was held on this application on June 11, 2002 after due notice by publication in the City Record, and laid over to July 23, 2002, October 22, 2002, December 17, 2002 and then January 7, 2003 for decision; and connected at each floor by common hallways; and

WHEREAS, the area of each floor is divided into two parts, approximately 9,100 square feet (the six-story structure) and 18,300 square feet (the five-story structure); and

WHEREAS, the record indicates that a structural wall divides the five-story structure into two parts with approximately 12,200 square feet on the western portion and 6,100 square feet on the eastern portion which the applicant represents divides the floor area into parcels of 9,100 square feet, 12,200 square feet and 6,100 square feet; and

WHEREAS, the applicant also contends that the existence of 10 loft law tenancies on the 3rd and 4th floors creates an obstruction for a conforming manufacturing use; and

WHEREAS, the record indicates the building lacks a loading dock and only contains one elevator within the six- story structure

MINUTES

and one elevator within the five-story structure; and

WHEREAS, the applicant has provided substantial documentation demonstrating that despite "good faith" marketing attempts a conforming tenant could not be obtained; and

WHEREAS, the Board notes that the applicant was able to effectively demonstrate that at the time of the illegal residential conversion, the building was functionally obsolete for a conforming use; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, the site's history with a 1910 attached structure which divides floor area into three parcels, and documentation that extensive marketing efforts could not produce a conforming tenant create an undue hardship in developing the site with a conforming development; and

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

WHEREAS, the Board notes that the area surrounding the subject application, is characterized by a mixture of commercial and other residential uses; and

WHEREAS, in response to Board concerns, the proposal provides 25 accessory parking spaces located on lot 2, adjacent to the subject premises; and

WHEREAS, therefore, the Board finds that the proposed legalization and introduction of residential uses at the subject premises 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, the Board finds that 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

Adopted by the Board of Standards and Appeals, January 7, 2003.

374-01-BZ

APPLICANT - Agusta & Ross for 399 Broadway Holdings, LLC., owner.

SUBJECT - Application November 30, 2001 - under Z.R. §72-21, to permit the proposed erection of a four story multiple dwelling (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 836 Kent Avenue, west side, 119'-8" south of Park Avenue, Block 1897, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Application granted on condition THE VOTE TO GRANT -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

review of the proposed action and has carefully considered all relevant areas of environmental concern; and

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit in an M1-2 zoning district, in an M1-2 zoning district, the creation of 59, residential units, of which 27 require a legalization, 22 will be new and 10 will be existing loft law tenancies located on floors 2-6 of an existing six-story building which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 15, 2002"-(7) sheets and "January 6, 2003"-(1) sheet; and on further condition;

THAT pursuant to Fire Department recommendations, an automatic wet sprinkler system is installed and connected to an approved Central Station is provided and maintained;

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

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

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

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

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2 THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 31, 2002 acting on N.B. Application No. N.B. #301168224 reads:

"Proposed multiple dwelling (U.G.2) in subject M1-1 zoning district is contrary to Z.R. 42-10. Must be referred back to the BSA. There are no applicable bulk, parking or yard regulations"; and

WHEREAS, a public hearing was held on this application on August 13, 2002 after due notice by publication in The City Record and laid over to October 1, 2002, November 12, 2002, December 10, 2002 and then to January 7, 2003, for decision; and

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

WHEREAS, this is an application under Z.R. §72-21 to permit, in an M1-1 zoning district, the erection of a part three and

MINUTES

part four-story multiple dwelling (Use Group 2), which is contrary to Z.R. §42-10; and

WHEREAS, this application was filed and heard in conjunction with an application for the adjacent parcel of land at 838 Kent Avenue on lot #37, to also build a part three and part four-story multiple dwelling;

WHEREAS, the subject site for both buildings is comprised of two tax lots, numbered 36 and 37, which front 51.5 feet on Kent Avenue on the northwestern edge of the Bedford Stuyvesant section of Brooklyn; and

WHEREAS, the proposal seeks to erect two, part three and part four-story buildings containing a total of six apartments, ranging in size from approximately 1,000 to 1,500 square feet; and

WHEREAS, evidence in the record indicates that the site was developed with a blend of brick and frame mixed-use buildings from the turn of the century until the 1970's; and

WHEREAS, the record also indicates that the aforementioned mixed-use developments began to diminish in the 1950's when a fire damaged the existing building, and the

WHEREAS, applicant represents that subsequent to the fire the subject site was used intermittently for marginal businesses such as open storage and automobile parking, car parts and repair activities; and

WHEREAS, the record indicates that the site is currently vacant, with open and loosely paved area; and

WHEREAS, the evidence submitted to the Board indicates that due to the fire, deterioration and demolition of the buildings previously on the site, there exists extensive foundations and

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, in an M1-1 zoning district, the erection of a part three and part four-story multiple dwelling (Use Group 2), which is contrary to Z.R. §42-10, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 10, 2002" - (1) sheet and "December 4, 2002"- (9) sheets; and on further condition;

THAT in accordance with the Board-approved Fire Protection Synopsis Plan (Sheet F-1) the premises shall provide and maintain the following:

rubble-filled cellars from the various old buildings, which must be removed prior to any new construction on the site; and

WHEREAS, the Board finds that there are unique conditions to the lot, namely the existing foundations and rubble-filled cellars, which create an unnecessary hardship in complying strictly with the Zoning Resolution; and

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

WHEREAS, the record indicates that the subject property is located in an area characterized by a mixture of residential, community facility, and commercial/light manufacturing uses; and

WHEREAS, the Board notes that there are residential uses in close proximity to the subject site, including a multiple dwelling adjacent to the site on the southern side; and

WHEREAS, at the request of the Board, and in response to community-based concerns, the applicant has made revisions to the project to better conform with the character of the neighborhood including the provision of parking spaces and the setting back of the partial fourth-story to preserve street wall continuity; and

WHEREAS, the applicant has stated that the proposed buildings will substantially comply with all R-6A Quality Housing standards; and

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

(1) Entire building shall be fully sprinklered with an automatic wet sprinkler system connected to a Fire Department-approved Central Monitoring Station.

(2) Residential smoke detection shall be hard wired and be compliant with Local Law 62/81.

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

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

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

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

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

Adopted by the Board of Standards and Appeals, January 7, 2003.

375-01-BZ

APPLICANT - Agusta & Ross for 399 Broadway Holdings, LLC., owner.

SUBJECT - Application November 30, 2001 - under Z.R. §72-21, to permit the proposed erection of a four story multiple dwelling (Use Group 2) located in an M1-1 zoning district, which is

MINUTES

contrary to Z.R. §42-10.

PREMISES AFFECTED - 838 Kent Avenue, west side, 114'-8" south of Park Avenue, Block 1897, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Application granted on condition THE VOTE TO GRANT -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2 THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 31, 2002 acting on N.B. Application No. 301168215 reads:

"Proposed multiple dwelling (U.G.2) in subject M1-1 zoning district is contrary to Z.R. 42-10. Must be referred back to the BSA. There are no applicable bulk, parking or yard regulations"; and

WHEREAS, a public hearing was held on this application on August 13, 2002 after due notice by publication in The City Record

WHEREAS, evidence in the record indicates that the site was developed with a blend of brick and frame mixed-use buildings from the turn of the century until the 1970's; and

WHEREAS, the record also indicates that the aforementioned mixed-use developments began to diminish in the 1950's when a fire damaged the existing building, and the

WHEREAS, applicant represents that subsequent to the fire the subject site was used intermittently for marginal businesses such as open storage and automobile parking, car parts and repair activities; and

WHEREAS, the record indicates that the site is currently vacant, with open and loosely paved area; and

WHEREAS, the evidence submitted to the Board indicates that due to the fire, deterioration and demolition of the buildings previously on the site, there exists extensive foundations and rubble-filled cellars from the various old buildings, which must be removed prior to any new construction on the site; and

WHEREAS, the Board finds that there are unique conditions to the lot, namely the existing foundations and rubble-filled cellars, which create an unnecessary hardship in complying strictly with the Zoning Resolution; and

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

WHEREAS, the record indicates that the subject property is located in an area characterized by a mixture of residential, community facility, and commercial/light manufacturing uses; and

WHEREAS, the Board notes that there are residential uses in close proximity to the subject site, including a multiple dwelling adjacent to the site on the southern side; and

WHEREAS, at the request of the Board, and in response to community-based concerns, the applicant has made revisions to the project to better conform with the character of the neighborhood including the provision of parking spaces and the setting back of the

and laid over to October 1, 2002, November 12, 2002, December 10, 2002 and then to January 7, 2003, for decision; and

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

WHEREAS, this is an application under Z.R. §72-21 to permit, in an M1-1 zoning district, the erection of a part three and part four-story multiple dwelling (Use Group 2), which is contrary to Z.R. §42-10; and

WHEREAS, this application was filed and heard in conjunction with an application for the adjacent parcel of land at 836 Kent Avenue on lot #36, to also build a part three and part four-story multiple dwelling;

WHEREAS, the subject site for both buildings is comprised of two tax lots, numbered 36 and 37, which front 51.5 feet on Kent Avenue on the northwestern edge of the Bedford Stuyvesant section of Brooklyn; and

WHEREAS, the proposal seeks to erect two, part three and part four-story buildings containing a total of six apartments, ranging in size from approximately 1,000 to 1,500 square feet; and partial fourth-story to preserve street wall continuity; and

WHEREAS, the applicant has stated that the proposed buildings will substantially comply with all R-6A Quality Housing standards; and

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

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and '6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, in an M1-1 zoning district, the erection of a part three and part four-story multiple dwelling (Use Group 2), which is contrary to Z.R. §42-10, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received "April 10, 2002" -(1) sheet and "December 4, 2002"- (9) sheets; and on further condition;

THAT in accordance with the Board-approved Fire Protection Synopsis Plan (Sheet F-1) the premises shall provide

MINUTES

and maintain the following:

(1) Entire building shall be fully sprinklered with an automatic wet sprinkler system connected to a Fire Department-approved Central Monitoring Station.

(2) Residential smoke detection shall be hard wired and be compliant with Local Law 62/81.

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

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

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

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

SUBJECT - Application May 3, 2002 - under Z.R. §73-211, to permit the proposed demolition of an existing automotive service station, and the construction of a new station with an accessory convenience store, with landscaping located within the bed of a mapped street (Use Group 16) which is contrary to Section 35, Article 3 of the General City Law and Z.R. §32-25 located in a C2-2 within and R3-2 zoning district.

PREMISES AFFECTED - 113-40 Merrick Boulevard, northwest corner of Linden Boulevard, Block 12326, Lot 21, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 16, 2002 acting on Application No. 401297743 reads:

"1. Proposed construction of New Building automobile service establishment, Use Group 16, with an accessory convenience store in a C2-2 within an R3-2 zoning district is contrary to BSA Calendar 845-50 and therefore must be referred to the BSA.

2. Proposed construction of a new automobile service station with accessory retail convenience store at the Premises is contrary to GCL Section 35 and therefore relief from the NYC Board of Standards and Appeals is required."; and

WHEREAS, a public hearing was held on this application on September 24, 2002 after due notice by publication in The City Record, and laid over to October 22, 2002, November 26, 2002 and then to January 7, 2003 for decision; and

WHEREAS, the Board notes that the instant application was heard with a companion Appeals case under Calendar Number 145-02-A, objection #2; and

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

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

Adopted by the Board of Standards and Appeals, January 7, 2003.

144-02-BZ

APPLICANT - Sheldon Lobel, P.C., for David Oil Corp. c/o Henry Alpert, owner; BP Amoco, plc, lessee.

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211 and 73-03, to permit in a C2-2/R3-2 zoning District, the proposed construction of an automotive service station with an accessory convenience store on lot #21; and

WHEREAS, the subject parcel is an irregularly shaped lot containing approximately 22,364 square feet of lot area with approximately 167 feet of frontage along Merrick Boulevard and 127 feet of frontage along Linden Boulevard, both heavily traveled roadways; and

WHEREAS, the subject site is presently improved with a single-story masonry building of 2,435 square feet housing an existing automotive service station; and

WHEREAS, the instant proposal will demolish the above building and replace it with a new 2,900 square foot automotive service station with an accessory convenience store containing 1,392 square feet of sales area, and an overhead canopy; and

WHEREAS, the applicant also proposes to install 98.67 square feet of illuminated signage and 139.69 square feet of non-illuminated signage; and

WHEREAS, in addition to spaces provided at the pump islands, the proposal also provides parking spaces for eleven (11) vehicles; and

WHEREAS, the applicant represents that adverse impacts will be minimized by an existing 5' high brick wall, a proposed 6' high chain link fence with slats, and an existing chain link fence will remain to provide separation for the existing park located at the northwest property line to provide screening to the adjoining lots within the C2-2/R3-2 zoning district; and

WHEREAS, the record indicates that opposite the subject premises, on Bruckner Boulevard is an Interstate Expressway and immediately south are several vacant lots; and

WHEREAS, under Z.R. §73-211(a) the site housing the proposed use must contain a minimum area of 7,500 square feet; and

WHEREAS, the instant proposal contains 22,364 square feet; and

WHEREAS, Z.R. §73-211(b) limits the proposed use to 15,000 square feet for sites not located on an arterial highway or major street; and

WHEREAS, the Board notes that the subject premises is located at the intersection of two major streets, Merrick and Linden Boulevards both heavily traveled thoroughfares and that the

MINUTES

entrances and exits to the site are planned so that at maximum operation, vehicular movement into or from the premises will cause a minimum obstruction on the streets or sidewalk; and

WHEREAS, therefore, the Board finds that Z.R. §73-211(b) is not applicable to the subject application; and

WHEREAS, the applicant represents that there will be no lubrication, repair, washing or sale of cars at the premises; and

WHEREAS, the record indicates that opposite the subject premises on Merrick Boulevard sits another automotive service station; and

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §§73-211 and 73-03, to permit in a C2-2/R3-2 zoning District, the proposed construction of an automotive service station with an accessory convenience store, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received November 4, 2002" -(6) sheets; and on further condition;

THAT landscaping be provided and maintained in accordance with BSA approved plans;

THAT there shall be no lubrication, repair or washing of cars at the premises;

THAT there shall be no used car sales on the premises;

THAT there shall be no parking of cars on the sidewalk at any time;

THAT any automobile vacuums shall only be operated between the hours of 9:00 A.M.- 7:00 P.M.;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring January 7, 2013;

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

THAT a new Certificate of Occupancy shall be obtained within 2 years of this grant

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

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

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

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

Adopted by the Board of Standards and Appeals, January 7, 2003.

145-02-A

APPLICANT - Sheldon Lobel, P.C., for David Oil Corp. c/o Henry Alpert, owner; BP Amoco, plc, lessee.

SUBJECT - Application May 3, 2002 - Proposed demolition of an

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

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-211 and 73-03.

existing automotive service station, and the construction of a new station with an accessory convenience store, with landscaping located within the bed of a mapped street is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 113-40 Merrick Boulevard, northwest corner of Linden Boulevard, Block 12326, Lot 21, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated April 16, 2002 acting N.B. Application No. 401297743, reads:

"Proposed construction of New building automobile service establishment, use Group 16, with an accessory convenience store in a C2-2 within an R3-2 Zoning District is contrary to BSA calendar 845-50 and therefore must be referred to the BSA. Development in the bed of a mapped street is contrary to GCL 35.;" and

WHEREAS, the Board notes that the site is the subject of a companion zoning case under Calendar No. 144-02-BZ; and

WHEREAS, Community Board No. 12 Queens has recommended approval of this application; and

WHEREAS, by the letter dated June 14, 2002, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated July 9, 2002, the Department of Environmental Protection has reviewed the above project and has notified the Board that Drainage Plan No. 41 SWC(55)/41SA(72) calls for a future 10" diameter Sanitary and a future 15" diameter Storm sewer to be installed in 113th Avenue between Merrick Boulevard and 169th Street; and

WHEREAS, however, the portion of the proposed construction intruding onto 113th Avenue is approximately 25 ft. wide and the remaining 25ft. of 113th Avenue will be sufficient for future installation, maintenance and/or reconstruction of the drainage plan sewer; and

WHEREAS, therefore the DEP requests that the B.S.A. reserves 25 ft. of the remaining portion of mapped 113th Avenue for future drainage plan sewer.; and

MINUTES

WHEREAS, by letter dated October 3, 2002, the applicant has agreed to DEP's request and has duly noted it on the BSA approved plans; and

WHEREAS, by letter dated November 1, 2002, the Fire

Resolved, that the decision of the Queens Borough Commissioner, dated April 4, 2002 acting on N.B. Application No. 401297743, 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 drawings filed with the application marked, "Received November 4, 2002"-(6) sheets; and that the proposal comply with all applicable C2-2 /R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT, 25 ft of the remaining portion of mapped 113th Avenue be reserved for a future drainage plan sewer ; and

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

Adopted by the Board of Standards and Appeals, January 7, 2003.

179-02-BZ

APPLICANT - Charles R. Foy, Esq., for G.C. & G Enterprises, Inc., owner; KFC of America, Inc., lessee.

SUBJECT - Application May 24, 2002 - under Z.R. §73-243, to permit the proposed accessory drive-thru facility, for a fast food restaurant, located in a C1-2 within an R3-2 zoning district.

PREMISES AFFECTED - 158-05 Union Turnpike, northeast corner of the Parsons Boulevard, Block 6831, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Charles R. Foy.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE VOTE TO CLOSE HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE VOTE TO GRANT -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and

WHEREAS, under Zoning Resolution Section 73-243, the application must demonstrate that the drive-through facility provides reservoir space for not less than ten automobiles, cause minimum

Department has reviewed the above project and has no objections; and

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

Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 24, 2002 and updated on November 8, 2002 , acting on Application No. 401400140 reads:

"Proposed use of drive thru pick-up window for eating and drinking establishment (U.G. 6) in C1-2 in R3-2 is contrary to section 32-15"; and

WHEREAS, a public hearing was held on this application on November 26, 2002 after due notice by publication in The City Record, and laid over to January 7, 2003 for decision; and

WHEREAS, Community Board No. 8 in Queens recommends approval of this application; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application for a special permit under Z.R. Sections 73-03 and 73-243, to permit, in a C1-2 zoning district within an R3-2 zoning district, the proposed accessory drive-thru facility for a fast food restaurant contrary to Z.R. Section 32-15; and

WHEREAS, the premises is located on the north side of Union Turnpike between Parsons Boulevard and 79th Avenue with frontages of 125.2' along Union Turnpike, 152.45' along Parsons Boulevard and side lot lines measuring 123.79' and 126.56' presently developed with an automotive service station establishment of approximately 2,354 square feet, that is no longer operating; and

WHEREAS, the applicant represents that the subject lot is irregular because its four lot lines have different dimensions due to the Union Turnpike frontage not meeting the side lot line at a right angle; and

WHEREAS, a C1-2 zoning district extends 100' into the site from the Parsons Boulevard frontage leaving 23'8" of the zoning lot falling within the adjoining R3-2 zoning district; and

WHEREAS, since the portion of the zoning lot within the R3-2 zoning district is less than 25', pursuant to Z.R. Section 77-12, the entire zoning lot is treated as being within the C1-2 zoning district; and

WHEREAS, Certificate of Occupancy Number Q53642 issued in 1949, permits a one-story, non-fireproof gasoline station, sales room and store room with minor repairs; and

WHEREAS, the instant application seeks to replace the existing automotive service facility with a drive-thru lane that would be accessory to fast-food restaurant; and

interference with traffic flow in the immediate vicinity, the eating and drinking establishment with accessory drive-thru facility complies with accessory off-street parking regulations, the character of the

MINUTES

commercially- zoned street frontage within 500 feet of the subject premises reflects substantial orientation toward motor vehicles, the drive-thru facility will not have an undue adverse impact on the immediate residences and that there is an adequate buffer between the drive-thru facility and adjacent residential uses ; and

WHEREAS, Union Turnpike is a heavily trafficked commercially oriented road with a concrete medium dividing east and west traffic; and

WHEREAS, the instant proposal contains reservoir space for sixteen (16) automobiles, demonstrates that a traffic light at the intersection of Union Turnpike and Parsons Boulevard ensures that the drive-thru facility will cause minimum interference with traffic flow in the immediate vicinity, provides 16 off-street accessory parking spaces exceeding, the nine required under applicable accessory off-street parking regulations; and

WHEREAS, the record also indicates that within 500' of the premises retail and automotive uses predominate, that adequate buffering from adjacent residential uses as the closest residential use is approximately 180' away on 154th Street and the applicant will provide a 5' landscaped buffer area at the rear of the site; and

WHEREAS, the Board notes that the proposed restaurant will eliminate a heavy automotive use that has occupied the site for more than 50 years, that the subject drive-thru lane will be more than 10' from the zoning lot's rear lot line and that a 6' fence with privacy slats will be installed further minimizing adverse impacts on the nearby residences; and

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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.

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-243 and 73-03.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. Sections Z.R. Sections 73-03 and 73-243, to permit, in a C1-2 zoning district within an R3-2 zoning district, the proposed accessory drive-thru facility for a fast food restaurant contrary to Z.R. Section 32-15, on condition that all work shall substantially Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0
Absent: Chairman Chin, Vice-Chair Babbar.....2
THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 26, 2002 acting on Application No. 500512331

conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 24, 2002"-(10) sheets; and on further condition;

THAT the pursuant to the Board's Negative Declaration, the applicant shall address the items requested in the New York City Department of Environmental Protection's ("DEP") letter dated October 15, 2002. These items include the following:

- (1) Conduct further Phase II testing on the site.
- (2) Appropriate excavation and disposal of contaminated soil.
- (3) Proper closure of USTs.
- (4) Submitting a work plan and an investigative Health & Safety Plan for DEP's approval prior to sampling;

THAT the term of this special permit shall be limited to five (5) years from the date of this grant, to expire on January 7, 2008;

THAT the above conditions shall be noted in 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; and

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

Adopted by the Board of Standards and Appeals, January 7, 2003.

182-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Marcello Porcelli, owner; BP Amoco, plc lessee.

SUBJECT - Application May 30, 2002 - under Z.R. §72-21 to permit the 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.

PREMISES AFFECTED - 2990 Victory Boulevard, a/k/a 1705 Richmond Avenue, southeast corner, Block 2072, Lot 42, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition
THE VOTE TO GRANT -
reads:

"Proposed construction of a new building to be operated as an automotive service station (U.G. 16 with an accessory convenience store on a lot located partially within the C1-2 zone in a R3-2 zoning district, and partially within the R3-2 zoning district is contrary to Z.R. Section 32-25, Z.R. Section 22-00, and BSA Calendar #32-57-BZ. Proposed use is not as of right, and

MINUTES

therefore must be referred to the Board of Standards and Appeals for approval"; and

WHEREAS, a public hearing was held on this application on December 10, 2002 after due notice by publication in The City Record and laid over to January 7, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, to permit, in an R3-2 zoning district with a C1-2 overlay zoning district, the erection of a new automotive service station, with an accessory convenience store, (Use Group 16b) contrary to Z.R. Section 32-25; and

WHEREAS, the subject parcel contains approximately 22,616 square feet of lot area at the southeast corner of Victory Boulevard and Richmond Avenue, with 178 feet of frontage along Richmond Avenue and 126 feet of frontage along Victory Boulevard located primarily within a C1-2 overlay in an R3-2 zoning district with a small rectangular portion at the south end of the property falling within the R3-2 district; and

WHEREAS, the proposed structure will contain 4,224 square feet of floor area, 2,252 square feet of which will be a sales area with a solar energy collecting vehicular canopy over the six (6) multi-product dispensers ("MPD's"); and

WHEREAS, the proposal provides reservoir space for 12 automobiles in addition to the spaces provided at the pumps and entrances and exits are planned so that at maximum operation, vehicular movement into or from the site will cause a minimum obstruction on the streets or sidewalk; and

WHEREAS, applicant represents that the perimeter of the site adjoining the R3-2 zoning district, will be screened by a six (6) foot high chain link fence with privacy slats and that the signage 98.67 of illuminated proposed is less than the one-hundred fifty (150) square feet permitted under Z.R. Section 73-211(5)(1) and

WHEREAS, the record indicates that both Richmond and Victory Boulevards are two-way heavily traveled thoroughfares; and

WHEREAS, therefore, the Board finds that the instant application, as designed, would meet the special permits findings of Zoning Resolution Section 73-211; and

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 on a site previously before the Board, to permit, in an R3-2 zoning district with a C1-2 overlay zoning district, the erection of a new automotive service station, with an accessory convenience store, (Use Group 16b) contrary to Z.R. Section 32-25, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 19, 2002"- (7) sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on January 7, 2013:

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

WHEREAS, the applicant represents that the site has housed, subject to a July 25, 1957 variance, under Calendar Number 32-57-BZ, an automotive service station as amended through September 11, 1990, and that although the variance lapsed the uses at the premises have remained unchanged; and

WHEREAS, the record indicates that the site is irregularly shaped containing 132 feet in width at its widest point at the southern edge of the property and 87 feet in width at the northern edge and dissected by a district boundary line; and

WHEREAS, site's history of development with non-conforming Board approved uses and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning Resolution; and

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

WHEREAS, the record indicates that the subject property is located in an area characterized by commercial uses; and

WHEREAS, the Board notes that the site has housed non-conforming gas station use since 1921 and that it would meet the Special Permit findings of Z.R. Section 73-211; and

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

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

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

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, January 7, 2003.

MINUTES

204-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Palmana Realty Corp., owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application July 1, 2002 - under Z.R. §72-21 to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in an R3-2 zoning district, which is contrary to a previous variance granted under Cal. No. 703-56-BZ and Z.R. §22-00.
PREMISES AFFECTED - 144-31 Farmers Boulevard, between North Conduit Avenue and 144th Road, Block 13090, Lot 4, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 20, 2002 acting on Application No. 401398233 reads:

"Proposed construction of a New Building to be operated as a gasoline filling station with an accessory convenience store (U.G. 16) in an R3-2 Zoning District which is contrary to BSA Calendar 703-56BZ and therefore must be referred to the BSA."; and

WHEREAS, a public hearing was held on this application on November 26, 2002 after due notice by publication in The City Record and laid over to January 7, 2003 for decision; and

WHEREAS, Community Board No. 12 in Queens recommends approval of the application; and

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

WHEREAS, the record indicates that the proposed development has been designed to minimize adverse impacts on the surrounding neighbors as lighting will be directed away from adjacent residential users, providing landscaping and fences to buffer the site from residential neighbors, is located on a service road for the Southern Parkway, a heavily traveled parkway; and

WHEREAS, the Board notes that the subject property is located in an area characterized by commercial uses and an automotive use has occupied the premises for more than 45 years; and

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

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

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

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

WHEREAS, this is an application under Z.R. §72-21, to permit, on a site previously before the Board, in an R3-2 zoning district, the construction and operation of a gasoline station with an accessory convenience store which is contrary to Calendar Number 703-56- BZ and Z.R. §22-00; and

WHEREAS, Automotive Service Stations (Use Group 16B), are permitted as-of-right in C8, M1, M2 and M3 districts and by, special permit from the Board of Standards and Appeals in C2, C4, C6, and C7 districts, with accessory uses such as the instant convenience store classified as Use Group 16E uses; and

WHEREAS, the proposed structure will contain 2,400 square feet of floor area of which 1,135 square feet will be used as sales area with a solar energy collecting vehicular canopy with roof-mounted solar panels over the proposed four (4) multi-product dispensers on an irregular trapezoid parcel with 141.7 feet of frontage along North Conduit Avenue, 102.04 feet of frontage along Farmers Boulevard and 121.4 feet of frontage along 144th Road ; and

WHEREAS, in 1958 under Calendar Number 703-56-BZ, the Board granted a variance permitting a gasoline service station with an accessory building which received subsequent amendments in April 1984 and February 1987; and

WHEREAS, site's configuration with a trapezoidal shape, its history of development with a prior non-conforming Board approved gasoline service station with accessory building use, and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning Resolution; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, on a site previously before the Board, in an R3-2 zoning district, the construction and operation of a gasoline station with an accessory convenience store which is contrary to Calendar Number 703-56- BZ and Z.R. §22-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 15, 2002"-(7) sheets; and on further condition;

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

MINUTES

years from the date of this grant expiring on January 7, 2013;

THAT the proposal shall comply with the fires safety measures stated on the Proposed Conditions Site Plan sheet (1 of 10);

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

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

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

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

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

Adopted by the Board of Standards and Appeals, January 7, 2003.

249-02-BZ

APPLICANT - Jay Segal, Esq., for Fordham Associates, LLC, owner.

SUBJECT - Application September 20, 2002 - under Z.R. §72-21, to permit the proposed physical culture establishment, to be located in the cellar of an existing five story building, in an R8 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 Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application for under Z.R. §72-21, to permit the legalization of an existing physical culture establishment, on the cellar of an existing five story building, located in an R8 and R8/C1-3 zoning district, which is contrary to Z.R. §32-31; and

WHEREAS, subject building was formerly used as a department store, and is located on the northwest corner of the intersection of Fordham Road and the Grand Concourse in the Bronx; and

WHEREAS, the subject building covers its entire 55,197 square foot lot area, with the exception of two small triangular portions at the intersections of the Grand Concourse and Fordham Road, and Fordham Road and East 190th Street; and

WHEREAS, the subject building is located in three zoning districts: a C4-4, an R8/C1-3, and an R8, and is also situated within the Special Grand Concourse District; and

WHEREAS, a variance, rather than a special permit, is required because 13,830 square feet of the proposed PCE would be in the R8 and R8/C1-3 zoning districts in which a special permit may not be granted; and

WHEREAS, the proposed health club would occupy 35,028 square feet of area in the cellar and 1,852 square feet of area on the first floor, to be used as an entrance; and

WHEREAS, the record indicates that the building has a subcellar, cellar, four full stories and a partial fifth story and has always been used as a single purpose department store building;

R8/C1-3 zoning district, which is contrary to §32-31.

PREMISES AFFECTED - 2501 Grand Concourse, northwest corner of Fordham Road, Block 3167, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Jay Segal.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated August 21, 2002 acting on Application number 200675359 reads;

“HEALTHCLUB NOT PERMITTED IN C1-3 IN R8 ZONING DISTRICT. VARIANCE REQUIRED AS PER SECTION 32-31 Z.R.”; and

WHEREAS, Community Board #3, Queens, recommends conditional approval of this application; and

WHEREAS, a public hearing was held on this application on November 26, 2002 after due notice by publication in The City Record , and laid over to January 7, 2003 for decision; and

and

WHEREAS, the applicant represents that building is functionally obsolete due to the design and layout of the building as a single purpose department store; and

WHEREAS, evidence in the record indicates that the subject building has no windows, five escalators and only one passenger elevator, significant bathrooms only on alternate floors, one modest lobby, high ceilings, and a HVAC system that must be either on or off for the entire building; and

WHEREAS, the applicant states that the aforementioned conditions result in extraordinary costs in rehabilitating the building to earn a reasonable return; and

WHEREAS, the applicant represents that the redevelopment plan for the building includes multiple as-of-right retail uses on the first and second floors, with the upper three floors to be used as offices and classrooms; and

WHEREAS, the applicant further represents that retail use in the cellar is not feasible and that the only conforming option would be retail storage, which produces almost no income; and

WHEREAS, the Board finds that there are physical conditions attributed to the existing building, namely the varying zoning designations, the history of use, and the functional obsolescence, which 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 cellar with a conforming use would not yield the owner a reasonable return; and

WHEREAS, the record indicates that subject building is located on two heavily trafficked thoroughfares and that the surrounding area is primarily commercial in nature; and

MINUTES

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 unnecessary hardship associated with a conforming use of the zoning lot was not caused by the owner, nor by a predecessor in interest, but is inherent in the site; and

WHEREAS, the hardship results from the strict application of the Zoning Resolution to the subject zoning lot; and

WHEREAS, therefore, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

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

WHEREAS, the Board notes that although a variance is being requested, the subject application meets all the requirements of the special permit for a PCE, except for the zoning district; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the legalization of an existing physical culture establishment, on the cellar of an existing five story building, located in an R8 and R8/C1-3 zoning district, which is contrary to Z.R. §32-31, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 20, 2002"-(13) sheets; and on further condition;

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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 substantial construction shall be completed in accordance with '72-23; and

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

THAT a Certificate of Occupancy shall be obtained within two years of the date of this resolution;

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

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

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

Adopted by the Board of Standards and Appeals, January 7, 2003.

WHEREAS, the proposed physical cultural establishment will contain facilities for classes, instruction and programs for physical improvement, body building, weight reduction, and aerobics; 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. §§73-03 & 73-36; 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.

262-02-BZ

APPLICANT - Howard Z. Zipser/Stadtmauer Bailkin, for Maimonides Medical Center, owner.

SUBJECT - Application September 26, 2002 - under Z.R. §72-21 to permit the proposed erection of a nine story (L1+8) building, within the medical center community facility development, located in an R6 and a C1-3 zoning district, which does not comply with the zoning requirements for lot coverage, height and setback, which is contrary to Z.R. §24-522, §33-431 and §24-11.

PREMISES AFFECTED - 4801 Tenth Avenue and 1001/47 49th Street, bounded by Fort Hamilton Parkway, 10th Avenue, between 48th and 49th Streets, Block 5632, Lots 1, 9 and 27, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Howard A. Zipser.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative:., Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated September 6, 2002 and October 21, 2002, acting on Alteration Application Nos. 301393025 & 301417367 reads:

"1. PROPOSED ADDITIONAL LOT COVERAGE OF 7, 128 SQ. FT. FOR A TOTAL LOT COVERAGE OF 57,702.0 SQUARE FEET VIOLATES PERMITTED LOT COVERAGE AND IS CONTRARY TO Z.R. SECTION 24-11

2. PROPOSED 134 FT. 10 IN. HEIGHT OF NEW ADDITION WITH SETBACK ALONG 48TH STREET FRONTAGE AND PROPOSED 141. 11IN. HEIGHT OF NEW ADDITON WITHOUT SETBACK ALONG FORT HAMILTON PKWY VIOLATES PERMITTED HEIGHT AND SETBACK REGULATIONS AND ARE CONTRARY TO Z.R. SECTIONS 24-522 AND 33-431."; and

MINUTES

3. Proposed enlargement to a non-conforming building as per lot coverage (24-11) of the Zoning Resolution) increases the degree of non-compliance and, as such, must be referred to the Board of Standards and Appeals for approval.

WHEREAS, Community Board No. 12 in Brooklyn recommended approval of the subject application on November 26, 2002; and

WHEREAS, a public hearing was held on this application on December 10, 2002 after due notice by publication in The City Record, and laid over to January 7, 2003 for decision; and

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

WHEREAS, in 1967, the City Planning Commission classified the site as a Large Scale Community Facility Development because the term "Hospital" no longer adequately reflected the spectrum of activities and services being provided; and

WHEREAS, the lot is improved with several medical buildings totaling 330,242.0 square feet of floor area housing the nine-story Gellman Pavilion, the eight-story Kronish Pavilion, the two-story Emergency Department, and the seven-story Aron Building; and

WHEREAS, the proposed 76,236 square foot addition will be erected as an in-fill addition to the existing Aron Building connecting to the Gellman Pavilion through a new vertical core ; and

WHEREAS, the enlargement among other things, will enable the applicant to provide an atrium of approximately 1,920 square foot and a four level public corridor system of approximately 4,744 square feet (1,186 square feet per floor) accommodating additional visitors and provide additional space for community-based programs; and

WHEREAS, specifically, the new addition to the Aron Building, will house the creation of a 10,000 square foot Neo-natal Intensive Care Unit ("NICU") on the 1st floor located horizontally contiguous to the Labor/Delivery area enabling an increase to the bassinet capacity from 26 to 31, with, space previously housing the NICU on the fifth floor will be renovated and used for medical/surgical, MICU and step down beds; and

WHEREAS, further, expansion of the Aron Building will also enlarge the adult and pediatric Emergency Treatment facilities and will provide a separation of the Pediatric Emergency Department from the main emergency facilities and a renovation of Obstetric Post Partum beds, and other amenities; and

WHEREAS, the applicant's programmatic needs discussed above, create a practical difficulty with strict compliance with the bulk provisions of the Zoning Resolution; and

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

WHEREAS, the record indicates that there are numerous buildings within the immediate area which are in scale with the proposed infill addition to the Aron Building and would be in scale with an align vertically with the adjacent nine-story Gellman Pavilion to the West; and

WHEREAS, therefore, the Board finds that the subject

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R6/C1-3 zoning district, the erection of a nine-story (L1+8) building, within a community facility in violation of the requirements for lot coverage and height and setback contrary to Z.R. §§ 24-522, 33-431 and 24-11; and

WHEREAS, the applicant is a 705 bed not-for-profit, health care and acute care hospital and teaching institution providing primary, secondary and tertiary health care; and

WHEREAS, the 61,249.10 square foot zoning lot fronts on Fort Hamilton Parkway for approximately 203 feet, on 48th Street for approximately 327.11 feet, on 49th Street for approximately 291.5 feet, and on Tenth Avenue for approximately 200.4, with the Fort Hamilton Parkway and 10th Avenue frontages running the entire block between 48th and 49th Streets; and

proposal will not alter the essential character of the neighborhood or substantially impair the appropriate use or development of the surrounding area nor be detrimental to the public welfare; and

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

WHEREAS, evidence in the record demonstrates that this proposal, is the minimum necessary to meet the applicant's programmatic needs; and

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R6/C1-3 zoning district, the erection of a nine-story (L1+8) building, within a community facility in violation of the requirements for lot coverage and height and setback contrary to Z.R. §§ 24-522, 33-431 and 24-11, contrary to Z.R. §§23-144, 23-633 and 23-462 on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received "November 8, 2002"- (1) sheet and "September 26, 2002 - (17) sheets and on further condition;

THAT in accordance with the Board-approved Fire Protection Synopsis Plan (Sheet ZG-5) the premises shall provide and maintain the following:

- (1) An Automatic Wet sprinkler system to be installed throughout the entire building and connected to a Fire Department-approved Central Station;
- (2) A fire alarm system be installed throughout the entire building and connected to a Fire Department approved Central Station;

MINUTES

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

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

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

THAT the approved plans shall be considered approved only

249-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for B.Z.V. Enterprise Corporation, owner.

SUBJECT - Application August 7, 2001 - under Z.R. § 72-21, to permit the proposed conversion of an existing four story manufacturing building, Use Group 17, to joint living/working quarters, Use Group 17D, located in an M1-2 zoning district, which is contrary to Z.R. §42-14.

PREMISES AFFECTED - 9 White Street, a/k/a 210/22 Varet Street, southwest corner, Block 3117, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Moshe Friedman.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 4, 2003, at 1:30 P.M., for continued hearing.

297-01-BZ

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

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

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

COMMUNITY BOARD #6M

APPEARANCES-

For the Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to March 25, 2003, at 2 P.M., for continued hearing.

363-01-BZ thru 365-01-BZ

APPLICANT - Freda Design Assoc. Ltd., for Harold Lane, owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed construction of a three family dwelling, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 3304 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 39, Borough of

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 including all fire safety and egress requirements, 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, January 7, 2003.

The Bronx.

3306 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 40, Borough of The Bronx.

3308 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 41, Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Laid over to January 28, 2003, 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, a/k/a 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: Kenneth K. Fisher and Robert Pauls.

THE VOTE TO CLOSE HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

ACTION OF THE BOARD - Laid over to January 28, 2003, at 1:30 P.M., for decision, hearing closed.

373-01-BZ

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

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

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

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and

MINUTES

Commissioner Miele.....3
Negative:0
Absent: Chairman Chin, Vice-Chair Babbar.....2

83-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Big Sue, LLC, owner.

SUBJECT - Application March 21, 2002 - under Z.R. §72-21, to permit the proposed conversion of a four story industrial building, located in an M1-1 zoning district, into a residential dwelling with 34 units, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 925 Bergen Street, between Franklin and Classon Avenues, Block 1142, Part of Lot 40(Tentative Lot 60), Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Chris Wrih.

THE VOTE TO CLOSE HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

ACTION OF THE BOARD - Laid over to January 7, 2003, at 1:30 P.M., for continued hearing.

ACTION OF THE BOARD - Laid over to January 7, 2003, at 1:30 P.M., for continued hearing.

229-02-BZ thru 231-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Simon Dushinsky and Issac Rabinowitz, owner.

SUBJECT - Application August 15, 2002 - under Z.R. §72-21 to permit the proposed construction of a six- story building containing twelve units, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 24 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 5, Borough of Brooklyn.

32 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 7, Borough of Brooklyn.

42 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 25, 2003, at 1:30 P.M., for postponed hearing.

226-02-BZ

APPLICANT - Stadtmauer Bailkin, LLP, for School of Visual Arts, owner; Resource and Image Center for the Visual Arts, lessee.

SUBJECT - Application August 7, 2002 - under Z.R. §72-21 to permit the proposed six story community facility(school), Use Group 3, located in an R8B zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard, street wall, setback and bulkhead obstruction, and is contrary to Z.R. §24-11, §24-33, §24-36, §23-633 and §23-62.

PREMISES AFFECTED - 319/21 East 21st Street, between First and Second Avenues, Block 927, Lots 13 and 14, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Howard Zipser.

For Opposition: Debra Aaron.

THE VOTE TO CLOSE HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

ACTION OF THE BOARD - Laid over to January 28, 2003, at 1:30 P.M., for decision, hearing closed.

236-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Raymond and Vivian Dayan, owners.

SUBJECT - Application August 23, 2002 - under Z.R. §72-21 to permit the proposed enlargement of a single family residence, located in R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, perimeter wall height, building height, and front and side yards, and is contrary to Z.R. §23-141, §23-631, §23-45 and §23-461A.

PREMISES AFFECTED - 2324 Avenue "R", southwest corner of East 24th Street, Block 6829, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Laid over to February 11, 2003, at 1:30 P.M., for continued hearing.

240-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Arthur Roslyn Gruener, owner.

SUBJECT - Application August 30, 2002 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which exceed the permitted floor area, and does not provide the required open space, or front, side or rear yards, which is contrary to Z.R. §23-461, §23-45, §23-47 and §23-141.

Brooklyn.

COMMUNITY BOARD #15BK

PREMISES AFFECTED - 1745 East 23rd Street, east side, 340' south of Quentin Road, Block 6806, Lot 74, Borough of

MINUTES

APPEARANCES -

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

ACTION OF THE BOARD - Laid over to January 28,
2003, at 1:30 P.M., for decision, hearing closed.

339-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for 147 Springfield
LLC, owner.

SUBJECT - Application November 14, 2002 - under Z.R. §72-21
to permit the proposed reestablishment of an expired variance
previously granted under Cal. No. 219-71-BZ Vol. II, which
permitted a warehouse with offices in an R3-2 zoning district, also
the addition of Lot No. 4 to the premises, for use as the entrance
ramp, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 147-65/76 Springfield Boulevard,
northeast corner of 147th Avenue, Block 13363, Lots 4 and 6,
Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Opposition: Barbara E. Brown, SRCAA, Inc., Richard C.
Hellenbrecht and D. Warmington.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 4,
2003, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 2:55 P.M.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

Volume 88, No. 4

January 23, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBAY

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

| | |
|--------------------------------------|----|
| DOCKET | 41 |
| CALENDAR of February 11, 2003 | |
| Morning | 43 |
| Afternoon | 43 |

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, January 14, 2003**

Morning Calendar45

Affecting Calendar Numbers:

| | |
|---------------------------|--|
| 211-74-BZ | 1004-1022 Second Avenue, Manhattan |
| 285-85-BZ | 2353-2355 Coney Island Avenue, Brooklyn |
| 543-91-BZ | 8605-8613 Fort Hamilton Parkway, Brooklyn |
| 25-95-BZ | 2881 Nostrand Avenue, Brooklyn |
| 134-97-BZ | 2467 Arthur Avenue, Bronx |
| 789-45-BZ | 56-02 to 56-20 Broadway, Queens |
| 494-55-BZ | 67-69 Avenue U, Brooklyn |
| 1043-80-BZ | 1680/88 Albany Avenue, a/k/a 4024 Marginal Street, Brooklyn |
| 181-90-BZ | 482/486 College Avenue, Bronx |
| 32-92-BZ | 72-06 Parsons Boulevard, a/k/a 157-10 72 nd Avenue, Queens |
| 186-98-BZ | 1811 47 th Avenue, a/k/a 4613 18 th Avenue, Brooklyn |
| 134-99-BZ | 18 West 89 th Street, a/k/a 17-19 West 88 th Street, Manhattan |
| 159-02-A | 33 White Plains Avenue, Staten Island |
| 127-02-A thru 137-02-A | 30, 34, 36, 38, 40, 42, 44, 46, 48, 45 Aviston Avenue, Staten Island |
| 235-02-A | 164-47 Nadal Place, Queens |
| 252-02-A | 466 Seabreeze Walk, Queens |
| 253-02-A | 8 Marion Walk, Queens |
| 272-02-A | 9 Suffolk Walk, Queens |
| 318-02-A | 481 Seabreeze Walk, Queens |
| 319-02-A | 38 Graham Place, Queens |
| 320-02-A | 232 Roxbury Avenue, Queens |
| 321-02-A | 31 Roosevelt Walk, Queens |
| 337-02-A | 1390 Richmond Terrace, Staten Island |

CONTENTS

Afternoon Calendar.....53

Affecting Calendar Numbers:

| | |
|-----------------------------|---|
| 292-01-BZ | 69/71 MacDougal Street, Manhattan |
| 43-02-BZ | 116 East 73 rd Street, Manhattan |
| 87-02-BZ | 8401 Flatlands Avenue, Brooklyn |
| 138-02-BZ | 4302 Farragut Road, Brooklyn |
| 151-02-BZ | 223 West 80 th Street, Manhattan |
| 305-01-BZ thru 320-01-BZ | 65-97/65-77/65-79/65-81/65-83/65-85/65-87/65-89/65-91/65-90/65-88/65-86/ 65-84/65-82/65-80/65-78 Terrace Court, Queens |
| 324-01-BZ | 1077 Bay Street, Staten Island |
| 325-01-BZ | 1375 East 27 th Street, Brooklyn |
| 28-02-BZ | 80 Madison Avenue, Manhattan |
| 60-02-BZ | 3849 Bedford Avenue, Brooklyn |
| 85-02-BZ | 850 East 181 st Street, a/k/a 2120 Crotona Parkway, Bronx |
| 122-02-BZ | 32 West 22 nd Street, Manhattan |
| 123-02-BZ | 14-34 110 th Street, Queens |
| 149-02-BZ & 150-02-BZ | 1821 Richmond Avenue, Staten Island |
| 152-02-BZ | 1768/81 Second Avenue, Manhattan |
| 181-02-BZ | 1875 Bartow Avenue, Bronx |
| 209-02-BZ | 2999 Third Avenue, Bronx |
| 264-02-BZ | 150/54 West 17 th Street, Manhattan |
| 266-02-BZ | 181 Jaffray Street, Brooklyn |
| 273-02-BZ | 615 Hamilton Avenue, Brooklyn |
| 330-02-BZ | 48/60 Williams Avenue, Brooklyn |

CONTENTS

**MINUTES of Dismissal Calendar,
Wednesday, January 15, 2003**

Affecting Calendar Numbers:64

| | |
|-------------------------------------|--|
| 529-52-BZ | 77-11 Roosevelt Avenue, Queens |
| 426-54-BZ | 78-11 Linden Boulevard, Queens |
| 485-76-BZ | 70-01/09 65 th Street, Queens |
| 492-91-BZ | 214-32 Hillside Avenue, Queens |
| 172-97-BZ | 1023 Brighton Beach Avenue, Brooklyn |
| 331-98-BZ | 1426-1428 Fulton Street, Brooklyn |
| 386-01-BZ | 223 84 th Street, Brooklyn |
| 120-02-BZ | 42-46 Avenue A, Manhattan |
| 192-02-BZ | 108-36/50 Queens Boulevard, Queens |
| 238-02-BZ | 638 Dean Street, Brooklyn |
| 161-02-BZ | 2433 Knapp Street, Brooklyn |
| 202-02-BZ | 133-20 Rockaway Boulevard, Queens |
| 203-02-BZ | 110-18 Northern Boulevard, Queens |
| 210-02-BZ & 78-01/78-03/78-05/78-07 | Myrtle Avenue, Queens |
| 213-02-BZ | |
| 241-02-BZ | 130 3 rd Street, Brooklyn |

CORRECTIONS

Affecting Calendar Numbers:

| | |
|--------------------|---------------------------------------|
| 603-49-BZ | 34-14 31 st Street, Queens |
| 286-86-BZ, Vol. II | 100 Seventh Avenue, Brooklyn |
| 118-01-BZ | 1845 Richmond Avenue, Staten Island |

DOCKET

New Case Filed Up to January 14, 2003

2-03-BZ B.Q. 37 Bedford Avenue, east side, 150' south of Bayside, Block 16350, Part of Lot 300, Borough of Queens. Applic.#401590444. Proposed construction of a new second floor, and an upgrading of the septic system for a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

3-03-BZ B.BK. 50 Dover Street, between Hampton Avenue and Shore Boulevard, Block 8729, Lot 27, Borough of Brooklyn. Alt. #301474054. Proposed enlargement of an existing single family residence, located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio, rear yard, perimeter wall height and building height, is contrary to Z.R. §23-141, §23-47 and §23-631.

COMMUNITY BOARD #15BK

4-03-A B.Q. 502 Browns Boulevard, near Hillside Avenue, Block 16350, Lot 400, Borough of Queens. Applic. #401570938. Proposed reconstruction and enlargement to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

5-03-BZ B.BK. 2276 86th Street, south side, 36'-8'' west of 23rd Avenue, Block 6383, Lot 44, Borough of Brooklyn. Applic. #301282270. The legalization of a one story enlargement at the rear of the first floor of an existing two story mixed use building, and the erection of a small enlargement by the notch, which increases the degree of non-compliance with respect to floor area ratio, is contrary to Z.R. §§35-30 and 54-31.

COMMUNITY BOARD #11BK

6-03-A B.Q. 150-03 Waterside Court, 150th Street, west of Third Avenue, Block 4506, Lot 2, Borough of Queens. Applic. #401501585. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

7-03-A B.Q. 150-07 Waterside Court, 150th Street, west of Third Avenue, Block 4506, Lot 3, Borough of Queens. Applic. #401501629. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

8-03-A B.Q. 150-11 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 4, Borough of Queens. Applic. #401501638. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

9-03-A B.Q. 150-15 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 5, Borough of Queens. Applic. #401501647. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

10-03-A B.Q. 150-19 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 6, Borough of Queens. Applic. #401501656. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

11-03-A B.Q. 150-23 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 7, Borough of Queens. Applic. #401501665. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

12-03-A B.Q. 150-12 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 15, Borough of Queens. Applic. #401501594. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

13-03-A B.Q. 150-16 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 14, Borough of Queens. Applic. #401501601. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

CALENDAR

14-03-A B.Q. 150-20 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 13, Borough of Queens. Applic. #401501610. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

15-03-A B.Q. 150-56 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4506, Lot 8, Borough of Queens. Applic. #401526247. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

16-03-A B.Q. 150-60 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4506, Lot 9, Borough of Queens. Applic. #401526256. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

17-03-A B.Q. 150-64 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4506, Lot 11, Borough of Queens. Applic. #401526265. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

18-03-A B.Q. 150-68 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4506, Lot 12, Borough of Queens. Applic. #401526238. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

19-03-A B.Q. 150-79 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 71, Borough of Queens. Applic. #401526005. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

20-03-A B.Q. 150-81 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 72, Borough of Queens. Applic. #401526014. Proposed construction of a one family dwelling, not fronting on a legally mapped

street, is contrary to Section 36, Article 3 of the General City Law.

21-03-A B.Q. 150-83 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 73, Borough of Queens. Applic. #401526023. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

22-03-A B.Q. 150-85 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 74, Borough of Queens. Applic. #401526032. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

23-03-A B.Q. 150-87 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 75, Borough of Queens. Applic. #401526041. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

24-03-BZ B.Q. 178-02/08 Union Turnpike, southwest corner of Surrey Place, Block 7227, Lot 29, Borough of Queens. Alt. #1205/54. The reestablishment of an expired variance, previously granted by the Board under Cal. No. 624-39-BZ, which permitted a gasoline service station and an automobile repair facility, Use Group 16, in a C1-2 within an R2 zoning district.

COMMUNITY BOARD #8Q

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

FEBRUARY 11, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, February 11, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

426-54-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Howard Levine, owner.

SUBJECT - Application April 4, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired April 22, 2000 and Application November 12, 2002 for an amendment to the resolution.

PREMISES AFFECTED - 78-11 Linden Boulevard, northwest corner of Linden Boulevard and 79th Street, Block 11376, Lot 23, Borough of Queens.

COMMUNITY BOARD #10Q

421-62-BZ

APPLICANT - Omer Fenik Architects, for Gotham Towne House Owners Corp., owner; Rapid Park Industries, lessee

SUBJECT - Application August 22, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expires November 20, 2003.

PREMISES AFFECTED - 153 East 57th Street, intersection of East 57th Street, 120' west of Third Avenue, Block 1312, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #6M

830-62-BZ

APPLICANT - Omer Fenik Architects, for 157 East 57th Street, LLC, owner; Rapid Park Industries, lessee.

SUBJECT - Application August 22, 2002 - reopening for an extension of term of variance which expired November 29, 2002.

PREMISES AFFECTED - 157 East 57th Street, northwest corner of Third Avenue and East 57th Street, Block 1312, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #6M

PREMISES AFFECTED - 320 West 84th Street, between Riverside Drive and West End Avenue, Block 1245, Lot 86, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEALS CALENDAR

2-03-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Steven & Denise Domenech, lessees.

SUBJECT - Application January 8, 2002 - proposed construction of a new second floor and upgrade of the septic system for a home which lies within an R4 district, but does not front on a mapped street which is contrary to Article 3, Section 36(2) of the General City Law and Section 27-291 of the Building Code.

PREMISES AFFECTED - 37 Bedford Avenue, east side 150' south of Bayside, Block 16350, Part of Lot 300, Borough of Queens.

FEBRUARY 11, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, February 11, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

120-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Abraham Lokshin, owner; Dolphin Fitness, Inc., lessee.

SUBJECT - Application April 15, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, Use Group 9, located in the cellar of a six story building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 42 Avenue "A", northeast corner of East Third Street, Block 399, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #3M

223-02-BZ & 224-02-A

APPLICANT - Sheldon Lobel, P.C., for 320 West 84th Street, Corp, owner.

SUBJECT - Application August 6, 2002 - under Z.R. §73-621 to permit the legalization of an existing rental apartment in the cellar of a six story building, located in an R8B zoning district, which increases the degree of non-compliance with respect to floor area ratio and open space ratio, which is contrary to Z.R. §23-142 and §54-31; and does not comply with §§34.6 and 216 of the Multiple Dwelling Law and § 27-2082 and 27-2085 of the Housing Maintenance Code.

228-01-BZ

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

SUBJECT - Application Remanded back to BSA as per Supreme Court Decision

PREMISES AFFECTED - 1153 Grand Concourse, northwest

CALENDAR

corner of the Grand Concourse and McClellan Street, Block 2463, Lot 21, Borough of The Bronx.

COMMUNITY BOARD #4BX

244-02-BZ & 245-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for 361 West 34th Street Corp., owner; B & B Gym, Inc., lessee.

SUBJECT - Application September 9, 2002 - under Z.R. §73-36 to permit the proposed physical culture establishment, on the second floor of a four story commercial building, to be located in two separate buildings with a convenience opening, requires a special permit as per Z.R. §32-00.

PREMISES AFFECTED - 365/67 West 34th Street, north side, 58.6' east of Ninth Avenue, Block 758, Lot 5, Borough of Manhattan.

373 West 34th Street, northwest corner of Ninth Avenue, Block 758, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

322-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Marylena Auto Repair Inc., owner.

SUBJECT - Application October 29, 2002 - under Z.R. §73-211 to permit the reestablishment of an expired variance, previously granted under Cal. No. 80-88-BZ, which permitted an automotive service station in a C2-2 zoning district, also the proposed addition of a new steel canopy, concrete dispenser island with dispensers and doublewall fiberglass tanks, which is contrary to Z.R. §32-35.

PREMISES AFFECTED - 1840 Richmond Terrace, between Clove Road and Bodine Street, Block 201, Lot 32, Borough of Staten Island.

COMMUNITY BOARD #1SI

323-02-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Irving J. Gotbaum, Esq., for 783 W. Street Corp./Blansig Realty Corp., c/o Kenneth B. Frankel, owner; Sean MacPherson, contract vendee.

SUBJECT - Application October 29, 2002 - under Z.R. §72-21 to

REGULAR MEETING

TUESDAY MORNING, JANUARY 14, 2003

10:00 A.M.

Present: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, November 26, 2002, were approved as printed in the Bulletin of December 5, 2002, Volume

permit the proposed conversion of an existing commercial building, to a single family residence, Use Group 2, located in a C8-4 zoning district, is contrary to Z.R. §§15-021 & 32-10.

PREMISES AFFECTED - 783 Washington Street, east side, corner of Washington and Jane Streets, Block 642, Lot 38. Borough of Manhattan.

COMMUNITY BOARD #2M

351-02-BZ

APPLICANT - Stadtmauer Bailkin, LLP by Steven Sinacori, for 33-11 Associates, owner; Operative Cake Company, lessee.

SUBJECT - Application December 3, 2002 - under Z.R. §72-21 to permit the reestablishment of an expired variance previously granted under Cal. No. 662-69-BZ, which permitted the operation of a food warehouse and distribution facility, Use Group 17, in an R5 zoning district.

PREMISES AFFECTED - 33-55 11th Street, aka 33-41/47th 11th Street, between 33rd Road and 34th Avenue, and 11th and 12th Streets, Block 318, Lot 15, Borough of Queens.

COMMUNITY BOARD #1Q

Pasquale Pacifico, Executive Director

87, No. 48.

SPECIAL ORDER CALENDAR

211-74-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for Connaught Tower Corporation, owner.

SUBJECT - Application October 8, 2002 - reopening for an

MINUTES

amendment to the resolution.

PREMISES AFFECTED - 1004-1022 Second Avenue, 300-318 East 54th Street, 301-305 and 315 East 53rd Street, east side of Second Avenue, between East 53rd and 54th Streets, Block 1346, Lots 1,49, 101, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Robert Flahive.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on January 7, 2003, and laid over to January 14, 2003 for decision; and

WHEREAS, Community Board #6 has recommended approval of this application; and

WHEREAS, on July 23, 1974, the Board granted an application for the construction of a 34-story mixed building and a non-bonused open space; and

WHEREAS, the applicant now seeks to amend the resolution to permit a revision of the approved plans and to change the hours of operation for the non-bonused open space; and

WHEREAS, the applicant proposes to alter the hours of operation to:

May 1 to September 30, from 8 a.m. to 8 p.m. and
October 1 to April 30, from 8 a.m. to 5 p.m.; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the variance pursuant to §§72-1 and 72-22, said resolution having been adopted July 23, 1974, so that as amended this portion of the resolution shall read:

“to permit alteration of the hours of operation for the non-bonused open space to:

May 1 to September 30, from 8 a.m. to 8 p.m. and
October 1 to April 30, from 8 a.m. to 5 p.m.,*on*

condition

THAT the premises shall be maintained in substantial compliance with the proposed drawing submitted with the application marked “Received January 14, 2003”-(1)

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term of the variance, permitting an open

sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the posted notice plaques shall contain the following language:

“This plaza is open to the public 8:00 AM - 8:00 PM (May 1 to September 30), 8:00 AM - 8:00 PM (October 1 to April 30). This plaza is required to maintain six benches and 6 primary trees. Complaints regarding this plaza may be addressed to the Executive Director of the Board of Standards and Appeals of the City of New York.”;

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

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

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

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

Adopted by the Board of Standards and Appeals, January 14, 2003.

285-85-BZ

APPLICANT - Sheldon Lobel, P.C., for Henry Inselstein, owner.
SUBJECT - Application April 4, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired April 7, 2000.

PREMISES AFFECTED - 2353-2355 Coney Island Avenue, between Avenue T and Avenue U, Block 7315, Lot 67, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Jacalyn Fleming.

automobile sales lot, which expired on April 7, 2000; and

WHEREAS, a public hearing was held for this application on December 10, 2002, after due notice by publication in *The City Record*, and laid over to January 14, 2003 for decision; and

WHEREAS, the applicant represents that the premises is in substantial compliance with the previous BSA-approved plans.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the resolution pursuant to §§72-01 and 72-22, said resolution having been adopted on January

MINUTES

7, 1986, so that as amended this portion of the resolution shall read:

‘To extend the term of the variance for a period of ten (10) years from April 7, 2000, to expire on April 7, 2010; *on condition*

THAT the premises shall be maintained in substantial compliance with Board approved plans marked “Received October 1, 2002”-(2) sheets; *and on further condition*

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

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.” (DOB#301323397)

Adopted by the Board of Standards and Appeals, January 14, 2003.

543-91-BZ

APPLICANT - Fredrick A. Becker, Esq., for Barbara Salamy and Fredric Kalesh, owner; P.C. Richards and Sons, lessee.

SUBJECT - Application July 17, 2002 - reopening for an extension of term of variance which expired July 28, 2002.

PREMISES AFFECTED - 8605-8613 Fort Hamilton Parkway, east side of Fort Hamilton Parkway, 67.5" south of 86th Street, Block 6053, Lot 14, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Application reopened, and

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

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

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

term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the applicant has requested a re-opening and an extension of the term of the variance, permitting a one-story television, radio, phonograph and household appliance store, which expires on July 28, 2002; and

WHEREAS, a public hearing was held on this application on December 17, 2002, after due notice by publication in *The City Record*, and laid over to January 14, 2003 for decision; and

WHEREAS, the applicant represents that there are no substantial changes from what was previously approved by the Board;

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, pursuant to Z.R. §72-01 and 72-22, *reopens and extends the term of the variance*, said resolution having been adopted July 28, 1992, so that as amended this portion of the resolution shall read:

‘to permit the extension of the term of the variance for an additional ten (10) years from the July 28, 2002 to expire on July 28, 2012, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received July 17, 2002”-(1) sheet, “November 13, 2002”-(1) sheet and “December 18, 2002”-(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*;

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT there shall be no sale of appliances on the sidewalk

(DOB # 301364155)

Adopted by the Board of Standards and Appeals, January 14, 2003.

25-95-BZ

APPLICANT - Anthony M. Salvati, for Mr. Joseph Packman, owner.

SUBJECT - Application July 16, 2001 - reopening for an extension of term of variance which expired June 11, 2001.

PREMISES AFFECTED - 2881 Nostrand Avenue, Nostrand Avenue and Marine Parkway, Block 7691, Lot 19, Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Peter Hirshman.

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the applicant has requested a re-opening and an extension of the term of the variance, permitting a one-story enlargement to an existing non-conforming auto laundry, which expires on June 11, 2001; and

WHEREAS, a public hearing was held on this application on August 13, 2002, after due notice by publication in *The City Record*, laid over to October 1, 2002, November 19, 2002, December 17, 2002 and then to January 14, 2003 for decision; and

WHEREAS, the applicant represents that there are no substantial changes from what was previously approved by the Board;

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, pursuant to Z.R. §§72-01 and 72-22, *reopens and extends the term of the variance*, said resolution having been adopted June 11, 1996, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the variance for an additional ten (10) years from the June 11, 2001 to expire on June 11, 2011, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received December 10, 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 the conditions from all prior BSA resolutions for this site shall remain in effect;

THAT the premises shall be maintained free of debris and graffiti;

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the time to obtain a Certificate of Occupancy which expired on October 26, 2000; and

WHEREAS, a public hearing was held for this application on December 17, 2002, after due notice by publication in *The City Record*, laid over to January 14, 2003 for decision; and

WHEREAS, on October 26, 1999, an application at the subject premises was granted by the Board under §72-21 to permit the legalization of the storage of home heating oil delivery trucks and accessory office.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the resolution, said resolution having been adopted on October 26, 1999, only as to the time to

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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.” (DOB # 300420239)

Adopted by the Board of Standards and Appeals, January 14, 2003.

134-97-BZ

APPLICANT - John A. Lentini, for Thersa Garofalo, owner; Rivoli Fuel Oil Co., Inc, lessee.

SUBJECT - Application October 17, 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 - 2467 Arthur Avenue, west side of Arthur Avenue, 115.01' south of E. 189th Street, Block 3066, Lot 51, Borough of The Bronx.

COMMUNITY BOARD #6BX

APPEARANCES -

For Applicant: John A. Lentini.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and time to obtain a Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

complete substantial construction and obtain a Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“That a Certificate of Occupancy shall be obtained within two (2) years from the date of this grant; *and on further condition*

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

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

MINUTES

approved only for the portions related to the specific relief granted; and

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

Adopted by the Board of Standards and Appeals, January 14, 2003.

789-45-BZ

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

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

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

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 4, 2003, at 10 A.M., for decision, hearing closed.

494-55-BZ

APPLICANT - Edward Lauria, P.E., for Joseph Ciervo, owner.

SUBJECT - Application November 6, 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 which expired May 29, 2001.

181-90-BZ

APPLICANT - Philip P. Agusta, The Agusta Group, for Les-Ted, LLC, owner.

SUBJECT - Application June 5, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 8, 2001.

PREMISES AFFECTED - 482/486 College Avenue, east side 25' south of East 148th Street, Block 2329, Lot 58, Borough of The Bronx.

COMMUNITY BOARD #1BX

APPEARANCES -

For Applicant: Nelly Bravo.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 4, 2003, at 10 A.M., for decision, hearing closed.

PREMISES AFFECTED - 67-69 Avenue U, north side 40' East of West 11th Street, Block 7095, Lot 47, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Edward Lauria.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 4, 2003, at 10 A.M., for decision, hearing closed.

1043-80-BZ

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

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

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

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: John A. Yacovone, Fire Department.

THE VOTE TO REOPEN -

Affirmative: Commissioner Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to January 28, 2003, at 10 A.M., for continued hearing.

32-92-BZ

APPLICANT - John Xikis, for John Xikis, owner.

SUBJECT - Application November 20, 2002 - reopening for an extension of time to complete construction which expired December 19, 2002.

PREMISES AFFECTED - 72-06 Parsons Boulevard, a/k/a 157-10 72nd Avenue, southwest corner of the intersection of Parsons Boulevard and 72nd Avenue, Block 6821, Lot 29, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Joseph Xikis.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

MINUTES

ACTION OF THE BOARD - Laid over to February 4, 2003, at 10 A.M., for decision, hearing closed.

186-98-BZ

APPLICANT - Sheldon Lobel, P.C., for Cngrtn Nach Las Maharim Dchasedi Stretim, owner.

SUBJECT - Application November 1, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1811 47th Street (a/k/a 4613 18th Avenue), 47th Street and 18th Avenue, Block 5439, Lots 6 and 15, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Jacqlyn Fleming.

ACTION OF THE BOARD - Laid over to February 11, 2003, at 10 A.M., for continued hearing.

134-99-BZ

APPLICANT - New York City Board of Standards and Appeals. Martyn and Don Weston Architects, for Franklyn Holding Company, owner; The Dwight School, owner.

SUBJECT - Application Remanded back to BSA as per Supreme Court Decision.

PREMISES AFFECTED - 18 West 89th Street, aka 17-19 West 88th Street, south side, 160' west of Central Park West, Block 1202, Lots 25, and 40, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Don Weston, Jacalyn R. Fleming and Barbara Marks.

For Opposition: Paul A. Engelmayer.

THE VOTE TO CLOSE HEARING -

WHEREAS, this is an appeal of decision of the Borough Superintendent's April 18, 2002 decision refusing to revoke Certificate of Occupancy Number 500442675 permitting a two-family residence; and

WHEREAS, the premises is located in an R3-2 zoning district and pursuant to the subject Certificate of Occupancy houses a two-story with cellar dwelling; and

WHEREAS, on February 13, 2001, the Department of Buildings received job application Number 500442675, a self-certification application, in March 2001, the application was randomly selected for an audit which was completed on April 20, 2001 resulting in the issuance of construction permits on June 27, 2001 and the subject Certificate of Occupancy on November 21, 2001; and

WHEREAS, the appelland challenges the subject Certificate of Occupancy contending that the permits allow numerous Building Code and Zoning Resolution violations, specifically, Building Code §§27-296, 27-328(e), 27-622(a)(4) and (b)(1-4), 27-355(a)(3), 27-343(b), 27-345, 27-324(e), 27-1030 and Zoning Resolution §§23-45, 23-541, 23-48 and 23-461; and

WHEREAS, the record indicates that the above sections were reviewed and were found to be not applicable, permitted by Department of Buildings

Affirmative: Commissioner Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 4, 2003, at 10 A.M., for decision, hearing closed.

159-02-A

APPLICANT - Charles L. Walker, for Charles Ferrando.

OWNER OF PREMISES: Sucuri Palevic.

SUBJECT - Application May 16, 2002 - An appeal challenging the Department of Buildings' determination dated April 18, 2002, in which the Department refused to revoke Certificate of Occupancy No. 500442675 for subject premises, on the grounds that said building does not violate the Zoning Resolution and the NYC Building Code requirements.

PREMISES AFFECTED - 33 White Plains Avenue, between Shaughnessy Lane and Chestnut Avenue, Block 2967, Lot 73, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Charles L. Walker

For Administration: John Yacovone, Fire Department and Lisa Orrantia, Department of Buildings.

ACTION OF THE BOARD - Appeal denied.

THE VOTE TO GRANT -

Affirmative:.....0

Negative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

discretion or in compliance; and

WHEREAS, in response to Board concerns, the Department of Buildings conducted a second audit to examine the discrepancy between the first floor elevation measurement as set forth on the approved site plan versus the final survey, whether the cellar space is really a basement under the Building Code or the Zoning Resolution, whether the as-built conditions deviate so significantly from the approved plans as to warrant revocation of the Certificate of Occupancy, whether legal side yards are provided, whether construction was permitted without a setback from the street widening line for White Plains Avenue and whether an illegal conversion of the basement has occurred; and

WHEREAS, the Department of Buildings audit revealed that the discrepancy between the first floor elevation measurement as set forth on the approved site plan versus the final survey is neither unusual nor alarming and that there is no indication that fraud or misrepresentation was committed by the surveyor; and

WHEREAS, the audit also revealed that the adjoining grade elevation as established by the site plan was at 62.44 feet, while the final survey established it at 62.7 feet and it does not matter which first floor measurement is

MINUTES

utilized because using either measurement significantly more than 50% of the lowest level of the house is lower than grade level; and

WHEREAS, the appellants claim that the as-built condition deviate from the plans fails because no evidence was presented that the structural integrity or the safety of the dwelling is compromised nor was evidence presented to indicate that the window openings as built deviate from the plans in terms of size; and

WHEREAS, the appellant's contention that no adequate side yard was provided on the south side of the house fails because the final survey shows that a 4.91 to 4.96 side yard was provided which in its discretion the Department of Buildings found to be within its tolerable limits for new construction; and

WHEREAS, the Department of Buildings notes that all measurements for yards are taken from a lot line and that the lot line in question, tax lot 73 in block 2967 existed prior to December 15, 1961 and that the only lot line of the subject zoning lot separating a street from other land is the front lot line, which is the appropriate measuring point for the depth of a required front yard for this particular lot, therefore the Department found that the street widening line present on this lot, which is not a lot line, is not relevant to this measurement; and

WHEREAS, the record indicates that the Department of Buildings conducted two audits of the subject application, acted correctly and within its discretion when it issued the subject construction permits and subsequent Certificate of Occupancy; and

WHEREAS, therefore, the Board finds, that the
40 Aviston Street, west side, 80' south of Tarrytown Avenue, Block 4686, Lot 6, Borough of Staten Island.
42 Aviston Street, west side, 94' south of Tarrytown Avenue, Block 4686, Lot 7, Borough of Staten Island.
44 Aviston Avenue, west side, 108' south of Tarrytown Avenue, Block 4686, Lot 8, Borough of Staten Island.
46 Aviston Avenue, west side, 122' south of Tarrytown Avenue, Block 4686, Lot 9, Borough of Staten Island.
48 Aviston Avenue, west side, 136' south of Tarrytown Avenue, Block 4686, Lot 10, Borough of Staten Island.
45 Aviston Avenue, west side, 150' south of Tarrytown Avenue, Block 4686, Lot 15, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 11, 2003, at 10 A.M., for continued hearing.

235-02-A

APPLICANT - Leventis Omatade, for Emtade Contracting Inc., owner.

SUBJECT - Application August 23, 2002 - Proposed construction of a one family dwelling, located within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 164-47 Nadal Place, between 110th

appellant has not submitted adequate evidence to warrant the revocation of Certificate of Occupancy Number 500442675.

Resolved, that the decision of the Borough Superintendent dated April 18, 2002 refusing to revoke Certificate of Occupancy Number 500442675 permitting a two-family residence is hereby upheld and this appeal is denied.

Adopted by the Board of Standards and Appeals, January 14, 2003.

127-02-A thru 137-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Michael Leonardi, owner.

SUBJECT - Application April 24, 2002 - Proposed construction of a one family dwelling not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

30 Aviston Street, southwest corner of Tarrytown Avenue, Block 4686, Lot 1, Borough of Staten Island.
32 Aviston Street, west side, 24' south of Tarrytown Avenue, Block 4686, Lot 2, Borough of Staten Island.
34 Aviston Street, west side, 38' south of Tarrytown Avenue, Block 4686, Lot 3, Borough of Staten Island.
36 Aviston Street, west side, 52' south of Tarrytown Avenue, Block 4686, Lot 4, Borough of Staten Island.
38 Aviston Street, west side, 66' south of Tarrytown Avenue, Block 4686, Lot 5, Borough of Staten Island.

Avenue and Nadal Place, Block 10193, Lot 90, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Leventis Omatade.

For Opposition: John A. Yacovone, Fire Department. **ACTION OF**

252-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Martin & Kathleen Fahy, owners.

SUBJECT - Application September 17, 2002 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of mapped street and also has a private disposal system within the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 466 Seabreeze Walk, east side, 4.31' south of Rockaway Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Joseph A. Sherry.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 11, 2003, at 10 A.M., for continued hearing.

MINUTES

253-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Leonard & Justin Sica, lessees.

SUBJECT - Application September 17, 2002 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, with a private disposal system in the bed of a private service road, is contrary to Sections 36, Article 3 of the General City Law and the Department of Buildings policy, also the interpretation of Z.R. §23-47 and it relates to rear yard requirement.

PREMISES AFFECTED - 8 Marion Walk, west side, 302.52' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Joseph A. Sherry.

For Administration: John Yacovone, Fire Department and Lisa Orrantia, Department of Buildings.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 4, 2003, at 10 A.M., for decision, hearing closed.

318-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Mary Malone, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 481 Seabreeze Walk, east side, 94.54' south of Rockaway Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Joseph A. Sherry.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 4, 2003, at 10 A.M., for decision, hearing closed.

319-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Bruce Robertson, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 4, 2003, at 10 A.M., for decision, hearing closed.

272-02-A

APPLICANT - Patrick O'Brien, for Breezy Point Co-op, Inc., owner; William Hickey, lessee.

SUBJECT - Application October 29, 2002 - Proposed alteration to an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 9 Suffolk Walk, east side, 148' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Michael Harley.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

mapped street, also has a private disposal system in the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED - 38 Graham Place, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Joseph A. Sherry.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 4, 2003, at 10 A.M., for continued hearing.

320-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; John 7 Laura Heesemann, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement and alteration of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law. PREMISES AFFECTED - 232 Roxbury Avenue, corner of Roxbury Boulevard, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Joseph A. Sherry.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 4, 2003, at 10 A.M., for continued hearing.

321-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Michael and Patricia Burns, lessee.

MINUTES

SUBJECT - Application October 29, 2002 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street and also has a private disposal system located partially in the bed of a mapped street, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED - 31 Roosevelt Walk, corner of West End Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Joseph A. Sherry.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 4, 2003, at 10 A.M., for continued hearing.

enlargement, to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of a mapped street, and has an upgraded private disposal system within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law and the Department of Buildings Policy.

PREMISES AFFECTED - 29 Fulton Walk, west side, 14.68' south of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Joseph A. Sherry.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 4, 2003, at 10 A.M., for continued hearing.

331-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Robert Riordan, lessee.

SUBJECT - Application October 29, 2002 - Proposed

337-02-A

APPLICANT - Thomas Avitabile, Architect, for Robert Schwimmer, owner.

SUBJECT - Application November 15, 2002 - Proposed community facility, located on a portion of a lot which is fully within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 1390 Richmond Terrace, southwest corner of Elm Street. Block 158, Lot 6, Borough of Staten Island.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Thomas Avitabile, Luke Nasta and Patricic Lockhart.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 4, 2003, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:35 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, JANUARY 14, 2003
2:00 P.M.**

Present: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

292-01-BZ

CEQR #02-BSA-036M

APPLICANT - Anthony M. Salvati, for Peter Mosconi, owner.
SUBJECT - Application October 18, 2001 - under Z.R. §72-21, to permit in an R7-2 zoning district, the legalization of a new dining room at the rear of an eating and drinking establishment, with accessory cellar level storage, which is contrary to Z.R. §52-22.

MINUTES

PREMISES AFFECTED - 69/71 MacDougal Street, north side, 120-3 1/2" of West Houston Street, Block 526, Lots 33 and 34, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Peter Hirshman and Peter Mosconi.

For Opposition: Doris Diether, Community Board #2.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION-

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R7-2 zoning district, the legalization of a new dining room at the rear of an eating and drinking establishment, with accessory cellar level storage, which is contrary to Z.R. §52-22; and

WHEREAS, the subject site consists of two contiguous lots each with 20' of frontage along MacDougal Street totaling 40' in length, improved with an existing non-conforming 3,817 square foot restaurant at the basement and cellar levels with three-stories of residential above; and

WHEREAS, the subject R7-2 zoning district only permits residential and community facility uses; and

WHEREAS, the record indicates that the lot has been developed with two independent structures that have been linked together with an existing rear yard extension; and

WHEREAS, the applicant represents that due to the sitting and configuration of the buildings only a small portion of the site on the southwestern edge is available for development; and

WHEREAS, the site was developed in the 1920s, prior to Certificates of Occupancy being required; and

WHEREAS, the applicant represents that a viable conforming development is not possible because the two existing contiguous structures with the existence of an open courtyard is a condition does not allow enlargement that conforms to the zoning resolution

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, the site's history with a non-conforming eating and drinking establishment use, and site's development configuration with two independent structures linked together with an existing rear extension presents an undue hardship in developing the site with a conforming development; and

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

WHEREAS, the Board notes that this is a legalization, and that the area surrounding the subject application, is characterized by commercial and other eating and drinking establishments; and

WHEREAS, therefore, the Board finds that the continuation of an eating and drinking establishment use at the subject premises will not alter the essential character of

WHEREAS, the decision of the Borough Commissioner, dated October 4, 2001 acting on Application No. 102321952 reads:

"1. The proposed enlargement of the non-conforming Use Group 6 Eating and Drinking Establishment in an R7-2 zoning district is contrary to Section 52-22 Z.R."; and

WHEREAS, a public hearing was held on this application on October 1, 2002 after due notice by publication in the *City Record*, and laid over to December 17, 2002 and then to January 14, 2003 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 Peter Caliendo and Commissioner Mitchell Korbey; and

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, the Board finds that 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 Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an R7-2 zoning district, the legalization of a new dining room at the rear of an eating and drinking establishment, with accessory cellar level storage, which is contrary to Z.R. §52-22, *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 10, 2002"-(1) sheet and "October 18, 2001"-(5) sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant expiring January 7, 2013;

THAT pursuant to Fire Department recommendations, sprinklers shall be provided and maintained in all commercial spaces;

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

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other

MINUTES

jurisdiction objection(s) only;

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

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

Adopted by the Board of Standards and Appeals, January 7, 2003.

43-02-BZ

CEQR #02-BSA-129M

APPLICANT - Sheldon Lobel, P.C., for George Pantelides, Affirmative:.....0
Negative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated January 14, 2002 and updated and updated without changes on February 1, 2002 acting on Alt. Applic. No. 102232344 reads:

“Proposed legalization of greenhouse type construction within 30 ft. required rear yard is contrary to section 23-47 of the Zoning Resolution and the decision of the Board of Standards and Appeals on April 27, 2001 under Calendar No.: 31-01-A.”; and

WHEREAS, a public hearing was held on this application on September 24, 2002 after due notice by publication in *The City Record*, laid over to, 2002 and then to January 14, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, the subject premises are improved with an attached townhouse located between Park and Lexington Avenues in an R8B/LH-1A zoning district which is also part of the Upper East Side Historic District ; and

WHEREAS, the building contains four floors, a basement and cellar with a fully attached building, a non-complying portion of the rear of the subject premises protruding into the required 30' rear yard; and

WHEREAS, unlike the main portion of the subject building, the rear yard protrusion was originally only attached to the building to the east, 118 East 73rd Street, while a six foot gap existed in the western portion of the rear yard; and

WHEREAS, the Department of Buildings originally approved alteration application number 102232344 which requested to expand the rear of the building, thus allowing construction of a two story “greenhouse” in the rear of the

owner.

SUBJECT - Application February 1, 2002 - under Z.R. §72-21, to permit the legalization of an existing greenhouse-type structure and stairway platform, encroaching partially within the required rear yard which is contrary to Z.R. §23-47, and a previous decision by the Board under Cal. No. 31-01-A.

PREMISES AFFECTED - 116 East 73rd Street, south side, between Park and Lexington Avenues, Block 1407, Lot 67, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Howard Hornstein and Peter Geis.

ACTION OF THE BOARD - Application Denied.

THE VOTE TO GRANT -

subject premises, occupying the formerly open space that constituted the non-compliant rear yard; and

WHEREAS, the above permit allowed for construction of a “greenhouse” on the first and second floors with an open space at grade, which is the basement level; and

WHEREAS, on April 24, 2001, under Calendar Number 31-01-A the Board granted an Administrative Appeal application reversing the Department of Buildings decision to permit the construction of a two-story greenhouse enlargement, in the rear of subject premises; and

WHEREAS, Z.R. §23-47 requires that all R8 zoning districts provide at least one rear yard with a depth of at least 30' but the instant application only provides 24 feet 2 inches; and

WHEREAS, this is an application under Z.R. §72-21, to permit the legalization of an existing greenhouse-type structure and stairway platform, encroaching partially within the required rear yard contrary to Z.R. §23-47; and

WHEREAS, the applicant contends, that 2/3 of the width of the site existed prior to enactment of the 1961 Zoning Resolution, that the premises is only 16 feet 6 inches wide, that prior to construction of the greenhouse-type structure, the premises also had a non-complying outer court that is 6 feet wide, and 14 feet deep opening into the rear yard contrary to Section Z.R. 23-841; and

WHEREAS, the record indicates that the greenhouse-type structure was authorized on June 25, 1999 and construction completed on or about September 1999; and

WHEREAS, however, at the basement, first and second floors, the building extends an additional 14' into the rear yard, leaving a non-compliant rear yard only 24'-2"; and

WHEREAS, the original extension is built at a distance of six feet from the westerly lot line, less than the eight feet required by the Zoning Resolution; and

WHEREAS, Z.R. §54-21 allows for legally constructed non-complying buildings to remain indefinitely; and

WHEREAS, however, Z.R §54-31 allows for enlargements or conversions of non-complying buildings only if such enlargement or conversion does not increase the degree of non-compliance of the building or structure; and

WHEREAS, prior to the approval of the enlargement of

MINUTES

the subject premises, the eastern portion of the rear yard was non-compliant, while the westernmost six feet of the yard was compliant; and

WHEREAS, however, the Department of Buildings approval permits the western portion of the rear yard to be violated, which increases the degree of non-compliance in the rear yard; and

WHEREAS, approximately 26 square feet of the required rear yard that were previously unencumbered now contain portions of the building in the first and second floors; and

WHEREAS, the Department of Buildings previously wrote that the construction reduces the degree of non-complying outer court; and

WHEREAS, therefore, the conclusion that the existence of a legal non-complying structure exempts the rear yard from all rear yard requirements is contrary to the Zoning Resolution; and

WHEREAS, the Board finds the existence of a legal non-complying structure does not obviate the general rear yard requirements and make this an outer court; and

WHEREAS, the Zoning Resolution prohibits any enlargement that creates a new non-compliance or increases the degree of non-compliance; and

WHEREAS, Z.R. §23-44(b) allows for an accessory non-commercial greenhouse to be located in required rear yards as permitted obstructions; and

WHEREAS, Z.R. §23-44(b) requires that the "greenhouse" be the lessor of one story or 14' high; and

WHEREAS, the subject structure is built above the first story (the basement) and contains two stories, one at the first floor and the other at the second floor; and

WHEREAS, the subject structure rises a full three floors above grade, reaching a height of 30', well in excess of the 14' maximum imposed by the zoning resolution; and

WHEREAS, therefore, the Board finds that the subject structure fails to meet the definition of a greenhouse as per the Zoning Resolution; and

WHEREAS, furthermore, the Board finds that the Zoning Resolution requires a 30' rear yard, prohibits an increase in the degree of non-compliance; and

WHEREAS, therefore, the Board reaffirms its prior determination that the subject enlargement is in the required rear yard, is not a permitted rear yard obstruction because it increases the degree of non-compliance within the rear yard and is more than one story and taller than 14' above grade; and

WHEREAS, the Board finds that the applicant has failed to establish that the subject enlargement constitutes a "unique physical condition" and that the cost associated with removal of the condition constitute a basis for a financial hardship; and

WHEREAS, therefore, the Board finds that the instant application does not meet the requirements of Z.R §72-21 (a) and (b); and

WHEREAS, the applicant acknowledges that the subject enlargement is illegal, but seeks relief based on equitable principles; and

WHEREAS, the record indicates that the subject

WHEREAS, the western side yard at the rear of the subject building was only six feet from the side lot line to the building wall; and

WHEREAS, the approved enlargement is primarily in that six foot wide space, taking the building wall to the side lot line; and

WHEREAS, Department of Buildings felt that the aforementioned enlargement thereby removed a non-compliant condition, the six foot side yard, and replaced it with a compliant condition, lot line construction; and

WHEREAS, the Board notes that the Zoning Resolution does not allow for the decrease in one non-complying condition to offset a new or increased non-compliance relating to another regulation; and

enlargement was erected as part of a larger renovation which commenced on or a round September 1998 and was followed by numerous complaints alleging illegal construction, a finding that was later sustained by the Board; and

WHEREAS, the evidence indicates that the subject enlargement was a condition created by the applicant; and

WHEREAS, the Board determines that the enlargement was a self-created condition and the application fails to satisfy the requirements of Z.R §72-21(d); and

WHEREAS, the Board finds that the application fails to meet the findings required under Z.R. §72-21 (a)(b)and (d) and must be denied.

Resolved, that the decision of the Department of Buildings, dated January 14, 2002 and updated without changes on February 1, 2002, acting on Alt. Application No. 102232344 is upheld and this application is denied.

Adopted by the Board of Standards and Appeals, January 14, 2003.

87-02-BZ

CEQR #02-BSA-160K

APPLICANT - Sheldon Lobel, P.C., for Harvinder Singh, owner.
SUBJECT - Application March 27, 2002 - under Z.R. §72-2, to permit in an R5 zoning district to replace the existing structure with a new 4,741 square foot automotive service station with an accessory retail convenience store, installation of underground storage tanks, construction of a new overhead canopy with 5 pump islands and the installation of new signage contrary to Z.R. Section 32-00 and Calendar Number 483-69-BZ.

PREMISES AFFECTED - 8401 Flatlands Avenue, between East 83rd and East 84th Streets, Block 8005, Lots 2 and 6, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Janice Calahane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

MINUTES

Negative:.....0
Absent: Vice-Chair Babbar.....1
THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 28, 2002 acting on Application No. 301292553 reads:

“PROPOSED EXTENSION OF A GASOLINE SERVICE STATION USE GROUP 16 IN A R5 DISTRICT PREVIOUSLY APPROVED BY THE BOARD OF STANDARDS AND APPEAL UNDER RESOLUTION 483-69-BZ IS CONTRARY TO

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, in an R5 zoning district to replace the existing structure with a new 4,741 square foot automotive service station with an accessory retail convenience store, installation of underground storage tanks, construction of a new overhead canopy with 5 pump islands and the installation of new signage contrary to Z.R. Section 32-00 and Calendar Number 483-69-BZ; and

WHEREAS, the site is located at the corner of Flatlands Avenue and East 84th Street improved with an existing automotive service station; and

WHEREAS, the record indicates that the proposal provides parking for seven vehicles in addition to spaces at the pump islands, illuminated signage of 215.09 square feet and no non-illuminated signage; and

WHEREAS, the proposal also provides a 6-foot high chain link fence with privacy slats, six-foot high evergreens to screen and buffer the adjoining 3-story apartment at block 8005 Lot 11 in addition to an existing 6-foot high opaque wood fence along the Northern property line which provides a buffer to the property at Block 8005, Lot 1; and

WHEREAS, the applicant represents that under Calendar # 483-69-BZ, in 1969, the Board permitted the rehabilitation and enlargement of the then existing automotive service station; and

WHEREAS, the site’s history of development with non-conforming Board approved uses and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning Resolution; and

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

WHEREAS, the record indicates that the subject property is located in an area characterized by commercial uses; and

WHEREAS, the Board notes that the site has housed non-conforming uses similar to the one proposed for over 33 years; and

WHEREAS, the record indicates that the subject proposal would meet the special permit findings of Zoning Resolution Section 73-211, and provides sufficient parking, screening, fencing and vegetation along the residential district to avoid congestion and adverse traffic and noise impacts; and

WHEREAS, therefore, the Board finds that the

SECTION 32-00 OF THE ZONING RESOLUTION”;
and

WHEREAS, a public hearing was held on this application on October 1, 2002 after due notice by publication in *The City Record* and laid over to November 12, 2002 and December 17, 2002 and then to January 14, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar and Commissioner Mitchell Korbey; and proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, on a site previously before the Board, in an R5 zoning district to replace the existing structure with a new 4,741 square foot automotive service station with an accessory retail convenience store, installation of underground storage tanks, construction of a new overhead canopy with 5 pump islands and the installation of new signage contrary to Z.R. Section 32-00 and Calendar Number 483-69-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 “October 29, 2002”- (4) sheets, and “December 10, 2002”- (2) sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on January 14, 2013;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

THAT this approval is limited to the relief granted by the

MINUTES

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

138-02-BZ

CEQR #02-BSA-190K

APPLICANT - Sheldon Lobel, P.C., for Faks Realty Corporation, owner.

SUBJECT - Application April 29, 2002 - under Z.R. §72-21 to permit in an M1-1 zoning district, the proposed one-story enlargement of an existing one-story and mezzanine building, (Use Group 17) contrary to zoning requirements for floor area ratio, wall height, minimum setback, side yard and parking in violation of Z.R. §§43-12, 43-43, 43-25, and 44-21.

PREMISES AFFECTED - 4302 Farragut Road, on the corner of East 43rd Street and Farragut Road, Block 5018, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 15, 2002 acting on Application No. 301263763 reads:

“THE PROPOSED ENLARGEMENT OF THE EXISTING ONE-STORY AND MEZZANINE, WAREHOUSE IN A M1-1 ZONING DISTRICT.

1. THE PROPOSED BUILDING EXCEEDS THE PERMITTED FAR. CONTRARY TO SECTIONS 43-12 OF THE ZONING RESOLUTION.
2. EXCEEDS THE PERMITTED PERIMETER WALL HEIGHT AND DOES NOT MEET THE MINIMUM SETBACK REQUIREMENT CONTARY TO SECTION 43-43 OF THE ZONING RESOLUTION.
3. DOES NOT MEET THE MINIMUM SIDE YARD REQUIREMENT. CONTRARY TO SECTION 43-25 OF THE ZONING RESOLUTION.
4. DOES NOT MEET THE MINIMUM PARKING REQUIREMENT. CONTRARY TO SECTION 44-21 OF THE ZONING RESOLUTION.”; and

WHEREAS, a public hearing was held on this application on December 17, 2002 after due notice by

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, January 14, 2003.

publication in *The City Record* and laid over to January 17, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, to permit, in an M1-1 zoning district, the proposed one-story enlargement of an existing one-story and mezzanine building, (Use Group 17) contrary to zoning requirements for floor area ratio, wall height, minimum setback, side yard and parking in violation of Z.R. §§43-12, 43-43, 43-25, and 44-21; and

WHEREAS, the subject building extends 100 feet, the entire length of the block along the southerly side of Farragut Road, continuing southerly 100 feet along the easterly side of 43rd Street, continuing 100 feet easterly parallel to Farragut Road, then northerly 100' parallel to 43rd Street in the East Flatbush area of Brooklyn; and

WHEREAS, the record indicates that the building is being used as a chocolate factory and the applicant represents that due to its present size limitation is suffering an economic hardship; and

WHEREAS, the building's loading capacity is not sufficient for typical manufacturing uses, but the nature of the applicant's business enables it to operate with small delivery trucks and not the large tractor-trailer customarily used for most other manufacturing or commercial uses; and

WHEREAS, the applicant represents that the proposed enlargement will provide space to operate a Kosher kitchen enabling the subject business to remain competitive; and

WHEREAS, the record indicates that since May 21, 1940, with subsequent amendments, the site has operated pursuant to Board variances housing a gasoline service station, and an automobile repair shop; and

WHEREAS, site's history of development with Board-approved variances and evidence in the record indicating that the subject site cannot house or be converted to a viable entirely complying structure creates a practical difficulty in complying strictly with the Zoning Resolution; and

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

WHEREAS, the record indicates that the subject property is located in an area characterized by a mixture of commercial and manufacturing uses; and

WHEREAS, the Board notes that this is merely an enlargement to an existing use and that the operation of the subject business is wholly within the building; and

WHEREAS, therefore, the Board finds that the

MINUTES

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, on a site previously before the Board, to permit, in an M1-1 zoning district, the proposed one-story enlargement of an existing one-story and mezzanine building, (Use Group 17) contrary to zoning requirements for floor area ratio, wall height, minimum setback, side yard and parking in violation of Z.R. §§43-12, 43-43, 43-25, and 44-21, *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 26, 2002"-(9) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

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

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

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

Adopted by the Board of Standards and Appeals, January 14, 2003.

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

151-02-BZ

CEQR #02-BSA-198M

APPLICANT - Law Offices of Howard Goldman, PLLC, for Phoenix House Foundation, Inc., owner; Cavan Development Corp., Contract Vendee.

SUBJECT - Application May 9, 2002 - under Z.R. §72-21, to permit in a C4-6A zoning district, the proposed construction of a twelve-story building, which exceeds the maximum permissible height and is contrary to Zoning Resolution §23-692.

PREMISES AFFECTED - 223 West 80th Street, between Broadway and Amsterdam Avenue, Block 1228, Lot 19, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Chris Wright.

ACTION OF THE BOARD - Application granted on condition

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 18, 2002, acting on Application No. 103134724 reads:

"Proposed construction of residential building does not comply with Section 23-692 of the NYC Zoning Resolution (Height Limitations for Narrow Buildings or Enlargements)."; and

WHEREAS, a public hearing was held on this application on October 29, 2002 after due notice by publication in The City Record and laid over to December 10, 2002 for continued hearing and then to January 14, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in a C4-6A zoning district, the proposed construction of a twelve-story building, which exceeds the maximum permissible height and is contrary to Zoning Resolution §23-692; and

WHEREAS, the permissible Floor Area Ratio (FAR) in the subject zoning district is 10.0, and the subject proposal

MINUTES

is 8.3; and

WHEREAS, however, §23-692, which applies to lots of less than 45 feet in width such as the subject lot, restricts

WHEREAS, the subject lot is located between a 12-story building and a 7-story building, and abuts a 22-story building in the rear and therefore any development on the lot is limited to 7 stories; and

WHEREAS, the applicant states that a complying use on the premises cannot generate sufficient square footage to offset the development cost associated with unique conditions of the zoning lot; and

WHEREAS, the record indicates that site is improved with an existing 3-story community facility building, formerly housing a day care and currently utilized as a central admissions office and outpatient center for Phoenix House, a provider of substance abuse and treatment programs; and

WHEREAS, the applicant represents that due to the building's design history, the present structure is burdened by numerous conditions, such as the lack of an elevator and rear yard, which effectively prohibit residential conversion or commercial use; and

WHEREAS, evidence in the record indicates that the front half of the building's basement was not excavated, which is necessary in order to create space for a stairway, elevator core and mechanical rooms; and

WHEREAS, the applicant further represents that the excavation of the front half of the basement will be both difficult and costly due to the narrowness of the lot and the existing buildings on both the east and west; and

WHEREAS, the Board finds that aforementioned unique physical conditions of the site, namely the functional obsolescence of the existing building and the lack of half of the basement level, makes its occupancy for a complying use impractical and creates an unnecessary hardship in developing the site in compliance with the current zoning; and

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

WHEREAS, the applicant's original proposal was for a 12-story plus penthouse building housing twelve units, but at the request of the Board, and in response to community-based concerns, the proposal has been reduced in size and height by the removal of the penthouse level and a reduction in the number of units to eleven; and

WHEREAS, the record indicates that the vicinity of the subject premises is predominately residential in character, and there exist numerous buildings 12-stories or higher in the immediate area; and

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

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

WHEREAS, the Board finds that the variance

the height of any new development to the height of the shorter adjacent building; and

application is the minimum variance necessary to afford the owner relief; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in a C4-6A zoning district, the proposed construction of a twelve-story building, which exceeds the maximum permissible height and is contrary to Zoning Resolution §23-692, 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, 2003"-(12) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

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

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

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

Adopted by the Board of Standards and Appeals, January 14, 2003.

MINUTES

305-01-BZ thru 320-01-BZ

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

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

PREMISES AFFECTED -

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

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

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

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

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

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

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

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

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

65-90 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 29, Borough of Queens.

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

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

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

65-82 Terrace Court, at the end of Admiral Avenue,

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 33, Borough of Queens.

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

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

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 4, 2003, at 1:30 P.M., for continued hearing.

324-01-BZ

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

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

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

COMMUNITY BOARD #1S.I.

APPEARANCES-

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 4, 2003, at 1:30 P.M., for decision, hearing closed.

325-01-BZ

APPLICANT - Harold Weinberg, P.E., for Chaim Stern, owner.

SUBJECT - Application November 9, 2001 - under Z.R. §73-622, to permit the proposed enlargement at the rear of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which creates non-compliance in respect to floor area ratio, open space ratio, rear yard and layout of cellar, and is contrary to Z.R. §23-141 and §23-47.

PREMISES AFFECTED - 1375 East 27th Street, east side, 140'-0" north of Avenue "N", Block 7663, Lot 16, Borough of Brooklyn.

ACTION OF THE BOARD - Laid over to February 4, 2003, at 1:30 P.M., for decision, hearing closed.

28-02-BZ

APPLICANT - Sheldon Lobel, P.C., for TUBA Corp., owner; Harris G. Joseph, Inc., lessee.

SUBJECT - Application January 16, 2002 - under Z.R. §73-36, to

MINUTES

permit the legalization of an existing physical culture establishment, Use Group 9, located in the cellar, of a ten story building, in a C5-2 zoning district, which requires a special permit as per Z.R. §32-31. PREMISES AFFECTED - 80 Madison Avenue, between 28th and 29th Streets, Block 858, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 4, 2003, at 1:30 P.M., for decision, hearing closed.

60-02-BZ

APPLICANT - Harold Weinberg, P.E., for Naomi Kunin, owner. SUBJECT - Application February 15, 2002 - under Z.R. §73-622, to permit the legalization of an interior enlargement in an existing one family dwelling, Use Group 1, which creates non-compliance with respect to floor area ratio and rear yard, which is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 3849 Bedford Avenue, east side, 380.0' south of Quentin Road, Block 6808, Lot 71, Borough of Brooklyn

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Laid over to May 6, 2003, at 1:30 P.M., for continued hearing.

85-02-BZ

APPLICANT - Mothiur Rahman, for Alan G. Markopoulos, owner; Giovanni Hincapie, lessee.

SUBJECT - Application March 26, 2002 - under Z.R. §72-21, to permit the legalization of an existing public parking lot, Use Group 8, located in an R7-1 zoning district, is contrary to Z.R. §22-00.

PREMISES AFFECTED - 850 East 181st street, aka 2120 Crotona Parkway, southeast corner, Block 3119, Lot 16, Borough of The

123-02-BZ

APPLICANT - Joseph P. Morsellino, for 14-34 110th Street, LLC, owner; JCH Delta Contracting Inc., lessee.

SUBJECT - Application April 18, 2002 - under Z.R. §72-21, to permit the proposed six story mixed use building, consisting of commercial office space, and residential occupancy on floors three through six, located in an M2-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 14-34 110th Street, west side of Powells Cove Boulevard, Block 4044, Lot 20, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

Bronx.

COMMUNITY BOARD #6BX

APPEARANCES -

For Applicant: Mothiur Rahman.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 4, 2003, at 1:30 P.M., for decision, hearing closed.

122-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Perl Rose Realty Co., LLC, owner; Just Calm Down, LLC, lessee.

SUBJECT - Application April 18, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the first floor and in the cellar of a six story office building, which requires a special permit as per Z.R. §73-36. PREMISES AFFECTED - 32 West 22nd Street, south side, 492' west of Fifth Avenue, Block 823, Lot 61, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Administration: John A. Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to March 4, 2003, at 1:30 P.M., for decision, hearing closed.

For Applicant: Joseph Morsellino and Toula Hanvis.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 11, 2003, at 1:30 P.M., for decision, hearing closed.

149-02-BZ & 150-02-BZ

APPLICANT - Land Planning & Engineering Consultants, P.C., by Vito J. Fossella, P.E., for My Florist Inc., owner; Sisters, LLC,

MINUTES

lessee.

SUBJECT - Application May 8, 2002 - under Z.R. §72-21 to permit the proposed construction of a one story eating and drinking establishment, Use Group 6, located in an R3-2 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 1821 Richmond Avenue, southeast corner of Eton Place, Block 2030, Lot 68, Borough of Staten Island.

1837 Richmond Avenue, southeast corner of Eton Place, Block 2030, Lot 68, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Victor Han.

For Opposition: Ben Cohen and Michael Bottalico.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 4, 2003, at 1:30 P.M., for continued hearing.

152-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Ruppert Housing Company, Inc., owner; Dolphin 93rd Fitness aka Synergy Fitness 93, lessee.

SUBJECT - Application May 9, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located in a portion of the cellar and the first floor, in a seventeen story, commercial and residential building, in a C2-8 zoning district, requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 1768/81 Second Avenue (aka 235/45 East 92nd Street and 220/48 East 93rd Street), hereinafter 1781 Second Avenue, southwest corner of East 93rd Street, Block

209-02-BZ

APPLICANT - Samuel Beltron, for Julia Torres, owner.

SUBJECT - Application July 7, 2002 - under Z.R. § 73-36 to permit the legalization of an existing physical culture establishment, Use Group 9, located on the fourth floor of an existing four story building, in a C4-4 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 2999 Third Avenue, west side, 121'-0" south of east 155th Street, Block 2376, Lot 51, Borough The Bronx.

COMMUNITY BOARD #1BX

APPEARANCES -

For Applicant: Samuel Beltron.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 4, 2003, at 1:30 P.M., for postponed hearing.

1538, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 25, 2003, at 1:30 P.M., for continued hearing.

181-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for ISHJ Corp., owner.

SUBJECT - Application May 28, 2002 - under Z.R. §72-21 to permit the proposed erection and maintenance of a one story car wash facility, Use Group 16, located in an R4 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 1875 Bartow Avenue, northwest corner of Ely Avenue, Block 4795, Lot 21, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Opposition: Councilman Larry Seabrook and Walter Burgin.

ACTION OF THE BOARD - Laid over to March 4, 2003, at 1:30 P.M., for continued hearing.

264-02-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for The Rubin Cultural Trust, owner.

SUBJECT - Application September 30, 2002 - under Z.R. §72-21 to permit the proposed addition to an existing community facility, at the second floor rear yard portion, which is not in compliance with Z.R. §33-23 regarding rear yard requirements.

PREMISES AFFECTED - 150/54 West 17th Street, south side, between Sixth and Seventh Avenues, 100' east of Seventh Avenue, Block 792, Lots 64 through 66, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Lisa Schubert, Rob Linrothe, Lori Cuisinier, Roberta Gelb, Lawrence A. Dalis and other.

MINUTES

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey,
Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 4,
2003, at 1:30 P.M., for decision, hearing closed.

266-02-BZ

APPLICANT - Harold Weinberg, P.E., for Edmund Dweck,
owner.

SUBJECT - Application October 3, 2002 - under Z.R. §73-622 to
permit the proposed enlargement to an existing one family dwelling,
Use Group 1, located in an R3-1 zoning district, which creates
non-compliance with respect to floor area ratio, lot coverage and
rear yard, is contrary to Z.R. §23-141, §23-47 and §54-31.

PREMISES AFFECTED - 181 Jaffray Street, east side, 100'-0"
north of Oriental Boulevard, Block 8753, Lot 85, Borough of
Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey,
Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 4,
2003, at 1:30 P.M., for decision, hearing closed.

273-02-BZ

APPLICANT - Harold Weinberg, P.E., for Gregory Dweck,
owner.

SUBJECT - Application October 9, 2002 - under Z.R. §73-622 to
Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to January 28,
2003, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 3:15 P.M.

permit the proposed enlargement at the rear, of an existing one
family dwelling, which does not comply for floor area ratio, lot
coverage, perimeter wall, setback and sky exposure plane, which is
contrary to Z.R. §23-141, §54-31 and §23-631.

PREMISES AFFECTED - 615 Hampton Avenue, northwest
corner of Ocean Avenue, Block 8731, Lot 51, Borough of
Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey,
Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 4,
2003, at 1:30 P.M., for decision, hearing closed.

330-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Trey
Whitfield School, owner.

SUBJECT - Application November 8, 2002 - under Z.R. §72-21
to permit the proposed conversion of a former welfare center, for
use as an elementary school, Use Group 3, located in an M1-4
zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 48/60 Williams Avenue, bounded by
Liberty and Atlantic Avenues, Block 3682, Lot 33, Borough of
Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Chris Wright.

For Opposition: John A. Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey,
Commissioner Caliendo and Commissioner Miele.....4

DISMISSAL CALENDAR

WEDNESDAY MORNING, JANUARY 15, 2003

10:00 A.M.

Present: Chairman Chin, Commissioner Korbey,
Commissioner Caliendo and Commissioner Miele.

529-52-BZ

APPLICANT - New York City Board of Standards and
Appeals.

OWNER OF PREMISES: Angelo Mordini.

SUBJECT - to dismiss the application for lack of
prosecution.

PREMISES AFFECTED - 77-11 Roosevelt Avenue, north
west corner of 78th Street and Roosevelt Avenue, Block
1288, Lot 39, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

MINUTES

For Applicant: Sandy Anagnostou.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar and Commissioner Korbey.....2

Adopted by the Board of Standards and Appeals, January 15, 2003.

426-54-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Howard Levine.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 78-11 Linden Boulevard, northwest

485-76-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Guiseppe Ventimiglia.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 70-01/09 65th Street, corner formed by Main Intersection of Otto Road and South side of 70th Avenue, Block 3644, Lot 1, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Sandy Anagnostou.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar and Commissioner Korbey.....2

Adopted by the Board of Standards and Appeals, January 15, 2003.

492-91-BZ

APPLICANT: New York City Board of Standards and Appeals.

OWNER OF PREMISES: Michelle Frank.

SUBJECT: to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 214-32 Hillside Avenue, Southeast corner of Vanderveer Street and Hillside Avenue, Block 10673, Lot 3, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Janice Abrams.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar and Commissioner Korbey.....2

Adopted by the Board of Standards and Appeals, January 15, 2003.

corner of Linden Boulevard and 79th Street, Block 11376, Lot 23, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

In Favor: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar and Commissioner Korbey.....2

Adopted by the Board of Standards and Appeals, January 15, 2003.

172-97-BZ

APPLICANT: New York City Board of Standards and Appeals.

OWNER OF PREMISES: Oceana Holding Corporation, Inc.

SUBJECT: to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 1023 Brighton Beach Avenue, North side, between Brighton 11th Street and Brighton 12th Street, Block B-8709, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar and Commissioner Korbey.....2

Adopted by the Board of Standards and Appeals, January 15, 2003.

331-98-BZ

APPLICANT: New York City Board of Standards and Appeals.

OWNER OF PREMISES: Sean Porter.

SUBJECT: to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 1426-1428 Fulton Street, Fulton Street between Brooklyn Avenue and Kingston Avenue, Block 1863, Lots 9 & 10, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Janet Abrams.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar and Commissioner Korbey.....2

Adopted by the Board of Standards and Appeals, January 15, 2003.

MINUTES

386-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Chrisanthy Zisimopoulos

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 223 84th Street, north side of 84th Street, between Ridge Boulevard and 3rd Avenue, Block 6016, Lot 67, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES - None.

120-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Abraham Lokshin.

LESSEE: Dolphin Fitness Inc.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 42-46 Avenue A, northeast corner of Avenue A and 3rd Street, Block 399, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

In Favor: Janice Cahalane.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar and Commissioner Korbey.....2

Adopted by the Board of Standards and Appeals, January 15, 2003.

192-02-BZ

APPLICANT: New York City Board of Standards and Appeals.

OWNER OF PREMISES: Cord Meyer Development, LLC

SUBJECT: to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 108-36/50 Queens Boulevard, Southeast corner of Queens Boulevard and Windsor Place (71st Road), Block 3257, Lots 1 & 42, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

In Favor: Janice Cahalane.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar and Commissioner Korbey.....2

Adopted by the Board of Standards and Appeals, January 15, 2003.

238-02-BZ

APPLICANT: New York City Board of Standards and Appeals.

OWNER OF PREMISES: Peter Krashes

SUBJECT: to dismiss the application for lack of prosecution.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar and Commissioner Korbey.....2

Adopted by the Board of Standards and Appeals, January 15, 2003.

PREMISES AFFECTED - 638 Dean Street between Carlton Avenue and Vanderbilt Avenue, Block 1137, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar and Commissioner Korbey.....2

Adopted by the Board of Standards and Appeals, January 15, 2003.

161-02-BZ

APPLICANT: New York City Board of Standards and Appeals.

OWNER OF PREMISES: Coral Cove, LLC

SUBJECT: to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 2433 Knapp Street, corner of Knapp Street and Avenue X, Block 8833, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

In Favor: Peter Hirshman.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 10 A.M., SOC Calendar, for continued hearing.

202-02-BZ

APPLICANT: New York City Board of Standards and Appeals.

OWNER OF PREMISES: Hajj D. Corp.

SUBJECT: to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 133-20 Rockaway Boulevard, South Ozone Park, Block 11757, Lot 55, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to March 4, 2003, at 10 A.M., SOC Calendar, for continued hearing.

203-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Marcello Porcelli, Fabrizio Realty Corp.

LESSEE: BP AMOCO, plc

SUBJECT - to dismiss the application for lack of prosecution.

MINUTES

PREMISES AFFECTED - 110-18 Northern Boulevard, between 110 and 111th Streets, Block 1725, Lots 1, 3, 4, 7, 8, 11, 12, & 13, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

210-02-BZ & 213-02-BZ

APPLICANT: New York City Board of Standards and Appeals.

OWNER OF PREMISES: Mark Graue.

SUBJECT: to dismiss the application for lack of prosecution.

PREMISES AFFECTED -

78-01 Myrtle Avenue, northeast corner of Myrtle Avenue and 78th Street and 79th Street, Block 3827, Lot 50, Borough of Queens.

78-03 Myrtle Avenue, northeast corner of Myrtle Avenue and 78th Street and 79th Street, Block 3827, Lot 49, Borough of Queens.

78-05 Myrtle Avenue, northeast corner of Myrtle Avenue and 78th Street and 79th Street, Block 3827, Lot 48, Borough of Queens.

78-07 Myrtle Avenue, northeast corner of Myrtle Avenue and 78th Street and 79th Street, Block 3827, Lot 47, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

In Favor: Janet Abrams.

ACTION OF THE BOARD - Laid over to March 4, 2003, at 10 A.M., SOC Calendar, for continued hearing.

241-02-BZ

APPLICANT: New York City Board of Standards and Appeals.

OWNER OF PREMISES: HFK Inc.

SUBJECT: to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 130 3rd Street, corner of Bond Street and 3rd Avenue, Block 466, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

In Favor: Janet Abrams.

ACTION OF THE BOARD - Laid over to January 28, 2003, at 10 A.M., SOC Calendar, for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 10:15 A.M.

In Favor: Janice Cahalane.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 10 A.M. SOC Calendar, for continued hearing.

MINUTES

CORRECTIONS

*CORRECTION

This resolution adopted on July 9, 2002, under Calendar No. 603-49-BZ and printed in Volume 87, Bulletin Nos. 27-28, is hereby corrected to read as follows:

603-49-BZ

APPLICANT - Alfonso Duarte, P.E., for JAJ Realty LLC, owner.
SUBJECT - Application December 18, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 34-14 31st Street, west side 90.11' south of 34th Street, Block 607, Lot 34, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Alfonso Duarte.

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

THE VOTE TO GRANT -

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

Negative:0

Abstain: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 14, 2001, acting on ALT.1 Application No. 401203130, reads:

“1. Proposed Office U.G. 6B part of first floor and 2nd floors is contrary to Section 22-00 Z.R. and BSA Cal. #603-49-BZ. The Building is located in R5 zone.

2. Proposed commercial office in existing frame (IID) structure is contrary to 27-297 and Table 4-1 A.C.”; and

WHEREAS, the applicant has requested an amendment to the resolution to legalize the conversion of the one-family dwelling unit existing on a portion of the first floor and to convert the entire second floor to offices (Use Group 6B); 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 11, 2002 and then to July 9, 2002 for decision; and

WHEREAS, the Board notes that this case was heard with a companion Appeals case filed under Calendar Number 392-01-A, objection #2; and

WHEREAS, in 1950, the Board approved the use of a one-story building housing an automotive repair establishment with an office and a parts department on portion of the first floor, for use in conjunction with commercial uses with a residential use in the remaining part of the first floor and on the second floor; and

WHEREAS, the record indicates that the office use

has existed since 1985 without causing adverse impacts to the surrounding community; and

WHEREAS, therefore, the Board finds that the proposed changes will not result in any significant changes to the prior approval.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution pursuant to §11-413 of the *Zoning Resolution*, said resolution having been adopted on June 13, 1950, so that as amended this portion of the resolution shall read:

“To legalize the conversion of the one-family dwelling unit existing on a portion of the first floor and convert the entire second floor to offices (Use Group 6B); *on condition* that the premises shall be maintained in substantial compliance with the proposed conditions plans submitted with the application marked “Received, December 18, 2001”-(3) sheets and “March 15, 2002”-(1) sheet; THAT the premises shall remain graffiti free;

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

THAT the above condition 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.” (DOB. No. 401203130)

Adopted by the Board of Standards and Appeals, July 9, 2002.

***The resolution has been corrected to add DOB Applic. #401203130;”. Corrected in Bulletin No. 4, Vol. 88, dated January 23, 2003.**

CORRECTIONS

***CORRECTION**

This resolution adopted on April 27, 1999, under Calendar No. 286-86-BZ, Vol. II and printed in Volume 84, Bulletin No. 18, is hereby corrected to read as follows:

286-86-BZ, Vol. II

APPLICANT - Sheldon Lobel, P.C., for George Kotsonis, owner.
SUBJECT - Application September 30, 1998 - under Z.R. §72-21, to permit in a C1-3 zoning district, the use of the cellar portion of the premises as a physical culture establishment, which is contrary to Z.R. §32-31.

PREMISES AFFECTED - 100 Seventh Avenue, aka 808 Union Street, southwest corner, Block 957, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio,

Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 31, 1998 acting on Applic. No. 301022783 reads,

“The proposed change of use of a commercial cellar from a Use Group 6 to a Physical Culture Establishment in a C1-3 district is contrary to Section 32-31 of the Zoning Resolution”;

and

WHEREAS, a public hearing was held on this application on March 23, 1999 after due notice by publication in the *Bulletin* laid over to April 13, 1999, and then to April 27, 1999 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 Paul Bonfilio, R.A. and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, to permit the use of the cellar portion of the premises as a physical culture establishment in a C1-3 zoning district, which is contrary to Z.R. §32-31; and

WHEREAS, the site is a corner lot improved with a three story commercial building containing a 7,926 square foot commercial cellar; and

WHEREAS, it is the 7,926 square foot commercial cellar space that is the subject of this application; and

WHEREAS, evidence in the record indicates that the structure on the site is entirely below ground level and has no windows or storefront; and

WHEREAS, the applicant represents that the current structure contains ceilings varying in height from approximately 8'10" at the highest point, to a low of 6'4" ; and

WHEREAS, the applicant further represents that the 6'4" height is located in a vault area resting below the sidewalk fronting Seventh Avenue, comprising nearly a fifth of the cellar area; and

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

WHEREAS, the applicant asserts that the subject site has been vacant for at least ten years and that good faith attempts to rent the building for a conforming community facility use have been unsuccessful; and

WHEREAS, evidence in the record, including a feasibility study, demonstrate that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, the surrounding area contains many commercial uses, including a pharmacy, a video store and a restaurant; and

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

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

WHEREAS, the Board finds that the variance is the minimum

variance necessary to afford relief; and

WHEREAS, the 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. §72-

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit in a C1-3 zoning district, the use of the cellar portion of the premises as a physical culture establishment, which is contrary to Z.R. §32-31, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 19, 1999" -(1) sheet and "April 2, 1999"-(8) sheets; and *on further condition*;

THAT the term of the variance shall be for 10 years, expiring on April 27, 2009;

21; and

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

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

CORRECTIONS

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

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

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

Adopted by the Board of Standards and Appeals, April 27, 1999.

The resolution has been corrected to add DOB *Applic. #301022783. Corrected in Bulletin No. 4, Vol. 88, dated January 24, 2003.

***CORRECTION**

These resolution adopted on July 17, 2001, under Calendar No. 118-01-BZ and printed in Volume 86, Bulletin No. 30, is hereby corrected to read as follows:

118-01-BZ

CEQR #01-BSA-117R

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

SUBJECT - Application March 13, 2001 - under Z.R. §72-21, to

permit the proposed one story office building (Use Group 6) located in an R3-2 zoning district, which is contrary Z.R. §22-00. PREMISES AFFECTED - 1845 Richmond Avenue, east side, 500.18' south of Eton Place, Block 2030, Lot 57, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Victor Han.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 20, 2000 acting on NB. Application No. 500415963 reads, in pertinent part:

“PROPOSED OFFICE BUILDING IN A RESIDENTIAL ZONE (R3-2) CONTRARY TO SECTION 22-00 OF THE NEW YORK CITY ZONING RESOLUTION.”; and

WHEREAS, Community Board, No.1, Staten Island, recommends conditional approval of this application; and

WHEREAS, a public hearing was held on this application on June 27, 2001 after due notice by publication in *The City Record* and laid over to July 17, 2001 for decision; on July 17, 2001, the hearing was reopened, closed and a decision rendered; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit in a R3-2 zoning district, the proposed use of a one-story, cellar and sub-cellar office building (Use Group 6), which does not comply with Z.R. §22-00; and

WHEREAS, the subject premises contains 100' of frontage on Richmond Avenue a heavily traveled six lane arterial roadway,

WHEREAS, the residential dwelling to the south of the property was converted to a day-care center situating the subject site between two commercial uses; and

WHEREAS, the record indicates that the structures within the immediate vicinity of the subject premises house commercial uses; and

WHEREAS, the applicant represents that within a quarter mile radius to the north and south of the subject site, within the last two decades most developments have been either offices, automotive service stations, community facility, or retail uses; and

WHEREAS, the subject structure contains approximately 18,875 square feet of lot area which would yield approximately 9,437.50 square feet of residential floor area; and

WHEREAS, the site's history of development with increasing commercial and office uses, the site's vacant status, and the costs of a new 10" sanitary sewer for the subject premises are unique conditions creating unnecessary hardships and practical difficulties in developing the site in strict conformity with the current zoning regulations; and

with commercial development to the north and to the south; and

WHEREAS, the record indicates that the existing two family structure which was developed in the early fifties is presently vacant; and

WHEREAS, the applicant represents that since the development of the existing building the character of the neighborhood has substantially changed from a residential to a more commercial streetscape with Richmond Avenue transforming from a two lane roadway to a six-lane (140' wide) major thoroughfare; and

WHEREAS, the record indicates that by virtue of a Board variance, the northern adjacent site (Block: 2030, Lot: 68) which is approximately 2 acres, was developed as a commercial nursery with approximately 20,000 square feet of greenhouse and a 62 car parking lot adjacent to the northern property line of the subject site; and

CORRECTIONS

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

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, as illustrated above, the subject premises is in a surrounding neighborhood that is characterized by commercial and office uses; and

WHEREAS, in accordance with BSA approved plans the applicant has agreed to comply with the Fire Department's safety measures; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties

nor be detrimental to the public welfare; and

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a

MINUTES

Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit in a R3-2 zoning district, the proposed use of a one-story, cellar and sub-cellar office building (Use Group 6), which does not comply with Z.R. §22-00; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 13, 2001"-(7) sheets and "July 17, 2001"-(1) sheet; and *on further condition*;

THAT the term of the variance shall be limited to 20 years from the date of this grant expiring on July 17, 2021;

THAT all Fire Department safety measures shall be provided and maintained in accordance with BSA approved plans;

THAT an automatic wet sprinkler system be installed throughout the entire sub-cellar connected to a Fire Department

****The resolution has been corrected in that the portion which read: "THAT an automatic wet sprinkler system be installed throughout the entire cellar connected" now reads: "THAT an automatic wet sprinkler system be installed throughout the entire sub-cellar connected". Corrected in Bulletin No. 4, Vol. 88, dated January 24, 2003.**

Approved Central Station;

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

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

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

Adopted by the Board of Standards and Appeals, July 17, 2001.

Pasquale Pacifico, Executive Director.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

Volume 88, Nos. 5-6

February 6, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEBY

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET76

CALENDAR of February 25, 2003

Morning77

Afternoon77-78

CONTENTS

MINUTES of Regular Meetings,
Tuesday, January 28, 2003

Morning Calendar79

Affecting Calendar Numbers:

| | |
|---------------|--|
| 467-71-BZ | 56-01 Main Street, Queens |
| 181-90-BZ | 482/486 College Avenue, The Bronx |
| 478-91-BZ | 1911 Richmond Avenue, Staten Island |
| 241-02-BZ | 130 3 rd Street, Brooklyn |
| 74-49-BZ | 515 7 th Avenue and 144-158 West 38 th Street, Manhattan |
| 838-55-BZ | 1866-90 Westchester Avenue, The Bronx |
| 13-78-BZ | 144-20 Liberty Avenue, Queens |
| 1043-80-BZ | 1680/88 Albany Avenue, Brooklyn |
| 256-82-BZ | 1293 Clove Road, Staten Island |
| 55-95-BZ | 121-02/10 22 nd Avenue, Queens |
| 58-99-BZ | 18-10 Utopia Parkway, Queens |
| 186-99-BZ | 74-24 Rockaway Boulevard, Queens |
| 15-01-BZ | 337-347 Kent Avenue, Brooklyn |
| 340-02-A | 19 Atlantic Walk, Queens |
| 349-02-A | 183-01 Horace Harding Expressway, Queens |
| 113-02-A | 777 Third Avenue, Manhattan |
| 115-02-A thru | |
| 118-02-A | 767/747 Third Avenue, 437 Madison Avenue & 320 West 13 th Street, Manhattan |
| 332-02-A & | |
| 333-02-A | 107 City Boulevard & 148 Norma Place, Staten Island |
| 345-02-A | 85-72 159 th Street, Queens .. |

CONTENTS

Afternoon Calendar.....85

Affecting Calendar Numbers:

| | |
|----------------|--|
| 366-01-BZ | 500 Driggs Avenue aka 482/504 Driggs Avenue, Brooklyn |
| 373-01-BZ | 372 Avenue "U", Brooklyn |
| 41-02-BZ | 124 McLean Avenue, Staten Island |
| 71-02-BZ | 204/210 Lafayette Street, aka 51 Crosby Street, Manhattan |
| 201-02-BZ | 6778 Hylan Boulevard, Staten Island |
| 226-02-BZ | 319/21 East 21 st Street, Manhattan |
| 240-02-BZ | 1745 East 23 rd Street, Brooklyn |
| 330-02-BZ | 48/60 Williams Avenue, Brooklyn |
| 281-99-BZ | 6055 Strictland Avenue, Brooklyn |
| 36-01-BZ | 328 Spring Street, Manhattan |
| 193-01-BZ | 3034 Coney Island Avenue, Brooklyn |
| 282-01-BZ | 222 Wallabout Street, Brooklyn |
| 283-01-BZ | 266 Lee Avenue, Brooklyn |
| 384-01-BZ | 218 Wallabout Street, Brooklyn |
| 284-01-BZ | 275 Castleton Avenue, Staten Island |
| 363-01-BZ thru | |
| 365-01-BZ | 3304, 3306, 3308 Rombouts Avenue, The Bronx |
| 369-01-BZ | 303 Siegel Street, Brooklyn |
| 38-02-BZ | 1210 82 nd Street, Brooklyn |
| 73-02-BZ | 6 Stanwix Street aka 59 Jefferson Street, Brooklyn |
| 83-02-BZ | 925 Bergen Street, Brooklyn |
| 86-02-BZ | 155/59 North Fourth Street, Brooklyn |
| 114-02-BZ | 2493 Richmond Road, Staten Island |
| 146-02-BZ | 138-27 247 th Street, Queens |
| 183-02-BZ | 150/54 Van Cortland Avenue, The Bronx |
| 195-02-BZ | 2797 Linden Boulevard, Brooklyn |
| 200-02-BZ | 2326 First Avenue, Manhattan |
| 206-02-BZ | 166-03 21 st Road, Queens |
| 218-02-BZ | 46 Coney Island Avenue, Brooklyn |
| 222-02-BZ | 2547 East 12 th Street, Brooklyn |
| 257-02-BZ | 16-16 Weirfield Street, Queens |
| 325-02-BZ | 1158 McDonald Avenue, Brooklyn |
| 347-02-BZ | 29 East 36 th Street and 219/31 Madison Avenue, Manhattan |

CORRECTION.....100

Affecting Calendar Number:

| | |
|-----------|---------------------------------|
| 360-01-BZ | 2228 Gerritsen Avenue, Brooklyn |
|-----------|---------------------------------|

DOCKET

New Case Filed Up to January 28, 2003

25-03-A B.Q. 970 Bayside, northeast corner of Bayside Connection, Block 16350, Lot 300, Borough of Queens. Alt.1#401548697. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

26-03-A BQ 46 Ocean Avenue, west side, 199.40 north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens. Alt.1#401535585. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

27-03-A BQ 8 Chester Walk, west side, 46.23' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt.1#401548170. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located partially in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy.

28-03-BZ B.BK. 61/65 Green Street, northeast corner of West Street, Block 2511, Lots 1 and 8, Borough of Brooklyn. Applic#301467320. Proposed conversion of the upper floors, and a small portion of the ground floor, of a partially vacant three story manufacturing building, for residential units of loft type housing, is contrary to §42-00.
COMMUNITY BOARD #1BK

29-03-BZ B.BK. 1179 East 28th Street, 126'-8" north of Avenue "L", Block 7628, Lot 13, Borough of Brooklyn. Alt.#301411363. Proposed enlargement of an existing one family dwelling, Use Group 1, located within an R2 zoning district, which does not comply with the zoning requirements for floor area ration, open space ratio and rear side yards, is contrary to Z.R. §§23-141(a), 23-47 and 23-461.
COMMUNITY BOARD#14BK

30-03-BZ B.BK. 333/43 Lorimer Street, corner of Lorimer Street and Montrose Avenue, Block 3049, Lot 33, Borough of Brooklyn. Applic.#301381172. Proposed enlargement of an existing two-story non-conforming commercial

use building, Use Group 17B, by the addition of two stories, located in an R6 zoning district, is contrary to Z.R. §52-22.

COMMUNITY BOARD #1BK

31-03-BZ B.BK. 2502 Avenue "M" southeast corner of Bedford Avenue, Block 7661, Lot 40, Borough of Brooklyn. Alt. !_300498450. Proposed enlargement of an existing one family dwelling, Use Group 1, located within an R2 zoning district, which does not comply with the zoning requirements for floor area and open space ratio is contrary to Z.R. §23-141.

COMMUNITY BOARD #14BK

32-02-BZ B.BK. 1052 East 26th Street, between Avenues "J" and "M", Block 7607, Lot 71, Borough of Brooklyn. Alt. #301483455. Proposed enlargement of an existing one family dwelling, 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 rear and side yards, is contrary to Z.R. §§23-141, 23-47 and 23-461.

COMMUNITY BOARD #14BK

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

FEBRUARY 25, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, February 25, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

176-99-BZ

APPLICANT - The Agusta Group, for Marathon Parkway Assoc., LLC., owner.

SUBJECT - Application October 31, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 45-17 Marathon Parkway, east side 110.48' south of Northern Boulevard, Block 8226, Lot 10, Borough of Queens.

COMMUNITY BOARD #11Q

161-00-BZ

APPLICANT - Stuart A. Klein, Esq., for Ida Greenberg, as trustee for Sutton Realty Associates, LLC, owner; Bodescu Skin Care, Inc., lessee.

SUBJECT - Application December 18, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 314-322 East 52nd Street, south side of 52nd Street, between First and Second Avenues, Block 1344, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #6M

FEBRUARY 25, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, February 25, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

214-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Berry Complex LLC, owner.

SUBJECT - Application July 16, 2002 - under Z.R. §72-21 to permit the proposed conversion of a light manufacturing building, to residential use, Use Group 2, located in an M1-2 zoning district,

356-02-BZ

APPLICANT - Marvin B. Mitzner, Esq., Fischbein-Badillo-Wagner-Harding and Howard A. Zipsler, Esq., Stadtmauer Bailkin, LLP, owner.

which is contrary to §42-00.

PREMISES AFFECTED - 55 Berry Street, site fronts both North 11th and Berry Streets, Block 2297, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #1BK

215-02-BZ

APPLICANT - Sullivan, Chester & Gardner, LLP, for Liberty Avenue, LLC, owner; Ossining, lessee.

SUBJECT - Application July 18, 2002 - under Z.R. §§72-01 & 72-21 to permit the legalization of an existing construction materials testing facility, Use Group 17, located in an R-4 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 143-05 Liberty Avenue, northeast corner of Remington Street, Block 10020, Lot 138, Borough of Queens.

COMMUNITY BOARD #12Q

271-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Rabbi and Mrs. Akiva and Yocheved Ludmir, owner; Congregation Chesev Sofer of Pressburg, lessee.

SUBJECT - Application October 8, 2002 - under Z.R. §72-21 to permit the proposed construction of a three stories and a cellar, community facility, Use Group 4, located in an R5 zoning district, which does not comply with the zoning requirements for lot coverage, front, side and rear yards and also a projection of the proposed balcony, which is contrary of §23-131, §24-11, §24-34, §24-35, §24-36 and §24-51.

PREMISES AFFECTED - 1627 46th Street, between 16th and 17th Avenues, Block 5434, Lot 76, Borough of Brooklyn.

COMMUNITY BOARD #12BK

348-02-BZ

APPLICANT - Cellular Telephone Company d/b/a AT & T Wireless Services for Michael Morrin, owner; Cellular Telephone Company d/b/a AT & T Wireless Services, lessee.

SUBJECT - Application November 22, 2002 - under Z.R. §§73-04, 32-31&22-21 to permit the proposed installation of a wireless telecommunications facility (70' cellular monopole) in a C2-2 overlay district in an R3-2 zone, which requires a special permit.

PREMISES AFFECTED - 183-01 Horace Harding Expressway, northeast corner of 183rd Street, Block 7067, Lot 11, Borough of Queens.

COMMUNITY BOARD #11Q

SUBJECT - Application December 9, 2002 - under Z.R. §72-21 to permit proposed addition of two (2) floors atop an existing seven-story building, located in a C2-8A zoning district, to be occupied by Use Group 4 hospital related offices, is contrary to

CALENDAR

Z.R. §33-20 and previous Cal. No. 67-96-BZ.
PREMISES AFFECTED - 210/14 East 86th Street and 209/13
East 85th Street, south side of East 86th Street and 150' east of
Third Avenue, Block 1531, Lot 40, Borough of Manhattan.
COMMUNITY BOARD #8M

—————
Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, JANUARY 28, 2003
10:00 A.M.**

Present: Chairman Chin, Commissioner Korbey, Commissioner
Caliendo and Commissioner Miele.

Absent: Vice-Chair Babbar

The minutes of the regular meetings of the Board held on
Tuesday morning and afternoon, December 10, 2002, were
approved as printed in the Bulletin of December 19, 2002, Volume
87, Nos. 49-50.

—————

MINUTES

SPECIAL ORDER CALENDAR

467-71-BZ

APPLICANT - Carl A. Sulpharo, Esq., for Amerada Hess Oil, Corp., owner.

SUBJECT - Application September 20, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 56-01 Main Street, northwest corner of 56th Avenue, Block 5165, Lot 28, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Michelle Spallino.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 22, 2002 acting on Application No. 401381090 reads:

"1. PROPOSED USE FOR AN ACCESSORY CONVENIENCE STORE TO A GASOLINE SERVICE STATION 'UG16B' IS NOT PERMITTED IN A R4 DISTRICT AND IS CONTRARY TO SECTION 22-00ZR. BSA APPROVAL REQUIRED."; and

WHEREAS, a public hearing was held on this application on December 10, 2002, and laid over to January 7, 2003 and then to January 28, 2003 for decision; and

WHEREAS, on November 16, 1971, the Board granted an application for rehabilitation and rearrangement of an automotive service station with accessory uses; and

WHEREAS, the applicant now seeks to amend the resolution to permit the erection of a one-story masonry convenience store accessory to the automotive service station, the removal of the existing service building, vacuum islands and kiosk, the rearrangement of the gasoline dispensers beneath the canopy, and the addition of new signage; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the variance pursuant to Z.R.§73-11, said resolution having been adopted November 16, 1971, so that as amended this portion of the resolution shall read:

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term of the variance, permitting public parking and storage of more than five (5) vehicles, which expired on October 8, 2001; and

"to permit the erection of a one-story masonry convenience store accessory to the automotive service station, the removal of the existing service building, vacuum islands and kiosk, the rearrangement of the gasoline dispensers beneath the canopy and the addition of new signage, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawing submitted with the application marked 'Received September 20, 2002'-(6) sheets and 'December 31, 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 the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

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

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

Adopted by the Board of Standards and Appeals, January 28, 2003.

181-90-BZ

APPLICANT - Philip P. Agusta, The Agusta Group, for Les-Ted, LLC, owner.

SUBJECT - Application June 5, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 8, 2001.

PREMISES AFFECTED - 482/486 College Avenue, east side 25' south of East 148th Street, Block 2329, Lot 58, Borough of The Bronx.

COMMUNITY BOARD #1BX

APPEARANCES -

For Applicant: Philip P. Agusta.

WHEREAS, a public hearing was held for this application on October 8, 2002, after due notice by publication in The City Record, and laid over to November 26, 2002, January 14, 2003, and then to January 28, 2003 for decision; and

WHEREAS, the applicant represents that the premises is in substantial compliance with the previous BSA-approved plans.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to Z.R.§§11-411 & 11-413, said resolution having been adopted on October 8, 1991, so that as amended this portion of the resolution shall read:

"To extend the term of the variance for a period of ten (10)

MINUTES

years from October 8, 2001, to expire on October 8, 2011; on condition

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received June 5, 2002"- (4) sheets and "January 21, 2003" - (1) sheet; and on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

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."

(DOB# 200017105)

Adopted by the Board of Standards and Appeals, January 28, 2003.

478-91-BZ

APPLICANT - David L. Businelli, for Joseph Canizzaro, owner.
SUBJECT - Application September 16, 2002 - reopening for an extension of term of variance which expired September 15, 2002.
PREMISES AFFECTED - 1911 Richmond Avenue, Rockland Avenue, Block 2030, Lot 16, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: None.

ACTION OF THE BOARD - Application reopened, and term of

THAT there shall be no sale of appliances on the sidewalk

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

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

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

(DOB # 500565275)

Adopted by the Board of Standards and Appeals, January 28, 2003.

the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION

WHEREAS, the applicant has requested a re-opening and an extension of the term of the variance, permitting professional offices, which expired on September 15, 2002; and

WHEREAS, a public hearing was held on this application on January 7, 2003, after due notice by publication in The City Record, and laid over to January 28, 2003 for decision; and

WHEREAS, the applicant represents that there are no substantial changes from what was previously approved by the Board;

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, pursuant to Z.R. §§72-01 and 72-22, reopens and extends the term of the variance, said resolution having been adopted July 28, 1992, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional ten (10) years from the September 15, 2002 to expire on September 15, 2012, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received, September 16, 2002'- (6) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

241-02-BZ

APPLICANT: New York City Board of Standards and Appeals.
OWNER OF PREMISES: HFK Inc.

SUBJECT: to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 130 3rd Street, corner of Bond Street and 3rd Avenue, Block 466, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

Adopted by the Board of Standards and Appeals, January 28, 2003.

MINUTES

74-49-BZ

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

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

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

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to May 20, 2003, at 10 A.M., for continued hearing.

838-55-BZ

APPLICANT - Catapano Engineering, P.C., for 1866 Westchester Avenue Corp., owner.

SUBJECT - Application May 2, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired January 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 1866-90 Westchester Avenue, southeast corner of White Plains Road, Block 3767, Lot 53, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Michelle Spallino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner

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

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

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Battalion Eugene J. Carty, Fire Department.

ACTION OF THE BOARD - Laid over to March 18, 2003, at 10 A.M., for continued hearing.

256-82-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., for Clove Road Company, owner.

SUBJECT - Application October 22, 2002 - reopening for an extension of term of variance which expired November 23, 2002.

PREMISES AFFECTED - 1293 Clove Road, East side of Clove Road, southeast of Glenwood Avenue, Block 605, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 11, 2003, at 10 A.M., for continued hearing.

13-78-BZ

APPLICANT - Joseph P. Morsellino, for Bernard Huttner, owner; Jamaica Plumbing and Heating Supply, Inc., lessee.

SUBJECT - Application August 1, 2002 - reopening for an extension of term of variance which expired June 27, 2003.

PREMISES AFFECTED - 144-20 Liberty Avenue, Liberty Avenue and Inwood Street, Block 10043, Lot 6, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 11, 2003, at 10 A.M., for decision, hearing closed.

1043-80-BZ

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

APPEARANCES -

For Applicant: Victor Han.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 11, 2003, at 10 A.M., for decision, hearing closed.

55-95-BZ

APPLICANT - Joseph P. Morsellino, for Walter Grabher, owner; Keefer Realty, lessee.

SUBJECT - Application August 30, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 6, 2002.

PREMISES AFFECTED - 121-02/10 22nd Avenue, Intersection of 22nd Avenue and 121st Street, Block 4197, Lot 15, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING -

MINUTES

Affirmative: Commissioner Chin, Commissioner Korbey,
Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to March 4, 2003,
at 10 A.M., for decision, hearing closed.

58-99-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Exxon
Corporation, owner.

SUBJECT - Application September 10, 2002 - request for a
waiver of the Rules of Practice and Procedure, reopening for an
extension of time to obtain a certificate of occupancy which expired
October 26, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 18-10 Utopia Parkway, northwest
corner of 19th Avenue and Utopia Parkway, Block 5743, Lot 75,
Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey,
Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 25,
2003, at 10 A.M., for decision, hearing closed.

SUBJECT - Application December 4, 2002 - reopening for an
amendment to the resolution.

PREMISES AFFECTED - 337-347 Kent Avenue, east side 68'
south of South 4th Street, Block 2441, Lots 4, 104 & 107
(Tentative 4), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Laid over to March 18, 2003,
at 10 A.M., for continued hearing.

340-02-A

APPLICANT - Legend Architecture by Timothy Costello, for
Breezy Point Cooperative, Inc., owner; Gina Benfanta, lessee.

SUBJECT - Application November 15, 2002 - Proposed
reconstruction of an existing one family dwelling, not fronting on a
legally mapped street, is contrary to Section 36, Article 3 of the
General City Law.

PREMISES AFFECTED - 19 Atlantic Walk, between Beach
207th Street and Breezy Point Boulevard, Block 16350, Lot
400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES - None.

ACTION OF THE BOARD - Appeal granted on condition.

186-99-BZ

APPLICANT - Vincent A. Sireci, Esq., for Razmik Oganessian,
owner.

SUBJECT - Application June 27, 2002 - reopening for an
extension of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 74-24 Rockaway Boulevard, south
side 81.39' west of 91st Avenue, Block 8943, Lot 10,
Woodhaven, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Vincent A. Sireci.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey,
Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 11,
2003, at 10 A.M., for decision, hearing closed.

15-01-BZ

APPLICANT - Agusta & Ross, for Mazel Equities, Inc., owner.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Commissioner Korbey,
Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough
Commissioner, dated November 13, 2002 acting on ALT 1.
Application No. 401484791, reads:

A1.- The site and building are not fronting on an official
mapped street and are contrary to Article 3, Section 36 of
the General City Law additionally the building is contrary to
Section 27-291 of the NYC Building Code since it does not
have at least 8% of total perimeter of building fronting directly
upon a legally mapped street or frontage space."; and

WHEREAS, by the letter dated, January 23, 2003 the Fire
Department has reviewed the above project and has no objections;
and

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

Resolved, that the decision of the Queens Borough Commissioner,
dated November 13, 2002 acting on ALT 1. Application No.
401484791, is modified under the power vested in the Board by
§36 of the General City Law, and that this appeal is granted,
limited to the decision noted above, on condition that construction
shall substantially conform to the drawing filed with the application
marked, "Received January 7, 2003"-(1) sheet; and that the
proposal comply with all applicable R4 zoning district

MINUTES

requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition;

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

Adopted by the Board of Standards and Appeals, January 28, 2003.

349-02-A

APPLICANT -Rudolf J. Beneda, for Charles Fleming, owner.
SUBJECT - Application November 25, 2002 - Proposed , addition, to an existing two story ,one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 183-01 Horace Harding Expressway, northeast corner of 183rd Street, Block 7067, Lot 11, Borough of Queens.

COMMUNITY BOARD #3SI

APPEARANCES - None.

ACTION OF THE BOARD - Appeal granted on condition.

Resolved, that the decision of the Staten Island Borough Commissioner, dated November 12, 2002 acting on ALT 1. Application No. 500582586, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received November 25, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Adopted by the Board of Standards and Appeals, January 28, 2003.

113-02-A

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

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

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

COMMUNITY BOARD #6M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to April 8, 2003, at 11 A.M., for continued hearing.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION-

WHEREAS, the decision of the Staten Island Borough Commissioner, dated November 12, 2002 acting on ALT 1. Application No. 500582586, reads:

"1.- Street giving access to the proposed building is not placed on the official map of the City of New York therefore:

A. No Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law and

B. Permit may not be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code."; and

WHEREAS, by the letter dated, December 18, 2002 the Fire Department has reviewed the above project and has no objections; and

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

115-02-A thru 118-02-A

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

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

PREMISES AFFECTED - 767 Third Avenue, southeast corner of East 48th Street, Block 1321, Lots 41-47, Borough of Manhattan. 747 Third Avenue, east side, between East 46th and East 47th Streets, Block 1320, Lots 1-5 and 46-49, Borough of Manhattan. 437 Madison Avenue, east side, between East 49th and East 50th Streets, Block 1285, Lot 21, Borough of Manhattan.

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

COMMUNITY BOARD #6M

APPEARANCES -

For Administration: Battalion Eugene J. Carty, Fire Department.

ACTION OF THE BOARD - Laid over to April 8, 2003, at 11 A.M., for continued hearing.

332-02-A thru 333-02-A

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Thomas Gennarelli, owner.

SUBJECT - Application November 12, 2002 - proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

107 City Boulevard, east side, 200' north of Crosshill Street, Block 262, Lot 126, Borough of Staten Island. 148 Norma Place, 175' west of Metropolitan Avenue, Block 262, Lot 127, Borough of Staten Island.

MINUTES

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Laid over to March 18, 2003, at 11 A.M., for continued hearing.

345-02-A

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

SUBJECT - Application November 19, 2002 - Proposed construction of a two story, two 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 - 85-72 159th Street, northeast corner

REGULAR MEETING

TUESDAY AFTERNOON, JANUARY 28, 2003

2:00 P.M.

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

ZONING CALENDAR

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, a/k/a 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: Kenneth K. Fisher and Robert Pauls.

ACTION OF THE BOARD - Application granted on condition THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 23, 2001 acting on Application No. 3 reads:

"PROPOSED CONVERSION OF THE BUILDING INTO RESIDENTIAL DWELLINGS IS NOT PERMITTED IN A MANUFACTURING DISTRICT AS PER SECTION 42-00 OF THE ZONING RESOLUTION"; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in The City Record and laid over to April 23, 2002, June 4, 2002, July 9, 2002, August

of Parsons Boulevard, Block 9778, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Philip P. Agusta.

ACTION OF THE BOARD - Laid over to March 4, 2003, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:10 A.M.

6, 2002, and laid over to September 24, 2002 for decision. The case was re-opened on September 24, 2002 and laid over to October 22, 2002, November 12, 2002 and January 7, 2003 for continued hearing to accept further submissions, and then laid over to January 28, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-2 zoning district, the partial conversion to residential use of a 106,191.4 square foot six-story manufacturing building contrary to Z. R. §42-00; and

WHEREAS, in addition to the subject building, the lot also contains a second building of 5,282 square feet (one story and mezzanine) which is to be used for commercial purposes; and

WHEREAS, the site is located on the western side of Driggs Avenue between North 9th Street and North 10th Street and the property is surrounded by the Special Northside Mixed-Use District; and

WHEREAS, the applicant proposes to rehabilitate the existing structure and convert the fourth, fifth and six floors to residential use and maintain the basement, first, second and third floors for conforming uses; and

WHEREAS, the applicant represents that while the building has been occupied by manufacturing tenants, the manufacturing tenants that occupied the building vacated between December 2000 and June 2002; and

WHEREAS, the record indicates that the entire building is vacant except for a portion of the sixth floor which houses a sound studio that the applicant represents will be relocated to the vacant small commercial building located at the rear of the lot; and

WHEREAS, the record indicates that the building is functionally obsolete for the purpose for which it was intended by virtue of its vertical arrangement of space with ceiling heights that limit industrial/manufacturing uses, its inadequate number of loading docks and elevators often leading to conflicts between tenants regarding use and its location on a narrow street hinders access by

MINUTES

large tractor-trailer trucks; and

WHEREAS, the Board notes that for modern manufacturing and warehouse uses, large open floor plates on single levels with sufficient loading capability are desirable; and

WHEREAS, the subject building is burdened with an inadequate loading area, and with floor plates with inadequate load capacity; and

WHEREAS, the aforementioned burdens pose a suspect capability for use as viable, modern manufacturing or warehouse facility; and

WHEREAS, the Board notes that the instant proposal creates a mixture of a residential and conforming use by limiting residential occupancy to the upper three floors; and

WHEREAS, the record indicates that within the vicinity of the subject premises many residential uses are present and that the surrounding area is characterized by numerous renovated, converted residential lofts; and

WHEREAS, the subject application provides many quality housing components and other amenities; and

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

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an M1-2 zoning district, the partial conversion to residential use of a 106,191.4 square foot six-story manufacturing building contrary to Z.R. §42-00 on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received "December 23, 2002"- (12) sheets; and on further condition;

THAT residential uses shall be limited to the existing fourth, fifth, and sixth floors as illustrated in the BSA-approved plans; and
THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT fire safety measures shall be provided and maintained as per all applicable Fire Department requirements;

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

WHEREAS, the aforementioned unique physical condition of the building makes its occupancy for a conforming M1-2 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 entire premises with a conforming use would not yield the owner a reasonable return; and

WHEREAS, the property is located in an M1-2 manufacturing zone; and

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

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

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

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

Adopted by the Board of Standards and Appeals, January 28, 2003.

373-01-BZ

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

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

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

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

Adopted by the Board of Standards and Appeals, January 28, 2003.

41-02-BZ

APPLICANT - Vito J. Fossella, P.E., Land Planning and Engineering Consultants, P.C., for Salvatore Calcagno, owner.

SUBJECT - Application January 30, 2002 - under Z.R. §72-21, to permit the proposed eating and drinking establishment with live musical entertainment and dancing, Use Group 12, located in a C1-2 zoning district, is contrary to Z.R. §32-15.

MINUTES

PREMISES AFFECTED - 124 McLean Avenue, southwest corner of Railroad Avenue, Block 3115, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

Adopted by the Board of Standards and Appeals, January 28, 2003.

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

APPEARANCES -

For Applicant: Raymond Levin.

For Opposition: Doris Diether, Community Board #2; Walter Chatham, Barry Mallin, Mark Esrig, Josh Simons, Andrew Dreskin, Mark Payne and others.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

Not Voting: Commissioner Korbey1

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 22, 2002, acting on Application No. 103060394, reads:

A1. Residential use (UG. 2) not permitted in an M1-5B (Z.R. 42-00).

2. Use Group 6 is not permitted below the level of the second story (Z.R. 42-14D (2)(b)."; and

WHEREAS, a public hearing was held on this application on July 16, 2002 after due notice by publication in The City Record, laid over to September 10, 2002, October 29, 2002, December 10, 2002 and then to January 28, 2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar, Commissioner

WHEREAS, the applicant has submitted a site survey showing that the existing site grades slope downward significantly from Lafayette Street to Crosby Street, further complicating foundation

APPEARANCES -

For Applicant: Victor Han.

For Opposition: Catherine Pirrella.

ACTION OF THE BOARD - Application withdrawn.

Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of an eleven-story and six-story building, with residential use on the upper floors, and a mixture of retail, storage and accessory residential uses on the ground floor and cellar, (Use Group 2 & 6) located in an M1-5B zoning district, which is contrary to Z.R. §42-00 and §42-14(D)(2)(b); and

WHEREAS, the subject premises is an irregularly-shaped parcel, with approximately 89 feet of frontage on the western side of Lafayette Street, 25 feet of frontage on the eastern side of Crosby Street and approximately 11,400 square feet of lot area; and

WHEREAS, through a series of voluminous submissions, the applicant has demonstrated that the subject site is burdened with a number of unique conditions inherent to the lot which create an unnecessary hardship and practical difficulty in constructing a conforming development; and

WHEREAS, these conditions include the irregular shape of the lot, the location of the lot, the adjacency to subway tunnels, and a change in grade; and

WHEREAS, the subject site is a "flag shaped" lot consisting of a 89 foot by 100 foot main section along Lafayette Street and a 25 foot by 100 foot strip along Crosby Street;

WHEREAS, the applicant represents that the irregular shape results in the need for an additional 150 linear feet of foundation wall construction compared with a regularly shaped lot, resulting in increased costs for concrete, reinforcing bars and formwork; and

WHEREAS, evidence in the record indicates that the location on Lafayette Street and the narrow frontage on Crosby Street render a conforming manufacturing or commercial building infeasible; and

WHEREAS, the applicant has demonstrated that Crosby Street is too narrow to adequately provide maneuvering space required for a tractor trailer vehicle to access an off-street enclosed loading dock; and

WHEREAS, furthermore, as loading docks are not permitted within 50 feet of an intersection and the entire Lafayette Street frontage is located within 50 feet of the Kenmare Street intersection, loading docks, a prerequisite for manufacturing development, would not be possible on the subject site; and

WHEREAS, the record indicates that the east side IRT subway line is located within approximately 5-6 feet of the property on the Lafayette Street frontage; and

WHEREAS, in response community-based opposition and the Board's request for more detailed information the applicant has provided an in-depth narrative outlining the complicated construction and increased costs due to the necessary design of the foundation system to support both a development on the site and the structural integrity of the subway tunnel, and

wall construction and incurring additional costs; and

WHEREAS, the aforementioned unique physical conditions of the lot makes its occupancy for a conforming use impractical and

MINUTES

creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the applicant has provided several as-of-right scenarios and a feasibility study and has sufficiently demonstrated that each one of these developments would not yield a reasonable return; and

WHEREAS, therefore the Board finds that the applicant has demonstrating that developing the premises with a conforming use would not yield the owner a reasonable return; and

WHEREAS, the record indicates that surrounding neighborhood is characterized by residential and mixed-use developments; and

WHEREAS, in response to community-based concerns and at the request of the Board, the applicant has reduced the size of the project, resulting in a lower overall building height, less floor area, a reduction in the number of dwelling units, and an increase in the average size of the units; and

WHEREAS, the Lafayette Street portion of the building has been reduced from 15 to 11 stories (from 173 feet to 129 feet), the Crosby Street portion has been increased from 5 to 6 stories (from 60 feet to 74.5 feet), the Lafayette Street building's revised design has less glass to better complement the surrounding buildings, the subcellar has been eliminated, the overall FAR has been reduced from 8.28 to 6.24, the number of dwelling units has been reduced from 111 to 73, and the average unit size has increased from 666 square feet to 890 square feet; and

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

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed construction of an eleven-story and PREMISES AFFECTED - 6778 Hylan Boulevard, southeast corner of Page Avenue, Block 7734, Lots 13 and 20, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition

six-story building, with residential use on the upper floors, and a mixture of retail, storage and accessory residential uses on the ground floor and cellar, (Use Group 2 & 6) located in an M1-5B zoning district, which is contrary to Z.R. §§42-00 and 42-14(D)(2)(b), on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 22, 2002"- (11) sheets; and on further condition;

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

THAT in accordance with BSA-approved plans and at the request of the FDNY, the applicant shall provide the following fire safety measures:

- (1) an automatic wet sprinkler system connected to a FDNY approved central station throughout the building;
- (2) a fire alarm system connected to a FDNY approved central station throughout the building;
- (3) a smoke detection system connected to a FDNY approved central station throughout all non-residential areas in the building;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

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

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

Adopted by the Board of Standards and Appeals, January 28, 2003.

201-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Paco Page, LLC, owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application July 1, 2002 - under Z.R. §72-21 to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16B, that is located in a C1-1 zone overlay within an R3-1 zoning district, is contrary to a previous variance granted under Cal. No.855-25-BZ and Z.R. §32-25.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 24, 2002 acting on Application No. 500496643 reads:

MINUTES

"Proposed construction of a New Building to be operated as an Automotive Service Station with an accessory convenience store (U.G. 16) located in a C1-1 within an R3-1 Zoning District which is contrary to Section 32-25 Z.R. and BSA Calendar #855-25-BZ. It was not as of right, therefore, the proposed use must be referred back to the Board of Standards and Appeals for approval."; and

WHEREAS, a public hearing was held on this application on December 10, 2002 after due notice by publication in The City Record and laid over to January 28, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, to permit, in an R3 zoning district with a C1-1 overlay the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16B contrary to Z.R. Section 32-25 and Calendar Number 855-25-BZ; and

WHEREAS, Community Board #3, Staten Island, recommends approval of this application; and

WHEREAS, the site is located at the Southeast corner of Hylan Boulevard and Page Avenue containing 180 feet of frontage along Hylan Boulevard and 100 feet of frontage along Page Avenue improved with an existing automotive service station; and

WHEREAS, the record indicates that the proposal provides parking for nine vehicles in addition to spaces at the pump islands, illuminated signage of 98.67 square feet and 107.94 square feet of non-illuminated signage; and

WHEREAS, the proposal also provides a 6-foot high chain link fence with privacy slats, six-foot high evergreens to screen and buffer the adjoining sports complex on block 7734 Lot 1 in addition to an existing 6-foot high opaque wood fence along the Northern property line which provides a buffer to the property at Block 8005, Lot 1; and

WHEREAS, the applicant represents that under Calendar #855-25-BZ, in 1925, the Board granted a variance for an automotive service station with a subsequent amendment to allow

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, on a site previously before the Board, to permit, in an R3 zoning district with a C1-1 overlay the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16B contrary to Z.R. §32-25 and Calendar Number 855-25-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 "December 12, 2002"- (6) sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on January 28, 2013;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed

an enlargement and additional uses; and

WHEREAS, site's history of development with non-conforming Board approved uses and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning Resolution; and

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

WHEREAS, the record indicates that the subject property is located in an area characterized by commercial uses; and

WHEREAS, the Board notes that the site has housed non-conforming uses similar to the one proposed for over 75 years; and

WHEREAS, the record indicates that the subject proposal would meet the special permit findings of Z.R. §73-211, and provides sufficient parking, screening, fencing and vegetation along the residential district to avoid congestion and adverse traffic and noise impacts; and

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

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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.

within 48 hours;

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

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

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

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

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

Adopted by the Board of Standards and Appeals, January 28, 2003.

MINUTES

226-02-BZ

APPLICANT - Stadtmauer Bailkin, LLP, for School of Visual Arts, owner; Resource and Image Center for the Visual Arts, lessee.

SUBJECT - Application August 7, 2002 - under Z.R. §72-21 to permit the proposed six story community facility(school), Use Group 3, located in an R8B zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard, street wall, setback and bulkhead obstruction, and is contrary to Z.R. §24-11, §24-33, §24-36, §23-633 and §23-62.

PREMISES AFFECTED - 319/21 East 21st Street, between First and Second Avenues, Block 927, Lots 13 and 14, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Howard Zipser.

For Opposition: Debra Aaron.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the applicant proposes to construct a six-story community facility which will house a multimedia visual arts resource center and auditorium/lecture hall for a not-for-profit institution; and

WHEREAS, the applicant states that the proposed building will provide archival and related research services including over 70,000 books, 150,000 art slides, 350,000 picture files, a collection of video tapes, films, scripts, and comics, subscriptions to print periodicals, and a number of online reference databases in art and design, the humanities and current events; and

WHEREAS, the proposed facility is associated with the School of Visual Arts whose campus buildings lie on the east side of Manhattan between 17th Street and 23rd Street; and

WHEREAS, the applicant further represents that the subject variance application is necessary in order to construct a facility with floor plates sufficiently large enough to meet the programmatic needs of the school; and

WHEREAS, currently, the school's collection of research materials is located in a 10,000 square foot space which, the applicant maintains, is not large enough or readily accessible to students or patrons of the facility; and

WHEREAS, the applicant states that the construction of a new auditorium/lecture hall is necessary as films are currently being

WHEREAS, the decision of the Borough Commissioner dated August 5, 2002 acting on Application No. 103185964, reads in pertinent part;

- "1. Proposed Community Facility, A School, located in an R8B zoning district is contrary to sec. 24-11ZR since it exceeds the maximum permitted floor area ratio and exceeds the maximum lot coverage.
2. Proposed six-story school does not have a 30' rear yard above the 1st story and is therefore contrary to sec. 24-33ZR, 24-36ZR.
3. Proposed school exceeds the maximum building height of 75' and is contrary to sec. 23-633 Table Z ???ZR.
4. Proposed six-story school does not have the proper front setback required on a narrow street between the minimum base height and maximum base height as per 23-633 (b) ZR
5. Portion of building projecting into the front setback is not a permitted obstruction as per sec. 23-62 ZR."; and

WHEREAS, a public hearing was held on this application on January 7, 2003 after due notice by publication in The City Record, and laid over to January 28, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed construction of a six-story school building, Use Group 3, located in both an R8B zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard and height and setback requirements, and is contrary to Z.R §§24-11, 24-33, 24-36, 24-633, & 23-62; and

WHEREAS, the subject site is 5,000 square foot lot located on the north side of East 21st Street between 1st and 2nd Avenues and is within an R8B zoning district; and

shown in small, inadequate spaces temporarily set up for viewing purposes; and

WHEREAS, the applicant represents that a unsuccessful effort was made to find a vacant property at an affordable cost within the vicinity of the existing campus that was large enough to meet the programmatic needs of the school; and

WHEREAS, the applicant states that the proposed facility requires larger floor to ceiling heights in order for adequate stacking space for its collections, and that the school cannot achieve a sufficient expansion without the subject variance due to the bulk restrictions of the zoning lot; and

WHEREAS, the applicant represents the strains of the current facilities create a practical difficulty and unnecessary hardship that requires the construction of a new structure and a waiver of the floor area ratio, lot coverage, rear yard and height and setback requirements to meet the programmatic need of the school; and

WHEREAS, in addition, where a non-profit community facility's programmatic needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it unarguably contravenes public health, safety or welfare or creates a severe detriment to the character of the neighborhood; and

MINUTES

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

WHEREAS, the Board notes that the proposed community facility use is permitted as-of-right in the subject zoning district; and

WHEREAS, evidence in the record indicates that the surrounding community is primarily composed of residential and community facility uses; and

WHEREAS, the Board notes that the adjacent building to the east is a five-story apartment building, the adjacent building to the west is a six-story apartment building, and directly across from the site is a four-story junior high school; and

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

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

WHEREAS, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant

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

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

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

Adopted by the Board of Standards and Appeals, January 28, 2003

240-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Arthur Roslyn Gruener, owner.

SUBJECT - Application August 30, 2002 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which exceed the permitted floor area, and does not provide the required open space, or front, side or rear yards, which is contrary to Z.R. §23-461, §23-45, §23-47 and §23-141.

PREMISES AFFECTED - 1745 East 23rd Street, east side, 340' south of Quentin Road, Block 6806, Lot 74, Borough of Brooklyn.

COMMUNITY BOARD #15BK

areas of environmental concern; and

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit the proposed construction of a six-story school building, Use Group 3, located in both an R8B zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard and height and setback requirements, and is contrary to Z.R. §§24-11, 24-33, 24-36, 24-633, & 23-62; on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received October 29, 2002"-(6) sheets; and on further condition;

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

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

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 20, 2002, acting on ALT I Application No. 301271264 reads:

“OBTAIN SPECIAL PERMIT APPROVAL FROM THE BOARD OF STANDARDS AND APPEALS AS PER SEC. 73-622 OF THE ZONING RESOLUTION FOR THE FOLLOWING OBJECTIONS:

PROPOSED SIDE YARD IS CONTRARY TO ZR 23-461
PROPOSED REAR YARD IS CONTRARY TO ZR 23-47
PROPOSED FLOOR AREA IS CONTRARY TO ZR 23-141

PROPOSED OPEN SPACE RATIO IS CONTRARY TO ZR 23-141.”; and

WHEREAS, a public hearing was held on this application on January 7, 2003 after due notice by publication in The City Record, and laid over to January 28, 2003 for decision; and

WHEREAS, Community Board #15 has recommended approval of this application; and

WHEREAS, the premises and surrounding area had site and

MINUTES

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

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area, open space, and side and rear yard requirements, and is contrary to Z.R §§23-141, 23-461 and 23-47; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulations; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of

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

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

Adopted by the Board of Standards and Appeals, January 28, 2003.

330-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Trey Whitfield School, owner.

SUBJECT - Application November 8, 2002 - under Z.R. §72-21 to permit the proposed conversion of a former welfare center, for use as an elementary school, Use Group 3, located in an M1-4 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 48/60 Williams Avenue, bounded by Liberty and Atlantic Avenues, Block 3682, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Chris Wright.

For Opposition: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated October 21, 2002 acting on Alteration Application No.

Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area, open space, and side and rear yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received October 8, 2002-"-(8) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

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

301426801 reads:

"RESPECTFULLY REQUEST OBJECTION TO PROCEED TO BOARD OF STANDARDS AND APPEALS. PROPOSED SCHOOL BUILDING IS LOCATED IN-AN M-1 ZONING DISTRICT AND IS CONTRARY TO THE USE PROVISIONS OF SECTION 42-00 OF THE ZONING RESOLUTION."

WHEREAS, Community Board No. 5, Brooklyn, recommends approval of the application; and

WHEREAS, a public hearing was held on this application on January 14, 2003 after due notice by publication in The City Record, and laid over to January 28, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-4 zoning district, a Use Group 3, school, contrary to Z.R. §42-00; and

WHEREAS, the applicant operates an existing 500 student elementary non-profit school; and

WHEREAS, the Board notes that the instant proposal would qualify for a special permit under Z.R. §73-19 except for the requirement that the site must be within 400 of a residential district; and

WHEREAS, the subject school presently operates from a rented facility located at 1962 Linden Boulevard; and

WHEREAS, the record indicates that the Linden Boulevard location is inadequate to meet the schools programmatic needs because it is temporary in nature consisting of three prefabricated modules located in the parking lot of a church; and

WHEREAS, the subject five-story 57,000 square foot building provides enough space to accommodate classrooms, faculty offices, a library and a public assembly room, in furtherance

MINUTES

of the school's programmatic needs: and

WHEREAS, the record indicates that the subject building can easily be converted to a school, since it formerly housed a community facility use; and

WHEREAS, to minimize adverse congestion and traffic impacts, the applicant will provide a 24 space parking lot for staff and other vehicles generated by the school use, located on Williams Avenue; and

WHEREAS, the record indicates that in part due to its prior use as a community facility, the subject building is not viable for a conforming industrial user because the building lacks loading docks and freight elevators and was previously designed to accommodate a community facility; and

WHEREAS, the applicant's programmatic needs discussed above, its history of development with a community facility use, and the sites inadequacy for accommodating a conforming user creates

WHEREAS, evidence in the record demonstrates that this proposal, is the minimum necessary to meet the applicant's programmatic needs; and

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

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

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

WHEREAS, by letter dated January 17, 2003 the New York City Fire Department has no objections to the application provided the applicant complies with all applicable code requirements; and

WHEREAS, the New York City Department of Transportation's ("DOT") Division of School Safety Engineering conducted a child and traffic safety review for the proposed school, including a survey of the school area. DOT had the following comments which the applicant has addressed:

(1) Traffic controls at the four intersections around the school block are adequate except for Liberty Avenue in the east-west direction at Williams Avenue. A school crossing guard should be stationed at this intersection for safe crossing by school children.

(2) Provide accident data at the intersections of Liberty Avenue with Williams Avenue and Hinsdale Street; and

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-4 zoning district, a Use Group 3, school, contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received "November 8, 2002"- (7) sheets and "January 3, 2003"- (2) sheets and on further condition;

an undue hardship with strict conformance with the use provisions of the Zoning Resolution; and

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

WHEREAS, the record indicates that the subject building is located in a neighborhood containing a mixture of residential, parking, and light manufacturing uses; and

WHEREAS, therefore, the Board finds that the subject proposal will not alter the essential character of the neighborhood or substantially impair the appropriate use or development of the surrounding area nor be detrimental to the public welfare; and

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

THAT the proposed elementary school shall be completely code compliant;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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 including all fire safety and egress requirements, 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, January 28, 2003.

281-99-BZ

APPLICANT - Jay A. Segal (Greenberg Traurig), for Enopac Holding LLC, owner.

SUBJECT - Application November 5, 1999 - under Z.R. §72-21, to permit the proposed mini-storage facility (Use Group 16) located in an R3-1 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 6055 Strickland Avenue, west side of Strickland Avenue roughly between the prolongation of Mayfair Avenue and East 59th Place, Block 8470, Lots 1060, 1064, 1070, 1076, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Jay Segal, Jack Freeman, Andy Rudfio, Arnold F. Fleming.

For Opposition: Senator Carl Krugor, Assemblyman Frank R.

MINUTES

Seddio, Councilman Lewis Felder, Jermone Abott, Herbert Jawitz, Ann Mandelbaum, Carol Abrams and Sol Needle.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 25, 2003, at 2 P.M., for deferred decision.

36-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Antonio Nino Vendome and Paul Raquel, LLC (OWNERS), owner.

SUBJECT - Application February 5, 2001 - under Z.R. §72-21, to THE VOTE TO CLOSE HEARING -

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

Negative:0

Not Voting: Commissioner Miele.....1

Absent: Vice-Chair Babbar1

ACTION OF THE BOARD - Laid over to February 11, 2003, at 1:30 P.M., for decision, hearing closed.

193-01-BZ

APPLICANT - Harold Weinberg, P.E., for 3044 Coney Island Avenue Associates, Samuel Shpelfogel Agent, owner.

SUBJECT - Application April 25, 2002- under Z.R. §72-21, to permit the proposed use of the second and third floors of an existing three story building, as business offices, Use Group 6, located in an R6 zoning district, which is contrary to Z.R. §22-00.

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: Sheldon Lobel and Carl Kruger.

For Opposition: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING-

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 25, 2003, at 1:30 P.M., for decision, hearing closed.

282-01-BZ

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

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

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

COMMUNITY BOARD #1BK

permit the proposed construction of a twenty-six story, mixed-use residential structure, containing a community facility in an M2-4 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 328 Spring Street, a/k/a 489-495 Washington Street, southeast corner, Block 595, Lots 66 and 68, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Sheldon Lobel and Kenneth Heller.

For Opposition: Doris Diether, Community Board #2.

APPEARANCES-

For Applicant: Sheldon Lobel, Solomon Witriol, Irving Minkin.

For Opposition: Robert Baird Paterson, Karl Camillucci, Councilmember Diane Reyna and Ron Weis.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 1:30 P.M., for continued hearing.

283-01-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES-

For Applicant: Sheldon Lobel, Solomon Witriol, Irving Minkin.

For Opposition: Robert Baird Paterson, Karl Camillucci, Councilmember Diane Reyna and Ron Weis.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 1:30 P.M., for continued hearing.

384-01-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES-

For Applicant: Sheldon Lobel, Solomon Witriol, Irving Minkin.

For Opposition: Robert Baird Paterson, Karl Camillucci, Councilmember Diane Reyna and Ron Weis.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 1:30 P.M., for continued hearing.

MINUTES

284-01-BZ

APPLICANT - Stanley K. Schlein, Esq., for Silver Lake Realty Partnership, owner.

PREMISES AFFECTED - 275 Castleton Avenue, 26' east of the northeast corner of Castleton Avenue and Harbor View Court, Block 119, Lot 104, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Stanley K. Schlein, Joan Giebelhaus and Willy Zambrano.

For Opposition: Denise Bilenzikyan and Rosemarie Maldonado.

ACTION OF THE BOARD - Laid over to March 4, 2003, at 2 P.M., for continued hearing.

363-01-BZ thru 365-01-BZ

APPLICANT - Freda Design Assoc. Ltd., for Harold Lane, owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed construction of a three family dwelling, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 3304 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 39, Borough of The Bronx.

3306 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 40, Borough of The Bronx.

3308 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 41, Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Peter Hirshman.

THE VOTE TO CLOSE HEARING-

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to April 8, 2003, at 2 P.M., for decision, hearing closed.

369-01-BZ

APPLICANT - Sheldon Lobel, P.C., for SYC, LLC, owner.

SUBJECT - Application November 27, 2001 - under Z.R. §72-21, to permit the legalization of an existing three story residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 303 Seigel Street, northwest corner of Bogart Street, Block 3092, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane and Marc Esrig.

For Administration: John Yacovone, Fire Department.

SUBJECT - Application October 3, 2001 - under Z.R. §72-21, to permit the proposed expansion of an existing nursing home, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, is contrary to Z.R. §24-111.

ACTION OF THE BOARD - Laid over to March 4, 2003, at 1:30 P.M., for continued hearing.

38-02-BZ

APPLICANT - Harold Weinberg, P.E., for Maria Palumbo, owner.

SUBJECT - Application January 25, 2002 - under Z.R. § 73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-1 zoning district, which exceeds the floor area ratio, the lot coverage and is below the minimum required open space ratio, is contrary to Z.R. §23-141, §23-47 and §54-31.

PREMISES AFFECTED - 1210 82nd Street, south side, 100' east of 12th Avenue, Block 6302, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Janice Cahalane and Marc Esrig.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING-

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 11, 2003, at 2 P.M., for decision, hearing closed.

73-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Aron Adler, owner.

SUBJECT - Application July 9, 2002 - under Z.R. §72-21, to permit the proposed conversion of an existing four story building, located in a manufacturing zoning district, into a mixed-use building, with floors 2 through 4 for residential use, and the first floor to remain commercial, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 6 Stanwix Street, a/k/a 59 Jefferson Street, a through lot fronting Stanwix and Jefferson Streets, Block 3162, Lot 1, Borough of Brooklyn. **COMMUNITY BOARD #4BK**

APPEARANCES -

For Applicant: Sheldon Lobel and Janice Cahalane.

For Opposition: Rev. J. Thomas Herrmaning.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 25, 2003, at 1:30 P.M., for continued hearing.

83-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Big Sue, LLC, owner.

MINUTES

SUBJECT - Application March 21, 2002 - under Z.R. §72-21, to permit the proposed conversion of a four story industrial building, located in an M1-1 zoning district, into a residential dwelling with 34 units, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 925 Bergen Street, between Franklin and Classon Avenues, Block 1142, Part of Lot 40(Tentative Lot 60), Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Chris Wright.

THE VOTE TO REOPEN HEARING

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 25, 2003, at 1:30 P.M., for decision, hearing closed.

86-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 155 N. Fourth Street, LLC, owner.

SUBJECT - Application March 26, 2002 - under Z.R. §72-21, to permit the proposed construction of two additional floors to be used for residential purposes, above an existing one-story building that is located within the Special Northside Mixed Use District(M1-2(R6)), which is contrary to Z.R. §97-22.

PREMISES AFFECTED - 155/59 North Fourth Street, northeast side, between Bedford and Driggs Avenues, Block 2344, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 25, 2003, at 1:30 P.M., for continued hearing.

114-02-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., - Vito J. Fossella, P.E., for Jerry Campitiello, owner.

SUBJECT - Application April 12, 2002 - under Z.R. §72-21, to permit the proposed new two story commercial building, with retail sales on the first floor and offices on the second floor, Use Group 6, located in an R2 zoning district, which is contrary to Z.R. §22-00. PREMISES AFFECTED - 2493 Richmond Road, northwest corner of Odin Avenue, Block 947, Lot 1, Borough of Staten Island.

ACTION OF THE BOARD - Laid over to March 4, 2003, at 1:30 P.M., for decision, hearing closed.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Victor Han

For Opposition: John Belnaris, Kathleen Vorwick, Stella Orso and Joseph E. Markowski.

ACTION OF THE BOARD - Laid over to March 4, 2003, at 2 P.M., for continued hearing.

146-02-BZ

APPLICANT - The Agusta Group, for R.A.J. Realty Corp., Gennaro Schiano, President, owner.

SUBJECT - Application May 6, 2002 - under Z.R. §73-52, to permit the proposed two story addition to an existing retail establishment, Use Group 6, which will encroach slightly into the residential portion of the lot, split between a C1-2/R3-2 and R3-2 zoning district, requires a special permit as per Z.R. §73-52.

PREMISES AFFECTED - 138-27 247th Street, south side, 250' East of 139th Avenue, Block 1362, Lots 9 and 11, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Sol Korman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to March 18, 2003, at 1:30 P.M., for decision, hearing closed.

183-02-BZ

APPLICANT - The Agusta Group, for Jimmy and Jeffrey Chin, owners.

SUBJECT - Application May 31, 2002 - under Z.R. §11-411 to permit the reestablishment of a special permit, previously granted 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.

PREMISES AFFECTED - 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.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant:

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

195-02-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for McDonald's Corp, owner; Laurino Enterprises, lessee.

MINUTES

SUBJECT - Application June 12, 2002 - under Z.R. §72-21 to permit the reestablishment of an expired variance previously granted under Cal. No. 231-72-BZ which permitted an eating and drinking establishment with an accessory drive-through facility in an R-4 zoning district, also the legalization of a small addition to the establishment, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 2797 Linden Boulevard, northeast corner of Drew Street, Block 4471, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant:

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 11, 2003, at 1:30 P.M., for decision, hearing closed.

200-02-BZ

CEQR #02-BSA-232M

APPLICANT - Sheldon Lobel, P.C., for Malu Properties, Inc., owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application August 12, 2002 - under Z.R. §72-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-2 within an R7-2 zoning district, is contrary to a previous variance granted under Cal. No. 493-41-BZ and Z.R. §22-00.

PREMISES AFFECTED - 2326 First Avenue, northeast corner of East 119th Street, Block 1807, Lots 1 and 5, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO REOPEN HEARING -

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

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to February 11, 2003, at 1:30 P.M., for decision, hearing closed.

206-02-BZ

APPLICANT - Alfonso Duarte, for John Jerome, owner.

APPEARANCES -

For Applicant:

ACTION OF THE BOARD - Laid over to March 4, 2003, at 1:30 P.M., for continued hearing.

257-02-BZ

SUBJECT - Application July 9, 2002 - under Z.R. §72-21 to permit the proposed enlargement of the second floor level from an attic, to a second floor, which will encroach upon one of the front yards, is contrary to Z.R. §23-45.

PREMISES AFFECTED - 166-03 21st Road, northeast corner of 166th Street, Block 5760, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant:

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 11, 2003, at 1:30 P.M., for decision, hearing closed.

218-02-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Coney on the Park, LLC, owner.

SUBJECT - Application August 2, 2002 - under Z.R. § 72-21 to permit the proposed construction of a twelve-story mixed-use building, Use Groups 2 and 6, located in a C8-2 zoning district, which will include 75 residential units, and is contrary to Z.R. §32-00.

PREMISES AFFECTED - 46 Coney Island Avenue, between Kermit Place and Caton Avenue, Block 5322, Tentatively Lot 65, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis

For Opposition: George G. Bissell, Mandy Harris, Brown and Matthew Bernhard.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 25, 2003, at 1:30 P.M., for continued hearing.

222-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Eugene & Francine Simonetti, owner.

SUBJECT - Application August 5, 2002 - under Z.R. §72-21 to permit the proposed nine family residential development, Use Group 2, located in an R4 zoning district, which exceeds the permitted floor area and number of dwelling units, and provide less than the required parking, which is contrary to Z.R. §23-141b, §23-22 and §25-23.

PREMISES AFFECTED - 2547 East 12th Street, east side, 280' north of Avenue "Z", Block 7433, Lot 159, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Outreach Development Corp., owner.

SUBJECT - Application September 23, 2002 - under Z.R. §72-21 to permit the proposed incorporation of an existing vacant building into the existing development (previously under Cal. No. 211-82-BZ), and to construct a one-story addition in the rear of the building, thereby creating a single building, to be utilized as a

MINUTES

not-for-profit institution with sleeping accommodations, Use Group 3, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 16-16 Weirfield Street, east side, 90' north of Wycoff Avenue, Block 3550, Lots 14 and 17, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant:

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 11, 2003, at 1:30 P.M., for decision, hearing closed.

2003, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 4:25 P.M.

325-02-BZ

APPLICANT - Harold Weinberg, P.E., for Moshe Binik, owner.

SUBJECT - Application October 31, 2002 - under Z.R. §73-36 to permit the proposed conversion of a former supermarket, into a physical culture establishment, which requires a special permit.

PREMISES AFFECTED - 1158 McDonald Avenue, west side, 143.11' south of 20th Avenue, north of 21st Avenue, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant:

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 11, 2003, at 1:30 P.M., for decision, hearing closed.

347-02-BZ

APPLICANT - Kramer Levin Maftalis & Frankel, LLP, for The Pierpont Morgan Library, owner.

SUBJECT - Application November 22, 2002 - under Z.R. §72-21 to permit the proposed four story addition to an existing library, Use Group 3, located in an R7-2 within an R8B zoning district, which does not comply with the zoning requirement for rear yard, and is contrary to Z.R. §24-36.

PREMISES AFFECTED - 29 East 36th Street, and 219/31 Madison Avenue, western portion of block bounded by East 36th Street, Madison Avenue, East 37th Street and Park Avenue, Block 866, Lots 25 and 58, Borough of Manhattan. **COMMUNITY BOARD #6M**

APPEARANCES -

For Applicant:

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to February 11,

CORRECTIONS

*CORRECTION

This resolution adopted on December 17, 2002, under Calendar No. 360-01-BZ and printed in Volume 87, Bulletin Nos. 51-52, is hereby corrected to read as follows:

360-01-BZ

CEQR #02-BSA-068K

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

SUBJECT - Application November 19, 2002 - under Z.R. §§73-211 and 73-212, to permit on a site previously before the Board, under Calendar Number 249-29-BZ, in a C2-2 /R4 zoning district, to permit the proposed lot area enlargement of an existing automotive service station with accessory uses (Use Group 16), by the addition of a new one-story accessory convenience store and a new metal canopy above a new fuel dispensing area contrary to Z.R. §32-00. PREMISES AFFECTED - 2228 Gerritsen Avenue, southwest corner of Avenue "U", Block 7370, Lots 10 and 15, Borough of Brooklyn.

COMMUNITY BOARD #15

APPEARANCES -

For Applicant: Carl A. Sulfaro.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 31, 2001 acting on Application No. 301239513 reads:

"1. Proposed extension of a Gasoline Service Station Use Group 16 located in a C2-2 in a R4 district is contrary to Section 32-00 of the Zoning Resolution. Previously approved by the Board of Standards and Appeals under 249-29-BZ"; 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 July 9, 2002, August 13, 2002, October 8, 2002, and November 19, 2002 and then to December 17, 2002 for decision; and

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

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211, 73-212 and 73-03, to permit, on

a site previously before the Board, under Calendar Number 249-29-BZ, in a C2-2/R4 zoning District, to permit the proposed lot area enlargement of an existing automotive service station with accessory uses (Use Group 16), by the addition of a new one-story accessory convenience store and a new metal canopy above a new fuel dispensing area contrary to Z.R. §32-00; and

WHEREAS, under Calendar Number 249-29-BZ, in 1950, subject premises was developed with a one-story brick office and repair shop with an open area for the sale of gasoline fuels with accessory parking for vehicles awaiting service, housed entirely within lot 10, an amendment to the resolution permitted the erection and maintenance of an automatic car wash operation in conjunction with the automotive service station; and

WHEREAS, in 1990, the application was again amended to permit, an enlargement of the auto repair portion and the relocation of fuel dispensing area to the Avenue "U" frontage providing a small metal canopy above the fuel dispensing area; and

WHEREAS, the instant application meets the findings of Z.R. §73-211 because the existing lot are of 29,138 square feet, exceeds the minimum lot area of 7,500 square feet, required under Z.R. §73-211(a), contains frontages along Gerritsen Avenue, Knapp Street and Avenue "U", which the Board notes are heavy traffic streets, thus meeting the requirement of Z.R. §73-211(b), that lots exceeding 15,000 square feet be located on arterial highways or major streets; and

WHEREAS, the instant proposal provides facilities for lubrication, minor repairs, car washing, all located within completely enclosed buildings, and designed with entrances and exits allowing easy access to the service buildings and pumps minimizing obstructions of streets and sidewalks; and

WHEREAS, the applicant provides signage that is limited to accessory, non-flashing business signs; and

WHEREAS, in addition to spaces provided at the pump islands, the proposal also provides parking spaces for 5 vehicles; and

WHEREAS, the side lot line for lot 14 will be screened by an existing concrete and brick wall that is approximately 6 feet high and 8" thick, where the site adjoins residential uses; and

WHEREAS, similarly, the rear lot line for lot 10, located at the rear of the automatic car wash facility will be screened from the adjoining residential district by an existing 5'-6" high chain link fence with 100% privacy slats; and

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

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

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

be made under Z.R. §§73-211, 73-212 and 73-03; and

CORRECTIONS

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §§73-211, 73-212 and 73-03, to permit, on a site previously before the Board, under Calendar Number 249-29-BZ, in a C2-2 /R4 zoning district, to permit the proposed lot area enlargement of an existing automotive service station with accessory uses (Use Group 16), by the addition of a new one-story accessory convenience store and a new metal canopy above a new fuel dispensing area contrary to Z.R. §32-00, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received December 6, 2002"-(1) sheet and "Received November 4, 2002"-(6) sheets; and *on further condition*;

THAT the hours of operation for the car wash and the automobile repair shall be limited to 8:00 A.M. to 6:00 P.M. Monday through Saturday and 8:00 A.M. to 1:00 P.M. Sunday

THAT landscaping be provided and maintained in accordance with BSA-approved plans;

THAT there shall be no used car sales on the premises;

THAT there shall be no parking of cars on the sidewalk at any time;

THAT the term of this special permit shall be limited to ten (10) years from the date of the prior grant, expiring July 24, 2014;

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

THAT a new Certificate of Occupancy shall be obtained within 2 years of this grant;

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

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

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

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

Adopted by the Board of Standards and Appeals, December 17, 2002.

****The resolution has been corrected in that the portion which read:** " *THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring December 17, 2012*"; **now reads:** "*THAT the term of this special permit shall be limited to ten (10) years from the date of the prior grant, expiring July 24, 2014*". **Corrected in Bulletin Nos. 5-6, Vol. 88, dated February 6, 2003.**

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

Volume 88, No. 7

February 13, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEBY

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - *Counsel*

| | |
|------------------------|--|
| OFFICE - | 40 Rector Street, 9th Floor, New York, N.Y. 10006 |
| HEARINGS HELD - | 40 Rector Street, 6th Floor, New York, N.Y. 10006 |
| BSA WEBPAGE @ | http://www.nyc.gov/html/bsa/home.html |

| |
|-----------------------------------|
| TELEPHONE - (212) 513-4670 |
| FAX - (212) 513-4690 |

CONTENTS

| | |
|--|-----|
| DOCKET | 104 |
| CALENDAR of March 4, 2003 | |
| Morning | 105 |
| Afternoon | 106 |
| SPECIAL CALENDAR of March 5, 2003 | |
| Morning | 106 |

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, February 4, 2003**

Morning Calendar108

Affecting Calendar Numbers:

| | |
|-----------|--|
| 789-45-BZ | 56-02 to 56-20 Broadway, Manhattan |
| 494-55-BZ | 67-69 Avenue U, Brooklyn |
| 32-92-BZ | 72-06 Parson Boulevard, a/k/a 157-10 72 nd Avenue, Queens |
| 551-37-BZ | 233-02 Northern Boulevard, Queens |
| 292-55-BZ | 239-15 Jamaica Avenue, Queens |
| 352-64-BZ | 408-424 East 51 st Street, Manhattan |
| 357-86-BZ | 76-03 Roosevelt Avenue, Queens |
| 152-95-BZ | 32-55 31 st Street, Queens |
| 165-98-BZ | 3701 Mermaid Avenue, Brooklyn |
| 253-02-A | 8 Marion Walk, Queens |
| 272-02-A | 9 Suffolk Walk, Queens |
| 318-02-A | 481 Seabreeze Walk, Queens |
| 321-02-A | 31 Roosevelt Walk, Queens |
| 337-02-A | 1390 Richmond Terrace, Staten Island |
| 122-99-A | 91-70 Metropolitan Avenue, Queens |
| 260-02-A | 129-02 Liberty Avenue, Queens |
| 319-02-A | 38 Graham Place, Queens |
| 320-02-A | 232 Roxbury Avenue, Queens |
| 331-02-A | 29 Fulton Walk, Queens |

CONTENTS

Afternoon Calendar.....115

Affecting Calendar Numbers:

| | |
|----------------------------|---|
| 324-01-BZ | 1077 Bay Street, Staten Island |
| 325-01-BZ | 1375 East 27 th Street, Brooklyn |
| 28-02-BZ | 80 Madison Avenue, Manhattan |
| 29-02-BZ | 271-17 76 th Avenue, Queens |
| 85-02-BZ | 850 East 181 st Street, a/k/a 2120 Crontona Parkway, Bronx |
| 264-02-BZ | 150/54 West 17 th Street, Manhattan |
| 266-02-BZ | 181 Jaffray Street, Brooklyn |
| 273-02-BZ | 615 Hampton Avenue, Brooklyn |
| 280-02-BZ | 458/62 St. Marks Avenue, a/k/a 684/92 Classon Avenue, Brooklyn |
| 91-02-BZ | 3032/42 West 22 nd Street, Brooklyn |
| 149-02-BZ & 150-02-BZ | 1821/1837 Richmond Avenue, Staten Island |
| 165-02-BZ thru 176-02-A | 147/151/153/155/157/159 Classon Avenue, Brooklyn |
| 186-02- thru 191-02-A | 143/145/149 Classon Avenue, Brooklyn |
| 178-02-BZ | 57 Eagle Street, a/k/a 233 Franklin Street, Brooklyn |
| 185-02-BZ | 93/101 North Ninth Street, Brooklyn |
| 274-02-BZ | 2350 Jerome Avenue, Bronx |
| 278-02-BZ | 4056 Bedford Avenue, Brooklyn |
| 286-02-BZ | 1111 East 26 th Street, Brooklyn |
| 316-02-BZ | 175 Buffalo Street, Staten Island |
| 317-02-A | 175 Buffalo Street, Staten Island |
| 339-02-BZ | 147-65/76 Springfield, Queens |
| 344-02-BZ | 3501 Fort Hamilton Parkway, Brooklyn |

DOCKET

New Case Filed Up to February 4, 2003

33-03-A B.Q. 160 Ocean Avenue, west side, 73' from Oceanside Avenue, Block 16350, Lot 400, Borough of Queens. Applic. #401446440. Proposed one story enlargement to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

34-03-BZ B.Q. 89-57 207th Street, a/k/a 207-01 90th Avenue, northeast corner, Block 10572, Lot 35, Borough of Queens. N.B. #401571571. Proposed erection of a two family dwelling, located in an R3-2 zoning district, on an undersized lot, which does not comply with the zoning requirements for front and side yards, lot width or lot area, and the required sky exposure plane, is contrary to Z.R. §23-45, §23-32 and §23-461.

COMMUNITY BOARD #13Q

35-03-BZ B.Q. 12-18 154th Street, a/k/a 152-61 12th Road, northwest corner, Block 4537, Lot 90, Borough of Queens. Applic. #401516436. Proposed medical office, Use Group 4, in excess of 1,500 square feet, located in an R2 zoning district, requires a special permit from the Board as per Z.R. §73-125.

COMMUNITY BOARD #7Q

36-03-BZ B.Q. 271-17 76th Avenue, located on a block bounded by 76th Avenue, 74th Avenue, and the Queens/Nassau county border, Block 8520, Lot 2, Borough of Queens. Alt. #401379156. Proposed increase in the total number of parking spaces, through the use of attended parking, at an accessory parking garage, for an existing medical center, requires a special permit from the Board as per Z.R. §73-481.

COMMUNITY BOARD #13Q

37-03-BZ B.Q. 65-78 Terrace Court, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 38, Borough of Queens. Applic. #401598605. Proposed three-story, three-family dwelling, Use Group 2, located in an M1-1/M1-2 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #5M

38-03-BZ B.Q. 65-80 Terrace Court,

near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 37, Borough of Queens. Applic. #401598614. Proposed three-story, three-family dwelling, Use Group 2, located in an M1-1/M1-2 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #5M

39-03-BZ B.Q. 65-82 Terrace Court, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 36, Borough of Queens. Applic. #401598623. Proposed three-story, three-family dwelling, Use Group 2, located in an M1-1/M1-2 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #5M

40-03-BZ B.Q. 124-20 Jamaica Avenue, corner of 125th Street, Block 9333, Lot 7, Borough of Queens. Applic. #401565356. Proposed construction of a twenty-seven unit residential complex, in a three story building, with retail use on the ground floor, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #9Q

41-03-A D.Bldgs. 342 Madison Avenue, a/k/a 16 East 44th Street, Block 1278, Lot 14, Borough of Manhattan. Applic. #100823450. An application for the Modification of Certificate of Occupancy Number 116571, to reflect only lot 14, and to eliminate reference to, and metes and bounds of lots 15 and 17 in Block 1278.

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

CALENDAR

MARCH 4, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, March 4, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

492-91-BZ

APPLICANT - Sheldon Lobel, P.C., for Michelle Frank, owner.
SUBJECT - Application January 3, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 214-32 Hillside Avenue, southeast corner of Vanderveer Street and Hillside Avenue, Block 10673, Lot 3, Borough of Queens.

COMMUNITY BOARD #13Q

36-94-BZ

APPLICANT - Robert L. Henry, for Cleveland Vaughan, owner.
SUBJECT - Application December 27, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction.

PREMISES AFFECTED - 103/105 Putnam Avenue, property is on the northside of Putnam Avenue, B/W Classon Avenue and Franklin Avenue, Block 1989, Lots 61 and 62, Borough of Brooklyn.

COMMUNITY BOARD #3BK

172-97-BZ

APPLICANT - Harold Weinberg, P.E., for Oceana Holding Corporation, Inc., owner.

SUBJECT - Application July 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 11, 2002.

PREMISES AFFECTED - 1023 Brighton Beach Avenue, north side, between Brighton 11th and Brighton 12th Street, Block B-8709, L-60, Borough of Brooklyn.

COMMUNITY BOARD #13BK

217-97-BZ

APPLICANT - Lance I. Michaels, for EZRA Academy, owner.

23-29/29A Steinway Street, east side, 75.78' north of 23rd Road, Block 793, Lot 63, Borough of Queens.

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

SUBJECT - Application December 13, 2002 - reopening for an extension of time to complete construction which expired November 16, 2002.

PREMISES AFFECTED - 119-45 Union Turnpike, northside of Union Turnpike between Queens Boulevard and Kew Forest Lane, Block 3357, Lot 1003, Borough of Queens.

COMMUNITY BOARD #6Q

APPEALS CALENDAR

4-03-A

APPLICANT - Legend Architecture, for Breezy Point Cooperative, owner; Joseph W. Stevens, lessee.

SUBJECT - Application January 13, 2002 - Proposed reconstruction and enlargement to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 502 Browns Boulevard, near Hillside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

MARCH 4, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, March 4, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

96-02-BZ thru 102-02-BZ

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., for Domenick Pinto, owner.

SUBJECT - Application April 2, 2002 - under Z.R. §72-21 to permit the proposed construction of one three-story attached mixed-use building, which is part of a development of seven-three story buildings, on a single zoning lot, with retail uses and accessory signs (Use Group 6) on the ground floor, which do not conform to district use regulations and residential uses (Use Group 2) on the second and third floors, which is contrary to Z.R. §§22-10 and 22-32.

PREMISES AFFECTED -

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

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

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

CALENDAR

40-11 23rd Road, northeast side, 70.40' northeast of 41st Street, Block 793, Lot 53, Borough of Queens.
40-15 23rd Road, northeast side, 70.40' northeast of 41st Street, Block 793, Lot 56, Borough of Queens.

COMMUNITY BOARD #1Q

328-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Three Park Avenue Building Co., LP, owner; TSI Murray Hill Inc., lessee.
SUBJECT - Application November 7, 2002 - under Z.R. §73-36 to permit the legalization of the enlargement of a grandfathered physical culture establishment, located in portions of the first floor and first floor mezzanine of a forty-two story, school and commercial building, which requires a special permit.
PREMISES AFFECTED - Three Park Avenue, southeast corner of East 34th Street, Block 889, Lot 9001, Borough of Manhattan.
COMMUNITY BOARD #5BK

338-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Collpoint Enterprises, Inc., owner; Walgreen's lessee.
SUBJECT - Application November 14, 2002 - under Z.R. §72-21 to permit the proposed erection and maintenance of a permitted drugstore, Use Group 6, which does not have the required parking, and provides a 5' sideyard on one side instead of the required 8' sideyard, and is contrary to Z.R. §§33-291 and 36-21.
PREMISES AFFECTED - 14-01 College Point Boulevard, southeast corner, Block 4085, Lots 65 and 68, Borough of Queens.
COMMUNITY BOARD #7Q

353-02-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Amerada Hess Corp., owner.
SUBJECT - Application December 6, 2002 - under Z.R. §73-52 to permit the proposed erection of a one story, accessory convenience store, at an existing automotive service station, also the extension of the existing use, into the residential portion of the
MARCH 5, 2003, 1:30 P.M.

SPECIAL HEARING

NOTICE IS HEREBY GIVEN of a public hearing, *Wednesday morning*, March 5, 2003, at 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

zoning lot, requires a special permit.
PREMISES AFFECTED - 210 Greenpoint Avenue, southwest corner of McGuinness Boulevard, Block 2576, Lot 7, Borough of Brooklyn.
COMMUNITY BOARD #1BK

354-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Arie & Bracha Nusbaum, owner.
SUBJECT - Application December 6, 2002 - under Z.R. §73-622 to permit the proposed enlargement to an existing single family residence, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard, open space, and side yards, and is contrary to Z.R. §23-141, §23-47 and §23-461.
PREMISES AFFECTED - 1810 East 22nd Street, between Avenue "R" and Quentin Road, Block 6804, Lot 34, Borough of Brooklyn.
COMMUNITY BOARD #15BK

355-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Jacob and Audrey Barasch, owner.
SUBJECT - Application December 6, 2002 - under Z.R. §73-622 to permit the proposed enlargement to an existing single family residence, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, rear yard, open space, and side yard, is contrary to Z.R. §23-141, §23-47 and §23-461.
PREMISES AFFECTED - 1436 East 24th Street, between Avenue "N" and Olean Street, Block 7677, Lot 28, Borough of Brooklyn.
COMMUNITY BOARD #14BK

Pasquale Pacifico, Executive Director

ZONING CALENDAR

256-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 160 Imlay Street Real Estate LLC, owner.
SUBJECT - Application September 18, 2002 - under Z.R. §72-01 to permit the proposed development of a vacant six story manufacturing building, and the addition of three floors, for residential use, Use Group 2, located in an M2-1 zoning district, which is contrary to Z.R. §42-00 and §43-00.
PREMISES AFFECTED - 160 Imlay Street, bounded by Imlay,

CALENDAR

Verona and Commerce Streets, and Atlantic Basin, Block 515,
Lot 75, Borough of Brooklyn.
COMMUNITY BOARD #6BK

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, FEBRUARY 4, 2003
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, December 17, 2002, were approved as printed in the Bulletin of December 26, 2002, Volume 87, No. 51-52.

SPECIAL ORDER CALENDAR

789-45-BZ

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

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

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

COMMUNITY BOARD #2Q

MINUTES

APPEARANCES -

For Applicant: Arthur Sullivan.

ACTION OF THE BOARD - Application reopened, and time to complete construction and obtain Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the applicant requested a re-opening and an extension of the time to complete construction and obtain a Certificate of Occupancy which expired on November 27, 2002; and

WHEREAS, a public hearing was held on this application on January 14, 2003, after due notice by publication in *The City Record*, and laid over to February 4, 2003 for decision; and

WHEREAS, on July 16, 1946, the Board granted an application permitting the erection and maintenance of a gasoline service station, lubricatorium and auto laundry.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution to extend the time to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“THAT a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

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

THAT the Department of Buildings must ensure

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the time to complete construction and obtain a Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“THAT a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

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

THAT the 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, February 4, 2003.

494-55-BZ

APPLICANT - Edward Lauria, P.E., for Joseph Ciervo, owner.
SUBJECT - Application November 6, 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 which expired May 29, 2001.

PREMISES AFFECTED - 67-69 Avenue U, north side 40' East of West 11th Street, Block 7095, Lot 47, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES - None.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and time to obtain Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on May 29, 2001; and

WHEREAS, a public hearing was held on this application on January 14, 2003, after due notice by publication in *The City Record*, and laid over to February 4, 2003 for decision; and

WHEREAS, on May 15, 1956, the Board granted an application permitting the construction of a 5 car garage and automobile repair shop.

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, February 4, 2003.

32-92-BZ

APPLICANT - John Xikis, for John Xikis, owner.

SUBJECT - Application November 20, 2002 - reopening for an extension of time to complete construction which expired December 19, 2002.

PREMISES AFFECTED - 72-06 Parsons Boulevard, a/k/a 157-10 72nd Avenue, southwest corner of the intersection of Parsons Boulevard and 72nd Avenue, Block 6821, Lot 29, Borough of Queens.

COMMUNITY BOARD #8Q

MINUTES

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application reopened, and time to complete construction and obtain Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the applicant requested a re-opening and an extension of the time to complete construction and obtain a Certificate of Occupancy which expired on December 19, 2002; and

WHEREAS, a public hearing was held on this application on January 14, 2003, after due notice by publication in *The City Record*, and laid over to February 4, 2003 for decision; and

WHEREAS, on April 27, 1993, the Board granted an application permitting the erection of a two (2) family dwelling.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution to extend the time to complete construction and obtain a Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“THAT substantial construction shall be completed and a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to February 25, 2003, at 10 A.M., for decision, hearing closed.

352-64-BZ

APPLICANT - Sheldon Lobel, P.C., for Garage Management Company, owner.

SUBJECT - Application April 1, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 16, 1979.

PREMISES AFFECTED - 408-424 East 51st Street, East 51st Street between First Avenue and Beekman Place, Block 1362, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #6M

DOB/other jurisdiction objection(s) only;

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, February 4, 2003.

551-37-BZ

APPLICANT - Joseph P. Morsellino, for Beverly Fetner, et al., owner; Red’s Auto Repair, lessee.

SUBJECT - Application June 27, 2002 & August 30, 2002 - reopening for an extension of term of variance which expired July 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 233-02 Northern Boulevard, southeast corner of 233rd Street, Block 8166, Lot 20, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 10 A.M., for continued hearing.

292-55-BZ

APPLICANT - Carl A. Sulfaro, Esq., for K & P Jamaica Oil Company, Inc., owner.

SUBJECT - Application June 11, 2002 - reopening for an extension of term of variance which expired April 10, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 239-15 Jamaica Avenue, northwest corner of 240th Street, Block 8001, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

APPEARANCES -

For Applicant: Jacqueline Cigliano.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 10 A.M., for continued hearing.

357-86-BZ

APPLICANT - Samuel H. Valencia, for Angelo Mordina, owner; Samuel H. Valencia - Claro de Luna, II, lessee.

SUBJECT - Application July 10, 2002 - reopening for an extension of term of the special permit which expired June 10, 2002.

PREMISES AFFECTED - 76-03 Roosevelt Avenue, north side 25' east of 76th Street, Block 1287, Lot 43, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Samuel H. Valencia.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner

MINUTES

Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 4, 2003, at 10 A.M., for decision, hearing closed.

152-95-BZ

APPLICANT - Gerald J. Caliendo, R.A., for McDonald's Corporation, owner; Krim Kris, Inc., lessee.

SUBJECT - Application July 1, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 2, 2001.

PREMISES AFFECTED - 32-55 31st Street, east side of 31st Street 256.97' north of 34th Avenue and 31st Street, Block 611, Lot 11, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to February 25, 2003, at 10 A.M., for decision, hearing closed.

165-98-BZ

APPLICANT - Klein & O'Brien, LLP, for Seagate Minimall, Inc., owner; Za Zaborom, Inc., aka/dba Mermaid Spa, lessee.

SUBJECT - Application July 8, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired February 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 3701 Mermaid Avenue, north east
Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated August 28, 2002 acting on ALT 1. Application No. 401463475, reads in pertinent part:

"A1- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York.

A2- The site and building does not have an official mapped street at the rear of the property, therefore, the property can not

corner of Mermaid Avenue and West 37th Street, south of Oceanic Avenue, Block 7029, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: A. Kamersky.

For Opposition: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 4, 2003, at 10 A.M., for decision, hearing closed.

253-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Leonard & Justin Sica, lessees.

SUBJECT - Application September 17, 2002 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, with a private disposal system in the bed of a private service road, is contrary to Sections 36, Article 3 of the General City Law and the Department of Buildings policy, also the interpretation of Z.R. §23-47 and it relates to rear yard requirement. PREMISES AFFECTED - 8 Marion Walk, west side, 302.52' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John Yacovone, Fire Department and Lisa Orrantia, Department of Buildings.

ACTION OF THE BOARD - Appeal granted on condition. THE VOTE TO GRANT -

be considered a thru lot by zoning definitions and therefore a 30'0" rear yard is required per zoning requirements.

A3- The private disposal system is in the bed of a private service road which is contrary to Department of Buildings policy."; and

WHEREAS, by letter dated November 4, 2002, the Department of Buildings upon reconsideration has withdrawn Objection # A-2 requiring a 30'0" rear yard; and

WHEREAS, by the letter dated, October 8, 2002 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated October 31, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated, November 20, 2002, the Department of Transportation has reviewed the above project and has no objections;

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

Resolved, that the decision of the Queens Borough Commissioner, dated August 28, 2002 acting on ALT 1. Application No. 401463475, is modified under the power

MINUTES

vested in the Board by §36 & §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, September 17, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Adopted by the Board of Standards and Appeals, February 4, 2003.

272-02-A

APPLICANT - Patrick O'Brien, for Breezy Point Co-op, Inc., owner; William Hickey, lessee.

SUBJECT - Application October 29, 2002 - Proposed alteration to an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law. PREMISES AFFECTED - 9 Suffolk Walk, east side, 148' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.
THE VOTE TO GRANT -

WHEREAS, by the letter dated, November 21, 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 October 7, 2002 acting on ALT 1. Application No. 401472740, is modified under the power vested in the Board by §35 and §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received, October 9, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Adopted by the Board of Standards and Appeals, February 4, 2003.

318-02-A

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0
THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated October 7, 2002 acting on ALT 1. Application No. 401472740, reads in pertinent part:

"A1- The proposed enlargement is on a site where the building and lot are located partially in the bed of a mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 set. 35 of the General City Law .

A2- The street giving access to the existing building to be altered is not duly placed on the map of the City of New York.

a) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law.

b) Existing dwelling to be altered does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to Section 27-291 of the Administrative Code.";

WHEREAS, by the letter dated, October 24, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated, November 21, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Mary Malone, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 481 Seabreeze Walk, east side, 94.54' south of Rockaway Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.
THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0
THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated October 23, 2002 acting on ALT 1. Application No. 401496252, reads in pertinent part:

"A1- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued

MINUTES

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

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

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

Resolved, that the decision of the Queens Borough Commissioner, dated October 23, 2002 acting on ALT 1. Application No. 401496252, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received, October 29, 2002”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

WHEREAS, the decision of the Queens Borough Commissioner, dated October 23, 2002 acting on ALT 1. Application No. 401486058, reads in pertinent part:

“A1- The site and building is not fronting or backing upon directly upon an official mapped street therefore, no permit or Certificate of Occupancy can be issued as per Art. 3 Section 36 of the General City Law ; also no permit can be issued since the proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York, therefore a 30’0” rear yard is required.

A2- The upgraded private disposal system is partially in the bed of a private service road which serves as a street which is contrary to Department of Buildings policy.”; and

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

WHEREAS, by letter dated December 16, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated, January 30, 2003, the Department of Transportation has reviewed the above project and has no objections;

laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals, February 4, 2003.

321-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Michael and Patricia Burns, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street and also has a private disposal system located partially in the bed of a mapped street, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED - 31 Roosevelt Walk, corner of West End Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

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

Resolved, that the decision of the Queens Borough Commissioner, dated October 23, 2002 acting on ALT 1. Application No. 401486058, is modified under the power vested in the Board by §36 and §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, October 29, 2002”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Adopted by the Board of Standards and Appeals, February 4, 2003.

337-02-A

APPLICANT - Thomas Avitabile, Architect, for Robert Schwimmer, owner.

MINUTES

SUBJECT - Application November 15, 2002 - Proposed community facility, located on a portion of a lot which is fully within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 1390 Richmond Terrace, southwest corner of Elm Street. Block 158, Lot 6, Borough of Staten Island.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Thomas Avitabile

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Staten Island Borough Commissioner, dated October 28, 2002 acting on ALT 1. Application No. 500580427, reads:

“The Proposed Application To Change Existing Use an Old Code Business Building in C2-2 District Into A Community Facility NON Profit Institution with Sleeping Accommodations Use Group 3, Occupancy Group J1, Located on a

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

Adopted by the Board of Standards and Appeals, February 4, 2003.

122-99-A

APPLICANT - Wachtel & Masyr, LLP by Jesse Masyr, for FC Metropolitan Associates, LP, FC Sybilla Associates, LP; Regal Cinemas Inc., lessee.

SUBJECT - Application May 21, 1999 - an appeal requesting the reinstatement of the permits and approvals under Application No. 400658356 for an as-of-right development that were revoked by the Department of Buildings on April 23, 1999.

PREMISES AFFECTED - 91-70 Metropolitan Avenue, Metropolitan Avenue, Sybilla Street, 69th Avenue and Ursula Place, Block 3386, Lots 800, 830, Borough of Queens.

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to May 6, 2003, at 10 A.M., for defer decision.

260-02-A

APPLICANT - Sharif S. Mohammad/Almadina Eng., for Peoples Foreign Exchange, owner.

SUBJECT - Application September 25, 2002 - Proposed one story office building, located within the street widening, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 129-02 Liberty Avenue, southeast

portion of a lot which is fully within the Bed of a mapped street is contrary to Section 35 of the General City Law and therefore shall be referred to the Board of Standards and Appeals.”; and

WHEREAS, by the letter dated, December 26, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by the letter dated, January 16, 2003 the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by the letter dated, January 17, 2003 the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Staten Island Borough Commissioner, dated October 28, 2002 acting on ALT 1. Application No. 500580427, 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, November 15, 2002”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

corner of 129th Street, Block 9583, Lot 1, Borough of Queens.

APPEARANCES -

For Applicant: Sharif S. Mohammad and Almadini Binani.

For Opposition: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 4, 2003, at 10 A.M., for decision, hearing closed.

319-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Bruce Robertson, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, also has a private disposal system in the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED - 38 Graham Place, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 4, 2003, at 10 A.M., for continued hearing.

MINUTES

320-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; John 7 Laura Heesemann, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement and alteration of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law. PREMISES AFFECTED - 232 Roxbury Avenue, corner of Roxbury Boulevard, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 4, 2003, at 10 A.M., for continued hearing.

331-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative

REGULAR MEETING

TUESDAY AFTERNOON, FEBRUARY 4, 2003

2:00 P.M.

Present: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

324-01-BZ

CEQR #02-BSA-063R

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

SUBJECT - Application November 8, 2001 and updated April 29, 2002 - under Z.R. §72-21, to permit in an M2-1 zoning district, the construction of a mixed-use development contrary to Zoning Resolution §42-00.

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

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 22, 2001 acting on Application No. 500457882 reads:

- “1.) Proposed residential use in Manufacturing District M[2-1] is contrary to Section 42-00

Inc., owner; Robert Riordan, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement, to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of a mapped street, and has an upgraded private disposal system within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law and the Department of Buildings Policy.

PREMISES AFFECTED - 29 Fulton Walk, west side, 14.68' south of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 4, 2003, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 10:35 A.M.

New York City Zoning Resolution”; and

WHEREAS, a public hearing was held on this application on June 11, 2002 after due notice by publication in The City Record and laid over to August 6, 2002, September 24, 2002, October 22, 2002, November 26, 2002, December 17, 2002, January 14, 2003 and then to February 4, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M2-1 zoning district, the construction of a mixed-use development contrary to Zoning Resolution §42-00; and

WHEREAS, the premises is located on a large zoning lot containing 63,460 square feet of lot area which the applicant represents is mostly vacant and unimproved land; and

WHEREAS, the applicant proposes to erect two mixed-use buildings, linked together by a three-story parking structure containing 163 parking spaces; and

WHEREAS, the building on the east side of the lot will be a new five-story and cellar structure containing commercial uses in the cellar and 40 residential units housed on the first through fifth floors ; and

WHEREAS, the building on the west side of the lot will be an alteration to the existing shell and will contain five-stories, with each story housing 6 offices uses; and

WHEREAS, the record indicates that the subject zoning lot is burdened by an irregular shape, a history of development with an existing obsolete structure on the western portion of the lot and is surrounded by incompatible adjacent uses; and

WHEREAS, the aforementioned burdens pose a suspect capability for use of the entire site as a viable, modern manufacturing or warehouse facility; and

MINUTES

WHEREAS, the aforementioned unique physical condition of the building on the site makes development of the parcel as a conforming M2-1 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 entire premises with a conforming use would not yield the owner a reasonable return; and

WHEREAS, the property is located in an M2-1 manufacturing zone; and

WHEREAS, the Board notes that the instant proposal creates a mixture of residential retail and office uses; and

WHEREAS, the record indicates that the proposed parking structure will lessen any adverse congestion generated by the introduction of the subject uses; and

WHEREAS, in response to community-based concerns and at the request of the Board, the applicant has

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, in an M2-1 zoning district, the construction of a mixed-use development contrary to Zoning Resolution §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 7, 2003"- (17) sheets; and on further condition;

THAT residential uses shall be limited to the spaces denoted in the aforementioned BSA-approved plans; and

THAT in accordance with Fire Department recommendations the applicant shall provide and maintain automatic wet sprinklers and hard wired smoke detectors installed and tied into a Fire Department approved central office connection;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

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.

significantly reduced the size and scope of the project; and
WHEREAS, therefore, the Board finds that the proposed application, as modified, will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

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

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

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

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

Adopted by the Board of Standards and Appeals, February 4, 2003.

28-02-BZ

CEQR #02-BSA-116M

APPLICANT - Sheldon Lobel, P.C., for TUBA Corp., owner; Harris G. Joseph, Inc., lessee.

SUBJECT - Application January 16, 2002 - under Z.R. §73-36, to permit within a C6-4(LM) zoning district the establishment of a physical culture establishment, located in the cellar and portion of the first floor level, in an existing mixed use structure.

PREMISES AFFECTED - 80 Madison Avenue, between 28th and 29th Streets, Block 858, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated June 28, 2001 acting on Application

MINUTES

No. 102896494 reads:

“Proposed physical cultural establishment in the subject building located in C5-2 zoning district requires a special permit from the Board of Standards and Appeals as per section 32-31 of Z.R.”; and

WHEREAS, a public hearing was held on this application on September 24, 2002 after due notice by publication in *The City Record* and laid over to December 10, 2002, January 14, 2003 and then to February 4, 2003 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 and Commissioner Mitchell Korbey; and

WHEREAS, the applicant represents that the subject physical culture establishment complies with the accessibility mandates of Local Law 58/87; and

WHEREAS, the applicant proposes to limit the hours of operation to: Monday thru Saturday 10:00 A.M. to 9:00 P.M., and Sunday 11:00 A.M. to 8:00 P.M.; 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 Board finds that the proposed use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; 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. §§73-03 and 73-36; 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. §§73-03 and 73-36 to permit, within a C6-4(LM) zoning district the establishment of a physical culture establishment, located in the cellar and portion of the first floor level, in an existing mixed use structure, *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 27, 2003.”

WHEREAS, this is an application under Z.R. §§73-03 and 73-36 to permit, within a C5-2 zoning district, the legalization of an existing physical culture establishment located in the cellar of a ten story mixed-use building; and

WHEREAS, by letter dated May 10, 2002, Community Board #5 recommends approval of this application; and

WHEREAS, the subject site is located on the westerly side of Madison Avenue between 28th and 29th Street in Manhattan; and

WHEREAS, the applicant represents that the PCE would occupy 4,500 square feet of area within the cellar, with an entrance on the ground floor and would provide massage services; and

(4) sheets; and on further condition;

THAT the term of this special permit shall be limited two (2) years;

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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 an automatic wet- sprinkler and a Fire Alarm system throughout the subject premises, with both systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT the hours of operation shall be limited to Monday thru Saturday 10:00 A.M. to 9:00 P.M., and Sunday 11:00 A.M. to 8:00 P.M.;

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

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

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

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

Adopted by the Board of Standards and Appeals, February 4, 2003.

29-02-BZ

CEQR #02-BSA-117Q

APPLICANT - Salans Hertzfeld Heilbronn, Christy & Viener, for Long Island Jewish Medical, owner.

SUBJECT - Application January 16, 2002 - under Z.R. §72-21, to permit the proposed two-level addition, to an existing main parking garage, which encroaches into the required front yard, side yard and setback, and increases the total number of parking spaces beyond the maximum permitted by the Zoning Resolution, is contrary to Z.R.

MINUTES

§24-34, §24-35, §24-521, §25-11, §25-12, §25-13 and §54-31.
PREMISES AFFECTED - 271-17 76th Avenue, block bounded by 76th Avenue, 74th Avenue, 263rd Street and the Queens/Nassau County Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
85-02-BZ

CEQR #02-BSA-158X

APPLICANT - Mothiur Rahman, for Alan G. Markopoulos, owner; Giovanni Hincapie, lessee.

SUBJECT - Application March 26, 2002 - under Z.R. §72-21, to permit to permit in an R7-1 zoning district, the legalization of an existing public parking lot, Use Group 8, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 850 East 181 street, aka 2120 Crotona Parkway, southeast corner, Block 3119, Lot 16, Borough of The Bronx.

COMMUNITY BOARD #6BX

APPEARANCES -

For Applicant: Mothiur Rahman.

THE ACTION OF BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the decisions of the Borough Commissioner, dated August 10, 2001 and updated October 5, 2001 acting on Application No. 200646577 reads:

- “1. In an R7-1 Zoning District, proposed creation of an open public parking lot (Off-Site) for Non-Residential uses is contrary to Section 22-00 Z.R.”; and

WHEREAS, a public hearing was held on this application on November 26, 2002, after due notice by publication in *The City Record* and laid over to January 14, 2003 and then to February 4, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit in an R7-1 zoning district, the legalization of an existing public parking lot, Use Group 8, which is contrary to Z.R. §22-00; and

WHEREAS, the subject site lies within an R7-1 zoning district, located at the corner formed by the easterly side of Crotona Parkway and the southern of East 181st Street, between Crotona Parkway and Mohegan Avenue; and

Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

Adopted by the Board of Standards and Appeals, February 4, 2003.

WHEREAS, the applicant represents that as the result of a Department of Buildings Determination, that the then existing building was structurally unsafe, a demolition was conducted in 1977 resulting in a sub-grade masonry foundation with a basement filled with debris; and

WHEREAS, the applicant has demonstrated that any rebuilding would require site preparation by removing the former foundation, excavating substantial rocks creating a hardship for future development; and

WHEREAS, the record indicates that the site remained vacant for more than 25 years, and the applicant represents that it was extremely difficult to maintain the subject lot secure, free of debris or from becoming a meeting place for illegal activity; and

WHEREAS, the applicant has secured the property by providing fencing, installing lighting, and providing 24-hour security; and

WHEREAS, the record indicates that most of the surrounding multiple dwellings pre-date the 1961 Zoning Resolution and were built without required parking; and

WHEREAS, the aforementioned unique physical condition of the building makes its occupancy for a conforming R7-1 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 entire premises with a conforming use would not yield the owner a reasonable return; and

WHEREAS, the property is surrounded by multiple dwellings, retail uses, religious institutions, and commercial uses; and

WHEREAS, the Board notes that the instant proposal is adjacent to a commercial district; and

WHEREAS, the record indicates that the proposed parking structure will lessen any adverse congestion generated by approval of the instant application; and

WHEREAS, out of concern that in the future a residential development might be viable, the Board will limit the term of the variance to five years; and

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

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

MINUTES

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

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

WHEREAS, the Board has conducted an *Resolved* that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, to permit in an R7-1 zoning district, the legalization of an existing public parking lot, Use Group 8, which is contrary to Z.R. §22-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 26, 2002, 2002"-(2) sheets; and on further condition;

THAT the term of the variance shall be limited to five (5) years from the date of this grant, expiring February 4, 2008; and

THAT a new Certificate of Occupancy shall be obtained within two (2) years of this grant;

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

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

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

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

Adopted by the Board of Standards and Appeals, February 4, 2003.

264-02-BZ

CEQR #03-BSA-045M

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for The Rubin Cultural Trust, owner.

SUBJECT - Application September 30, 2002 - under Z.R. §72-21 to permit in a C6-2A zoning district, the proposed addition at the second floor rear yard portion of an existing community facility contrary to Z.R. §33-23.

PREMISES AFFECTED - 150/54 West 17th Street, south side, between Sixth and Seventh Avenues, 100' east of Seventh Avenue, Block 792, Lots 64 through 66, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Lori Cuisinier.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,

environmental review of the proposed action and the Final Environmental Assessment Statement 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.

Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated November 14, 2002 acting on Alt. Application No. 102555762 reads:

"1. PROPOSED ENLARGEMENT IN REAR YARD WHICH IS MORE THAN 23'-0" ABOVE CURB IS CONTRARY TO 33-23 AND 33-26 ZONING RESOLUTION."; and

WHEREAS, a public hearing was held on this application on January 14, 2003 after due notice by publication in *The City Record* and laid over to February 4, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit in a C6-2A zoning district, the proposed addition at the second floor rear yard portion of an existing community facility contrary to Z.R. §33-23; and

WHEREAS, the applicant seeks relief from Z.R. §33-23 which allows community facilities in commercial districts to build into the rear yard (as a permitted obstruction) provided that the height of such building does "not exceed one story, excluding basement, nor in any event 23 feet above curb level"; and

WHEREAS, the site presently includes an existing 23' high, one-story greenhouse which extends into the rear yard, and the proposed 11' height increase above this extension will create a rear yard non-compliance; and

WHEREAS, the subject museum covers a total of nine lots presently housing 48,365 square feet of commercial floor area and 27,550 square feet of residential floor area; and

WHEREAS, the subject zoning lots are improved with a series of buildings with several height variations and erected at different times; and

WHEREAS, the applicant represents that the requested variance will enable the museum to meet its programmatic requirement of providing a larger scale exhibition room; and

WHEREAS, the applicant represents that the conversion of the existing commercial space to a community facility space will provide 47,020 square feet of floor area for the museum while maintaining the residential floor area at 27,550 square feet; and

WHEREAS, the subject building is scheduled to open in March of 2003 housing a collection of over 1,000 pieces of Tibetan and Himalayan art and the applicant represents

MINUTES

that the proposed addition will provide space for extensive multi-cultural educational programs and can accommodate an auditorium library, and research room as well as administrative and office space; and

WHEREAS, the record indicates that it is the museum's mandate to become a leading institution in the field of Himalayan paintings but that the subject building

WHEREAS, the circular marble stairway in the building is well suited to serve as the showcase for its collection on the numerous exhibition floors; and

WHEREAS, the applicant represents that the proposed addition will enable the applicant to provide a permanent home for art that it has had to lend to other Museum; and

WHEREAS, the record indicates that the subject building is burdened with ceiling heights on floors 2 through 5 that are 8'5" that the applicant represents typify a residential or office use not a museum use; and

WHEREAS, in addition to suffering from inadequate floor to ceiling heights the floors are burdened by columns that are placed every twelve feet; and

WHEREAS, the applicant's programmatic needs discussed above, create a practical difficulty with strict compliance with the bulk provisions of the Zoning Resolution; and

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

WHEREAS, the record indicates that the neighborhood surrounding the site is characterized by art galleries, schools and other community facility uses; and

WHEREAS, the museum is surrounded by on its southern lot line by two six-story residential buildings and the record indicates that the existing greenhouse does not provide privacy to the museum's rear yard neighbors; and

WHEREAS, the applicant represents that proposed enlargement to the site will be constructed in such a way that it will blend harmoniously with the existing structure and will not adversely impact local residential dwellings; and

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

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

WHEREAS, therefore, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

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

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

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would

lack adequate exhibition space with ceiling heights below 10'-6" thereby precluding the public's viewing of a significant portion of the Museum's sacred art collection; and

WHEREAS, the applicant represents that following an examination of its programmatic needs, the museum purchased the subject building in 1998; and require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in a C6-2A zoning district, the proposed addition at the second floor rear yard portion of an existing community facility contrary to Z.R. §33-23, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 30, 2002"-(11) sheets; and *on further condition*;

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

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

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

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

Adopted by the Board of Standards and Appeals, February 4, 2003.

266-02-BZ

CEQR #03-BSA-047K

APPLICANT - Harold Weinberg, P.E., for Edmund Dweck, owner.

SUBJECT - Application October 3, 2002 - under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-1 zoning district, which creates non-compliance with regard to floor area, lot coverage and rear yard requirements, and is contrary to Z.R §§23-141, 54-31 and 23-47.

PREMISES AFFECTED - 181 Jaffray Street, east side, 100'-0" north of Oriental Boulevard, Block 8753, Lot 85, Borough of

MINUTES

Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application granted on condition.

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 27, 2002, acting on Application No. 300596399 reads:

“THE PROPOSED ENLARGEMENT OF THE EXISTING ONE FAMILY RESIDENCE IN AN R3-1 ZONING DISTRICT:

1. INCREASES THE DEGREE OF NON-COMPLIANCE OF THE FLOOR AREA RATIO (FAR) AND IS CONTRARY TO SECTIONS 23-141 AND 54-31 OF THE ZONING RESOLUTION;
2. CREATES A NON-COMPLIANCE WITH RESPECT TO THE LOT COVERAGE AND IS CONTRARY TO SECTION 23-141 ZR;
3. CREATES A NON-COMPLIANCE WITH RESPECT TO REAR YARD AND IS CONTRARY TO SECTION 23-47 ZR.”; and

WHEREAS, a public hearing was held on this application on January 14, 2003 after due notice by publication in *The City Record*, and laid over to February 4, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-1 zoning district, which creates non-compliance with regard to floor area, lot coverage and rear yard requirements, and is contrary to Z.R §§23-141, 54-31 and 23-47; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulations; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-1 zoning district, which creates non-compliance with regard to floor area, lot coverage and rear yard requirements, and is contrary to

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

Z.R §§23-141, 54-31 and 23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received October 3, 2002”-(11) sheets; and *on further condition*;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

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

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

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, February 4, 2003.

273-02-BZ

CEQR #03-BSA-053K

APPLICANT - Harold Weinberg, P.E., for Gregory Dweck, owner.

SUBJECT - Application October 9, 2002 - under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-1 zoning district, which creates non-compliance with regard to floor area, lot coverage, perimeter wall, setback and sky exposure plane requirements, and is contrary to Z.R. §§23-141, 23-631 and 54-31.

PREMISES AFFECTED - 615 Hampton Avenue, northwest corner of Ocean Avenue, Block 8731, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

MINUTES

Commissioner Miele.....5
Negative:.....0

1. INCREASES THE DEGREE OF NON-COMPLIANCE OF THE FLOOR AREA RATIO (FAR) AND IS CONTRARY TO SECTIONS 23-141 AND 54-31 OF THE ZONING RESOLUTION(ZR);
2. CREATES A NON-COMPLIANCE WITH RESPECT TO THE LOT COVERAGE AND IS CONTRARY TO SECTION 23-141 ZR;
3. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO PERIMETER WALL, SETBACK AND SKY EXPOSURE PLANE AND IS CONTRARY TO SECTIONS 23-631 AND 54-31 ZR.”; and

WHEREAS, a public hearing was held on this application on January 14, 2003, after due notice by publication in *The City Record*, and laid over to February 4, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-1 zoning district, which creates non-compliance with regard to floor area, lot coverage, perimeter wall, setback and sky exposure plane requirements, and is contrary to Z.R. §§23-141, 23-631 and 54-31; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-1 zoning district, which creates non-compliance with regard to floor area, lot coverage, perimeter wall, setback and sky exposure plane requirements, and is contrary to Z.R. §§23-141, 23-631 and 54-31, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received January 7, 2003”-(10) sheets; and *on further condition*;

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 7, 2002, acting on Application No. 301415724 reads:

“THE PROPOSED ENLARGEMENT OF THE EXISTING ONE FAMILY RESIDENCE IN AN R3-1 ZONING DISTRICT:

THAT there shall be no habitable room in the cellar;
THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

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

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

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, February 4, 2003.

280-02-BZ

CEQR #03-BSA-060K

APPLICANT - Slater & Beckerman, LLP, for Claysson Marks Realty Corp., owner; CNR Health Care Network, Inc., lessee.

SUBJECT - Application October 18, 2002 - under Z.R. §§73-01 & 73-452 to permit in an R6 zoning district, the proposed parking lot with 33 spaces and a 24-hour attendant, accessory to a nursing home facility, and is located more than 200 feet from the zoning lot contrary to Z.R. Section 25-53.

PREMISES AFFECTED - 458/62 St. Marks Avenue, a/k/a 684/92 Classon Avenue, Block 1155, Lots 48, 49 and 50, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Stuart Beckerman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated October 1, 2002 acting on Alteration Application No. 301408117 reads:

MINUTES

“1. Proposed location of accessory parking for nursing home is contrary to section 25-53 of the Zoning Resolution in that such parking space is located further than the required 200

WHEREAS, Community Board No. 8 in Brooklyn recommends approval of the application; and

WHEREAS, a public hearing was held on this application on December 17, 2002 after due notice by publication in *The City Record*, and laid over to February 4, 2003 for decision; and

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

WHEREAS, this is an application for a special permit under Z.R. §§73-01 and 73-452, to permit, in an R6 zoning district, the proposed parking lot with 33 spaces and a 24-hour attendant, accessory to a nursing home facility, and is located more than 200 feet from the zoning lot contrary to Z.R. Section 25-53; and

WHEREAS, the premises is a 250,000 square foot five-story not-for-profit, health care and nursing facility housing 320 occupying the entire the entire block front on the east side of Classon Avenue, between Prospect Place and Park Place; and

WHEREAS, the record indicates that while the applicant owns two other community facilities within two blocks of the Subject Zoning Lot, the staff from neither facility will use the proposed parking lot, and the applicant represents that of the three community facilities the subject nursing home is the largest in size, number of employees and the only facility with 24-hour parking needs; and

WHEREAS, the record indicates that each of the three tax lots comprising the Subject Zoning Lot was developed with a four-story house which were demolished between 1939 and 1987; and

WHEREAS, presently, the subject lot is a vacant corner parcel bordered on two sides by the lot line walls of two four-story residential buildings, located within 250 of the community facility property and since the subject lot is located further than 200 feet from the community facility the accessory parking lot is not permitted as-of-right; and

WHEREAS, the record indicates that approval of the subject application will reflect the recent evolution of the area characterized by health care and education community facility uses; and

WHEREAS, the applicant entered into a 20-year lease with the owner of the subject zoning lot for the purpose of creating an accessory parking lot for the Nursing Home; and

WHEREAS, the Board notes that both the nursing home property and the subject lot are within an R6 district; and

WHEREAS, Z.R. §25-53 states that off-street parking spaces accessory to a community facility may be provided off-site and located at a greater distance from the zoning lot than the maximum distance specified provided that such spaces are not further than 600 feet from the nearest

feet permitted under said section and, as such, must be referred to the Board of Standards and Appeals for approval.”; and

boundary of the zoning lot; and

WHEREAS, the record indicates that all parking spaces will be located within 360 feet of the subject nursing home; and

WHEREAS, Z.R. §73-452(a) is not applicable to the instant application because it governs R1 or R2 districts and the subject application is within an R6 zoning district; and

WHEREAS, Z.R. §73-452(b) requires that there is no way to arrange such spaces on the same zoning lot as the primary use; and

WHEREAS, the Board finds that the applicant has demonstrated that there is no way to arrange the proposed 33 spaces on the subject lot which is improved with a 6-story and cellar 250,000 square foot building containing 12 spaces available for delivery vehicles; and

WHEREAS, Z.R. §73-452(c) requires a finding that the parking spaces are located as to draw a minimum of vehicular traffic to and through streets having primarily residential frontages; and

WHEREAS, the application demonstrates that no new traffic will be generated by the proposed zoning lot because the proposed parking lot will meet a demand that is not being met by off-street parking and vehicles accessing the subject lot will travel eastbound on St. Marks Avenue, passing the non-residential uses which predominate on the north side of the street; and

WHEREAS, Z.R. §73-452(d) requires that the proposed spaces are located on an adjoining zoning lot or a zoning lot directly across the street or if such spaces are not so located, that there is substantial difficulty in obtaining a site of sufficient size to accommodate the required accessory off-street parking spaces on an adjoining zoning lot directly across the street from such use or in a location where such off site spaces would be permitted as-of-right, because such sites are occupied by substantial improvements; and

WHEREAS, applicant notes that the subject lot located on Classon Avenue is across the nursing home property, that while the street address for the nursing home is on Prospect Place, its primary street entrance is on Classon Avenue, that if the subject lot were located 50 feet closer to the nursing home, there would be no need for the instant special permit application; and

WHEREAS, therefore, Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-01 and 73-452; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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.

MINUTES

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §§73-01 and 73-452, and grants a special permit under Z.R. §§73-01 and 73-452, to permit, in an R6 zoning district, the proposed parking lot with 33 spaces and a 24-hour attendant, accessory to a nursing home facility, and is located more than 200 feet from the zoning lot contrary to Z.R. Section 25-53 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 30, 2003"- (1) sheet and "October 18, 2002"- (1) sheet and on further condition;

THAT the fence along the street perimeter will be erected with an 8'0" high chain link fence with vinyl slats (100% opaque);

THAT a street tree shall be provided and maintained on Classon Avenue;

THAT landscaping will be provided and maintained in the area between the front door of the Joint Approach Building and the edge of the parking lot;

THAT the applicant shall install 4'0" high steel pipe bollards spaced approximately 7'-0" on center and set 8" clear from the side wall of the existing adjacent building located at 694 Classon Avenue;

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

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

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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 including all fire safety and egress requirements, 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, February 4, 2003.

325-01-BZ

APPLICANT - Harold Weinberg, P.E., for Chaim Stern, owner.
SUBJECT - Application November 9, 2001 - under Z.R. §73-622, to permit the proposed enlargement at the rear of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which creates non-compliance in respect to floor area ratio, open space ratio, rear yard and layout of cellar, and is contrary to Z.R. §23-141 and §23-47.

PREMISES AFFECTED - 1375 East 27th Street, east side, 140'-

149-02-BZ & 150-02-BZ

APPLICANT - Land Planning & Engineering Consultants, P.C., by

0" north of Avenue "N", Block 7663, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Laid over to February 11, 2003, at 1:30 P.M., for deferred decision.

82-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Sholem Freund, owner.
SUBJECT - Application August 8, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, in a manufacturing (M1-2) zoning district, which also exceeds the maximum permitted floor area ratio, lot coverage and rear yard, which is contrary to Z.R. §42-00, §23-145 and §23-47.

PREMISES AFFECTED - 788 Kent Avenue, 25' south of Little Nassau Street, Block 1883, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Laid over to March 18, 2003, at 1:30 P.M., for continued hearing.

91-02-BZ

APPLICANT - Sheldon Lobel, P.C., for David Winiarski, owner.
SUBJECT - Application September 11, 2002 - under Z.R. §72-21 to permit the proposed construction of a six story building, with residential uses on the upper floors and community facility use on the first floor, located in an R5 zoning district, which exceeds the permitted residential and community facility floor area ratios, is contrary to Z.R. §24-11 and §23-141.

PREMISES AFFECTED - 3032/42 West 22nd Street, 180' north of Highland View Avenue, Block 7071, Lot 19 (prev. 19, 29 and 22), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Sheldon Lobel and David Winiarski.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 18, 2003, at 1:30 P.M., for continued hearing.

Vito J. Fossella, P.E., for My Florist Inc., owner; Sisters, LLC, lessee.

MINUTES

SUBJECT - Application May 8, 2002 - under Z.R. §72-21 to permit the proposed construction of a one story eating and drinking establishment, Use Group 6, located in an R3-2 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 1821 Richmond Avenue, southeast corner of Eton Place, Block 2030, Lot 68, Borough of Staten Island.

1837 Richmond Avenue, southeast corner of Eton Place, Block 2030, Lot 68, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Victor Han.

For Administration: John A. Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to February 25, 2003, at 1:30 P.M., for decision, hearing closed.

165-02-BZ thru 176-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit the proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00 and does not provide the required thirty foot rear yard, light and air, which is contrary to Article 3, Section 26 of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

PREMISES AFFECTED -

147 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 27, Borough of Brooklyn.

151 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 25, Borough of Brooklyn.

153 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 24, Borough of Brooklyn.

155 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 23, Borough of Brooklyn.

157 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 22, Borough of Brooklyn.

159 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 21, Borough of

185-02-BZ

APPLICANT - Sheldon Lobel, P.C., for North Ninth Street Realty, LLC., owner.

SUBJECT - Application June 5, 2002 - under Z.R. §72-21 to permit the proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Alison Kaminsky.

ACTION OF THE BOARD - Laid over to March 18, 2003, at 1:30 P.M., for continued hearing.

186-02-BZ thru 191-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not provide the required light and ventilation, is contrary to §27-733 of the NYC Building Code.

PREMISES AFFECTED -

143 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 29, Borough of Brooklyn.

145 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 28, Borough of Brooklyn.

149 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Alison Kaminsky.

ACTION OF THE BOARD - Laid over to March 18, 2003, at 1:30 P.M., for continued hearing.

178-02-BZ

APPLICANT - Dominick Salvati & Son Architects, for Diego Salazar, owner.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21 to permit 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.

PREMISES AFFECTED - 57 Eagle Street aka 233 Franklin Street, northwest corner, Block 2494, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 1:30 P.M., for continued hearing.

PREMISES AFFECTED - 93/101 North Ninth Street, north side, between Wythe Avenue and Berry Street, Block 2303, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to March 18, 2003,

MINUTES

at 1:30 P.M., for continued hearing.

274-02-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Products NA. (owner lot 18), owner; Gasatria Oil Corporation, lessee.

SUBJECT - Application October 9, 2002 - under Z.R. §73-50 to permit the proposed construction of a new automotive service station, with an accessory convenience store, Use Group 16, located in a C8-3 zoning district, situated within the required 30' rear yard setback along district boundary, which requires a special permit.

PREMISES AFFECTED - 2350 Jerome Avenue, between 184th Street and North Street, Block 3187, Lots 14 and 18, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to February 25, 2003, at 1:30 P.M., for decision, hearing closed.

278-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Steven Mishan, owner.

SUBJECT - Application October 16, 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, also side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 4056 Bedford Avenue, between Avenues "S" and "T", Block 7303, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Sheldon Lobel.

For Opposition: Anna Miliker and Dan Miliker.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to February 25, 2003, at 1:30 P.M., for decision, hearing closed.

317-02-A

APPLICANT - Rampulla Associates Architects, for Lee Ugo, owner.

SUBJECT - Application October 25, 2002 - Proposed erection of a one family dwelling, located within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

2003, at 1:30 P.M., for decision, hearing closed.

286-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Moshe & Sima Mehlman, Contract Vendee.

SUBJECT - Application October 25, 2002 - under Z.R. §73-622 to permit the proposed enlargement to an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, rear and side yards, is contrary to Z.R. §23-141, §23-47 and §23-461.

PREMISES AFFECTED - 1111 East 26th Street, between Avenues "K and "L", 100' south of Avenue "K", Block 7626, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Jordon Most.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to February 25, 2003, at 1:30 P.M., for decision, hearing closed.

316-02-BZ

APPLICANT - Rampulla Associates Architects, for Lee Ugo, owner.

SUBJECT - Application October 25, 2002 - under Z.R. §72-21 to permit the proposed erection of a one family dwelling, Use Group 1, located in an R3-1 zoning district, which is deficient in the required lot area and does not have the required front yards, is contrary to Z.R. §§23-32, 23-45 and 107-461.

PREMISES AFFECTED - 175 Buffalo Street, northeast corner of Durant Avenue, Block 4979, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Philip Rampulla.

For Opposition: John Lafemina.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

PREMISES AFFECTED - 175 Buffalo Street, northeast corner of Durant Avenue, Block 4979, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Philip Rampulla.

For Opposition: John Lafemina.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

MINUTES

Negative:0

ACTION OF THE BOARD - Laid over to March 4, 2003, at 1:30 P.M., for decision, hearing closed.

339-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for 147 Springfield LLC, owner.

SUBJECT - Application November 14, 2002 - under Z.R. §72-21 to permit the proposed reestablishment of an expired variance previously granted under Cal. No. 219-71-BZ Vol. II, which permitted a warehouse with offices in an R3-2 zoning district, also the addition of Lot No. 4 to the premises, for use as the entrance ramp, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 147-65/76 Springfield Boulevard, northeast corner of 147th Avenue, Block 13363, Lots 4 and 6, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to February 25, 2003, at 1:30 P.M., for decision, hearing closed.

344-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Amerada Hess Corp., owner.

SUBJECT - Application November 18, 2002 - under Z.R. §73-50 to permit the proposed redevelopment of an existing automotive service station at said premises, with an accessory convenience store, located within the required 30' rear yard setback along the district boundary, which requires a special permit.

PREMISES AFFECTED - 3501 Fort Hamilton Parkway, between 36th Street and Chester Avenue, Block 5302, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 4, 2003, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 3:10 P.M.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

Volume 88, No. 8

February 20, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEBY

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - Counsel

| | |
|------------------------|--|
| OFFICE - | 40 Rector Street, 9th Floor, New York, N.Y. 10006 |
| HEARINGS HELD - | 40 Rector Street, 6th Floor, New York, N.Y. 10006 |
| BSA WEBPAGE @ | http://www.nyc.gov/html/bsa/home.html |

| |
|-----------------------------------|
| TELEPHONE - (212) 513-4670 |
| FAX - (212) 513-4690 |

CONTENTS

DOCKET131-134

CALENDAR of March 18 , 2003

Morning135

Afternoon136

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, February 11, 2003**

Morning Calendar138

Affecting Calendar Numbers:

| | |
|---------------|---|
| 838-55-BZ | 1866-90 Westchester Avenue, The Bronx |
| 13-78-BZ | 144-20 Liberty Avenue, Queens |
| 256-82-BZ | 1293 Clove Road, Staten Island |
| 186-99-BZ | 74-24 Rockaway Boulevard, Queens |
| 426-54-BZ | 78-11 Linden Boulevard, Queens |
| 573-55-BZ | 17-32/46 Clintonville Street, Queens |
| 763-59-BZ | 1764 University Avenue, The Bronx |
| 421-62-BZ | 153 East 57 th Street, Manhattan |
| 830-62-BZ | 157 East 57 th Street, Manhattan |
| 186-98-BZ | 1811 47 th Street, Brooklyn |
| 228-01-BZ | 1153 Grand Concourse, The Bronx |
| 21-02-A thru | |
| 25-02-A | Francis Lewis Boulevard, Queens |
| 127-02-A thru | |
| 137-02-A | Aviston Street, Staten Island |
| 235-02-A | 164-47 Nadal Place, Queens |
| 252-02-A | 466 Seabreeze Walk, Queens |
| 2-03-A | 37 Bedford Avenue, Queens |

CONTENTS

Afternoon Calendar.....143

Affecting Calendar Numbers:

36-01-BZ 328 Spring Street, Manhattan
325-01-BZ 1375 East 27th Street, Brooklyn
38-02-BZ 1210 82nd Street, Brooklyn
123-02-BZ 14-34 110th Street, Queens
195-02-BZ 2797 Linden Boulevard, Brooklyn
200-02-BZ 2326 First Avenue, Manhattan
206-02-BZ 166-03 21st Road, Queens
257-02-BZ 16-16 Weirfield Street, Queens
325-02-BZ 1158 McDonald Avenue, Brooklyn
347-02-BZ 29 East 36th Street, Manhattan
120-02-BZ 42 Avenue A, Manhattan
208-02-BZ 840 Jewett Avenue, Staten Island
223-02-BZ/
224-02-A 320 West 84th Street, Manhatta
236-02-BZ 2324 Avenue R, Brooklyn
244-02-BZ/
245-02-BZ 365/67 West 34th Street, Manhattan
322-02-BZ 1840 Richmond Terrace, Staten Island
323-02-BZ 783 Washington Street, Manhattan
351-02-BZ 33-55 11th Street Queens

CORRECTION.....159

Affecting Calendar Number:

49-02-BZ 189-19 Pineville Lane, Queens

DOCKET

New Case Filed Up to February 11, 2003

42-03-BZ B.M. 1221 Avenue of the Americas, between 48th and 49th Streets, Block 1001, Lot 29, Borough of Manhattan. Applic.#103349093. Proposed enlargement of a pre-existing grandfathered physical culture establishment, located in portions of the cellar, sub-cellar, and third sub-cellar levels in a multi-story mixed use building, requires a special permit from the Board as per Z.R. §32-10.

COMMUNITY BOARD #5M

43-03-BZ B.M. 18 West 17th Street, south side, approx. 300' west of the intersection of Fifth Avenue and West 17th Street, Block 818, Lots 27, 31, 61, 63 and 64, Borough of Manhattan. Applic.#103307440. Proposed six-story addition on top of an existing six story community facility building, which will result in a street wall above the permitted 85 foot height, and will penetrate the sky exposure plane, is contrary to Z.R. §43-43.

COMMUNITY BOARD #5M

44-03-BZ B.Q. 97-20 99TH Street, 100' south of 97th Avenue, between 97th and 101st Avenues, Block 9075, Lot 32, Borough of Queens. Applic.#401592193. Proposed enlargement, both vertically and horizontally of an existing non-conforming one story commercial use, Use Group 16, located in an R5 zoning district, is contrary to Z.R. §54-30.

COMMUNITY BOARD #9Q

45-03-A B.S.I. 69 Hall Avenue, north side, 595.62' west of Willowbrook Road, Block 2091, Lot 85, Borough of Staten Island. Applic.#500405019. Proposed one family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

46-03-A B.S.I. 67 Hall Avenue, north side, 570.62' west of Willowbrook Road, Block 2091, Lot 80, Borough of Staten Island. Applic.#500405028. Proposed one family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

47-03-A B.S.I. 65 Hall Avenue, north side, 545.62' west of Willowbrook Road, Block 2091, Lot 79, Borough of Staten Island. Applic.#500405037. Proposed one family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

48-03-A B.S.I. 63 Hall Avenue, north side, 520.62' west of Willowbrook Road, Block 2091, Lot 78, Borough of Staten Island. Applic.#500405046. Proposed one family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

49-03-A B.S.I. 61 Hall Avenue, north side, 495.62' west of Willowbrook Road, Block 2091, Lot 77, Borough of Staten Island. Applic.#500405055. Proposed one family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

50-03-A B.S.I. 59 Hall Avenue, north side, 465.62' west of Willowbrook Road, Block 2091, Lot 76, Borough of Staten Island. Applic.#500405064. Proposed two family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

51-03-A B.S.I. 55 Hall Avenue, north side, 435.62' west of Willowbrook Road, Block 2091, Lot 75, Borough of Staten Island. Applic.#500405073. Proposed one family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

DOCKET

52-03-A B.S.I. 53 Hall Avenue, north side, 410.62' west of Willowbrook Road, Block 2091, Lot 74, Borough of Staten Island. Applic.#500405082. Proposed one family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

57-03-A B.S.I. 41 Hall Avenue, north side, 275.62' west of Willowbrook Road, Block 2091, Lot 69, Borough of Staten Island. Applic.#500405135. Proposed one family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

53-03-A B.S.I. 51 Hall Avenue, north side, 385.62' west of Willowbrook Road, Block 2091, Lot 73, Borough of Staten Island. Applic.#500405091. Proposed one family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

58-03-A B.S.I. 39 Hall Avenue, north side, 250.62' west of Willowbrook Road, Block 2091, Lot 68, Borough of Staten Island. Applic.#500405144. Proposed one family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

54-03-A B.S.I. 49 Hall Avenue, north side, 355.62' west of Willowbrook Road, Block 2091, Lot 72, Borough of Staten Island. Applic.#500405108. Proposed one family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

59-03-A B.S.I. 37 Hall Avenue, north side, 225.62' west of Willowbrook Road, Block 2091, Lot 67, Borough of Staten Island. Applic.#500405153. Proposed one family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

55-03-A B.S.I. 45 Hall Avenue, north side, 325.62' west of Willowbrook Road, Block 2091, Lot 71, Borough of Staten Island. Applic.#500405117. Proposed two family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

60-03-A B.S.I. 35 Hall Avenue, north side, 200.62' west of Willowbrook Road, Block 2091, Lot 66, Borough of Staten Island. Applic.#500405162. Proposed two family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

56-03-A B.S.I. 43 Hall Avenue, north side, 300.62' west of Willowbrook Road, Block 2091, Lot 70, Borough of Staten Island. Applic.#500405126. Proposed one family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

61-03-A B.S.I. 31 Hall Avenue, north side, 267.12' west of Willowbrook Road, Block 2091, Lot 65, Borough of Staten Island. Applic.#500405171. Proposed two family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

DOCKET

62-03-A B.S.I. 29 Hall Avenue, north side, 143.62' west of Willowbrook Road, Block 2091, Lot 63, Borough of Staten Island. Applic.#500405180. Proposed two family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

63-03-A B.S.I. 27 Hall Avenue, north side, 118.43' west of Willowbrook Road, Block 2091, Lot 62, Borough of Staten Island. Applic.#500405199. Proposed two family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

64-03-A B.S.I. 25 Hall Avenue, northwest corner of Willowbrook Road, Block 2091, Lot 60, Borough of Staten Island. Applic.#500405206. Proposed two family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

65-03-A B.Q. 11 Fulton Walk, east side, 119.9' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens. Alt.1#401566328. Proposed first story alteration, and the addition of a partial second story to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

66-03-A B.Q. 40 Beach 220th Street, west side, 180' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt.1#401568148. Proposed first story alteration, and the addition of a new second story to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

67-03-A B.Q. 3 Graham Place, north side, 180'

west of Beach 201 Street, Block 16350, Lot 400, Borough of Queens. Alt.#1401545404. Proposed first story enlargement, and the addition of a partial second story to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

68-03-BZ B.BK. 649 39th Street, northwest corner of Seventh Avenue, Block 903, Lots 79, 80 and 83, Borough of Brooklyn. N.B.#301031194. Proposed conversion of an existing building, which is located in an area designated as a manufacturing district, to be used for a day care center, Use Group 3, and office use, Use Group 6, without the required parking, is contrary to Z.R. §42-00 and §44-21.
COMMUNITY BOARD #7BK

69-03-BZ B.M. 32/40 Bond Street, mid-block portion fronting on north side, of Bond Street between Lafayette and the Bowery, Block 530, Lot 48, Borough of Manhattan. N.B.#103340396. Proposed development of a 15-story mixed-use building, consisting of residential apartments and local retail usage, located in an M1-5B zoning district, where residential use is not permitted is contrary to Z.R. §42-10.
COMMUNITY BOARD #2M

70-03-BZ B.BK. 761 East 84th Street, east side, 89'-0" north of Flatlands Avenue, Block 8005, Lot 11, Borough of Brooklyn. Alt.1#301476114. The reestablishment of an expired variance, previously granted by the Board under Cal. No. 29-68-BZ, which permitted a one story contractor's establishment, in an R-5 zoning district, also the legalization of a one story enlargement to the establishment, is contrary to Z.R. §22-00.
COMMUNITY BOARD #18BK

DOCKET

71-03-BZ B.M. 1305 York Avenue, block bounded by York Avenue, East 70th Street, First Avenue and East 69th Street, Block 1464, Los 1, 28, 29, 30, 105, 1001-1210 and 1300-1301. Applic.#103304657. Proposed construction of a new ambulatory care building, which would have 13 occupied stories and two mechanical floors above, located in an R10, R8, C1-5 overlay and C2-8 zoning district, which does not comply with the zoning requirement for floor area, front and rear height and setback, rear yard, accessory parking and curb cut, is contrary to Z.R. §§33-121, 33-122, 24-11, 23-15, 35-31, 24-522, 33-431, 24-552, 24-36, 33-26, 33-292, 13-133, 13-143 and 13-142.
COMMUNITY BOARD #8M

72-03-A B.M. 53/55 Beach Street, northwest corner of Collister Street, Block 214, Lot 1, Borough of Manhattan. Applic.#103314922. An appeal challenging the determination of the Department of Buildings' dated January 17, 2003, in which the Department has stated that for a proposed pre-school use, both a special permit and a use variance is required.

73-03-BZ B.M. 400 Lenox Avenue, situated between West 129th and 130th Streets, Block 1727, Lot 1, Borough of Manhattan. N.B. #103272076. Proposed construction of a 24-story mixed use building (residential and commercial), in an R7-2 zoning district, which does not comply with the zoning requirements for lot coverage, floor area, setbacks and exposure planes, and also commercial use on the same floor as residential use, is contrary to Z.R.§23-142, §23-632, §23-64 and §32-421.
COMMUNITY BOARD #10BK

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

CALENDAR

MARCH 18, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, March 18, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

529-52-BZ

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., for Angelo Mordini, owner.

SUBJECT - Application January 13, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 9, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 77-11 Roosevelt Avenue, northwest corner of 78th Street, and Roosevelt Avenue, Block 1288, Lot 39, Borough of Queens.

COMMUNITY BOARD #3Q

485-76-BZ

APPLICANT - Gerald J. Caliendo, R.A., for Giuseppe Ventimiglia, owner.

SUBJECT - Application June 10, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired October 19, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 70-01/09 65th Street, corner formed by main intersection of Otto Road and South side of 70th Avenue, Block 3644, Lot 1, Borough of Queens.

COMMUNITY BOARD #5Q

1233-88-A

APPLICANT - Stadtmauer Bailkin, LLP, by Richard Bowers, for Savoy at Staten Island, L.P., owner; Sunrise Development, Inc., lessee.

SUBJECT - Application December 26, 2002 - reopening for an extension of time to complete construction which expired December 5, 2002.

PREMISES AFFECTED - 801 Narrows Road North, north side of Narrows Road, north 1162'-62" east of Howard Avenue, Block 631, Lot 71, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

27-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Patrick & Dorothea Bannon, lessee.

36-92-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Park Circle Realty Associates, owner; Commerce Bank, N.A., lessee. SUBJECT - Application January 7, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 210/218 Prospect Park Southwest, aka 254/262 Park Circle, northwest corner of intersection formed by Prospected Park West and Park Circle, Block 5287, Lots 44 & 47, Borough of Brooklyn.

COMMUNITY BOARD #7BK

331-98-BZ

APPLICANT - Sheldon Lobel, P.C., for Sean Porter, owner.

SUBJECT - Application May 15, 2002 - reopening for an extension of term of variance which expired April 20, 2002.

PREMISES AFFECTED - 1426-1428 Fulton Street, Fulton Street between Brooklyn Avenue and Kingston Avenue, Block 1863, Lots 9 7 10, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEALS CALENDAR

25-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Herbert R. Bergner, lessee.

SUBJECT - Application January 15, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 970 Bayside, northeast corner of Bayside Connection, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

26-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Peter Duggan, lessee.

SUBJECT - Application January 15, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 46 Ocean Avenue, west side, 199.40 north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

SUBJECT - Application January 15, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system

CALENDAR

located partially in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy. PREMISES AFFECTED - 8 Chester Walk, west side, 46.23' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

33-03-A

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

SUBJECT - Application January 28, 2003 - Proposed one story enlargement to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 160 Ocean Avenue, west side, 73' from Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

41-03-A

APPLICANT - NYC Department of Buildings, for 340 Madison Avenue Owner, LLC, Fifth Church of Christ Scientist, owner in part.

SUBJECT - Application January 31, 2003 - An application for the Modification of Certificate of Occupancy Number 116571, to reflect only lot 14, and to eliminate reference to, and metes and bounds of lots 15 and 17 in Block 1278.

PREMISES AFFECTED - 342 Madison Avenue, a/k/a 16 East 44th Street, Block 1278, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #5M

MARCH 18, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, March 18, 2003, at 1:30 P.M., at 40 Rector **341-02-BZ**

APPLICANT - Martyn & Don Weston, for 231 East 58th Street Associates, owner.

SUBJECT - Application November 15, 2002 - under Z.R. §72-21 to permit the reestablishment of a previously variance granted under Cal. No. 633-66-BZ, which permitted a retail store, Use Group 6,

Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

237-02-BZ

APPLICANT - The Agusta Group, for Jose Lazo, D.D.S., Gerson F. Mendoza, D.C., owners.

SUBJECT - Application August 26, 2002 - under Z.R. §72-21 to permit the legalization of the conversion from residential use, to an existing dental office, located on the second floor of a two story and cellar building, in an R6 zoning district, is contrary to Z.R. §22-14.

PREMISES AFFECTED - 37-49 91st Street, east side, between Roosevelt and Elmhurst Avenues, Block 1479, Lot 53, Borough of Queens.

COMMUNITY BOARD #3Q

248-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Chambers 105 Acquisition, LLC, owner; The Big Workout, Inc., dba 2477 Fitness Club, lessee.

SUBJECT - Application September 12, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located in portions of the ground floor, cellar and sub-cellar of a five story building, requires a special permit as per Z.R. §32-00.

PREMISES AFFECTED - 105/07 Chambers Street (aka 160/70 Church Street and 89/91 Reade Street, Church Street, between Chambers and Reade Streets, Block 145, Lots 1001, 1002 and 1003, Borough of Manhattan.

COMMUNITY BOARD #1M

269-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Miriam Klein, owner.

SUBJECT - Application October 30, 2002 - under Z.R. §73-622 to permit the legalization of a prior enlargement, as well as an additional enlargement of a single family residence, in an R3-2 zoning district, which creates non-compliance with regards to floor area ratio, open space, rear yard, lot coverage, perimeter wall height and side yard, is contrary to Z.R. §23-141, §23-47 and §23-631.

PREMISES AFFECTED - 1644 East 28th Street, between Avenue "P" and Quentin Road, Block 6790, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #15BK

on the first floor of a five story building, located in an R8B zoning district.

PREMISES AFFECTED - 231/33 East 58th Street, north side, 129'-8" west of Second Avenue, Block 1332, Lot 16, Borough of Manhattan.

COMMUNITY BOARD #6M

CALENDAR

346-02-BZ

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Anthony & Nancy Pimpinella, owner.

SUBJECT - Application November 19, 2002 - under Z.R. §72-21 to permit the proposed enlargement to an existing one-family dwelling, Use Group 1, located in an R3X(SRD) zoning district, which does not comply with the zoning requirements side yards and lot width, is contrary to Z.R. §107-462 and §107-42.

PREMISES AFFECTED - 34 Zephyr Avenue, south side, 97' east of Berton Avenue, Block 6452, Lot 5, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

369-02-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for Judith Frenkel, owner; Andrea Rosen, contract vendee.

SUBJECT - Application January 9, 2003 - under Z.R. §72-21 to permit the proposed conversion of an existing two-story commercial building, into a residential dwelling, with a minor rooftop addition, which is contrary to Z.R. §32-10 and §15-021, located in a C8-4 zoning district.

PREMISES AFFECTED - 785 Washington Street, east side, between Jane and Horatio Streets, 25' north of Jane Street, Block 642, Lot 39, Borough of Manhattan.

COMMUNITY BOARD #2M

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, FEBRUARY 11, 2003
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, January 7, 2003, were approved

as printed in the Bulletin of January 16, 2003, Volume 88, Nos. 1-3.

SPECIAL ORDER CALENDAR

838-55-BZ

APPLICANT - Catapano Engineering, P.C., for 1866 Westchester Avenue Corp., owner.

MINUTES

SUBJECT - Application May 2, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired January 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 1866-90 Westchester Avenue, southeast corner of White Plains Road, Block 3767, Lot 53, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Michelle Spallino.

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

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION-

WHEREAS, the applicant requested a Waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on January 15, 2002; and

WHEREAS, a public hearing was held on this application on September 24, 2002, after due notice by publication in The City Record, and laid over to November 19, 2002, December 17, 2002, January 28, 2003, and then to February 11, 2003 for decision; and

WHEREAS, on January 15, 1957, the Board granted an application permitting a gasoline service station with accessory uses.

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution to extend the term of the variance which expired on January 15, 2002, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional ten years from the January 15, 2002 to expire on January 15, 2012, on condition;

THAT the premises shall be maintained in substantial compliance with the proposed drawing submitted with the application marked 'Received January 14, 2003'-(1) sheet; and that other than herein amended the resolution above cited shall be complied with in all respects; and on further condition;

THAT the premises shall be maintained free of debris and

WHEREAS, the applicant has requested a re-opening and an extension of the term of the variance, permitting a one-story enlargement to a plumbing supply establishment with accessory storage, and a one-story enlargement used as accessory garage and spaces for off street loading, which expires on June 27, 2003; and

WHEREAS, a public hearing was held on this application on November 26, 2002, after due notice by publication in The City Record, laid over to January 7, 2002, January 28, 2003 and then to February 11, 2003 for decision; and

WHEREAS, the applicant represents that there are no substantial changes from what was previously approved by the Board;

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

graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the hours of operation for any automobile vacuums shall be limited to 9:00 AM to 7:00 PM:

THAT there shall be no coin-operated car washes on the premises;

THAT there shall be no used car sales on the premises;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

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

THAT the 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."

(DOB# 200718054)

Adopted by the Board of Standards and Appeals, February 11, 2003.

13-78-BZ

APPLICANT - Joseph P. Morsellino, for Bernard Huttner, owner; Jamaica Plumbing and Heating Supply, Inc., lessee.

SUBJECT - Application August 1, 2002 - reopening for an extension of term of variance which expired June 27, 2003.

PREMISES AFFECTED - 144-20 Liberty Avenue, Liberty Avenue and Inwood Street, Block 10043, Lot 6, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES - None.

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

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

Resolved, that the Board of Standards and Appeals, pursuant to Z.R. §§72-01 and 72-22, reopens and extends the term of the variance, said resolution having been adopted June 27, 1978 as amended through April 26, 1994 expiring June 27, 2003, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional ten years from the June 27, 2003 to expire on June 27, 2013, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received October 4, 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 the conditions from all prior BSA resolutions for this

MINUTES

site shall remain in effect;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti identified on the premises shall be removed within 48 hours;

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

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

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

(DOB # 401497689)

Adopted by the Board of Standards and Appeals, February 11, 2003.

256-82-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., for Clove Road Company, owner.

SUBJECT - Application October 22, 2002 - reopening for an extension of term of variance which expired November 23, 2002.

PREMISES AFFECTED - 1293 Clove Road, East side of Clove Road, southeast of Glenwood Avenue, Block 605, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES - None.

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

THE VOTE TO GRANT -

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

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

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

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

(DOB # 500577949)

Adopted by the Board of Standards and Appeals, February 11, 2003

186-99-BZ

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a re-opening for an extension of the term of the special permit, permitting the alteration and change in use of an existing two (2) story building into a dental laboratory with a reduction in the required parking, which expired on November 23, 2002; and

WHEREAS, a public hearing was held on this application on January 28, 2003, after due notice by publication in The City Record, and laid over to February 11, 2003 for decision; and

WHEREAS, Community Board #1 has recommended approval of this application; and

WHEREAS, the applicant represents that there are no substantial changes from what was previously approved by the Board;

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, reopens and extends the term of the special permit, said resolution having been adopted November 30, 1982, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional ten years from the November 23, 2002 to expire on November 23, 2012, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received October 22, 2002' -(4) sheets and 'February 4, 2003' -(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 the conditions from all prior BSA resolutions for this site shall remain in effect;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

APPLICANT - Vincent A. Sireci, Esq., for Razmik Oganessian, owner.

SUBJECT - Application June 27, 2002 - reopening for an extension of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 74-24 Rockaway Boulevard, south side 81.39' west of 91st Avenue, Block 8943, Lot 10, Woodhaven, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Vincent A. Sireci.

ACTION OF THE BOARD - Application reopened, and time to complete construction and obtain Certificate of Occupancy extended.

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION-

MINUTES

WHEREAS, the applicant requested a re-opening and an extension of the time to complete construction and obtain a Certificate of Occupancy which expired on June 27, 2002; and

WHEREAS, a public hearing was held on this application on September 24, 2002, after due notice by publication in The City Record, and laid over to November 12, 2002, January 28, 2003, and then to February 11, 2003 for decision; and

WHEREAS, on June 27, 2001, the Board granted an application permitting the reestablishment of an automotive repair shop with accessory uses on the premises.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution to extend the time to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“THAT a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

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

THAT the 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, February 11, 2003.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to February 25, 2003, at 10 A.M., for decision, hearing closed.

763-59-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Exxonmobile Fuels Marketing Co., owner.

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

PREMISES AFFECTED - 1764 University Avenue, southeast corner of Macombs Road and University Avenue, Block 2876, Lot 122, Borough of The Bronx.

426-54-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Howard Levine, owner.

SUBJECT - Application April 4, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired April 22, 2000 and Application November 12, 2002 for an amendment to the resolution.

PREMISES AFFECTED - 78-11 Linden Boulevard, northwest corner of Linden Boulevard and 79th Street, Block 11376, Lot 23, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to March 25, 2003, at 10 A.M., for continued hearing.

573-55-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Stop Enterprises, Inc., owner.

SUBJECT - Application October 30, 2002 - reopening for an extension of term of variance which expired May 22, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 17-32/46 Clintonville Street, Clintonville Street southwest corner of 17th Road, Block 4730, Lot 4, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to April 15, 2003, at 10 A.M., for continued hearing.

421-62-BZ

APPLICANT - Omer Fenik Architects, for Gotham Towne House Owners Corp., owner; Rapid Park Industries, lessee

SUBJECT - Application August 22, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expires November 20, 2003.

PREMISES AFFECTED - 153 East 57th Street, intersection of East 57th Street, 120' west of Third Avenue, Block 1312, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #6M

MINUTES

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Laid over to April 29, 2003, at 10 A.M., for continued hearing.

830-62-BZ

APPLICANT - Omer Fenik Architects, for 157 East 57th Street, LLC, owner; Rapid Park Industries, lessee.

SUBJECT - Application August 22, 2002 - reopening for an extension of term of variance which expired November 29, 2002.

PREMISES AFFECTED - 157 East 57th Street, northwest corner of Third Avenue and East 57th Street, Block 1312, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Laid over to April 29, 2003, at 10 A.M., for continued hearing.

186-98-BZ

APPLICANT - Sheldon Lobel, P.C., for Cngrtn Nach Las Maharim Dchasedi Stretim, owner.

SUBJECT - Application November 1, 2002 - reopening for an amendment to the resolution.

21-02-A thru 25-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for MSIM Development, Inc., owner.

SUBJECT - Application January 8, 2002 - Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 258-31 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 26, Borough of Queens.

258-33 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 27, Borough of Queens.

258-35 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 28, Borough of Queens.

258-37 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 128, Borough of Queens.

258-39 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 29, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 25, 2003, at 10 A.M., for continued hearing.

PREMISES AFFECTED - 1811 47th Street (a/k/a 4613 18th Avenue), 47th Street and 18th Avenue, Block 5439, Lots 6 and 15, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 4, 2003, at 10 A.M., for decision, hearing closed.

228-01-BZ

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

SUBJECT - Application Remanded back to BSA as per Supreme Court Decision

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

COMMUNITY BOARD #4BX

APPEARANCES -

For Applicant: David Rosenbaum, Irving Minkin, Peter Farinella, Simon Greisman, C. Smith, Mildred Oliveri, Carmen Diaz and others.

ACTION OF THE BOARD - Laid over to March 25, 2003, at 10 A.M., for continued hearing.

127-02-A thru 137-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Michael Leonardi, owner.

SUBJECT - Application April 24, 2002 - Proposed construction of a one family dwelling not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

30 Aviston Street, southwest corner of Tarrytown Avenue, Block 4686, Lot 1, Borough of Staten Island.

32 Aviston Street, west side, 24' south of Tarrytown Avenue, Block 4686, Lot 2, Borough of Staten Island.

34 Aviston Street, west side, 38' south of Tarrytown Avenue, Block 4686, Lot 3, Borough of Staten Island.

36 Aviston Street, west side, 52' south of Tarrytown Avenue, Block 4686, Lot 4, Borough of Staten Island.

38 Aviston Street, west side, 66' south of Tarrytown Avenue, Block 4686, Lot 5, Borough of Staten Island.

40 Aviston Street, west side, 80' south of Tarrytown Avenue, Block 4686, Lot 6, Borough of Staten Island.

42 Aviston Street, west side, 94' south of Tarrytown Avenue, Block 4686, Lot 7, Borough of Staten Island.

44 Aviston Avenue, west side, 108' south of Tarrytown Avenue, Block 4686, Lot 8, Borough of Staten Island.

46 Aviston Avenue, west side, 122' south of Tarrytown Avenue, Block 4686, Lot 9, Borough of Staten Island.

48 Aviston Avenue, west side, 136' south of Tarrytown

MINUTES

Avenue, Block 4686, Lot 10, Borough of Staten Island.
45 Aviston Avenue, west side, 150' south of Tarrytown
Avenue, Block 4686, Lot 15, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.
For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 1, 2003,
at 10 A.M., for continued hearing.

235-02-A

APPLICANT - Leventis Omotade, for Emtade Contracting Inc.,
owner.

SUBJECT - Application August 23, 2002 - Proposed construction
of a one family dwelling, located within the bed of mapped street,
is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 164-47 Nadal Place, between 110th
Avenue and Nadal Place, Block 10193, Lot 90, Borough of
Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Administration: John A. Yacovone, Fire Department.

APPEARANCES -

For Applicant: Anthony Paea.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 4, 2003,
at 10 A.M., for continued hearing.

2-03-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point
Cooperative, Inc., owner; Steven & Denise Domenech, lessees.

SUBJECT - Application January 8, 2002 - proposed construction
of a new second floor and upgrade of the septic system for a home
which lies within an R4 district, but does not front on a mapped
street which is contrary to Article 3, Section 36(2) of the General
City Law and Section 27-291 of the Building Code.

PREMISES AFFECTED - 37 Bedford Avenue, east side 150'
south of Bayside, Block 16350, Part of Lot 300, Borough of
Queens.

APPEARANCES -

For Applicant: Arthur Sullivan.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 18,
2003, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 12:15 P.M.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner
Korbey, Commissioner Caliendo and Commissioner
Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 4, 2003,
at 10 A.M., for decision, hearing closed.

252-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative
Inc., owner; Martin & Kathleen Fahy, owners.

SUBJECT - Application September 17, 2002 - proposed
enlargement to an existing one family dwelling, not fronting on a
legally mapped street, located within the bed of mapped street and
also has a private disposal system within the bed of a mapped
street, which is contrary to Sections 35 and 36, Article 3 of the
General City Law.

PREMISES AFFECTED - 466 Seabreeze Walk, east side,
4.31' south of Rockaway Point Boulevard, Block 16350, Lot
400, Borough of Queens.

COMMUNITY BOARD #14Q

**REGULAR MEETING
TUESDAY AFTERNOON, FEBRUARY 11, 2003
2:00 P.M.**

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

ZONING CALENDAR

36-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Antonio Nino Vendome
and Paul Raquel, LLC (OWNERS), owner.

SUBJECT - Application February 5, 2001 - under Z.R. §72-21,
to permit the proposed construction of a twenty-six story, mixed-

MINUTES

use residential structure, containing a community facility in an M2-4 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 328 Spring Street, a/k/a 489-495 Washington Street, southeast corner, Block 595, Lots 66 and 68, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Doris Diether, Community Board #2.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo4

Negative:0

Not Voting: Commissioner Miele1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 8, 2001, acting on Application No. 102600794,

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of an eleven-story building, with residential uses on the second through eleventh floors, and commercial uses on the ground floor, located in an M2-4 zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, the subject premises is located at the intersection of Washington and Spring Street, composed of two tax lots (#66 and 68), and has a total area of 7,805 square feet; and

WHEREAS, the applicant represents that Lot 66 is currently improved with a one-story automobile repair building, and Lot 68 is improved with a two-story food distribution and warehouse building; and

WHEREAS, the applicant seeks to demolish the existing buildings on the site, and erect the proposed building, utilizing transferred development rights from various contiguous zoning lots; and

WHEREAS, through a series of voluminous submissions, the applicant has demonstrated that the subject site is burdened with a number of unique conditions inherent to the lot which create an unnecessary hardship and practical difficulty in constructing a conforming development; and

WHEREAS, these conditions include the functional obsolescence of the existing buildings on the site, the adjacency of the lot to the main tube of the Holland Tunnel, and the location of the lot; and

WHEREAS, the applicant represents that the two existing buildings located on the subject lots are functionally obsolete, each lacking in sufficient space for a conforming use, and that the costs to upgrade the buildings to permitted uses are prohibitive ;

WHEREAS, evidence in the record indicates that the location on Spring Street, a highly-traveled arterial leading to the Holland Tunnel, and the narrow frontage on Washington Street render a conforming manufacturing or commercial building infeasible; and

WHEREAS, the Board notes that due to the high level of traffic and the relatively narrow width of Spring Street, maneuvering space required for a tractor trailer vehicle to access an off-street enclosed loading dock is impractical; and

WHEREAS, the aforementioned unique physical conditions of the lot makes its occupancy for a conforming use impractical and

reads:

1. Proposed residential uses (U.G. 2A and 2B) are not permitted in an M2-4 zoning district pursuant to Sec. 42-00 Z.R.
2. Proposed mixed use building does not comply with the Bulk and/or Parking Regulations of Chapters 3 & 4, Article IV of the New York City Zoning Resolution."; and

WHEREAS, a public hearing was held on this application on December 12, 2001 after due notice by publication in The City Record, laid over to March 27, 2002, June 18, 2002, September 10, 2002, October 22, 2002, December 10, 2002, January 28, 2003 and then to February 11, 2003 for decision; and

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

creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the applicant has provided several as-of-right scenarios and a feasibility study and has sufficiently demonstrated that each one of these developments would not yield a reasonable return; and

WHEREAS, therefore the Board finds that the applicant has demonstrated that developing the premises with a conforming use would not yield the owner a reasonable return; and

WHEREAS, the record indicates that surrounding neighborhood is characterized by residential and mixed-use developments; and

WHEREAS, in response to community-based concerns and at the request of the Board, the applicant has significantly reduced the height and overall bulk of the project, resulting in less floor area, and a reduction in the number of dwelling units; and

WHEREAS, the Board notes that the Department of City Planning has undertaken a zoning study which proposes to change the M2-4 district in which the subject parcel is located, to a C6-2A; and

WHEREAS, the Board also notes that the proposed development would comply in significant respect with the C6-2A use and bulk regulations; and

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

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

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

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

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

WHEREAS, the evidence demonstrates no foreseeable

MINUTES

significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed construction of an eleven-story building, with residential uses on the second through eleventh floors, and commercial uses on the ground floor, located in an M2-4 zoning district, which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the

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, February 11, 2003.

325-01-BZ

APPLICANT - Harold Weinberg, P.E., for Chaim Stern, owner.
SUBJECT - Application November 9, 2001 - under Z.R. §73-622, to permit the proposed enlargement at the rear of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which creates non-compliance in respect to floor area ratio, open space ratio, rear yard and layout of cellar, and is contrary to Z.R. §23-141 and §23-47.

PREMISES AFFECTED - 1375 East 27th Street, east side, 140'-0" north of Avenue "N", Block 7663, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 16, 2003, acting on Application No. 300596399 reads:

“THE PROPOSED ENLARGEMENT OF THE EXISTING ONE FAMILY RESIDENCE IN AN R2 ZONING DISTRICT:

1. CREATES NON-COMPLIANCE WITH RESPECT TO FLOOR AREA RATION BY EXCEEDING THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRARY TO SECTION 23-141 OF THE ZONING RESOLUTION.
2. CREATES NON-COMPLIANCE WITH RESPECT TO THE OPEN SPACE RATIO AND IS CONTRARY TO SECTION 23-141 OF THE ZONING RESOLUTION.
3. THE PROPOSED ENLARGEMENT IN THE REAR

objections above noted, filed with this application marked "Received October 1, 2002"-(8) sheets; and on further condition;

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

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

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

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

YARD REDUCES THE REAR YARD BELOW 30' AND IS CONTRARY TO SECTION 23-47 ZR.”; 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 18, 2002, October 1, 2002, October 29, 2002, January 14, 2003 February 4, 2002 and then to February 11, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area, open space, and rear yard requirements, and is contrary to Z.R §§23-141 and 23-47; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulations; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area, open space, and rear yard requirements, and is contrary to Z.R §§23-141 and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received March 6, 2002”-(7) sheets, "May 22, 2002" -(1) sheet, "February 3, 2003" -(1) sheet and "February 6, 2002" -(2) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of

MINUTES

occupancy;

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

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

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, February 4, 2003

38-02-BZ

APPLICANT - Harold Weinberg, P.E., for Maria Palumbo, owner.

SUBJECT - Application January 25, 2002 - under Z.R. § 73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-1 zoning district, which exceeds the floor area ratio, the lot coverage and is below the minimum required open space ratio, is contrary to Z.R. §§23-141, §23-47 and §54-31.

PREMISES AFFECTED - 1210 82nd Street, south side, 100' east of 12th Avenue, Block 6302, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Harold Weinberg.

THE VOTE TO CLOSE HEARING-

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 23, 2002, acting on Application No. 301252294 reads:

“THE ONE FAMILY RESIDENCE IN AN R3-1 ZONING DISTRICT IS CONTRARY TO THE ZONING RESOLUTION IN THAT:

1. THE FLOOR AREA RATION EXCEEDS THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRARY TO SECTION 23-141 OF THE ZONING RESOLUTION AND SECTION 54-31;
2. THE OPEN SPACE RATIO IS LESS THAN THE ALLOWABLE OPEN SPACE RATIO AND IS CONTRARY TO SECTION 23-141 OF THE ZONING RESOLUTION;
3. THE LOT COVERAGE EXCEEDS THE MAXIMUM AND IS CONTRARY TO SECTION 23-141 OF THE ZONING RESOLUTION;
4. THE REAR YARD IS LESS THAN 30' AND IS

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;

CONTRARY TO SECTION 23-47 OF THE ZONING RESOLUTION.”; and

WHEREAS, a public hearing was held on this application on January 28, 2002 after due notice by publication in The City Record, and laid over to February 11, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-1 zoning district, which creates non-compliance with regard to floor area, lot coverage, open space, and rear yard requirements, and is contrary to Z.R. §§23-141, 23-47 and 54-31; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulations; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-1 zoning district, which creates non-compliance with regard to floor area, lot coverage, open space, and rear yard requirements, and is contrary to Z.R. §§23-141, 23-47 and 54-31, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received December 2, 2002”-(2) sheets, and “January 31, 2003” -(11) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

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

MINUTES

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

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, February 11, 2003

123-02-BZ

APPLICANT - Joseph P. Morsellino, for 14-34 110th Street, LLC, owner; JCH Delta Contracting Inc., lessee.

SUBJECT - Application April 18, 2002 - under Z.R. §72-21, to permit the proposed six story mixed use building, consisting of commercial office space, and residential occupancy on floors three through six, located in an M2-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 14-34 110th Street, west side of Powells Cove Boulevard, Block 4044, Lot 20, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph Morsellino.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 17, 2002 acting on N.B. Application No. 401204166 reads:

"1. Residential use is contrary to Z.R. 42-00 BS & A approval required"; and

WHEREAS, a public hearing was held on this application on October 8, 2002 after due notice by publication in The City Record and laid over to November 26, 2002, January 14, 2003, and then to February 11, 2003, for decision; and

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

WHEREAS, this is an application under Z.R. §72-21 to permit, in an M2-1 zoning district, the erection of a six-story mixed use building consisting of commercial uses on the second and third

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, in an M2-1 zoning district, the erection of a

floor and residential uses on floors four through six, which is contrary to Z.R. §42-00; and

WHEREAS, the record indicates that the underlying M2-1 zoning district was created to accommodate a wartime manufacture of marine engines that needed a waterfront facility to accommodate its facility; and

WHEREAS, the applicant represents that many industrial uses find the subject site undesirable because of the narrowness of the streets and the poor accessibility to major arterial highways resulting in a tendency towards residential and commercial development; and

WHEREAS, the record indicates that a significant portion of the lot is under water and is not usable for as-of-right development because the soil conditions of the site require pilings; and

WHEREAS, the proposal will provide a lobby on the first floor, offices on the second floor and third floors with the fourth through sixth floors housing residential uses; and

WHEREAS, the Board finds that there are unique conditions to the lot, namely poor soil conditions and the site's location directly across from an area that is almost entirely developed with residential uses, which create an unnecessary hardship in conforming strictly with the Zoning Resolution; and

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

WHEREAS, the record indicates that the existing building is totally within the bulk requirements of the M2-1 zoning district and is located in an area characterized by a mixture of residential, office, and commercial uses; and

WHEREAS, the Board notes that development of the site with industrial uses is less compatible than the proposed mixed use building; and

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

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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.

six-story mixed use building consisting of commercial uses on the second and third floor and residential uses on floors four through six, which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked

MINUTES

Received "January 7, 2003" - (12) sheets; and on further condition;

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

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

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

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

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

Adopted by the Board of Standards and Appeals, February 11, 2003.

195-02-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for McDonald's Corp, owner; Laurino Enterprises, lessee.

SUBJECT - Application June 12, 2002 - under Z.R. §72-21 to permit the reestablishment of an expired variance previously granted under Cal. No. 231-72-BZ which permitted an eating and drinking establishment with an accessory drive-through facility in an R-4 zoning district, also the legalization of a small addition to the establishment, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 2797 Linden Boulevard, northeast corner of Drew Street, Block 4471, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Jeffrey Chester.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 31, 2002 acting on Application No. 301172503 reads:

"Eating and Drinking establishment with accessory drive

WHEREAS, the record indicates that the site is irregularly-shaped containing 132 feet in width at its widest point at the southern edge of the property and 87 feet in width at the northern edge and dissected by a district boundary line; and

WHEREAS, the site's history of development with non-conforming Board- approved uses and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning Resolution; and

WHEREAS, evidence in the record, including a feasibility

through is not permitted in a R-4 zone refer to Board of Standards and Appeals"; and

WHEREAS, a public hearing was held on this application on January 28, 2003 after due notice by publication in The City Record and laid over to February 11, 2003 for decision; and

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

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

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, to permit, in an R-4 zoning district the reestablishment of an expired variance previously granted under Calendar Number 231-72-BZ, permitting an eating and drinking establishment with an accessory drive-through facility, and the legalization of an enlargement of the subject premises contrary to Z.R. § 22-10; and

WHEREAS, the subject property is located in the East New York section of Brooklyn between Drew and Ruby Streets, on a lot containing 20,000 square feet with approximately 200' of frontage along Linden Boulevard; and

WHEREAS, on October 31, 1972 the Board granted a use variance permitting for a term of ten years an eating and drinking establishment with accessory parking, on condition that the hours of operation be limited to 11:00 a.m. to midnight; and

WHEREAS, since 1972, the property has been improved with a one-story eating and drinking establishment with a drive-through facility with accessory parking for eighteen vehicles; and

WHEREAS, however, the last extension of the term expired May 8, 1999, and pursuant to the Zoning Resolution the 1972 variance has lapsed; and

WHEREAS, the record indicates that Linden Boulevard is a major commercial thoroughfare and a conduit for JFK Airport traffic; and

WHEREAS, the subject property is bordered on the east by Ruby Street which abruptly dead ends parallel to the property's northern lot line and abuts a vacant lot, which the applicant represents is slated for residential development; and

WHEREAS, the record indicates that west of the subject property, Drew Street is characterized by a mixed commercial and residential development; and

WHEREAS, the Board agrees with the applicant's representation, that although the variance lapsed, the uses at the premises have remained unchanged and a residential development would be inappropriate and out of character; and

study and financial analysis sufficiently demonstrates that a conforming use in the entire building would not yield a reasonable return; and

WHEREAS, the record indicates that the subject property is located in an area characterized by commercial uses; and

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

WHEREAS, the hardship herein was not created by the

MINUTES

owner or a predecessor in title; and

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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 on a site previously before the Board, to permit, in an R-4 zoning district the reestablishment of an expired variance previously granted under Calendar Number 231-72-BZ, permitting an eating and drinking establishment with an accessory drive-through facility, and the legalization of an enlargement of the subject premises contrary to Z.R. §22-10, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 29, 2002" (6 sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on February 11, 2013:

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

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;

"Proposed construction of a new building to be operated as an automotive service station as a gasoline filling station with an accessory convenience store (Use Group 16) in a C2-2 within an R7-2 Zoning District is contrary to BSA Calendar 493-41-BZ and therefore must be referred to the BSA."; and

WHEREAS, a public hearing was held on this application on October 29, 2002 after due notice by publication in The City Record and laid over to and then to February 11, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, to permit, in an R7-2 zoning district with a C2-2 overlay zoning district, the erection of a new automotive service station, with an accessory convenience store, (Use Group 16b) contrary to Z.R. §22-00; and

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

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

Adopted by the Board of Standards and Appeals, February 11, 2003.

200-02-BZ

CEQR #02-BSA-232M

APPLICANT - Sheldon Lobel, P.C., for Malu Properties, Inc., owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application August 12, 2002 - under Z.R. §72-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-2 within an R7-2 zoning district, is contrary to a previous variance granted under Cal. No. 493-41-BZ and Z.R. §22-00.

PREMISES AFFECTED - 2326 First Avenue, northeast corner of East 119th Street, Block 1807, Lots 1 and 5, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition
THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 11, 2002 acting on Application No. 103080336 reads:

WHEREAS, the subject parcel contains approximately 17,508 square feet of lot area at the northeast corner of First Avenue and 119th Street, with 100 feet of frontage along First Avenue and 175 feet of frontage along 119th Street: and

WHEREAS, the applicant notes that the portion of the lot within the C2-2 overlay qualifies for a special permit, but that the portion within the R7-2 district requires a variance; and

WHEREAS, the proposed structure will contain 2,930 square feet of floor area, housing a sales area with a solar energy collecting vehicular canopy over the six (6) multi-product dispensers ("MPD's"), and the installation of three (3) 12,000-gallon double wall fiberglass underground storage tanks ; and

WHEREAS, the proposal provides reservoir space for 10 vehicles in addition to the spaces provided at the pumps and entrances and exits are planed so that at maximum operation, vehicular movement into or from the site will cause a minimum obstruction on the streets or sidewalk; and

WHEREAS, the total proposed illuminated signage is 98.67

MINUTES

square feet, is less than the one-hundred fifty (150) square feet permitted under Z.R. Section 73-211(5)(1), and the total proposed non-illuminated signage is 107.94 square feet; and

WHEREAS, applicant represents that the perimeter of the site adjoining the R7-2 zoning district, will be screened by an existing six (6) foot high masonry wall with a 5-foot high chain link fence and by a 33.1' by 100.91' mulch area that will be constructed on portion of the lot within the residential zone; and

WHEREAS, the record indicates that both First Avenue and 119th Street are two-way heavily traveled thoroughfares; and

WHEREAS, therefore, the Board finds that the instant application, as designed, would meet the special permits findings of Z.R. §73-211

WHEREAS, the applicant represents that the site has housed, subject to a September 30, 1941 variance, under Calendar Number 493-41-BZ, an automotive service station as amended through June 11, 1985, and that although the variance lapsed the uses at the premises have remained unchanged; and

WHEREAS, the site's history of development with non-conforming Board approved uses, housing automotive uses for over 60 years creates an unnecessary hardship in conforming strictly with the Zoning Resolution; and

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

WHEREAS, the record indicates that the subject property is located in an area characterized by commercial uses; and

WHEREAS, the Board notes that the site has housed non-conforming gas station use since 1941 and that it would meet the Special Permit findings of Z.R. §73-211; and

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

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

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

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

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

Adopted by the Board of Standards and Appeals, February 11, 2003.

206-02-BZ

APPLICANT - Alfonso Duarte, for John Jerome, owner.

SUBJECT - Application July 9, 2002 - under Z.R. §72-21 to permit the proposed enlargement of the second floor level from an attic, to a second floor, which will encroach upon one of the front yards, is contrary to Z.R. §23-45.

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

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under §72-21, on a site previously before the Board, to permit, in an R7-2 zoning district with a C2-2 overlay zoning district, the erection of a new automotive service station, with an accessory convenience store, (Use Group 16b) contrary to Z.R. §22-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 21, 2002"-(6) sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on February 11, 2013: PREMISES AFFECTED - 166-03 21st Road, northeast corner of 166th Street, Block 5760, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated June 28, 2002, acting on Application No. 401451479, reads:

"Proposed enlargement on second floor encroaches into front yard and is contrary to Sect. 23-45 Z.R."; and

WHEREAS, a public hearing was held on this application on January 28, 2003 after due notice by publication in The City Record, laid over to February 11, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed enlargement of a single family dwelling on the

MINUTES

second floor, which will encroach upon one of the front yards, and is contrary to Z.R. §23-45; and

WHEREAS, the record indicates that the subject premises is located on the southeasterly corner of 166th Street and 21st Avenue in Queens, and is presently improved with a single family dwelling consisting of a cellar, first floor and unfinished attic; and

WHEREAS, the existing structure presently encroaches 4'-4" upon the front yard along 166th Street for the first and second floors; and

WHEREAS, the proposed enlargement will be an extension of the existing attic; and

WHEREAS, the applicant represents that it is not feasible or practical to set the proposed enlargement on the second floor back the required 4' -4" as per the underlying zoning regulations; and

WHEREAS, the Board finds that aforementioned unique physical condition, creates an unnecessary hardship in developing the site in conformity with the current zoning; and

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

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, to permit the proposed enlargement of a single family dwelling on the second floor, which will encroach upon one of the front yards, and is contrary to Z.R. §23-45, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, July 9, 2002"-(4) sheets and "November 18, 2002" -(4) sheets; 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;

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

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

THAT substantial construction be completed and a Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, February 11, 2002.

257-02-BZ

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Outreach Development Corp., owner.

SUBJECT - Application September 23, 2002 - under Z.R. §72-21 to permit the proposed incorporation of an existing vacant building into the existing development (previously under Cal. No. 211-82-BZ), and to construct a one-story addition in the rear of the building, thereby creating a single building, to be utilized as a

WHEREAS, the record indicates that the proposed use and bulk of the subject proposal are consistent with the surrounding residential uses; and

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

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

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

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

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

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

not-for-profit institution with sleeping accommodations, Use Group 3, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 16-16 Weirfield Street, east side, 90' north of Wycoff Avenue, Block 3550, Lots 14 and 17, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 29, 2002 acting on Alt.1 Application No. 401495360 reads:

"THE PROPOSED DEVELOPMENT OF A NOT-FOR PROFIT INSTITUTION WITH SLEEPING ACCOMMODATIONS U.G.-3A IS NOT PERMITTED IN AN M1-1 ZONING DISTRICT AS PER Z.R. 42-00."; and

WHEREAS, a public hearing was held on this application on January 28, 2003 after due notice by publication in The City Record, and laid over to February 11, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-1 zoning district, on a site previously before the Board, the enlargement an extension of a Use Group 3, community facility with sleeping accommodations, contrary to Z.R. §42-00; and

MINUTES

WHEREAS, the subject premises consists of a 75' frontage by 100' in depth originally developed with three residential buildings, two of which were the subject of a prior variance granted under Calendar Number 211-82-BZ; and

WHEREAS, on August 10, 1982 for a term of 20 years, the Board permitted the enlargement and conversion of two existing residential buildings, Use Group 2, into a single building for use a philanthropic non-profit institution with sleeping accommodations, Use Group 3, located in an M1-1 Zoning District, affecting the premises at 16-12 and 16-14 Weirfield Street (block 3550 lots 14 and 16; and

WHEREAS, the applicant notes that lots 14 and 16 were subsequent combined into single lot #14, and that in granting the prior variance the Board found that the buildings were designed for residential use and that the surrounding area a mix of residential commercial and manufacturing occupancies; and

WHEREAS, the record indicates that as approved and existing, lot 14 is developed with a cellar and three-story building

WHEREAS, the proposal will enable the relocation and expansion of the existing kitchen, creation of a new Family Orientation and Treatment Room, new classrooms offices and bedrooms; and

WHEREAS, the record indicates that in part due to its original design and occupancy as a residential building, the subject building is not viable for a conforming industrial user; and

WHEREAS, the applicant's programmatic needs discussed above, its history of development with residential and community facility uses, creates an undue hardship with strict conformance with the use provisions of the Zoning Resolution; and

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

WHEREAS, the applicant represents that its student capacity will remain at 40 and the floor area ratio will remain at 2.2: and

WHEREAS, the record indicates that the subject building is located in a neighborhood containing a mixture of residential and community facility uses; and

WHEREAS, therefore, the Board finds that the subject proposal will not alter the essential character of the neighborhood or substantially impair the appropriate use or development of the surrounding area nor be detrimental to the public welfare; and

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

WHEREAS, evidence in the record demonstrates that this proposal, is the minimum necessary to meet the applicant's programmatic needs; and

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

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

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

WHEREAS, the evidence demonstrates no foreseeable

totaling 11,000 square feet in area and a floor area ratio of 2.2; and

WHEREAS, the instant applicant is a non-profit community facility providing educational and residential facilities for troubled youth; and

WHEREAS, the record indicates that the applicant's program has been successful resulting in the need to expand services and facilities beyond the capacity of the existing structure; and

WHEREAS, the applicant represents that the proposal will enable it to accommodate people with disabilities in accordance with Local Law 58/87; and

WHEREAS, In response to its increased programmatic needs the applicant acquired the subject vacant building at 16-16 Weirfield Street and proposes to incorporate this building into the existing development and erect a one-story addition in the rear of the building resulting in the creation of a single building that will be used to provide sleeping accommodations for youths; and

significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-1 zoning district, on a site previously before the Board, the enlargement an extension of a Use Group 3, community facility with sleeping accommodations, contrary to Z.R. Section 42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received "September 23, 2002"- (9) sheets; and on further condition;

THAT the term of the variance shall be limited to twenty (20) years from this grant expiring February 11, 2023;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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 including all fire safety and egress requirements, 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, February 11, 2003.

MINUTES

325-02-BZ

APPLICANT - Harold Weinberg, P.E., for Moshe Binik, owner.
SUBJECT - Application October 31, 2002 - under Z.R. §73-36 to permit the proposed conversion of a former supermarket, into a physical culture establishment, which requires a special permit.
PREMISES AFFECTED - 1158 McDonald Avenue, west side, 143.11' south of 20th Avenue, north of 21st Avenue, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

"THE USE OF THE PREMISES AS A PHYSICAL CULTURE ESTABLISHMENT (BATHS AND MASSAGES), NOT CLASSIFIED IN A USE GROUP, REQUIRES A SPECIAL PERMIT FROM THE BOARD OF STANDARDS AND APPEALS AND IS REFERRED TO THE BSA.": and

WHEREAS, a public hearing was held on this application on January 28, 2002 after due notice by publication in The City Record and laid over to February 11, 2003 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 and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §§73-03 and 73-36 to permit, within a M1-2 zoning district, the proposed conversion of a former supermarket into a physical culture establishment; and

WHEREAS, by letter dated May 10, 2002, Community Board #5 recommends approval of this application; and

WHEREAS, the subject site is improved with a one-story masonry structure located on the westerly side of McDonald Avenue, south of 20th Avenue, with an accessory parking lot abutting the site; and

WHEREAS, the applicant represents that the PCE would occupy 13,977.6 square feet of floor area after an as-of-right expansion of 1264 square feet; 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 Board finds that the proposed use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; 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. §§73-03 and 73-36; 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

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated September 30, 2002 acting on Application No. 301410934 reads:

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. §§73-03 and 73-36 to permit, within a M1-2 zoning district, the proposed conversion of a former supermarket into a physical culture establishment, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received October 31, 2002"-(6) sheets and "December 16, 2002" -(1) sheet; and on further condition;

THAT the term of this special permit shall be limited ten (10) years;

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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, shall be provided and maintained in accordance with the BSA-approved plans;

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

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

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

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

Adopted by the Board of Standards and Appeals, February 11, 2003.

347-02-BZ

APPLICANT - Kramer Levin Maftalis & Frankel, LLP, for The Pierpont Morgan Library, owner.

MINUTES

SUBJECT - Application November 22, 2002 - under Z.R. §72-21 to permit the proposed four story addition to an existing library, Use Group 3, located in an R7-2 within an R8B zoning district, which does not comply with the zoning requirement for rear yard, and is contrary to Z.R. §24-36.

PREMISES AFFECTED - 29 East 36th Street, and 219/31 Madison Avenue, western portion of block bounded by East 36th

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated November 11, 2002 acting on Alt-1. Application No. 10326436-1 reads:

"Objection #1

New construction proposed in the rear yard required pursuant to Zoning Resolution Section 24-36 on interior lot portion, located in R8B zoning district, of zoning lot exceeds 23 feet above curb level for permitted obstruction in a rear yard, contrary to Zoning Resolution Section 24-33"; and

WHEREAS, a public hearing was held on this application on January 28, 2003 after due notice by publication in The City Record and laid over to February 11, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit in an R7-2 zoning district, the proposed four-story 24,510 square foot addition to an existing community facility (Use Group 3) contrary to Z.R. §24-36; and

WHEREAS, the subject library is part of a complex containing 42,314 square feet of lot area located on an irregularly-shaped parcel, at the western portion of the block bounded by East 36th Street, Madison Avenue, East 37th Street and Park Avenue; and

WHEREAS, the subject lot is presently improved with six buildings, three of which are designated landmarks that the applicant represents, will be preserved and enhanced through the construction program; and

WHEREAS, in the R7-2 portion of the zoning lot, a maximum Floor Area Ratio of 6.5 is permitted for community facility uses and a maximum of 3.44 for residential uses, in the R8B portion of the lot a maximum Floor Area Ratio of 4.0 is permitted for community facility uses and a maximum of 4.0 for residential uses; and

WHEREAS, the record indicates, that the proposed addition will be erected completely as-of-right, except that in a small, 10 foot 1 inch by 25 foot 10 inch interior portion of the Zoning Lot, the height of the atrium will exceed the 23 foot height limit for a permitted obstruction within a mandatory rear yard area by 5 feet; which the applicant represents is required so that the roof of the atrium does not directly adjoin, and therefore partially block, several windows of one of the subject library's landmark structures; and

WHEREAS, the record indicates that the neighborhood surrounding the site is characterized by office, hotel, residential, and

Street, Madison Avenue, East 37th Street and Park Avenue, Block 866, Lots 25 and 58, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: James Power.

ACTION OF THE BOARD - Application granted on condition.

WHEREAS, the instant application involves the Pierpont Morgan Library, the Morgan House, the Mckim Building, the Library Annex and a one-story Cloister, which connects the Library Annex to the McKim Building, the five-story Office Annex on East 37th Street, and the glass-enclosed Garden Court, which fronts on Madison Avenue and connects the Morgan House to the Library Annex and the Cloister; and

WHEREAS, the applicant notes that requested variance will enable the roof of the new atrium to connect to the marble façade of the Mckim building at its cornice line, thereby leaving all the windows of the landmark building unobstructed.

WHEREAS, the subject library was founded in 1924 as both a research library and museum, which has grown to house over 350,000 pieces on zoning lots that are improved with buildings that have received enlargements and additions with height variations, and erected at different times; and

WHEREAS, the applicant represents that the requested variance will enable the library to meet its programmatic requirement of providing larger storage space, creation of additional reading rooms, galleries, display areas and for its large collection and its many educational programs; and

WHEREAS, the proposal will require preserving three historic buildings, demolishing the later additions to the complex and construction of the proposed addition; and

WHEREAS, the proposed addition will require a distinctive steel-and-glass structure housing three distinctive pavilions fronting on East 36th Street, Madison Avenue and East 37th Street, along with an enclosed connecting space to be known as the atrium or the "Piazza"; and

WHEREAS, the applicant represents that each pavilion will be no higher or wider than the adjacent building in order to respect the small scale of the landmark structures; and

WHEREAS, the record indicates that following construction of the 24,510 square foot Proposed Addition, the Zoning Lot will be improved with a total of 66,048 square feet, which is 152,583 square feet less than is allowed by the Zoning Resolution; and

WHEREAS, the Board agrees with the applicants assertion that the existing Mckim Building is a condition that is peculiar to and inherent in the zoning lot that are not due to the strict application of the provisions of the Zoning Resolution, but by the need to design a building that meets the programmatic needs of the Library and respects and enhances the existing Mckin building; and

WHEREAS, the applicant's programmatic needs discussed above, create a practical difficulty with strict compliance with the bulk provisions of the Zoning Resolution; and

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

WHEREAS, the applicant represents that proposed

MINUTES

enlargement to the site will be constructed in such a way that it will blend harmoniously with the existing structure and will not adversely impact local residential dwellings; and

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

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

WHEREAS, therefore, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit in an R7-2 zoning district, the proposed four-story 24,510 square foot addition to an existing community facility (Use Group 3) contrary to Z.R. §24-36, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 22, 2002"- (19) sheets; and on further condition;

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

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the SUBJECT - Application August 6, 2002 - under Z.R. §73-621 to permit the legalization of an existing rental apartment in the cellar of a six story building, located in an R8B zoning district, which increases the degree of non-compliance with respect to floor area ratio and open space ratio, which is contrary to Z.R. §23-142 and §54-31; and does not comply with §§34.6 and 216 of the Multiple Dwelling Law and § 27-2082 and 27-2085 of the Housing Maintenance Code.

PREMISES AFFECTED - 320 West 84th Street, between Riverside Drive and West End Avenue, Block 1245, Lot 86,

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, February 11, 2003.

120-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Abraham Lokshin, owner; Dolphin Fitness, Inc., lessee.

SUBJECT - Application April 15, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, Use Group 9, located in the cellar of a six story building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 42 Avenue "A", northeast corner of East Third Street, Block 399, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 18, 2003, at 1:30 P.M., for continued hearing.

208-02-BZ

APPLICANT - David L. Businelli, for John Ingrassia, owner.

SUBJECT - Application July 10, 2002 - under Z.R. §72-21 to permit the proposed erection of a one story professional office building, Use Group 6, located in an R3-2 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 840 Jewett Avenue, between Waters Avenue and Markham Place, Block 427, Lot 38, Borough of Staten Island.

COMMUNITY BOARD #2

APPEARANCES -

For Applicant: David Businelli.

ACTION OF THE BOARD - Laid over to March 25, 2003, at 1:30 P.M., for continued hearing.

223-02-BZ & 224-02-A

APPLICANT - Sheldon Lobel, P.C., for 320 West 84th Street, Corp, owner.

Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Irving E. Minkin.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 18, 2003, at 1:30 P.M., for continued hearing.

MINUTES

236-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Raymond and Vivian Dayan, owners.

SUBJECT - Application August 23, 2002 - under Z.R. §72-21 to permit the proposed enlargement of a single family residence, located in R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, perimeter wall height, building height, and front and side yards, and is contrary to Z.R. §23-141, §23-631, §23-45 and §23-461A.

PREMISES AFFECTED - 2324 Avenue "R", southwest corner of East 24th Street, Block 6829, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO CLOSE HEARING -

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

Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 18, 2003, at 1:30 P.M., for decision, hearing closed.

244-02-BZ & 245-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for 361 West 34th Street Corp., owner; B & B Gym, Inc., lessee.

SUBJECT - Application September 9, 2002 - under Z.R. §73-36 to permit the proposed physical culture establishment, on the second floor of a four story commercial building, to be located in two separate buildings with a convenience opening, requires a special permit as per Z.R. §32-00.

PREMISES AFFECTED - 365/67 West 34th Street, north side, 58.6' east of Ninth Avenue, Block 758, Lot 5, Borough of Manhattan.

373 West 34th Street, northwest corner of Ninth Avenue, Block 758, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Fredrick A. Becker and Liza Benhanon.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

APPEARANCES -

For Applicant: Louise Cusinier, Doris Diether, CB#2, Matt Markowitz and Sean Macpherson.

THE VOTE TO CLOSE HEARING -

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

Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 4, 2003, at 1:30 P.M., for decision, hearing closed.

Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 4, 2003, at 1:30 P.M., for decision, hearing closed.

322-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Marylena Auto Repair Inc., owner.

SUBJECT - Application October 29, 2002 - under Z.R. §73-211 to permit the reestablishment of an expired variance, previously granted under Cal. No. 80-88-BZ, which permitted an automotive service station in a C2-2 zoning district, also the proposed addition of a new steel canopy, concrete dispenser island with dispensers and doublewall fiberglass tanks, which is contrary to Z.R. §32-35.

PREMISES AFFECTED - 1840 Richmond Terrace, between Clove Road and Bodine Street, Block 201, Lot 32, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

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

Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 18, 2003, at 1:30 P.M., for decision, hearing closed.

323-02-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Irving J. Gotbaum, Esq., for 783 W. Street Corp./Blansig Realty Corp., c/o Kenneth B. Frankel, owner; Sean MacPherson, contract vendee.

SUBJECT - Application October 29, 2002 - under Z.R. §72-21 to permit the proposed conversion of an existing commercial building, to a single family residence, Use Group 2, located in a C8-4 zoning district, is contrary to Z.R. §§15-021 & 32-10.

PREMISES AFFECTED - 783 Washington Street, east side, corner of Washington and Jane Streets, Block 642, Lot 38. Borough of Manhattan.

COMMUNITY BOARD #2M

351-02-BZ

APPLICANT - Stadtmauer Bailkin, LLP by Steven Sinacori, for 33-11 Associates, owner; Operative Cake Company, lessee.

SUBJECT - Application December 3, 2002 - under Z.R. §72-21 to permit the reestablishment of an expired variance previously granted under Cal. No. 662-69-BZ, which permitted the operation of a food warehouse and distribution facility, Use Group 17, in an R5 zoning district.

PREMISES AFFECTED - 33-55 11th Street, aka 33-41/47th 11th Street, between 33rd Road and 34th Avenue, and 11th and 12th Streets, Block 318, Lot 15, Borough of Queens.

MINUTES

COMMUNITY BOARD #1Q

APPEARANCES -

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to February 25,
2003, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 2:30 P.M.

CORRECTIONS

*CORRECTION

This resolution adopted on November 19, 2002, under Calendar No.49-02-BZ and printed in Volume 87, Bulletin No. 47, is hereby corrected to read as follows:

49-02-BZ

CEQR#02-BSA-132Q

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Spartacus Realty, Inc., owner.

SUBJECT - Application February 7, 2002 - under Z.R. §72-21, to permit the proposed construction of a one-family dwelling, Use Group 1, located in an R2 zoning district, which does not provide the required front yard, sky exposure clearance, width or lot area, and exceeds the permitted floor area, is contrary to ZR §§23-30, 23-141 and 23-45.

PREMISES AFFECTED - 189-19 Pineville Lane, southwest corner of Lucas Street, Block 12720, Lot 119, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 8, 2002 acting on NB Application No. 401370413, reads:

"PROPOSED ONE-FAMILY DWELLING DOES NOT PROVIDE THE REQUIRED FRONT YARD, OPEN SPACE, SKY EXPOSURE CLEARANCE, WIDTH OR LOT AREA, AND EXCEEDS THE PERMITTED FLOOR AREA IN AN R2 ZONING DISTRICT, AND MUST BE REFERRED TO THE BOARD OF STANDARDS AND APPEALS."; and

WHEREAS, a public hearing was held on this application on August 13, 2002 after due notice by publication in The City Record, laid over to October 10, 2002, and then to November 29, 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 construction of a one-family dwelling, Use Group 1, located in an R2 zoning district, which does not provide the required front yard, sky exposure clearance, width or lot area, and

exceeds the permitted floor area, is contrary to ZR §§23-30, 23-141 and 23-45; and

WHEREAS, the record indicates that the subject premises is an triangularly shaped lot with 39.9 feet of frontage on Pineville Lane and 96.8 feet of frontage on Lucas Street, and a total of 1,759 square feet of lot area; and

WHEREAS, the applicant states that the site is currently vacant, and the proposal seeks to erect a two-story and cellar one-family dwelling; and

WHEREAS, the applicant represents that due to the corner location on the site 15 foot front yards are required along both Pineville Lane and Lucas Street, which effectively prohibits the construction of any structure on the small lot; and

WHEREAS, the aforementioned unique physical condition, namely irregularly shaped small corner lot with its triangular shape, makes its occupancy for a conforming R2 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

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

WHEREAS, upon site inspection, the Board has noted that the enlargement is contextually compatible with the surrounding homes and neighborhood; and

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

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under §72-21, to permit the proposed construction of a one-family dwelling, Use Group 1, located in an R2 zoning district, which does not provide the required front yard, sky exposure clearance, width or lot area, and exceeds the permitted floor area, is contrary to ZR §§23-30, 23-141 and 23-45; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 27, 2002"-(7) sheets, and on further condition;

CORRECTIONS

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, November 19, 2002.

****The resolution has been corrected in that the portion of the premises which read: "northwest corner" now reads: "southwest corner". Also, the DOB Application No. which read: "401270413"; now reads "401370413". Corrected in Bulletin No. 8, Vol. 88, dated February 20, 2003.**

Pasquale Pacifico, Executive Director.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

Volume 88, No. 9-10

March 6, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEBY

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

| | |
|-----------------------------------|-----|
| DOCKET | 163 |
| CALENDAR of March 25, 2003 | |
| Morning | 164 |
| Afternoon | 165 |

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, February 25, 2003**

Morning Calendar167

Affecting Calendar Numbers:

| | |
|-------------------|--|
| 292-55-BZ | 239-15 Jamaica Avenue, Queens |
| 573-55-BZ | 17-32/46 Clintonville Street, Queens |
| 152-95-BZ | 32-55 31 st Street, Queens |
| 58-99-BZ | 18-10 Utopia Parkway, Queens |
| 134-99-BZ | 18 West 89 th Street, a/k/a 17-19 West 88 th Street, Manhattan |
| 472-37-BZ, Vol IV | 2765/2773 Cropsey Avenue, Queens |
| 37-96-BZ | 1601 Bronxdale Avenue, Bronx |
| 176-99-BZ | 45-17 Marathon Parkway, Queens |
| 161-00-BZ | 314-322 East 52 nd Street, Manhattan |

Afternoon Calendar.....172

Affecting Calendar Numbers:

| | |
|------------------------------------|--|
| 281-99-BZ | 6055 Strickland Avenue, Brooklyn |
| 83-02-BZ | 925 Bergen Street, Brooklyn |
| 149-02-BZ & 1821/1837 150-02-BZ | Richmond Avenue, Staten Island |
| 274-02-BZ | 2350 Jerome Avenue, Bronx |
| 278-02-BZ | 4056 Bedford Avenue, Brooklyn |
| 286-02-BZ | 1111 East 26 th Street, Brooklyn |
| 339-02-BZ | 147-65/76 Springfield Boulevard, Queens |
| 351-02-BZ | 33-55 11 th Street, a/k/a 33-41/47 11 th Street, Queens |
| 75-02-BZ | 460 Union Street, Brooklyn |
| 86-02-BZ | 155/59 North Fourth Street, Brooklyn |
| 152-02-BZ | 1768/81 Second Avenue, Manhattan |
| 214-02-BZ | 55 Berry Street, Brooklyn |
| 215-02-BZ | 143-05 Liberty Avenue, Queens |
| 218-02-BZ | 46 Coney Island Avenue, Brooklyn |
| 271-02-BZ | 1627 46 th Street, Brooklyn |
| 348-02-BZ | 183-01 Horace Harding, Queens |
| 356-02-BZ | 210/14 East 86 th Street and 209/13 East 85 th Street, Manhattan |

DOCKET

New Case Filed Up to February 25, 2003

68-03-BZ B.BK. 649 39th Street, northwest corner of Seventh Avenue, Block 903, Lots 79, 80 and 83, Borough of Brooklyn. N.B. #301031194. Proposed conversion of an existing building, which is located in an area designated as a manufacturing district, to be used for a day care center, Use Group 3, and office use, Use Group 6, without the required parking, is contrary to Z.R. §42-00 and §44-21.

COMMUNITY BOARD #7BK

69-03-BZ B.M. 32/40 Bond Street, mid-block portion fronting on north side, of Bond Street between Lafayette and the Bowery, Block 530, Lot 48, Borough of Manhattan. N.B. #103340396. Proposed development of a 15-story mixed-use building, consisting of residential apartments and local retail usage, located in an M1-5B zoning district, where residential use is not permitted is contrary to Z.R. §42-10.

COMMUNITY BOARD #2M

70-03-BZ B.BK. 761 East 84th Street, east side, 89'-0" north of Flatlands Avenue, Block 8005, Lot 11, Borough of Brooklyn. Alt.1 #301476114. The reestablishment of an expired variance, previously granted by the Board under Cal. No. 29-68-BZ, which permitted a one story contractor's establishment, in an R-5 zoning district, also the legalization of a one story enlargement to the establishment, is contrary to Z.R. §22-00.

COMMUNITY BOARD #18BK

71-03-BZ B.M. 1305 York Avenue, block bounded by York Avenue, East 70th Street, First Avenue and East 69th Street, Block 1464, Los 1, 28, 29, 30, 105, 1001-1210 and 1300-1301. Applic. #103304657. Proposed construction of a new ambulatory care building, which would have 13 occupied stories and two mechanical floors above, located in an R10, R8, C1-5 overlay and C2-8 zoning district, which does not comply with the zoning requirement for floor area, front and rear height and setback, rear yard, accessory parking and curb cut, is contrary to Z.R. §§33-121, 33-122, 24-11, 23-15, 35-31, 24-522, 33-431, 24-552, 24-36, 33-26, 33-292, 13-133, 13-143 and 13-142.

COMMUNITY BOARD #8M

72-03-A B.M. 53/55 Beach Street,

northwest corner of Collister Street, Block 214, Lot 1, Borough of Manhattan. Applic. #103314922. An appeal challenging the determination of the Department of Buildings' dated January 17, 2003, in which the Department has stated that for a proposed pre-school use, both a special permit and a use variance is required.

73-03-BZ B.M. 400 Lenox Avenue, situated between West 129th and 130th Streets, Block 1727, Lot 1, Borough of Manhattan. N.B. #103272076. Proposed construction of a 24-story mixed use building (residential and commercial), in an R7-2 zoning district, which does not comply with the zoning requirements for lot coverage, floor area, setbacks and exposure planes, and also has commercial use on the same floor as residential use, is contrary to Z.R. §23-142, §23-632, §23-64 and §32-421.

COMMUNITY BOARD #10BK

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

CALENDAR

MARCH 25, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, March 25, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

319-53-BZ

APPLICANT - Kenneth H. Koons, for Stanley & Roland Weisserberger, owners.

SUBJECT - Application December 30, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance and for an amendment to the resolution.

PREMISES AFFECTED - 1135 East 222nd Street, aka 3651 Eastchester Road, northwest corner of Eastchester Road, Block 4900, Lot 2, Borough of The Bronx.

COMMUNITY BOARD #12BX

717-60-BZ

APPLICANT - Walter T. Gorman, P.E., for Sun Co., Inc, owner; Roy's II Auto Center Inc., lessee.

SUBJECT - Application January 3, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a new certificate of occupancy which expired April 13, 2000.

PREMISES AFFECTED - 2052 Victory Boulevard, southeast corner of Bradley Avenue aka 7 Bradley Avenue, Block 724, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

617-80-BZ

APPLICANT - Eric Palatnik, P.C., for J.S. Simcha, Inc, owner.

SUBJECT - Application January 14, 2003 - reopening for an extension of time to complete construction which expired January 24, 2003.

PREMISES AFFECTED - 770/780 McDonald Avenue, McDonald Avenue and Ditmas Avenue, Block 5394, Lots 11 & 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

406-82-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Adolph Clausi & Theodore Thomas, owner; Hendel Products/McDonalds, lessee.

SUBJECT - Application January 24, 2003 - reopening for an extension of term of variance which expired January 18, 2003.

PREMISES AFFECTED - 2411 86th Street, northeast corner of 24th Avenue and 86th Street, Block 6859, Lots 1, 69 & 71, Borough of Brooklyn.

COMMUNITY BOARD #11BK

8-87-BZ

APPLICANT - Walter T. Gorman, P.E., for Andre & Jose Vasquez, owner; DBA Broadway Hand Carwash, lessee.

SUBJECT - Application January 3, 2003 - reopening for an extension of time to obtain a new certificate of occupancy which expired December 8, 2002.

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

COMMUNITY BOARD #12M

261-90-BZ

APPLICANT - Elliott M. Glass, Architect, for Tiebout Associates, Inc., owner.

SUBJECT - Application January 3, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 22, 2001.

PREMISES AFFECTED - 2468-2478 Tiebout Avenue, 83.27" north of East 188th Street, 223.62" south of Fordham Road, Block 3023, Lot 4, Borough of The Bronx.

COMMUNITY BOARD #5BX

MARCH 25 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, March 25, 2003, at 1:30 P.M., at 40 Rector

Street, 6th Floor, New York, N.Y. 10006, on the following matters:

CALENDAR

ZONING CALENDAR

238-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Peter Krashes, owner.
SUBJECT - Application August 25, 2003 - under Z.R. §72-21 to permit the legalization of two residential units, in a building that is located within an M1-1 area zoned for manufacturing use, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 638 Dean Street, south side, between Carlton and Vanderbilt Avenues, Block 1137, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #8BK

282-02-BZ

APPLICANT - Harold Weinberg, P.E., for Roger Chehova, owner.

SUBJECT - Application October 18, 2002 - under Z.R. § 73-622 to permit the legalization of a one story enlargement at the rear of an existing one family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, is contrary to Z.R. §23-141, §54-31 and §23-47.

PREMISES AFFECTED - 1465 East 24th Street, east side, 360'-0" south of Avenue "M", north of Avenue "N", Block 7657, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #14BK

284-02-BZ

APPLICANT - Friedman & Gotbaum, LLP, for New York City Department of Citywide Administrative Services, owner; Two Trees Management Company, contract vendee.

5-03-BZ

APPLICANT - Harold Weinberg, P.E., for Emanuel Alaimo, owner.

SUBJECT - Application January 13, 2003 - under Z.R. §72-21 to permit the legalization of a one story enlargement at the rear of the first floor of an existing two story mixed use building, and the erection of a small enlargement by the notch, which increases the degree of non-compliance with respect to floor area ratio, and is contrary to Z.R. §§35-30 and 54-31.

SUBJECT - Application October 24, 2002 - under Z.R. §72-21 to permit the proposed development of an eleven story mixed-use building, located in a C6-2A(DB) Special Downtown Brooklyn District, which does not comply with the zoning requirements, for base height, height, setback, rear yard, rear yard setback, retail continuity and lot coverage, is contrary to Z.R. §23-145, §23-663(b), §33-26, §35-24 and §101-10.

PREMISES AFFECTED - 121/35 Court Street, 211/35 Atlantic Avenue and 204/24 State Street, property fronts on Court Street, and is bounded by Atlantic Avenue and State Street, Block 277, Lot 8, Borough of Brooklyn.

COMMUNITY BOARD #2BK

357-02-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for JAF of Bayside, LLC, owner; Bayside Dialysis Center, Inc., lessee.

SUBJECT - Application December 9, 2002 - under Z.R. §72-21 to permit the proposed rear yard enlargement, of an existing one-story dialysis center, which creates non-compliance with respect to required rear yard equivalents and permitted obstructions in the required rear yard or rear yard equivalents, and is contrary to Z.R. §33-28 and §33-23.

PREMISES AFFECTED - 201-10 Northern Boulevard, block bounded by Northern Boulevard, 44th and 45th Avenues, 202nd Street and Francis Lewis Boulevard, Block 5523, Lot 22, Borough of Queens.

COMMUNITY BOARD #11Q

368-02-BZ

APPLICANT - Jesse Masyr, Esq., for Astor Place Holding Corporation, owner; Astor Place Associates, LLC c/o The Related Companies, lessees.

SUBJECT - Application December 24, 2002 - under Z.R. §73-52 to permit the proposed development of a 22 story and cellar mixed use building, on a site divided by a district boundary, which requires a special permit under Z.R. §73-52, to extend the C6-2 use and bulk regulations 25' into the adjacent M1-5B zoning district.

PREMISES AFFECTED - 22/36 Astor Place, aka 443/49 Lafayette Street and aka 64/78 Cooper Square, blockfront of Astor Place, between Lafayette Street and Cooper Square, Block 544, Lot 22, Borough of Manhattan.

COMMUNITY BOARD #2M

PREMISES AFFECTED - 2276 86th Street, south side, 36'-8" west of 23rd Avenue, Block 6383, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #11BK

Pasquale Pacifico, Executive Director

CALENDAR

**REGULAR MEETING
TUESDAY MORNING, FEBRUARY 25, 2003
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, January 14, 2003, were approved as printed in the Bulletin of January 23, 2003, Volume 88, No. 4.

SPECIAL ORDER CALENDAR

292-55-BZ

APPLICANT - Carl A. Sulfaro, Esq., for K & P Jamaica Oil Company, Inc., owner.

SUBJECT - Application June 11, 2002 - reopening for an extension of term of variance which expired April 10, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 239-15 Jamaica Avenue, northwest corner of 240th Street, Block 8001, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

MINUTES

APPEARANCES -

For Applicant: None.

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on April 10, 2001, and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on November 19, 2002, after due notice by publication in *The City Record*, and laid over to December 17, 2002, February 4, 2003 and then to February 25, 2003 for decision; and

WHEREAS, on April 10, 1956, the Board granted an application permitting a gasoline service station with accessory uses;

WHEREAS, the applicant seeks to amend the resolution to permit the erection of a new metal canopy over the gasoline pumps;

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the variance which expired on April 10, 2001, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the variance for an additional ten (10) years from the April 10, 2001 to expire on April 10, 2011 and to permit the erection of a new metal canopy over the gasoline pumps, on condition

THAT all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received June 11, 2002” -(5) sheets, “September 27, 2002”-(2) sheets and “January 28, 2003”-(1) sheet; and *on further condition*;

THAT the premises shall be maintained free of debris

THE RESOLUTION-

WHEREAS, the applicant requested a re-opening, an extension of the term of the variance which expired on May 22, 2002, and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on December 17, 2002, after due notice by publication in *The City Record*, and laid over to February 11, 2003 and then to February 25, 2003 for decision; and

WHEREAS, on May 22, 1956, the Board granted an application permitting a gasoline service station with accessory uses;

WHEREAS, the applicant seeks to amend the resolution to permit the erection of a new metal canopy over new motor fuel dispensers and to extend the hours of operation for both the gasoline service station and convenience store;

and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT there shall be no coin-operated car washes on the premises;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

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

THAT the 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.” (DOB# 401458310/401458329)

Adopted by the Board of Standards and Appeals, February 25, 2003.

573-55-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Stop Enterprises, Inc., owner.

SUBJECT - Application October 30, 2002 - reopening for an extension of term of variance which expired May 22, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 17-32/46 Clintonville Street, Clintonville Street southwest corner of 17th Road, Block 4730, Lot 4, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

WHEREAS, upon examination of the surrounding area, the Board finds that the proposed extension of hours of operation is not compatible with the surrounding neighborhood; and

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the variance which expired on May 22, 2002, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the variance for an additional ten (10) years from the May 22, 2002 to expire on May 22, 2012, to permit the erection of a new metal canopy over new motor fuel dispensers, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this

MINUTES

application marked "Received October 30, 2002"-(1) sheet and "February 11, 2003"-(1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the hours of operation for any automobile vacuums shall be limited to 9:00 AM to 7:00 PM;

THAT there shall be no coin-operated car washes on the premises;

THAT there shall be no used car sales on the premises;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

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

THAT the 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." (DOB# 401454369)

Adopted by the Board of Standards and Appeals, February 25, 2003.

152-95-BZ

APPLICANT - Gerald J. Caliendo, R.A., for McDonald's Corporation, owner; Krim Kris, Inc., lessee.

SUBJECT - Application July 1, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 2, 2001.

PREMISES AFFECTED - 32-55 31st Street, east side of 31st Street 256.97' north of 34th Avenue and 31st Street, Block 611, Lot 11, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sandy Angnostov.

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

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

THAT the 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." (DOB# 400579520)

Adopted by the Board of Standards and Appeals, February 25, 2003.

58-99-BZ

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term of the variance which expired on July 2, 2001; and

WHEREAS, a public hearing was held on this application on February 4, 2003, after due notice by publication in *The City Record*, and laid over to February 25, 2003 for decision; and

WHEREAS, on July 2, 1996, the Board granted an application permitting the reestablishment of an expired special permit previously granted under BSA Calendar Number 554-82-BZ which permitted a drive-through facility for an eating and drinking establishment;

WHEREAS, the applicant seeks to extend the term of the special permit;

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the variance which expired on July 2, 2001, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the special permit for an additional five (5) years from the July 2, 2001 to expire on July 2, 2006, *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 11, 2002"-(4) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

APPLICANT - Vassalotti Associates Architects, LLP, for Exxon Corporation, owner.

SUBJECT - Application September 10, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a certificate of occupancy which expired October 26, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 18-10 Utopia Parkway, northwest corner of 19th Avenue and Utopia Parkway, Block 5743, Lot 75, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, time to obtain a Certificate of Occupancy extended, and resolution amended.

THE VOTE TO GRANT -

MINUTES

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0
THE RESOLUTION-

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the time to obtain a Certificate of Occupancy which expired on October 26, 2000, and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on January 28, 2003, after due notice by publication in *The City Record*, and laid over to February 25, 2003 for decision; and

WHEREAS, on October 26, 1999, the Board granted an application permitting the reestablishment of a gasoline service station and automotive repair facility;

WHEREAS, the applicant seeks to amend the resolution to permit the erection of a new metal canopy over new concrete pump islands and to extend the hours of operation for gasoline sales to 24 hours a day, 7 days a week;

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the variance which expired on April 10, 2001, so that as amended this portion of the resolution shall read:

“to permit the extension of the time to obtain a Certificate of Occupancy for an additional two (2) years from the date of this resolution, and to permit the erection of a new metal canopy over new concrete pump islands, *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 3, 2002”-(2) sheets and “February 11, 2003”-(1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be

WHEREAS, the subject variance was granted by the Board on August 7, 2001, under Z.R. §72-21, permitting, on a site previously before the Board, the enlargement of an existing school (use group 3) located in a rear yard, which is contrary to 24-33, since a permitted obstruction in a required rear yard or year yard equivalent is limited to one story not exceeding 23' above curb level; and

WHEREAS, public hearings were held on the underlying variance application on October 17, 2000, after due notice by publication in *The City Record*, laid over to October 31, 2000, January 31, 2001, February 27, 2001, March 27, 2001, May 1, 2001, June 5, 2001 and then to August 7, 2001 for decision; and

WHEREAS, the subject property is presently a school, which was developed over a period of years, and occupies what previously were three buildings; and

WHEREAS, the original building, located at 18-20 West 89th Street, was erected in 1918 by the Franklin School as a four story and cellar school building; and

removed within 48 hours;

THAT there shall be no coin-operated car washes on the premises;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

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

THAT the 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.” (DOB# NB. 2068)

Adopted by the Board of Standards and Appeals, February 25, 2003.

134-99-BZ

APPLICANT - New York City Board of Standards and Appeals. Martyn and Don Weston Architects, for Franklyn Holding Company, owner; The Dwight School, owner.

SUBJECT - Application Remanded back to BSA as per Supreme Court Decision.

PREMISES AFFECTED - 18 West 89th Street, aka 17-19 West 88th Street, south side, 160' west of Central Park West, Block 1202, Lots 25, and 40, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: I. Don Weston.

ACTION OF THE BOARD - Prior variance reaffirmed.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, in 1962 a brownstone building was purchased and converted to a school use; and

WHEREAS, a one-story connection between the school and this brownstone was built in 1963; and

WHEREAS, in 1967, the school purchased the adjoining brownstone, located at West 88th Street, demolished this building and in 1969 constructed a four-story fireproof school building; and

WHEREAS, the Franklin School continued to occupy the premises until 1980 when it was taken over by its present occupant, the Anglo-American School, which combined with the Dwight School in 1993 and is know as The Dwight School; and

WHEREAS, in 1987, the Anglo-American School applied to the Board of Standards and Appeals to add a floor each to the West 89th Street building and the West 88th Street building, as well as the addition of one floor in the rear yard; and

WHEREAS, the Board granted the requested

MINUTES

additions, however, because sufficient funds could not be raised the additions were never constructed; and

WHEREAS, in 1993 the height of the one story connection, which is used as a gymnasium was raised three feet to better facilitate the use of the space; and

WHEREAS, in its Resolution dated August 7, 2001, the Board stated the reasons why the applicant met the requirements of Z.R. §72-21; and

WHEREAS, however, by Order dated June 19, 2002, Supreme Court Justice Alice Schlesinger, directed that the case be remanded to the Board solely to consider the financial aspects which were presented in the July 10, 2001 submission and on the "sole issue as to whether or not the Dwight School has met their burden in showing that they would be unable to realize a reasonable return on their property without the variance"; and

WHEREAS, therefore, on remand, the Board held public hearings accepted evidence and heard testimony regarding the school's ability to use as-of-right options to earn a reasonable return; and

WHEREAS, this resolution is not intended to replace the original August 7, 2001 resolution, but to have the Board reconsider the economic needs of the school; and

WHEREAS, the applicant submitted comprehensive documentation demonstrating that the subject variance is needed to ensure the continuation and future academic success of the school and to remain competitive with similar institutions; and

WHEREAS, as in the prior hearings, the Board considered evidence and testimony from neighborhood residents, school officials and community advocates, regarding the financial analysis; and

WHEREAS, the Board finds that although issues of economic need were raised during the instant proceedings, the evidence presented was similar to that presented during the October 17 2000, October 31, 2000, January 31, 2001, February 27, 2001, March 27, 2001, May 1, 2001, June 5, 2001 which the Board considered in

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

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

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

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

Adopted by the Board of Standards and Appeals, February 25, 2003.

472-37-BZ, Vol. IV

APPLICANT - Vassalotti Associates, Architects, for 246 Sears Rd Realty Corp., owner.

SUBJECT - Application February 15, 2002 - request for a waiver

reaching its decision of August 7, 2001; and

WHEREAS, therefore, the Board reaffirms its determination that an as-of-right development of the school would not earn a reasonable return; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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.

WHEREAS, since the application meets the requirements of Z.R. §72-21, it must be sustained.

Resolved, the Board of Standards and Appeals reaffirms its issuance of a Type I Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review the Board upholds its grant of a variation in the application of the Zoning Resolution, permitting, on a site previously before the Board, the enlargement of an existing school (use group 3) located in a rear yard, which is contrary to 24-33, since a permitted obstruction in required rear yard or year yard equivalents are limited to one story not exceeding 23' above curb level, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, "June 23, 1999"-(2) sheets, "June 30, 2000"-(3) sheets, "July 26, 2000"-(1) sheet and "August 28, 2000"-(1) sheet; and *on further condition*;

THAT all conditions from the prior grants shall remain in effect;

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

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired March 14, 2001.

PREMISES AFFECTED - 2765/2773 Cropsey Avenue, southeast corner of 28th Avenue and Cropsey Avenue, Block 6915, Lot 44, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to April 29, 2003, at 10 A.M., for continued hearing.

37-96-BZ

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

SUBJECT - Application June 1, 2001 - reopening for an amendment to the resolution and for an extension of time to complete construction.

PREMISES AFFECTED - 1601 Bronxdale Avenue, southwest corner of East Tremont Avenue, Block 4042, Lot 200, Borough of

MINUTES

The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: Jacqueline Ciglan.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 10 A.M., for continued hearing.

176-99-BZ

APPLICANT - The Agusta Group, for Marathon Parkway Assoc., LLC., owner.

SUBJECT - Application October 31, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 45-17 Marathon Parkway, east side 110.48' south of Northern Boulevard, Block 8226, Lot 10, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Philip P. Agusta, Daniel Lane, Lennard Katz.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 18, 2003, at 10 A.M., for decision, hearing closed.

REGULAR MEETING

TUESDAY AFTERNOON, FEBRUARY 25, 2003

2:00 P.M.

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

ZONING CALENDAR

281-99-BZ

CEQR #00-BSA-054K

APPLICANT - Jay A. Segal (Greenberg Traurig), for Enopac Holding LLC, owner.

SUBJECT - Application November 5, 1999 - under Z.R. §72-21, to permit the proposed mini-storage facility (Use Group 16) located in an R3-1 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 6055 Strickland Avenue, west side of Strickland Avenue roughly between the prolongation of Mayfair Avenue and East 59th Place, Block 8470, Lots 1060, 1064, 1070, 1076, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

161-00-BZ

APPLICANT - Stuart A. Klein, Esq., for Ida Greenberg, as trustee for Sutton Realty Associates, LLC, owner; Bodescu Skin Care, Inc., lessee.

SUBJECT - Application December 18, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 314-322 East 52nd Street, south side of 52nd Street, between First and Second Avenues, Block 1344, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Allison Kamersky.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 18, 2003, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 10:30 A.M.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:.....0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele:.....5

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 15, 1999, acting on Application No. 300865482, reads:

- “1. Proposed Mini-storage warehouse (U.G. 16) is not a permitted use in the R3-1 zone. (section 22-10ZR). Variance needed from Board of Standards and Appeals.
2. Bulk regulation not provided in R3-1 zoning district for Mini-storage warehouse B.S.A. must provide.
3. Proposed Mini-storage facility does not comply with provisions of Article 6 Chapter 2 regarding Water Front Area regulations. Variance needed from Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this

MINUTES

application on July 25, 2000 after due notice by publication in *The City Record*, laid over to September 12, 2000, May 15, 2001, September 25, 2001, October 16, 2001, December 4, 2001, February 12, 2002, March 5, 2002, March 19, 2002, May 7, 2002, July 9, 2002, October 8, 2002, November 12, 2002 and then to January 28, 2003 for decision and deferred until February 25, 2003; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a mini-storage facility, (Use Group 16) located in an R3-1 zoning district, which is contrary to Z.R. §22-00; and

WHEREAS, the record indicates that subject premises is an irregularly-shaped parcel, fronting on both Strickland Avenue and the east side of Mill Basin, comprised of Lots 1060, 1064, 1070 and 1076 on Block 8470, with a total area of 121,846 square feet; and

WHEREAS, the applicant represents that the property is located on the eastern portion of a large "superblock" of more than 50 acres, which is bounded by Flatbush Avenue, Avenue U, Mill Avenue and Strickland Avenue; and

WHEREAS, evidence in the record indicates that the property has historically been used for various industrial uses, until the early 1990's when it was utilized as a waste

WHEREAS, the applicant further represents that the aforementioned conditions result in expensive and prohibitive remediation costs that would render a development under the present R3-1 zoning regulations infeasible; and

WHEREAS, therefore the Board finds that unique physical conditions of the lot makes its development under the present R3-1 zoning regulations impractical and creates an unnecessary hardship in developing the site under current zoning, thus satisfying the requirements of §72-21(a); and

WHEREAS, the applicant has provided a feasibility study and has sufficiently demonstrated to the Board that a development under the present R3-1 zoning regulations would not yield the owner a reasonable return, thus satisfying the requirements of §72-21(b); and

WHEREAS, the Board notes that the surrounding area across Strickland Avenue is characterized by residential developments; and

WHEREAS, the City Planning Commission, Department of City Planning and the City Council worked in conjunction to rezone the subject area from manufacturing to residential use; and

WHEREAS, in 1996 the subject area was rezoned from M3-1 to R3-1; and

WHEREAS, the City Planning Commission opposed this application and in a letter dated August 7, 2000 stated that "[t]he variance appeal is clearly contrary to the intent of the zoning map change" and "[t]he goal of the 1996 rezoning effort was to support the residential reuse of the

treatment facility; and

WHEREAS, the waste treatment use was terminated in 1995, and the site has since been used as overnight storage for buses; and

WHEREAS, the subject proposal seeks to erect six two-story structures to be used as mini-storage facilities and a two-story 30' x 40' building to be used as office space and living area for the caretaker; and

WHEREAS, through a series of voluminous submissions, the applicant has demonstrated that the subject site is burdened with a number of unique conditions inherent to the lot which create an unnecessary hardship and practical difficulty in constructing a conforming/complying development; and

WHEREAS, these conditions include the irregular shape of the lot and subsurface soil conditions stemming from a history of industrial uses; and

WHEREAS, the applicant represents that the subject site has an irregular shape due to angled boundaries; and

WHEREAS, evidence in the record indicates that the site's former industrial uses such as an oil and gasoline terminal have resulted in extensive petroleum contamination of the soil; and

WHEREAS, the applicant contends that necessary remediation measures would include the removal of gasoline-contaminated soil to the ground water level for off-site treatment/disposal at a permitted facility, filling the site with clean soil, and installing a groundwater treatment system to remove gasoline from the groundwater; and underused waterfront property"; and

WHEREAS, by report dated June 22, 2000, Community Board #18 disapproved this application 35-0, stating that "[t]he use of this property for anything other than residential development would be incongruent with the community's efforts to develop the surrounding parcels residentially as R3-1"; and

WHEREAS, the Board has determined that the proposed use variance would undermine the intent of the residential rezoning of the area and thus alter the essential character of the neighborhood and district; and

WHEREAS, therefore, the subject application fails to meet the requirements of §72-21(c); and

WHEREAS, the Zoning Resolution mandates that each and every finding of §72-21 shall be met in order to grant a variance; and

WHEREAS, the subject application does not meet the (c) finding and must be denied.

THEREFORE, it is resolved that the decision of the Borough Commissioner dated October 15, 1999, acting on Application No. 300865482 is upheld and this application is denied.

Adopted by the Board of Standards and Appeals, February 25, 2003.

83-02-BZ

CEQR #02-BSA-156K

APPLICANT - Law Offices of Howard Goldman, PLLC, for Big Sue, LLC, owner.

SUBJECT - Application March 21, 2002 - under Z.R. §72-21, to

MINUTES

permit in an M1-1 zoning district, the proposed conversion of a four-story industrial building into a residential building with 34 units contrary to Z.R. §42-00.

PREMISES AFFECTED - 925 Bergen Street, between Franklin and Classon Avenues, Block 1142, Part of Lot 40(Tentative Lot 60), Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-1 zoning district, the proposed conversion of a four-story industrial building into a residential building with 34 units contrary to Z.R. §42-00; and

WHEREAS, the subject building is a four-story structure housing 46,369 square feet located on Bergen Street, between Franklin and Classon Avenues; and

WHEREAS, the record indicates that the building was erected in the mid-1800s for manufacturing uses, but that today, the top three floors are vacant and that a month to month warehouse tenant occupies the ground floor; and

WHEREAS, the building suffers from an irregular configuration because it contains four floors in the front and three in the rear and has been subjected to numerous alterations which the applicant represents results in floor alignment problems and occupancy by different tenancies; and

WHEREAS, the building's loading capacity is not sufficient for typical manufacturing uses that must be large enough to accommodate the large tractor-trailer customarily used for most manufacturing or commercial uses; and

WHEREAS, the record indicates that all floors, both rear and front, are encumbered by tightly spaced support columns which are made of different materials and are not consistent between the floors; and

WHEREAS, site's history of development with long periods of vacancy, its small floor plates, poorly aligned floors, inability to provide loading docks pursuant to Z.R. Section 44-581 and evidence in the record indicating that the subject site cannot house or be converted to a viable

Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 13, 2002 acting on Application No. 301126528 reads:

“The proposed residential building located within an M1-1 zoning district is contrary to the use regulations of Section 42-00 of the zoning resolution and requires a variance from the Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on November 19, 2002 after due notice by publication in *The City Record* and laid over to January 7, 2003, January 28, 2003 and then to February 25, 2003 for decision; and

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

entirely conforming structure creates an undue burden in complying strictly with the Zoning Resolution; and

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

WHEREAS, the record indicates that the subject property is adjacent to legal non-conforming residential developments on its south and east sides; and

WHEREAS, the Board notes that the proposed development is a low-rise residential building similar to the surrounding residential buildings; and

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

WHEREAS, the applicant has adequately demonstrated to the Board that on-site parking is not feasible and that off-site parking will be provided for a minimum term of 10 years; and

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully

MINUTES

considered all relevant areas of environmental concern; and

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an M1-1 zoning district, the proposed conversion of a four-story industrial building into a residential building with 34 units contrary to Z.R. §42-00 *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 21, 2003"-(2) sheets and "February 11, 2002"-(9) sheets; and on further condition;

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

THAT the premises shall be maintained free of debris

and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT off-site parking shall be provided for a minimum term of ten (10) years;

THAT the applicant shall comply with all applicable fire safety regulations;

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

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

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

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

Adopted by the Board of Standards and Appeals, February 25, 2003.

PRODUCTS NOT PRODUCED ON SAME LOT" APPROVED BY BSA UNDER CALENDAR # 269-71-BZ TO EATING AND DRINKING ESTABLISHMENT USE GROUP 6 IN R3-2 DISTRICT IS NOT PERMITTED AS-OF-RIGHT AND THEREFORE IS REFERRED TO THE BOARD OF STANDARDS AND APPEALS FOR VARIANCE."; and

WHEREAS, a public hearing was held on this application on January 14, 2003 after due notice by publication in the *City Record*, and laid over to February 25, 2003 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 Peter Caliendo and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, to permit, in an R3-2 zoning district, the construction of two one-story buildings one housing a 7,326 square foot eating and drinking establishment, and the other housing a 3,831 square foot bank contrary to Z.R. §22-10; and

WHEREAS, on January 11, 1972 under Calendar Number 269-71-BZ the Board permitted, on a plot with greenhouses, the sale of agricultural products grown off-site as amended through May 4, 1982, to include open accessory off street parking

WHEREAS, the subject site is an oversized irregularly shaped lot containing 84,153 square feet currently developed with approximately 20,000 square feet of greenhouse space, with approximately 8,000 square feet

149-02-BZ &150-02-BZ CEQR #02-BSA-197R

APPLICANT - Land Planning & Engineering Consultants, P.C., by Vito J. Fossella, P.E., for My Florist Inc., owner; Sisters, LLC, lessee.

SUBJECT - Application May 8, 2002 - under Z.R. §72-21 to permit in an R3-2 zoning district, the construction of two one-story buildings one housing a 7,326 square foot eating and drinking establishment, and the other housing a 3,831 square foot bank contrary to Z.R. §22-10.

PREMISES AFFECTED -

1821 Richmond Avenue, southeast corner of Eton Place,
Block 2030, Lot 68, Borough of Staten Island.

1837 Richmond Avenue, southeast corner of Eton Place,
Block 2030, Lot 68, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated May 3, 2002 acting on Application No. 500509782 reads:

"1. THE PROPOSED APPLICATION TO CHANGE EXISTING USE "RESELLING

MINUTES

used for retail; and

WHEREAS, the record indicates that the greenhouse was developed at the turn of the 20th Century and has been family owned since its inception; and

WHEREAS, the applicant represents that in an attempt to remain competitive, the nursery has been amended and altered without economic success, because the trend is to convert nurseries to florists, landscape facilities, or specialized furniture facilities; and

WHEREAS, the evidence indicates that Richmond Avenue has transformed from a main thoroughfare to a commercial arterial roadway, developed on both sides with as-of-right or legal non-conforming professional offices, retail establishments or community facility uses; and

WHEREAS, the subject site is located on a Street without sanitary sewers adjacent to a mapped parkland

WHEREAS, the Board notes that the area surrounding the subject application, is characterized by commercial and eating and drinking establishments; and

WHEREAS, therefore, the Board finds that the introduction of an eating and drinking establishment and a bank use at the subject premises 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, the Board finds that 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 the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, on a site previously before the Board, to permit, in an R3-2 zoning district, the construction of two one-story buildings one housing a 7,326 square foot eating and drinking establishment, and the other housing a 3,831 square foot bank contrary to Z.R. §22-10, *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 23, 2002"-(2) sheets and "January 28,

and a commercial lot pursuant to 118-01-BZ; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, an irregularly shaped oversized corner lot, the site's history with a Board approved non-conforming uses, and evidence indicating that the commercial greenhouse is now obsolete, presents an undue hardship in developing the site with a conforming development; and

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

WHEREAS, the record indicates that replacing approximately 20,000 square feet of greenhouse space with one 7,800 square foot building and one 3,800 square foot building separated by a parking lot would not upset the character of the surrounding neighborhood; and 2003"-(1) sheet; and on further condition;

THAT the term of the variances shall be limited to ten (10) years from the date of this grant expiring February 25, 2003;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

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

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

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

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

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

Adopted by the Board of Standards and Appeals, February 25, 2003.

274-02-BZ

CEQR #03-BSA-054X

APPLICANT - Sheldon Lobel, P.C., for BP Products N.A. (owner lot 18), owner; Gasatria Oil Corporation, lessee.

SUBJECT - Application October 9, 2002 - under Z.R. §73-50 to permit in a C8-3 zoning District, the proposed construction of an automotive service station with an accessory convenience store, and a waiver of the rear yard requirement under §33-29.

PREMISES AFFECTED - 2350 Jerome Avenue, between 184th

MINUTES

Street and North Street, Block 3187, Lots 14 and 18, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES -

Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele?5

Negative:.....0

THE RESOLUTION -

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

WHEREAS, this is an application for a special permit pursuant to Z.R. §73-50, to permit in a C8-3 zoning District, the proposed construction of an automotive service station with an accessory convenience store, and a waiver of the rear yard requirement under §33-29; and

WHEREAS, the subject site is located within a C8-3 zoning district and borders an R8 zoning district to the east; and

WHEREAS, although the proposed use is permitted as-of-right in the subject zoning district, its adjacency to a R8 district requires a 30 foot rear yard as mandated in §33-29, which this application seeks relief from; and

WHEREAS, the proposal seeks to construct a new automotive service station with an accessory convenience store containing 2,900 square feet of floor area at the northern end of the premises leaving a rear yard on 18.5 feet; and

WHEREAS, under §73-50, the Board may grant a waiver of rear yard requirements set forth in §33-29 provided that such waiver will not have an adverse affect on the surrounding area; and

WHEREAS, the applicant represents that to the rear of the subject site, and within the R8 district, is an existing brick multiple dwelling and a smaller residential structure, both of which rest at a grade substantially higher than the grade of the subject premises; and

WHEREAS, the applicant asserts that due to these grade conditions, the location of the proposed structure at the premises will, at its highest point, be located below the ground level of the residential properties to its rear; and

WHEREAS, the applicant represents that there will be automobile repairs on the premises; and

WHEREAS, therefore, the Board finds that the rear yard waiver will not have an adverse affect on the surrounding area, will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

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

WHEREAS, the decision of the Borough Commissioner dated September 16, 2002 acting on Application No. 200750856 reads:

“Proposed construction of a new 2,900 s.f. building housing an automotive filling station (U.G. 16) with an accessory convenience store within required 30' rear yard setback along district boundary per section 33-29 requires a special permit approval under the provisions of Z.R. 73-50 by NYC BSA for a waiver of the rear yard requirement.”; and

WHEREAS, a public hearing was held on this application on February 4, 2003 after due notice by publication in *The City Record*, and laid over to February 25, 2003 for decision; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-50 and 73-03.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §73-50, to permit in a C8-3 zoning District, the proposed construction of an automotive service station with an accessory convenience store, and a waiver of the rear yard requirement under §33-29, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received October 9, 2002”-(6) sheets; and *on further condition*;

THAT landscaping be provided and maintained in accordance with BSA approved plans;

THAT there shall be no washing of cars other than as an accessory use;

THAT there shall be no used car sales on the premises;

THAT there shall be no parking of cars on the sidewalk at any time;

THAT any automobile vacuums shall only be operated between the hours of 9:00 A.M.- 7:00 P.M.;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring February 25, 2013;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

THAT a new Certificate of Occupancy shall be obtained within 2 years of this grant;

THAT this approval is limited to the relief granted by the Board

MINUTES

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 **278-02-BZ**

CEQR #03-BSA-058K

APPLICANT - Sheldon Lobel, P.C., for Steven Mishan, owner.
SUBJECT - Application October 16, 2002 - under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area, lot coverage, and rear and side yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47.

PREMISES AFFECTED - 4056 Bedford Avenue, between Avenues "S" and "T", Block 7303, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 17, 2002, acting on Application No. 301368687 reads:

- "1) Proposed plans are contrary to Z.R. 23-141 in that the floor area ratio exceeds the .56 permitted and the lot coverage ratio is greater than the 35% permitted.
- 2) Proposed plans are contrary to Z.R. 23-461 in that the proposed side is less than the minimum 5'-0" required on one side and less than the total 13'-0" required.
- 3) Proposed plans are contrary to [Z].R. 23-47 in that the proposed rear yard is less than 30 feet"; and

WHEREAS, a public hearing was held on this application on February 4, 2003 and then to February 25, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-

to the relief granted;

Adopted by the Board of Standards and Appeals, February 25, 2003.

622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area, lot coverage, and rear and side yard requirements, and is contrary to Z.R §§23-141, 23-461 and 23-47; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulations; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area, lot coverage, and rear and side yard requirements, and is contrary to Z.R §§23-141, 23-461 and 23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received October 16, 2002"-(6) sheets; and *on further condition*;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)

MINUTES

and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

286-02-BZ

CEQR #03-BSA-065K

APPLICANT - Sheldon Lobel, P.C., for Moshe & Sima Mehlman, Contract Vendee.

SUBJECT - Application October 25, 2002 - under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area, open space, side and rear yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47.

PREMISES AFFECTED - 1111 East 26th Street, between Avenues "K" and "L", 100' south of Avenue "K", Block 7626, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Jacqueline Cigliano.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele5
Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated January 16, 2003, acting on Application No. 300596399 reads:

"Obtain special permit approval from the Board of Standards and Appeals for the following objections:

- 1). Proposed floor area contrary to zr 23-141.
- 2). Proposed open space ration contrary to zr 23-141.
- 3). Proposed rear yard contrary to zr 23-47.
- 4). Proposed side yard contrary to zr 23-461.;" and

WHEREAS, a public hearing was held on this application on February 4, 2003 after due notice by publication in *The City Record*, and laid over to February 25, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area, open space, side and rear yard requirements, and is contrary to Z.R §§23-141, 23-461 and 23-47; and

Adopted by the Board of Standards and Appeals, February 25, 2003.

WHEREAS, the perimeter wall height will comply with the applicable zoning regulations; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area, open space, side and rear yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received October 25, 2002"-(4) sheets and "December 10, 2002"-(2) sheets; and *on further condition*;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

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

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

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, February 25, 2003.

MINUTES

339-02-BZ

CEQR #03-BSA-082Q

APPLICANT - Joseph P. Morsellino, Esq., for 147 Springfield LLC, owner.

SUBJECT - Application November 14, 2002 - under Z.R. §72-21 to permit in an R3-2 zoning district, the reestablishment of an expired variance granted under Calendar Number 219-71-BZ, which permitted warehouse and office uses and the addition of lot Number 4 to the subject premises, contrary to Z.R. Section 22-00 and Calendar Number 219-71-BZ.

PREMISES AFFECTED - 147-65/76 Springfield Boulevard, northeast corner of 147th Avenue, Block 13363, Lots 4 and 6, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele5
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 18, 2002 acting on Application No. 90/76 reads:

- “1. IN A R3-2 ZONING DISTRICT PERMISSION TO EXTEND THE TERM OF THE VARIANCE AT THIS TIME AND REOPEN AND AMEND THE PRIOR APPROVAL GRANTED BY THE BOARD OF STANDARDS AND APPEALS. CAL.# 219-71-BZ Vol. II.
2. THE ADDITON OF LOT AREA TO A NON-CONFORMING USE IS CONTRARY TO SECTION 22-00 OF THE ZONING RESOLUTION.”; and

WHEREAS, a public hearing was held on this application on January 7, 2003 after due notice by publication in *The City Record* and laid over to , 2003 and then to February 25, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, to permit, in an R3-2 zoning district, the reestablishment of an expired variance

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

granted under Calendar Number 219-71-BZ, which permitted warehouse and office uses and the addition of lot Number 4 to the subject premises, contrary to Z.R. Section 22-00 and Calendar Number 219-71-BZ; and

WHEREAS, Community Board #13, Queens, recommends conditional approval of this application; and

WHEREAS, under Calendar #219-71-BZ, in 1977, the Board granted a variance for the erection of a one-story warehouse and office building with accessory parking in the open area; and

WHEREAS, the record indicates that the subject building was erected and completed in October 1990 and has been continuously housed warehouse and office occupancies; and

WHEREAS, the site is located on a major commercial thoroughfare; and

WHEREAS, the record indicates that on April 16, 1993, a Department of Buildings General Counsel Memorandum informed the owner that, Board approval was not required to extend the term of the variance; and

WHEREAS, the applicant represents that not only is the subject site in substantial compliance with the Board’s original approval, but that at 28,508 square feet, the building is slightly smaller than the 29,753 square feet originally approved; and

WHEREAS, lot 4 was added to the site on December 17, 1990 in order to expand the paved parking area as the curb cut for the parking area passes through lot 4; and

WHEREAS, the applicant represents that the additional area was needed because the proposal could not meet Department of Transportation grade requirements without losing at least 10 parking spaces and that by using lot 4 as an entrance ramp and as part of the lot area, only 5 spaces are lost; and

WHEREAS, the site’s history of development with non-conforming Board approved uses and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning Resolution; and

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

WHEREAS, the record indicates that the subject property is located in an area characterized by commercial uses; and

WHEREAS, the Board notes that the building and uses will remain as they have existed since 1990; and

development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the

MINUTES

owner or a predecessor in title; and

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, on a site previously before the Board, to permit, in an R3-2 zoning district, the reestablishment of an expired variance granted under Calendar Number 219-71-BZ, which permitted warehouse and office uses and the addition of lot Number 4 to the subject premises, contrary to Z.R. Section 22-00 and Calendar Number 219-71-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 November 14, 2002"-(3) sheets and "January 28, 2003"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, expiring on February 25, 2013;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

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

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

WHEREAS, this is an application under Z.R. §72-21,

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, February 25, 2003.

351-02-BZ

CEQR #03-BSA-091Q

APPLICANT - Stadtmauer Bailkin, LLP by Steven Sinacori, for 33-11 Associates, owner; Operative Cake Company, lessee.

SUBJECT - Application December 3, 2002 - under Z.R. §72-21 to permit in an R-5 zoning district the reestablishment of an expired variance previously granted under Calendar Number 662-69-BZ, permitting the operation of a food warehouse and distribution facility, (Use Group 17) contrary to Z.R. Section 22-00.

PREMISES AFFECTED - 33-55 11th Street, a/k/a 33-41/47th 11th Street, between 33rd Road and 34th Avenue, and 11th and 12th Streets, Block 318, Lot 15, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Howard Zipser.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele5
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 6, 2002 acting on Application No. 401547518 reads:

"Existing structure to continue to be used for a food products warehouse and packaging facility (Use Group 17) is contrary to BSA Calendar # 662-69-BZ which expired 5/5/85. Re-establishment of variance is needed from BSA."; and

WHEREAS, a public hearing was held on this application on February 11, 2003 after due notice by publication in *The City Record* and laid over to February 25, 2003 for decision; and

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

on a site previously before the Board, to permit, in an R-5 zoning district the reestablishment of an expired variance previously granted under Calendar Number 662-69-BZ, permitting the operation of a food warehouse and distribution facility, (Use Group 17) contrary to Z.R. Section

MINUTES

22-00; and

WHEREAS, in 1970 under Calendar Number 662-69-BZ, the Board permitted operation of a food warehouse and distribution facility on an existing one-story, 21 foot 5 inch high building containing approximately 27,889 square feet on a through lot of approximately 29,589 square feet fronting approximately 170.12 feet on the west side of 12th Street and 150.12 feet on the east side of 11th Street; and

WHEREAS, the subject building originally housed a "food products" warehousing and packaging facility (Use Group 17), resulting in it being equipped with 13 five by eight foot overhead doors located along the 11th Street frontage and 3 overhead doors along the 12th Street frontage; and

WHEREAS, the doors located along the 11th Street frontage are used by step vans loading products for distribution from the facility, with the 12th Street entrance used by larger trucks; and

WHEREAS, the record indicates that the facility operates 7 days a week between the hours of 3:00 A.M. to 11:00 P.M., employs 19 people, on each of its two shifts with deliveries occurring between 2:00 to 10:00 P.M.; and

WHEREAS, the applicant represents that deliveries are limited to two per day; that pick-ups occur between 3:00 A.M. and 9:00 A.M.; and that refuse is picked up between 5:00 A.M. and 9:00 A.M.; and

WHEREAS, the evidence indicates that the subject site is abutted by manufacturing, retail, automotive uses or vacant lots; and

WHEREAS, the Board agrees with the applicant's representation, that although the variance lapsed, the uses at the premises have remained unchanged and a residential development would be inappropriate and out of character with the immediate area; and

WHEREAS, the site's history of development with non-conforming Board-approved uses and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning Resolution; and

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

WHEREAS, the record indicates that although the subject property is located in an R5 zoning district, the surrounding area is characterized by a mixture of

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed

residential, retail, manufacturing and commercial uses; and
WHEREAS, the Board notes that, the subject building has housed a "food products" warehousing and packaging facility (Use Group 17) for more than 30 years; and

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

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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, on a site previously before the Board, to permit, in an R-5 zoning district the reestablishment of an expired variance previously granted under Calendar Number 662-69-BZ, permitting the operation of a food warehouse and distribution facility, (Use Group 17) contrary to Z.R. Section 22-00, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 3, 2002"-(3) sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on February 25, 2013;

THAT the premises shall be maintained free of debris and graffiti;

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)

MINUTES

and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals,
February 25, 2003.

75-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 460 Union Street LLC, contract vendee.

SUBJECT - Application March 12, 2002 - under Z.R. §72-21 to permit the proposed construction of a six story, 64-unit residential building, Use Group 2, located in an M2-1 zoning district, is contrary to §42-00.

PREMISES AFFECTED - 460 Union Street, bounded by Union, Bond and Presidents Streets, and Gowanus Canal, Block 438, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Chris Wright, Jack Freeman.

For Opposition: Craig Hammerman,, Linda Marianno, Bette Stoltz, Enid Braun, Cynthia Simmons, Phaedra Thomas, Christine Mackellar and other.

ACTION OF THE BOARD - Laid over to April 29, 2003, at 1:30 P.M., for continued hearing.

86-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 155 N. Fourth Street, LLC, owner.

SUBJECT - Application March 26, 2002 - under Z.R. §72-21, to permit the proposed construction of two additional floors to be used for residential purposes, above an existing one-story building that is located within the Special Northside Mixed Use District(M1-2(R6), which is contrary to Z.R. §97-22.

PREMISES AFFECTED - 155/59 North Fourth Street, northeast side, between Bedford and Driggs Avenues, Block 2344, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jacqueline Cigliano, Albert Merango, Janice Cahalane, Sheldon Lobel, John Beker and Dan Wurtzel.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

PREMISES AFFECTED - 55 Berry Street, site fronts both North 11th and Berry Streets, Block 2297, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: John Cahalane and Rizwan Abdus Salam.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 1:30 P.M., for continued hearing.

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to April 15, 2003, at 1:30 P.M., for decision, hearing closed.

152-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Ruppert Housing Company, Inc., owner; Dolphin 93rd Fitness aka Synergy Fitness 93, lessee.

SUBJECT - Application May 9, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located in a portion of the cellar and the first floor, in a seventeen story, commercial and residential building, in a C2-8 zoning district, requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 1768/81 Second Avenue (aka 235/45 East 92nd Street and 220/48 East 93rd Street), hereinafter 1781 Second Avenue, southwest corner of East 93rd Street, Block 1538, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Jordon Most.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Abstain: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to April 8, 2003, at 1:30 P.M., for decision, hearing closed.

214-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Berry Complex LLC, owner.

SUBJECT - Application July 16, 2002 - under Z.R. §72-21 to permit the proposed conversion of a light manufacturing building, to residential use, Use Group 2, located in an M1-2 zoning district, which is contrary to §42-00.

215-02-BZ

APPLICANT - Sullivan, Chester & Gardner, LLP, for Liberty Avenue, LLC, owner; Ossining, lessee.

SUBJECT - Application July 18, 2002 - under Z.R. §§72-01 & 72-21 to permit the legalization of an existing construction materials testing facility, Use Group 17, located in an R-4 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 143-05 Liberty Avenue, northeast corner of Remington Street, Block 10020, Lot 138, Borough of

MINUTES

Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Jeffrey Chester and Dean Perce.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Abstain: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to April 8, 2003, at 1:30 P.M., for decision, hearing closed.

218-02-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Coney on the Park, LLC, owner.

SUBJECT - Application August 2, 2002 - under Z.R. § 72-21 to permit the proposed construction of a twelve-story mixed-use building, Use Groups 2 and 6, located in a C8-2 zoning district, which will include 75 residential units, and is contrary to Z.R. §32-00.

PREMISES AFFECTED - 46 Coney Island Avenue, between Kermit Place and Caton Avenue, Block 5322, Tentatively Lot 65, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Howard Hornstein, Peter Geis and Jack Freeman.

ACTION OF THE BOARD - Laid over to April 8, 2003, at 1:30 P.M., for continued hearing.

271-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Rabbi and Mrs. Akiva and Yocheved Ludmir, owner; Congregation Chesev Sofer of Pressburg, lessee.

SUBJECT - Application October 8, 2002 - under Z.R. §72-21 to permit the proposed construction of a three stories and a cellar, community facility, Use Group 4, located in an R5 zoning district, Abstain: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to March 18, 2003, at 1:30 P.M., for decision, hearing closed.

356-02-BZ

APPLICANT - Marvin B. Mitzner, Esq., Fischbein-Badillo-Wagner-Harding and Howard A. Zipser, Esq., Stadtmauer Bailkin, LLP, owner.

SUBJECT - Application December 9, 2002 - under Z.R. §72-21 to permit proposed addition of two (2) floors atop an existing seven-story building, located in a C2-8A zoning district, to be occupied by Use Group 4 hospital related offices, is contrary to

which does not comply with the zoning requirements for lot coverage, front, side and rear yards and also a projection of the proposed balcony, which is contrary of §23-131, §24-11, §24-34, §24-35, §24-36 and §24-51.

PREMISES AFFECTED - 1627 46th Street, between 16th and 17th Avenues, Block 5434, Lot 76, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Sheldon Lobel and Mendel Klein.

For Opposition: Steven Bleid, Kalman Liehskouits, Fivel Sofer, F. Bleier and Liena Lester.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Abstain: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to April 8, 2003, at 1:30 P.M., for decision, hearing closed.

348-02-BZ

APPLICANT - Cellular Telephone Company d/b/a AT & T Wireless Services for Michael Morrin, owner; Cellular Telephone Company d/b/a AT & T Wireless Services, lessee.

SUBJECT - Application November 22, 2002 - under Z.R. §§73-04, 32-31&22-21 to permit the proposed installation of a wireless telecommunications facility (70' cellular monopole) in a C2-2 overlay district in an R3-2 zone, which requires a special permit.

PREMISES AFFECTED - 183-01 Horace Harding Expressway, northeast corner of 183rd Street, Block 7067, Lot 11, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: David Bronston.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Z.R. §33-20 and previous Cal. No. 67-96-BZ.

PREMISES AFFECTED - 210/14 East 86th Street and 209/13 East 85th Street, south side of East 86th Street and 150' east of Third Avenue, Block 1531, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Marvin Mitzner, Howard Zipser, Howard Hornstein, Peter Geis, Ed Lauria, Jack Freeman, John Aleritt and Christina Vhl.

For Opposition: Jesse Masyr.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 25, 2003, at 1:30 P.M., for continued hearing.

MINUTES

Pasquale Pacifico, Executive Director.

Adjourned: 5:00 P.M.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

Volume 88, No. 11

March 13, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEBY

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - *Counsel*

| | |
|------------------------|--|
| OFFICE - | 40 Rector Street, 9th Floor, New York, N.Y. 10006 |
| HEARINGS HELD - | 40 Rector Street, 6th Floor, New York, N.Y. 10006 |
| BSA WEBPAGE @ | http://www.nyc.gov/html/bsa/home.html |

| |
|-----------------------------------|
| TELEPHONE - (212) 513-4670 |
| FAX - (212) 513-4690 |

CONTENTS

DOCKET189

CALENDAR of April 8, 2003

Morning190

Afternoon191

CONTENTS

MINUTES of Regular Meetings,
Tuesday, March 4, 2003

Morning Calendar192

Affecting Calendar Numbers:

| | |
|---------------|---|
| 357-86-BZ | 76-03 Roosevelt Avenue, Queens |
| 55-95-BZ | 121-02/10 22 nd Avenue, Queens |
| 165-98-BZ | 3701 Mermaid Avenue, Brooklyn |
| 186-98-BZ | 1811 47 th Street, Brooklyn |
| 210-02-BZ & | |
| 213-02-BZ | 78-01, 78-03, 78-05 & 78-07 Myrtle Avenue, Queens |
| 947-80-BZ | 154-158 West 18 th Street, Manhattan |
| 492-91-BZ | 214-32 Hillside Avenue, Queens |
| 36-94-BZ | 103/105 Putnam Avenue, Brooklyn |
| 172-97-BZ | 1023 Brighton Beach Avenue, Brooklyn |
| 217-97-BZ | 119-45 Union Turnpike, Queens |
| 202-02-BZ | 133-20 Rockaway Boulevard, Queens |
| 235-02-A | 164-47 Nadal Place, Queens |
| 260-02-A | 129-02 Liberty Avenue, Queens |
| 319-02-A | 38 Graham Place, Queens |
| 320-02-A | 232 Roxbury Avenue, Queens |
| 331-02-A | 29 Fulton Walk, Queens |
| 127-02-A thru | |
| 137-02-A | Aviston Street, Staten Island |
| 252-02-A | 466 Seabreeze Walk, Queens |
| 345-02-A | 85-72 159 th Street, Queens |
| 4-03-A | 502 Browns Boulevard, Queens |

CONTENTS

Afternoon Calendar.....201

Affecting Calendar Numbers:

122-02-BZ 32 West 22nd Street, Manhattan
244-02-BZ 365/67 West 34th Street, Manhattan
245-02-BZ 373 West 34th Street, Manhattan
316-02-BZ&
317-02-A 175 Buffalo Street, Staten Island
323-02-BZ 783 Washington Street, Manhattan
344-02-BZ 3501 Fort Hamilton Parkway, Brooklyn
233-01-BZ 537 West 19th Street, Manhattan
249-01-BZ 9 White Street aka 210/22 Varet Street, Brooklyn
284-01-BZ 275 Castleton Avenue, Staten Island
305-01-BZ thru
320-01-BZ Terrace Court, Queens
369-01-BZ 303 Seigel Street, Brooklyn
96-02-BZ thru
102-02-BZ Steinway Street, Queens
114-02-BZ 2493 Richmond Road, Staten Island
181-02-BZ 1875 Bartow Avenue, The Bronx
183-02-BZ 150/54 Van Cortland Avenue, The Bronx
194-02-BZ 1775 South Avenue, Staten Island
209-02-BZ 2999 Third Avenue, The Bronx
222-02-BZ 2547 East 12th Street, Brooklyn
328-02-BZ Three Park Avenue, Manhattan
338-02-BZ 14-01 College Point Boulevard, Queens
353-02-BZ 210 Greenpoint Avenue, Brooklyn
354-02-BZ 1810 East 22nd Street, Brooklyn
355-02-BZ 1436 East 24th Street, Brooklyn

MINUTES of Special Hearing,
Tuesday, March 5, 2003

Morning Calendar213

Affecting Calendar Numbers:

256-02-BZ 160 Imlay Street, Brooklyn

CORRECTION.....214

Affecting Calendar Number:

240-01-BZ 110/20 Church Street, aka 54 Murray Street, Manhattan

DOCKET

New Case Filed Up to March 4, 2003

74-03-BZ B.BK. 32 College Place, east side, 294.11' north of Love Lane, Block 236, Lot 53, Borough of Brooklyn. Applic. #301383018. Proposed conversion of garage space, and the minor expansion of an existing mezzanine within an existing two story functionally obsolete carriage house, into living space to be used primary by the building's owner, in an existing single family residential building, located in an R7-1 and LH-1 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, is contrary to Z.R. §23-142.

COMMUNITY BOARD #2BK

75-03-BZ B.M. 326 Seventh Avenue, between West 28th and 29th Streets, Block 778, Lot 38, Borough of Manhattan. Alt. #103314673. The legalization of the residential use, Use Group 2, on the second through fifth floors, of a mixed-use building, located in an M1-6 zoning district, is contrary to §42-00.

COMMUNITY BOARD #5M

76-03-A B.Q. 23 Newport Walk, east side, 84' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt. #401577637. Proposed alteration of an existing first floor, and to relocate the first floor bedrooms to a new second floor, in an existing one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

77-03-BZ B.Q. 260-32 Grand Central Parkway, east side, 9' south of 267th Street, Block 8443, Lot 123, Borough of Queens. N.B. #401464857. Proposed construction of a one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirement for minimum rear yard, is contrary to Z.R. §23-47.

COMMUNITY BOARD #13Q

78-03-BZ B.Q. 260-34 Grand Central Parkway, east side, 9' south of 267th Street, Block 8443, Lot 120, Borough of Queens. N.B. #401464866. Proposed construction of a one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirement for minimum

rear yard, is contrary to Z.R. §23-47.
COMMUNITY BOARD #13Q

79-03-A B.BK. 3149 Bedford Avenue, 180'-0 north of the corner of Avenue "J", Block 7607, Lot 35, Borough of Brooklyn. An administrative appeal challenging the Department of Buildings' final determination, dated February 7, 2003, declining to revoke the Certificate of Occupancy No. 300518296("CO"), that was unlawfully obtained from the Department on or about February 16, 1999 for said premises.

80-03-BZ B.BK. 602 39th Street, southeast corner of Sixth Avenue, Block 914, Lot 6, Borough of Brooklyn. Applic. #301361130. Proposed construction of two multi-story multiple dwellings, also the use of a community facility (school), in one of the buildings, Use Groups 2 and 4, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #7BK

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

APRIL 8, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, April 8, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

240-55-BZ

APPLICANT - Joseph P. Morsellino, Esq., for DLC Properties, LLC, owner.

SUBJECT - Application January 23, 2003 - reopening for an extension of time to complete construction which expires on March 6, 2003.

PREMISES AFFECTED - 207-22 Northern Boulevard, Northern Boulevard and 208th Street, Block 7305, Lot 19, Borough of Queens.

COMMUNITY BOARD #11Q

80-75-BZ

APPLICANT - Fredrick A. Becker, Esq., for 1377 Sutter Avenue, Inc., owner.

SUBJECT - Application December 13, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired July 8, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 1377/1381 Sutter Avenue, north side of Sutter Avenue, 40' West of Lincoln Avenue, Block 4254, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #

561-87-BZ

APPLICANT - The Agusta Group, for Carlos Abreu, owner.

SUBJECT - Application September 13, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired April 13, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 2700 Jerome Avenue, east side 222' north of E. Kingsbridge Road, Block 3371, Lot 17, Borough of The Bronx.

COMMUNITY BOARD #7BX

77-99-BZ

APPLICANT - The Agusta Group, for Turnpike Auto Laundry Inc. Phil Frank President, owner.

SUBJECT - Application January 21, 2003 - request for a waiver
SUBJECT - Application January 10, 2003 - under Z.R. § 73-622 to permit the proposed enlargement of an existing single family residence, located in an R3-1 zoning district, which does not

of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired December 5, 2002.

PREMISES AFFECTED - 255-39 Jamaica Avenue, north side of Jamaica Avenue (a.k.a Jericho Turnpike) 80' west of 256th Street, Block 8830, Lot 52, Borough of Queens.

COMMUNITY BOARD #13Q

APRIL 8, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, April 8, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

241-02-BZ

APPLICANT - Sheldon Lobel, P.C., for HFK Inc., owner.

SUBJECT - Application August 30, 2002 - under Z.R. §72-21 to permit the proposed conversion to residential use, of two connected vacant manufacturing building, Use Group 2, located in an M2-1 zoning district, that will provide 48 residential loft type units, and is contrary to Z.R. §42-00.

PREMISES AFFECTED - 130 Third Street, corner of Bond and Third Streets, Block 466, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #6BK

367-02-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for Rudolf Alonzo, owner.

SUBJECT - Application December 18, 2002 - under Z.R. §72-21 to permit the legalization of an existing dance studio, Use Group 9, located in the cellar of a five story multi-family building, which is not permitted in an R8-B zoning district, and is therefore contrary to Z.R. §22-10.

PREMISES AFFECTED - 434 East 75th Street, between First and York Avenues, Block 1469, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #8M

3-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Eddie Cohen, owner.

comply with the zoning requirements for floor area ratio, rear yard, perimeter wall height and building height, and is contrary to Z.R. §23-141, §23-47 and §23-631.

CALENDAR

PREMISES AFFECTED - 50 Dover Street, between Hampton Avenue and Shore Boulevard, Block 8729, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #15BK

35-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Paul & Maryann Penzi, owners.

SUBJECT - Application January 28, 2003 - under Z.R. §73-125 to permit the proposed medical office, Use Group 4, in excess of 1,500 square feet, located in an R2 zoning district, which requires a special permit as per Z.R. §73-125.

PREMISES AFFECTED - 12-18 154th Street, a/k/a 152-61 12th Road, northwest corner, Block 4537, Lot 90, Borough of Queens.

COMMUNITY BOARD #7Q

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, MARCH 4, 2003
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.

Absent: Commissioner Miele.

The minutes of the regular meetings of the Board held on

MINUTES

Tuesday morning and afternoon, January 28, 2003, were approved as printed in the Bulletin of February 6, 2003, Volume 88, Nos. 5-6.

SPECIAL ORDER CALENDAR

357-86-BZ

APPLICANT - Samuel H. Valencia, for Angelo Mordina, owner; Samuel H. Valencia - Claro de Luna, II, lessee.

SUBJECT - Application July 10, 2002 - reopening for an extension of term of the special permit which expired June 10, 2002.

PREMISES AFFECTED - 76-03 Roosevelt Avenue, north side 25' east of 76th Street, Block 1287, Lot 43, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Samuel H. Valencia.

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

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION-

WHEREAS, the applicant requested a re-opening, an extension of the term of the variance which expired on June 10, 2002, and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on February 4, 2003, after due notice by publication in The City Record, and laid over to March 4, 2003 for decision; and

WHEREAS, on February 24, 1987, the Board granted an application permitting the legalization of an eating and drinking establishment (Use Group 12).

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution to extend the term of the Special Permit which expired on June 10, 2002, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the Special Permit for an additional ten (10) years from the June 10, 2002 to expire on June 10, 2012, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked ‘Received July 10, 2002’-(2) sheet and ‘October 23, 2002’- (2) sheets; and on further condition;

WHEREAS, on May 6, 1997, the Board granted an application on the premises permitting the change of use from rug cleaning and storage with accessory office and warehouse to a Use Group 16 use with limitations as to the specific types of Use Group 16 uses to be permitted and on the size of the trucks permitted to service the use; and

WHEREAS, the Board determined to restrict the Use Group 16 uses which may occupy the site to the following uses which are compatible with the surrounding area:

1. Carpentry, custom woodworking, or custom furniture

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

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

THAT the 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.@

(DOB Application # 401480651)

Adopted by the Board of Standards and Appeals, March 4, 2003.

55-95-BZ

APPLICANT - Joseph P. Morsellino, for Walter Grabher, owner; Keefer Realty, lessee.

SUBJECT - Application August 30, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 6, 2002.

PREMISES AFFECTED - 121-02/10 22nd Avenue, Intersection of 22nd Avenue and 121st Street, Block 4197, Lot 15, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

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

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION-

WHEREAS, the applicant requested a reopening for an extension of the term of the variance which expired on May 6, 2002; and

WHEREAS, a public hearing was held on this application on January 28, 2002, after due notice by publication in The City Record, and laid over to March 4, 2003 for decision; and

making shops;

2. Electrical, glazing, heating, painting, paperhanging, plumbing, roofing or ventilating contractors' establishments, enclosed, except parking may be in an open area;
3. Sign painting shops, limited to "hand" painting or silk screening;
4. Carpet cleaning establishments
5. Moving or storage offices;
6. Packing or crating establishment;
7. Photographic developing or printing;

MINUTES

8. Warehouses; and

9. Wholesale establishments with accessory storage; and

WHEREAS, the Board also placed a limitation on the size of trucks servicing the site at 30 feet; and

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution to extend the term of the variance which expired on May 6, 2002, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the variance for an additional ten (10) years from the May 6, 2002 to expire on May 6, 2012, 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 30, 2002’-(4) sheets and ‘February 25, 2003’-(1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

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

THAT the 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.”

(DOB Application # 401504617)

Adopted by the Board of Standards and Appeals, March 4, 2003.

165-98-BZ

APPLICANT - Klein & O’Brien, LLP, for Seagate Minimall, Inc., owner; Za Zaborom, Inc., aka/dba Mermaid Spa, lessee.

SUBJECT - Application July 8, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired February 15,

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked ‘Received December 16, 2002’-(1) sheet, ‘January 30, 2003’-(1) sheet, and ‘February 12, 2003’-(1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

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

THAT the 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

2002 and for an amendment to the resolution.

PREMISES AFFECTED - 3701 Mermaid Avenue, north east corner of Mermaid Avenue and West 37th Street, south of Oceanic Avenue, Block 7029, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: A. Kamersky.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, time to obtain a Certificate of Occupancy extended, and resolution amended.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION-

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a reopening for an extension of the time to obtain a Certificate of Occupancy which expired on February 15, 2002, and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on October 29, 2002, after due notice by publication in The City Record, and laid over to November 26, 2002, January 7, 2003, February 4, 2003 and then to March 4, 2003 for decision; and

WHEREAS, on February 15, 2000, the Board granted an application permitting the legalization of a physical culture establishment; and

WHEREAS, the applicant seeks to amend the resolution to reflect minor, non-structural changes in the interior of the premises;

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution to extend the time to obtain a Certificate of Occupancy which expired on February 15, 2002, so that as amended this portion of the resolution shall read:

“to permit the extension of the time to obtain a Certificate of Occupancy for an additional two (2) years from the date of this resolution, and to permit minor, non-structural changes in the interior of the premises, on condition

to the relief granted.”

(DOB Application # 300427376)

Adopted by the Board of Standards and Appeals, March 4, 2003.

186-98-BZ

APPLICANT - Sheldon Lobel, P.C., for Cngrtn Nach Las Maharim Dchasedi Stretim, owner.

SUBJECT - Application November 1, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1811 47th Street (a/k/a 4613 18th Avenue), 47th Street and 18th Avenue, Block 5439, Lots 6 and 15, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application re-opened and

MINUTES

resolution amended.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on January 14, 2003, and laid over to February 11, 2003 and then to March 4, 2003 for decision; and

WHEREAS, on March 9, 1999, the Board granted an application for permitting the enlargement of community facility housing a synagogue; and

WHEREAS, the applicant now seeks to amend the resolution to permit the addition of a third story to the western wing of the premises, a horizontal extension to the second floor of both wings, the reconfiguration of the entry at 18th Avenue and a new balcony on the second floor at the 18th Avenue façade; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the variance, said resolution having been adopted March 9, 1999, so that as amended this portion of the resolution shall read:

"to permit the addition of a third story to the western wing of the premises, a horizontal extension to the second floor of both wings, the reconfiguration of the entry at 18th Avenue and a new balcony on the second floor at the 18th Avenue facade, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawing submitted with the application marked 'Received February 25, 2003'-(7) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

APPEARANCES -

In Favor: Janice Cahalane.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

Adopted by the Board of Standards and Appeals, March 4, 2003.

947-80-BZ

APPLICANT - Slater & Beckerman, LLP, for Hellmuth Owners Corp., owner.

SUBJECT - Application August 7, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 154-158 West 18th Street, south side of 18th Street, 141' east of 7th Avenue, Block 793, Lot 67, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

THAT the above conditions and all prior Board conditions shall appear on the Certificate of Occupancy;

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

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

(DOB Application #300690072)

Adopted by the Board of Standards and Appeals, March 4, 2003.

210-02-BZ & 213-02-BZ

APPLICANT: New York City Board of Standards and Appeals.

OWNER OF PREMISES: Mark Graue.

SUBJECT: to dismiss the application for lack of prosecution.

PREMISES AFFECTED -

78-01 Myrtle Avenue, northeast corner of Myrtle Avenue and 78th Street and 79th Street, Block 3827, Lot 50, Borough of Queens.

78-03 Myrtle Avenue, northeast corner of Myrtle Avenue and 78th Street and 79th Street, Block 3827, Lot 49, Borough of Queens.

78-05 Myrtle Avenue, northeast corner of Myrtle Avenue and 78th Street and 79th Street, Block 3827, Lot 48, Borough of Queens.

78-07 Myrtle Avenue, northeast corner of Myrtle Avenue and 78th Street and 79th Street, Block 3827, Lot 47, Borough of Queens.

COMMUNITY BOARD #5Q

For Applicant: Stuart Beckerman.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to March 25, 2003, at 10 A.M., for decision, hearing closed.

492-91-BZ

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

SUBJECT - Application January 3, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 214-32 Hillside Avenue, southeast corner of Vanderveer Street and Hillside Avenue, Block 10673, Lot 3, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Richard C. Hellenbrecht.

THE VOTE TO CLOSE HEARING -

MINUTES

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to March 25, 2003, at 10 A.M., for decision, hearing closed.

36-94-BZ

APPLICANT - Robert L. Henry, for Cleveland Vaughan, owner.
SUBJECT - Application December 27, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction.

PREMISES AFFECTED - 103/105 Putnam Avenue, property is on the northside of Putnam Avenue, B/W Classon Avenue and Franklin Avenue, Block 1989, Lots 61 and 62, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Paul Duke.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to March 25, 2003, at 10 A.M., for decision, hearing closed.

APPEARANCES -

For Applicant: Lance I. Michaels.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to March 25, 2003, at 10 A.M., for decision, hearing closed.

202-02-BZ

APPLICANT: New York City Board of Standards and Appeals.
OWNER OF PREMISES: Hajj D. Corp.

SUBJECT: to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 133-20 Rockaway Boulevard, South Ozone Park, Block 11757, Lot 55, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to March 25, 2003, at 10 A.M., for continued hearing.

235-02-A

172-97-BZ

APPLICANT - Harold Weinberg, P.E., for Oceana Holding Corporation, Inc., owner.

SUBJECT - Application July 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 11, 2002.

PREMISES AFFECTED - 1023 Brighton Beach Avenue, north side, between Brighton 11th and Brighton 12th Street, Block B-8709, L-60, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Harold Weinberg, P.E.

For Opposition: Anthony Scadut, Fire Department

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to April 8, 2003, at 10 A.M., for continued hearing.

217-97-BZ

APPLICANT - Lance I. Michaels, for EZRA Academy, owner.
SUBJECT - Application December 13, 2002 - reopening for an extension of time to complete construction which expired November 16, 2002.

PREMISES AFFECTED - 119-45 Union Turnpike, northside of Union Turnpike between Queens Boulevard and Kew Forest Lane, Block 3357, Lot 1003, Borough of Queens.

COMMUNITY BOARD #6Q

APPLICANT - Leventis Omotade, for Emtade Contracting Inc., owner.

SUBJECT - Application August 23, 2002 - Proposed construction of a one family dwelling, located within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 164-47 Nadal Place, between 110th Avenue and Nadal Place, Block 10193, Lot 90, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD -Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated August 1, 2002 acting on NB. Application No. 401293783, reads in pertinent part:

"Building is in bed of a mapped street. Refer to BSA required"; and

WHEREAS, by letter dated September 18, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

MINUTES

WHEREAS, by letter dated October 7, 2002 the Department of Transportation has reviewed the above project and has no objections;

WHEREAS, by the letter dated January 8, 2003, the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated August 1, 2002 acting on NB. Application No. 401293783, 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, November 26, 2002"-(1) sheet; and that the proposal comply with all applicable R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; 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;

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 THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated September 11, 2002 acting on NB. Application No. 401371029, reads in pertinent part:

"Proposed structure located within street. Widen line contrary to General City Law Section 35. Refer to BSA."; and

WHEREAS, by letter dated November 20, 2002 the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated December 13, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by the letter dated February 25, 2003, the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated September 11, 2002 acting on NB. Application No. 401371029, 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 February 13, 2003"-(1) sheet; and that the proposal comply with all applicable C2-2 within R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; 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;

THAT the approved plans shall be considered approved only

jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 4, 2003.

260-02-A

APPLICANT - Sharif S. Mohammad/Almadina Eng., for Peoples Foreign Exchange, owner.

SUBJECT - Application September 25, 2002 - Proposed one story office building, located within the street widening, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 129-02 Liberty Avenue, southeast corner of 129th Street, Block 9583, Lot 1, Borough of Queens.
APPEARANCES -

For Applicant: Almadini Binani.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD -Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

for the portions related to the specific relief granted; and

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

Adopted by the Board of Standards and Appeals, March 4, 2003.

319-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Bruce Robertson, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, also has a private disposal system in the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED - 38 Graham Place, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

MINUTES

Absent: Commissioner Miele.....1

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated October 23, 2002 acting on ALT 1. Application No. 401517364, reads in pertinent part:

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

A 2- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law ; also no permit can be issued since proposed construction does not have at least 8% of the total

Resolved, that the decision of the Queens Borough Commissioner, dated October 23, 2002 acting on ALT 1. Application No. 401517364, is modified under the power vested in the Board by ' 36 & 35of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received October 29, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition;

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

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

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

Adopted by the Board of Standards and Appeals, March 4, 2003.

320-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; John 7 Laura Heesemann, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement and alteration of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law. PREMISES AFFECTED - 232 Roxbury Avenue, corner of Roxbury Boulevard, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q
APPEARANCES -

For Applicant: Joe Papa.

For Administration: John Yacovone, Fire Department.

perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York .

A3- The upgraded private disposal system is partially in the bed of a mapped street contrary to Department of Buildings policy."; and

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

WHEREAS, by letter dated December 13, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated February 7, 2003 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.

ACTION OF THE BOARD -Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION- Appeal granted on condition.

WHEREAS, the decision of the Queens Borough Commissioner, dated October 23, 2002 acting on ALT 1. Application No. 401486067, reads in pertinent part:

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

A 2- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law ; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York."; and

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

WHEREAS, by letter dated December 17, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated February 7, 2003, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence

MINUTES

to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated October 23, 2002 acting on ALT 1. Application No. 401486067, is modified under the power vested in the Board by §§36 & 35of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received October 29, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT 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
SUBJECT - Application October 29, 2002 - Proposed enlargement, to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of a mapped street, and has an upgraded private disposal system within the bed of a mapped street, is contrary to Sections 35 and36, Article 3 of the General City Law and the Department of Buildings Policy.
PREMISES AFFECTED - 29 Fulton Walk, west side, 14.68' south of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Joe Papa.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD -Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated October 23, 2002 acting on ALT 1. Application No. 401531357, reads in pertinent part:

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

A 2- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law ; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York .

A3- The upgraded private disposal system is partially in the bed of a mapped street contrary to Department of Buildings policy."; and

for the portions related to the specific relief granted; and

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

Adopted by the Board of Standards and Appeals, March 4, 2003.

331-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Robert Riordan, lessee.

WHEREAS, by the letter dated December 4, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated December 16, 2002, the Department of Environmental Protection has reviewed the above project and has no objections ; and

WHEREAS, by letter dated March 4, 2003, 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 October 23, 2002 acting on ALT 1. Application No. 401531357, is modified under the power vested in the Board by §§36 & 35of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received, November 12, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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

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

Adopted by the Board of Standards and Appeals, March 4, 2003.

127-02-A thru 137-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Michael Leonardi, owner.

SUBJECT - Application April 24, 2002 - Proposed construction of a one family dwelling not fronting on a legally mapped street,

MINUTES

which is contrary to Section 36, Article 3 of the General City Law.
PREMISES AFFECTED -

- 30 Aviston Street, southwest corner of Tarrytown Avenue, Block 4686, Lot 1, Borough of Staten Island.
- 32 Aviston Street, west side, 24' south of Tarrytown Avenue, Block 4686, Lot 2, Borough of Staten Island.
- 34 Aviston Street, west side, 38' south of Tarrytown Avenue, Block 4686, Lot 3, Borough of Staten Island.
- 44 Aviston Avenue, west side, 108' south of Tarrytown Avenue, Block 4686, Lot 8, Borough of Staten Island.
- 46 Aviston Avenue, west side, 122' south of Tarrytown Avenue, Block 4686, Lot 9, Borough of Staten Island.
- 48 Aviston Avenue, west side, 136' south of Tarrytown Avenue, Block 4686, Lot 10, Borough of Staten Island.
- 45 Aviston Avenue, west side, 150' south of Tarrytown Avenue, Block 4686, Lot 15, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 25, 2003, at 10 A.M., for continued hearing.

252-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Martin & Kathleen Fahy, owners.

SUBJECT - Application September 17, 2002 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of mapped street and also has a private disposal system within the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 466 Seabreeze Walk, east side, 4.31' south of Rockaway Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: ?.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to March 25, 2003, at 10 A.M., for decision, hearing closed.

345-02-A

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

SUBJECT - Application November 19, 2002 - Proposed construction of a two story, two 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 - 85-72 159th Street, northeast corner

- 36 Aviston Street, west side, 52' south of Tarrytown Avenue, Block 4686, Lot 4, Borough of Staten Island.
- 38 Aviston Street, west side, 66' south of Tarrytown Avenue, Block 4686, Lot 5, Borough of Staten Island.
- 40 Aviston Street, west side, 80' south of Tarrytown Avenue, Block 4686, Lot 6, Borough of Staten Island.
- 42 Aviston Street, west side, 94' south of Tarrytown Avenue, Block 4686, Lot 7, Borough of Staten Island.

of Parsons Boulevard, Block 9778, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 11 A.M., for continued hearing.

4-03-A

APPLICANT - Legend Architecture, for Breezy Point Cooperative, owner; Joseph W. Stevens, lessee.

SUBJECT - Application January 13, 2002 - Proposed reconstruction and enlargement to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 502 Browns Boulevard, near Hillside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Nina Ferrer.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to March 25, 2003, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 10:50 A.M.

MINUTES

**REGULAR MEETING
TUESDAY AFTERNOON, MARCH 4, 2003
2:00 P.M.**

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

Absent: Commissioner Miele.

ZONING CALENDAR

122-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Perl Rose Realty Co., LLC, owner; Just Calm Down, LLC, lessee.

SUBJECT - Application April 18, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the first floor and in the cellar of a six story office building, which requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 32 West 22nd Street, south side, 492' west of Fifth Avenue, Block 823, Lot 61, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated May 2, 2002 acting on ALT Application No. 103098498 reads:

“The proposed Physical Culture Establishment as per Sec 12-10 (definitions) requires Board of Standards and Appeals Approval as Per Sec. 73-36.”; and

WHEREAS, a public hearing was held on this application on November 26, 2002 after due notice by publication in The City Record and laid over to January 14, 2003 for decision, reopened on January 14, 2003, and laid over to March 4, 2003 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, Former-Commissioner Mitchell Korbey and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. '73-36 to permit, within an M1-6M zoning district, the legalization of an existing physical culture establishment, located in the cellar and first floor of a six-story commercial building; and

WHEREAS, the subject site is located West 22nd Street between Fifth and Sixth Avenue and consists of approximately

3,445 square feet; and

WHEREAS, the applicant represents that the remainder of the building is occupied by commercial tenants; 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 Board finds that the proposed use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; 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. §§73-03 and 73-36; 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, within an M1-6M zoning district, the legalization of an existing physical culture establishment, located in the cellar and first floor of a six-story commercial building, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked “Received April 18, 2002”-(2) sheets, “November 6, 2002”-(1) sheet, and “January 31, 2003”-(1) sheet ; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from the February 1, 2002 to expire on February 1, 2012;

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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 the above conditions shall appear on the Certificate of Occupancy;

MINUTES

THAT a Certificate of Occupancy shall be obtained within two years of the date of this resolution;

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

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

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

Adopted by the Board of Standards and Appeals, March 4, 2003.

244-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for 361 West 34th Street Corp., owner; B & B Gym, Inc., lessee.

SUBJECT - Application September 9, 2002 - under Z.R. §73-36 to permit the proposed physical culture establishment, on the second floor of a four story commercial building, to be located in two separate buildings with a convenience opening, requires a special permit as per Z.R. §32-00.

PREMISES AFFECTED -365/67 West 34th Street, north side, 58.6' east of Ninth Avenue, Block 758, Lot 5, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated August 7, 2002 acting on Application No.

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, within an C6-2M zoning district, the proposed operation of a physical culture

103220220 reads:

“Physical Culture Establishment is not permitted as of right as per section 73-36 of the Zoning resolution and requires Board of Standards and Appeals approval.”; and

WHEREAS, a public hearing was held on this application on February 11, 2003 after due notice by publication in The City Record and laid over to March 4, 2003 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 Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §73-36 to permit, within an C6-2M zoning district, the proposed operation of a physical culture establishment, located on the second floor of a four-story commercial building; and

WHEREAS, this application was filed with a companion application on the adjacent premises under Calendar Number 245-02-BZ; and

WHEREAS, the applicant represents that there will be only one facility located in two separate buildings with a convenience opening; and

WHEREAS, the subject PCE will be a personalized training facility with primarily one-on-one training resulting in limited occupancy; and

WHEREAS, the applicant represents that the remainder of the building is occupied by commercial uses; 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 any adjacent residential uses; and

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

WHEREAS, the proposed project will not interfere with any pending public improvement project; 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. §§73-03 and 73-36; 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.

establishment, located on the second floor of a four-story commercial building, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked “Received February 21”-(3) sheets; and on further condition;

MINUTES

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, to expire on March 4, 2013:

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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 the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within two years of the date of this resolution;

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

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

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

Adopted by the Board of Standards and Appeals, March 4, 2003.

245-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for 361 West 34th Street Corp., owner; B & B Gym, Inc., lessee.

SUBJECT - Application September 9, 2002 - under Z.R. §73-36 to permit the proposed physical culture establishment, on the second floor of a four story commercial building, to be located in two separate buildings with a convenience opening, requires a special permit as per Z.R. §32-00.

PREMISES AFFECTED - 373 West 34th Street, northwest corner of Ninth Avenue, Block 758, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

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

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated August 7, 2002 acting on Application No. 103220211 reads:

“Physical Culture Establishment is not permitted as of right as per section 73-36 of the Zoning resolution and requires Board of Standards and Appeals approval.”; and

WHEREAS, a public hearing was held on this application on February 11, 2003 after due notice by publication in The City Record and laid over to March 4, 2003 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 Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. '73-36 to permit, within an C6-2M zoning district, the proposed operation of a physical culture establishment, located on the second floor of a two-story commercial building; and

WHEREAS, this application was filed with a companion application on the adjacent premises under Calendar Number 244-02-BZ; and

WHEREAS, the applicant represents that there will be only one facility located in two separate buildings with a convenience opening; and

WHEREAS, the subject PCE will be a personalized training facility with primarily one-on-one training resulting in limited occupancy; and

WHEREAS, the applicant represents that the remainder of the building is occupied by commercial uses; 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

satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-03 and 73-36; 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

MINUTES

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, within an C6-2M zoning district, the proposed operation of a physical culture establishment, located on the second floor of a two-story commercial building, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received February 21, 2003"- (3) sheets; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, to expire on March 4, 2013;

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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 the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within two years of the date of this resolution;

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

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

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

Adopted by the Board of Standards and Appeals, March 4, 2003.

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed erection of a, one family dwelling, that does not provide the required lot area or required front yard contrary to Z.R. §§ 23-32, 23-45, and 107-461; and

WHEREAS, the Board notes that this application was heard with a companion appeals case under Calendar Number 317-02-A objection #3; and

WHEREAS, the subject site is a triangular parcel containing 3,731 square feet of lot area within the Special South Richmond Development District with 84.38 feet of frontage along Buffalo Street, 81.98 feet of frontage on Durant Avenue and 117.92 feet of frontage on Emmet Avenue; and

WHEREAS, Buffalo Street is a 60' wide Final Mapped Street pursuant to a Corporate Council Opinion issued June 30, 1975, Durant Avenue is a 50' wide Final Mapped Street with a Corporate

316-02-BZ

APPLICANT - Rampulla Associates Architects, for Lee Ugo, owner.

SUBJECT - Application October 25, 2002 - under Z.R. §72-21 to permit the proposed erection of a one family dwelling, Use Group 1, located in an R3-1 zoning district, which is deficient in the required lot area and does not have the required front yards, is contrary to Z.R. §§23-32, 23-45 and 107-461.

PREMISES AFFECTED - 175 Buffalo Street, northeast corner of Durant Avenue, Block 4979, Lot 8, Borough of Staten Island.
COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Philip Rampulla.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 1, 2002 acting on Application No. 500574336, reads:

1. Proposed new building is deficient in required lot area per residence in R3-1 district, and is contrary to Section 23-32 of Zoning Resolution
2. Proposed building does not have the minimum required front yards, and is contrary to Sections 23-45 and 107-461 of Zoning Resolution
3. Proposed new building in the bed of a mapped street is contrary to Section 35 of General City Law; and

Therefore proposed building is referred to the Board of Standards and Appeals for a variance."; and

WHEREAS, a public hearing was held on this application on February 4, 2003 after due notice by publication in The City Record, laid over to March 4, 2003 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., former Commissioner Mitchell Korbey and Commissioner Joel Miele; and

Council Opinion issued October 1, 1975 and Emmet Avenue is a 44' wide Final Mapped Street adopted on March 19, 1964; and

WHEREAS, while Buffalo Street and Durant Avenue are open and improved Emmet Avenue is not open and remains unimproved and wooded; and

WHEREAS, the site is undersized pursuant to Z.R. §23-32 because it only contains 3,731 square feet and the statute requires a minimum lot area 3,800 square feet for a single family structure; and

WHEREAS, pursuant to Z.R. §§23-45 and 107-461, the site should provide three front yards measuring 18 feet, 18 feet and 10 feet respectively in depth; and

WHEREAS, the Board agrees with the applicant's representation that as per Z.R. §12-10, the subject property is a corner lot and is not subject to side yard or rear yard requirements;

MINUTES

and

WHEREAS, the record indicates that after the required front yards are provided the "as-of-right" building footprint is only 593 square feet; and

WHEREAS, the Board notes that existing sanitary sewers front the property: a 10 inch sanitary sewer in Durant Avenue and a 10 inch sanitary sewer in Buffalo Street; and

WHEREAS, the applicant contends and the board finds that the aforementioned unique physical condition, namely the narrowness of the lot, makes its occupancy for a conforming R3-1 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

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

WHEREAS, upon site inspection, the Board has noted that the application is contextually compatible with the surrounding homes and neighborhood; and

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

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a PREMISES AFFECTED - 175 Buffalo Street, northeast corner of Durant Avenue, Block 4979, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Philip Rampulla.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 1, 2002 acting on Application No. 500574336, reads:

1. Proposed new building is deficient in required lot area per residence in R3-1 district, and is contrary to Section 23-32 of Zoning Resolution
2. Proposed building does not have the minimum required front yards, and is contrary to Sections 23-45 and

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 erection of a, one family dwelling, that does not provide the required lot area or required front yard contrary to Z.R. §§23-32, 23-45, and 107-461; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 25, 2002"-(2) sheets and "February 24, 2003"-(1) sheet, and on further condition;

THAT a four (4) foot high fence shall be erected and maintained along the rear property line;

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

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

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

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

Adopted by the Board of Standards and Appeals, March 4, 2003.

317-02-A

APPLICANT - Rampulla Associates Architects, for Lee Ugo, owner.

SUBJECT - Application October 25, 2002 - Proposed erection of a one family dwelling, located within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

107-461 of Zoning Resolution

3. Proposed new building in the bed of a mapped street is contrary to Section 35 of General City Law."; and

Therefore proposed building is referred to the Board of Standards and Appeals for a variance; and

WHEREAS, a public hearing was held on this application on February 4, 2003 after due notice by publication in The City Record, laid over to March 4, 2003 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., former Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, the Board notes that this application was heard with a companion zoning case under Calendar Number 316-02-BZ objections # 1 and 2; and

WHEREAS, by letter dated December 24, 2002, the Department of Environmental Protection has reviewed the above project and has no objections ; and

WHEREAS, by letter dated February 24, 2003 the

MINUTES

Department of Transportation has reviewed the above project and has no objections;

WHEREAS, by the letter dated February 3, 2003, the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Staten Island Borough Commissioner, October 1, 2002 acting on Application No. 500574336, 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 October 25, 2002"-(2) sheets and "February 24, 2003"-(1) sheet; and that the proposal comply with all applicable R3-1 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; 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;

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, March 4, 2003.

2. Use Group 2 is not permitted as of right in C8 District and is contrary to Z.R. 32-10."; and

WHEREAS, a public hearing was held on this application on February 11, 2003 after due notice by publication in the City Record, and laid over to March 4, 2003 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 Peter Caliendo and former Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in a C8-4 zoning district, the conversion of an existing commercial building to a single family residence, Use Group 2, which is contrary to Z.R. §§15-021 & 32-10; and

WHEREAS, the subject site is located on the corner of Washington and Jane Streets within the Greenwich Village Historic District containing 1,412.5 square feet of lot area with 25 feet of frontage along the eastern side of Washington Street and 56.5 feet along the northern side of Jane Street improved with a 3-story building that was erected in 1849 for residential use; and

WHEREAS, the subject building contains 3,412.5 square feet of floor area consisting of a 1,199 square foot cellar, a 883 square foot first floor and 771 square feet of floor area on the second and third floors; and

WHEREAS, the record indicates that the existing building is burdened with a small floor plate limiting its economic utility to a single family residential building; and

WHEREAS, the applicant represents that although the building

323-02-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Irving J. Gotbaum, Esq., for 783 W. Street Corp./Blansig Realty Corp., c/o Kenneth B. Frankel, owner; Sean MacPherson, contract vendee. SUBJECT - Application October 29, 2002 - under Z.R. §72-21 to permit the proposed conversion of an existing commercial building, to a single family residence, Use Group 2, located in a C8-4 zoning district, is contrary to Z.R. §§15-021 & 32-10. PREMISES AFFECTED - 783 Washington Street, east side, corner of Washington and Jane Streets, Block 642, Lot 38. Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Doris Diether, CB#2.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated October 29, 2002 acting on Application No. 103293062 reads:

"1. Conversion of non-residential building to residential use is contrary to Z.R. 15-021(f) in C8 Districts is under-built per the current zoning's 5.0 permitted Commercial FAR, the small floor plates limit its development viability; and

WHEREAS, in addition to small floor plates, the applicant has demonstrated that the building is obsolete for modern commercial uses because it lacks elevators and other amenities necessary for those uses; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, the site's location on the western edge of the Greenwich Village Historic District, characterized by narrow tree-lined streets presents an undue hardship in developing the site with a conforming development; and

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

WHEREAS, the Board notes that the existing building is one of the few non-residential structure within the subject C8-4 zone that lines the east side of Washington Street; and

WHEREAS, the instant proposal has received a Certificate of Appropriateness from the Landmarks Preservation Commission; and

WHEREAS, therefore, the Board finds that conversion of the subject 3-story commercial building to residential use 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

MINUTES

WHEREAS, the Board finds that 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 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, in a C8-4 zoning district, the conversion of an existing commercial building to a single family residence, Use Group 2, which is contrary to Z.R. §§15-021 & 32-10, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 29, 2002"- (7) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed

344-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Amerada Hess Corp., owner.

SUBJECT - Application November 18, 2002 - under Z.R. §73-50 to permit the proposed redevelopment of an existing automotive service station at said premises, with an accessory convenience store, located within the required 30' rear yard setback along the district boundary, which requires a special permit.

PREMISES AFFECTED - 3501 Fort Hamilton Parkway, between 36th Street and Chester Avenue, Block 5302, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD -Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated October 18, 2002 acting on Application No. 301376703 reads:

“Proposed construction of a new building housing an automotive fueling station (U.G. 16) with an accessory convenience store within required 30= rear yard setback along district boundary per section 33-29 requires a special permit approval under the provisions of Z.R. 73-50 by NYC BSA.”; and

WHEREAS, a public hearing was held on this application on February 4, 2003 after due notice by publication in The City Record, and laid over to March 4, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and

within 48 hours;

THAT construction shall be completed in accordance with Z.R. § 73-23;

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

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

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

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

Adopted by the Board of Standards and Appeals, March 4, 2003.

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

WHEREAS, this is an application for a special permit pursuant to Z.R. §73-50, to permit in a C8-3 zoning District, the proposed reconstruction of an existing automotive service station with a new accessory convenience store, and a waiver of the rear yard requirement under '33-29; and

WHEREAS, the subject site is primarily located within a C8-2 zoning district and falls partially within an R-5 zoning district in the rear of the premises; and

WHEREAS, although the proposed use is permitted as-of-right in the subject zoning district, R-5 district regulations require a 30 foot rear yard as mandated in '33-29, which this application seeks relief from; and

WHEREAS, the proposal seeks to construct a new automotive service station with an accessory convenience store containing 1,200 square feet of floor area at the eastern end of the premises leaving a rear yard of 5 feet; and

WHEREAS, under Z.R. §73-50, the Board may grant a waiver of rear yard requirements set forth in Z.R. §33-29 provided that such waiver will not have an adverse affect on the surrounding area; and

WHEREAS, the applicant represents that the subject premises is surrounded by numerous automotive repair establishments and that the proposed establishment will maintain consistency with the surrounding area; and

WHEREAS, therefore, the Board finds that the rear yard waiver will not have an adverse affect on the surrounding area, will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any

MINUTES

pending public improvement project; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-50 and 73-03.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §73-50, to permit in a C8-3 zoning District, the proposed construction of an automotive service station with an accessory convenience store, and a waiver of the rear yard requirement under Z.R. §33-29, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received November 25, 2002" (6) sheets; and on further condition;

THAT landscaping be provided and maintained in accordance with BSA approved plans;

THAT there shall be no washing of cars other than as an accessory use;

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, March 4, 2003.

233-01-BZ

APPLICANT - Rampulla Associates Architects, for Heller Realty Corporation, owner.

SUBJECT - Application July 9, 2001 - under Z.R. §72-21, to permit the proposed construction of a mixed use 16 story commercial/residential building, Use Groups 2 and 6, in an M1-5 zoning district, in which the residential use with accessory off street parking spaces is not permitted, and also does not meet the zoning requirement for outer courts, which is contrary to Z.R. §42-10, §13-11, §13-12 and §23-84.

PREMISES AFFECTED - 537 West 19th Street, northwest corner of 11th Avenue, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Irving Minkin and Philip Rampulla

For Opposition: Edward Kirkland..

ACTION OF THE BOARD - Laid over to June 17, 2003, at 2 P.M., for continued hearing.

249-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for B.Z.V. Enterprise Corporation, owner.

THAT there shall be no used car sales on the premises;

THAT there shall be no parking of cars on the sidewalk at any time;

THAT any automobile vacuums shall only be operated between the hours of 9:00 A.M.- 7:00 P.M.;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring March 4, 2013;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT all lighting be directed down and away from residential uses;

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

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

THAT a new Certificate of Occupancy shall be obtained within 2 years of this grant;

SUBJECT - Application August 7, 2001 - under Z.R. § 72-21, to permit the proposed conversion of an existing four story manufacturing building, Use Group 17, to joint living/working quarters, Use Group 17D, located in an M1-2 zoning district, which is contrary to Z.R. §42-14.

PREMISES AFFECTED - 9 White Street, a/k/a 210/22 Varet Street, southwest corner, Block 3117, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Moshe Friedman.

For Administration: John Yacovone and Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to June 17, 2003, at 1:30 P.M., for continued hearing.

284-01-BZ

APPLICANT - Stanley K. Schlein, Esq., for Silver Lake Realty Partnership, owner.

SUBJECT - Application October 3, 2001 - under Z.R. §72-21, to permit the proposed expansion of an existing nursing home, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, is contrary to Z.R. §24-111.

PREMISES AFFECTED - 275 Castleton Avenue, 26' east of the northeast corner of Castleton Avenue and Harbor View Court, Block 119, Lot 104, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Stanley K. Schlein.

For Opposition: Denise Bilenzikyan, Rosemarie Maldonado and Diane O'Donnell.

ACTION OF THE BOARD - Laid over to May 20, 2003, at 2 P.M., for continued hearing.

MINUTES

305-01-BZ thru 320-01-BZ

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

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

PREMISES AFFECTED -

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

65-77 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane,

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

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

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

65-90 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 29, Borough of Queens.

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

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

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

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

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

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

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliando3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to March 25, 2003, at 1:30 P.M., for decision, hearing closed.

Block 3605, Lot 20, Borough of Queens.

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

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

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

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

369-01-BZ

APPLICANT - Sheldon Lobel, P.C., for SYC, LLC, owner.

SUBJECT - Application November 27, 2001 - under Z.R. §72-21, to permit the legalization of an existing three story residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 303 Seigel Street, northwest corner of Bogart Street, Block 3092, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 18, 2003, at 1:30 P.M., for continued hearing.

96-02-BZ thru 102-02-BZ

APPLICANT - Gerald J. Caliando, R.A., A.I.A., for Domenick Pinto, owner.

SUBJECT - Application April 2, 2002 - under Z.R. §72-21 to permit the proposed construction of one three-story attached mixed-use building, which is part of a development of seven-three story buildings, on a single zoning lot, with retail uses and accessory signs (Use Group 6) on the ground floor, which do not conform to district use regulations and residential uses (Use Group 2) on the second and third floors, which is contrary to Z.R. §§22-10 and 22-32.

PREMISES AFFECTED -

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

23-29/29A Steinway Street, east side, 75.78' north of
23rd Road, Block 793, Lot 63, Borough of Queens.

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

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

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

MINUTES

40-11 23rd Road, northeast side, 70.40' northeast of 41st Street, Block 793, Lot 53, Borough of Queens.
40-15 23rd Road, northeast side, 70.40' northeast of 41st Street, Block 793, Lot 56, Borough of Queens.

COMMUNITY BOARD #1Q

114-02-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., - Vito J. Fossella, P.E., for Jerry Campitiello, owner.

SUBJECT - Application April 12, 2002 - under Z.R. §72-21, to permit the proposed new two story commercial building, with retail sales on the first floor and offices on the second floor, Use Group 6, located in an R2 zoning district, which is contrary to Z.R. §22-00.
PREMISES AFFECTED - 2493 Richmond Road, northwest corner of Odin Avenue, Block 947, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to April 8, 2003, at 2 P.M., for continued hearing.

181-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for ISHJ Corp., owner.

SUBJECT - Application May 28, 2002 - under Z.R. §72-21 to permit the proposed erection and maintenance of a one story car wash facility, Use Group 16, located in an R4 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 1875 Bartow Avenue, northwest corner of Ely Avenue, Block 4795, Lot 21, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Opposition: Councilman Larry Seabrook, Donna Drayton, Walter Burgin and Carmen Agueira.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 1:30 P.M., for continued hearing.

183-02-BZ

APPLICANT - The Agusta Group, for Jimmy and Jeffrey Chin, owners.

SUBJECT - Application May 31, 2002 - under Z.R. §11-411 to permit the reestablishment of a special permit, previously granted 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.

PREMISES AFFECTED - 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.

COMMUNITY BOARD #7BX

APPEARANCES - None.

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to March 25, 2003, at 1:30 P.M., for continued hearing.

Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1
THE VOTE TO CLOSE HEARING -
Affirmative: Commissioner Chin, Vice-Chair Babbar and
Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to March 18, 2003, at 1:30 P.M., for decision, hearing closed.

194-02-BZ

APPLICANT - Michael DeRuvo, R.A., for WSP Capital, LLC/John McGrath, owner; Johnny Lat's Gym II, lessee.

SUBJECT - Application June 11, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located in a C4-3 zoning district, which requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 1775 South Avenue, south side of Meredith Avenue, Block 2800, Lot 37, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Vivian Alvarez.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and
Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to March 25, 2003, at 1:30 P.M., for decision, hearing closed.

209-02-BZ

APPLICANT - Samuel Beltron, for Julia Torres, owner.

SUBJECT - Application July 7, 2002 - under Z.R. § 73-36 to permit the legalization of an existing physical culture establishment, Use Group 9, located on the fourth floor of an existing four story building, in a C4-4 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 2999 Third Avenue, west side, 121'-0" south of east 155th Street, Block 2376, Lot 51, Borough The Bronx.

COMMUNITY BOARD #1BX

APPEARANCES -

For Applicant: Samuel Beltron.

For Administration: John A. Yacovone, Fire Department.

MINUTES

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and
Negative:0
Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to March 25, 2003, at 1:30 P.M., for decision, hearing closed.

222-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Eugene & Francine Simonetti, owner.

SUBJECT - Application August 5, 2002 - under Z.R. §72-21 to permit the proposed nine family residential development, Use Group 2, located in an R4 zoning district, which exceeds the permitted floor area and number of dwelling units, and provide less than the required parking, which is contrary to Z.R. §23-141b, §23-22 and §25-23.

PREMISES AFFECTED - 2547 East 12th Street, east side, 280' north of Avenue "Z", Block 7433, Lot 159, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to March 25, 2003, at 1:30 P.M., for continued hearing.

328-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Three Park Avenue Building Co., LP, owner; TSI Murray Hill Inc., lessee.

SUBJECT - Application November 7, 2002 - under Z.R. §73-36 to permit the legalization of the enlargement of a grandfathered physical culture establishment, located in portions of the first floor and first floor mezzanine of a forty-two story, school and commercial building, which requires a special permit.

PREMISES AFFECTED - Three Park Avenue, southeast corner of East 34th Street, Block 889, Lot 9001, Borough of Manhattan.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to March 25, 2003, at 1:30 P.M., for decision, hearing closed.

PREMISES AFFECTED - 1810 East 22nd Street, between Avenue "R" and Quentin Road, Block 6804, Lot 34, Borough of Brooklyn.

Commissioner Caliendo3

338-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Collpoint Enterprises, Inc., owner; Walgreen's lessee.

SUBJECT - Application November 14, 2002 - under Z.R. §72-21 to permit the proposed erection and maintenance of a permitted drugstore, Use Group 6, which does not have the required parking, and provides a 5' sideyard on one side instead of the required 8' sideyard, and is contrary to Z.R. §§33-291 and 36-21.

PREMISES AFFECTED - 14-01 College Point Boulevard, southeast corner, Block 4085, Lots 65 and 68, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino, Mark Steinberg, Frank Toglio, Jack Maddalene and others.

For Opposition: Fred J. Mazzarello, Joan Vogt for Senator Padavan, Sahima Cardali, Charles R. Corradini, Sr., Josephine Stout, Mildred Auletta and others.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 1:30 P.M., for continued hearing.

353-02-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Amerada Hess Corp., owner.

SUBJECT - Application December 6, 2002 - under Z.R. §73-52 to permit the proposed erection of a one story, accessory convenience store, at an existing automotive service station, also the extension of the existing use, into the residential portion of the zoning lot, requires a special permit.

PREMISES AFFECTED - 210 Greenpoint Avenue, southwest corner of McGuinness Boulevard, Block 2576, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Carl A. Sulfaro, Esq. and Robert W. Bronjino and H.A. Lautenbacher.

For Opposition: Macie Winiarczyk.

ACTION OF THE BOARD - Laid over to April 8, 2003, at 1:30 P.M., for continued hearing.

354-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Arie & Bracha Nusbaum, owner.

SUBJECT - Application December 6, 2002 - under Z.R. §73-622 to permit the proposed enlargement to an existing single family residence, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard, open space, and side yards, and is contrary to Z.R. §23-141, §23-47 and §23-461.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Jacqueline M. Gigliano.

MINUTES

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and
Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to March 25,
2003, at 1:30 P.M., for decision, hearing closed.

355-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Jacob and Audrey
Barasch, owner.

SUBJECT - Application December 6, 2002 - under Z.R. §73-622
to permit the proposed enlargement to an existing single family
residence, located in an R2 zoning district, which does not comply
with the zoning requirements for floor area ratio, rear yard, open
space, and side yard, is contrary to Z.R. §23-141, §23-47 and
§23-461.

PREMISES AFFECTED - 1436 East 24th Street, between
Avenue "N" and Olean Street, Block 7677, Lot 28, Borough of
Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Jacqueline M. Gigliano..

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and
Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to April 15, 2003,
at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 5:15 P.M.

matters:

ZONING CALENDAR

256-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 160
Imlay Street Real Estate LLC, owner.

SUBJECT - Application September 18, 2002- under Z.R. §72-01
to permit the proposed development of a vacant six story
manufacturing building, and the addition of three floors, for
residential use, Use Group 2, located in an M2-1 zoning district,
which is contrary to Z.R. §42-00 and §43-00.

PREMISES AFFECTED - 160 Imlay Street, bounded by Imlay,
Verona and Commerce Streets, and Atlantic Basin, Block 515,
Lot 75, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Howard Goldman, Jack Freeman, Bruce
Federman, Bruce Batkin, Joel Goldstein, Buddy Scott, Richard
Maltz, John McGetrick, Simon Watson, Manny Ortiz, Anthony
Pugliese, Lou Sones, Joe Bernarro, Pat Jones, Jay McKnight and
Florence Neal.

For Opposition: Terica Watson, Jeff Levi, Ernest Mcgliaccio, Jen
Roth, Erick Tapia, Bette Stoltz, Deborah Romano for Gregory
O'Connell and Celia Manura Cacace.

: Dan Maynard, Port Authority.

ACTION OF THE BOARD - Laid over to May 21, 2003,
at 10:00 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 2:55 P.M.

MARCH 5, 2003, 10:00 A.M.

SPECIAL HEARING

NOTICE IS HEREBY GIVEN of a public hearing,
Wednesday morning, March 5, 2003, at 10:00 A.M., at 40
Rector Street, 6th Floor, New York, N.Y. 10006, on the following

CORRECTIONS

*CORRECTION

This resolution adopted on December 17, 2002, under Calendar No. 240-01-BZ and printed in Volume 87, Bulletin Nos. 51-52 is hereby corrected to read as follows:

240-01-BZ

CEQR #02-BSA-008M

APPLICANT - Rothkrug & Rothkrug, for Lionshead 110 Development LLC, owner; Equinox Tribeca Inc., lessee.

SUBJECT - Application July 18, 2001 - under Z.R. §73-36, to permit within a C6-4(LM) zoning district the establishment of a physical culture establishment, located in portions of the first floor, and second floor level, in an existing mixed use structure.

PREMISES AFFECTED - 110/20 Church Street, a/k/a 54 Murray Street, a/k/a 33/41 Park Place, southwest corner, Block 126, Lots 2 and 27, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated June 28, 2001 acting on Application No. 102896494 and subsequently updated to Application No. 1033435561 which reads:

“Proposed physical cultural establishment in portions of the first and second floor of the existing building, in a C6-4 (LMM) zoning district, requires a special permit from the Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on September 24, 2002 after due notice by publication in *The City Record* and laid over to November 19, 2002 and then to December 17, 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 and Commissioner Peter Caliendo; and

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

WHEREAS, the subject premises is an oversized corner lot, currently consisting of two buildings, to be combined into a single building and zoning lot as part of a rehabilitation and change in use of the subject premises; and

WHEREAS, the zoning lot has a total square footage of 32, 921 sq. ft, with 127 feet of frontage on Park Place, 165 feet frontage on Church Street and 286.5ft. frontage on Murray street, and is currently improved with two buildings, one which is 21-stories and one which is 16-stories buildings, presently being converted from offices to residential, with retail stores at street level; and

WHEREAS, this is an application under Z.R. §§73-03 and 73-36 to permit, within a C6-4(LM) zoning district the proposed use of the first and second floor of an existing mixed-use building on Lot #27 as an Equinox physical culture establishment; and

WHEREAS, the first floor of the subject physical culture establishment will include the main entrance to the facility, retail area, and administrative offices and will have a total of 3,197 square feet of floor area; and

WHEREAS, the second floor will consist of 31,147 square feet of area, which will be utilized for locker rooms, exercise studios and equipment and related accessory facilities; and

WHEREAS, the applicant notes that the subject facility will be equipped with centrally monitored fire alarm and wet sprinkler systems throughout with both systems connected to a Fire Department approved Central Station; and

WHEREAS, the applicant represents that the subject physical culture establishment complies with the accessibility mandates of Local Law 58/87; and

WHEREAS, the applicant proposes to limit the hours of operation to: Monday thru Thursday 5:30 A.M. to 11:00 P.M., Friday 6:00 A.M. to 10:00P.M. and Saturday and Sunday 8:00 A.M. to 9:00 P.M.; 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 Board finds that the proposed use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; 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. §§73-03 and73-36; 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.

CORRECTIONS

Pasquale Pacifico, Executive Director.

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. §§73-03 and 73-36 to permit, within a C6-4(LM) zoning district the establishment of a physical culture establishment, located in portions of the first floor, and second floor level, in an existing mixed use structure, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received October 22, 2002"- (3) sheets; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, to expire on December 17, 2012:

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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 an automatic wet-sprinkler and a Fire Alarm system throughout the subject premises, with both systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT the hours of operation shall be limited to Monday thru Thursday, 5:30 A.M. to 11:00 P.M., Friday 6:00 A.M. to 10:00 P.M., and Saturday and Sunday 8:00 A.M. to 9:00 P.M.;

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

THAT a Certificate of Occupancy shall be obtained within two years of the date of this resolution;

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

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

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

Adopted by the Board of Standards and Appeals, December 17, 2002.

****The resolution has been corrected to add *DOB Applic.# 1033435561*. Corrected in Bulletin No. 11, Vol. 88, dated March 13, 2003.**

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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

Volume 88, No. 12-13

March 27, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

| | |
|-----------------------------------|-----|
| DOCKET | 218 |
| CALENDAR of April 15, 2003 | |
| Morning | 219 |
| Afternoon | 222 |

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, March 18, 2003**

Morning Calendar222

Affecting Calendar Numbers:

| | |
|------------------------|--|
| 176-99-BZ | 45-17 Marathon Parkway, Queens |
| 161-00-BZ | 314-322 East 52 nd Street, Manhattan |
| 151-01-BZ | 337-347 Kent Avenue, Brooklyn |
| 529-52-BZ | 77-11 Roosevelt Avenue, Queens |
| 190-75-BZ | 301-321 East 79 th Street, Manhattan |
| 485-76-BZ | 70-01/09 65 th Street, Queens |
| 1043-80-BZ | 1680/88 Albany Avenue, a/k/a 4024 Marginal Street, Brooklyn |
| 1233-88-A | 801 Narrows Road North, Staten Island |
| 36-92-BZ | 210/218 Prospect Park Southwest, Brooklyn |
| 331-98-BZ | 1426-1428 Fulton Street, Brooklyn |
| 332-02-A & 333-02-A | 107 City Boulevard and 148 Norma Place, Staten Island |
| 2-03-A | 37 Bedford Avenue, Queens |
| 25-03-A | 970 Bayside, Queens |
| 26-03-A | 46 Ocean Avenue, Queens |
| 27-03-A | 8 Chester Walk, Queens |
| 33-03-A | 160 Ocean Avenue, Queens |
| 41-03-A | 342 Madison Avenue, a/k/a 16 East 44 th Street, Manhattan |

Afternoon Calendar.....227

Affecting Calendar Numbers:

| | |
|-----------------------------------|--|
| 146-02-BZ | 138-27 247 th Street, Queens |
| 322-02-BZ | 1840 Richmond Terrace, Staten Island |
| 348-02-BZ | 183-01 Horace Harding Expressway, Queens |
| 193-01-BZ | 3034 Coney Island Avenue, Brooklyn |
| 369-01-BZ | 303 Seigel Street, Brooklyn |
| 82-02-BZ | 788 Kent Avenue, Brooklyn |
| 91-02-BZ | 3032/42 West 22 nd Street, Brooklyn |
| 120-02-BZ | 42 Avenue "A", Manhattan |
| 165-02-BZ thru 176-02-A | 147/151/153/155/157/159 Classon Avenue, Brooklyn |
| 186-02-BZ thru 191-02-A | 143/145/149 Classon Avenue, Brooklyn |
| 183-02-BZ | 150/54 Van Cortland Avenue, Bronx |
| 185-02-BZ | 93/101 North Ninth Street, Brooklyn |
| 223-02-BZ & 320 West 224-02-BZ | 84 th Street, Manhattan |
| 236-02-BZ | 2324 Avenue "R", Brooklyn |
| 237-02-BZ | 37-49 91 st Street, Queens |
| 248-02-BZ | 105/07 Chambers Street, Manhattan |
| 269-02-BZ | 1644 East 28 th Street, Brooklyn |
| 341-02-BZ | 231/33 East 58 th Street, Manhattan |
| 346-02-BZ | 34 Zephyr Avenue, Staten Island |
| 369-02-BZ | 785 Washington Street, Manhattan |

New Case Filed Up to March 18, 2003

81-03-BZ B.BX. 857 East 169th
Street,
and 1351 Lyman Place, northwest corner, Block 2970,
Lot 1, Borough of The Bronx. Applci. #200424905.
Application to reestablished and also to amend an expired
variance, for an auto repair (auto-body) shop, parking for

more than five(5) vehicles, storage, and the legalization of
a new one story structure on the same lot, is contrary to a
previous variance granted by the Board under Cal.
No.843-46-BZ, Vol. II, and Z.R. §§22-00 and 32-00.
COMMUNITY BOARD #3BX

CALENDAR

82-03-BZ B.BK. 51 North 8th Street, a/k/a 91 Kent Avenue, northeast corner, Block 2309, Lot 1, Borough of Brooklyn. Alt.1 #301476748. Proposed enlargement of an existing two story building, to four stories, and the change of use from manufacturing/warehouse facility, to mixed use (residential and commercial), located in an M3-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #7BK

83-03-BZ B.BX. 2100 Hermany Avenue, southeast corner of Olmstead Avenue, Block 3685, Lot 9, Borough of The Bronx. Applic. #200706458. Proposed construction of a two family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, front yard and the maximum number of dwelling units, is contrary to Z.R. §23-141, §23-45 and §23-22.

COMMUNITY BOARD #9BX

84-03-BZ B.Q. 35-40 30th Street, a/k/a 35-37 29th Street, between 35th and 36th Avenues, Block 341, Lot 6, Borough of Queens. Applic. #401291641. Proposed nine (9) story plus penthouse residential building, Use Group 2, located in an R5, C1-2 overlay zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage, total height, perimeter wall height, lot area per dwelling unit and the required number of parking spaces, is contrary to Z.R. §23-141, §23-631, §23-222 and §25-521.

COMMUNITY BOARD 1Q

85-03-BZ B.BK. 922/26 Bedford Avenue, a/k/a 371 Willoughby Avenue, northwest corner, Block 1914, Lots 43, 44 and 46 (Tentative Lot 43), Borough of Brooklyn. Applic. #301469453. Proposed combining of three tax lots into a single zoning and tax lot, and also the proposed construction of a two-story building, that will be used for the manufacturing (primary assembly) of materials handling equipment, located in an R6 zoning district, is contrary to Z.R. §22-10.

COMMUNITY BOARD #1BK

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

APRIL 15, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, April 15, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

669-80-BZ

APPLICANT - Robert A. Caneco, R.A., for Stephen Ardizzone, owner.

SUBJECT - Application December 20, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 7 Buttonwood Road, east side, 200' North of Willow Pond Road, Block 879, Lot 12, Borough of Staten Island.

COMMUNITY BOARD #2SI

1038-80-BZ

APPLICANT - Davidoff & Malito, LLP, for Feinrose Downing LLC, owner; Expressway Arcade Corp., lessee.

SUBJECT - Application January 29, 2003 - reopening for an extension of term of variance which expired January 6, 2003.

PREMISES AFFECTED - 31-07/09/11 Downing Street, Whitestone Expressway, Block 4367, Block 1, Borough of Queens.

COMMUNITY BOARD #7Q

193-92-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Rhee Enterprises, Ltd., owner; White Castle System, Inc., lessee.

SUBJECT - Application February 4, 2003 - reopening for an extension of term of variance which expired July 13, 2003.

PREMISES AFFECTED - 1303 Beach Channel Drive, northwest corner of Mott Avenue, Block 15661, Lot 1, Borough of Queens.

COMMUNITY BOARD #14Q

65-03-A thru 67-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Ms. Sheila Duranti, lessee.

SUBJECT - Application February 10, 2003 - Proposed first story alteration, and the addition of a partial second story to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

11 Fulton Walk, east side, 119.9' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

268-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Williamsburg Bridge Towers, LLC, owner.

SUBJECT - Application October 4, 2002 - under Z.R. §72-21 to permit the proposed construction of a seven story Class Multiple A

40 Beach 220th Street, west side, 180' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

3 Graham Place, north side, 180' west of Beach 201 Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

72-02-A

APPLICANT - Mitchell H. Hossoff, Kossoff Alper & Unger, for PR 30 LLC, owner.

SUBJECT - Application March 5, 2002 - An appeal from a decision of the Department of Buildings dated February 4, 2002, which denied the creation of new non-conforming single room units on the basement floor of subject premises.

PREMISES AFFECTED - 325 West 30th Street, north side, 321' west of Eighth Avenue, Block 754, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #4M

APRIL 15, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, April 15, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

254-02-BZ

APPLICANT - Klein & O'Brien, LLP, for Malka Ausch, owner.

SUBJECT - Application September 18, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy, Use Group 2, in an existing three-story building and the proposed use, in the one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 41/45 South Fifth Street, bounded on the west by Kent Avenue, and on the east by Wythe Avenue, Block 2441, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #1BK

Dwelling, with nine dwelling units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 176 South Fourth Street, between Driggs Avenue and South Fifth Place, Block 2446, Lot 78, Borough of Brooklyn.

CALENDAR

COMMUNITY BOARD #1BK

285-02-BZ

APPLICANT - The Agusta Group, for Frank Ward, owner.
SUBJECT - Application October 23, 2002 - under Z.R. §72-21 to permit the legalization of an existing eating and drinking establishment, and a retail store, Use Group 6, which is contrary to two previous variances granted under Cal. Nos. 905-53-BZ and 1052-66-BZ, which permitted a factory building in an R4 zoning district, and also Z.R. §22-00.

PREMISES AFFECTED - 900 East 213th Street, aka 3580 Bronxwood Avenue, southeast corner, Block 4683, Lot 49, Borough of The Bronx.

COMMUNITY BOARD #12BX

358-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Metropolitan Insurance and Annuity Co., owner.

SUBJECT - Application December 12, 2002 - under Z.R. §73-36 to permit the proposed physical culture establishment, on portions of the first and second floors, in a multi-story commercial, retail and office building, located in a C5-3 (MiD) zoning district, which requires a special permit as per §32-10.

PREMISES AFFECTED - 200 Park Avenue, southern blockfront of East 45th Street, between Vanderbilt Avenue and Depew Place, Block 1280, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #5M

359-02-BZ

APPLICANT - Petraro & Jones, LLP, for Wegweiser & Erlich, LLC, owner.

SUBJECT - Application December 13, 2002 - under Z.R. §§42-31 & 73-19 to permit the proposed private school, Use Group 3, located in an M1-5 zoning district, which requires a special permit as per Z.R. §42-31.

PREMISES AFFECTED - 53/55 Beach Street, northwest corner of Collister Street, Block 214, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #1M

374-02-BZ

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

43-03-BZ

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin, for Center For Jewish History, owner.

SUBJECT - Application February 6, 2003 - under Z.R. § 72-21 & 43-43 to permit the proposed six-story addition on top of an existing six story community facility building, which will result in a street wall above the permitted 85 foot height, and will penetrate the sky exposure plane, which is contrary to Z.R. §43-43, located in a M1-6M and C6-2M zoning district.

PREMISES AFFECTED - 18 West 17th Street, south side, approx. 300' west of the intersection of Fifth Avenue and West 17th

SUBJECT - Application December 30, 2002 - under Z.R. §§73-481 & 73-49 to permit the proposed 1,660 space parking garage, located within the medical center campus, in an R3-2 zoning district, which exceeds the number of spaces permitted by Z.R. §§25-12 and 25-13, and also will have rooftop parking that is only permitted pursuant to Z.R. §25-11, which requires a special permit as per Z.R. §73-481 and §73-49.

PREMISES AFFECTED - 267-20 74th Avenue, block bounded by 74th and 76th Avenues, also 263rd Street and the Queens/Nassau Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of 4 Queens.

COMMUNITY BOARD #13Q

24-03-BZ

APPLICANT - Vassalotti Associates Architects, for Phillips Petroleum, owner.

SUBJECT - Application January 13, 2003 - under Z.R. §11-411 to permit the reestablishment of an expired variance, previously granted under Cal. No. 624-39-BZ, which permitted a gasoline service station and an automobile repair facility, Use Group 16, in a C1-2 within an R2 zoning district.

PREMISES AFFECTED - 178-02/08 Union Turnpike, southwest corner of Surrey Place, Block 7227, Lot 29, Borough of Queens.

COMMUNITY BOARD #8Q

36-03-BZ

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

SUBJECT - Application January 29, 2003 - under Z.R. §73-481 to permit the proposed increase in the total number of parking spaces, through the use of attended parking, at an accessory parking garage, for an existing medical center, which requires a special permit as per Z.R. §73-481.

PREMISES AFFECTED - 271-17 76th Avenue, located on a block bounded by 76th Avenue, 74th Avenue, and the Queens/Nassau county border, Block 8520, Lot 2, Borough of Queens.

COMMUNITY BOARD #13Q

Street, Block 818, Lots 27, 31, 61, 63 and 64, Borough of Manhattan.

COMMUNITY BOARD #5M

Pasquale Pacifico, Executive Director

CALENDAR

**REGULAR MEETING
TUESDAY MORNING, MARCH 18, 2003
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, February 4, 2003, were approved as printed in the Bulletin of February 13, 2003, Volume 88, No. 7.

SPECIAL ORDER CALENDAR

176-99-BZ

APPLICANT - The Agusta Group, for Marathon Parkway Assoc., LLC., owner.

SUBJECT - Application October 31, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 45-17 Marathon Parkway, east side 110.48' south of Northern Boulevard, Block 8226, Lot 10, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

MINUTES

For Applicant: Nelly Bravo.

ACTION OF THE BOARD - Application re-opened and resolution amended.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on February 25, 2003, and laid over to March 18, 2003 for decision; and

WHEREAS, on May 2, 2000, the Board granted an application permitting the erection of a two-story and cellar professional office and retail building (Use Group 6); and

WHEREAS, the applicant now seeks to amend the resolution to permit the elimination of the 1st floor as to provide additional parking, the addition of floor area on the second and third floors, an increase in the height of the building and a change in the location on the subject lot; and

WHEREAS, the applicant represents that there will be 9 additional parking spaces provided, bringing the total to 21 parking spaces.

Resolved, that the Board of Standards and Appeals *reopens and amends* the variance, said resolution having been adopted May 2, 2000, so that as amended this portion of the resolution shall read:

“to permit the elimination of the 1st floor as to provide additional parking, the addition of floor area on the second and third floors, an increase in the height of the building and a change in the location on the subject lot, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawing submitted with the application marked “Received December 24, 2002”-(3) sheets and “March 6, 2003”- (3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*;

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

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on February 25, 2003, and laid over to March 18, 2003 for decision; and

WHEREAS, on December 12, 2000, the Board granted an application permitting the legalization of an existing physical culture establishment; and

WHEREAS, the applicant now seeks to amend the resolution to permit an extension of time to install fire protection measures, and the change of ownership; and

WHEREAS, the prior Board resolution mandated that certain fire protection systems be installed within two years

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all prior Board conditions shall appear on the Certificate of Occupancy;

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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.” (DOB Application #400048676)

Adopted by the Board of Standards and Appeals, March 18, 2003.

161-00-BZ

APPLICANT - Stuart A. Klein, Esq., for Ida Greenberg, as trustee for Sutton Realty Associates, LLC, owner; Bodescu Skin Care, Inc., lessee.

SUBJECT - Application December 18, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 314-322 East 52nd Street, south side of 52nd Street, between First and Second Avenues, Block 1344, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Allison Kamersky.

ACTION OF THE BOARD - Application re-opened and resolution amended.

THE VOTE TO GRANT -

of the grant; and

WHEREAS, these fire protection measures include an automatic wet sprinkler system, an interior fire alarm system and a smoke detection system, all connected to a Fire Department-approved central station; and

WHEREAS, the applicant also seeks to amend the resolution to reflect a change of the owner of record from “Ida Greenberg” to “Ida Greenberg as trustee for Sutton Realty Associates, LLC”; and

Resolved, that the Board of Standards and Appeals *reopens and amends* the variance, said resolution having been adopted December 12, 2000, so that as amended this portion of the resolution shall read:

“to permit the permit an extension of time to install fire protection measures for a period of one (1) year from December 12, 2002, and to permit a

MINUTES

change of ownership, *on condition*

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all prior Board conditions shall appear on the Certificate of Occupancy;

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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.” (DOB Application #102889297)

Adopted by the Board of Standards and Appeals, March 18, 2003.

15-01-BZ

APPLICANT - Agusta & Ross, for Mazel Equities, Inc., owner.

SUBJECT - Application December 4, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 337-347 Kent Avenue, east side 68' south of South 4th Street, Block 2441, Lots 4, 104 & 107 (Tentative 4), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

ACTION OF THE BOARD - Laid over to April 15, 2003, at 10 A.M., for continued hearing.

485-76-BZ

APPLICANT - Gerald J. Caliendo, R.A., for Giuseppe Ventimiglia, owner.

SUBJECT - Application June 10, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired October 19, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 70-01/09 65th Street, corner formed by main intersection of Otto Road and South side of 70th Avenue, Block 3644, Lot 1, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Gerald J. Caliendo.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner

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

Negative:0

Adopted by the Board of Standards and Appeals, March 18, 2003.

529-52-BZ

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., for Angelo Mordini, owner.

SUBJECT - Application January 13, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 9, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 77-11 Roosevelt Avenue, northwest corner of 78th Street, and Roosevelt Avenue, Block 1288, Lot 39, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Gerald J. Caliendo.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 10 A.M., for continued hearing.

190-75-BZ

APPLICANT - Kevin B. McGrath, Esq., for Condominium, owner.

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

PREMISES AFFECTED - 301-321 East 79th Street, Second Avenue and East 79th Street, Block 1542, Lots 1001-1546, 7501, 12, 49, Block 8, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES - None.

Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to April 29, 2003, at 10 A.M., for decision, hearing closed.

1043-80-BZ

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

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

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

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Laid over to May 20, 2003,

MINUTES

at 10 A.M., for continued hearing.

1233-88-A

APPLICANT - Stadtmauer Bailkin, LLP, by Richard Bowers, for Savoy at Staten Island, L.P., owner; Sunrise Development, Inc., lessee.

SUBJECT - Application December 26, 2002 - reopening for an extension of time to complete construction which expired December 5, 2002.

PREMISES AFFECTED - 801 Narrows Road North, north side of Narrows Road, north 1162'-62" east of Howard Avenue, Block 631, Lot 71, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Richard Bowers and Sean Ambrose.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 10 A.M., for continued hearing.

36-92-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Park Circle Realty Associates, owner; Commerce Bank, N.A., lessee.

SUBJECT - Application January 7, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 210/218 Prospect Park Southwest, a/k/a 254/262 Park Circle, northwest corner of intersection formed by Prospected Park West and Park Circle, Block 5287, Lots 44 & 47, Borough of Brooklyn.

COMMUNITY BOARD #7BK

332-02-A thru 333-02-A

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Thomas Gennarelli, owner.

SUBJECT - Application November 12, 2002 - proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

107 City Boulevard, east side, 200' north of Crosshill Street, Block 262, Lot 126, Borough of Staten Island.

148 Norma Place, 175' west of Metropolitan Avenue, Block 262, Lot 127, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 10 A.M., for continued hearing.

2-03-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Steven & Denise Domenech, lessees.

APPEARANCES -

For Applicant: Peter Geis and Howard Hornstein.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 8, 2003, at 10 A.M., for decision, hearing closed.

331-98-BZ

APPLICANT - Sheldon Lobel, P.C., for Sean Porter, owner.

SUBJECT - Application May 15, 2002 - reopening for an extension of term of variance which expired April 20, 2002.

PREMISES AFFECTED - 1426-1428 Fulton Street, Fulton Street between Brooklyn Avenue and Kingston Avenue, Block 1863, Lots 9, 7, 10, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 8, 2003, at 10 A.M., for decision, hearing closed.

SUBJECT - Application January 8, 2002 - proposed construction of a new second floor and upgrade of the septic system for a home which lies within an R4 district, but does not front on a mapped street which is contrary to Article 3, Section 36(2) of the General City Law and Section 27-291 of the Building Code.

PREMISES AFFECTED - 37 Bedford Avenue, east side 150' south of Bayside, Block 16350, Part of Lot 300, Borough of Queens.

APPEARANCES -

For Applicant: Arthur Sullivan.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 25, 2003, at 10 A.M., for decision, hearing closed.

MINUTES

25-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Herbert R. Bergner, lessee.

SUBJECT - Application January 15, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law. PREMISES AFFECTED - 970 Bayside, northeast corner of Bayside Connection, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Anthony Poppa.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 8, 2003, at 10 A.M., for decision, hearing closed.

26-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Peter Duggan, lessee.

27-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Patrick & Dorothea Bannon, lessee.

SUBJECT - Application January 15, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located partially in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy. PREMISES AFFECTED - 8 Chester Walk, west side, 46.23' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Anthony Poppa.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 15, 2003, at 10 A.M., for decision, hearing closed.

33-03-A

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

SUBJECT - Application January 28, 2003 - Proposed one story enlargement to an existing one family dwelling, not fronting on a

SUBJECT - Application January 15, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law. PREMISES AFFECTED - 46 Ocean Avenue, west side, 199.40 north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Anthony Poppa.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 8, 2003, at 10 A.M., for decision, hearing closed.

legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 160 Ocean Avenue, west side, 73' from Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Miro C. Stracar.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 8, 2003, at 10 A.M., for decision, hearing closed.

41-03-A

APPLICANT - NYC Department of Buildings, for 340 Madison Avenue Owner, LLC, Fifth Church of Christ Scientist, owner in part.

SUBJECT - Application January 31, 2003 - An application for the Modification of Certificate of Occupancy Number 116571, to

MINUTES

reflect only lot 14, and to eliminate reference to, and metes and bounds of lots 15 and 17 in Block 1278.

PREMISES AFFECTED - 342 Madison Avenue, a/k/a 16 East 44th Street, Block 1278, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Felicia Miller, Department of Buildings, Robert Flahive, Gary Tarnoff and other.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 8, 2003, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 10:45 A.M.

REGULAR MEETING TUESDAY AFTERNOON, MARCH 18, 2003 2:00 P.M.

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

ZONING CALENDAR

146-02-BZ

CEQR #02-BSA-194Q

APPLICANT - The Agusta Group, for R.A.J. Realty Corp., Gennaro Schiano, President, owner.

SUBJECT - Application May 6, 2002 - under Z.R. §73-52, to permit within a C1-2/R3-2 zoning district, the proposed two-story addition to an existing retail establishment, Use Group 6, which encroaches into the residential portion of the lot requiring a special permit.

PREMISES AFFECTED - 138-27 247th Street, south side, 250' East of 139th Avenue, Block 1362, Lots 9 and 11, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 3, 2002 acting on ALT Application No. 401245354 reads:

“1. Proposed 2 story enlargement to existing 1 and 2 story commercial building in a C1-2 and R3-2 zone is not permitted to encroach into the R3-2 portion of the lot, therefore is contrary to Section 22-00 of the Z.R.”; and

WHEREAS, a public hearing was held on this application on December 10, 2002 after due notice by publication in *The City Record* and laid over to January 28, 2003 and then to March 18, 2003 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, Former-Commissioner Mitchell Korbey and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §73-52 and §73-03 to permit, within a C1-2/R3-2 zoning district, the proposed two-story addition to an existing retail establishment, Use Group 6, which encroaches into the residential portion of the lot requiring a special permit; and

WHEREAS, the subject site is located in the commercial portion of a commercial/residential with an existing building that houses various types of retail uses; and

WHEREAS, the applicant represents that the size of the products housed require a large accessory storage

MINUTES

area that cannot be accommodated by the existing building; and

WHEREAS, therefore, the applicant proposes to erect a two-story addition located on the west side of the existing building encroaching by approximately 207 square feet into the residential portion of the split lot; and

WHEREAS, the record indicates that the proposal will extend the commercial district boundary line approximately 25' into the residential portion of the zoning lot; and

WHEREAS, the applicant notes that the total floor area planned will be less than the maximum allowed on the original commercial portion of the lot; and

WHEREAS, although there is approximately 4,480 square feet of residential lot area in the existing zoning lot, an additional residential or community facility development would require a 30' rear yard eliminating approximately 2,550 square feet of the existing 4,480 square feet, leaving only 1,930 square feet for development; and

WHEREAS, the Board finds that without the proposed extension, it would not be economically feasible to use or develop the remaining portion of the zoning lot; and

WHEREAS, the record indicates that the proposed

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. §73-52 and §73-03 to permit, within a C1-2/R3-2 zoning district, the proposed two-story addition to an existing retail establishment, Use Group 6, which encroaches into the residential portion of the lot requiring a special permit, *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 6, 2002"-(5) sheets, and "February 25, 2003"-(1) sheet; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant expiring March 18, 2013;

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

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT construction shall be completed in accordance with Z.R. §73-23;

THAT a Certificate of Occupancy shall be obtained within two years of the date of this resolution;

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

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

WHEREAS, the record indicates that, but for 207 square feet, the proposed addition falls within the existing commercial district, and that the depth of the addition is actually less than the depth of the existing retail building; and

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

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

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, March 18, 2003.

322-02-BZ

CEQR #03-BSA-069R

APPLICANT - Sheldon Lobel, P.C., for Marylena Auto Repair Inc., owner.

SUBJECT - Application October 29, 2002 - under Z.R. §73-211 to permit on a site previously before the Board, under Calendar Number 80-88-BZ, in a C2-2 zoning District, to the reestablishment of an expired variance allowing use of an automotive service station and the addition of a new steel canopy, concrete dispenser island with dispensers and doublewall fiberglass tanks contrary to Z.R. §32-35.

PREMISES AFFECTED - 1840 Richmond Terrace, between

MINUTES

Clove Road and Bodine Street, Block 201, Lot 32, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 21, 2002 acting on Application No. 500567932 reads:

“Renew variance by the Board of Standards and Appeals to grant special permit to operate a automotive service station in a C2-2 9(R3-2)

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211 and 73-03, to permit, on a site previously before the Board, under Calendar Number 80-88-BZ, in a C2-2 zoning District, to permit the reestablishment of an expired variance allowing use of an automotive service station and the addition of a new steel canopy, concrete dispenser island with dispensers and doublewall fiberglass tanks contrary to Z.R. §32-35; and

WHEREAS, the applicant seeks to legalize the existing automotive service station as well as permission for the construction of two multiproduct dispensers, two 8,000 gallon underground storage tanks and a seventeen foot canopy over the proposed gas islands; and

WHEREAS, under Calendar Number 51-56-BZ, in 1956, the subject premises was developed with a one-story automotive service station with an open area for the sale of gasoline fuels; and

WHEREAS, the above special permit expired in 1983, and in 1989 under Calendar Number 80-88-BZ, the Board again legalized the premises by granting a special permit for a term of ten years; and

WHEREAS, the instant application meets the findings of Z.R. §73-211 because the existing lot are of 9,413 square feet, exceeds the minimum lot area of 7,500square feet, required under Z.R. §73-211(a), contains frontages along Clove Road and Richmond Terrace”, which the Board notes are heavy traffic streets, but the lot area does exceed 15, 000 square feet therefore, Z.R. §73-211(b), is not applicable; and

WHEREAS, the instant proposal provides facilities for lubrication, minor repairs, car washing, all located within completely enclosed buildings, and designed with entrances and exits allowing easy access to the service buildings and pumps minimizing obstructions of streets and sidewalks; and

district on a site previously before the Board granted under ZR 73-211 under Calendar Number 80-88-BZ expired 9-5-99. Addition of a new 24'x36' steel framed canopy, concrete dispenser islands with (2) 8,000 gallon double wall fiberglass tanks is contrary to ZR-32-35 and therefore must be referred to the NYC BSA for a special permit pursuant to ZR Section 73-211 for the purpose of BSA extension of 10 years.”; and

WHEREAS, a public hearing was held on this application on February 11, 2003 after due notice by publication in *The City Record*, and laid over March 18, 2003for decision; and

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

WHEREAS, the applicant provides signage that is limited to 90 square feet of illuminated signage which is far less than the 150 square feet permitted under Section 73-211(5)(i); and

WHEREAS, in addition to spaces provided at the pump islands, the proposal also provides parking spaces for 5 vehicles; and

WHEREAS, an eight (8) foot high fence will screen the perimeter of the site from the adjoining R3-2 District; and

WHEREAS, the record indicates that an automotive service station has existed at the premises since 1956; and

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

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-211, 73-212 and 73-03; and

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §§73-211, and 73-03, to permit, on a site previously before the Board, under Calendar Number 80-88-BZ, in a C2-2 zoning District, to the reestablishment

MINUTES

of an expired variance allowing use of an automotive service station and the addition of a new steel canopy, concrete dispenser island with dispensers and doublewall fiberglass tanks contrary to Z.R. §32-35, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received March 3, 2003"-(5) sheets; and *on further condition*;

THAT the hours of operation shall be limited to 7:00 A.M. to 9:00 P.M. Monday through Thursday; Friday 7:00 A.M. to 9:00 P.M.; Saturday 7:00 A.M. to 11:00 P.M. and Sunday 11:00 A.M. to 6:00 P.M.;

THAT landscaping be provided and maintained in accordance with BSA-approved plans;

THAT there shall be no used car sales on the premises;

THAT there shall be no parking of cars on the sidewalk at any time;

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, March 18, 2003.

348-02-BZ

CEQR #03-BSA-089Q

APPLICANT - Cellular Telephone Company d/b/a AT & T Wireless Services for Michael Morrin, owner; Cellular Telephone Company, d/b/a AT & T Wireless Services, lessee.

SUBJECT - Application November 22, 2002 - under Z.R. §§73-04, 32-31 & 22-21 to permit in a C2-2 Overlay, within an R3-2 zoning district, the proposed construction of a 70' monopole communications tower.

PREMISES AFFECTED - 183-01 Horace Harding Expressway, northeast corner of 183rd Street, Block 7067, Lot 11, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: David Bronston.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 25, 2002, acting on Application No. 401537690 reads:

"Respectfully requesting denial to appeal to the

THAT there shall be no automobile vacuums on the premises;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring March 18, 2013;

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

THAT a new Certificate of Occupancy shall be obtained within 2 years of this grant;

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

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

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

Board of Standards and Appeals for proposed monopole on grade. The proposed monopole does not comply with Zoning Resolution 22-21.>"; and

WHEREAS, a public hearing was held on this application on February 25, 2003, after due notice by publication in the City Record, laid over to May March 18, 2003 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-Chairman Satish Babbar, former Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit under Z.R. §§73-03, 73-30, 32-31 and 22-21, to permit, in a C2-2 Overlay, within an R3-2 zoning district, the proposed construction of a 70' monopole communications tower; and

WHEREAS, the subject lot is improved with an existing two-story building housing an eating and drinking establishment; and

WHEREAS, the record indicates that applicant has entered into a lease with the owner of the property for an approximately 300 square foot portion of the property on which the proposed communications facility will be built; and

WHEREAS, the applicant represents that the proposed facility will be comprised of a 70' wireless communications monopole, with twelve antennas attached in groups of 3 and 4 antennas to cover three sectors; and

WHEREAS, the applicant further represents that 4 equipment cabinets will be mounted to a concrete pad at the base, and the entire facility will be completely fenced, landscaped and the enclosed equipment cabinets will be sited and screened from public view; and

WHEREAS, the record indicates that the instant proposal will not generate additional traffic, noise, vibration,

MINUTES

smoke, dust, odors, heat or glare and will not consume municipal services such as water, sewer, police or fire protection; and

WHEREAS, the applicant represents that the proposal is beneficial to the community because, in addition to enabling personal and business communication, it will provide improved wireless communication in the area thereby enhancing safety by facilitating immediate availability to medical and emergency services; and

WHEREAS, the proposal will comply with all applicable operational standards of the FCC; and

WHEREAS, the record indicates that the proposal will not produce any detrimental effects to the physical environment, or traffic in the neighborhood; and

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings and grants a special permit under Section Z.R. §§73-03, 73-30, 32-31 and 22-21, to permit, in a C2-2 Overlay, within an R3-2 zoning district, the proposed construction of a 70' monopole communications tower, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received February 4, 2003"- (6) sheets; and on further condition;

THAT this special permit shall be limited to a term of (10) years from the date of this grant expiring March 18, 2013;

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, March 18, 2003.

193-01-BZ

APPLICANT - Harold Weinberg, P.E., for 3044 Coney Island Avenue Associates, Samuel Shpelfogel Agent, owner.

SUBJECT - Application April 25, 2002 - under Z.R. §72-21, to

and development of the surrounding area; and

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-30, 73-03, 32-31 and 22-21; and

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

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

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

permit the proposed use of the second and third floors of an existing three story building, as business offices, Use Group 6, located in an R6 zoning district, which is contrary to Z.R. §22-00.

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: Jordan Most.

ACTION OF THE BOARD - Laid over to March 25, 2003, at 1:30 P.M., for deferred decision.

369-01-BZ

APPLICANT - Sheldon Lobel, P.C., for SYC, LLC, owner.

SUBJECT - Application November 27, 2001 - under Z.R. §72-21, to permit the legalization of an existing three story residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 303 Seigel Street, northwest corner of Bogart Street, Block 3092, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane and Marc Esrig.

ACTION OF THE BOARD - Laid over to April 29, 2003, at 1:30 P.M., for continued hearing.

82-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Sholem Freund, owner.

SUBJECT - Application August 8, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building,

MINUTES

in a manufacturing (M1-2) zoning district, which also exceeds the maximum permitted floor area ratio, lot coverage and rear yard, which is contrary to Z.R. §42-00, §23-145 and §23-47.

PREMISES AFFECTED - 788 Kent Avenue, 25' south of Little Nassau Street, Block 1883, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 1:30 P.M., for continued hearing.

91-02-BZ

For Applicant: Jordan Most.

For Opposition: A. Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to April 29, 2003, at 1:30 P.M., for continued hearing.

120-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Abraham Lokshin, owner; Dolphin Fitness, Inc., lessee.

SUBJECT - Application April 15, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, Use Group 9, located in the cellar of a six story building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 42 Avenue "A", northeast corner of East Third Street, Block 399, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to April 8, 2003, at 1:30 P.M., for continued hearing.

165-02-BZ thru 176-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit the proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00 and does not provide the required thirty foot rear yard, light and air, which is contrary to Article 3, Section 26 of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

PREMISES AFFECTED -

147 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 27, Borough of Brooklyn.

151 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 25, Borough of Brooklyn.

APPLICANT - Sheldon Lobel, P.C., for David Winiarski, owner.
SUBJECT - Application September 11, 2002 - under Z.R. § 72-21 to permit the proposed construction of a six story building, with residential uses on the upper floors and community facility use on the first floor, located in an R5 zoning district, which exceeds the permitted residential and community facility floor area ratios, is contrary to Z.R. §24-11 and §23-141.

PREMISES AFFECTED - 3032/42 West 22nd Street, 180' north of Highland View Avenue, Block 7071, Lot 19 (prev. 19, 29 and 22), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

153 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 24, Borough of Brooklyn.

155 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 23, Borough of Brooklyn.

157 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 22, Borough of Brooklyn.

159 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Stuart Klein.

ACTION OF THE BOARD - Laid over to May 6, 2003, at 1:30 P.M., for continued hearing.

186-02-BZ thru 191-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not provide the required light and ventilation, is contrary to §27-733 of the NYC Building Code.

PREMISES AFFECTED -

143 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 29, Borough of Brooklyn.

145 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 28, Borough of Brooklyn.

149 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #2BK

MINUTES

APPEARANCES -

For Applicant: Stuart Klein.

ACTION OF THE BOARD - Laid over to May 6, 2003, at 1:30 P.M., for continued hearing.

183-02-BZ

PREMISES AFFECTED - 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.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Nelly Bravo.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 25, 2003, at 1:30 P.M., for decision, hearing closed.

185-02-BZ

APPLICANT - Sheldon Lobel, P.C., for North Ninth Street Realty, LLC., owner.

SUBJECT - Application June 5, 2002 - under Z.R. §72-21 to permit the proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 93/101 North Ninth Street, north side, between Wythe Avenue and Berry Street, Block 2303, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to May 6, 2003, at 1:30 P.M., for continued hearing.

223-02-BZ & 224-02-A

APPLICANT - Sheldon Lobel, P.C., for 320 West 84th Street, Corp, owner.

SUBJECT - Application August 6, 2002 - under Z.R. §73-621 to permit the legalization of an existing rental apartment in the cellar of a six story building, located in an R8B zoning district, which increases the degree of non-compliance with respect to floor area ratio and open space ratio, which is contrary to Z.R. §23-142 and §54-31; and does not comply with §§34.6 and 216 of the Multiple Dwelling Law and §§27-2082 and 27-2085 of the Housing

APPLICANT - The Agusta Group, for Jimmy and Jeffrey Chin, owners.

SUBJECT - Application May 31, 2002 - under Z.R. §11-411 to permit the reestablishment of a special permit, previously granted 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.

Maintenance Code.

PREMISES AFFECTED - 320 West 84th Street, between Riverside Drive and West End Avenue, Block 1245, Lot 86, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 8, 2003, at 1:30 P.M., for decision, hearing closed.

236-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Raymond and Vivian Dayan, owners.

SUBJECT - Application August 23, 2002 - under Z.R. §72-21 to permit the proposed enlargement of a single family residence, located in R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, perimeter wall height, building height, and front and side yards, and is contrary to Z.R. §23-141, §23-631, §23-45 and §23-461A.

PREMISES AFFECTED - 2324 Avenue "R", southwest corner of East 24th Street, Block 6829, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 25, 2003, at 1:30 P.M., for decision, hearing closed.

237-02-BZ

APPLICANT - The Agusta Group, for Jose Lazo, D.D.S., Gerson F. Mendoza, D.C., owners.

SUBJECT - Application August 26, 2002 - under Z.R. §72-21 to

MINUTES

permit the legalization of the conversion from residential use, to an existing dental office, located on the second floor of a two story and cellar building, in an R6 zoning district, is contrary to Z.R. §22-14. PREMISES AFFECTED - 37-49 91st Street, east side, between

ACTION OF THE BOARD - Laid over to April 29, 2003, at 1:30 P.M., for postponed hearing.

248-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Chambers 105 Acquisition, LLC, owner; The Big Workout, Inc., d/b/a 2477 Fitness Club, lessee.

SUBJECT - Application September 12, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located in portions of the ground floor, cellar and sub-cellar of a five story building, requires a special permit as per Z.R. §32-00.

PREMISES AFFECTED - 105/07 Chambers Street (a/k/a 160/70 Church Street and 89/91 Reade Street, Church Street, between Chambers and Reade Streets, Block 145, Lots 1001, 1002 and 1003, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 8, 2003, at 1:30 P.M., for decision, hearing closed.

269-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Miriam Klein, owner. SUBJECT - Application October 30, 2002 - under Z.R. §73-622 to permit the legalization of a prior enlargement, as well as an additional enlargement of a single family residence, in an R3-2 zoning district, which creates non-compliance with regards to floor area ratio, open space, rear yard, lot coverage, perimeter wall height and side yard, is contrary to Z.R. §23-141, §23-47 and §23-631.

PREMISES AFFECTED - 1644 East 28th Street, between Avenue "P" and Quentin Road, Block 6790, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 15, 2003,

Roosevelt and Elmhurst Avenues, Block 1479, Lot 53, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES - None.

at 1:30 P.M., for decision, hearing closed.

341-02-BZ

APPLICANT - Martyn & Don Weston, for 231 East 58th Street Associates, owner.

SUBJECT - Application November 15, 2002 - under Z.R. §72-21 to permit the reestablishment of a previously variance granted under Cal. No. 633-66-BZ, which permitted a retail store, Use Group 6, on the first floor of a five story building, located in an R8B zoning district.

PREMISES AFFECTED - 231/33 East 58th Street, north side, 129'-8" west of Second Avenue, Block 1332, Lot 16, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Don Weston.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 8, 2003, at 1:30 P.M., for decision, hearing closed.

346-02-BZ

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Anthony & Nancy Pimpinella, owner.

SUBJECT - Application November 19, 2002 - under Z.R. §72-21 to permit the proposed enlargement to an existing one-family dwelling, Use Group 1, located in an R3X(SRD) zoning district, which does not comply with the zoning requirements side yards and lot width, is contrary to Z.R. §107-462 and §107-42.

PREMISES AFFECTED - 34 Zephyr Avenue, south side, 97' east of Berton Avenue, Block 6452, Lot 5, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Gary J. D'Orio.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 8, 2003, at 1:30 P.M., for decision, hearing closed.

MINUTES

369-02-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for Judith Frenkel, owner; Andrea Rosen, contract vendee.

SUBJECT - Application January 9, 2003 - under Z.R. §72-21 to permit the proposed conversion of an existing two-story commercial building, into a residential dwelling, with a minor rooftop addition, which is contrary to Z.R. §32-10 and §15-021, located in a C8-4 zoning district.

PREMISES AFFECTED - 785 Washington Street, east side, between Jane and Horatio Streets, 25' north of Jane Street, Block 642, Lot 39, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Doris Diether, Community Board # 2, Lori Cuisiner and E. Rexiode.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 29, 2003, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 3:30 P.M.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

Volume 88, No. 14

April 3, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - Counsel

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET239

CALENDAR of April 29, 2003

Morning240

Afternoon241-242

CONTENTS

MINUTES of Regular Meetings,

Tuesday, March 25, 2003

Morning Calendar243

Affecting Calendar Numbers:

| | |
|---------------|--|
| 947-80-BZ | 154-158 West 18 th Street, Manhattan |
| 492-91-BZ | 214-32 Hillside Avenue, Queens |
| 36-94-BZ | 103/105 Putnam Avenue, Brooklyn |
| 217-97-BZ | 119-45 Union Turnpike, Queens |
| 202-02-BZ | 133-20 Rockaway Boulevard, Queens |
| 319-53-BZ | 1135 East 222 nd Street, The Bronx |
| 426-54-BZ | 78-11 Linden Boulevard, Queens |
| 717-60-BZ | 2052 Victory Boulevard, Staten Island |
| 374-75-BZ | 380-394 Amsterdam Avenue, Manhattan |
| 617-80-BZ | 770/780 McDonald Avenue, Brooklyn |
| 406-82-BZ | 2411 86 th Street, Brooklyn |
| 8-87-BZ | 4778/82 Broadway, Manhattan |
| 261-90-BZ | 2468-2478 Tiebout Avenue, The Bronx |
| 228-01-BZ | 1153 Grand Concourse, The Bronx |
| 252-02-A | 466 Seabreeze Walk, Queens |
| 2-03-A | 37 Bedford Avenue, Queens |
| 4-03-A | 502 Browns Boulevard, Queens |
| 127-02-A thru | |
| 135-02-A | Aviston Street & Tarrytown Avenue, Staten Island |
| 136-02-A thru | |
| 137-02-A | 48 & 45 Aviston Avenue, Staten Island |
| 21-02-A thru | |
| 25-02-A | Francis Lewis Boulevard, Queens |
| 6-03-A thru | |
| 14-03-A | Waterside Court, Queens |
| 15-03-A thru | |
| 23-03-A | Powells Cove Boulevard, Queens |

CONTENTS

| | |
|---|------------------------------------|
| Afternoon Calendar..... | 251 |
| <u>Affecting Calendar Numbers:</u> | |
| 193-01-BZ | 3034 Coney Island Avenue, Brooklyn |
| 253-01-BZ | 848 Washington Street, Manhattan |
| 305-01-BZ thru 320-01-BZ | |
| 37-03-BZ thru 39-03-BZ | |

| |
|------------------------------|
| Terrace Court, Queens |
|------------------------------|

| | |
|----------------|---|
| 183-02-BZ | 150/54 Van Cortland Avenue, The Bronx |
| 194-02-BZ | 1775 South Avenue, Staten Island |
| 208-02-BZ | 840 Jewett Avenue, Staten Island |
| 209-02-BZ | 2999 Third Avenue, The Bronx |
| 236-02-BZ | 2324 Avenue R, Brooklyn |
| 328-02-BZ | Three Park Avenue, Manhattan |
| 354-02-BZ | 1810 East 22 nd Street, Brooklyn |
| 297-01-BZ | 201 East 23 rd Street, Manhattan |
| 73-02-BZ | 6 Stanwix Street, Brooklyn |
| 96-02-BZ | |
| thru 102-02-BZ | Steinway Street, Queens |
| 222-02-BZ | 2547 East 12 th Street, Brooklyn |
| 229-02-BZ | Walton Street, Brooklyn |
| 238-02-BZ | 638 Dean Street, Brooklyn |
| 282-02-BZ | 1465 East 24 th Street, Brooklyn |
| 284-02-BZ | 121/35 Court Street, Brooklyn |
| 356-02-BZ | 210-14 Northern Boulevard, Queens |
| 357-02-BZ | 201-10 Northern Boulevard, Queens |
| 368-02-BZ | 22/36 Astor Place, Manhattan |
| 5-03-BZ | 2276 86 th Street, Brooklyn |

| | |
|-----------------|-----|
| CORRECTION..... | 265 |
|-----------------|-----|

| | |
|--|--------------------------------------|
| <u>Affecting Calendar Number:</u> | |
| 142-00-BZ | 240 Wythe Avenue, Brooklyn |
| 344-02-BZ | 3501 Fort Hamilton Parkway, Brooklyn |

DOCKET

New Case Filed Up to March 25, 2003

86-03-A B.Q. 11-19 132ND Street, south of eleventh Avenue, Block 4012, Tentative Lot 144, Borough of Queens. Applic.#401621731. Proposed erection of a contractor's establishment with offices, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

87-03-A B.Q. 132-01 14th Avenue, north side, 418.57' west of 133rd Place, Block 4012, Tentative Lot 1, Borough of Queens. Applic.#401621205. Proposed retail stores, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

88-03-BZ B.M. 313 East 81st Street, north side, 225' east of Second Avenue, Block 1544, Lot 10, Borough of Manhattan. Applic.#103339665. Proposed enlargement of the subject premises, which will result in the creation of larger units for two of the existing twenty (20) apartments in the building, creates non-compliance with respect to floor area, and is therefore contrary to Z.R. §23-145.
COMMUNITY BOARD #8M

89-03-BZ B.M. 315 East 81st Street, north side, 250' east of Second Avenue, Block 1544, Lot 11, Borough of Manhattan. Applic.#103338700. Proposed enlargement of the subject premises, which will result in the creation of larger units for two of the existing twenty (20) apartments in the building, creates non-compliance with respect to floor area, and is therefore contrary to Z.R. §23-145.
COMMUNITY BOARD #8M

90-03-BZ B.Q. 109-37 Sutphin Boulevard, between 109th Road and 109th Drive, Block 12141, Lot 3, Borough of Queens. Applic.#401623132. Proposed construction of a five/six story apartment building, with 34 dwelling units, located in a C2-2 within an R4 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, total height, dwelling units, lot area per dwelling unit, side yard and parking, is contrary to Z.R. §23-141(b), §23-631(b), §23-222, §23-462(a) and §25-22.
COMMUNITY BOARD #12M

91-03-A B.M. 359 Broadway, aka 93 Leonard Street, northwest corner, Block 174, Lot 37, Borough of Manhattan. Applic.#102884470. Proposed increase in the number of loft dwelling units in an existing nine story mixed use building, must comply with Local Law 10/99 regarding

sprinklers.

92-03-BZ B.M. 472 West 130th Street, southwesterly corner of the intersection of West 130th Street and Convent Avenue, Block 1969, Lots 64. 67 and 68, Borough of Manhattan. N.B. #103157003. Proposed residential development of an entire zoning lot, on a lot divided by an R7-2 and M1-1 district boundary, requires a special permit from the Board as per Z.R. §73-52.
COMMUNITY BOARD #9M

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

APRIL 29, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, April 29, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

660-77-BZ

APPLICANT - Joseph P. Morsellino, for 41st Realty LLC, owner; Fogarty Funeral Home, lessee.

SUBJECT - Application March 7, 2003 - reopening for an extension of term of variance which expired March 7, 2003.

PREMISES AFFECTED - 136-50 41st Avenue, 41st Avenue, east of Kissena Boulevard, Block 5044, Lot 32, Borough of Queens.

COMMUNITY BOARD #7Q

716-82-BZ

APPLICANT - Joseph P. Morsellino, for Cigarette Realty, owner; Staples Inc., lessee.

SUBJECT - Application February 20, 2003 - reopening for an extension of term of variance which expired June 13, 2003.

PREMISES AFFECTED - 209-30 Northern Boulevard, Northern Boulevard, east of Oceania Street, Block 7309, Lots 9, 11, 13 & 49, Borough of Queens.

COMMUNITY BOARD #11Q

286-86-BZ

APPLICANT - Sheldon Lobel, P.C., for George Kotsonis, owner; Union Fitness Organization, lessee.

SUBJECT - Application February 24, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 100 7th Avenue aka 808 Union Avenue, portion of block bounded by 7th Avenue, Union Street, 6th Avenue and President Street, Block 957, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #6BK

PREMISES AFFECTED -

11-19 132nd Street, south of eleventh Avenue, Block 4012, Tentative Lot 144, Borough of Queens.

132-01 14th Avenue, north side, 418.57' west of 133rd Place, Block 4012, Tentative Lot 1, Borough of Queens.

259-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP for Michael Giordano, owner.

SUBJECT - Application September 23, 2003 - Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 819 Rossville Avenue, aka 504 Correll Avenue, Block 6146, Lot 35, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

287-02-A thru 289-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Ocean Park Estates, owner.

SUBJECT - Application October 23, 2002 - Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

3 Reynolds Court, north side, 363.9' east of Reynolds Street, Block 2981, Lot 93, Borough of Staten Island. 5 Reynolds Court, north side, 363.1' east of Reynolds Street, Block 2981, Lot 95, Borough of Staten Island.

7 Reynolds Court, north side, 300' east of Reynolds Street, Block 2981, Lot 97, Borough of Staten Island.

COMMUNITY BOARD #1SI

76-03-A

APPLICANT - Joseph Gabriel, for Breezy Point Co-op Inc., owner; Dennis McGowan, lessee.

SUBJECT - Application March 3, 2003 - Proposed alteration of an existing first floor, and to relocate the first floor bedrooms to a new second floor, in an existing one family dwelling not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 23 Newport Walk, east side, 84' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14

86-03-A & 87-03-A

APPLICANT - Richard Bowers, Stadtmauer Bailkin LLP, owner.

SUBJECT - Application March 19, 2003 - Proposed erection of a contractor's establishment with offices, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

COMMUNITY BOARD #7Q

APRIL 29, 2003, 1:30 P.M.

CALENDAR

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, April 29, 2003, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

334-02-BZ thru 336-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 1287 Atlantic Realty LLC, owner.

SUBJECT - Application November 13, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy in a one story, four unit building, which is located within an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

1281 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

1283 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

1287 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72,75 and 76, Borough of Brooklyn.

COMMUNITY BOARD #3BK

343-02-BZ

APPLICANT - Harry A. Meltzer, R.A., for Richard Winer of RAW Corporation, owner; Peak Performance Sports Center, Inc., lessee.

SUBJECT - Application November 18, 2002 - under Z.R. §73-36 to permit the proposed physical culture establishment, to be located on the eighth floor of an existing twelve story commercial building, requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 54 West 21st Street, south side, 104.2' east of Avenue of the Americas, Block 822, Lot 70, Borough of Manhattan.

COMMUNITY BOARD #5M

370-02-BZ thru 373-02-BZ

APPLICANT - Sheldon Lobel, P.C., for NY Hospital Medical Center of Queens, owner.

SUBJECT - Application December 24, 2002 - under Z.R. § 72-21 to permit the legalization of the conversion of the second floor of an **1-03-BZ**

APPLICANT - The Agusta Group, for BRK Properties Inc., owner.

SUBJECT - Application January 7, 2003 - under Z.R. §72-21 to permit the proposed erection of a two story, two family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirements for zoning lot, front yards, floor area, and will have the required parking located within the front yard, is contrary to Z.R. §23-45, §23-141, §23-32 and

existing two story structure, to a medical offices, Use Group 4, located within an R4 zoning district, and also does not comply with the zoning requirements for rear and side yards, is contrary to Z.R. §22-14, §24-35 and §24-36.

PREMISES AFFECTED - 56-14 Main Street, between Booth Memorial and 56th Avenues, 100' south of 56th Avenue, Block 5133, Lot 40, Borough of Queens.

56-24 Main Street, between Booth Memorial and 56th Avenues, 210' south of 56th Avenue, Block 5133, Lot 45, Borough of Queens.

56-26 Main Street, between Booth Memorial and 56th Avenues, 230' south of 56th Avenue, Block 5133, Lot 47, Borough of Queens.

56-44 Main Street, between Booth Memorial and 56th Avenues, 230' south of 56th Avenue, Block 5133, Lot 45, Borough of Queens.

COMMUNITY BOARD #7Q

285-02-BZ

APPLICANT - The Agusta Group, for Frank Ward, owner.

SUBJECT - Application October 23, 2002 - under Z.R. §72-21 to permit the legalization of an existing eating and drinking establishment, and a retail store, Use Group 6, which is contrary to two previous variances granted under Cal. Nos. 905-53-BZ and 1052-66-BZ, which permitted a factory building in an R4 zoning district, and also Z.R. §22-00.

PREMISES AFFECTED - 900 East 213th Street, aka 3580 Bronxwood Avenue, southeast corner, Block 4683, Lot 49, Borough of The Bronx.

COMMUNITY BOARD #12BX

329-02-BZ

APPLICANT - The Agusta Group by Paul Bonfilio, R.A., for Yury Abramov, owner.

SUBJECT - Application November 7, 2002 - under Z.R. §72-21 to permit the proposed addition to an existing one family dwelling, which creates non-compliance with respect to the required side yard, is contrary to Z.R. §23-461.

PREMISES AFFECTED - 182-40 Radnor Road, east side, between Grand Central Parkway and Kent Street, Block 7246, Lot 11, Borough of Queens.

COMMUNITY BOARD #8Q

§23-44.

PREMISES AFFECTED - 128-05 Hawtree Creek Road, southwest corner of 109th Avenue, Block 11609, Lot 1, Borough of Queens.

COMMUNITY BOARD #10Q

34-03-BZ

CALENDAR

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Thaneshwar Sukhdeo, owner.

SUBJECT - Application January 28, 2003 - under Z.R. §72-21 to permit the proposed erection of a two family dwelling, located in an R3-2 zoning district, on an undersized lot, which does not comply with the zoning requirements for front and side yards, lot width or lot area, and the required sky exposure plane, which is contrary to Z.R. §23-45, §23-32 and §23-461.

PREMISES AFFECTED - 89-57 207th Street, a/k/a 207-01 90th Avenue, northeast corner, Block 10572, Lot 35, Borough of Queens.

COMMUNITY BOARD #13Q

74-03-BZ

APPLICANT - Steven Sinacori/Stadtmauer Bailkin, LLP, for F/B/O Laing P Foster, c/o Steven C. Curley, owner.

SUBJECT - Application February 25, 2003 - under Z.R. §72-21 to permit the proposed conversion of garage space, and the minor expansion of an existing mezzanine within an existing two story functionally obsolete carriage house, into living space to be used primary by the building's owner, in an existing single family residential building, located in an R7-1 and LH-1 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, and is contrary to Z.R. §23-142.

PREMISES AFFECTED - 32 College Place, east side, 294.11' north of Love Lane, Block 236, Lot 53, Borough of Brooklyn.

COMMUNITY BOARD #2BK

Pasquale Pacifico, Executive Director

REGULAR MEETING TUESDAY MORNING, MARCH 25, 2003 10:00 A.M.

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, February 11, 2003, were approved as printed in the Bulletin of February 20, 2003, Volume 88, No. 8.

SPECIAL ORDER CALENDAR

947-80-BZ

APPLICANT - Slater & Beckerman, LLP, for Hellmuth Owners Corp., owner.

SUBJECT - Application August 7, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 154-158 West 18th Street, south side of 18th Street, 141' east of 7th Avenue, Block 793, Lot 67, Borough of Manhattan.

MINUTES

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Stuart Beckerman.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 12, 2002 acting on Application No. 10315998 reads:

"5. Proposed layout indicates that required open space equivalent is not provided. This is contrary to Section 15-12 ZR. When open space is provided it must be accessible to all the tenants. This is also contrary to BSA Case #947-80-BZ. 10. Proposed change of use on Second Floor from offices and Showroom (Use Group 6) to Residential (Use Group 2) is contrary to BSA Case #947-80-BZ."; and

WHEREAS, a public hearing was held on this application on December 17, 2002 after due notice by publication in The City Record, and laid over to March 4, 2003 and then to March 25, 2003 for decision; and

WHEREAS, on February 17, 1981, the Board granted an application permitting in an M1-5 district, the erection of a penthouse enlargement on an existing 8-story building and the conversion of all floors above the second floor from lofts into a multiple dwelling; and

WHEREAS, the applicant now seeks a removal of a condition of the Board requiring that 25 percent of the roof area be allocated as tenant recreational space, and a conversion of the second floor into residential use; and

WHEREAS, the record indicates that the subject zoning district was rezoned in 1999 from M1-5 into C6-2A which allows residential use on the second floor; and

WHEREAS, the applicant has submitted a financial analysis which sufficiently addresses the Board's concerns over the removal of the common roof deck.

Resolved that the Board of Standards and Appeals reopens and amends the variance, said resolution having been adopted on PREMISES AFFECTED - 214-32 Hillside Avenue, southeast corner of Vanderveer Street and Hillside Avenue, Block 10673, Lot 3, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application reopened, term of variance extended and resolution amended.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 12, 2002 acting on Application No. 400526329 reads:

"Referred to Board of Standards and Appeals for an

February 17, 1981, so that as amended this portion of the resolution shall read:

"to permit the removal of the condition of the Board requiring that "25 percent of the roof area, limited to activities not exceeding 40 pounds per square foot, be allocated as tenant recreational space" and the conversion of the second floor into residential use, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with this application marked "Received August 7, 2002" -(8) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT all conditions from the prior grant, with the exception of the aforementioned condition removed, shall remain in effect;

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

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

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

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

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

Adopted by the Board of Standards and Appeals, March 25, 2003.

492-91-BZ

APPLICANT - Sheldon Lobel, P.C., for Michelle Frank, owner.
SUBJECT - Application January 3, 2002 - reopening for an amendment to the resolution.

Amendment of the previously approved plans to permit the parking of vehicles in the rear yard."; and

WHEREAS, a public hearing was held on this application on March 4, 2003 after due notice by publication in The City Record, and laid over to March 25, 2003 for decision; and

WHEREAS, on July 21, 1992, the Board granted an application permitting in an R2 district, the legalization of a motor vehicle repair shop with used car sales; and

WHEREAS, the applicant now seeks to extend the term of the variance, which expired on July 21, 2002, for a period of twenty (20) years, and to amend the resolution to permit the parking of cars in the rear yard

WHEREAS, upon review of this application and based upon site and neighborhood inspection, the Board finds that the rear yard should be maintained as a buffer zone between the subject premises and the adjacent residential use.

Resolved that the Board of Standards and Appeals reopens

MINUTES

and amends the resolution to extend the term of the variance which expired on July 21, 2002, so that as amended this portion of the resolution shall read:

" to extend the term of the variance for an additional twenty (20) years from July 21, 2002, to expire on July 21, 2022, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with this application marked "Received March 18, 2003" -(1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

THAT the rear yard landscaping and fencing shall be maintained according to BSA approved plans;

THAT the number of accessory parking spaces for motor vehicles awaiting service shall be limited to ten (10);

THAT the number of spaces in the open car sales lot of new and used cars shall be limited to fourteen (14);

THAT all conditions from the prior grant shall remain in effect;

THAT there shall be no razor wire fencing on the premises;

THAT there shall be no vehicular access to the rear yard from the side gate;

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

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

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

THAT the approved plans shall be considered approved only

WHEREAS, a public hearing was held on this application on March 4, 2003 after due notice by publication in The City Record, and laid over to March 25, 2003 for decision; and

WHEREAS, on February 6, 1996, the Board granted an application permitting in an R6 zoning district, the enlargement of an existing funeral home.

Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution to extend the time to complete construction which expired on February 6, 2001, so that as amended this portion of the resolution shall read:

"to extend the time to complete construction for two (2) years from the date of this grant to expire on March 25, 2005, on condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT all conditions from the prior grant shall remain in effect;

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

THAT this approval is limited to the relief granted by the

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, March 25, 2003.

36-94-BZ

APPLICANT - Robert L. Henry, for Cleveland Vaughan, owner.
SUBJECT - Application December 27, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction.

PREMISES AFFECTED - 103/105 Putnam Avenue, property is on the northside of Putnam Avenue, B/W Classon Avenue and Franklin Avenue, Block 1989, Lots 61 and 62, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Paul Duke.

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

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a reopening for an extension of the time to complete construction, which expired on February 6, 2001; and

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.

(DOB ALT. Application # 1248/89 & #301471896)

Adopted by the Board of Standards and Appeals, March 25, 2003.

217-97-BZ

APPLICANT - Lance I. Michaels, for EZRA Academy, owner.
SUBJECT - Application December 13, 2002 - reopening for an extension of time to complete construction which expired November 16, 2002.

PREMISES AFFECTED - 119-45 Union Turnpike, northside of Union Turnpike between Queens Boulevard and Kew Forest

MINUTES

Lane, Block 3357, Lot 1003, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: Lance I. Michaels.

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

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has a reopening and an extension of the time to complete construction, which expired on November 16, 2002; and

WHEREAS, a public hearing was held on this application on March 4, 2003 after due notice by publication in The City Record, and laid over to March 25, 2003 for decision; and

WHEREAS, on November 17, 1998, the Board granted an application permitting the erection of a school gymnasium above an existing four-story wing of an eleven-story building.

Resolved that the Board of Standards and Appeals reopens and amends the resolution to extend the time to complete construction which expired on November 16, 2002, so that as amended this portion of the resolution shall read:

" to extend the time to complete construction for (2) years from the date of this grant to expire on March 25, 2005, on condition

THAT the premises shall be maintained free of debris and graffiti;

ACTION OF THE BOARD - Application dismiss for lack of prosecution..

THE VOTE TO DISMISS -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, March 25, 2003.

319-53-BZ

APPLICANT - Kenneth H. Koons, for Stanley & Roland Weisserberger, owners.

SUBJECT - Application December 30, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance and for an amendment to the resolution.

PREMISES AFFECTED - 1135 East 222nd Street, aka 3651 Eastchester Road, northwest corner of Eastchester Road, Block 4900, Lot 2, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Kenneth H. Koons.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT all conditions from the prior grant shall remain in effect;

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

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, March 25, 2003.

202-02-BZ

APPLICANT: New York City Board of Standards and Appeals.

OWNER OF PREMISES: Hajj D. Corp.

SUBJECT: to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 133-20 Rockaway Boulevard, South Ozone Park, Block 11757, Lot 55, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES - None.

Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to April 29, 2003, at 10 A.M., for decision, hearing closed.

426-54-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Howard Levine, owner.

SUBJECT - Application April 4, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired April 22, 2000 and Application November 12, 2002 for an amendment to the resolution.

PREMISES AFFECTED - 78-11 Linden Boulevard, northwest corner of Linden Boulevard and 79th Street, Block 11376, Lot 23, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to April 15, 2003,

MINUTES

at 10 A.M., for decision, hearing closed.

717-60-BZ

APPLICANT - Walter T. Gorman, P.E., for Sun Co., Inc, owner; Roy's II Auto Center Inc., lessee.

SUBJECT - Application January 3, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a new certificate of occupancy which expired April 13, 2000.

PREMISES AFFECTED - 2052 Victory Boulevard, southeast corner of Bradley Avenue aka 7 Bradley Avenue, Block 724, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to April 15, 2003, at 10 A.M., for decision, hearing closed.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to April 15, 2003, at 10 A.M., for decision, hearing closed.

406-82-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Adolph Clausi & Theodore Thomas, owner; Hendel Products/McDonalds, lessee.

SUBJECT - Application January 24, 2003 - reopening for an extension of term of variance which expired January 18, 2003.

PREMISES AFFECTED - 2411 86th Street, northeast corner of 24th Avenue and 86th Street, Block 6859, Lots 1, 69 & 71, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to April 29, 2003, at 10 A.M., for decision, hearing closed.

8-87-BZ

374-75-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES:

SUBJECT -

PREMISES AFFECTED - 380-394 Amsterdam Avenue, Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Barbara Hair.

ACTION OF THE BOARD - Laid over to April 29, 2003, at 10 A.M., for continued hearing

617-80-BZ

APPLICANT - Eric Palatnik, P.C., for J.S. Simcha, Inc, owner.

SUBJECT - Application January 14, 2003 - reopening for an extension of time to complete construction which expired January 24, 2003.

PREMISES AFFECTED - 770/780 McDonald Avenue, McDonald Avenue and Ditmas Avenue, Block 5394, Lots 11 & 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Eric Palatnik.

APPLICANT - Walter T. Gorman, P.E., for Andre & Jose Vasquez, owner; DBA Broadway Hand Carwash, lessee.

SUBJECT - Application January 3, 2003 - reopening for an extension of time to obtain a new certificate of occupancy which expired December 8, 2002.

PREMISES AFFECTED - 4778/82 Broadway, east side Broadway, 225' north of Dyckman Street, Block 2233, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to April 15, 2003, at 10 A.M., for decision, hearing closed.

261-90-BZ

APPLICANT - Elliott M. Glass, Architect, for Tiebout Associates, Inc., owner.

SUBJECT - Application January 3, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 22, 2001.

PREMISES AFFECTED - 2468-2478 Tiebout Avenue, 83.27" north of East 188th Street, 223.62" south of Fordham Road, Block 3023, Lot 4, Borough of The Bronx.

COMMUNITY BOARD #5BX

MINUTES

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to April 15, 2003,
at 10 A.M., for decision, hearing closed.

228-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Helbor Realty Corp.,
owner.

SUBJECT - Application Remanded back to BSA as per Supreme
Court Decision

PREMISES AFFECTED - 1153 Grand Concourse, northwest
corner of the Grand Concourse and McClellan Street, Block 2463,
Lot 21, Borough of The Bronx.

COMMUNITY BOARD #4BX

APPEARANCES -

For Applicant: Irving Minkin.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough
Commissioner, dated August 28, 2002 acting on ALT 1.
Application No. 401463493, reads in pertinent part:

"A1- The site is located in the bed of a mapped street
therefore no permit or Certificate of Occupancy can be issued
as per Art. 3. Sect.35 of the General City Law.

A 2- The site and building is not fronting on an official
mapped street therefore no permit or Certificate of
Occupancy can be issued as per Article 3, Section 36 of the
General City Law ; also no permit can be issued since
proposed construction does not have at least 8% of the total
perimeter of the building fronting directly upon a legally
mapped street or frontage space and therefore contrary to
Section C 27-291 (C26-401.1) of the Administrative Code
of the City of New York.

A3- The upgraded private disposal system is in the
bed of a mapped street contrary to Department of Buildings
policy. "; and

WHEREAS, by the letter dated October 9, 2003, the Fire
Department has reviewed the above project and has no objections;
and

WHEREAS, by letter dated November 15, 2003, the
Department of Transportation has reviewed the above project and
has no objections; and

WHEREAS, by letter dated February 4, 2003, the
Department of Environmental Protection 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,

Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to April 15, 2003,
at 10 A.M., for decision, hearing closed.

252-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative
Inc., owner; Martin & Kathleen Fahy, owners.

SUBJECT - Application September 17, 2002 - proposed
enlargement to an existing one family dwelling, not fronting on a
legally mapped street, located within the bed of mapped street and
also has a private disposal system within the bed of a mapped
street, which is contrary to Sections 35 and 36, Article 3 of the
General City Law.

PREMISES AFFECTED - 466 Seabreeze Walk, east side,
4.31' south of Rockaway Point Boulevard, Block 16350, Lot
400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES - None.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

dated August 28, 2003 acting on ALT 1. Application No.
401463493, is modified under the power vested in the Board by
§§ 36 & 35of the General City Law, and that this appeal is
granted, limited to the decision noted above, on condition that
construction shall substantially conform to the drawing filed with
the application marked, "Received December 10, 2002"-(1) sheet;
and that the proposal comply with all applicable R4 zoning district
requirements; that all applicable laws, rules, and regulations shall be
complied with; on further condition

THAT the premises shall be maintained free of debris and
graffiti;

THAT any graffiti located on the premises shall be removed
within 48 hours;

THAT this approval is limited to the relief granted by the
Board in response to specifically cited and filed DOB/other
jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only
for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance
with all other applicable provisions of the Zoning Resolution, the
Administrative Code and any other relevant laws under its
jurisdiction irrespective of plan(s) and/or configuration(s) not
related to the relief granted."

Adopted by the Board of Standards and Appeals, March 25,
2003.

2-03-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point
Cooperative, Inc., owner; Steven & Denise Domenech, lessees.

SUBJECT - Application January 8, 2002 - proposed construction
of a new second floor and upgrade of the septic system for a home
which lies within an R4 district, but does not front on a mapped

MINUTES

street which is contrary to Article 3, Section 36(2) of the General City Law and Section 27-291 of the Building Code.

PREMISES AFFECTED - 37 Bedford Avenue, east side 150' south of Bayside, Block 16350, Part of Lot 300, Borough of Queens.

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Resolved, that the decision of the Queens Borough Commissioner, dated January 3, 2003 and revised on February 20, 2003 acting on ALT 1. Application No. 401590444, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received January 8, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, March 25, 2003.

4-03-A

APPLICANT - Legend Architecture, for Breezy Point Cooperative, owner; Joseph W. Stevens, lessee.

SUBJECT - Application January 13, 2002 - Proposed reconstruction and enlargement to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 502 Browns Boulevard, near Hillside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES - None.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar,

Commissioner, dated January 3, 2003 and revised on February 20, 2003 acting A LT 1. Application No. 401590444, reads in pertinent part:

"1- Proposal to construct a new second floor on a home which lies within an R4 district but does not front on a mapped street is contrary to Article 3, Section 36(2) of the General City Law and Section 27-291 of the Building Code an must , therefore , be referred to the Board of Standards and Appeals for approval."; and

WHEREAS, by the letter dated January 17, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated January 10, 2003 acting on ALT 1. Application No. 401570938, reads in pertinent part:

"1.- The site and building are not fronting on an official mapped street and are contrary to Article 3, Section 36 of the General City Law ; Additionally the is contrary to Section 27-291 of the New York City Building Code since it does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space."; and

WHEREAS, by the letter dated February 25, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated January 10, 2003 acting on ALT 1. Application No. 401570938, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received February 20, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, March

MINUTES

25, 2003.

127-02-A thru 135-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Michael Leonardi, owner.

SUBJECT - Application April 24, 2002 - Proposed construction of a one family dwelling not fronting on a legally mapped street, which

- 38 Aviston Street, west side, 66' south of Tarrytown Avenue, Block 4686, Lot 5, Borough of Staten Island.
- 40 Aviston Street, west side, 80' south of Tarrytown Avenue, Block 4686, Lot 6, Borough of Staten Island.
- 42 Aviston Street, west side, 94' south of Tarrytown Avenue, Block 4686, Lot 7, Borough of Staten Island.
- 44 Aviston Avenue, west side, 108' south of Tarrytown Avenue, Block 4686, Lot 8, Borough of Staten Island.
- 46 Aviston Avenue, west side, 122' south of Tarrytown Avenue, Block 4686, Lot 9, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Appeals granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated January 10, 2003 acting on ALT 1. Application No. 401570938, reads in pertinent part:

"1.- The site and building are not fronting on an official mapped street and are contrary to Article 3, Section 36 of the General City Law ; Additionally the is contrary to Section 27-291 of the New York City Building Code since it does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space."; and

WHEREAS, by the letter dated February 25, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated January 10, 2003 acting on ALT 1. Application No. 401570938, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received February 20, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied

is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

- 30 Aviston Street, southwest corner of Tarrytown Avenue, Block 4686, Lot 1, Borough of Staten Island.
- 32 Aviston Street, west side, 24' south of Tarrytown Avenue, Block 4686, Lot 2, Borough of Staten Island.
- 34 Aviston Street, west side, 38' south of Tarrytown Avenue, Block 4686, Lot 3, Borough of Staten Island.
- 36 Aviston Street, west side, 52' south of Tarrytown Avenue, Block 4686, Lot 4, Borough of Staten Island.

with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, March 25, 2003.

136-02-A thru 137-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Michael Leonardi, owner.

SUBJECT - Application April 24, 2002 - Proposed construction of a one family dwelling not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

- 48 Aviston Avenue, west side, 136' south of Tarrytown Avenue, Block 4686, Lot 10, Borough of Staten Island.
- 45 Aviston Avenue, west side, 150' south of Tarrytown Avenue, Block 4686, Lot 15, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD -Application withdrawn.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, March 25, 2003.

MINUTES

SUBJECT - Application January 8, 2002 - Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 258-31 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 26, Borough of Queens.

258-33 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 27, Borough of Queens.

258-35 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 28, Borough of Queens.

258-37 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 128, Borough of Queens.

258-39 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 29, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 10 A.M., for continued hearing.

6-03-A thru 14-03-A

APPLICANT - Joseph P. Morsellino, Esq., for Waterside Estates at Cresthaven, LLC, owner.

SUBJECT - Application January 13, 2003 - Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

150-03 Waterside Court, 150th Street, west of Third Avenue, Block 4506, Lot 2, Borough of Queens.

150-07 Waterside Court, 150th Street, west of Third Avenue, Block 4506, Lot 3, Borough of Queens

150-11 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 4, Borough of Queens

150-15 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 5, Borough of Queens.

150-19 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 6, Borough of Queens

150-23 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 7, Borough of Queens.

150-12 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 15, Borough of Queens.

150-16 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 14, Borough of Queens.

150-20 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 13, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Laid over to April 15, 2003,

21-02-A thru 25-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for MSIM Development, Inc., owner.

at 10 A.M., for continued hearing.

15-03-A thru 23-03-A

APPLICANT - Joseph P. Morsellino, Esq., for Waterside Estates at Cresthaven, LLC, owner.

SUBJECT - Application January 13, 2003 - Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

150-68 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4506, Lot 12, Borough of Queens.

150-79 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 71, Borough of Queens.

150-81 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 72, Borough of Queens.

150-83 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 73, Borough of Queens.

150-85 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 74, Borough of Queens.

150-87 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 75, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:15 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, MARCH 25, 2003
2:00 P.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele

ZONING CALENDAR

MINUTES

193-01-BZ

SUBJECT - Application April 25, 2002 - under Z.R. §72-21, to permit the proposed use of the second and third floors of an existing three story building, as business offices, Use Group 6, located in an R6 zoning district, which is contrary to Z.R. §22-00.

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: Janice Cahalane.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 5, 2002, acting on Application No. 300985272, reads:

A1. THE PROPOSED USE OF THE SECOND, THIRD, FOURTH AND FIFTH FLOORS ON A BUILDING LOCATED IN AN R6 ZONE IIN THE OCEAN PARKWAY SPECIAL ZONING DISTRICT IS CONTRARY TO SECT. 22-00 OF THE ZONING RESOLUTION.”; and

WHEREAS, a public hearing was held on this application on July 23, 2002 after due notice by publication in The City Record, laid over to September 10, 2002, October 22, 2002, December 10, 2002, January 28, 2003 and then to March 18, 2003 for decision and deferred until March 25, 2003; and

WHEREAS, the premises and surrounding area had several site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar, former Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed use of the second floor of an existing five-story building, as medical offices (Use Group 4), and the third floor, fourth floor and penthouse level as business offices (Use Group 6), located in an R6 (Ocean Parkway) zoning district, which is contrary to Z.R. '22-00; and

WHEREAS, the Board notes that medical offices are an as-of-right use on the first floor in the subject zoning district, and pursuant to '22-14, medical offices may be located on the second floor of a multiple dwelling provided that access to the outside is provided separately from residential uses; and

WHEREAS, the applicant now seeks to abandon residential uses on the upper levels, thereby necessitating a variance for the second floor medical use; and

WHEREAS, the subject premises located on the northwest

WHEREAS, the previous case was not located in a Special Zoning District, and it involved only cellar and first floor non-conforming uses while the subject application entails non-conforming uses on the second, third, fourth and penthouse levels; and

WHEREAS, the Zoning Resolution mandates that each and

APPLICANT - Harold Weinberg, P.E., for 3044 Coney Island Avenue Associates, Samuel Shpelfogel Agent, owner.

corner of the intersection of Coney Island Avenue and Neptune Avenue on a lot of approximately 10,294.8 square feet; and

WHEREAS, the record indicates that the property is improved with a vacant five-story building, whose Temporary Certificate of Occupancy currently allows medical offices on the cellar, first and second floors, residential uses on the third and fourth floor, and a study room to be used in conjunction with the fourth floor on the penthouse level; and

WHEREAS, the applicant represents that substandard soil conditions were discovered during the construction process at the site which incurred additional construction costs; and

WHEREAS, the applicant has submitted boring reports from the site to document the substandard soil conditions; and

WHEREAS, the applicant also contends that the site's uniqueness can be attributed to its proximity to a high water table; and

WHEREAS, the Board notes that the subject premises is situated within the Ocean Parkway Special Zoning District which was created to enforce a more stringent set of zoning laws designed to preserve the unique character of this neighborhood; and

WHEREAS, through a series of site and neighborhood visits, and a meticulous review of land usage in the surrounding area, the Board notes that the neighborhood is residential in character with commercial use limited to the first floor level; and

WHEREAS, the Board concurs that the subject site has unique conditions stemming from subsurface soil conditions resulting in additional construction costs and has offered the applicant a scenario which would be more contextual with the character of the neighborhood;

WHEREAS, during the hearing process, the Board suggested to the applicant that ground floor commercial uses would be more contextual with the surrounding area but that commercial uses above the first floor would be out of the character of the neighborhood; and

WHEREAS, the Board has determined that the proposed use variance would undermine the intent of the residential zoning of the area and thus alter the essential character of the neighborhood and district; and

WHEREAS, therefore, the subject application fails to meet the requirements of Z.R. §72-21(c); and

WHEREAS, the applicant has sited a previous BSA variance granted under Calendar Number 549-84-BZ which it claims is analogous to the subject variance application; and

WHEREAS, the Board notes that although the unique conditions of the two cases are comparable, specifics concerning the (c) finding are dissimilar; and

every finding of Z.R. §72-21 shall be met in order to grant a variance; and

WHEREAS, the Board finds that the subject application does not meet the (c) finding and must be denied.

THEREFORE, it is resolved that the decision of the Borough Commissioner dated July 5, 2002, acting on Application No.

MINUTES

300985272 is upheld and this application is denied.

Adopted by the Board of Standards and Appeals, March 25, 2003.

253-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding for GHC NY Corp., owner; West Thirteenth Street Development, LLC, lessee. SUBJECT - Application August 13, 2001 - under Z.R. §72-21 to permit the proposed residential use (34 units) Use Group 2, to be located in a 32 story mixed use building, also the use of additional accessory parking, in an M1-5 zoning district, which is contrary to Z.R. §42-00 and §13-12.

PREMISES AFFECTED - 848 Washington Street, west side, between Little West 12th and West 13th Streets, Block 645, Lots 9 and 11, Borough of Manhattan.

COMMUNITY BOARDS #2M & 4M

APPEARANCES -

For Applicant: Howard B. Hornstein.

For Opposition: Doris Diether and Stuart Beckerman.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, March 25, 2003.

305-01-BZ thru 320-01-BZ

37-03-BZ thru 39-03-BZ

APPLICANT - Sheldon Lobel, P.C., for HRF Construction, Co., Inc., owner.

SUBJECT - Application October 31, 2001 - under Z.R. §72-21, to permit the proposed construction of a residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED -

65-97 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 28, Borough of Queens.

65-77 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 20, Borough of Queens.

65-78 Terrace Court, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 38, Borough of Queens.

65-79 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated January 17, 2003 acting on Application No. 401245498

21, Borough of Queens.

65-80 Terrace Court, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 37, Borough of Queens.

65-81 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 22, Borough of Queens.

65-82 Terrace Court, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 36, Borough of Queens.

65-83 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 23, Borough of Queens.

65-85 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 24, Borough of Queens.

65-87 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 25, Borough of Queens.

65-89 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 26, Borough of Queens.

65-91 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 27, Borough of Queens.

65-90 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 29, Borough of Queens.

65-88 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 30, Borough of Queens.

65-86 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 31, Borough of Queens.

65-84 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 32, Borough of Queens.

65-82 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 33, Borough of Queens.

65-80 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 34, Borough of Queens.

65-78 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 35, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Janice Cahalane.

reads:

"1. Proposed construction of residential buildings is not permitted in a manufacturing district as per Section 42-00 of the Zoning Resolution"; and

WHEREAS, a public hearing was held on this application on March 19, 2002, May 14, 2002, July 23, 2002, October 1, 2002, November 19, 2002, January 14, 2003, and March 4, 2003 after due notice by publication in the City Record, and laid over to

MINUTES

March 25, 2003 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 Peter Caliendo and former Commissioner Mitchell Korbey; and

WHEREAS, this is one of nineteen applications under Z.R. §72-21, to permit, in an M1-1/M-2 zoning district, the erection of nineteen three-story, three-family dwelling totaling 57 units which is contrary to Zoning Resolution Section 42-00; and

WHEREAS, the subject tentative lot was part of the former lot 200, which was a triangular shaped lot measuring approximately 363' by 508' by 436' and a total lot area of 83,875 square feet; and

WHEREAS, the instant proposal subdivides lot 200 into 20 separate lots, providing one lot for each of the nineteen residential buildings and one lot for the common development area which will be used by the nineteen residential buildings jointly; and

WHEREAS, the site is a rectangular shaped parcel located at the end of Admiral Avenue, which is a dead end street, with the Long Island Rail Road tracks running along the southern border of the site and a shopping center running along the site's eastern border; and

WHEREAS, the record indicates that the only access to and from the site is through Admiral Avenue which, the applicant represents is a residential street containing no commercial or manufacturing uses; and

WHEREAS, the evidence indicates that although the south side of Admiral Avenue falls within the M1-1 zoning district, Admiral Avenue is developed entirely residential with an R4 zoning district to the north and an R5 zoning district beyond the railroad tracks to the south; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, a quasi-triangular shape totaling 83,875 square feet of area, located on a dead end street with only 63 feet of frontage, and its location in an area characterized by residential uses presents an undue hardship in developing the site with a conforming development; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that the introduction of residential uses at the subject site would not upset the character of

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 25, 2003.

183-02-BZ

APPLICANT - The Agusta Group, for Jimmy and Jeffrey Chin,

the surrounding neighborhood; and;

WHEREAS, therefore, the Board finds that the instant applications 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, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an M1-1/M-2 zoning district, the erection of nineteen three-story, three-family dwelling totaling 57 units which is contrary to Z. R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 3, 2003"-(1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

owners.
SUBJECT - Application May 31, 2002 - under Z.R. §11-411 to permit the reestablishment of a special permit, previously granted 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.

PREMISES AFFECTED - 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.

COMMUNITY BOARD #7BX

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.
THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

MINUTES

Negative:0
THE VOTE TO CLOSE HEARING -
Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4
Negative:0
THE VOTE TO GRANT -
Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4
Negative:0
THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated May 3, 2003 acting on ALT. Application No. 200713656 reads:

"Proposed continuous use of a lot for Public Parking Lot, UG 8 is not permitted in an R-8 zoning district and is contrary to section 22-00 ZR. Note: Cal # 660-23 BZ Vol. II expired Nov. 5. 1995-C of O 55392 (Bx)."; and

WHEREAS, a public hearing was held on this application on January 28, 2003 after due notice by publication in the City Record, and laid over to March 4, 2003, March 18, 2003 and then to March 25, 2003 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, former Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §11-411, on a site previously before the Board, to re-establish a special permit previously granted under Calendar Number 660-23-BZ, in an R8-zoning district, permitting the open storage and parking of more than five (5) motor vehicles, Use Group 8, contrary to Z.R. §22-00; and

WHEREAS, the subject lot is an irregular corner lot with 190.85' of frontage along Van Cortland Avenue and 170.5' of frontage along St. George's Crescent; and

WHEREAS, on March 21, 1950, under Calendar Number 660-23-BZ, the Board legalized an existing automotive repair facility and the storage and parking of more than five vehicles on the vacant portion of the lot; and

THAT there shall be no used car sales on the premises at any time;

THAT there shall be no commercial flags and banners on the site at any time;

THAT fencing and screening shall be provided in accordance with BSA-approved plans;

THAT lighting shall be provided in accordance with BSA-approved plans and shall be positioned down and away from the adjacent residential uses;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT a new Certificate of Occupancy Shall be obtained within two (2) years of the date of this resolution;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

WHEREAS, through a series of minor amendments, the site has evolved to its current form; and

WHEREAS, the most recent term of the grant expired on November 5, 1995; and

WHEREAS, the record indicates that the automotive repair facility and the storage and parking of more than five vehicles has been continuous at the site since 1950; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §11-411; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §11-411 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, on a site previously before the Board, to re-establish a special permit previously granted under Calendar Number 660-23-BZ, in an R8- zoning district, permitting the open storage and parking of more than five (5) motor vehicles, Use Group 8, contrary to Z.R. §22-00 on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received March 19, 2003"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to five (5) years from the date of this grant expiring on March 4, 2008;

THAT signage shall be provided in accordance with BSA-approved plans;

THAT the open storage and parking of motor vehicle shall be limited to (26) as indicated on BSA approved plans;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 25, 2003.

194-02-BZ

APPLICANT - Michael DeRuvo, R.A., for WSP Capital, LLC/John McGrath, owner; Johny Lat's Gym II, lessee.

SUBJECT - Application June 11, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located in a C4-3 zoning district, which requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 1775 South Avenue, south side of

MINUTES

Meredith Avenue, Block 2800, Lot 37, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES - None.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 5, 2002 acting on ALT Application No. 500522534 reads:

“THE PROPOSED CHANGE OF USES TO A PHYSICAL CULTURE ESTABLISHMENT ONLY PERMITTED PURSUANT TO SECTION 73-36 ZR BY THE BOARD OF STANDARDS AND APPEALS THIS APPLICATION IS THEREFORE REFERRED TO THE BOARD OF STANDARDS AND APPEALS.”: and

WHEREAS, a public hearing was held on this application on March 4, 2003 after due notice by publication in The City Record and laid over to March 25, 2003 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 Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. '73-36 to permit, within a C4-3 zoning district, the legalization of an existing physical culture establishment in a one-story building; and

WHEREAS, the applicant represents that the subject PCE

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, within a C4-3 zoning district, the legalization of an existing physical culture establishment in a one-story building, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked “Received February 24, 2003”-(1) sheet; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from the December 1, 2001 to expire on December 1, 2011:

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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 the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within two years of the date of this resolution;

commenced operation on December 1, 2001; 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 Board finds that the proposed use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; 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. §§73-03 and73-36; 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.

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, March 25, 2003.

208-02-BZ

APPLICANT - David L. Businelli, for John Ingrassia, owner.

SUBJECT - Application July 10, 2002 - under Z.R. §72-21 to permit the proposed erection of a one story professional office building, Use Group 6, located in an R3-2 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 840 Jewett Avenue, between Waters Avenue and Markham Place, Block 427, Lot 38, Borough of Staten Island.

COMMUNITY BOARD #2

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

MINUTES

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, March 25,
2003.

209-02-BZ

APPLICANT - Samuel Beltron, for Julia Torres, owner.

SUBJECT - Application July 7, 2002 - under Z.R. § 73-36 to permit the legalization of an existing physical culture establishment, Use Group 9, located on the fourth floor of an existing four story building, in a C4-4 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 2999 Third Avenue, west side, 121'-0" south of east 155th Street, Block 2376, Lot 51, Borough The Bronx.

COMMUNITY BOARD #1BX

APPEARANCES -

For Applicant: Samuel Beltron.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

WHEREAS, the Board finds that the proposed use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; 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. §§73-03 and 73-36; 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, within a C4-4 zoning district, the legalization of an existing physical culture establishment, located on the fourth floor of an existing four-story building, on condition that all work shall substantially conform to

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 9, 2002 acting on Application No. 200370641 reads: "IN A C4-4 ZONING DISTRICT, CREATION OF A PHYSICAL CULTURE ESTABLISHMENT (GYMNASIUM) REQUIRES A SPECIAL PERMIT BY THE B.S.A. 32-31 ZR."; and

WHEREAS, a public hearing was held on this application on March 4, 2003 after due notice by publication in The City Record and laid over to March 25, 2003 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 Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §73-36 to permit, within a C4-4 zoning district, the legalization of an existing physical culture establishment, located on the fourth floor of an existing four-story building; and

WHEREAS, the applicant represents that the subject PCE commenced operation on October 15, 2001; and

WHEREAS, the record indicates that the remainder of the subject building is occupied by commercial uses; 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

drawings as they apply to the objections above-noted, filed with this application marked "Received September 17, 2002"-(1) sheet; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from the October 15, 2001 to expire on October 15, 2011;

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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 the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within two years of the date of this resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its

MINUTES

jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 25, 2003.

236-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Raymond and Vivian Dayan, owners.

SUBJECT - Application August 23, 2002 - under Z.R. §72-21 to permit the proposed enlargement of a single family residence, located in R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, perimeter wall height, building height, and front and side yards, and is contrary to Z.R. §23-141, §23-631, §23-45 and §23-461A.

PREMISES AFFECTED - 2324 Avenue "R", southwest corner of East 24th Street, Block 6829, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

1. CAUSES AN INCREASE IN THE FLOOR AREA EXCEEDING THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRARY TO THE ALLOWABLE FLOOR AREA RATIO ALLOWED BY SECTION 23-141 OF THE ZONING RESOLUTION.
2. CAUSES AN INCREASE IN THE LOT COVERAGE EXCEEDING THE ALLOWABLE LOT COVERAGE ALLOWED BY SECTION 23-141 OF THE ZONING RESOLUTION.
3. PROPOSED PERIMETER WALL HEIGHT AND BUILDING HEIGHT IS CONTRARY TO ZR 23-631.
4. PROPOSED FRONT YARDS ARE CONTRARY TO ZR 23-45
5. PROPOSED SIDE YARD IS CONTRARY TO ZR 23-461A.;" and

WHEREAS, a public hearing was held on this application on November 26, 2002 after due notice by publication in The City Record, laid over to and then to March 28, 2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., former Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit in an R3-2 zoning district, the proposed enlargement of a single family residence contrary to Z.R. §§23-141, 23-631, 23-45, & 23-461A; and

WHEREAS, the record indicates that the subject premises is an irregularly narrow corner lot with a non-complying front yard; and

WHEREAS, the record indicates that if the applicant were to enlarge the first and second floor and add a useable attic in compliance with front yard regulations, the structure would have an irregular setback appearance when comparing the first floor to the

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4
Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4
Negative:0

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4
Negative:0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated July 25, 2002, acting on Application No. 301349164, reads:

"BOARD OF STANDARDS AND APPEALS DENIAL
THE PROPOSED ENLARGEMENT OF THE EXISTING
ONE FAMILY RESIDENCE IN AN R3-2 ZONING
DISTRICT

other floors; and

WHEREAS, the Board notes that at the first floor the subject house is only twenty-one feet, three and one-half inches in width, the second floor would require a further setback from the front yards in addition to a setback from one side yard; and

WHEREAS, the applicant notes that compliance with side yard and front yard regulations would yield a house that is only fifteen feet in width from exterior wall to exterior wall resulting in an interior space width of approximately 13 feet; and

WHEREAS, the proposed twenty-one foot straight line extension of the second floor and attic would be in-line with the existing first floor; and

WHEREAS, the aforementioned unique physical condition, the narrow and shallow lot, makes its occupancy for a conforming R3-2 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the instant application is for a bulk variance for a single family house and the Board has determined that no showing of financial hardship is required pursuant to Z.R. §72-21(b); and

WHEREAS, the property is located in an R3-2 residential zone; and

WHEREAS, within the vicinity of the site there exist many larger single family houses; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental

MINUTES

review of the proposed action and the Final Environmental Assessment Statement 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.

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit in an R3-2 zoning district, the proposed enlargement of a single family residence contrary to Z.R. §§23-141, 23-631, 23-45, &

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 25, 2003.

328-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Three Park Avenue Building Co., LP, owner; TSI Murray Hill Inc., lessee.

SUBJECT - Application November 7, 2002 - under Z.R. §73-36 to permit the legalization of the enlargement of a grandfathered physical culture establishment, located in portions of the first floor and first floor mezzanine of a forty-two story, school and commercial building, which requires a special permit.

PREMISES AFFECTED - Three Park Avenue, southeast corner of East 34th Street, Block 889, Lot 9001, Borough of Manhattan.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Lyra J. Altman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 9, 2002 acting on Application No. 200370641 reads:

“THE PROPOSED PHYSICAL CULTURE ESTABLISHMENT ON THE FIRST FLOOR AND MEZZANINE REQUIRES A SPECIAL PERMIT FROM THE BOARD OF STANDARDS AND APPEALS AS PER 32-31 AND 73-36 Z.R.”: and

WHEREAS, a public hearing was held on this application on March 4, 2003 after due notice by publication in The City Record

23-461A, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 6, 2003"-(9) sheets, and "March 20, 2003"-(1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

and laid over to March 25, 2003 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 Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. '73-36 to permit, within C5-3 and C1-9 zoning districts, the legalization of the enlargement of an existing grandfathered physical culture establishment, located in portions of the first floor and mezzanine level of a forty-two story school and commercial building; and

WHEREAS, the applicant represents that the subject PCE commenced operation on January 1, 2003 and the enlargement was done by a previous owner in 1992; and

WHEREAS, the record indicates that the remainder of the subject building is occupied by as-of-right uses; 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 Board finds that the proposed use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; 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. §§73-03 and 73-36; 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

MINUTES

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, within C5-3 and C1-9 zoning districts, the legalization of the enlargement of an existing grandfathered physical culture establishment, located in portions of the first floor and mezzanine level of a forty-two story school and commercial building, on condition that all work shall substantially conform to drawings as they apply to the objections

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 the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within two years of the date of this resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 25, 2003.

354-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Arie & Bracha Nusbaum, owner.

SUBJECT - Application December 6, 2002 - under Z.R. §73-622 to permit the proposed enlargement to an existing single family residence, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard, open space, and side yards, and is contrary to Z.R. §23-141, §23-47 and §23-461.

PREMISES AFFECTED - 1810 East 22nd Street, between Avenue "R" and Quentin Road, Block 6804, Lot 34, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

above-noted, filed with this application marked "Received February 6, 2003"-(5) sheets; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from the January 1, 2003 to expire on January 1, 2013:

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

THAT all massages will all be performed by New York State licensed massage therapists;

WHEREAS, the decision of the Borough Commissioner, dated November 7, 2002, acting on Application No. 301420601 reads:

"1. Proposed plans are contrary to ZR 23-461 in that the proposed side yard is less than the minimum 5'-0" required on one side.

2. Proposed plans are contrary to ZR 23-141 in that it exceeds the maximum permitted floor area ratio of 50%.

3. Proposed plans are contrary to ZR 23-141 in that it exceeds the maximum lot coverage of 35%.

4. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than the 30'-0" that is required.

5. Proposed plans are contrary to ZR 23-141 in that it is less than the minimum required open space of 65%.

6. Proposed plans are contrary to ZR 23-461 in that the proposed total side yards is less than the minimum 13'-0"; and

WHEREAS, a public hearing was held on this application on March 4, 2003 and then to March 25, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area, lot coverage, and rear and side yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulations; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area, lot coverage, and rear and side yard requirements, and is contrary to

MINUTES

Z.R. §§23-141, 23-461 and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received February 14, 2003"- (8) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, March 25, 2003.

297-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Snake River Development LLC, owner; Synergy Fitness 23rd Street Inc., lessee.

SUBJECT - Application April 15, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the second floor of an existing two story building, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 201 East 23rd Street, northeast corner of Third Avenue, Block 904, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES-

For the Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to July 22, 2003, at 2 P.M., for continued hearing.

73-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Aron Adler, owner.

SUBJECT - Application July 9, 2002 - under Z.R. §72-21, to permit the proposed conversion of an existing four story building, located in a manufacturing zoning district, into a mixed-use building, with floors 2 through 4 for residential use, and the first floor to remain commercial, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 6 Stanwix Street, a/k/a 59 Jefferson Street, a through lot fronting Stanwix and Jefferson Streets, Block 3162, Lot 1, Borough of Brooklyn. **COMMUNITY BOARD #4BK**

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to May 20, 2003, at 1:30 P.M., for continued hearing.

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

96-02-BZ thru 102-02-BZ

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., for Domenick Pinto, owner.

SUBJECT - Application April 2, 2002 - under Z.R. §72-21 to permit the proposed construction of one three-story attached mixed-use building, which is part of a development of seven-three story buildings, on a single zoning lot, with retail uses and accessory signs (Use Group 6) on the ground floor, which do not conform to district use regulations and residential uses (Use Group 2) on the second and third floors, which is contrary to Z.R. §§22-10 and 22-32.

PREMISES AFFECTED -

23-27/27A Steinway Street, east side,
75.78' north of 23rd
Road, Block 793, Lot
64, Borough of Queens.

23-29/29A Steinway Street, east side, 75.78' north of
23rd Road, Block 793, Lot 63, Borough of Queens.

23-31/31A Steinway Street, east side, 75.78' north of
23rd Road, Block 793, Lot 62, Borough of Queens.

23-33/33A Steinway Street, east side, 75.78' north of
23rd Road, Block 793, Lot 60, Borough of Queens.

23-35/35A Steinway Street, east side, 75.78' north of
23rd Road, Block 793, Lot 52, Borough of Queens.

40-11 23rd Road, northeast side, 70.40' northeast of 41st
Street, Block 793, Lot 53, Borough of Queens.

40-15 23rd Road, northeast side, 70.40' northeast of 41st
Street, Block 793, Lot 56, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to April 29, 2003,
at 1:30 P.M., for decision, hearing.

222-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Eugene & Francine Simonetti, owner.

SUBJECT - Application August 5, 2002 - under Z.R. §72-21 to permit the proposed nine family residential development, Use Group 2, located in an R4 zoning district, which exceeds the permitted floor area and number of dwelling units, and provide less than the required parking, which is contrary to Z.R. §§23-141b, §23-22 and §25-23.

MINUTES

PREMISES AFFECTED - 2547 East 12th Street, east side, 280' north of Avenue "Z", Block 7433, Lot 159, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: Lenore Friedman.

ACTION OF THE BOARD - Laid over to May 20, 2003, at 1:30 P.M., for continued hearing.

229-02-BZ thru 231-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Simon Dushinsky and Issac Rabinowitz, owner.

SUBJECT - Application August 15, 2002 - under Z.R. §72-21 to permit the proposed construction of a six- story building containing twelve units, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R.§42-00.

PREMISES AFFECTED - 24 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 5, Borough of Brooklyn.

32 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 7, Borough of Brooklyn.

42 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to June 24, 2003, at 1:30 P.M., for postponed hearing.

238-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Peter Krashes, owner.

SUBJECT - Application August 25, 2003 - under Z.R. §72-21 to permit the legalization of two residential units, in a building that is located within an M1-1 area zoned for manufacturing use, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 638 Dean Street, south side, between Carlton and Vanderbilt Avenues, Block 1137, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to May 6, 2003, at 1:30 P.M., for continued hearing.

282-02-BZ

APPLICANT - Harold Weinberg, P.E., for Roger Chehova, owner.

SUBJECT - Application October 18, 2002 - under Z.R. § 73-622

SUBJECT - Application December 9, 2002 - under Z.R. §72-21 to permit proposed addition of two (2) floors atop an existing

to permit the legalization of a one story enlargement at the rear of an existing one family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, is contrary to Z.R.§23-141, §54-31 and §23-47.

PREMISES AFFECTED - 1465 East 24th Street, east side, 360'-0" south of Avenue "M", north of Avenue "N", Block 7657, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to April 29, 2003, at 1:30 P.M., for decision, hearing.

284-02-BZ

APPLICANT - Friedman & Gotbaum, LLP, for New York City Department of Citywide Administrative Services, owner; Two Trees Management Company, contract vendee.

SUBJECT - Application October 24, 2002 - under Z.R. §72-21 to permit the proposed development of an eleven story mixed-use building, located in a C6-2A(DB) Special Downtown Brooklyn District, which does not comply with the zoning requirements, for base height, height, setback, rear yard, rear yard setback, retail continuity and lot coverage, is contrary to Z.R. §23-145, §23-663(b), §33-26, §35-24 and §101-10.

PREMISES AFFECTED - 121/35 Court Street, 211/35 Atlantic Avenue and 204/24 State Street, property fronts on Court Street, and is bounded by Atlantic Avenue and State Street, Block 277, Lot 8, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Irv Gotbaum and Laura Cheng

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to April 29, 2003, at 1:30 P.M., for decision, hearing.

356-02-BZ

APPLICANT - Marvin B. Mitzner, Esq., Fischbein-Badillo-Wagner-Harding and Howard A. Zipser, Esq., Stadtmauer Bailkin, LLP, for 210 East 86th Street Corporation, owner.

seven-story building, located in a C2-8A zoning district, to be occupied by Use Group 4 hospital related offices, is contrary to

MINUTES

Z.R. §33-20 and previous Cal. No. 67-96-BZ.

PREMISES AFFECTED - 210/14 East 86th Street and 209/13 East 85th Street, south side of East 86th Street and 150' east of Third Avenue, Block 1531, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Marvin Mitzner and Howard Zipser.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to April 29, 2003, at 1:30 P.M., for decision, hearing.

357-02-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for JAF of Bayside, LLC, owner; Bayside Dialysis Center, Inc., lessee.

SUBJECT - Application December 9, 2002 - under Z.R. §72-21 to permit the proposed rear yard enlargement, of an existing one-story dialysis center, which creates non-compliance with respect to required rear yard equivalents and permitted obstructions in the required rear yard or rear yard equivalents, and is contrary to Z.R. §33-28 and §33-23.

PREMISES AFFECTED - 201-10 Northern Boulevard, block bounded by Northern Boulevard, 44th and 45th Avenues, 202nd Street and Francis Lewis Boulevard, Block 5523, Lot 22, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Howard Hornstein and Garth Brown.

For Opposition: Erik Ortman, Pauline Compton, Mary F. Carballai, James Carh and Joseph Trotti

ACTION OF THE BOARD - Laid over to May 6, 2003, at 1:30 P.M., for continued hearing.

368-02-BZ

APPLICANT - Jesse Masyr, Esq., for Astor Place Holding Corporation, owner; Astor Place Associates, LLC c/o The Related Companies, lessees.

requires a special permit under Z.R. §73-52, to extend the C6-2 use and bulk regulations 25' into the adjacent M1-5B zoning district.

PREMISES AFFECTED - 22/36 Astor Place, aka 443/49 Lafayette Street and aka 64/78 Cooper Square, blockfront of Astor Place, between Lafayette Street and Cooper Square, Block 544, Lot 22, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Jesse Masyr.

For Opposition: Brian Sogol, State Senator Tom Duane; Ann Arkush, Assemblymember Glick; Doris Diether, Zella Jones, NOHO Neighborhood Assoc.; Rosie Mendez, Leo Blackman, Daryl Cochrane, Simon Bankoff, Gale Saddy, Anna Sawaryn, Patricia Melvin, Bob Ortiz and Luther Harris.

ACTION OF THE BOARD - Laid over to April 29, 2003, at 1:30 P.M., for continued hearing.

5-03-BZ

APPLICANT - Harold Weinberg, P.E., for Emanuel Alaimo, owner.

SUBJECT - Application January 13, 2003 - under Z.R. §72-21 to permit the legalization of a one story enlargement at the rear of the first floor of an existing two story mixed use building, and the erection of a small enlargement by the notch, which increases the degree of non-compliance with respect to floor area ratio, and is contrary to Z.R. §§35-30 and 54-31.

PREMISES AFFECTED - 2276 86th Street, south side, 36'-8'' west of 23rd Avenue, Block 6383, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Harold Weinberg

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to April 29, 2003, at 1:30 P.M., for decision, hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 4:40 P.M.

CORRECTIONS

SUBJECT - Application December 24, 2002 - under Z.R. §73-52 to permit the proposed development of a 22 story and cellar mixed use building, on a site divided by a district boundary, which

***CORRECTION**

This resolution adopted on July 10, 2001, under Calendar No. 142-00-BZ and printed in Volume 86, Bulletin Nos. 29-30, is hereby corrected to read as follows:

142-00-BZ

CEQR #00-BSA-145K

APPLICANT - Sheldon Lobel, P.C., for R.E. Holding Co., owner.
SUBJECT - Application May 23, 2000 - under Z.R. §72-21, to permit, in an M3-1 zoning district, the conversion of an existing four story with cellar and penthouse building to commercial and residential uses (Use Groups 2, 6 and 16), which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 240 Wythe Avenue, northwest corner of North 3rd Street, Block 2349, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department..

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 5, 2000, acting on Alt Applic. #300985450, reads:

“THE PROPOSED RESIDENTIAL DWELLINGS IN AN M3-1 DISTRICT ARE CONTRARY TO SECTION 42-00 OF THE ZONING RESOLUTION AND REQUIRE A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS”; and

WHEREAS, Community Board #1, Brooklyn, recommends conditional approval of this application; and

WHEREAS, a public hearing was held on this application on April 3, 2001 after due notice by publication in The City Record, laid over to May 15, 2001, June 5, 2001, June 19, 2001 and then to July 10, 2001 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, former Vice Chair Paul Bonfilio R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M3-1 zoning district, the conversion of an existing

residential uses (Use Groups 2, 6 and 16), which is contrary to Z.R. §42-00; and

WHEREAS, the premises is located on the northwest corner of the intersection of Wythe Avenue and North 3rd Street; and

WHEREAS, the cellar and first floor are used for warehousing, fabrics, lamp shades, and office uses, the second and fourth floors house residential uses with the third floor being mostly vacant; and

WHEREAS, the applicant seeks to legalize the residential uses on the second and fourth floor and convert the third floor to residential use; and

WHEREAS, the applicant represents that the existing warehouse use, storage of fabric and lampshades will remain on the cellar and first floor; and

WHEREAS, the applicant has agreed that any change to the existing warehouse use, will require Board approval; and

WHEREAS, the applicant has demonstrated that efforts to lease the mostly vacant third floor were unsuccessful; and

WHEREAS, the record indicates that the subject building is with insufficient elevator capacity for modern manufacturing uses; and

WHEREAS, of the twenty eight buildings located within the 400' radius, the subject premises is one of only two that are substantial scale multi-storied manufacturing buildings; and

WHEREAS, the other sizeable manufacturing building is located at 83/111 North 3rd Street and already houses residential uses on its upper floors; and

WHEREAS, the subject premises is the only building that is directly across the street from multiple family dwellings; and

WHEREAS, immediately across North 3rd Street to the south are (1) three multiple family dwellings, two having three stories and one of two stories, and (2) another three-story multiple family dwelling above a first floor commercial use; and

WHEREAS, applicant represents that there is little demand for manufacturing uses in this area and that the subject building is obsolete for most manufacturing uses as indicated by the vacancy of the third floor; and

WHEREAS, the aforementioned unique physical condition of the building makes its occupancy for a conforming M3-1 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 part of the instant application is for a legalization; and

WHEREAS, the record indicates that within the vicinity of the subject premises many residential uses and community facility uses are present in the subject M3-1 manufacturing zone; and

WHEREAS, the Board determines that the instant proposal is consistent with New York City’s Waterfront Development Policies;

CORRECTIONS

four story with cellar and penthouse building to commercial and

and

WHEREAS, therefore, the Board finds that this action will not

alter the essential character of the surrounding neighborhood nor

impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a 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, in an M3-1 zoning district, the conversion of an existing four story with cellar and penthouse building to commercial and residential uses (Use Groups 2, 6 and 16), which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 11, 2000"-(9) sheets and "January 12, 2001"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to twenty years from the date of this grant;

THAT, fire protection measures, shall be provided and maintained in accordance with the BSA-approved plans;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department;

THAT substantial construction will be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, July 10, 2001.

***The resolution has been corrected to remove the term which read: "THAT the term of the variance shall be limited to twenty years from the date of this grant;" and to add: "THAT any change to the existing warehouse use shall require Board approval". Corrected in Bulletin No. 14, Vol. 88, dated April 3, 2003.**

***CORRECTION**

This resolution adopted on March 4, 2003, under Calendar No. 344-02-BZ and printed in Volume 88, Bulletin No. 11 is hereby corrected to read as follows:

**344-02-BZ
CEQR#03-BSA-086K**

APPLICANT - Sheldon Lobel, P.C., for Amerada Hess Corp., owner.

SUBJECT - Application November 18, 2002 - under Z.R. §73-50 to permit the proposed redevelopment of an existing automotive service station at said premises, with an accessory convenience store, located within the required 30' rear yard setback along the district boundary, which requires a special permit.

PREMISES AFFECTED - 3501 Fort Hamilton Parkway, between 36th Street and Chester Avenue, Block 5302, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD -Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and

Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated October 18, 2002 acting on Application No. 301376703 reads:

"Proposed construction of a new building housing an automotive fueling station (U.G. 16) with an accessory convenience store within required 30= rear yard setback along district boundary per section 33-29 requires a special permit approval under the provisions of Z.R. 73-50 by NYC BSA."; and

WHEREAS, a public hearing was held on this application on February 4, 2003 after due notice by publication in The City Record, and laid over to March 4, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Former-Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit pursuant to Z.R. §73-50, to permit in a C8-2 zoning District, the proposed reconstruction of an existing automotive service station with a new accessory convenience store, and a waiver of the rear yard requirement under Z.R.§33-29; and

WHEREAS, the subject site is primarily located within a C8-2 zoning district and falls partially within an R-5 zoning district in the rear of the premises; and

WHEREAS, although the proposed use is permitted as-of-right in the subject zoning district, R-5 district regulations require a 30 foot rear yard as mandated in Z.R.§33-29, which this application seeks relief from; and

CORRECTIONS

WHEREAS, the proposal seeks to construct a new automotive service station with an accessory convenience store containing 1,200 square feet of floor area at the eastern end of the premises leaving a rear yard of 5 feet; and

WHEREAS, under Z.R. §73-50, the Board may grant a waiver of rear yard requirements set forth in Z.R. §33-29 provided that such waiver will not have an adverse affect on the surrounding area; and

WHEREAS, the applicant represents that the subject premises is surrounded by numerous automotive repair establishments and that the proposed establishment will maintain consistency with the surrounding area; and

WHEREAS, therefore, the Board finds that the rear yard waiver will not have an adverse affect on the surrounding area, will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-50 and 73-03.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §73-50, to permit in a C8-2 zoning District, the proposed construction of an automotive service station with an accessory convenience store, and a waiver of the rear yard requirement under Z.R. §33-29, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received November 25, 2002"-(6) sheets; and on further condition;

THAT landscaping be provided and maintained in accordance with BSA approved plans;

THAT there shall be no washing of cars other than as an accessory use;

THAT there shall be no used car sales on the premises;

THAT there shall be no parking of cars on the sidewalk at any time;

THAT any automobile vacuums shall only be operated between the hours of 9:00 A.M.- 7:00 P.M.;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring March 4, 2013;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT all lighting be directed down and away from residential uses;

THAT construction shall be completed in accordance with Z.R. §73-70;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within 2 years 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;

***The resolution has been corrected in that the portion of the zoning district which read: "C8-3" now reads: "C8-2". Corrected in Bulletin No. 14, Vol. 88, dated April 3, 2003.**

Pasquale Pacifico, Executive Director.

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, No. 15-16

April 17, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

| | |
|--------------------------------|-----|
| DOCKET | 270 |
| CALENDAR of May 6, 2003 | |
| Morning | 272 |
| Afternoon | 273 |

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, April 8, 2003**

Morning Calendar275

Affecting Calendar Numbers:

| | |
|---------------------------|--|
| 36-92-BZ | 210/218 Prospect Park , a/k/a 254/262 Park Circle, Brooklyn |
| 331-98-BZ | 1426-1428 Fulton Street, Brooklyn |
| 240-55-BZ | 207-22 Northern Boulevard, Queens |
| 80-75-BZ | 1377/1381 Sutter Avenue, Brooklyn |
| 561-87-BZ | 2700 Jerome Avenue, Bronx |
| 172-97-BZ | 1023 Brighton Beach Avenue, Brooklyn |
| 77-99-BZ | 255-39 Jamaica Avenue, Queens |
| 25-03-A | 970 Bayside, Queens |
| 26-03-A | 46 Ocean Avenue, Queens |
| 33-03-A | 160 Ocean Avenue, Queens |
| 41-03-A | 342 Madison Avenue, a/k/a 16 East 44 th Street, Manhattan |
| 113-02-A | 777 Third Avenue, Manhattan |
| 115-02-A thru 118-02-A | 767/747 Third Avenue, 437 Madison Avenue and 320 West 13 th Street, Manhattan |

Afternoon Calendar.....280

Affecting Calendar Numbers:

| | |
|---|--|
| 363-01-BZ thru 365-01-BZ | 3304/3306/3308 Rombouts Avenue, Bronx |
| 152-02-BZ | 1768/81 Second Avenue, Manhattan |
| 223-02-BZ & 320 West 84 th Street, Manhattan 224-02-A | |
| 248-02-BZ | 105/07 Chamber Street, Manhattan |
| 341-02-BZ | 231/33 East 58 th Street, Manhattan |
| 346-02-BZ | 34 Zephyr Avenue, Staten Island |
| 66-02-BZ | 439 Marcy Avenue, Brooklyn |
| 114-02-BZ | 2493 Richmond Road, Staten Island |
| 120-02-BZ | 42 Avenue "A", Manhattan |
| 215-02-BZ | 143-05 Liberty Avenue, Queens |
| 218-02-BZ | 46 Coney Island Avenue, Brooklyn |
| 241-02-BZ | 130 Third Street, Brooklyn |
| 271-02-BZ | 1627 46 th Street, Brooklyn |
| 353-02-BZ | 210 Greenpoint Avenue, Brooklyn |
| 367-02-BZ | 434 East 75 th Street, Manhattan |
| 3-03-BZ | 50 Dover Street, Brooklyn |
| 35-03-BZ | 12-18 154 th Street, a/k/a 152-16 12 th Road, Queens |

DOCKETS

New Case Filed Up to April 8, 2003

93-03-BZ B.Q. 217-20 39th Avenue, northeast corner of 218th Street, Block 6255, Lots 18, Borough of Queens. Applic. #401469077. Proposed addition 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, open space ratio and front yard, is contrary to Z.R. §§23-141 and 54-313.

COMMUNITY BOARD #7Q

94-03-BZ B.M. 622/26 Broadway, aka 156/60 Crosby Street, east side of Broadway, 118' north of East Houston Street, Block 522, Lot 5, Borough of Manhattan. Applic. #103414217. The legalization of retail use, Use Group 6, in the cellar of an existing six story building, located in an M1-5B zoning district, is contrary to Z.R. §42-14(2)(b).

COMMUNITY BOARD #2M

95-03-BZ B.M. 302 East 111th Street, between First and Second Avenues, Block 1682, Lot 46, Borough of Manhattan. Applic. #103409401. Proposed head start school, Use Group 3, located in an M1-4 zoning district, requires a special permit from the Board as per Z.R. §73-19.

COMMUNITY BOARD #11M

96-03-BZ B.BK. 86 Franklin Avenue, aka 450/52 Park Avenue, southwest corner, Block 1898, Lot 39, Borough of Brooklyn. Applic. #301491936. Proposed erection of a five story, ten unit multiple dwelling, Use Group 2, upon a vacant shallow corner zoning lot, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #3BK

97-03-BZ B.BK. 461 Flushing Avenue, northside, 72' east of Bedford Avenue, Block 2263, Lot 86, Borough of Brooklyn. Applic. #301410159. Proposed erection of a multiple dwelling, Use Group 2, upon a vacant irregularly shaped zoning lot, located in an R7-1/M1-2 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

98-03-BZ B.BK. 463 Flushing Avenue,

northside, 124'10" east of Bedford Avenue, Block 2263, Lot 84, Borough of Brooklyn. Applic. #301410140. Proposed erection of a multiple dwelling, Use Group 2, upon a vacant irregularly shaped zoning lot, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

99-03-BZ B.BK. 1173 East 24th Street, between Avenues "K and L", Block 7624, Lot 15, Borough of Brooklyn. Alt. #301474492. Proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

COMMUNITY BOARD #14BK

100-03-BZ B.BK. 3448 Bedford Avenue, between Avenues "M" and "N", Borough of Brooklyn. Alt. 1 #301414084. The legalization of an enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space ratio, balconies, and side and rear yards, is contrary to Z.R. §23-141, §23-461 (a), §23-47 and §23-131.

COMMUNITY BOARD #14BK

101-03-A B.M. 845 United Nations Plaza, between 47th and 48th Streets, Block 1340, Lot 23, Borough of Manhattan. An appeal challenging a final determination by the Department of Buildings, dated March 19, 2003, regarding manual fire pump and motor at said premises.

102-03-BZ B.BK. 291 Kent Avenue, 35/37 South Second Street and 29/33 South Third Street, east side of Kent Avenue, between South Second and Third Streets, Block 2415, Lots 10, 14, 15, 41-43, 114 and 116, Borough of Brooklyn. Applic. #301429069. Proposed development of two residential buildings with underground accessory parking and an open recreation space between the two buildings, Use Group 2, located in an M3-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

DOCKETS

103-03-A B.Q. 7 East Market Street,
north side, 15' east of Beach 201st Street, Block 16350,
Part of Lot 300, Borough of Queens. Applic. #401626576.

Proposed construction of a new one story addition 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.

104-03-BZ B.BK. 6161 Strickland Avenue,
between Mill Avenue and East 60th Place, Block 8470, Lot
1110, Borough of Brooklyn. Alt.1 #301521921.

Proposed physical cultural establishment, to be located in
a portion of an existing one story building, in an R3-1 and
C2-2 zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #18BK

**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

MAY 6, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, May 6, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

340-41-BZ

APPLICANT - Walter T. Gorman, P.E, for Paul & Marie Sinanis, owner; S & J Service Station, Inc., lessee.
SUBJECT - Application March 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 1, 2002 and for an amendment to the resolution.
PREMISES AFFECTED - 72-09 Main Street, southeast corner of 72nd Avenue, Block 6660, Lot 1, Borough of Queens.
COMMUNITY BOARD #8Q

268-89-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Joshua L. Muss c/o Allied Enterprises, owner. Franchise Realty Interstate, lessee.
SUBJECT - Application March 13, 2003- reopening for a rehearing.
PREMISES AFFECTED - 160-11 Willets Point Boulevard, Willets Point Boulevard and Francis Lewis Boulevard, Block 4758, Lot 100, Borough of Queens.
COMMUNITY BOARD #7Q

37-00-BZ

APPLICANT - Leo Weinberger, Esq., for Pappco Holding Co., Ltd., owner; Sai Gas, Inc., lessee.
SUBJECT - Application March 7, 2003 - reopening for an extension of time to obtain a new certificate of occupancy.
PREMISES AFFECTED - 111-05 to 111-18 Van Wyck Expressway and 111-05 Lincoln Street, Block 11639, Lot 12, Borough of Queens.
COMMUNITY BOARD #10Q

43 Hall Avenue, north side, 300.62' west of Willowbrook Road, Block 2091, Lot 70, Borough of Staten Island.
41 Hall Avenue, north side, 275.62' west of Willowbrook Road, Block 2091, Lot 69, Borough of Staten Island.
39 Hall Avenue, north side, 250.62' west of Willowbrook Road,

99-00-BZ

APPLICANT - Eric Palatnik, P.C., for Rabbinical Seminary of America, owner.
SUBJECT - Application February 7, 2003 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 147-06 76th Avenue, 147th Street between 76th Road and 76th Avenue, Block 6685, Lot 1, Borough of Queens.
COMMUNITY BOARD #8Q

139-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Mitchell Kaufman, owner.
SUBJECT - Application March 14, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a certificate of occupancy which expired February 5, 2003.
PREMISES AFFECTED - 27 West 38th Street, between Fifth and Sixth Avenues, Block 840, Lot 26, Borough of Manhattan.
COMMUNITY BOARD #5M

45-03-A thru 64-03-A

APPLICANT - Robert E. Englert, A.I.A., for Sleepy Hollow Development Corp., owner.
SUBJECT - Application February 10, 2003 - Proposed two family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.
PREMISES AFFECTED -
69 Hall Avenue, north side, 595.62' west of Willowbrook Road, Block 2091, Lot 85, Borough of Staten Island.
67 Hall Avenue, north side, 570.62' west of Willowbrook Road, Block 2091, Lot 80, Borough of Staten Island.
65 Hall Avenue, north side, 545.62' west of Willowbrook Road, Block 2091, Lot 79, Borough of Staten Island.
63 Hall Avenue, north side, 520.62' west of Willowbrook Road, Block 2091, Lot 78, Borough of Staten Island.
61 Hall Avenue, north side, 495.62' west of Willowbrook Road, Block 2091, Lot 77, Borough of Staten Island.
59 Hall Avenue, north side, 465.62' west of Willowbrook Road, Block 2091, Lot 76, Borough of Staten Island.
55 Hall Avenue, north side, 435.62' west of Willowbrook Road, Block 2091, Lot 75, Borough of Staten Island.
53 Hall Avenue, north side, 410.62' west of Willowbrook Road, Block 2091, Lot 74, Borough of Staten Island.
51 Hall Avenue, north side, 385.62' west of Willowbrook Road, Block 2091, Lot 73, Borough of Staten Island.
49 Hall Avenue, north side, 355.62' west of Willowbrook Road, Block 2091, Lot 72, Borough of Staten Island.
45 Hall Avenue, north side, 325.62' west of Willowbrook Road, Block 2091, Lot 71, Borough of Staten Island.
Block 2091, Lot 68, Borough of Staten Island.
37 Hall Avenue, north side, 225.62' west of Willowbrook Road, Block 2091, Lot 67, Borough of Staten Island.
35 Hall Avenue, north side, 200.62' west of Willowbrook Road, Block 2091, Lot 66, Borough of Staten Island.

CALENDAR

31 Hall Avenue, north side, 267.12' west of Willowbrook Road, Block 2091, Lot 65, Borough of Staten Island.

29 Hall Avenue, north side, 143.62' west of Willowbrook Road, Block 2091, Lot 63, Borough of Staten Island.

COMMUNITY BOARD #2SI

79-03-A

APPLICANT - Naftali Zvi Dembitzer, for Kemmy Saffdie, owner; Morris & Sari Chera & Sarmo Mgmt. Corp., lessee.

SUBJECT - Application March 4, 2003 - An administrative appeal challenging the Department of Buildings' final determination, dated February 7, 2003, declining to revoke the Certificate of Occupancy No. 300518296("CO"), that was unlawfully obtained from the Department on or about February 16, 1999 for said premises.

PREMISES AFFECTED - 3149 Bedford Avenue, 180'-0 north of the corner of Avenue "J", Block 7607, Lot 35, Borough of Brooklyn.

COMMUNITY BOARD #14BK

MAY 6, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, May 6, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

265-02-BZ

APPLICANT - Koutsomitis Architects, P.C., for Ramakrishna Vivekanada Center of NY, owner.

SUBJECT - Application October 2, 2002 - under Z.R. §72-21 to permit the proposed rear enlargement to the first and second floors of an existing community facility, Use Group 4, which is being changed from a school, to accessory church uses, located in an R8B and R10 zoning district, which creates non-compliance in regards to rear yard, and is contrary to §24-36 and §54-31.

PREMISES AFFECTED - 19 East 94th Street, south side, 108' west of the intersection of Madison Avenue and East 94th Street, Block 1506, Lot 13, Borough of Manhattan.

COMMUNITY BOARD #8M

31-03-BZ

APPLICANT - Eric Palatnik, P.C., for Abraham Malek, owner.

SUBJECT - Application January 21, 2003 - under Z.R. § 73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located within an R2 zoning district, which does not comply with the zoning requirements for floor area and open space ratio is contrary to Z.R. §23-141.

PREMISES AFFECTED - 2502 Avenue "M" southeast corner of Bedford Avenue, Block 7661, Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #14BK

202-02-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for Hajj D. Corp., owner.

SUBJECT - Application July 1, 2002 - under Z.R. §72-243 to permit the proposed construction of an accessory drive-thru facility in conjunction with an eating and drinking establishment, Use Group 6, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 133-20 Rockaway Boulevard, between 133rd and 134th Streets, Block 11757, Lot 55, Borough of Queens.

COMMUNITY BOARD #12Q

366-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Nahum Z. Rabinowitz, owner; Chevra Nachlas Joshua Chasidei Monastritch, lessee.

SUBJECT - Application December 18, 2002 - under Z.R. §72-21 to permit the proposed conversion of a two family dwelling, to a synagogue and Rabbi's apartment (rectory), Use Group 4, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, front yard, lot coverage and side yards, and is contrary to Z.R. §24-111, §23-141, §24-34, §24-35.

PREMISES AFFECTED - 2702 Avenue "M" aka 1301 East 27th Street, southeast corner, Block 7663, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #14BK

375-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Congregation Tzlosa D'Shlomo, owner.

SUBJECT - Application December 30, 2002 - under Z.R. §72-21 to permit the proposed new synagogue and Rabbi's apartment (rectory), Use Group 4, located in an R5 zoning district, which does not comply with the zoning requirements for floor area, side yards, front yard, maximum lot coverage, front wall height, narrow outer court and the sky exposure plane, is contrary to Z.R. §24-11, §24-34, §24-35, §24-521 and §24-631.

PREMISES AFFECTED - 1559 59th Street, north side, 200' west of 16th Avenue, Block 5502, Lot 54, Borough of Brooklyn.

COMMUNITY BOARD #12BK

95-03-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Ross & Ross LLC, owner; Northside Center for Child Development, Inc., lessee.

SUBJECT - Application March 26, 2003 - under Z.R. §73-19 to permit the proposed head start school, Use Group 3, located in an M1-4 zoning district, which requires a special permit.

PREMISES AFFECTED - 302 East 111th Street, between First

CALENDAR

and Second Avenues, Block 1682, Lot 46, Borough of
Manhattan.

COMMUNITY BOARD #11M

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, APRIL 8, 2003
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner
Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on
Tuesday morning and afternoon, February 25, 2003, were
approved as printed in the Bulletin of March 6, 2003, Volume 88,
No. 9-10.

SPECIAL ORDER CALENDAR

36-92-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Park Circle
Realty Associates, owner; Commerce Bank, N.A., lessee.

SUBJECT - Application January 7, 2003 - reopening for an
amendment to the resolution.

PREMISES AFFECTED - 210/218 Prospect Park Southwest,
a/k/a 254/262 Park Circle, northwest corner of intersection formed
by Prospected Park West and Park Circle, Block 5287, Lots 44 &
47, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Peter Geis and Howard Hornstein.

ACTION OF THE BOARD - Application reopened and

MINUTES

resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo, and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on March 18, 2003 after due notice by publication in *The City Record*, and laid over to April 8, 2003 for decision; and

WHEREAS, on May 18, 1993, the Board granted an application for an amendment to a previous variance granted under Calendar Number 12-19-BZ, to allow a gasoline station, auto laundry and repair facility; and

WHEREAS, the applicant now seeks a change of use of the property to a bank (Use Group 6), a reduction in the building size, and an extension of the term of the variance.

Resolved that the Board of Standards and Appeals reopens and amends the variance, said resolution having been adopted on May 18, 1993, so that as amended this portion of the resolution shall read:

“to permit a change of use from a gasoline station, auto laundry and repair facility(Use Group 16) to a bank (Use Group 6) and a reduction in the building size, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with this application marked “Received March 21, 2003”-(7) sheets; and *on further condition*;

THAT the term of the variance shall be limited to twenty (20) years from the date of this grant to expire on April 8, 2023;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT any change in use shall require Board approval;

THAT construction shall be completed in accordance with Z.R. §73-70;

THAT the above conditions shall appear on the Certificate of Occupancy;

WHEREAS, a public hearing was held on this application on March 18, 2003 after due notice by publication in *The City Record*, and laid over to April 8, 2003 for decision; and

WHEREAS, on April 20, 1999, the Board granted an application permitting in a C2-3 in an R6 district, the legalization of an eating and drinking establishment with entertainment and dancing (Use Group 12) with a capacity of more than 200 persons; and

WHEREAS, the applicant now seeks to extend the term of the variance, which expired on April 20, 2002, for a period of three (3) years, and to amend the resolution to legalize an addition to the rear of the premises, the re-arrangement of the interior layout, and a revision of floor area calculations; and

WHEREAS, the applicant states that there was an error in the previously approved zoning analysis, which

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.” (DOB Application #301327767)

Adopted by the Board of Standards and Appeals, April 8, 2003.

331-98-BZ

APPLICANT - Sheldon Lobel, P.C., for Sean Porter, owner.

SUBJECT - Application May 15, 2002 - reopening for an extension of term of variance which expired April 20, 2002.

PREMISES AFFECTED - 1426-1428 Fulton Street, Fulton Street between Brooklyn Avenue and Kingston Avenue, Block 1863, Lots 9, 7, 10, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Janet Abrame.

THE ACTION OF BOARD - Application reopened and term of variance extended and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo, and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 28, 2003 acting on Application No. 300782160 reads:

“APPLICATION REFERRED BACK TO BSA FOR AN EXTENSION OF TERM AND AN AMENDMENT OF FLOOR AREA UNDER CALENDAR #331-98-BZ.”; and

represented more floor area than actually existed; and

WHEREAS, the applicant further represents that the addition which this application seeks to legalize, does not exceed the permitted floor area of the zoning district.

Resolved that the Board of Standards and Appeals reopens and amends the resolution to extend the term of the variance which expired on April 20, 1999, so that as amended this portion of the resolution shall read:

“to extend the term of the variance for an additional three (3) years from April 20, 2002, to expire on April 20, 2005, to permit a revision of the zoning analysis and the legalization of an addition to the rear of the premises, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with this application marked “Received May 15, 2002”-(8) sheets; and *on further condition*;

MINUTES

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT all conditions from the prior grant shall remain in effect;

THAT landscaping shall be provided and maintained in accordance with BSA-approved plans;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, April 8, 2003.

240-55-BZ

APPLICANT - Joseph P. Morsellino, Esq., for DLC Properties, LLC, owner.

SUBJECT - Application January 23, 2003 - reopening for an extension of time to complete construction which expires on March 6, 2003.

PREMISES AFFECTED - 207-22 Northern Boulevard, Northern Boulevard and 208th Street, Block 7305, Lot 19, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

172-97-BZ

APPLICANT - Harold Weinberg, P.E., for Oceana Holding Corporation, Inc., owner.

SUBJECT - Application July 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 11, 2002.

PREMISES AFFECTED - 1023 Brighton Beach Avenue, north side, between Brighton 11th and Brighton 12th Street, Block B-8709, L-60, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Harold Weinberg, P.E.

For Opposition: Anthony Scadut, Fire Department

ACTION OF THE BOARD - Laid over to May 20, 2003, at 10 A.M., for continued hearing.

77-99-BZ

Negative:0

ACTION OF THE BOARD - Laid over to April 29, 2003, at 10 A.M., for decision, hearing closed.

80-75-BZ

APPLICANT - Fredrick A. Becker, Esq., for 1377 Sutter Avenue, Inc., owner.

SUBJECT - Application December 13, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired July 8, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 1377/1381 Sutter Avenue, north side of Sutter Avenue, 40' West of Lincoln Avenue, Block 4254, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Laid over to May 20, 2003, at 10 A.M., for continued hearing.

561-87-BZ

APPLICANT - The Agusta Group, for Carlos Abreu, owner.

SUBJECT - Application September 13, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired April 13, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 2700 Jerome Avenue, east side 222' north of E. Kingsbridge Road, Block 3371, Lot 17, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Nelly Bravo.

ACTION OF THE BOARD - Laid over to May 20, 2003, at 10 A.M., for continued hearing.

APPLICANT - The Agusta Group, for Turnpike Auto Laundry Inc. Phil Frank President, owner.

SUBJECT - Application January 21, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired December 5, 2002.

PREMISES AFFECTED - 255-39 Jamaica Avenue, north side of Jamaica Avenue (a.k.a Jericho Turnpike) 80' west of 256th Street, Block 8830, Lot 52, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Nelly Bravo.

ACTION OF THE BOARD - Laid over to May 6, 2003, at 10 A.M., for continued hearing.

25-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative

MINUTES

Inc., owner; Herbert R. Bergner, lessee.

SUBJECT - Application January 15, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law. PREMISES AFFECTED - 970 Bayside, northeast corner of Bayside Connection, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES - None.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated December 24, 2002 acting on ALT

1. Application No. 401548697, reads in pertinent part:

“A1- The proposed enlargement is on a site [which] is located partially in the bed of a mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3. Sect.35 of the General City Law.

A2- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section

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, April 8, 2003.

26-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Peter Duggan, lessee.

SUBJECT - Application January 15, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law. PREMISES AFFECTED - 46 Ocean Avenue, west side, 199.40 north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES - None.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,

C 27-291 (C26-401.1) of the Administrative Code of the City of New York.”; and

WHEREAS, by letter dated February 11, 2003, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by the letter dated February 13, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated March 5, 2003, 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 December 24, 2002 acting on ALT 1. Application No. 401548697, is modified under the power vested in the Board by §36 & §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 January 15, 2003”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated December 24, 2002 acting on ALT

1. Application No. 401535585, reads in pertinent part:

“A 1- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C 27-291 (C26-401.1) of the Administrative Code of the City of New York.”; and

WHEREAS, by the letter dated February 13, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

MINUTES

Resolved, that the decision of the Queens Borough Commissioner, dated December 24, 2002 acting on ALT 1. Application No. 401548697, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received January 15, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, April 8, 2003.

33-03-A

APPLICANT - Miro C. Stracar, P.E., for Breezy Point Cooperative, owner; Mr. & Mrs. Dwyer, lessee.

SUBJECT - Application January 28, 2003 - Proposed one story

Resolved, that the decision of the Queens Borough Commissioner, dated January 21, 2003, acting on ALT 1. Application No. 401446440, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received January 28, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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)

enlargement to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 160 Ocean Avenue, west side, 73' from Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES - None.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated January 21, 2003 acting on ALT 1. Application No. 401446440, reads in pertinent part:

"1- The site and building are not fronting on an official mapped street and are contrary to Article 3, Section 36 of the General City Law; additionally, the building is contrary to section 27-291 of the New York City Building Code since does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space.;" and

WHEREAS, by the letter dated February 13, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, April 8, 2003.

41-03-A

APPLICANT - NYC Department of Buildings, for 340 Madison Avenue Owner, LLC, Fifth Church of Christ Scientist, owner in part.

SUBJECT - Application January 31, 2003 - An application for the Modification of Certificate of Occupancy Number 116571, to reflect only lot 14, and to eliminate reference to, and metes and bounds of lots 15 and 17 in Block 1278.

PREMISES AFFECTED - 342 Madison Avenue, a/k/a 16 East 44th Street, Block 1278, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Roman Franklin.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

MINUTES

THE RESOLUTION -

WHEREAS, the application from the Commissioner of the Department of Buildings dated January 31, 2003 reads, in pertinent part:

“A1. The Department of Buildings submits this application pursuant to New York City Charter Section 666 (6) (a) to review and set aside Certificate of Occupancy No. 116571 issued March 3, 1999 for the building at 347 Madison Avenue (block 12178, lot 14). The evidence before the Department demonstrates that the Certificate of Occupancy for the building on lot 14 also includes lots 15 and 17. The Department of Buildings contends that the inclusion of lots 15 and 17 on the Certificate of Occupancy for the Building on lot 14 was an error and Certificate of Occupancy No. 116571 must be modified.”; and

WHEREAS, the Department of Buildings seeks to revoke Certificate of Occupancy Number 116571 on the basis that the lot 14 building is separate from the buildings on lots 15 and 17; and

WHEREAS, the aforementioned lots collectively occupy the full blockfront along the west side of Madison Avenue between East 43rd and 44th Street; and

WHEREAS, the record indicates that during the construction of the building on lot 14 in 1921, separate buildings existed on Lots 15 and 17; and

WHEREAS, the evidence indicates that in 1921, lot 14 housed a 21-story building with 150 feet-10 inches of frontage on Madison Avenue, lot 15, a four-story residential

WHEREAS, a Certificate of Occupancy was issued in 1928 for a bank and offices on Lot 17 and then superseded in 1945 by a Certificate of Occupancy that permitted light storage as an additional use on Floors 2 through 5, and in 1932 a Certificate of Occupancy for a store, offices and show room was issued for lot 15; and

WHEREAS, the appellant notes that the individual Certificates of Occupancy for the buildings on Lots 15 and 17 have never been superseded and contends that therefore the inclusion of Lots 15 and 17 on the 1962 and 1999 Certificates of Occupancy issued for the lot 14 Building has been a perpetuation of the original administrative error; and

WHEREAS, therefore, the Board finds, that the appellant has submitted adequate evidence to warrant the modification of Certificate of Occupancy Number 116571.

Resolved, that the application of the Commissioner of the Department of Buildings dated January 31, 2003 seeking modification of Certificate of Occupancy No. 116571 is hereby granted eliminating the inclusion of lots 15 and 17 on the Certificate of Occupancy for the Building on lot 14 .

Adopted by the Board of Standards and Appeals, April 8, 2003.

building with 25 feet of frontage on Madison Avenue and lot 17 a six-story office building with 25 feet of frontage on Madison Avenue; and

WHEREAS, the Department of Buildings notes that despite the aforementioned history of development, Certificate of Occupancy Number 40605 issued in 1921 for the lot 14 building, the erroneously indicated that the subject building occupied the full 200 feet-10 inches of frontage along the west side of Madison Avenue; and

WHEREAS, a further examination of the plans also revealed that while the 1921 Certificate of Occupancy was for “a fireproof, basement and 21-story Church and Office Building, it incorrectly included all of the lots on the block along Madison Avenue, including lots 15 and 17 which the Department of Buildings represents are holdout lots; and

WHEREAS, the appellant notes that lots 15 and 17 were hold out lots because they were never part of the development with lot 14 and the evidence indicates that the developer of lot 14 unsuccessfully tried to acquire the buildings on lots 15 and 17; and

WHEREAS, the Board agrees with the appellant’s assertion that while the 1921 Certificate of Occupancy erroneously included Lots 15 and 17, it appears that the administrative error was perpetuated on subsequent Certificates of Occupancies issued in 1962 and again in 1999; and

WHEREAS, the application history on lots 15 and 17 demonstrates that these lots were treated as individual lots with separate buildings and separate Certificates of Occupancy; and

113-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.

SUBJECT - Application April 11, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

PREMISES AFFECTED - 777 Third Avenue, east side, between East 48th and East 49th Streets, Block 1322, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to June 24, 2003, at 10 A.M., for continued hearing.

115-02-A thru 118-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.

SUBJECT - Application April 16, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

PREMISES AFFECTED - 767 Third Avenue, southeast corner of East 48th Street, Block 1321, Lots 41-47, Borough of Manhattan. 747 Third Avenue, east side, between East 46th and East 47th Streets, Block 1320, Lots 1-5 and 46-49, Borough of Manhattan.

MINUTES

437 Madison Avenue, east side, between East 49th and East 50th Streets, Block 1285, Lot 21, Borough of Manhattan.
320 West 13th Street, northwest corner of Horatio Street, Block 627, Lot 43, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to June 24, 2003, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 10:30 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, APRIL 8, 2003
2:00 P.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

**363-01-BZ thru 365-01-BZ
CEQR #02-BSA-071X/072X/073X**

APPLICANT - Freda Design Assoc. Ltd., for Harold Lane, owner.

“PROPOSED RESIDENTIAL USE IN M1-1 ZONING DISTRICT CONTRARY TO SECTION 42-00 OF THE ZONING RESOLUTION, THEREFORE MUST BE REFERRED TO THE BOARD OF STANDARDS AND APPEALS”;

WHEREAS, a public hearing was held on July 23, 2002, after due notice by publication in the *City Record*, and laid over to September 24, 2002, November 19, 2002, January 7, 2003, and January 28, 2003 and then to April 8, 2003 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 Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-1 zoning district, the erection of three (3) three-family multiple dwellings (Use Group 2) which is contrary to Zoning Resolution §42-00; and

WHEREAS, Community Board No. 2 in The Bronx recommends approval of the subject application; and

WHEREAS, the subject site is known as block 5245, lot numbers 39 and 42 which fronts 75 feet on Rombouts Avenue and has a depth of 100 feet; and

WHEREAS, a subdivision application has been filed to create tentative zoning lots 39, 40 and 41; and

WHEREAS, the record indicates that the subject site is currently vacant and has no previous history of

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit in an M1-1 zoning district, the erection of three (3) three-family multiple dwellings (Use Group 2) which is contrary to Zoning Resolution §42-00.

PREMISES AFFECTED -

3304 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 39, Borough of The Bronx.

3306 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 40, Borough of The Bronx.

3308 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 41, Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated October 22, 2001 acting on Application Nos. 200623780, 200623806 & 200623799 reads:

development;

WHEREAS, the record indicates that the site is burdened with a sloping condition with a change of grade varying from approximately 9 to 11 feet across the zoning lot rising from east to west and a change in grade from approximately 4 to 6 feet across the zoning lot rising from south to north; and

WHEREAS, the applicant represents that these grade conditions will result in additional costs from foundation walls required to be constructed and support the structure;

WHEREAS, due to the site's lack of development, there are no City sewer utilities fronting on the subject site; and

WHEREAS, the applicant proposes to enter an easement agreement with the adjoining property in order to tap into their existing sewer line; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions present an undue hardship in developing the site with a conforming development; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, evidence in the record indicates that the surrounding neighborhood is substantially residential in character; and

WHEREAS, therefore, the Board finds that the instant applications will not alter the essential character of the

MINUTES

surrounding neighborhood nor impair the use or future 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, the Board finds that 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 the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an M1-1 zoning district, the erection of three (3) three-family multiple dwellings (Use Group 2) which is contrary to Zoning Resolution §42-00, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 26, 2003"-(8) sheets; and on further condition;

152-02-BZ

CEQR #02-BSA-199M

APPLICANT - Sheldon Lobel, P.C., for Ruppert Housing Company, Inc., owner; Dolphin 93rd Fitness aka Synergy Fitness 93, lessee.

SUBJECT - Application May 9, 2002 - under Z.R. §73-36 to permit within a C2-8 zoning district, the legalization of an existing physical culture establishment, located in a portion of the cellar and the first floor, in a seventeen story, commercial and residential building.

PREMISES AFFECTED - 1768/81 Second Avenue (aka 235/45 East 92nd Street and 220/48 East 93rd Street), hereinafter 1781 Second Avenue, southwest corner of East 93rd Street, Block 1538, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated May 2, 2002 acting on ALT.

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 8, 2003.

Application No. 103044055 reads:

"Obtain special permit per ZR section 32-31 Physical Culture/Health Establishment.."; and

WHEREAS, a public hearing was held on this application on December 17, 2002 after due notice by publication in *The City Record* and laid over to January 14, 2003 for decision, reopened on January 14, 2003, and laid over for a Continued Hearing on February 25, 2003 and then to April 8, 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, former Commissioner Mitchell Korbey and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §73-36 to permit, within a C2-8 zoning district, the legalization of an existing physical culture establishment, located in a portion of the cellar and the first floor, in a seventeen story, commercial and residential building; and

WHEREAS, the subject site is located on Second Avenue between 92nd and 93rd Street and consists of approximately 74,719 square feet; of which 5,890 is currently being utilized by the physical culture establishment on portions of the cellar and first floor; and

WHEREAS, the applicant represents that the remainder of the building is occupied by commercial and residential tenants, and that there are no residential units directly above or adjacent to the subject facility; and

MINUTES

WHEREAS, the applicant proposes to limit the hours of operation to Monday through Friday 5:00 a.m. to 11:00 p.m. and Saturday and Sunday 8:00 A.M. to 9:00 p.m.; and

WHEREAS, the record indicates that the subject facility commenced operation in November 1998; 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 Board finds that the proposed use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; 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. §§73-03 and 73-36; 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

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT, fire protection measures, including an automatic wet- sprinkler and a Fire Alarm system throughout the subject premises, with both systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT the hours of operation shall be limited to hours of operation to Monday through Friday 5:00 a.m. to 11:00 p.m. and Saturday and Sunday 8:00 A.M. to 9:00 p.m.;

THAT above hours of operation shall be permitted as long as there are no residential units directly above or adjacent to the subject facility;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 8, 2003.

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, within a C2-8 zoning district, the legalization of an existing physical culture establishment, located in a portion of the cellar and the first floor, in a seventeen story, commercial and residential building, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received March 18, 2003"--(3) sheets; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from the November 1, 1998:

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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 the premises shall be maintained free of debris and graffiti;

223-02-BZ & 224-02-A CEQR #03-BSA-018M

APPLICANT - Sheldon Lobel, P.C., for 320 West 84th Street, Corp, owner.

SUBJECT - Application August 6, 2002 - under Z.R. §73-621 to permit in an R8B zoning district, legalizing an existing rental apartment in the cellar of a six-story building, which increases the degree of non-compliance with respect to floor area ratio and open space ratio, contrary to Z.R. Sections 23-142, and 54-31 and does not comply with Sections 34.6 and 210 of the Multiple Dwelling Law and Sections 27-2082 and 27-2085 of the Housing Maintenance Code.

PREMISES AFFECTED - 320 West 84th Street, between Riverside Drive and West End Avenue, Block 1245, Lot 86, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner

MINUTES

Miele.....4
Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner
Miele.....4

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough
Commissioner, dated July 31, 2002 acting on Application
No. 102820066 reads:

- “1. Since cellar space used for dwelling purposes is included in floor area. Change of use from medical office in cellar to an apartment increases the degree of non-compliance with respect to floor area ratio, contrary to Sections 23-142, Z.R.; and
2. Reduction of open space ratio resulting from increase in residential floor area creates a non-compliance contrary to Section 23-142, Z.R. (Note: Conversion occurred prior to Quality Housing Zoning change).
3. New cellar apartment in a new law tenement does not comply with sections 34.6 and 216 of the Multiple Dwelling Law, and sections 27-2082 and 27-2085 of the Housing Maintenance Code.”; and

WHEREAS, the record indicates that the permissible FAR is 4.15 and that the existing legal FAR reflected by the uses authorized on the Certificate of Occupancy is 4.31 with 22,015 square feet of zoning floor area, the instant application requests the addition of 942 square feet of residential floor area in the cellar for a total of 22,957 square feet; and

WHEREAS, at 22,957 square feet, the proposal would yield an FAR of 4.49 square feet or 108.2 percent of the FAR of 4.15 allowed under Section 23-14 which would only permit a complying floor area of 21,200 square feet; and

WHEREAS, the applicant represents that the relief requested is only for floor area ratio and open space ratio, does not include a physical enlargement and results in a reduction in the number of occupants in the cellar; and

WHEREAS, moreover, the existing non-complying rear yard is unchanged and with an elevation below the floor level of the cellar apartments, the windows provide the same light and air as the apartments above; and

WHEREAS, further, the degree of non-compliance with regard to interior density is unchanged, with 37 apartments previously authorized (Six on each of the upper floors, and a janitor’s apartment in the cellar), and although an additional apartment has been created in the cellar from the former medical office, two (2) apartments have been combined into one on the fifth floor, thus retaining the number of apartments at 37; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with

WHEREAS, a public hearing was held on this application on February 11, 2003 after due notice by publication in *The City Record* and laid over to March 18, 2003 and then to April 8, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar and Commissioner Joel Miele; and

WHEREAS, this is an application for a special permit under Z.R. Sections 73-03 and 73-621, in an R8B zoning district, legalizing an existing rental apartment in the cellar of a six-story building, which increases the degree of non-compliance with respect to floor area ratio and open space ratio, contrary to Z.R. Sections 23-142, and 54-31 and does not comply with Sections 34.6 and 210 of the Multiple Dwelling Law and Sections 27-2082 and 27-2085 of the Housing Maintenance Code; and

WHEREAS, the Board notes that the instant application was heard with a companion Appeals case under Calendar Number 224-02-A, objection #3; and

WHEREAS, the applicant seeks to legalize the extension of residential uses in the cellar of the subject premises; and

WHEREAS, the subject building is a Class A multiple dwelling located on the south side of West 84th Street, between West End Avenue and Riverside Drive; and

any pending public improvement project; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-261 and 73-03.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings for a special permit under Z.R. Sections 73-03 and 73-621, in an R8B zoning district, legalizing an existing rental apartment in the cellar of a six-story building, which increases the degree of non-compliance with respect to floor area ratio and open space ratio, contrary to Z.R. Sections 23-142, and 54-31 and does not comply with Sections 34.6 and 210 of the Multiple Dwelling Law and Sections 27-2082 and 27-2085 of the Housing Maintenance Code, *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 6, 2002”-(4) sheets, “March 4, 2003”-(1) sheet and “April 8, 2003”-(1) sheet; and on further condition;

THAT the applicant shall provide sprinklers within the subject apartment and in the corridors adjacent to the

MINUTES

superintendent's apartment and building office;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 8, 2003.

248-02-BZ

CEQR #03-BSA-036M

"A physical culture establishment is not permitted as of right in a C6-3A district. Provide Special Permit from Board of Standards and Appeals-Sec. 73-36 ZR."; and

WHEREAS, a public hearing was held on this application on March 18, 2003 after due notice by publication in *The City Record* and laid over to April 8, 2003 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, former Commissioner Mitchell Korbey and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §73-36 to permit, within a C6-3A (Special Tribeca Mixed Use) zoning district, the legalization of an existing physical culture establishment, located in portions of the ground floor, cellar and sub-cellar level of a five-story commercial and residential building; and

WHEREAS, the subject building is located on Church Street between Chambers and Reade Streets and consists of approximately 45,378 square feet of which 8,860 square feet is utilized by the PCE; and

WHEREAS, the applicant represents that the remainder of the building is occupied by commercial and residential tenants, and that there are no residential units directly above or adjacent to the subject facility; and

WHEREAS, the record indicates that the subject facility commenced operation on January 5, 2003; 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 Board finds that the proposed use will

APPLICANT - Sheldon Lobel, P.C., for Chambers 105 Acquisition, LLC, owner; The Big Workout, Inc., d/b/a 2477 Fitness Club, lessee.

SUBJECT - Application September 12, 2002 - under Z.R. §73-36 to permit within a C6-3A (Special Tribeca Mixed Use) zoning district, the legalization of an existing physical culture establishment, located in portions of the ground floor, cellar and sub-cellar level of a five-story commercial and residential building.

PREMISES AFFECTED - 105/07 Chambers Street (a/k/a 160/70 Church Street and 89/91 Reade Street, Church Street, between Chambers and Reade Streets, Block 145, Lots 1001, 1002 and 1003, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated May 2, 2002 acting on ALT Application No. 102540001 reads:

not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; 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. §§73-03 and 73-36; 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, within a C6-3A (Special Tribeca Mixed Use) zoning district, the legalization of an existing physical culture establishment, located in portions of the ground floor, cellar and sub-cellar level of a five-story commercial and residential building, *on condition*

MINUTES

that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received September 12, 2002"- (9) sheets ; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from January 5, 2003;

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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 the above conditions shall appear on the Certificate of Occupancy;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the 24 hour operation of the facility shall only be permitted as long as there are no residential units directly above or adjacent to the subject facility;

THAT the applicant shall comply with all provisions of Local Law 58/87;

341-02-BZ

CEQR #03-BSA-083M

APPLICANT - Martyn & Don Weston, for 231 East 58th Street Associates, owner.

SUBJECT - Application November 15, 2002 - under Z.R. §72-21 to permit the reestablishment of a variance granted under Calendar Number 633-66-BZ which allowed a retail store, Use Group 6, on the first floor of a five-story building.

PREMISES AFFECTED - 231/33 East 58th Street, north side, 129'-8" west of Second Avenue, Block 1332, Lot 16, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Don Weston.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo, and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 21, 2002 acting on Application No. 103244954 reads:

"Z-3 A use group 6 retail store, proposed at first floor is not permitted in an R8B zoning district as per section 22-10 Z.R."; and

WHEREAS, a public hearing was held on this application on March 18, 2003 after due notice by publication in *The City Record* and laid over to April 8, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of 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, April 8, 2003.

Board consisting of Chairman James Chin, Vice Chairman Satish Babbar and former Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, to permit, in an R8B zoning district to permit the reestablishment of a variance granted under Calendar Number 633-66-BZ which allowed a retail store, Use Group 6, on the first floor of a five-story building; and

WHEREAS, the subject building was erected in 1889 as a five story and cellar Old Law Class "A" Multiple Dwelling and the record indicates that in 1955, the zoning was changed to a "Retail Use District" because much of the ground floor uses were developed for retail; and

WHEREAS, in 1961, the zone was changed to an R8 and then changed to an R8B; and

WHEREAS, in 1967, under Calendar Number 633-66-BZ, the Board permitted the conversion of the four apartments on the first floor to a retail store; and

WHEREAS, applicant represents that, at the time of the above conversion, since the building had a central hall exiting to the street from the interior stair, it was proposed to rebuild the last run of the double-run stair so that the stair exit to the street could be relocated to the east wall of the building, thus allowing a single store; and

WHEREAS, however, the above work was never done, the ground floor remained divided in two sections and was converted to retail stores on either side of the center hall entrance; and

WHEREAS, the 1967 variance was granted for 15 years until 1982, however in 1980, the building was sold to the present owner who was unaware that use of the ground floor was subject to Board approval; and

WHEREAS, the applicant has documented that the

MINUTES

same hardships that existed in 1967, namely, the narrowness of the lot, the existence of the old tenement that lacks and elevator still exist; and

WHEREAS, the applicant notes that if the instant application were denied, the owner would have to rebuild the entire ground floor for residential use on a block that has many ground floor commercial uses in almost every building on both sides of East 58th Street from 2nd to 3rd Avenues; and

WHEREAS, site's history of development with non-conforming Board approved uses and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning Resolution; and

WHEREAS, evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that a conforming use in the entire building would not yield a reasonable return; and

WHEREAS, the record indicates that the subject property is located in an area characterized by commercial uses that have intensified since 1967; and

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 on a site previously before the Board, in an R8B zoning district to permit the reestablishment of a variance granted under Calendar Number 633-66-BZ which allowed a retail store, Use Group 6, on the first floor of a five-story building, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 15, 2002"- (9) sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on April 8, 2013;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 8, 2003.

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

346-02-BZ

CEQR #03-BSA-087R

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Anthony & Nancy Pimpinella, owner.

SUBJECT - Application November 19, 2002 - under Z.R. §72-21 to permit in an R3X (special South Richmond Development) zoning district, the proposed enlargement of a single family residence which will increase the degree of non-compliance with regards to side yards and lot width, and is contrary to Z.R. §§107-462 and 107-46.

PREMISES AFFECTED - 34 Zephyr Avenue, south side, 97' east of Berton Avenue, Block 6452, Lot 5, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo, and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated July 25, 2002, acting on Application No. 301349164, reads:

- "1. The proposed enlargement of the existing one story, one family residence to a three story, one family detached residence in an R3X zone within the special South Richmond District, with side yards of 3.71' and 5.00', is contrary to Section 107-462 Z.R.
2. The proposed enlargement from a one story building to a three story building in a R3X zone within the special South Richmond District with a lot width of 30' is contrary to Section 107-42 Z.R."; and

WHEREAS, a public hearing was held on this application on March 18, 2003 after due notice by publication in *The City Record*,

MINUTES

laid over to April 8, 2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A. and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit in an R3X (special South Richmond Development) zoning district, the proposed enlargement of a single family residence which will increase the degree of non-compliance with regards to side yards and lot width, and is contrary to Z.R. §§107-462 and 107-46; and

WHEREAS, the record indicates that the subject premises has a frontage of 30 feet and a depth of 180.7 feet with a total of 5,368 square feet of area, improved with an existing one-story, single family, frame construction "bungalow"-type dwelling; and

WHEREAS, the applicant seeks to construct a two-story enlargement in the rear and on one side of the dwelling, and two

WHEREAS, the aforementioned unique physical conditions, the narrowness of lot and the history of use, make its occupancy for a complying use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the instant application is for a bulk variance for a single family house and the Board has determined that no showing of financial hardship is required pursuant to Z.R. §72-21(b); and

WHEREAS, the record indicates that the adjacent dwellings have similar non-complying side yard situations and that the proposed enlargement is in context with the area; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or future 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 the Final Environmental Assessment Statement 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.

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, to permit in an R3X (special South Richmond Development) zoning district, the proposed enlargement of a single family residence which will increase the degree of non-compliance with regards to side yards and lot width, and is contrary to Z.R. §§107-462 and

stories above the existing dwelling, which will not provide the required side yards and will decrease the width of one of the existing side yards; and

WHEREAS, the subject premises does not comply with the minimum lot width of 40 feet for the zoning district, nor will it comply with the minimum of 50 feet for a three-story building; and

WHEREAS, the regulations of the special South Richmond Development require a three-story building to have two side yards, totaling 20 feet with each being a minimum of 8 feet wide; and

WHEREAS, the Board notes that compliance with the side yard regulations would result in a building with a width of 10 feet which is impractical; and

WHEREAS, the applicant represents that the existing one-story frame dwelling was constructed as part of a group of seasonal bungalows around 1920, which are undersized and lacking modern conveniences; and

107-46, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 19, 2002"- (9) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 8, 2003.

66-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Harry Einhorn, owner.
SUBJECT - Application February 20, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, Use Group 2, in an M3-1 residential building, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 439 Marcy Avenue, Lot fronting on Marcy Avenue and Union and Wallabout Streets, Block 2249, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel.

MINUTES

ACTION OF THE BOARD - Laid over to May 20, 2003, at 1:30 P.M., for continued hearing

114-02-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., - Vito J. Fossella, P.E., for Jerry Campitiello, owner.

SUBJECT - Application April 12, 2002 - under Z.R. §72-21, to permit the proposed new two story commercial building, with retail sales on the first floor and offices on the second floor, Use Group 6, located in an R2 zoning district, which is contrary to Z.R. §22-00. PREMISES AFFECTED - 2493 Richmond Road, northwest

120-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Abraham Lokshin, owner; Dolphin Fitness, Inc., lessee.

SUBJECT - Application April 15, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, Use Group 9, located in the cellar of a six story building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 42 Avenue "A", northeast corner of East Third Street, Block 399, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to May 6, 2003, at 1:30 P.M., for continued hearing.

215-02-BZ

APPLICANT - Sullivan, Chester & Gardner, LLP, for Liberty Avenue, LLC, owner; Ossining, lessee.

SUBJECT - Application July 18, 2002 - under Z.R. §§72-01 & 72-21 to permit the legalization of an existing construction materials testing facility, Use Group 17, located in an R-4 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 143-05 Liberty Avenue, northeast corner of Remington Street, Block 10020, Lot 138, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to April 29, 2003, at 1:30 P.M., for deferred decision.

218-02-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Coney on the Park, LLC, owner.

SUBJECT - Application August 2, 2002 - under Z.R. § 72-21 to permit the proposed construction of a twelve-story mixed-use building, Use Groups 2 and 6, located in a C8-2 zoning district, which will include 75 residential units, and is contrary to Z.R. §32-00.

PREMISES AFFECTED - 46 Coney Island Avenue, between Kermit Place and Caton Avenue, Block 5322, Tentatively Lot 65, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

corner of Odin Avenue, Block 947, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Victor Han.

For Opposition: Kathleen Vorwick, Heather Forbes, Thomas J. Caffey and John F. Belnavis.

ACTION OF THE BOARD - Laid over to May 6, 2003, at 2 P.M., for continued hearing.

For Applicant: Howard Hornstein and Peter Geis.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to May 6, 2003, at 1:30 P.M., for decision, hearing closed.

241-02-BZ

APPLICANT - Sheldon Lobel, P.C., for HFK Inc., owner.

SUBJECT - Application August 30, 2002 - under Z.R. §72-21 to permit the proposed conversion to residential use, of two connected vacant manufacturing building, Use Group 2, located in an M2-1 zoning district, that will provide 48 residential loft type units, and is contrary to Z.R. §42-00.

PREMISES AFFECTED - 130 Third Street, corner of Bond and Third Streets, Block 466, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 1:30 P.M., for postponed hearing.

271-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Rabbi and Mrs. Akiva and Yocheved Ludmir, owner; Congregation Chesev Sofer of Pressburg, lessee.

SUBJECT - Application October 8, 2002 - under Z.R. §72-21 to permit the proposed construction of a three stories and a cellar, community facility, Use Group 4, located in an R5 zoning district, which does not comply with the zoning requirements for lot coverage, front, side and rear yards and also a projection of the proposed balcony, which is contrary of §23-131, §24-11, §24-34, §24-35, §24-36 and §24-51.

PREMISES AFFECTED - 1627 46th Street, between 16th and 17th Avenues, Block 5434, Lot 76, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to April 29, 2003, at 1:30 P.M., for continued hearing.

MINUTES

353-02-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Amerada Hess Corp., owner.

SUBJECT - Application December 6, 2002 - under Z.R. §73-52 to permit the proposed erection of a one story, accessory convenience store, at an existing automotive service station, also the extension of the existing use, into the residential portion of the Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to May 6, 2003, at 1:30 P.M., for continued hearing.

367-02-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for Rudolf Alonzo, owner.

SUBJECT - Application December 18, 2002 - under Z.R. §72-21 to permit the legalization of an existing dance studio, Use Group 9, located in the cellar of a five story multi-family building, which is not permitted in an R8-B zoning district, and is therefore contrary to Z.R. §22-10.

PREMISES AFFECTED - 434 East 75th Street, between First and York Avenues, Block 1469, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to May 6, 2003, at 1:30 P.M., for postponed hearing.

3-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Eddie Cohen, owner.

SUBJECT - Application January 10, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio, rear yard, perimeter wall height and building height, and is contrary to Z.R. §23-141, §23-47 and §23-631.

PREMISES AFFECTED - 50 Dover Street, between Hampton Avenue and Shore Boulevard, Block 8729, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES - None.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to April 29, 2003, at 1:30 P.M., for decision, hearing closed.

35-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Paul & Maryann Penzi, owners.

zoning lot, requires a special permit.

PREMISES AFFECTED - 210 Greenpoint Avenue, southwest corner of McGuinness Boulevard, Block 2576, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Carl A. Sulfaro and Robert W. Bronzino.

THE VOTE TO REOPEN HEARING -

SUBJECT - Application January 28, 2003 - under Z.R. §73-125 to permit the proposed medical office, Use Group 4, in excess of 1,500 square feet, located in an R2 zoning district, which requires a special permit as per Z.R. §73-125.

PREMISES AFFECTED - 12-18 154th Street, a/k/a 152-61 12th Road, northwest corner, Block 4537, Lot 90, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: Lucille A. Cremen, Albert Albrizio, Catherine McCaffrey and Moriq Guerra.

ACTION OF THE BOARD - Laid over to April 29, 2003, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 3:15 P.M.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, No. 17

April 24, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - Counsel

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET294-295

CALENDAR of May 20, 2003

Morning296

Afternoon296-297

CONTENTS

MINUTES of Regular Meetings,

Affecting Calendar Numbers:

| | |
|----------------------|---|
| 426-54-BZ | 78-11 Linden Boulevard, Queens |
| 717-60-BZ | 2052 Victory Boulevard, Staten Island |
| 617-80-BZ | 770/780 McDonald Avenue, Brooklyn |
| 8-87-BZ | 4778/82 Broadway, Manhattan |
| 261-90-BZ | 2468-2478 Tiebout Avenue, The Bronx |
| 161-02-BZ | 2433 Knapp Street, Brooklyn |
| 551-37-BZ | 233-02 Northern Boulevard, Queens |
| 529-52-BZ | 77-11 Roosevelt Avenue, Queens |
| 763-59-BZ | 1764 University Avenue, The Bronx |
| 352-64-BZ | 408-424 East 51 st Street, Manhattan |
| 190-75-BZ | 301-321 East 79 th Street, Manhattan |
| 669-80-BZ | 7 Buttonwood Road, Staten Island |
| 1038-80-BZ | 31-07/09/11 Downing Street, Queens |
| 193-92-BZ | 1303 Beach Channel Drive, Queens |
| 203-02-BZ | 110-18 Northern Boulevard, Queens |
| 27-03-A | 8 Chester Walk, Queens |
| 72-02-A | 325 West 30 th Street, Manhattan |
| 21-02-A thru 25-02-A | Francis Lewis Boulevard, Queens |
| 332-02-A thru | |
| 333-02-A | 107 City Boulevard and 148 Norma Place, Staten Island |
| 345-02-A | 85-72 159 th Street, Queens |
| 6-03-A thru 14-03-A | Waterside Court, Queens |
| 15-03-A thru 23-03-A | Powells Cove Boulevard, Queens |
| 65-03-A thru 67-03-A | 11 Fulton Walk, 40 Beach 220 th Street, 3 Graham Place, Queens |

CONTENTS

Afternoon Calendar.....305

Affecting Calendar Numbers:

86-02-BZ 155/59 North Fourth Street, Brooklyn
269-02-BZ 1644 East 28th Street, Brooklyn
355-02-BZ 1436 East 24th Street, Brooklyn
356-02-BZ 210/14 East 86th Street and 209/13 East 85th Street, Manhattan
82-02-BZ 788 Kent Avenue, Brooklyn
178-02-BZ 57 Eagle Street, Brooklyn
181-02-BZ 1875 Bartow Avenue, The Bronx
214-02-BZ 55 Berry Street, Brooklyn
241-02-BZ 130 Third Street, Brooklyn
242-02-BZ One North Railroad Street, Staten Island
254-02-BZ 41/45 South Fifth Street, Brooklyn
268-02-BZ 176 South Fourth Street, Brooklyn
338-02-BZ 14-01 College Point Boulevard, Queens
358-02-BZ 200 Park Avenue, Manhattan
359-02-BZ 53/55 Beach Street, Manhattan
374-02-BZ 267-20 74th Avenue, Queens
24-03-BZ 178-02/08 Union Turnpike, Queens
36-03-BZ 271-17 76th Avenue, Queens
43-03-BZ 18 West 17th Street, Manhattan

CORRECTION.....313

Affecting Calendar Number:

226-01-BZ 48 Laight Street, Manhattan

DOCKET

New Case Filed Up to April 15, 2003

105-03-BZ B.Q. 45-78 161st Street, north of 46th Avenue, Block 5439, Lot 88, Borough of Queens. Applic.#401560146. Proposed erection and maintenance of a three family dwelling, Use Group 2, located in an R4 zoning district, which does not qualify for development under the Predominantly Built Up Regulations, regarding shape of lot and size of block, is contrary to Z.R. §23-141(c).

COMMUNITY BOARD #7Q

106-03-BZ B.Q. 45-78A 161st Street, north of 46th Avenue, Block 5439, Lot 89, Borough of Queens. Applic.#401560155. Proposed erection and maintenance of a three family dwelling, Use Group 2, located in an R4 zoning district, which does not qualify for development under the Predominantly Built Up Regulations, regarding shape of lot and size of block, is contrary to Z.R. §23-141(c).

COMMUNITY BOARD #7Q

107-03-BZ B.Q. 45-80 161st Street, north of 46th Avenue, Block 5439, Lot 90, Borough of Queens. Applic.#401560164. Proposed erection and maintenance of a three family dwelling, Use Group 2, located in an R4 zoning district, which does not qualify for development under the Predominantly Built Up Regulations, regarding shape of lot and size of block, is contrary to Z.R. §23-141(c).

COMMUNITY BOARD #7Q

108-03-BZ B.BK. 135 Coffey Street, between Conover and Van Brunt Streets, Block 597, Tentative Lots 9 and 11, Former Lots Numbers, 9-11, 13, 14, 37 and 38, Borough of Brooklyn. Applic.#301500481. Proposed construction of a four story residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for height, setback, also front and rear yards, is contrary to Z.R. §23-631, §23-45 and §23-47.

COMMUNITY BOARD #2BK

109-03-BZ B.BK. 71 Walcott Street, between Richard

and Van Brunt Streets, Block 596, Tentative Lot 24, Former Lots Numbers, 23-29 and 43, Borough of Brooklyn. Applic.#301500506. Proposed construction of a four story residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for height, setback, also front and rear yards, is contrary to Z.R. §23-631, §23-45 and §23-47.

COMMUNITY BOARD #2BK

110-03-BZ B.BK. 79 Walcott Street, between Richard and Van Brunt Streets, Block 596, Tentative Lot 12, Former Lots Numbers, 12-15,22, 23, 49 and 50, Borough of Brooklyn. Applic.#301499974. Proposed construction of a four story residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for height, setback, also front and rear yards, is contrary to Z.R. §23-631, §23-45 and §23-47.

COMMUNITY BOARD #2BK

111-03-BZ B.BK. 1685 60TH Street, northwest corner of 17th Avenue, Block 5510, Lot 150, Borough of Brooklyn. N.B.#301430360. Proposed three story, three family residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, wall and building height, front yard and the parking requirements, is contrary to Z.R. §23-141, §23-631, §23-45 and §25-23.

COMMUNITY BOARD #12BK

112-03-BZ B.BK. 1687 60TH Street, northwest corner of 17th Avenue, Block 5510, Lot 149, Borough of Brooklyn. N.B.#301430379. Proposed three story, three family residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, wall and building height, front yard and the parking requirements, is contrary to Z.R. §23-141, §23-631, §23-45 and §25-23.

COMMUNITY BOARD #12BK

DOCKET

113-03-BZ B.BK. 1689 60TH Street, northwest corner of 17th Avenue, Block 5510, Lot 148, Borough of Brooklyn. N.B.#301430388. Proposed three story, three family residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, wall and building height, front yard and the parking requirements, is contrary to Z.R.§23-141, §23-631, §23-45 and §25-23.

COMMUNITY BOARD #12BK

114-03-BZ B.BK. 1691 60TH Street, northwest corner of 17th Avenue, Block 5510, Lot 147, Borough of Brooklyn. N.B.#301430397. Proposed three story, three family residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, wall and building height, front yard and the parking requirements, is contrary to Z.R.§23-141, §23-631, §23-45 and §25-23.

COMMUNITY BOARD #12BK

115-03-BZ B.BK. 1693 60TH Street, northwest corner of 17th Avenue, Block 5510, Lot 47, Borough of Brooklyn. N.B.#301430404. Proposed three story, three family residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, wall and building height, front yard and the parking requirements, is contrary to Z.R.§23-141, §23-631, §23-45 and §25-23.

COMMUNITY BOARD #12BK

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

MAY 20, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, May 20, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

50-92-BZ

APPLICANT - Walter T. Gorman, P.E., for Higinio Caballero, owner; D/B/A/ Chile Parking Lot, lessee.

SUBJECT - Application February 26, 2003 - reopening for an extension of term of variance which expires May 4, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 1282 Shakespeare Avenue, southeast of West 169th Street, Block 2506, Lot 111, Borough of The Bronx.

COMMUNITY BOARD #4BX

259-00-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 26 Court Associates, LLC, owner; TSI Court Street, Inc. dba New York Sports Club, lessee.

SUBJECT - Application March 21, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 26 Court Street, aka 179 Remsen Street, northwest corner of Court Street and Remsen Street, Block 250, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #2BK

132-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Mark Spiegel, owner.

SUBJECT - Application November 27, 2002- reopening for an amendment to the resolution.

PREMISES AFFECTED - 1283 East 22nd Street, East 22nd Street between Avenue L and Avenue M, Block 7640, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #14BK

315-02-BZ

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for 225-227 West 60th Street, LLC, owner.

SUBJECT - Application October 25, 2002- under Z.R. §72-21 to permit the proposed construction of a mixed-use building,

MAY 20, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, May 20, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

156-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for 8021 15th Avenue Corp., owner; Aspen Ford, lessee.

SUBJECT - Application May 15, 2002 - under Z.R. §11-411 to permit the reestablishment of a variance previously granted under Cal. No.606-85-BZ, which permitted the maintenance of a new and used car sales lot with an accessory office and parking, located in a C2-3 within and R5 zoning district.

PREMISES AFFECTED - 964/70 65th Street, south side, 100' west of Tenth Avenue, Block 5750, Lot 47, Borough of Queens.

COMMUNITY BOARD #10Q

210-02-BZ thru 213-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Mark Grane, owner.

SUBJECT - Application July 15, 2002 - under Z.R. §72-21 to permit the proposed mixed use building, Use Groups 2 and 6, which does not comply with the zoning requirements for lot coverage, open space and lot area per dwelling unit, and is contrary to Z.R. §23-141, §23-22 and §35-40.

PREMISES AFFECTED -

78-01 Myrtle Avenue, northeast corner of 78th Street, Block 3827, Lot 50, Borough of Queens.

78-03 Myrtle Avenue, between 78th and 79th Streets, (20' east of 78th Street), Block 3827, Lot 49, Borough of Queens.

78-05 Myrtle Avenue, between 78th and 79th Streets, (39.15' east of 78th Street), Block 3827, Lot 48, Borough of Queens.

78-07 Myrtle Avenue, between 78th and 79th Streets, (58.30' east of 78th Street), Block 3827, Lot 47, Borough of Queens.

COMMUNITY BOARD #5Q

containing college facilities and apartments, Use Groups 2 and 3, located in an R8 zoning district, which does not comply with the zoning requirements for floor area ratio, number of dwelling units, setback, rear setback, sky exposure plane and lot coverage, is contrary to Z.R. §23-142, §24-11, §24-20, §24-16, §24-33 and

CALENDAR

§24-522.

PREMISES AFFECTED - 223/27 West 60th Street, north side, between Amsterdam and West End Avenues, Block 1152, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #7M

342-02-BZ

APPLICANT - Sheldon Lobel, P.C., for John Dioguardi, owner.
SUBJECT - Application November 15, 2002 - under Z.R. §73-53

to permit the legalization of an enlargement to an existing non-conforming manufacturing use, located in C1-2 within an R5 zoning district, which requires a special permit.

PREMISES AFFECTED - 6206 20th Avenue, between 62nd and 63rd Streets, Block 5534, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #11BK

362-02-BZ

APPLICANT - Harold Weinberg, P.E., for Ronnie Hasson, owner.

SUBJECT - Application December 13, 2002 - under Z.R. §73-622 to permit the proposed erection of a rear enlargement at the level of the second floor, of an existing two story single family dwelling, which does not comply with the zoning requirements for floor area ratio, open space and lot coverage, and is contrary to Z.R. §23-141 and §54-31.

PREMISES AFFECTED - 4211 Ocean Avenue, east side, 52'-6" north of Oriental Boulevard, Block 8748, Lot 209, Borough of Brooklyn.

COMMUNITY BOARD #15BK

28-03-BZ

APPLICANT - Martyn & Don Weston, for Minc Platform, LLC, owner.

SUBJECT - Application January 15, 2003 - under Z.R. §72-21 to

REGULAR MEETING

TUESDAY MORNING, APRIL 15, 2003

10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, March 4, 2003, were approved as printed in the Bulletin of March 13, 2003, Volume 88, No. 11.

permit the proposed conversion of the upper floors, and a small portion of the ground floor, of a partially vacant three story manufacturing building, for residential units of loft type housing, which is contrary to §42-00.

PREMISES AFFECTED - 61/65 Green Street, northeast corner of West Street, Block 2511, Lots 1 and 8, Borough of Brooklyn.

COMMUNITY BOARD #1BK

30-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Barry Himmel, owner.
SUBJECT - Application January 16, 2003 - under Z.R. §72-21 to

permit the proposed enlargement of an existing two-story non-conforming commercial use building, Use Group 17B, by the addition of two stories, located in an R6 zoning district, which is contrary to Z.R. §52-22.

PREMISES AFFECTED - 333/43 Lorimer Street, corner of Lorimer Street and Montrose Avenue, Block 3049, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #1BK

32-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Jeffrey J. Edelman, owner.

SUBJECT - Application January 23, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, 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 rear and side yards, and is contrary to Z.R. §§23-141, 23-47 and 23-461.

PREMISES AFFECTED - 1052 East 26th Street, between Avenues "J" and "M", Block 7607, Lot 71, Borough of Brooklyn.

COMMUNITY BOARD #14BK

Pasquale Pacifico, Executive Director

SPECIAL ORDER CALENDAR

426-54-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Howard Levine, owner.

SUBJECT - Application April 4, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired April 22, 2000 and

MINUTES

Application November 12, 2002 for an amendment to the resolution.

PREMISES AFFECTED - 78-11 Linden Boulevard, northwest corner of Linden Boulevard and 79th Street, Block 11376, Lot 23, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, term of variance extended, and resolution amended.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on April 22, 2000, and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on February 11, 2003, after due notice by publication in The City Record, and laid over to March 25, 2003 and then to April 15, 2003 for decision; and

WHEREAS, on December 14, 1954, the Board granted an application permitting the erection and maintenance of a gasoline service station with accessory uses; and

WHEREAS, the applicant seeks to amend the resolution to permit the erection of a metal canopy over the concrete pump islands and the conversion of a portion of the existing building to a retail convenience store.

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution to extend the term of the variance which expired on April 22, 2000, so that as amended this portion of the resolution shall read:

“to extend the term of the variance for an additional ten (10) years from April 22, 2000, to expire on April 22, 2010, and to permit the erection of a metal canopy over the concrete pump islands and the conversion of a portion of the existing building to a retail convenience store, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application

THE RESOLUTION-

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on April 13, 2000; and

WHEREAS, a public hearing was held on this application on March 25, 2003, after due notice by publication in The City Record, and laid over to April 15, 2003 for decision; and

WHEREAS, on February 7, 1961, the Board granted an application permitting the erection and maintenance of a gasoline service station with accessory uses.

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution to extend the time to obtain a Certificate of Occupancy

marked ‘Received, November 12, 2002’-(1) sheet and ‘March 18, 2003’-(2) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.@

(DOB Application # 401545459)

Adopted by the Board of Standards and Appeals, April 15, 2003.

717-60-BZ

APPLICANT - Walter T. Gorman, P.E., for Sun Co., Inc, owner; Roy’s II Auto Center Inc., lessee.

SUBJECT - Application January 3, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a new certificate of occupancy which expired April 13, 2000.

PREMISES AFFECTED - 2052 Victory Boulevard, southeast corner of Bradley Avenue aka 7 Bradley Avenue, Block 724, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Arthur Sullivan.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and time to obtain a Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

which expired on April 13, 2000, so that as amended this portion of the resolution shall read:

“to permit the extension of the time to obtain a Certificate of Occupancy for an additional two (2) years from the date of this resolution to expire on April 15, 2005, on condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT the use of any automobile vacuums shall be limited to 7:00 AM to 7:00 PM;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board

MINUTES

in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

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.”

(DOB NB Application #1123/60)

Adopted by the Board of Standards and Appeals, April 15, 2003.

617-80-BZ

APPLICANT - Eric Palatnik, P.C., for J.S. Simcha, Inc, owner.
SUBJECT - Application January 14, 2003 - reopening for an extension of time to complete construction which expired January 24, 2003.

PREMISES AFFECTED - 770/780 McDonald Avenue, McDonald Avenue and Ditmas Avenue, Block 5394, Lots 11 & 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application reopened and time to obtain a Certificate of Occupancy extended.

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the applicant requested a re-opening and an

8-87-BZ

APPLICANT - Walter T. Gorman, P.E., for Andre & Jose Vasquez, owner; DBA Broadway Hand Carwash, lessee.

SUBJECT - Application January 3, 2003 - reopening for an extension of time to obtain a new certificate of occupancy which expired December 8, 2002.

PREMISES AFFECTED - 4778/82 Broadway, east side Broadway, 225' north of Dyckman Street, Block 2233, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Arthur Sullivan.

ACTION OF THE BOARD - Application reopened and time to obtain a Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

extension of the time to obtain a Certificate of Occupancy which expired on January 24, 2003; and

WHEREAS, a public hearing was held on this application on March 25, 2003, after due notice by publication in The City Record, and laid over to April 15, 2003 for decision; and

WHEREAS, on December 2, 1980, the Board granted an application permitting the maintenance of an enlargement to an existing catering establishment.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution to extend the time to complete construction and obtain a Certificate of Occupancy which expired on January 24, 2003, so that as amended this portion of the resolution shall read:

“to permit the extension of the time to complete construction and obtain a Certificate of Occupancy for an additional two (2) years from the date of this resolution to expire on April 15, 2005, on condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.”

(DOB Application #300540029)

Adopted by the Board of Standards and Appeals, April 15, 2003.

THE RESOLUTION-

WHEREAS, the applicant requested a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on December 8, 2002; and

WHEREAS, a public hearing was held on this application on March 25, 2003, after due notice by publication in The City Record, and laid over to April 15, 2003 for decision; and

WHEREAS, on May 24, 1988, the Board granted an application permitting the change of use from a gasoline station to an automobile laundry and parking of motor vehicles.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution to extend the time to obtain a Certificate of Occupancy which expired on December 8, 2002, so that as amended this portion of the resolution shall read:

“to permit the extension of the time to obtain a Certificate of Occupancy for an additional two (2) years from the date of this resolution to expire on April 15, 2005, on condition;

THAT the premises shall be maintained free of debris and

MINUTES

graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.”

(DOB Alt. Application #1712/86)

Adopted by the Board of Standards and Appeals, April 15, 2003.

261-90-BZ

APPLICANT - Elliott M. Glass, Architect, for Tiebout Associates, Inc., owner.

SUBJECT - Application January 3, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 22, 2001.

PREMISES AFFECTED - 2468-2478 Tiebout Avenue, 83.27" north of East 188th Street, 223.62" south of Fordham Road, Block 3023, Lot 4, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Elliott M.Glass.

ACTION OF THE BOARD - Rules of Practice and Procedure

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 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.”

(DOB Application # 200758518)

Adopted by the Board of Standards and Appeals, April 15, 2003.

161-02-BZ

APPLICANT: New York City Board of Standards and Appeals.

OWNER OF PREMISES: Coral Cove, LLC

SUBJECT: to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 2433 Knapp Street, corner of Knapp Street and Avenue X, Block 8833, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

In Favor: Peter Hirshman.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

waived, application re-opened and term of variance extended.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the term of the variance which expired on October 22, 2001; and

WHEREAS, a public hearing was held on this application on March 25, 2003, after due notice by publication in The City Record, and laid over to April 15, 2003 for decision; and

WHEREAS, on October 22, 1991, the Board granted an application permitting the maintenance of an attendant parking lot.

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution to extend the term of the variance which expired on October 22, 2001, so that as amended this portion of the resolution shall read:

“to extend the term of the variance for an additional ten (10) years from October 22, 2001, to expire on October 22, 2011, 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 3, 2003’-(1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, April 15, 2003.

551-37-BZ

APPLICANT - Joseph P. Morsellino, for Beverly Fetner, et al., owner; Red’s Auto Repair, lessee.

SUBJECT - Application June 27, 2002 & August 30, 2002 - reopening for an extension of term of variance which expired July 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 233-02 Northern Boulevard, southeast corner of 233rd Street, Block 8166, Lot 20, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

MINUTES

ACTION OF THE BOARD - Laid over to May 6, 2003, at 10 A.M., for decision, hearing closed.

529-52-BZ

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., for Angelo Mordini, owner.

SUBJECT - Application January 13, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 9, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 77-11 Roosevelt Avenue, northwest corner of 78th Street, and Roosevelt Avenue, Block 1288, Lot 39, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to May 20, 2003, at 10 A.M., for continued hearing.

763-59-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Exxonmobile Fuels Marketing Co., owner.

SUBJECT - Application October 10, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1764 University Avenue, southeast corner of Macombs Road and University Avenue, Block 2876, Lot 122, Borough of The Bronx.

190-75-BZ

APPLICANT - Kevin B. McGrath, Esq., for Condominium, owner.

SUBJECT - Application August 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 301-321 East 79th Street, Second Avenue and East 79th Street, Block 1542, Lots 1001-1546, 7501, 12, 49, Block 8, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to May 20, 2003, at 10 A.M., for continued hearing.

669-80-BZ

APPLICANT - Robert A. Caneco, R.A., for Stephen Ardizzone, owner.

SUBJECT - Application December 20, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 7 Buttonwood Road, east side, 200' North of Willow Pond Road, Block 879, Lot 12, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 10 A.M., for postponed hearing.

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to May 6, 2003, at 10 A.M., for continued hearing.

352-64-BZ

APPLICANT - Sheldon Lobel, P.C., for Garage Management Company, owner.

SUBJECT - Application April 1, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 16, 1979.

PREMISES AFFECTED - 408-424 East 51st Street, East 51st Street between First Avenue and Beekman Place, Block 1362, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Jacqueline Cigliano.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 10 A.M., for continued hearing.

1038-80-BZ

APPLICANT - Davidoff & Malito, LLP, for Feinrose Downing LLC, owner; Expressway Arcade Corp., lessee.

SUBJECT - Application January 29, 2003 - reopening for an extension of term of variance which expired January 6, 2003.

PREMISES AFFECTED - 31-07/09/11 Downing Street, Whitestone Expressway, Block 4367, Block 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Arthur Goldstein.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to May 6, 2003, at 10 A.M., for decision, hearing closed.

1233-88-A

APPLICANT - Stadtmauer Bailkin, LLP, by Richard Bowers, for Savoy at Staten Island, L.P., owner; Sunrise Development, Inc.,

MINUTES

lessee.

SUBJECT - Application December 26, 2002 - reopening for an extension of time to complete construction which expired December 5, 2002.

PREMISES AFFECTED - 801 Narrows Road North, north side of Narrows Road, north 1162'-62" east of Howard Avenue, Block 631, Lot 71, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Richard Bowers.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to April 29, 2003, at 10 A.M., for decision, hearing closed.

193-92-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Rhee Enterprises, Ltd., owner; White Castle System, Inc., lessee.

SUBJECT - Application February 4, 2003 - reopening for an extension of term of variance which expired July 13, 2003.

COMMUNITY BOARD #3Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 10 A.M., for continued hearing.

27-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Patrick & Dorothea Bannon, lessee.

SUBJECT - Application January 15, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located partially in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy. PREMISES AFFECTED - 8 Chester Walk, west side, 46.23' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Poppa.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated December 24, 2002 acting on ALT 1. Application No. 401548170, reads in pertinent part:

"A1- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law ; also no permit can be issued since proposed construction

PREMISES AFFECTED - 1303 Beach Channel Drive, northwest corner of Mott Avenue, Block 15661, Lot 1, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Michelle Spallino.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to May 6, 2003, at 10 A.M., for decision, hearing closed.

203-02-BZ

APPLICANT - New York City Board of Standards and Appeals. OWNER OF PREMISES: Marcello Porcelli, Fabrizio Realty Corp.

LESSEE: BP AMOCO, plc

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 110-18 Northern Boulevard, between 110 and 111th Streets, Block 1725, Lots 1, 3, 4, 7, 8, 11, 12, & 13, Borough of Queens.

does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C 27-291 (C26-401.1) of the Administrative Code of the City of New York.

A2- The upgraded private disposal system is partially in the bed of a mapped street contrary to Department of Buildings policy."; and

WHEREAS, by the letter dated October 9, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated December 24, 2002 acting on ALT 1. Application No. 401548170 is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received January 15, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

MINUTES

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, April 15, 2003.

72-02-A

APPLICANT - Mitchell H. Hossoff, Kossoff Alper & Unger, for PR 30 LLC, owner.

SUBJECT - Application March 5, 2002 - An appeal from a decision of the Department of Buildings dated February 4, 2002, which denied the creation of new non-conforming single room units on the basement floor of subject premises.

PREMISES AFFECTED - 325 West 30th Street, north side, 321' west of Eighth Avenue, Block 754, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #4M

PREMISES AFFECTED - 258-31 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 26, Borough of Queens.

258-33 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 27, Borough of Queens.

258-35 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 28, Borough of Queens.

258-37 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 128, Borough of Queens.

258-39 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 29, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 10 A.M., for continued hearing.

332-02-A thru 333-02-A

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Thomas Gennarelli, owner.

SUBJECT - Application November 12, 2002 - proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

107 City Boulevard, east side, 200' north of Crosshill Street, Block 262, Lot 126, Borough of Staten Island.

148 Norma Place, 175' west of Metropolitan Avenue, Block 262, Lot 127, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

APPEARANCES -

For Applicant: Pat Jones.

For Administration: Lisa Orrantia.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, April 15, 2003.

21-02-A thru 25-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for MSIM Development, Inc., owner.

SUBJECT - Application January 8, 2002 - Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

ACTION OF THE BOARD - Laid over to May 20, 2003, at 10 A.M., for continued hearing.

345-02-A

APPLICANT - The Agusta Group, for D.S.B. Construction, LLC, owner.

SUBJECT - Application November 19, 2002 - Proposed construction of a two story, two 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 - 85-72 159th Street, northeast corner of Parsons Boulevard, Block 9778, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Philip P. Agusta.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to May 6, 2003, at 10 A.M., for decision, hearing closed.

6-03-A thru 14-03-A

APPLICANT - Joseph P. Morsellino, Esq., for Waterside Estates at Cresthaven, LLC, owner.

SUBJECT - Application January 13, 2003 - Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

150-03 Waterside Court, 150th Street, west of Third Avenue, Block 4506, Lot 2, Borough of Queens.

150-07 Waterside Court, 150th Street, west of Third Avenue, Block 4506, Lot 3, Borough of Queens

MINUTES

150-11 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 4, Borough of Queens

150-15 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 5, Borough of Queens.

150-19 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 6, Borough of Queens

150-23 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 7, Borough of Queens.

150-12 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 15, Borough of Queens.

150-16 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 14, Borough of Queens.

150-20 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 13, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

150-79 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 71, Borough of Queens.

150-81 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 72, Borough of Queens.

150-83 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 73, Borough of Queens.

150-85 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 74, Borough of Queens.

150-87 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 75, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Laid over to May 6, 2003, at 10 A.M., for continued hearing.

ACTION OF THE BOARD - Laid over to May 6, 2003, at 10 A.M., for continued hearing.

15-03-A thru 23-03-A

APPLICANT - Joseph P. Morsellino, Esq., for Waterside Estates at Cresthaven, LLC, owner.

SUBJECT - Application January 13, 2003 - Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

150-68 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4506, Lot 12, Borough of Queens.

APPEARANCES -

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to May 6, 2003, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:25 A.M.

REGULAR MEETING
TUESDAY AFTERNOON, APRIL 15, 2003
2:00 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele

ZONING CALENDAR

65-03-A thru 67-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Ms. Sheila Duranti, Maureen & Joseph Quinlan, Patricia & Frank Cretella, lessees.

SUBJECT - Application February 10, 2003 - Proposed first story alteration, and the addition of a partial second story to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

11 Fulton Walk, east side, 119.9' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

40 Beach 220th Street, west side, 180' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

3 Graham Place, north side, 180' west of Beach 201 Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

86-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 155 N. Fourth Street, LLC, owner.

SUBJECT - Application March 26, 2002 - under Z.R. §72-21, to permit the proposed construction of two additional floors to be used for residential purposes, above an existing one-story building that is located within the Special Northside Mixed Use District(M1-2(R6)), which is contrary to Z.R. §97-22.

PREMISES AFFECTED - 155/59 North Fourth Street, northeast side, between Bedford and Driggs Avenues, Block 2344, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application withdrawn.

MINUTES

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar and
Commissioner Miele3
Negative: Commissioner Caliendo1

Adopted by the Board of Standards and Appeals, April 15,
2003.

269-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Miriam Klein, owner.
SUBJECT - Application October 30, 2002 - under Z.R. §73-622
to permit the legalization of a prior enlargement, as well as an
additional enlargement of a single family residence, in an R3-2
Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4
Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner,
dated October 17, 2002, acting on Application No. 301383125
reads:

- A1. PROPOSED PLANS ARE CONTRARY TO ZR 23-141 IN THAT IT EXCEEDS THE MAXIMUM PERMITTED FLOOR AREA RATIO OF 50%.
2. PROPOSED PLANS ARE CONTRARY TO ZR 23-141 IN THAT IT IS LESS THAN THE MINIMUM REQUIRED OPEN SPACE OF 65%.
3. PROPOSED PLANS ARE CONTRARY TO ZR 23-47 IN THAT THE PROPOSED REAR YARD IS LESS THAN THE 30'-0" THAT IS REQUIRED.
4. PROPOSED PLANS ARE CONTRARY TO ZR 23-141 IN THAT IT EXCEEDS THE MAXIMUM LOT COVERAGE OF 35%.
5. PROPOSED PLANS ARE CONTRARY TO ZR 23-631 IN THAT IT EXCEEDS THE MAXIMUM PERIMETER WALL HEIGHT OF 21'-0".
6. PROPOSED PLANS ARE CONTRARY TO ZR 23-461 IN THAT THE PROPOSED SIDE YARD IS LESS THAN THE MINIMUM 5'-0" REQUIRED ON ONE SIDE YARD.
7. PROPOSED PLANS ARE CONTRARY TO ZR 23-461 IN THAT THE PROPOSED TOTAL SIDE YARDS IS LESS THAN THE MINIMUM 13'-0".; and

WHEREAS, a public hearing was held on this application on
March 18, 2003 and then laid over to April 15, 2003 for decision;
and

WHEREAS, the premises and surrounding area had site and
neighborhood examination by a committee of the Board consisting
of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner
Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to
permit the legalization of a prior enlargement and the proposed
enlargement of an existing single-family dwelling in an R3-2 zoning
district, which creates non-compliance with regard to floor area
ratio, open space, lot coverage, perimeter wall height, and rear and
side yard requirements, and is contrary to Z.R §§23-141, 23-461,
23-631 and 23-47; and

WHEREAS, the Board finds that the proposed enlargement

zoning district, which creates non-compliance with regards to floor
area ratio, open space, rear yard, lot coverage, perimeter wall
height and side yard, is contrary to Z.R. §23-141, §23-47 and
§23-631.

PREMISES AFFECTED - 1644 East 28th Street, between
Avenue "P" and Quentin Road, Block 6790, Lot 15, Borough of
Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Application granted on condition..
THE VOTE TO GRANT -

will not alter the essential character of the surrounding
neighborhood nor will it impair the future use and development of
the surrounding area; and

WHEREAS, the proposed project will not interfere with any
pending public improvement project; and

WHEREAS, the Board has determined that the evidence in
the record supports the findings required to be made under Z.R.
§§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a
Type II determination under 6 NYCRR Part 617 of the Rules of
Procedure for City Environmental Quality Review and makes the
required findings under Z.R. §73-622 to permit the legalization of a
prior enlargement and the proposed enlargement of an existing
single-family dwelling in an R3-2 zoning district, which creates
non-compliance with regard to floor area ratio, open space, lot
coverage, perimeter wall height, and rear and side yard
requirements, and is contrary to Z.R §§23-141, 23-461, 23-631
and 23-47, on condition that all work shall substantially conform to
drawings as they apply to the objection above-noted, filed with this
application marked "Received October 4, 2002"-(6) sheets,
"January 13, 2003"-(2) sheets, and "April 15, 2003"-(3) sheets;
and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and
graffiti;

THAT any graffiti located on the premises shall be removed
within 48 hours;

THAT the above conditions shall appear on the certificate of
occupancy;

THAT this approval is limited to the relief granted by the
Board in response to specifically cited and filed DOB/other
jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only
for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance
with all other applicable provisions of the Zoning Resolution, the
Administrative Code and any other relevant laws under its
jurisdiction irrespective of plan(s) and/or configuration(s) not
related to the relief granted;

THAT substantial construction be completed and a new
Certificate of Occupancy be obtained within four (4) years of this
grant.

Adopted by the Board of Standards and Appeals, April 15,
2003.

MINUTES

355-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Jacob and Audrey Barasch, owner.

SUBJECT - Application December 6, 2002 - under Z.R. §73-622 to permit the proposed enlargement to an existing single family residence, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, rear yard, open THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 26, 2002, acting on Application No. 301400231 reads:

- A1. Proposed plans are contrary to ZR 23-141 in that the Floor Area Ratio exceeds the 0.5 permitted and the Open Space Ratio is less than the 150.0 required.
2. Proposed plans are contrary to ZR 23-461 in that the proposed yards are less than the minimum 5 feet required on one side.
3. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than 30 feet."; and

WHEREAS, a public hearing was held on this application on April 3, 2003 and then laid over to April 15, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area, open space, and rear and side yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulations; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area, open space, and rear and side yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection

space, and side yard, is contrary to Z.R. §23-141, §23-47 and §23-461.

PREMISES AFFECTED - 1436 East 24th Street, between Avenue "N" and Olean Street, Block 7677, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Application granted on condition. above-noted, filed with this application marked "Received December 6, 2002"-(12) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, April 15, 2003.

356-02-BZ

APPLICANT - Marvin B. Mitzner, Esq., Fischbein-Badillo-Wagner-Harding and Howard A. Zipser, Esq., Stadtmauer Bailkin, LLP, for 210 East 86th Street, owner.

SUBJECT - Application December 9, 2002 - under Z.R. §72-21 to permit proposed addition of two (2) floors atop an existing seven-story building, located in a C2-8A zoning district, to be occupied by Use Group 4 hospital related offices, is contrary to Z.R. §33-20 and previous Cal. No. 67-96-BZ.

PREMISES AFFECTED - 210/14 East 86th Street and 209/13 East 85th Street, south side of East 86th Street and 150' east of Third Avenue, Block 1531, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

MINUTES

WHEREAS, the decision of the Borough Commissioner, dated December 6, 2002 acting on Application No. 103305576 reads:

2. A portion of the rear yard equivalent of 20 feet is required in a part of the lot located in C2-8A District according to ZR 33-283. Proposed enlargement of the building at eighth and ninth floors with no rear yard is contrary to ZR 33-283 and increases degree of non-compliance contrary to ZR 54-31"; and

WHEREAS, a public hearing was held on this application on February 25, 2003 after due notice by publication in The City Record, and laid over March 25, 2003 and then to April 29 for decision; and

WHEREAS, consequently, the applicant requested an expedited decision date of April 15, 2003 which the opposition consented to; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, former Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a variance pursuant to Z.R. §72-21, to permit, on a site previously before the Board, under Calendar Number 67-96-BZ, in a C2-8A Zoning District, the addition of two (2) floors atop an existing 7-story building to house a Use Group 4, hospital related use and offices contrary to Z.R. §33-20 and Calendar Number 67-96-BZ; and

WHEREAS, the subject property is a through lot along east 86th Street between Second and Third Avenues with a width of 75' along East 86th Street, a width of 74'6" along East 85th Street, with a lot depth of 204'4"; and

WHEREAS, under Calendar Number 67-96-BZ, the Board permitted an enlargement of the non-conforming theater section which the applicant represents already existed on the R8B portion of the site, and the applicant notes that although on the same zoning lot, the instant application seeks to enlarge the 7-story office portion of the building located entirely within the C2-8A district; and

WHEREAS, the proposal enlarges the existing office building by adding two floors of community facility space with each floor containing 6,513 square feet; and

WHEREAS, the Board notes that while the zoning lot is currently under built by 37,213 square feet in floor area, the applicant is only proposing to add 13,025 square feet; and

WHEREAS, pursuant to Z.R. §33-283, the development must provide a 40' rear yard equivalent located within 5 feet of the mid lot, requiring a setback from the existing rear wall of the office building by 15 feet; and

WHEREAS, the record indicates that the building's location, the need to buttress the building's columns and the need to brace for the additional floors, the requirement of the rear setback creates a

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §72-21, to permit, on a site previously before the Board, under Calendar Number 67-96-BZ, in a C2-8A zoning District, the addition of two (2) floors atop an existing 7-story building to house a Use Group 4, hospital related use and offices contrary to Z.R. §33-20 and Calendar Number 67-96-BZ,

1. This building has been enlarged as per BSA approval under Cal. 67-96-BZ. New enlargement requires Board of Standards and Appeals review.

practical difficulty; and

WHEREAS, the applicant represents that a Use Group 4 hospital-related medical office would be permitted and would be compatible with an office building, the existing office building is built full to the site's midpoint, which is the district boundary, occupying what would normally be the required rear yard; and

WHEREAS, the 7th floor has a 15' front wall setback and if additional floors are added which provide a rear setback, the resulting floor plate will be approximately 70' in depth; and

WHEREAS, the Board agrees with the applicant's contention that the aforementioned floor plate is relatively small, inefficient, and would require a taller and more expensive building; and

WHEREAS, moreover, the record indicates that mechanical systems such as the plumbing risers, water tank and cooling tower exist in the rear yard portion of the building and that forcing the community facility to comply with current regulations would create a costly transfer of these systems leading to an unnecessary hardship; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, a small floor plate, the need to buttress the building's columns and the need to brace for the additional floors present practical difficulties and create an undue hardship with a conforming development; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that the proposal only seeks to extend the building by a height of 23' and the applicant represents that the absence of a rear setback at an elevation of 92' will not impact the subject lot and that the properties abutting the site to the east and west have no residential units at the 92' level; and;

WHEREAS, therefore, the Board finds that the instant applications 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, the Board finds that 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 evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

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 9, 2002"-(4) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

MINUTES

THAT the applicant shall comply with all applicable fire safety measures;

THAT construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 15, 2003.

82-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Sholem Freund, owner.
SUBJECT - Application August 8, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, in a manufacturing (M1-2) zoning district, which also exceeds the maximum permitted floor area ratio, lot coverage and rear yard, which is contrary to Z.R. §42-00, §23-145 and §23-47.

PREMISES AFFECTED - 788 Kent Avenue, 25' south of Little Nassau Street, Block 1883, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to May 6, 2003, at 1:30 P.M., for decision, hearing closed.

178-02-BZ

APPLICANT - Dominick Salvati & Son Architects, for Diego Salazar, owner.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21 to permit 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.

SUBJECT - Application August 30, 2002 - under Z.R. §72-21 to permit the proposed conversion to residential use, of two connected vacant manufacturing building, Use Group 2, located in an M2-1 zoning district, that will provide 48 residential loft type units, and is contrary to Z.R. §42-00.

PREMISES AFFECTED - 130 Third Street, corner of Bond and Third Streets, Block 466, Lot 1, Borough of Brooklyn.

PREMISES AFFECTED - 57 Eagle Street aka 233 Franklin Street, northwest corner, Block 2494, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 1:30 P.M., for continued hearing.

181-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for ISHJ Corp., owner.

SUBJECT - Application May 28, 2002 - under Z.R. §72-21 to permit the proposed erection and maintenance of a one story car wash facility, Use Group 16, located in an R4 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 1875 Bartow Avenue, northwest corner of Ely Avenue, Block 4795, Lot 21, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 1:30 P.M., for continued hearing.

214-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Berry Complex LLC, owner.

SUBJECT - Application July 16, 2002 - under Z.R. §72-21 to permit the proposed conversion of a light manufacturing building, to residential use, Use Group 2, located in an M1-2 zoning district, which is contrary to §42-00.

PREMISES AFFECTED - 55 Berry Street, site fronts both North 11th and Berry Streets, Block 2297, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to May 6, 2003, at 1:30 P.M., for continued hearing.

241-02-BZ

APPLICANT - Sheldon Lobel, P.C., for HFK Inc., owner.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Janice Cahalane and Sal Armond.

For Opposition: Ernest Miglaccia and Bette Stoltz

ACTION OF THE BOARD - Laid over to June 17, 2003, at 1:30 P.M., for continued hearing.

MINUTES

242-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Helen Fullam, owner.
SUBJECT - Application August 30, 2002 - under Z.R. §72-21 to permit the proposed construction of a two family residence, Use Group 2, located within an R3X/SR zoning district, which does the comply with the zoning requirements for lot area per dwelling unit, front yards, and has less than the minimum required lot area for a proposed two family occupancy, is contrary to Z.R. §23-222, §23-45, §107-461 and §107-42.

PREMISES AFFECTED - One North Railroad Street, between Burchard Court and Belfield Avenue, Block 6274, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Irving E. Minkin

ACTION OF THE BOARD - Laid over to June 24, 2003, at 1:30 P.M., for continued hearing.

254-02-BZ

APPLICANT - Klein & O'Brien, LLP, for Malka Ausch, owner.
SUBJECT - Application September 18, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy, Use Group 2, in an existing three-story building and the proposed use, in the one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 41/45 South Fifth Street, bounded on the west by Kent Avenue, and on the east by Wythe Avenue, Block 2441, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Peter Basta Brightsill.

For Opposition: Anthony Scadudto, Fire Department

ACTION OF THE BOARD - Laid over to June 17, 2003, at 1:30 P.M., for continued hearing.

268-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Williamsburg Bridge Towers, LLC, owner.

SUBJECT - Application October 4, 2002 - under Z.R. §72-21 to permit the proposed construction of a seven story Class Multiple A
SUBJECT - Application December 12, 2002 - under Z.R. §73-36 to permit the proposed physical culture establishment, on portions of the first and second floors, in a multi-story commercial, retail and office building, located in a C5-3 (MiD) zoning district, which requires a special permit as per §32-10.

PREMISES AFFECTED - 200 Park Avenue, southern blockfront of East 45th Street, between Vanderbilt Avenue and Depew Place, Block 1280, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Laid over to May 6, 2003, at 1:30 P.M., for continued hearing.

Dwelling, with nine dwelling units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 176 South Fourth Street, between Driggs Avenue and South Fifth Place, Block 2446, Lot 78, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Irving E. Minkin, Sheldon Lobel, Irvin E. Minkin, Robert Peguen, Scott Spector, Bobbie Williams and Rachel Nicollage.

For Opposition: Lance Blum.

ACTION OF THE BOARD - Laid over to May 20, 2003, at 1:30 P.M., for continued hearing.

338-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Collpoint Enterprises, Inc., owner; Walgreen's lessee.

SUBJECT - Application November 14, 2002 - under Z.R. §72-21 to permit the proposed erection and maintenance of a permitted drugstore, Use Group 6, which does not have the required parking, and provides a 5' sideyard on one side instead of the required 8' sideyard, and is contrary to Z.R. §§33-291 and 36-21.

PREMISES AFFECTED - 14-01 College Point Boulevard, southeast corner, Block 4085, Lots 65 and 68, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino, Mark Steinberg and Hiram Rothkrug.

For Opposition: Fred J. Mazzaello, Joan Vogt for Senator Padavan, Jacquelyn McCabe, Mildred Auletta and Sabina Cardali.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to June 3, 2003, at 1:30 P.M., for decision, hearing closed.

358-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Metropolitan Insurance and Annuity Co., owner.

359-02-BZ

APPLICANT - Petraro & Jones, LLP, for Wegweiser & Erlich, LLC, owner.

SUBJECT - Application December 13, 2002 - under Z.R. §§42-31 & 73-19 to permit the proposed private school, Use Group 3, located in an M1-5 zoning district, which requires a special permit as per Z.R. §42-31.

PREMISES AFFECTED - 53/55 Beach Street, northwest corner of Collister Street, Block 214, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #1M

MINUTES

APPEARANCES -

For Applicant: Pat Jones

ACTION OF THE BOARD - Laid over to April 29, 2003, at 1:30 P.M., for continued hearing.

374-02-BZ

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

SUBJECT - Application December 30, 2002 - under Z.R. §§73-481 & 73-49 to permit the proposed 1,660 space parking garage, located within the medical center campus, in an R3-2 zoning district, which exceeds the number of spaces permitted by Z.R. §§25-12 and 25-13, and also will have rooftop parking that is only permitted pursuant to Z.R. §25-11, which requires a special permit as per Z.R. §73-481 and §73-49.

PREMISES AFFECTED - 267-20 74th Avenue, block bounded by 74th and 76th Avenues, also 263rd Street and the Queens/Nassau Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of 4 Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 1:30 P.M., for postponed hearing.

24-03-BZ

APPLICANT - Vassalotti Associates Architects, for Phillips Petroleum, owner.

SUBJECT - Application January 13, 2003 - under Z.R. § 11-411 to permit the reestablishment of an expired variance, previously granted under Cal. No. 624-39-BZ, which permitted a gasoline service station and an automobile repair facility, Use Group 16, in a C1-2 within an R2 zoning district.

PREMISES AFFECTED - 178-02/08 Union Turnpike, southwest corner of Surrey Place, Block 7227, Lot 29, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

APPEARANCES -

For Applicant Howard A. Zipser and others.

For Oppositon: Emily M. Lyon.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to June 3, 2003, at 1:30 P.M., for decision, hearing closed.

For Applicant: Hiram A. Minkin

ACTION OF THE BOARD - Laid over to May 20, 2003, at 1:30 P.M., for continued hearing.

36-03-BZ

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

SUBJECT - Application January 29, 2003 - under Z.R. §73-481 to permit the proposed increase in the total number of parking spaces, through the use of attended parking, at an accessory parking garage, for an existing medical center, which requires a special permit as per Z.R. §73-481.

PREMISES AFFECTED - 271-17 76th Avenue, located on a block bounded by 76th Avenue, 74th Avenue, and the Queens/Nassau county border, Block 8520, Lot 2, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 1:30 P.M., for postponed hearing.

43-03-BZ

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin, for Center For Jewish History, owner.

SUBJECT - Application February 6, 2003 - under Z.R. § 72-21 & 43-43 to permit the proposed six-story addition on top of an existing six story community facility building, which will result in a street wall above the permitted 85 foot height, and will penetrate the sky exposure plane, which is contrary to Z.R. §43-43, located in a M1-6M and C6-2M zoning district.

PREMISES AFFECTED - 18 West 17th Street, south side, approx. 300' west of the intersection of Fifth Avenue and West 17th Street, Block 818, Lots 27, 31, 61, 63 and 64, Borough of Manhattan.

COMMUNITY BOARD #5M

Pasquale Pacifico, Executive Director.

Adjourned: 4:25 P.M.

MINUTES

CORRECTIONS

***CORRECTION**

This resolution adopted on February 26, 2002, under Calendar No. 226-01-BZ and printed in Volume 87, Bulletin Nos. 9-10, is hereby corrected to read as follows:

226-01-BZ

CEQR # 01-BSA-166M

APPLICANT - Francis R. Angelino, Esq., for GDM Hudson Laight Street, LLC, owner; TMG-48 Laight, LLC, contract vendee.

SUBJECT - Application June 26, 2001 - under Z.R. §72-21, to permit the proposed development of a new six-story building, with retail use (Use Group 6) on the ground floor and loft dwellings (Use Group 2) on the upper floors, located in an M1-5 (TMU) zoning district, which is contrary to Z.R. § 42-00.

PREMISES AFFECTED - 48 Laight Street and 166/72 Hudson Street, northeast corner, Block 220, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Francis Angelino, Joseph Vassauo and Dennis Lee.
For Administration: Battalion Chief Phil Parr and 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 October 2, 2001 acting on N.B. Application No. 102796146, reads:

“Residential Use Group 2 is not permitted within M1-5 TMU zoning district as per Section 42-00 ZR.”;and

WHEREAS, a public hearing was held on this application on February 5, 2002, after due notice by publication in the City Record, laid over to February 29, 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, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed development of a new six-story building, with retail use (Use Group 6) on the ground floor and loft dwellings (Use Group 2) on the upper floors, located in an M1-5 (TMU) zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, the zoning lot is located at the northeast corner of Laight and Hudson Streets, with 38 feet of frontage on the Laight Street side and 100 feet of frontage on the Hudson Street side; and

WHEREAS, the zoning lot is situated in The Tribeca Mixed Use District in an M1-5 zoning district; and

WHEREAS, the record indicates that the existing building is a vacant one-story 1,392 square foot automotive service station; and

WHEREAS, the zoning lot is a small parcel with only 3,800 square feet of area, enveloped on all sides by taller buildings; and

WHEREAS, the applicant represents that the existing structure is a functionally obsolete building, inconsistent with the existing office and loft dwellings land use pattern in the area; and

WHEREAS, the zoning lot is located immediately north of the large open space that compromises the rotary road system for vehicles exiting the Holland Tunnel; and

WHEREAS, the applicant represents that there is continuous vehicular traffic which passes directly by the zoning lot, thus making it unsuitable for conforming manufacturing or warehouse use which would require loading docks and trucks maneuvering into the building from Hudson or Laight Street; and

WHEREAS, evidence in the record, including Sanborn maps, indicates that the site was formerly a four-story residential use building with retail use on the ground floor before being demolished and converted to an automotive service station in approximately 1930; and

WHEREAS, the Board finds that evidence in the record, including a feasibility study sufficiently demonstrates that a complying development would not yield a reasonable return; and

WHEREAS, the proposed building will have an 85 foot street wall for its six stories which is consistent with, or shorter than, the other building currently on the block; and

WHEREAS, evidence in the record indicates that the subject premises is the only lot on its block which is not developed with a five to seven story building; and

WHEREAS, the applicant represents that a number of buildings in the surrounding neighborhood have been converted to loft dwellings in recent years; and

WHEREAS, The New York City Landmarks Preservation Commission issued a Certificate of Appropriateness for the proposed work at the subject premises; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

CORRECTIONS

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, to permit the proposed development of a new six-story building, with retail use (Use Group 6) on the ground floor and loft dwellings (Use Group 2) on the upper floors, located in an M1-5 (TMU) zoning district, which is contrary to Z.R. § 42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "June 26, 2001"-(8) sheets and "February 12, 2002"-(1) sheets; and on further condition;

THAT the entire building shall be sprinklered with automatic wet sprinklers;

THAT the cellar, first floor, and all commercial spaces have fire alarm systems and smoke detection systems connected to a Fire Department approved central station;

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 any ground floor use be restricted to Use Group 6a or 6b, with the exception of a dry cleaning or clothes pressing establishment;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT a Certificate of Occupancy be obtained within 4 years from the date of this resolution.

Adopted by the Board of Standards and Appeals, February 26, 2002.

***The resolution has been corrected in the part of the plans which read: "June 26, 2001"-(4) sheets and "November 1, 2001"-(11) sheets;" now reads: "June 26, 2001"-(8) sheets and "February 12, 2002"-(1) sheet. Corrected in Bulletin No. 17, Vol. 88, dated April 24, 2003.**

Pasquale Pacifico, Executive Director.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, Nos. 18-19

May 8, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

| | |
|---------------------------------|---------|
| DOCKET | 318-320 |
| CALENDAR of June 3, 2003 | |
| Morning | 321 |
| Afternoon | 322 |

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, April 29, 2003**

Morning Calendar323

Affecting Calendar Numbers:

| | |
|---------------------------|---|
| 319-53-BZ | 1135 East 222 nd Street, a/k/a 3651 Eastchester Road, Bronx |
| 240-55-BZ | 207-22 Northern Boulevard, Queens |
| 485-76-BZ | 70-01/09 65 th Street, Queens |
| 406-82-BZ | 2411 86 th Street, Brooklyn |
| 1233-88-A | 801 Narrows Road North, Staten Island |
| 472-37-BZ, Vol IV | 2765/2773 Cropsey Avenue, Queens |
| 421-62-BZ | 153 East 57 th Street, Manhattan |
| 830-62-BZ | 157 East 57 th Street, Manhattan |
| 374-75-BZ | 380-394 Amsterdam Avenue, Manhattan |
| 660-77-BZ | 136-50 41 st Avenue, Queens |
| 716-82-BZ | 209-30 Northern Boulevard, Queens |
| 286-86-BZ | 100 7 th Avenue, a/k/a 808 Union Avenue, Brooklyn |
| 76-03-A | 23 Newport Walk, Queens |
| 259-02-A | 819 Rossville Avenue, a/k/a 504 Correll Avenue, Staten Island |
| 287-02-A thru 289-02-A | 3/5/7 Reynolds Court, Staten Island |
| 86-03-A & 87-03-A | 11-19 132 nd Street and 132-01 14 th Avenue, Queens |

CONTENTS

Afternoon Calendar.....329

Affecting Calendar Numbers:

| | |
|-----------------------------|--|
| 96-02-BZ thru 102-02-BZ | 23-27/27-A, 23-29/29A, 23-31/31A, 23-33/33A, 23-35/35A Steinway Street, and 40-11/40-15 23 rd Road, Queens |
| 215-02-BZ | 143-05 Liberty Avenue, Queens |
| 282-02-BZ | 1465 East 24 th Street, Brooklyn |
| 284-02-BZ | 121/35 Court Street, 211/35 Atlantic Avenue and 204/24 State Street, Brooklyn |
| 369-02-BZ | 785 Washington Street, Manhattan |
| 3-03-BZ | 50 Dover Street, Brooklyn |
| 5-03-BZ | 2276 86 th Street, Brooklyn |
| 369-01-BZ | 303 Seigel Street, Brooklyn |
| 75-02-BZ | 460 Union Street, Brooklyn |
| 91-02-BZ | 3032/42 West 22 nd Street, Brooklyn |
| 237-02-BZ | 37-49 91 st Street, Queens |
| 271-02-BZ | 1627 46 th Street, Brooklyn |
| 285-02-BZ | 900 East 213 th Street, a/k/a 3580 Bronxwood Avenue, Bronx |
| 329-02-BZ | 182-40 Radnor Road, Queens |
| 334-02-BZ thru 336-02-BZ | 1281/1283/1287 Atlantic Avenue, Brooklyn |
| 343-02-BZ | 54 West 21 st Street, Manhattan |
| 359-02-BZ | 53/55 Beach Street, Manhattan |
| 368-02-BZ | 22/36 Astor Place, a/k/a 443/49 Lafayette Street and 64/78 Cooper Square, Manhattan |
| 370-02-BZ thru 373-02-BZ | 56-14/56-24/56-26/56-44 Main Street, Queens |
| 1-03-BZ | 128-05 Hawtree Creek Road, Queens |
| 34-03-BZ | 89-57 207 th Street, a/k/a 207-01 90 th Avenue, Queens |
| 35-03-BZ | 12-18 154 th Street, a/k/a 152-61 12 th Road, Queens |
| 74-03-BZ | 32 College Place, Brooklyn |

DOCKETS

New Case Filed Up to April 29, 2003

116-03-A B.M. 400 West 55th Street, southwest corner of Ninth Avenue, Block 1064, Lot 36, Borough of Manhattan. An appeal challenging the Department of Buildings' determination dated March 11, 2003, in which the Department has determined that the construction permits for the new building at said premises was granted appropriately.

117-03-A B.M. 411/25 East 68th Street, Mid-block, between First and York Avenues, Block 1463, Lots 5, 9 and 11, Borough of Manhattan. N.B. #102494329. An appeal challenging the Department of Buildings determination, dated March 24, 2003, in which the Department has stated that the project (research laboratory), is allowed as a Use Group 4, hospital "related facility". As a "related facility", the use is allowed as of right in a residential district.

118-03-BZ B.BK. 1101 Prospect Avenue, a/k/a 1677 11th Avenue, northeast corner, Block 5256, Lot 1, Borough of Brooklyn. Applic. #301513495. Proposed construction of a six-story residential and community facility building, Use Groups 2 and 4, located in an R5B zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, number of dwelling units, community facility bulk regulations, front and yards, height and setback, is contrary to Z.R. §23-141(b), §23-22, §24-01, §24-162, §23-45, §24-34, §24-35 and §24-521.

COMMUNITY BOARD #7Q

119-03-BZ B.M. 10 Columbus Circle, a/k/a 301 West 58th Street, a/k/a 300 West 60th Street, northwest corner of west 58th Street and Columbus Circle, Block 1049, Lot 29, Borough of Manhattan. Alt.1 #102686112. Proposed physical culture establishment, within portions of the ground floor and second sub-cellar of fifty-four mixed use building, currently under construction, located in an C6-6(MiD) zoning district, requires a special permit from the Board as per Z.R. §§32-10 and 81-10.

COMMUNITY BOARD #4M

120-03-BZ B.BX. 1810 Loring Place, northeast corner of West Tremont Avenue, Block 2879, Lot 51, Borough of The Bronx. Alt. #200736123. The legalization of an existing public parking lot, Use Group 8, located in an R-5 zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #5BX

121-03-A B.Q. 4 Kildare Walk, west side, 44.08' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens. Alt. #401570019. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located partially in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy.

122-03-A B.Q. 72 Hillside Avenue, Block 16340, Lot 50, Borough of Queens. Alt. #401570019. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

123-03-BZ B.Q. 437 Beach 28th Street, west side, 141.5" south of Brookhaven Avenue, Block 15793, Lot 9, Borough of Queens. N.B. #401618861. Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

124-03-BZ B.Q. 435 Beach 28th Street, west side, 174.9" south of Brookhaven Avenue, Block 15793, Lot 10, Borough of Queens. N.B. #401618870. Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

125-03-BZ B.Q. 431 Beach 28th Street, west side, 200.2" south of Brookhaven Avenue, Block 15793, Lot 12, Borough of Queens. N.B. #401618889. Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

126-03-BZ B.Q. 434 Beach 29th Street, east side, 10" south of Brookhaven Avenue, Block 15793, Lot 48, Borough of Queens. N.B. #4016188736. Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

DOCKETS

127-03-BZ B.Q. 436 Beach 29th Street,
east side, 39.3" south of Brookhaven Avenue, Block 15793, Lot 50, Borough of Queens. N.B. #401618745. Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

128-03-BZ B.S.I. 22 Brookside Loop,
west side, 162' south of Woodrow Road, Block 7022, Lot 5, Borough of Staten Island. N.B. #500602902. Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

129-03-BZ B.S.I. 26 Brookside Loop,
west side, 25.5' south of Woodrow Road, Block 7022, Lot 8, Borough of Staten Island. N.B. #500602911. Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

130-03-BZ B.S.I. 30 Brookside Loop,
west side, 341.5' south of Woodrow Road, Block 7022, Lot 10, Borough of Staten Island. N.B. #500602920. Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

131-03-BZ B.Q. 80-03 192nd Street,
southeast corner of Union Turnpike, Block 7269, Lot 1, Borough of Queens. Applic. #401591997. Proposed conversion of the first floor and cellar of an existing one family dwelling, to medical offices, and also to add a two-story enlargement, to create space necessary for larger examination rooms, creates non-compliance with respect to side yard, floor area ratio, front yard, floor area and cellar space, is contrary to §24-35, §24-34, §22-14 and §24-161.

COMMUNITY BOARD #8Q

132-03-A B.Q. 80-03 192nd Street,
southeast corner of Union Turnpike, Block 7269, Lot 1, Borough of Queens. Applic. #401591997. Proposed conversion of the first floor and cellar of an existing one family dwelling, of frame construction Class IIC, to medical offices (occupancy group E), is not permitted inside the Fire District as per Table 4-1, Section 27-302 of the NYC

Building Code.

133-03-BZ B.BK. 2354 East 5th Street,
west side, 100'-0" south of Avenue "W", between Avenue "W" and Angel Court, Block 7180, Lot 12, Borough of Brooklyn. Applic. #301501765. Proposed erection of an additional story, and a rear enlargement, to an existing two family dwelling, and to change the use of the altered premises to a one family residence, Use Group 1, which does not zoning requirements for floor area ratio and minimum rear yard, is contrary to Z.R.§23-141 and §54-31.
COMMUNITY BOARD #15BK

134-03-A B.M. 240 Riverside Boulevard,
a/k/a "Building A", between West 72nd Street and Riverside Boulevard, Block 1171, Lot 105, Borough of Manhattan. An appeal challenging the Department of Buildings' March 20, 2003 denial of applicant's request to revoke the permit for construction at said premises, enforce the conditions of the Special Permit and Restrictive Declaration, Art.II, §2.01(d), dated December 17, 1992, and to enforce the conditions of the Mapping Agreement, dated May 27, 1998.

135-03-A B.Q. 31 Marion Walk,
east side, 70.35' south of West End Avenue, Block 16350, Lot 400, Borough of Queens. Alt. #401593682. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law, and Department of Buildings Policy.

136-03-A B.Q. 5 Irving Walk,
east side, 45.40' north of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens. Alt. #401463493. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law, and Department of Buildings Policy.

137-03-A B.Q. 3 Arcadia Walk,
east side, 10.71' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens. Applic.

#401637546.

Proposed enlargement and the upgrading of the septic system, to an existing one family dwelling, not fronting on a legally mapped street, and simultaneously lies within the bed of two mapped streets, is contrary to Sections 35 and

DOCKETS

36, Article 3 of the General City Law.

138-03-BZ B.Q. 79-59/77 Cooper Avenue,
north side, at the corner of 69th Road, Block 3801, Lot 35, Borough of Queens. Applic. #401277505. Proposed modification and enlargement of a former gasoline service station, to reflect, the elimination of the gasoline sales and to permit a compensating enlargement to facilitate an accessory store, larger repair bays and auto sales, is contrary to Z.R. §32-10.

COMMUNITY BOARD #5Q

139-03-BZ B.Q. 247-54 90th Avenue,
south side, 225.51' west of Commonwealth Boulevard, Block 8662, Lot 28, Borough of Queens. N.B. #401535050.

Proposed erection of a two family dwelling, Use Group 2A, located in an R3-A zoning district, which does not comply with the zoning requirements, for rear yard and floor area ratio, is contrary to Z.R. §23-47 and §23-141(b).

COMMUNITY BOARD #13Q

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

JUNE 3, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 3, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

89-65-BZ

APPLICANT - Walter Marin c/o The Marin Group, for Eleanor Gatto, owner; Genovese Drugs/Eckerd Corp.

SUBJECT - Application April 3, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 26-01, 26-15 86th Street, 2045 Stillwell Avenue, 2036-2042 West 13th Street, corner lot bounded by 86th Street, and West 13th Street, Block 7092, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #11BK

41-91-BZ

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Reo Realty & Construction, owner; Her Body Inc., d/b/a For Your Body Only, lessee.

SUBJECT - Application March 25, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 12, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 5012/24 Avenue N, a/k/a 1700 East 51st Street, southwest corner of Avenue N and East 51st Street, Block 7895, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #18BK

101-03-A

APPLICANT - BTU Design Corporation.

OWNER OF RECORD: Trump World Tower Condominium, owner.

SUBJECT - Application April 1, 2003 - An appeal challenging a final determination by the Department of Buildings, dated March 19, 2003, regarding manual fire pump and motor at said premises.

PREMISES AFFECTED - 845 United Nations Plaza, between 47th and 48th Streets, Block 1340, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #6M

277-02-BZ

APPLICANT - Harold Weinberg, P.E., for Maya Puzaitzer, owner.

SUBJECT - Application October 15, 2002 - under Z.R. §73-622 to permit the legalization of a one story rear enlargement, and the use of attic for living space, in an existing one family dwelling, Use

116-03-A

APPLICANT - Harvey Epstein, Esq., for 340 Owners Corp. et.al. OWNER OF RECORD: 55th Street and 9th Avenue Partners.

SUBJECT - Application April 9, 2003 - An appeal challenging the Department of Buildings' determination dated March 11, 2003, in which the Department has determined that the construction permits for the new building at said premises was granted appropriately.

PREMISES AFFECTED - 400 West 55th Street, southwest corner of Ninth Avenue, Block 1064, Lot 36, Borough of Manhattan.

COMMUNITY BOARD #4M

JUNE 3, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, June 3, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

73-02-BZ

APPLICANT - Mark A. Levine, Esq., for Uptown Partners, contract vendee.

SUBJECT - Application February 20, 2003 - under Z.R. §72-21 to permit the proposed construction of a 24-story mixed use building (residential and commercial), in an R7-2 zoning district, which does not comply with the zoning requirements for lot coverage, floor area, setbacks and exposure planes, and also has commercial use on the same floor as residential use, is contrary to Z.R. §23-142, §23-632, §23-64 and §32-421.

PREMISES AFFECTED - 400 Lenox Avenue, situated between West 129th and 130th Streets, Block 1727, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #10M

258-02-BZ

APPLICANT - Jesse Masyr, Esq., Wachtel & Masyr, LLP, for Inex Fulton, owner.

SUBJECT - Application September 24, 2002 - under Z.R. §72-21 to permit the proposed conversion of a one and four story manufacturing building to residential use, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 7/13 Ash Street, a/k/a 1164/66 Manhattan Avenue, northeast corner, Block 2477, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

Group 1, located in R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio and the required yard is contrary to Z.R. §23-141, §54-31 and §23-47.

PREMISES AFFECTED - 60 Coleridge Street, west side, 280.0' north of Hampton Avenue, and south of Shore Boulevard, Block 8728, Lot 49, Borough of Brooklyn.

CALENDAR

COMMUNITY BOARD #15BK

283-02-BZ

APPLICANT - Harold Weinberg, P.E., for Yves Levenson, owner.

SUBJECT - Application October 18, 2003 - under Z.R. §73-622 to permit the proposed two story 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, open space ratio, rear and side yards, is contrary to Z.R. §23-141, §54-31, §23-47 and §23-461.

PREMISES AFFECTED - 1246 East 24th Street, west side, 396'-0" north of Avenue "M", Block 7641, Lot 66, Borough of Brooklyn.

COMMUNITY BOARD #14BK

364-02-BZ

APPLICANT - Agusta & Ross, for Hamilton Enterprises, LLC, owner.

SUBJECT - Application December 16, 2002 - under Z.R. §72-21 to permit the proposed five story mixed use building, with retail/or office use on the ground floor, which does not comply with the zoning requirements for floor area ratio, open space and commercial use in an R-6 zoning district, which is contrary to Z.R. §22-10 and §23-142.

PREMISES AFFECTED - 142 West Ninth Street, southeast corner of Hamilton Avenue, Block 382, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #6BK

365-02-BZ

APPLICANT - Agusta & Ross, for 4306 3rd Avenue, LLC, owner.

SUBJECT - Application December 16, 2002 - under Z.R. §72-21 to permit the proposed vertical enlargement of a vacant former mixed use multiple dwelling, for proposed office and showroom,

REGULAR MEETING
TUESDAY MORNING, APRIL 29, 2003
10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, March 18, 2003, were approved as printed in the Bulletin of March 27, 2003, Volume 88, No. 12-

located in an M1-2 zoning district, which does not comply with the zoning requirements for floor area and rear yard, and is contrary to Z.R. §43-12 and §43-26.

PREMISES AFFECTED - 4306 Third Avenue, north side, 22' west of 43rd Street, Block 727, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #7BK

29-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Seymour Benefeld, as Trustee, owner.

SUBJECT - Application January 16, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located within an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear side yards, is contrary to Z.R. §§23-141(a), 23-47 and 23-461.

PREMISES AFFECTED - 1179 East 28th Street, 126'-8" north of Avenue "L", Block 7628, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #14BK

94-03-BZ

APPLICANT - Marvin B. Mitzner, Esq., Fischbein Badillo Wagner Harding, for Moklam Enterprises, Inc., owner.

SUBJECT - Application March 26, 2003 - under Z.R. §72-21 to permit the legalization of retail use, Use Group 6, in the cellar of an existing six story building, located in an M1-5B zoning district, is contrary to Z.R. §42-14(2)(b).

PREMISES AFFECTED - 622/26 Broadway, aka 156/60 Crosby Street, east side of Broadway, 118' north of East Houston Street, Block 522, Lot 5, Borough of Manhattan.

COMMUNITY BOARD #2M

Pasquale Pacifico, Executive Director

13.

SPECIAL ORDER CALENDAR

319-53-BZ

APPLICANT - Kenneth H. Koons, for Stanley & Roland Weisserberger, owners.

SUBJECT - Application December 30, 2002 - request for a

MINUTES

waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance and for an amendment to the resolution.

PREMISES AFFECTED - 1135 East 222nd Street, a/k/a 3651 Eastchester Road, northwest corner of Eastchester Road, Block 4900, Lot 2, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Kenneth H. Koons.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, term of variance extended, and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:.....0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION-

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on January 31, 2001 and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on March 25, 2003, after due notice by publication in *The City Record*, and laid over to April 29, 2003 for decision; and

WHEREAS, on January 31, 1961, the Board granted an application permitting the erection and maintenance of a gasoline service station, lubratorium, minor auto repairs with hand tools only, car washing, non-automatic, office and parking and storage of more than five (5) motor vehicles; and

WHEREAS, the applicant seeks to amend the resolution to permit the change of use from an automotive service station (UG 16B) to an automotive repair shop with no body repairs (UG 16B).

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the variance which expired on January 31, 2001, so that as amended this portion of the resolution shall read:

“to extend the term of the variance for an additional ten (10) years from January 31, 2001, to expire on January 31, 2011, and to permit the change of use from an automotive service station (UG 16B) to an automotive repair shop with no

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Caliendo, and Commissioner Miele.....3

Negative:.....0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION-

WHEREAS, the applicant requested a re-opening and an extension of the time to complete construction which expired on March 6, 2003; and

WHEREAS, a public hearing was held on this application on April 8, 2003, after due notice by publication in *The City Record*, and laid over to April 29, 2003 for decision; and

body repairs (UG 16B), *on condition*

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received April 3, 2003”-(2) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT there shall be no automotive body repair on the premises;

THAT the hours of operation shall be limited to Monday to Friday, 8:00 A.M.- 6:00 P.M. and Saturday 8:00 A.M.- 1:00 P.M.;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.” (DOB Application # 200767679)

Adopted by the Board of Standards and Appeals, April 29, 2003.

240-55-BZ

APPLICANT - Joseph P. Morsellino, Esq., for DLC Properties, LLC, owner.

SUBJECT - Application January 23, 2003 - reopening for an extension of time to complete construction which expires on March 6, 2003.

PREMISES AFFECTED - 207-22 Northern Boulevard, Northern Boulevard and 208th Street, Block 7305, Lot 19, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Application reopened and time to obtain a complete construction extended.

WHEREAS, on March 6, 2001, the Board granted an application permitting the erection of a second story to an existing commercial building.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution to extend the time to obtain a Certificate of Occupancy which expired on December 8, 2002, so that as amended this portion of the resolution shall read:

“to permit the extension of the time to obtain a Certificate of Occupancy for an additional two (2) years from the date of this resolution to expire on April 29, 2005, *on condition*

THAT the premises shall be maintained free of debris

MINUTES

and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.”

(DOB Alt. Application #401113816)

Adopted by the Board of Standards and Appeals, April 29, 2003.

485-76-BZ

APPLICANT - Gerald J. Caliendo, R.A., for Giuseppe Ventimiglia, owner.

SUBJECT - Application June 10, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired October 19, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 70-01/09 65th Street, corner formed by main intersection of Otto Road and South side of 70th Avenue, Block 3644, Lot 1, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Sandy Anagnostou.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, term of variance extended, and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Caliendo, and Commissioner Miele.....3

Negative:.....0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, an

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 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.”

(DOB Application # 401403361)

Adopted by the Board of Standards and Appeals, April 29, 2003.

406-82-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Adolph Clausi &

extension of the term of the variance which expired on October 19, 2001 and an amendment to the resolution; and
WHEREAS, a public hearing was held on this application on March 18, 2003, after due notice by publication in *The City Record*, and laid over to April 29, 2003 for decision; and

WHEREAS, on October 19, 1976, the Board granted an application permitting the operation of a factory; and

WHEREAS, the applicant seeks to amend the resolution to permit the addition of an apparel manufacturing factory (UG 17B).

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the variance which expired on October 19, 2001, so that as amended this portion of the resolution shall read:

“to extend the term of the variance for an additional ten (10) years from October 19, 2001, to expire on October 19, 2011, and to permit the addition of an apparel manufacturing factory (UG 17B), *on condition*

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received June 10, 2002”-(2) sheets, “January 13, 2003”-(1) sheet, and “April 8, 2003”-(1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT there shall be no business involved in the manufacturing or use of chemicals, vehicle repair or textile dyeing on the premises;

THAT all loading and unloading of truck deliveries shall be performed inside the building;

THAT all truck deliveries shall be limited to Monday to Friday, 9:00 A.M.- 5:00 P.M.;

THAT exterior lighting shall be directed away from neighboring residences;

THAT the above conditions shall appear on the certificate of occupancy;

Theodore Thomas, owner; Hendel Products/McDonalds, lessee.

SUBJECT - Application January 24, 2003 - reopening for an extension of term of variance which expired January 18, 2003.

PREMISES AFFECTED - 2411 86th Street, northeast corner of 24th Avenue and 86th Street, Block 6859, Lots 1, 69 and 71, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Application reopened, and term of Special Permit extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:.....0

MINUTES

Absent: Vice-Chair Babbar.....1

THE RESOLUTION-

WHEREAS, the applicant requested a re-opening, an extension of the term of the variance which expired on January 18, 2003; and

WHEREAS, a public hearing was held on this application on March 25, 2003, after due notice by publication in *The City Record*, and laid over to April 29, 2003 for decision; and

WHEREAS, on January 18, 1983, the Board granted an application permitting an accessory drive-thru to an existing eating and drinking establishment.

Resolved, that the Board of Standards and Appeals, *reopens and amends* the resolution to extend the term of the Special Permit which expired on January 18, 2003, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the Special Permit for an additional five (5) years from the January 18, 2003 to expire on January 18, 2008, 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 24, 2003”- (3) sheets and “April 4, 2003”- (1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.” (DOB Application # 301485710)

“to permit the extension of the time to complete construction for an additional thirty (30) months from the date of this resolution to expire on October 29, 2005, in conformance with the plans submitted under Department of Buildings N.B. Application No. 500436511 as revised and submitted to the Department of Buildings on March 10, 2003, *on condition*

THAT the Applicant’s attorney, Stadtmauer Bailkin LLP of 850 Third Avenue, NY, NY 10022 shall hold a \$50,000 irrevocable conditional letter of credit or bond for the term of the extension based upon the terms stated in a letter to the Board dated “April 8, 2003” to be drawn down by Stadtmauer Bailkin on a resolution adopted by the Board, realizing the failure of the applicant to complete substantial construction within the 30 month extension period, to pay for the restoration and landscaping of the subject premises;

Adopted by the Board of Standards and Appeals, April 29, 2003.

1233-88-A

APPLICANT - Stadtmauer Bailkin, LLP, by Richard Bowers, for Savoy at Staten Island, L.P., owner; Sunrise Development, Inc., lessee.

SUBJECT - Application December 26, 2002 - reopening for an extension of time to complete construction which expired December 5, 2002.

PREMISES AFFECTED - 801 Narrows Road North, north side of Narrows Road, north 1162'-62" east of Howard Avenue, Block 631, Lot 71, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Richard Bowers.

ACTION OF THE BOARD - Application reopened and time to obtain a complete construction extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Caliendo, and Commissioner Miele.....3

Negative:.....0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION-

WHEREAS, the applicant requested a re-opening and an extension of the time to complete construction which expired on December 5, 2002; and

WHEREAS, a public hearing was held on this application on March 18, 2003, after due notice by publication in *The City Record*, and laid over to April 29, 2003 for decision; and

WHEREAS, the proposal seeks to erect a five-story plus basement senior housing facility.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution to extend the time to complete construction which expired on December 5, 2002, so that as amended this portion of the resolution shall read:

THAT in the event that the aforementioned \$50,000 letter of credit be used for the restoration and landscaping of the subject premises, the work shall include grading of existing slopes exceeding two foot horizontal to one foot vertical grade change to reduce unstable material and to mitigate erosion currently occurring, providing topsoil and perennial seed vegetation on slopes less than two foot horizontal to one foot vertical, and landscaping (including trees) the first 25 feet of the property along Narrow’s Road;

THAT the applicant shall adhere to the construction schedule as indicated in a letter to the Board dated “April 8, 2003”;

THAT quarterly progress reports shall be sent to the Executive Director of the Board;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

MINUTES

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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, April 29, 2003.

472-37-BZ, Vol. IV

APPLICANT - Vassalotti Associates, Architects, for 246 Sears Rd Realty Corp., owner.

SUBJECT - Application February 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired March 14, 2001.

PREMISES AFFECTED - 2765/2773 Cropsy Avenue, southeast corner of 28th Avenue and Cropsy Avenue, Block 6915, Lot 44, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 10 A.M., for continued hearing.

421-62-BZ

APPLICANT - Omer Fenik Architects, for Gotham Towne House Owners Corp., owner; Rapid Park Industries, lessee

SUBJECT - Application August 22, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expires November 20, 2003.

374-75-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - Dismissal.

PREMISES AFFECTED - 380-394 Amsterdam Avenue, Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Barbara Hair.

ACTION OF THE BOARD - Laid over to June 24, 2003, at 10 A.M., for continued hearing.

660-77-BZ

APPLICANT - Joseph P. Morsellino, for 41st Realty LLC, owner; Fogarty Funeral Home, lessee.

SUBJECT - Application March 7, 2003 - reopening for an extension of term of variance which expired March 7, 2003.

PREMISES AFFECTED - 153 East 57th Street, intersection of East 57th Street, 120' west of Third Avenue, Block 1312, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Peter Hirshman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to May 20, 2003, at 10 A.M., for decision, hearing closed.

830-62-BZ

APPLICANT - Omer Fenik Architects, for 157 East 57th Street, LLC, owner; Rapid Park Industries, lessee.

SUBJECT - Application August 22, 2002 - reopening for an extension of term of variance which expired November 29, 2002.

PREMISES AFFECTED - 157 East 57th Street, northwest corner of Third Avenue and East 57th Street, Block 1312, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Peter Hirshman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to May 20, 2003, at 10 A.M., for decision, hearing closed.

PREMISES AFFECTED - 136-50 41st Avenue, 41st Avenue, east of Kissena Boulevard, Block 5044, Lot 32, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to May 20, 2003, at 10 A.M., for decision, hearing closed.

716-82-BZ

APPLICANT - Joseph P. Morsellino, for Cigarette Realty, owner; Staples Inc., lessee.

SUBJECT - Application February 20, 2003 - reopening for an

MINUTES

extension of term of variance which expired June 13, 2003.

PREMISES AFFECTED - 209-30 Northern Boulevard, Northern Boulevard, east of Oceania Street, Block 7309, Lots 9, 11, 13 & 49, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to May 20, 2003, at 10 A.M., for decision, hearing closed.

286-86-BZ

APPLICANT - Sheldon Lobel, P.C., for George Kotsonis, owner; Union Fitness Organization, lessee.

SUBJECT - Application February 24, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 100 7th Avenue, a/k/a 808 Union Avenue, portion of block bounded by 7th Avenue, Union Street, 6th Avenue and President Street, Block 957, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Jon Popin.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to May 20, 2003,

- B) Existing dwelling to be altered does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street of frontage space is contrary to Section 27-291 of the Administrative Code"; and

WHEREAS, by the letter dated April 2, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated February 25, 2003 acting on ALT 1. Application No. 401577637, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received March 3, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

at 10 A.M., for decision, hearing closed.

76-03-A

APPLICANT - Joseph Gabriel, for Breezy Point Co-op Inc., owner; Dennis McGowan, lessee.

SUBJECT - Application March 3, 2003 - Proposed alteration of an existing first floor, and to relocate the first floor bedrooms to a new second floor, in an existing one family dwelling not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 23 Newport Walk, east side, 84' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14

APPEARANCES -

For Applicant: Michael Harley.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated February 25, 2003 acting on ALT 1.

Application No. 401577637, reads in pertinent part:

"A1- The street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York, therefore:

- A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, April 29, 2003.

259-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP for Michael Giordano, owner.

SUBJECT - Application September 23, 2003 - Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

MINUTES

PREMISES AFFECTED - 819 Rossville Avenue, a/k/a 504 Correll Avenue, Block 6146, Lot 35, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 10 A.M., for continued hearing.

287-02-A thru 289-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Ocean Park Estates, owner.

SUBJECT - Application October 23, 2002 - Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

3 Reynolds Court, north side, 363.9' east of Reynolds Street, Block 2981, Lot 93, Borough of Staten Island.

5 Reynolds Court, north side, 363.1' east of Reynolds Street, Block 2981, Lot 95, Borough of Staten Island.

7 Reynolds Court, north side, 300' east of Reynolds Street, Block 2981, Lot 97, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Anthony Scaduto, Fire Department, Michael Arvarutes and Robert Cunningham.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 10 A.M., for continued hearing.

**REGULAR MEETING
TUESDAY AFTERNOON, APRIL 29, 2003
2:00 P.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

96-02-BZ thru 102-02-BZ

CEQR #02-BSA-164Q thru 02-BSA-170Q

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., for Domenick Pinto, owner.

SUBJECT - Application April 2, 2002 - under Z.R. §72-21 to permit on a site previously before the Board, in an R5 zoning district, the erection of three-story, mixed-use buildings housing (Use Group 2) residential uses and (Use Group 6) commercial uses contrary to Zoning Resolution Sections 22-10 and 22-32.

PREMISES AFFECTED -

23-27/27A Steinway Street, east side,
75.78' north of 23rd Road,
Block 793, Lot 64,
Borough of Queens.

86-03-A & 87-03-A

APPLICANT - Richard Bowers, Stadtmauer Bailkin LLP, owner.
SUBJECT - Application March 19, 2003 - Proposed erection of a contractor's establishment with offices, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

11-19 132nd Street, south of eleventh Avenue, Block 4012, Tentative Lot 144, Borough of Queens.

132-01 14th Avenue, north side, 418.57' west of 133rd Place, Block 4012, Tentative Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Richard Bowers.

For Opposition: Judith Panacialli and Dolores Schmauser.

ACTION OF THE BOARD - Laid over to May 20, 2003, at 10 A.M., for postponed hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 10:50 A.M.

23-29/29A Steinway Street, east side, 75.78' north of 23rd Road, Block 793, Lot 63, Borough of Queens.

23-31/31A Steinway Street, east side, 75.78' north of 23rd Road, Block 793, Lot 62, Borough of Queens.

23-33/33A Steinway Street, east side, 75.78' north of 23rd Road, Block 793, Lot 60, Borough of Queens.

23-35/35A Steinway Street, east side, 75.78' north of 23rd Road, Block 793, Lot 52, Borough of Queens.

40-11 23rd Road, northeast side, 70.40' northeast of 41st Street, Block 793, Lot 53, Borough of Queens.

40-15 23rd Road, northeast side, 70.40' northeast of 41st Street, Block 793, Lot 56, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sandy Anagnostou.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated March 6, 2003 acting on Application No. 401268301 reads:

“1. PROPOSED COMMERCIAL USE IN AN R5

MINUTES

DISTRICT IS NON-CONFORMING AND THEREFORE CONTRARY TO SECTION 22-10 OF THE ZONING RESOLUTION. REFER TO THE BOARD OF STANDARDS AND APPEALS.

2. THERE ARE NO BULK REGULATIONS FOR COMMERCIAL USES IN AN R5 DISTRICT THEREFORE IT IS REFERRED TO THE BSA FOR ITS DETERMINATION FOR A BULK VARIANCE FOR THE PROPOSED MIXED USE BUILDING.
3. PROPOSED SIGNS IN AN R5 DISTRICT ARE CONTRARY TO SECTION 22-32 OF THE ZONING RESOLUTION. REFER TO BSA.
4. PROPOSED FRONT YARD ON SECOND AND THIRD FLOORS IS CONTRARY TO SECTION 23-45 Z.R.:"; and

WHEREAS, a public hearing was held on this application on March 4, 2003 after due notice by publication in the *City Record*, and laid over to April 29, 2003 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 Peter Caliendo and former Commissioner Mitchell Korbey; and

WHEREAS, the Board notes that the residential uses are as-of-right, and the record indicates that five of the seven buildings will face Steinway Street just north of the railroad overpass between 23rd Road on the South and 23rd Avenue on the North; and

WHEREAS, the buildings facing Steinway Street will contain retail uses on the ground floor and residential uses, consisting of one dwelling unit on the second floor and two dwelling units on the third floor; and

WHEREAS, the proposed front yards on the second and third floors of the Steinway Street buildings are contrary to the 18'-0" requirement of Z.R. Section 23-45; and

WHEREAS, the proposal provides a 10'-0" front yard on the second and third floors and does not provide a front yard on the ground floor because a commercial use will occupy the ground floor; and

WHEREAS, the buildings at 40-11 and 40-11A 23rd Road will face 23rd Street, contain professional offices (Use Group 6) in the cellar and retail stores (Use Group 6) on the ground floor, do not meet a front yard requirement for 40-15 and 40/15A 23rd Road and the side yard on the entire building is contrary to ZR Section 23-462; and

WHEREAS, the site's irregular shape and its history of development with prior Board variances that have recently lapsed constitutes a unique physical conditions leading to an undue hardship in developing the site with a conforming or complying development; and

WHEREAS, the evidence demonstrates that a complying development would not yield a reasonable return; and

WHEREAS, the applicant has submitted a feasibility

WHEREAS, this is one of seven applications under Z.R. §72-21, to permit, on a site previously before the Board, in an R5 zoning district, the erection of three-story, mixed-use buildings housing (Use Group 2) residential uses and (Use Group 6) commercial uses contrary to Zoning Resolution Sections 22-10 and 22-32; and

WHEREAS, the subject lot is located on the northeast corner of Steinway Street and 23rd Road comprised of two irregularly shaped tax lots with approximately 97.73 feet of frontage along Steinway Street and approximately 78.19 feet of frontage along 23rd Road; and

WHEREAS, the record indicates that prior Board actions permitted in an R5 zoning district, the erection of five (5) three (3) story attached mixed-use buildings with retail uses and accessory signs (Use Group 6) on the ground floor and residential uses (Use Group 2) on the second and third floors; and

WHEREAS, the applicant represents due to financial difficulties construction of the approved development was not completed within the prescribed time and the prior grants have lapsed requiring, the filing of the instant applications; and

WHEREAS, the proposal will house residential uses on the second and third floors of the subject buildings; and

study demonstrating that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that the surrounding area is characterized by commercial uses on the ground floor with residential above, therefore, the instant application would not upset the character of the surrounding neighborhood; and

WHEREAS, therefore, the Board finds that the instant applications 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, the Board finds that 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 the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, on

MINUTES

a site previously before the Board, in an R5 zoning district, the erection of three-story, mixed-use buildings housing (Use Group 2) residential uses and (Use Group 6) commercial uses contrary to Zoning Resolution Sections 22-10 and 22-32, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received August 2, 2002"- (7) sheets and "April 3, 2003"- (1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other
THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 27, 2002 acting on Application No. 401407535 reads:

"Proposed testing lab, (ug 17) in R-4 district is contrary to section 22-00 ZR B.S.A. Approval is required."; and

WHEREAS, a public hearing was held on this application on February 25, 2003 after due notice by publication in *The City Record* and laid over to April 8, 2003 for decision. On April 8, 2003, the record was re-opened for clarification and the application laid over to April 29, 2003 for decision; and

WHEREAS, Community Board No. 12 in Queens recommends approval of the subject application; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar and former Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, to permit, in an R-4 zoning district the legalization of an existing materials testing facility (Use Group 17) contrary to Z.R. Section 22-00; and

WHEREAS, the subject parcel is located on the corner of Liberty Avenue and Remington Street on a zoning lot containing 6,954 square feet of area, with approximately 92' of frontage along Liberty Avenue; and

WHEREAS, the record indicates that, since 1972, the property has been improved with a one-story brick building containing approximately 3,530 square feet, housing a

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, April 29, 2003.

215-02-BZ

CEQR #03-BSA-015Q

APPLICANT - Sullivan, Chester & Gardner, LLP, for Liberty Avenue, LLC, owner; Ossining, lessee.

SUBJECT - Application July 18, 2002 - under Z.R. §§72-01 & 72-21 to permit in an R-4 zoning district the legalization of an existing materials testing facility (Use Group 17) contrary to Z.R. Section 22-00.

PREMISES AFFECTED - 143-05 Liberty Avenue, northeast corner of Remington Street, Block 10020, Lot 138, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

variety of automotive and commercial uses; and

WHEREAS, the applicant represents that although the site is located in an R-4 zoning district, this portion of Liberty Avenue is a commercial/retail thoroughfare with a strong orientation toward automotive uses; and

WHEREAS, on October 20, 1959, under Calendar Number 852-56-BZ Vol. II, the Board permitted in a then retail use district, the erection and operation of a gasoline service station with accessory uses, a building which the applicant notes was never constructed; and

WHEREAS, on March 13, 1962, for a term of ten (10) years, with subsequent amendments in 1972 and 1982, the Board granted an amendment allowing the erection and maintenance of a one-story building for wheel alignment, brake testing and brake repairs; and

WHEREAS, on March 8, 1994, under Calendar Number 86-93-BZ, the Board permitted the legalization of certain structural alterations and a change in use to a motor vehicle freight station with accessory parking and storage; and

WHEREAS, the applicant represents that the site has housed, subject to a July 25, 1957 variance, under Calendar Number 32-57-BZ, an automotive service station as amended through September 11, 1990, and that although the variance lapsed the uses at the premises have remained unchanged; and

WHEREAS, the instant application proposes to use the subject building as a satellite facility for an engineering testing and materials inspection and quality assurance firm, which needs a facility closer to one of its main clients, Kennedy Airport; and

MINUTES

WHEREAS, site's history of development with non-conforming Board approved uses and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning Resolution; and

WHEREAS, evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that a conforming use in the entire building would not yield a reasonable return; and

WHEREAS, the record indicates that the subject property is located in an area characterized by commercial and automotive uses; and

WHEREAS, therefore, the Board finds that the proposed application to legalize an existing use, will not alter the essential character of the surrounding neighborhood, nor impair the use or future development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on April 29, 2013;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 29, 2003.

282-02-BZ

CEQR #03-BSA-062K

APPLICANT - Harold Weinberg, P.E., for Roger Chehova, owner.

SUBJECT - Application October 18, 2002 - under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area ratio, open space ratio, and rear yard requirements, and is contrary to Z.R. §§23-141, 54-31 and 23-47.

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 on a site previously before the Board, to permit, in an R-4 zoning district the legalization of an existing materials testing facility (Use Group 17) contrary to Z.R. Section 22-00, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 13, 2002"-(5) sheets, "April 11, 2003"-(1) sheet, and "April 24, 2003"-(1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

PREMISES AFFECTED - 1465 East 24th Street, east side, 360'-0" south of Avenue "M", north of Avenue "N", Block 7657, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg,

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 15, 2002, acting on Application No. 301420987 reads:

"THE ENLARGEMENT OF THE ONE FAMILY RESIDENCE IN AN R2 ZONING DISTRICT:

1. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO FLOOR AREA RATIO AND OPEN SPACE RATIO AND IS CONTRARY TO SECTIONS 23-141 & 54-31;
2. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO REAR YARD AND IS CONTRARY TO SECTION 23-47 ZR"; and

WHEREAS, a public hearing was held on this application on March 25, 2003 and then laid over to April 29, 2003 for decision; and

WHEREAS, the premises and surrounding area had

MINUTES

site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area ratio, open space ratio, and rear yard requirements, and is contrary to Z.R. §§23-141, 54-31 and 23-47; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulations; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, April 29, 2003.

284-02-BZ

CEQR #03-BSA-016K

APPLICANT - Friedman & Gotbaum, LLP, for New York City Department of Citywide Administrative Services, owner; Two Trees Management Company, contract vendee.

SUBJECT - Application October 24, 2002 - under Z.R. §72-21 to permit in a C6-2A (DB) Special Downtown Brooklyn zoning district, the erection of an eleven story mixed-use building contrary to base height, height, setback, rear yard, retail continuity and lot coverage requirements of Z.R. Sections 23-145, 23-633(b) 33-26, 35-24, and 101-10.

PREMISES AFFECTED - 121/35 Court Street, 211/35 Atlantic Avenue and 204/24 State Street, property fronts on Court Street, and is bounded by Atlantic Avenue and State Street, Block 277, Lot 8, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Lori Cuisiner.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area ratio, open space ratio, and rear yard requirements, and is contrary to Z.R. §§23-141, 54-31 and 23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received January 24, 2003"-(12) sheets; and *on further condition*;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

Negative:.....0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated October 18, 2002 and February 10, 2003, acting on N.B. Application No. 301425740 reads:

"1. Proposed construction does not comply with the 85' maximum base height requirement of Z.R. Section 35-24 for C6-2A zoning districts because the building's base will rise to 89'.

2. Proposed construction does not comply with height and setback provisions of Z.R. Section 35-24 for C6-2A zoning districts, which require at least a 10' setback on wide streets and at least 15' setback on narrow streets. Building will set back only 8' along Atlantic Avenue (wide Street) and State Street (narrow street).

3. Proposed construction does not comply with the 120' height limitation required by Z.R. Section 35-24 in C6-2A zoning districts because the building height will rise to 128'.

4. Proposed construction does not comply with Z.R. Section 35-26, which requires a 20' rear yard for community facilities on interior lots in C6-2A zoning districts.

5. Proposed construction does not comply with the Z.R. Section 101-10 retail continuity regulations because the length of street frontage occupied by the residential/community facility/parking lobby space, entrance space and/or building entrance recess exceeds 30' of the applicable portion of the building's street frontage.

6. "Proposed construction does not comply with Z.R. Section 23-145 because the two corner

MINUTES

lot portions both exceed the permitted 80% lot coverage.

7. Proposed construction does not comply with Z.R. Section 23-663(b), which requires that for the interior and through lot portion of the proposed new building on which a rear yard equivalent is provided, no portion of such building that exceeds the 85' maximum base height shall be nearer to the rear yard line than 10'. The interior and through lot portion of the proposed new building will rise to 128' at the rear yard lines without setting back.”; and

WHEREAS, a public hearing was held on this application on March 25, 2003 after due notice by publication in *The City Record*, and laid over to April 29, 2003 for decision; and

WHEREAS, Community Board Number 2, Brooklyn, recommends approval of this application; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman

WHEREAS, the record indicates that the Special District was established to facilitate commercial development; and

WHEREAS, the applicant notes that the site is located in a mixed-use neighborhood where the boundaries of Brooklyn Heights, Cobble Hill and the Downtown business and civic centers merge; and

WHEREAS, the record indicates that the Special Downtown Brooklyn District was designed to encourage investment in mixed residential and commercial/industrial neighborhoods; and

WHEREAS, the proposed developed will consist of a mixed-use building with a 7-story mixed-use base (89 feet) covering most of the Site and two residential wings rising to 11 stories (128 feet high); and

WHEREAS, the instant application proposes 320 apartments containing 250,097 square feet of floor area housed on the second floor, facing Court Street above the retail establishments and at the third floor above the community facility use, with the overall configuration comprising a 7 story residential base (with retail and community facility uses at the lower levels) and two 4-story Wings above the base that are designed around a spacious 60 foot wide 12,638 square foot two-level courtyard with 3,925 square feet at the second floor level and 8,713 square feet at the third floor level; and

WHEREAS, the applicant assures that the third floor's Courtyard area is similar in size and scale to the typical arrangement of Brooklyn brownstone backyards and will be erected over the clear span; and

WHEREAS, the Board agrees with the applicant's representation that the proposed courtyard will not only allow light and air down into the apartments, but will also provide a passive recreation area for the new building's tenants; and

WHEREAS, the applicant represents that although of a greater height than some buildings in the immediate area, the New Building is considerably lower than the

Satish Babbar, former Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in a C6-2A (DB) Special Downtown Brooklyn zoning district, the erection of an eleven story mixed-use building contrary to base height, height, setback, rear yard, rear yard setback, retail continuity and lot coverage requirements of Z.R. Sections 23-145, 23-663(b), 33-26, 35-24, and 101-10; and

WHEREAS, the subject site, occupies the western half of the block bounded by Atlantic Avenue, Court Street, State Street and Boerum Place at the southern end of Downtown Brooklyn containing 47,222 square feet of lot area, with a frontage of 180' on the east side of Court Street, a depth of 270' along the northern side of Atlantic Avenue and a depth of 250' on the Southern side of State Street; and

WHEREAS, the site lies within the Special Downtown Brooklyn District, and is improved with a naturally ventilated three-story concrete slab existing garage; and

movie theater complex diagonally across Court Street measuring approximately 200 feet in height and is consistent with other high-rise municipal, commercial and community facility buildings within the vicinity of the site; and

WHEREAS, the instant proposal includes a parking garage with 168,936 square feet of unobstructed parking area, to be located on four below-grade levels (with a small portion, 430 square feet) of unobstructed area, at grade to accommodate 700 attended spaces; and

WHEREAS, the retail component of the proposed development will contain approximately 16,506 square feet of street level retail floor area, with approximately 179 feet 8 inches of frontage along Court Street, 166 feet 8 inches of frontage along Atlantic Avenue and 88 feet 6 inches of frontage along State Street; and

WHEREAS, the applicant notes that the generous expanse of retail frontage provides the flexibility of leasing to multiple tenants; and

WHEREAS, the proposal will also contain a community facility use on the first and second floor providing 40,340 square feet to house a broad range of athletic, recreational and intellectual activities for a diverse population; and

WHEREAS, the record indicates that a separate entrance on the mid-block of Atlantic Avenue, east of the retail space will be created for the community facility space and that windows on both Atlantic Avenue and State Street will provide light and air for the community facility uses; and

WHEREAS, the applicant's programmatic needs discussed above, and the zoning lot's intrinsic narrowness, create an undue hardship and a practical difficulty with strict compliance with the bulk provisions of the Zoning Resolution; and

WHEREAS, the applicant has demonstrated that the above referenced conditions leave no reasonable possibility of obtaining a reasonable return through a complying development; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with

MINUTES

a complying development would not yield a reasonable return; and

WHEREAS, the record indicates that the proposed building will be an appropriate addition that will relate harmoniously to mixed-use neighbors, including the existing residential buildings, commercial entities and manufacturing facilities located within the immediate area; and

WHEREAS, therefore, the Board finds that the subject proposal will not alter the essential character of the neighborhood or substantially impair the appropriate use or development of the surrounding area nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

Therefore, it is Resolved that the Board of Standards and Appeals adopts the Negative Declaration revised April 4, 2003 under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in a C6-2A (DB) Special Downtown Brooklyn zoning district, the erection of an eleven story mixed-use building contrary to base height, height, setback, rear yard, rear yard set back, retail continuity and lot coverage requirements of Z.R. Sections 23-145, 23-663 (b) 33-26, 35-24, and 101-10 on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 4, 2003"- (15) sheets and "February 26, 2003"- (3) sheets and on further condition;

THAT in accordance with Board-approved Fire Protection Plans the premises shall provide and maintain the following:

- (1) An Automatic Wet sprinkler system to be installed throughout the entire building and connected to a Fire Department-approved Central Station excepting room smoke detectors that will sound locally;
- (2) A fire alarm system be installed throughout the entire building and connected to a Fire Department approved Central Station;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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 including all fire safety and egress requirements, under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

WHEREAS, evidence in the record demonstrates that this proposal, is the minimum necessary to meet the applicant's programmatic needs; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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.

Adopted by the Board of Standards and Appeals, April 29, 2003.

369-02-BZ

CEQR #03-BSA-109M

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for Judith Frenkel, owner; Andrea Rosen, contract vendee.

SUBJECT - Application January 9, 2003 - under Z.R. §72-21 to permit in a C8-4 zoning district, the conversion of an existing two-story commercial building into a residential dwelling, with a rooftop addition, contrary to Z.R. §§15-021 and 32-10.

PREMISES AFFECTED - 785 Washington Street, east side, between Jane and Horatio Streets, 25' north of Jane Street, Block 642, Lot 39, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Lori Cuisiner.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated December 6, 2002 acting on Application No. 103309279 reads:

- "1. Conversion of non-residential building to residential use is contrary to Z.R. 15-021(f) in C8 Districts
2. Use Group 2 is not permitted as of right in C8 District and is contrary to Z.R. 32-10."; and

WHEREAS, a public hearing was held on this application on March 18, 2003 after due notice by publication in the *City Record*, and laid over to April 29,

MINUTES

2003 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 Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in a C8-4 zoning district, the conversion of an existing two-story commercial building into a residential dwelling, with a rooftop addition, contrary to Z.R. §§15-021 and 32-10; and

WHEREAS, the subject site containing 1,353 square of lot area with approximately 25 feet of frontage along the eastern side of Washington Street, located 25 feet north of the intersection of Washington and Jane Streets within the Greenwich Village Historic District is improved with a 2-story 1873 building housing a retail use on the ground floor and residential on the second floor ; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, the site's location on the western edge of the Greenwich Village Historic District, characterized by narrow tree-lined streets presents an undue hardship in developing the site with a conforming development; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the cellar with a conforming use would not yield a reasonable return; and

WHEREAS, the Board notes that the existing building is one of the few non-residential structure within the subject C8-4 zone that lines the east side of Washington Street; and

WHEREAS, the instant proposal has received a Certificate of Appropriateness from the Landmarks Preservation Commission; and

WHEREAS, therefore, the Board finds that conversion of the subject 3-story commercial building to residential use 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, the Board finds that 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 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

WHEREAS, the subject building contains 3,886 square feet of floor area consisting of 1,180 square feet in the cellar and 1,353 square feet on the first and second floors; and

WHEREAS, the record indicates that the existing building is burdened with a small floor plate limiting its economic utility to a single family residential building; and

WHEREAS, the applicant represents that although the building is under-built per the current zoning's 5.0 permitted Commercial FAR, the small floor plates limit its development viability; and

WHEREAS, in addition to small floor plates, the applicant has demonstrated that the building is obsolete for modern commercial uses because it lacks elevators and other amenities necessary for those uses; and

one of the required findings under Z.R. §72-21, in a C8-4 zoning district, to permit, in a C8-4 zoning district, the conversion of an existing two-story commercial building into a residential dwelling, with a rooftop addition, contrary to Z.R. §§15-021 and 32-10, *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 9, 2003"- (5) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 29, 2003.

3-03-BZ CEQR #03-BSA-119K

APPLICANT - Sheldon Lobel, P.C., for Eddie Cohen, owner.
SUBJECT - Application January 10, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-1 zoning district, which creates non-compliance with regard to floor area ratio, rear yard requirements, perimeter wall height and building height and is contrary to Z.R. §§23-141, 23-47 and 23-631.

MINUTES

PREMISES AFFECTED - 50 Dover Street, between Hampton Avenue and Shore Boulevard, Block 8729, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

- 4. PROPOSED PLANS ARE CONTRARY TO ZR 23-631 IN THAT THE BUILDING HEIGHT IS GREATER THAN THE MAXIMUM PERMITTED.”; and

WHEREAS, a public hearing was held on this application on April 8, 2003 and then laid over to April 29, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-1 zoning district, which creates non-compliance with regard to floor area ratio, rear yard requirements, perimeter wall height and building height and is contrary to Z.R. §§23-141, 23-47 and 23-631; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-1 zoning district, which creates non-compliance with regard to floor area ratio, rear yard requirements, perimeter wall height and building height and is contrary to Z.R. §§23-141, 23-47 and 23-631, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received January 10, 2003” (10) sheets; and *on further condition*;

THAT there shall be no habitable room in the cellar;
THAT the premises shall be maintained free of debris

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 16, 2002, acting on Application No. 301474054 reads:

- “1. PROPOSED PLANS ARE CONTRARY TO ZR 23-141 IN THAT IT EXCEEDS THE MAXIMUM PERMITTED FLOOR AREA RATIO OF 50%.
- 2. PROPOSED PLANS ARE CONTRARY TO ZR 23-47 IN THAT THE PROPOSED REAR YARD IS LESS THAN THE 30'-0" THAT IS REQUIRED.
- 3. PROPOSED PLANS ARE CONTRARY TO ZR 23-631 IN THAT THE PROPOSED PERIMETER WALL HEIGHT IS GREATER THAN THE MAXIMUM PERIMETER.

and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, April 29, 2003.

5-03-BZ

CEQR #03-BSA-120K

APPLICANT - Harold Weinberg, P.E., for Emanuel Alaimo, owner.

SUBJECT - Application January 13, 2003 - under Z.R. §72-21 to permit in a C1-3-2 and an R5 zoning district, the legalization of a one-story enlargement at the rear of the premises contrary to Z.R. §§35-30 and 54-31.

PREMISES AFFECTED - 2276 86th Street, south side, 36'-8" west of 23rd Avenue, Block 6383, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Harold Weinberg

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

MINUTES

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, January 8, 2003, acting on Application No. 301282270, reads:

“BOARD OF STANDARDS AND APPEALS DENIAL

The enlargement at the rear of the first floor in a C1-3 in an R5 zoning district increases the degree of non-compliance with respect to floor area ratio and is contrary to Sections 35-30 and 54-31 of the Zoning Resolution.”

WHEREAS, a public hearing was held on this application on March 25, 2003 after due notice by publication in *The City Record*, laid over and then April 29,

WHEREAS, the applicant seeks to legalize an enlargement done by a prior owner and to erect a small enlargement by the notch; and

WHEREAS, the record indicates that the existing retail space is only 68' deep, and that this interior space is further diminished by the stair to the second floor apartment and by the stair to the cellar; and

WHEREAS, the applicant notes that the above condition makes the site both narrow and shallow creating an undue burden and a practical difficulty in developing the site in conformity with 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 applicant represents that enlargement is not visible from 86th Street, is small in size and is part of a conforming use; 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 the Final Environmental Assessment Statement 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.

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617

2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., former Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit in a C1-3-2 and an R5 zoning district, the legalization of a one-story enlargement at the rear of the premises contrary to Z.R. §§35-30 and 54-31; and

WHEREAS, the record indicates that the subject premises is a two-story masonry building with a retail store on the first floor and two apartment on the second floor; and

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 in a C1-3-2 and an R5 zoning district, the legalization of a one-story enlargement at the rear of the premises contrary to Z.R. §§35-30 and 54-31 on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received January 13, 2003”- (10) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 29, 2003.

369-01-BZ

APPLICANT - Sheldon Lobel, P.C., for SYC, LLC, owner.

SUBJECT - Application November 27, 2001 - under Z.R. §72-21, to permit the legalization of an existing three story residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 303 Seigel Street, northwest corner of Bogart Street, Block 3092, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #1BK

MINUTES

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to June 17, 2003,
at 1:30 P.M., for decision, hearing closed.

75-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 460
Union Street LLC, contract vendee.

ACTION OF THE BOARD - Laid over to June 24, 2003,
at 1:30 P.M., for continued hearing.

91-02-BZ

APPLICANT - Sheldon Lobel, P.C., for David Winiarski, owner.
SUBJECT - Application September 11, 2002 - under Z.R. § 72-

21 to permit the proposed construction of a six story building, with
residential uses on the upper floors and community facility use on
the first floor, located in an R5 zoning district, which exceeds the
permitted residential and community facility floor area ratios, is
contrary to Z.R. §24-11 and §23-141.

PREMISES AFFECTED - 3032/42 West 22nd Street, 180' north
of Highland View Avenue, Block 7071, Lot 19 (prev. 19, 29 and
22), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to May 20, 2003,
at 1:30 P.M., for continued hearing.

237-02-BZ

APPLICANT - The Agusta Group, for Jose Lazo, D.D.S., Gerson
F. Mendoza, D.C., owners.

SUBJECT - Application August 26, 2002 - under Z.R. §72-21 to
permit the legalization of the conversion from residential use, to an
existing dental office, located on the second floor of a two story and
cellar building, in an R6 zoning district, is contrary to Z.R. §22-14.

PREMISES AFFECTED - 37-49 91st Street, east side, between
Roosevelt and Elmhurst Avenues, Block 1479, Lot 53, Borough of
Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Philip Agusta, Benjamin Gotierrez and others.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to June 3, 2003, at
1:30 P.M., for decision, hearing closed.

SUBJECT - Application March 12, 2002 - under Z.R. §72-21 to
permit the proposed construction of a six story, 64-unit residential
building, Use Group 2, located in an M2-1 zoning district, is
contrary to §42-00.

PREMISES AFFECTED - 460 Union Street, bounded by Union,
Bond and Presidents Streets, and Gowanus Canal, Block 438, Lot
7, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Chris Wright.

For Opposition: Linda Marianno, Bette Stoltz, Cynthia Simmons and
other.

271-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Rabbi and Mrs. Akiva
and Yocheved Ludmir, owner; Congregation Chesev Sofer of
Pressburg, lessee.

SUBJECT - Application October 8, 2002 - under Z.R. §72-21 to
permit the proposed construction of a three stories and a cellar,
community facility, Use Group 4, located in an R5 zoning district,
which does not comply with the zoning requirements for lot
coverage, front, side and rear yards and also a projection of the
proposed balcony, which is contrary of §23-131, §24-11, §24-34,
§24-35, §24-36 and §24-51.

PREMISES AFFECTED - 1627 46th Street, between 16th and
17th Avenues, Block 5434, Lot 76, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner
Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to May 20, 2003,
at 1:30 P.M., for continued hearing.

285-02-BZ

APPLICANT - The Agusta Group, for Frank Ward, owner.

SUBJECT - Application October 23, 2002 - under Z.R. §72-21 to
permit the legalization of an existing eating and drinking
establishment, and a retail store, Use Group 6, which is contrary to
two previous variances granted under Cal. Nos. 905-53-BZ and
1052-66-BZ, which permitted a factory building in an R4 zoning
district, and also Z.R. §22-00.

PREMISES AFFECTED - 900 East 213th Street, a/k/a 3580
Bronxwood Avenue, southeast corner, Block 4683, Lot 49,
Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

MINUTES

For Applicant: Philip Agusta.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to May 20, 2003,
at 1:30 P.M., for decision, hearing closed.

PREMISES AFFECTED - 182-40 Radnor Road, east side,
between Grand Central Parkway and Kent Street, Block 7246, Lot
11, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Philip Agusta.

For Opposition: Barbara Ring and Cythia Kauders.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to May 20, 2003,
at 1:30 P.M., for decision, hearing closed.

334-02-BZ thru 336-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 1287 Atlantic Realty
LLC, owner.

SUBJECT - Application November 13, 2002 - under Z.R. §72-21
to permit the legalization of residential occupancy in a one story,
four unit building, which is located within an M1-1 zoning district,
which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

1281 Atlantic Avenue, between New York and
Nostrand Avenues, Block 1867, Lots 72, 75 and 76,
Borough of Brooklyn.

1283 Atlantic Avenue, between New York and
Nostrand Avenues, Block 1867, Lots 72, 75 and 76,
Borough of Brooklyn.

1287 Atlantic Avenue, between New York and
Nostrand Avenues, Block 1867, Lots 72, 75 and 76,
Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to June 3, 2003, at
1:30 P.M., for continued hearing.

343-02-BZ

APPLICANT - Harry A. Meltzer, R.A., for Richard Winer of
RAW Corporation, owner; Peak Performance Sports Center, Inc.,
lessee.

SUBJECT - Application November 18, 2002 - under Z.R. §73-36
to permit the proposed physical culture establishment, to be located
on the eighth floor of an existing twelve story commercial building,
requires a special permit as per Z.R. §73-36.

329-02-BZ

APPLICANT - The Agusta Group by Paul Bonfilio, R.A., for Yury
Abramov, owner.

SUBJECT - Application November 7, 2002 - under Z.R. §72-21
to permit the proposed addition to an existing one family dwelling,
which creates non- compliance with respect to the required side
yard, is contrary to Z.R. §23-461.

PREMISES AFFECTED - 54 West 21st Street, south side, 104.2'
east of Avenue of the Americas, Block 822, Lot 70, Borough of
Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Harry A. Meltzer.

For Opposition: Alice Dalton Brown.

ACTION OF THE BOARD - Laid over to June 3, 2003, at
1:30 P.M., for continued hearing.

359-02-BZ

APPLICANT - Petraro & Jones, LLP, for Wegweiser & Erlich,
LLC, owner.

SUBJECT - Application December 13, 2002 - under Z.R. §§42-
31 & 73-19 to permit the proposed private school, Use Group 3,
located in an M1-5 zoning district, which requires a special permit
as per Z.R. §42-31.

PREMISES AFFECTED - 53/55 Beach Street, northwest corner
of Collister Street, Block 214, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Pat Jones.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner
Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to May 6, 2003, at
1:30 P.M., for decision, hearing closed.

368-02-BZ

APPLICANT - Jesse Masyr, Esq., for Astor Place Holding
Corporation, owner; Astor Place Associates, LLC c/o The Related
Companies, lessees.

SUBJECT - Application December 24, 2002 - under Z.R. §73-52
to permit the proposed development of a 22 story and cellar mixed
use building, on a site divided by a district boundary, which requires
a special permit under Z.R. §73-52, to extend the C6-2 use and
bulk regulations 25' into the adjacent M1-5B zoning district.

PREMISES AFFECTED - 22/36 Astor Place, a/k/a 443/49
Lafayette Street and a/k/a 64/78 Cooper Square, blockfront of
Astor Place, between Lafayette Street and Cooper Square, Block
544, Lot 22, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Jesse Masyr.

For Opposition: Jack Lester, Dorris Dedder, Lisa Kaplan, Patrick
De Saint-Aignan, Enn Mears, Lisamarie Dixon, Gary Parker, Steve
Herrick, Artemesia Yuen, Anna Sawaryn, Leo Blackman and Gale

MINUTES

Saddy.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

370-02-BZ thru 373-02-BZ

APPLICANT - Sheldon Lobel, P.C., for NY Hospital Medical Center of Queens, owner.

SUBJECT - Application December 24, 2002 - under Z.R. § 72-21 to permit the legalization of the conversion of the second floor of an existing two story structure, to a medical offices, Use Group 4, located within an R4 zoning district, and also does not comply with the zoning requirements for rear and side yards, is contrary to Z.R. §22-14, §24-35 and §24-36.

PREMISES AFFECTED -

56-14 Main Street, between Booth Memorial and 56th Avenues, 100' south of 56th Avenue, Block 5133, Lot 40, Borough of Queens.

56-24 Main Street, between Booth Memorial and 56th Avenues, 210' south of 56th Avenue, Block 5133, Lot 45, Borough of Queens.

56-26 Main Street, between Booth Memorial and 56th Avenues, 230' south of 56th Avenue, Block 5133, Lot 47, Borough of Queens.

56-44 Main Street, between Booth Memorial and 56th Avenues, 230' south of 56th Avenue, Block 5133, Lot 45, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Sheldon Lobel, Matt Dipopperio, George Zarins and Lai Fok.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to May 20, 2003, at 1:30 P.M., for decision, hearing closed.

1-03-BZ

APPLICANT - The Agusta Group, for BRK Properties Inc., owner.

SUBJECT - Application January 7, 2003 - under Z.R. §72-21 to permit the proposed erection of a two story, two family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirements for zoning lot, front yards, floor area, and will have the required parking located within the front yard, is contrary to Z.R. §23-45, §23-141, §23-32 and §23-44.

PREMISES AFFECTED - 128-05 Hawtree Creek Road, southwest corner of 109th Avenue, Block 11609, Lot 1, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Philip Agusta.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,

ACTION OF THE BOARD - Laid over to May 20, 2003, at 1:30 P.M., for decision, hearing closed.

Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to May 20, 2003, at 1:30 P.M., for decision, hearing closed.

34-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Thaneshwar Sukhdeo, owner.

SUBJECT - Application January 28, 2003 - under Z.R. §72-21 to permit the proposed erection of a two family dwelling, located in an R3-2 zoning district, on an undersized lot, which does not comply with the zoning requirements for front and side yards, lot width or lot area, and the required sky exposure plane, which is contrary to Z.R. §23-45, §23-32 and §23-461.

PREMISES AFFECTED - 89-57 207th Street, a/k/a 207-01 90th Avenue, northeast corner, Block 10572, Lot 35, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to June 3, 2003, at 1:30 P.M., for decision, hearing closed.

35-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Paul & Maryann Penzi, owners.

SUBJECT - Application January 28, 2003 - under Z.R. §73-125 to permit the proposed medical office, Use Group 4, in excess of 1,500 square feet, located in an R2 zoning district, which requires a special permit as per Z.R. §73-125.

PREMISES AFFECTED - 12-18 154th Street, a/k/a 152-61 12th Road, northwest corner, Block 4537, Lot 90, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: Lucille A. Cremen, Albert Albrizio, Lucille Cremen, Norma Horowitz and Moriq Guerra.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to May 20, 2003, at 1:30 P.M., for decision, hearing closed.

MINUTES

74-03-BZ

APPLICANT - Steven Sinacori/Stadtmauer Bailkin, LLP, for F/B/O Laing P Foster, c/o Steven C. Curley, owner.

SUBJECT - Application February 25, 2003 - under Z.R. §72-21 to permit the proposed conversion of garage space, and the minor expansion of an existing mezzanine within an existing two story functionally obsolete carriage house, into living space to be used primarily by the building's owner, in an existing single family residential building, located in an R7-1 and LH-1 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, and is contrary to Z.R. §23-142.

PREMISES AFFECTED - 32 College Place, east side, 294.11' north of Love Lane, Block 236, Lot 53, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Steven Sinacori.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to June 3, 2003, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 4:50 P.M.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, No. 20

May 15, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - Counsel

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET347-348

CALENDAR of June 17, 2003

Morning349

Afternoon350-351

CONTENTS

MINUTES of Regular Meetings,

Tuesday, May 6, 2003

Morning Calendar352

Affecting Calendar Numbers:

| | |
|--------------|--|
| 551-37-BZ | 233-02 Northern Boulevard, Queens |
| 7-57-BZ | 231/27 Ralph Avenue, Brooklyn |
| 1038-80-BZ | 31-07/09/11 Downing Street, Queens |
| 268-89-BZ | 160-11 Willets Point Boulevard, Queens |
| 95-90-BZ | 242-24 Northern Boulevard, Queens |
| 193-92-BZ | 1303 Beach Channel Drive, Queens |
| 340-41-BZ | 72-09 Main Street, Queens |
| 763-59-BZ | 1764 University Avenue, The Bronx |
| 77-99-BZ | 255-39 Jamaica Avenue, Queens |
| 37-00-BZ | 111-05 to 111-18 Van Wyck Expressway, Queens |
| 99-00-BZ | 147-06 76 th Avenue, Queens |
| 139-01-BZ | 27 West 38 th Street, Manhattan |
| 122-99-A | 91-70 Metropolitan Avenue, Queens |
| 345-02-A | 85-72 159 th Street, Queens |
| 6-03-A | |
| thru 14-03-A | Waterside Court, Queens |
| 15-03-A | |
| thru 23-03-A | Powells Cove Boulevard, Queens |
| 65-03-A | 11 Fulton Walk, Queens |
| 66-03-A | 40 Beach 220 th Street, Queens |
| 67-03-A | 3 Graham Place, Queens |
| 45-03-A thru | |
| 64-03-A | Hall Avenue, Staten Island |
| 79-03-A | 3149 Bedford Avenue, Brooklyn |

CONTENTS

Afternoon Calendar.....361

Affecting Calendar Numbers:

82-02-BZ 788 Kent Avenue, Brooklyn
218-02-BZ 46 Coney Island Avenue, Brooklyn
353-02-BZ 210 Greenpoint Avenue, Brooklyn
359-02-BZ 53/55 Beach Street, Manhattan
60-02-BZ 3849 Bedford Avenue, Brooklyn
114-02-BZ 2493 Richmond Road, Staten Island
120-02-BZ 42 Avenue "A", Manhattan
165-02-BZ
thru 176-02-A 147, 151, 153, 155, 157, 159 Classon Avenue, Brooklyn
186-02-BZ
thru 191-02-A 143, 145, 149 Classon Avenue, Brooklyn
185-02-BZ 93/101 North Ninth Street, Brooklyn
202-02-BZ 133-20 Rockaway Boulevard, Queens
214-02-BZ 55 Berry Street, Brooklyn
238-02-BZ 638 Dean Street, Brooklyn
265-02-BZ 19 East 94th Street, Manhattan
357-02-BZ 201-10 Northern Boulevard, Queens
358-02-BZ 200 Park Avenue, Manhattan
366-02-BZ 2702 Avenue "M" aka 1301 East 27th Street, Brooklyn
367-02-BZ 434 East 75th Street, Manhattan
375-02-BZ 1559 59th Street, Brooklyn
31-03-BZ 2502 Avenue "M", Brooklyn
95-03-BZ 302 East 111th Street, Manhattan

CORRECTION.....369

Affecting Calendar Number:

199-02-BZ 210/220 East 19th Street, Manhattan
286-02-BZ 1111 East 26th Street, Brooklyn

DOCKET

New Case Filed Up to May 6, 2003

140-03-BZ B.S.I. 1855 Richmond Avenue, east side, 650.06` south of Eton Place, Block 2030, Lot 48, Borough of Staten Island. Applic.#500602154. Proposed office building, Use Group 6, located in an R3-2 zoning district, is contrary to Z.R. §22-00.
COMMUNITY BOARD #2SI

141-03-BZ B.BK. 10 Graham Avenue, aka 747/49 Broadway, at the intersection of Ghaham and Flushing Avenues and Broadway, Block 3127, Lot 1, Borough of Brooklyn. Alt.#301509231. Proposed addition to an existing retail building, for new retail space (a new sporting goods store), Use Group 6, without on-lot parking and loading berths, located in a C4-3 zoning district, is contrary to Z.R. §36-21 and §36-62.
COMMUNITY BOARD #1BK

142-03-BZ B.Q. 140-20 Farmers Boulevard, northwest corner of 142nd Avenue, Block 12592, Lot 315, Borough of Queens. Applic.#401218446. Proposed auto repair shop, Use Group 16, located in a C2-2 zoning district, is contrary to Z.R. §32-00.
COMMUNITY BOARD #12Q

143-03-BZ B.BK. 1734 East 24th Street, between Quentin Road and Avenue "R", 240' south of Quentin Road, Block 6806, Lot 19, Borough of Brooklyn. Alt.#301526604. 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, lot coverage, side and rear yards, is contrary to Z.R. §23-141, §23-461A and §23-47.
COMMUNITY BOARD #15BK

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

JUNE 17, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, June 17, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

558-51-BZ

APPLICANT - Eric Palatnik, P.C., for BP Products North America, owner.

SUBJECT - Application April 1, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a certificate of occupancy which expired September 13, 2000.

PREMISES AFFECTED - 68-22 Northern Boulevard, southwest corner of 68-22 Northern Boulevard and 69th Street, Block 1186, lot 19, Borough of Queens.

COMMUNITY BOARD #3Q

705-51-BZ

APPLICANT - Eric Palatnik, P.C., for 163-15 Northern Flushing Corp., owner; BP Products North America, lessee.

SUBJECT - Application April 4, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired May 19, 1999 and for an amendment to the resolution.

PREMISES AFFECTED - 163-15 Northern Boulevard, Northern Boulevard and 164th Street, Block 5338, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

60-82-BZ

APPLICANT - Eric Palatnik, P.C., for BP Amoco Corp., owner.

SUBJECT - Application April 4, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to complete a certificate of occupancy which expired September 28, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 60-11 Queens Boulevard, between 60th Street and 61st Street, Block 1338, Lot 1, Borough of Queens.

COMMUNITY BOARD #2Q

COMMUNITY BOARD #14Q

132-86-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Cristobal F. Rosero, owner.

SUBJECT - Application April 9, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 8, 2002.

PREMISES AFFECTED - 102-09/11 Roosevelt Avenue, northside 196.16', west of 103rd Street, Block 1770, Lots 47 & 48, Corona, Borough of Queens.

COMMUNITY BOARD #3Q

226-01-BZ

APPLICANT - Francis R. Angelino, Esq., for 48 Laight Street, Associates, LLC, c/o The Daten Group, Inc., owner.

SUBJECT - Application April 10, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 48 Laight Street, (166-172 Hudson Street) at northeast corner of Laight and Hudson Streets, Block 220, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #1M

261-02-A

APPLICANT - Rudolf J. Beneda, A.I.A., for Imtiaz Mohammed, owner.

SUBJECT - Application September 26, 2002 - Proposed one story warehouse building, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 444 Sharrotts Road, south side, 1,652.75' east of Arthur Kill Road, Block 7328, Lot 81, Borough of Staten Island.

103-03-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc, owner; John & Joan O'Hara, owners.

SUBJECT - Application April 4, 2003 - Proposed construction of a new one story addition to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 7 East Market Street, north side, 15' east of Beach 201st Street, Block 16350, Part of Lot 300, Borough of Queens.

117-03-A

APPLICANT - Molly Abady (Luca Sartini, Toni Vastinar.

OWNER OF PREMISES: Memorial Hospital

SUBJECT - Application April 11, 2003 - An appeal challenging the Department of Buildings determination, dated March 24, 2003,

CALENDAR

in which the Department has stated that the project (research laboratory), is allowed as a Use Group 4, hospital "related facility".

As a "related facility", (Sloan Kettering) the use is allowed as of right in a residential district.

PREMISES AFFECTED - 411/25 East 68th Street, Mid-block, between First and York Avenues, Block 1463, Lots 5, 9 and 11, Borough of Manhattan.

permit the legalization of 34 residential units, Use Group 2, located in an M1-2 zoning district, on the second floor of a two story building, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 160 North Fourth Street, between Driggs and Bedford Avenues, Block 2352, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #9BK

JUNE 17, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, June 17, 2003, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

267-02-BZ

APPLICANT - Harold Weinberg, P.E., for Barry Braunstein, owner.

SUBJECT - Application October 4, 2002- under Z.R. §73-622 to permit the proposed extension of residential use into the attic, of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for rear yard, open space ratio and floor area ratio is contrary to Z.R. §23-141 and §223-47.

PREMISES AFFECTED - 3478 Bedford Avenue, west side, 230'0" north of Avenue "N", Block 7660, Lot 70, Borough of Brooklyn.

COMMUNITY BOARD #14BK

350-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Advance Investments, owner.

SUBJECT - Application November 25, 2002 - under Z.R. §73-27 to permit the proposed use of an existing building as a funeral establishment, Use Group 7, with accessory off-street parking for 12 automobiles, located in a C1-1(R3-2) (SRD) zoning district, requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 6389 Amboy Road, west side, 258' north of Weir Avenue, Block 7534, Lot 186, Borough of Staten Island.

COMMUNITY BOARD #3SI

360-02-BZ

APPLICANT - Law offices of Howard Goldman, PLLC, for S & Y Enterprises, LLC, owner.

SUBJECT - Application December 13, 2002- under Z.R. §72-21 to permit the proposed conversion and enlargement of an existing warehouse, into a residential building with 83 units and 41 parking spaces, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 130 North Fourth Street, between Berry Street and Bedford Avenue, Block 2351, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #1BK

275-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for BFN Realty, LLC, owner.

SUBJECT - Application October 10, 2002- under Z.R. §72-21 to permit proposed enlargement of a pre-existing grandfathered physical culture establishment, located in portions of the cellar, sub-cellar, and third sub-cellar levels in a multi-story mixed use building, requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 1221 Avenue of the Americas, between 48th and 49th Streets, Block 1001, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #5M

42-03-BZ

APPLICANT - Law Office of Frederick A. Becker, for Rock-McGraw Inc., owner; TSI West 48th Inc., dba New York Sports Club, lessee.

71-03-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for Joan and Sanford I. Weill Medical College of Cornell University, owner.

SUBJECT - Application April 24, 2003 - under Z.R. § 72-21 to permit the proposed construction of a new ambulatory care building, which would have 13 occupied stories and two mechanical floors above, located in an R10, R8, C1-5 overlay and C2-8 zoning district, which does not comply with the zoning requirement for floor area, front and rear height and setback, rear yard, accessory parking and curb cut, is contrary to Z.R. §§33-121, 33-122, 24-11, 23-15, 35-31, 24-522, 33-431, 24-552, 24-36, 33-26, 33-292, 13-133, 13-143 and 13-142.

MINUTES

PREMISES AFFECTED - 1305 York Avenue, block bounded by York Avenue, East 70th Street, First Avenue and East 69th Street, Block 1464, Los 1, 28, 29, 30, 105, 1001-1210 and 1300-1301.

COMMUNITY BOARD #8M

88-03-BZ & 89-03-BZ

APPLICANT - Law Office of Fredrick A. Becker, for Frank & Walter Eberhart, L.P., owner.

SUBJECT - Application March 19, 2003 - under Z.R. § 73-621 to permit the proposed enlargement of the subject premises, which will result in the creation of larger units for two of the existing twenty (20) apartments in the building, creates non-compliance with respect to floor area, and is therefore contrary to Z.R. §23-145.

PREMISES AFFECTED -

313 East 81st Street, north side, 225' east of Second Avenue, Block 1544, Lot 10, Borough of Manhattan.

315 East 81st Street, north side, 250' east of Second Avenue, Block 1544, Lot 11, Borough of Manhattan.

COMMUNITY BOARD #8M

90-03-BZ

APPLICANT - Eric Palatnik, P.C., for Women of Faith, Inc., owner.

SUBJECT - Application - under Z.R. § 72-21 to permit the proposed construction of a five/six story apartment building, with 34 dwelling units, located in a C2-2 within an R4 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, total height, dwelling units, lot area per dwelling unit, side yard and parking, is contrary to Z.R. §23-141(b), §23-631(b), §23-222, §23-462(a) and §25-22.

PREMISES AFFECTED - 109-37 Sutphin Boulevard, between 109th Road and 109th Drive, Block 12141, Lot 3, Borough of Queens.

COMMUNITY BOARD #12Q

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING MAY 6, 2003
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, March 25, 2003, were approved as printed in the Bulletin of April 3, 2003, Volume 88, No. 14.

SPECIAL ORDER CALENDAR

551-37-BZ

APPLICANT - Joseph P. Morsellino, for Beverly Fetner, et al., owner; Red's Auto Repair, lessee.

SUBJECT - Application June 27, 2002 & August 30, 2002 - reopening for an extension of term of variance which expired July 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 233-02 Northern Boulevard, southeast corner of 233rd Street, Block 8166, Lot 20, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Application reopened, term of variance extended and resolution amended.

THE VOTE TO REOPEN HEARING-

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a reopening for an extension of the term of the variance which expired on July 15, 2002 and for an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on November 12, 2002, after due notice by publication in The City Record, and laid over to January 7, 2003, February 4, 2003, April 15, 2003 and then to May 6, 2003 for decision; and

WHEREAS, on April 12, 1938, the Board granted an application permitting the operation of a gasoline service station; and

WHEREAS, the applicant now seeks to amend the resolution

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on May 6, 2003 after due notice by publication in The City Record,

to permit the elimination of the gas pumps from the premises; and

WHEREAS, the applicant represents that the subject facility will continue to provide automobile repair service (with hand tools only).

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution to extend the term of the variance which expired on October 19, 2001, so that as amended this portion of the resolution shall read:

“to extend the term of the variance for an additional ten (10) years from July 15, 2002, to expire on July 15, 2012, and to permit the elimination of the gas pumps from the premises, 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 30, 2002”-(3) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT all fencing shall be repaired within 30 days from the date of this grant and photographic evidence of the repair shall be provided to the executive director of the Board within the 30 day period;

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 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.”

(DOB Application # 37/58)

Adopted by the Board of Standards and Appeals, May 6, 2003.

7-57-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Kapsin & Dallis Realty Corporation.

SUBJECT - Reopening for Compliance.

PREMISES AFFECTED - 2317/27 Ralph Avenue, Block 8364, Lot 34, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

In Favor: Ruth Peres.

For Opposition: Lewis Fidler, City Council.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

and

WHEREAS, the Board received complaints alleging non-compliance with a Variance granted for the subject premises; and

WHEREAS, specifically, the complaints alleged that the site was being used as a parking and storage facility of car service

MINUTES

vehicles. The garaging of trucks and tour buses .The hours of operation pertaining to repairs were not being adhered to; and

WHEREAS, on May 6, 2003, a hearing was held to rescind the variance; and

WHEREAS, in response to Board requests for documentation that the above allegations were false or had been cured, the applicant submitted photographs illustrating that the site is in compliance with the conditions set forth in the Board's resolution; and

Resolved, that the Board of Standards and Appeals finds that the applicant has submitted adequate documentation demonstrating substantial compliance with the Board's prior grant and the application to rescind the variance is withdrawn from the SOC Calendar.

Adopted by the Board of Standards and Appeals, May 6, 2003.

1038-80-BZ

APPLICANT - Davidoff & Malito, LLP, for Feinrose Downing LLC, owner; Expressway Arcade Corp., lessee.

SUBJECT - Application January 29, 2003 - reopening for an extension of term of variance which expired January 6, 2003.

PREMISES AFFECTED - 31-07/09/11 Downing Street, Whitestone Expressway, Block 4367, Block 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

ACTION OF THE BOARD - Application reopened, and term of Special Permit extended.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the applicant requested a reopening for an extension of the term of the variance which expired on January 6, 2003; and

WHEREAS, a public hearing was held on this application on April 15, 2003, after due notice by publication in The City Record, and laid over to May 6, 2003 for decision; and

WHEREAS, on January 6, 1981, the Board granted an application permitting an amusement arcade.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution to extend the term of the Special Permit
Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4
Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Procedure and a request for a re-hearing; and

WHEREAS, on August 14, 1990, the Board denied an application for a special permit pursuant to Section 73-243, proposing a drive-thru at the existing eating and drinking establishment; and

which expired on January 6, 2003, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the Special Permit for an additional one (1) year from the January 9, 2003 to expire on January 9, 2004, 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 29, 2003”- (1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.”

(DOB Application # 435/81)

Adopted by the Board of Standards and Appeals, May 6, 2003.

268-89-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Joshua L. Muss c/o Allied Enterprises, owner. Franchise Realty Interstate, lessee.

SUBJECT - Application March 13, 2003- reopening for a rehearing.

PREMISES AFFECTED - 160-11 Willets Point Boulevard, Willets Point Boulevard and Francis Lewis Boulevard, Block 4758, Lot 100, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application for rehearing granted.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE VOTE TO GRANT -

WHEREAS, during the 1998 hearings, the applicant represented a plan showing parking up to the property line, the Board informed the applicant of its concern that the design of the drive-thru would adversely impact the neighbor; and

WHEREAS, however, the applicant has revised his prior plans and the proposal now provides a wide landscaped area abutting the adjacent neighbor, which the Board notes does not adversely impact the adjacent neighbor; and

WHEREAS, therefore, the Board finds that the applicant has submitted substantial new evidence that was not available at the time

MINUTES

of the initial hearing demonstrating a material change in circumstance.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and grants the application for a rehearing and permits the restoration of the application to the Zoning Calendar.

Adopted by the Board of Standards and Appeals, May 6, 2003.

95-90-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: John Belanich of Bell Realty.

SUBJECT - Reopening for Compliance.

PREMISES AFFECTED - 242-24 Northern Boulevard, Block Lot, Borough of Queens

COMMUNITY BOARD #11Q

APPEARANCES -

In Favor: Steven Sinacori, Jeff Friedman, Al Caligari and Councilman Ty Cuella.

For Opposition: Joseph P. Morsellino.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on May 6, 2003 after due notice by publication in The City Record, and

WHEREAS, the Board received complaints alleging non-compliance for a Variance granted under the above Calendar Number; and

WHEREAS, specifically, the complaints alleged that the site are that garbage pickup occurs after 11:00 P.M., deliveries are being made before 7:00 A.M. , trash enclosure is not roofed , dumpster does not have a rubber lid, parking lot is not secured after business hours and the landscaping is not being maintained , and

WHEREAS, on May 6, 2003, a hearing was held to rescind the variance; and

WHEREAS, in response to Board requests for documentation that the above allegations were false or had been cured, the

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to June 17, 2003, at 10 A.M., for decision, hearing closed.

763-59-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Exxonmobile Fuels Marketing Co., owner.

applicant submitted letters from the Community Board , CVS and the affected residents demonstrating that the site was now in compliance with the conditions set forth in the Board's resolution; and

Resolved, that the Board of Standards and Appeals finds that the applicant has submitted adequate documentation demonstrating substantial compliance with the Board's prior grant and the application to rescind the variance is withdrawn from the SOC Calendar.

Adopted by the Board of Standards and Appeals, May 6, 2003 .

193-92-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Rhee Enterprises, Ltd., owner; White Castle System, Inc., lessee.

SUBJECT - Application February 4, 2003 - reopening for an extension of term of variance which expired July 13, 2003.

PREMISES AFFECTED - 1303 Beach Channel Drive, northwest corner of Mott Avenue, Block 15661, Lot 1, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 10 A.M., for deferred decision.

340-41-BZ

APPLICANT - Walter T. Gorman, P.E, for Paul & Marie Sinanis, owner; S & J Service Station, Inc., lessee.

SUBJECT - Application March 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 1, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 72-09 Main Street, southeast corner of 72nd Avenue, Block 6660, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: John Ronan.

SUBJECT - Application October 10, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1764 University Avenue, southeast corner of Macombs Road and University Avenue, Block 2876, Lot 122, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES - None.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to May 20, 2003, at 10 A.M., for continued hearing.

MINUTES

ACTION OF THE BOARD - Laid over to June 3, 2003, at 10 A.M., for decision, hearing closed.

77-99-BZ

APPLICANT - The Agusta Group, for Turnpike Auto Laundry Inc. Phil Frank President, owner.

SUBJECT - Application January 21, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired December 5, 2002.

PREMISES AFFECTED - 255-39 Jamaica Avenue, north side of Jamaica Avenue (a.k.a Jericho Turnpike) 80' west of 256th Street, Block 8830, Lot 52, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Philip P. Agusta.

ACTION OF THE BOARD - Laid over to June 24, 2003, at 10 A.M., for continued hearing.

37-00-BZ

APPLICANT - Leo Weinberger, Esq., for Pappco Holding Co., Ltd., owner; Sai Gas, Inc., lessee.

SUBJECT - Application March 7, 2003 - reopening for an extension of time to obtain a new certificate of occupancy.

PREMISES AFFECTED - 111-05 to 111-18 Van Wyck Expressway and 111-05 Lincoln Street, Block 11639, Lot 12, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Leo Weinberger.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to June 3, 2003, at 10 A.M., for decision, hearing closed.

122-99-A

APPLICANT - Wachtel & Masyr, LLP by Jesse Masyr, for FC Metropolitan Associates, LP, FC Sybilla Associates, LP; Regal Cinemas Inc., lessee.

SUBJECT - Application May 21, 1999 - an appeal requesting the reinstatement of the permits and approvals under Application No. 400658356 for an as-of-right development that were revoked by the Department of Buildings on April 23, 1999.

PREMISES AFFECTED - 91-70 Metropolitan Avenue,

99-00-BZ

APPLICANT - Eric Palatnik, P.C., for Rabbinical Seminary of America, owner.

SUBJECT - Application February 7, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 147-06 76th Avenue, 147th Street between 76th Road and 76th Avenue, Block 6685, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Anthony Scaduto, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to June 17, 2003, at 10 A.M., for decision, hearing closed.

139-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Mitchell Kaufman, owner.

SUBJECT - Application March 14, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a certificate of occupancy which expired February 5, 2003.

PREMISES AFFECTED - 27 West 38th Street, between Fifth and Sixth Avenues, Block 840, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Janet Abrams.

THE VOTE TO CLOSE HEARING -

Metropolitan Avenue, Sybilla Street, 69th Avenue and Ursula Place, Block 3386, Lots 800, 830, Borough of Queens.

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, May 6, 2003.

345-02-A

APPLICANT - The Agusta Group, for D.S.B. Construction, LLC, owner.

SUBJECT - Application November 19, 2002 - Proposed

MINUTES

construction of a two story, two 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 - 85-72 159th Street, northeast corner of Parsons Boulevard, Block 9778, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Philip P. Agusta.

ACTION OF THE BOARD - Appeal granted on condition. **THE VOTE TO GRANT** -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated October 28, 2002 acting on N.B. Application No. 401522857, reads in pertinent part:

"Construction of a dwelling in the bed of a mapped street is contrary to General City Law Number 35 . Refer to the Board of Standards and Appeals for their determination."; and

WHEREAS, by letter dated December 9, 2002 , the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated December 24, 2002, the Department of Environmental has reviewed the above project and has no objections; and

WHEREAS, by letter dated January 31, 2003, 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 October 28, 2002 acting on N.B. Application No. 401522857, 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 150-11 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 4, Borough of Queens

150-15 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 5, Borough of Queens.

150-19 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 6, Borough of Queens

150-23 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 7, Borough of Queens.

150-12 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 15, Borough of Queens.

150-16 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 14, Borough of Queens.

150-20 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 13, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

shall substantially conform to the drawing filed with the application marked, "Received April 28, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, May 6, 2003

6-03-A thru 14-03-A

APPLICANT - Joseph P. Morsellino, Esq., for Waterside Estates at Cresthaven, LLC, owner.

SUBJECT - Application January 13, 2003 - Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

150-03 Waterside Court, 150th Street, west of Third Avenue, Block 4506, Lot 2, Borough of Queens.

150-07 Waterside Court, 150th Street, west of Third Avenue, Block 4506, Lot 3, Borough of Queens

Negative:0

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the decisions of the Queens Borough Commissioner, dated December 20, 2002 acting on N.B. Application Nos. 401501585, 401501629, 401501638, 401501647, 401501656, 401501594, 401501665, 401501601, 401501610 read in pertinent part:

"Application herewith filed to obtain objection and denial, in order to apply to the Board of Standards and Appeals to erect one family dwellings not fronting on a mapped street.": and

WHEREAS, this appeal is for nine one family detached homes; and

WHEREAS, by the letter dated April 15, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence

MINUTES

to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated December 20, 2002 acting on N.B. Application Nos. 401501585, 629, 638, 647, 656, 594, 665, 601, 610 are modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received February 11, 2003"-(1) sheet; and that the proposal comply with all applicable R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT a deed restriction which requires that a homeowner's association be formed shall be placed on the property and each homeowner shall be required to join the homeowner's association; and the homeowner's association will be responsible for maintaining the private roadways;

THAT a copy of the deed restriction shall be recorded with the County Clerk's office and made part of the Department of Buildings file prior to the issuance of a Building Permit, with the exception of model homes, for which the deed restriction can be filed prior to the issuance of the Certificate of Occupancy;

THAT the deed restriction shall be recorded on the Certificate of Occupancy;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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;

150-85 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 74, Borough of Queens.

150-87 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 75, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD -Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the decisions of the Queens Borough Commissioner, dated December 17, 2002 acting on N.B. Application Nos. 401526247, 401526256, 401526265, 401526238, 401526005, 401526014, 401526023, 401526032,

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, May 6, 2003.

15-03-A thru 23-03-A

APPLICANT - Joseph P. Morsellino, Esq., for Waterside Estates at Cresthaven, LLC, owner.

SUBJECT - Application January 13, 2003 - Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

150-68 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4506, Lot 12, Borough of Queens.

150-79 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 71, Borough of Queens.

150-81 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 72, Borough of Queens.

150-83 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 73, Borough of Queens.

401526041, read in pertinent part:

"Application herewith filed to obtain objection and denial, in order to apply to the Board of Standards and Appeals to erect one family dwellings not fronting on a mapped street."; and

WHEREAS, this appeal is filed for nine one family detached homes; and

WHEREAS, by the letter dated April 15, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the Department of Transportation has requested that a stop sign be installed to regulate vehicular traffic exiting the development; 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 December 17, 2002 acting on N.B. Application Nos. 401526247, 256, 265, 238, 005, 014, 023, 032, 041 are modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, AReceived February 11, 2003 "(1) sheet; and that the proposal comply with all applicable R3-2 zoning district

MINUTES

requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT a deed restriction which requires that a homeowner's association be formed shall be placed on the property, each homeowner shall be required to join the homeowner's association; and the homeowner's association will be responsible for maintaining the private roadways;

THAT a copy of the deed restriction shall be recorded with the County Clerk's office and made part of the Department of Buildings file prior to the issuance of a Building Permit, with the exception of model homes, for which the deed restriction can be filed prior to the issuance of the Certificate of Occupancy;

THAT the deed restriction shall be recorded on the Certificate of Occupancy;

THAT a stop sign shall be installed at the end of the street that will regulate traffic exiting the development;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

" A 1- The street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York , Therefore:

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law.

B) Existing dwelling to be altered does not have at least 8% of total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to Section 27-291 of the of the Administrative Code of the City of New York."; and

WHEREAS, by the letter dated March 14, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated January 28, 2003 acting on ALT 1. Application No. 401566328 is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received April 18, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed

to the relief granted."

Adopted by the Board of Standards and Appeals, May 6, 2003.

65-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Ms. Sheila Duranti, Maureen & Joseph Quinlan, Patricia & Frank Cretella, lessees.

SUBJECT - Application February 10, 2003 - Proposed first story alteration, and the addition of a partial second story to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 11 Fulton Walk, east side, 119.9' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated January 28, 2003 acting on ALT 1. Application No. 401566328, reads in pertinent part: within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, May 6, 2003.

66-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Ms. Sheila Duranti, Maureen & Joseph Quinlan, Patricia & Frank Cretella, lessees.

SUBJECT - Application February 10, 2003 - Proposed first story alteration, and the addition of a partial second story to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

MINUTES

PREMISES AFFECTED - 40 Beach 220th Street, west side, 180' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated January 28, 2003 acting on ALT 1. Application No. 401568148, reads in pertinent part:

"A 1- The street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York , Therefore:

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law.

B) Existing dwelling to be altered does not have at least 8% of total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to Section 27-291 of the of the Administrative Code of the City of New York"; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, May 6, 2003.

67-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Ms. Sheila Duranti, Maureen & Joseph Quinlan, Patricia & Frank Cretella, lessees.

SUBJECT - Application February 10, 2003 - Proposed first story alteration, and the addition of a partial second story to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 3 Graham Place, north side, 180' west of Beach 201 Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough

WHEREAS, by the letter dated March 14, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated January 28, 2003 acting on ALT 1. Application No. 401568148 is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received April 18, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

Commissioner, dated January 28, 2003 acting on ALT 1. Application No. 401545404, reads in pertinent part:

" A 1- The street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York , Therefore:

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law.

B) Existing dwelling to be altered does not have at least 8% of total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to Section 27-291 of the of the Administrative Code of the City of New York."; and

WHEREAS, by the letter dated March 14, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated January 28, 2003 acting on ALT 1. Application No. 401545404 is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received April 18, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board

MINUTES

in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, May 6, 2003.

45-03-A thru 64-03-A

APPLICANT - Robert E. Englert, A.I.A., for Sleepy Hollow Development Corp., owner.

SUBJECT - Application February 10, 2003 - Proposed two family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED -

69 Hall Avenue, north side, 595.62' west of Willowbrook Road,

43 Hall Avenue, north side, 300.62' west of Willowbrook Road, Block 2091, Lot 70, Borough of Staten Island.

41 Hall Avenue, north side, 275.62' west of Willowbrook Road, Block 2091, Lot 69, Borough of Staten Island.

39 Hall Avenue, north side, 250.62' west of Willowbrook Road, Block 2091, Lot 68, Borough of Staten Island.

37 Hall Avenue, north side, 225.62' west of Willowbrook Road, Block 2091, Lot 67, Borough of Staten Island.

35 Hall Avenue, north side, 200.62' west of Willowbrook Road, Block 2091, Lot 66, Borough of Staten Island.

31 Hall Avenue, north side, 267.12' west of Willowbrook Road, Block 2091, Lot 65, Borough of Staten Island.

29 Hall Avenue, north side, 143.62' west of Willowbrook Road, Block 2091, Lot 63, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Robert E. Englert, A.I.A.

For Opposition: James S. Oddo, Glenna O'Hare, Brian Frayne, Alyce Gessin, Fran Lamarkin, Steve Miraglia and others.

ACTION OF THE BOARD - Laid over to July 15, 2003, at 10 A.M., for continued hearing.

79-03-A

APPLICANT - Naftali Zvi Dembitzer, for Kemmy Safdie, owner, Morris & Sari Chera & Sarmo Mgmt. Corp., lessee.

SUBJECT - Application March 4, 2003 - An administrative appeal challenging the Department of Buildings' final determination, dated February 7, 2003, declining to revoke the Certificate of Occupancy No. 300518296("CO"), that was unlawfully obtained from the Department on or about February 16, 1999 for said premises.

PREMISES AFFECTED - 3149 Bedford Avenue, 180'-0 north

Block 2091, Lot 85, Borough of Staten Island.

67 Hall Avenue, north side, 570.62' west of Willowbrook Road, Block 2091, Lot 80, Borough of Staten Island.

65 Hall Avenue, north side, 545.62' west of Willowbrook Road, Block 2091, Lot 79, Borough of Staten Island.

63 Hall Avenue, north side, 520.62' west of Willowbrook Road, Block 2091, Lot 78, Borough of Staten Island.

61 Hall Avenue, north side, 495.62' west of Willowbrook Road, Block 2091, Lot 77, Borough of Staten Island.

59 Hall Avenue, north side, 465.62' west of Willowbrook Road, Block 2091, Lot 76, Borough of Staten Island.

55 Hall Avenue, north side, 435.62' west of Willowbrook Road, Block 2091, Lot 75, Borough of Staten Island.

53 Hall Avenue, north side, 410.62' west of Willowbrook Road, Block 2091, Lot 74, Borough of Staten Island.

51 Hall Avenue, north side, 385.62' west of Willowbrook Road, Block 2091, Lot 73, Borough of Staten Island.

49 Hall Avenue, north side, 355.62' west of Willowbrook Road, Block 2091, Lot 72, Borough of Staten Island.

45 Hall Avenue, north side, 325.62' west of Willowbrook Road, Block 2091, Lot 71, Borough of Staten Island.

of the corner of Avenue "J", Block 7607, Lot 35, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant Naftali Zvi Dembitzer and David Itginger.

For Administration: Lisa M. Orrantia, Department of Buildings.

ACTION OF THE BOARD - Laid over to June 17, 2003, at 10 A.M., for June 17, 2003.

Pasquale Pacifico, Executive Director.

Adjourned: 12:30 P.M.

REGULAR MEETING TUESDAY AFTERNOON, MAY 6, 2003 1:30 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele

ZONING CALENDAR

82-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Sholem Freund, owner.
SUBJECT - Application August 8, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, in a manufacturing (M1-2) zoning district, which also exceeds the maximum permitted floor area ratio, lot coverage and rear yard, which is contrary to Z.R. §42-00, §23-145 and §23-47.

PREMISES AFFECTED - 788 Kent Avenue, 25' south of Little Nassau Street, Block 1883, Lot 23, Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Application granted on condition THE VOTE TO GRANT-

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 17, 2002 acting on N.B. Application No. 301293785 reads:

" PROPOSED SCOPE OF WORK IS CONTRARY TO
ZR 42-00 IN THAT USE GROUP 2 (RESIDENTIAL IS
NOT A PERMITTED USE IN AN M1-2 ZONING

WHEREAS, the subject site is located on Kent Avenue with frontages on Little Nassau Street and Park Avenue containing 2,500 square feet of lot area improved with a non-conforming two-story with cellar, two family dwelling ; and

WHEREAS, the record indicates that the subject block contains single family, multiple dwellings, religious uses and a funeral home, and that out of the existing eleven 25' lots, five have buildings that span at least two lots and three are vacant; and

WHEREAS, the applicant represents that to the south and west, the premises abuts lots housing residential uses and it would it would more detrimental to develop the property with a manufacturing use in a building that houses residential and community facility uses; and

WHEREAS, evidence in the record indicates that the lot is underdeveloped when compared to the permitted manufacturing floor area and when compared with the lot area for the closest residential, R7, zone ; and

WHEREAS, the Board finds that there are unique conditions to the lot, namely the history of development with a non-conforming use and its close proximity to other residential developments create an undue hardship and a practical difficulty in complying with the current zoning; and

WHEREAS, evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that a conforming use in the entire building would not yield a reasonable return; and

WHEREAS, the record indicates that the subject property is located in an area characterized by a mixture of residential, community facility, commercial/light manufacturing uses; and

WHEREAS, the Board notes that there are residential uses in close proximity to the subject site, and there are no manufacturing uses adjacent to the site; and

WHEREAS, therefore, the Board finds that the proposed development will neither alter the essential character of the neighborhood, nor impair the appropriate use or development of adjacent property nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under '72-21 of

DISTRICT"; and

WHEREAS, a public hearing was held on this application on October 29, 2002 after due notice by publication in The City Record and laid over to February 4, 2003, March 18, 2003, April 15, 2003 and then to May 6, 2003, for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, former Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit, in an M1-2 zoning district, the erection of a six-story multiple dwelling (Use Group 2), which exceeds the maximum permitted floor area ratio, lot coverage and rear yard contrary to Z.R. §§42-00, 23-145 and 23-47; and the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, in an M1-2 zoning district, the erection of a six-story multiple dwelling (Use Group 2), which exceeds the maximum permitted floor area ratio, lot coverage and rear yard contrary to Z.R. §§42-00, 23-145 and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received "April 4, 2003" - (6) sheets; and on further condition;

THAT in accordance with the Board-approved plans, the premises shall provide and maintain the following:

(1) Entire building shall be fully sprinklered with an automatic wet sprinkler system connected to a Fire Department-approved Central Monitoring Station.

(2) Residential smoke detection system connected to a Fire Department-approved Central Monitoring Station shall be hardwired and be compliant with Local Law 62/81;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

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

MINUTES

Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 6, 2003.

218-02-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Coney on the Park, LLC, owner.

ACTION OF THE BOARD - Application granted on condition THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE VOTE TO GRANT-

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 15, 2002 acting on Application No. 301303104 reads:

"Residential use not permitted in a C8-2 Zoning District. Refer to the Board of Standards and Appeals for Bulk and Residential Use"; and

WHEREAS, a public hearing was held on this application on December 10, 2002 after due notice by publication in The City Record and laid over to January 28, 2003, February 25, 2003, April 8, 2003 and then to May 6, 2003, for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit, in a C8-2 zoning district, the erection of a nine-story multiple dwelling with 59 dwelling units (Use Group 2), which is contrary to Z.R. §32-00; and

WHEREAS, the subject site is located on an approximately 15,622 square foot parcel located on the westerly side of Coney Island Avenue, between Caton Avenue and Caton Place in Brooklyn; and

WHEREAS, the record indicates that the subject site is irregularly shaped interior lot, with a depth ranging from 150' to 175'; and

WHEREAS, the applicant has submitted test borings taken at that site which indicate that the presence of substandard soil conditions and the necessitation of the use of a pile foundation system; and

WHEREAS, the Board finds that there are unique conditions to the lot, namely, the irregular shape and substandard soil conditions which create an undue hardship and a practical difficulty in conforming with the current zoning; and

SUBJECT - Application August 2, 2002 - under Z.R. § 72-21 to permit the proposed construction of a twelve-story mixed-use building, Use Groups 2 and 6, located in a C8-2 zoning district, which will include 75 residential units, and is contrary to Z.R. §32-00.

PREMISES AFFECTED - 46 Coney Island Avenue, between Kermit Place and Caton Avenue, Block 5322, Tentatively Lot 65, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

WHEREAS, evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that a conforming use would not yield a reasonable return; and

WHEREAS, in response to Board requests and concerns of the community, the applicant has reduced the height, size, and number of dwelling units; and

WHEREAS, the applicant represents that the C8-2 zoning district in which the subject property is located in, is a narrow strip which extends for only a few blocks along the west side of Coney Island Avenue; and

WHEREAS, the record indicates that the surrounding zoning districts are medium to high-density residential zones; and

WHEREAS, the neighborhood within the immediate vicinity of the site is characterized by a mixture of residential dwellings, community facilities, and a park; and

WHEREAS, the Board finds that the proposed development will neither alter the essential character of the neighborhood, nor impair the appropriate use or development of adjacent property nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, in a C8-2 zoning district, the erection of a nine-story multiple dwelling with 59 dwelling units (Use Group 2), which is contrary to Z.R. §32-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received "May 2, 2003"- (9) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed

MINUTES

within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 6, 2003.

353-02-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Amerada Hess Corp., owner.

SUBJECT - Application December 6, 2002 - under Z.R. §73-52 to permit the proposed erection of a one story, accessory convenience store, at an existing automotive service station, also the extension of the existing use, into the residential portion of the zoning lot, requires a special permit.

PREMISES AFFECTED - 210 Greenpoint Avenue, southwest corner of McGuinness Boulevard, Block 2576, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Carl A. Sulfaro and Robert W. Bronzino.

ACTION OF THE BOARD -

THE VOTE TO REOPEN HEARING - Application granted on condition.

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE VOTE TO GRANT-

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated November 7, 2002 acting on Application No. 301239878 reads:

"Proposed erection of one story accessory convenience store at an automotive service station (UG 16) located on a lot which is zoned R-6 and M1-1 is contrary to section 22-00 Z.R. and is hereby denied."; and

WHEREAS, a public hearing was held on this application on March 4, 2003 after due notice by publication in The City Record,

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §73-52,

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;

and laid over to April 8, 2003 and then to May 6, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, former Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit pursuant to Z.R. §73-52, to allow, on a site previously before the Board, in an R6-3 and an M1-1 zoning District, the erection of a one-story, accessory convenience store, at an existing automotive service station and the extension of the existing use, into the residential portion of the zoning lot contrary to Z.R. §22-00; and

WHEREAS, the existing automotive service station has occupied the site since 1975, when it was permitted as-of-right as it was located within an M1-1 zoning district; and

WHEREAS, the record indicates that through a series of Board actions, the automotive service station expanded into the residential portion of the lot; and

WHEREAS, the applicant represents that the 28' by 50' rectangular portion within the residential portion of the lot is paved and fenced off and undeveloped and it is now proposed to construct an accessory convenience store containing 708 square feet of floor area at the rear of the property and also to remove the existing one-story storage building; and

WHEREAS, the proposal will also provide an enclosure for trash along with 10 designated parking stalls as well as new fencing and planting areas to provide a buffer located along the westerly lot line; and

WHEREAS, the Board agrees with the applicant's representation that there is not room within the service station to provide the proposed convenience store and provide adequate accessory parking spaces and adequate turning space for customers needing access to the pump islands; and

WHEREAS, the Board notes that although relatively small in size, the proposed convenience store will enable the applicant to compete with surrounding service stations that already contain accessory convenience stores; and

WHEREAS, the applicant will mitigate adverse impacts to adjacent residential uses by providing 100% enclosed privacy fence on all sides and a planting area with densely planted shrubs; and

WHEREAS, the Board finds that the introduction of the proposed convenience store will not negatively affect the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-52 and 73-03.

to allow, on a site previously before the Board, in an R6-3 and an M1-1 zoning District, the erection of a one-story, accessory convenience store, at an existing automotive service station and the extension of the existing use, into the residential portion of the zoning

MINUTES

lot contrary to Z.R. §22-00, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received March 25, 2002"- (7) sheets; and on further condition;

THAT landscaping be provided and maintained in accordance with BSA approved plans;

THAT there shall be no washing of cars other than as an accessory use;

THAT there shall be no used car sales on the premises;

THAT there shall be no parking of cars on the sidewalk at any time;

THAT any automobile vacuums shall only be operated between the hours of 9:00 A.M.- 7:00 P.M.;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring May 6, 2013;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT construction shall be completed in accordance with Z.R. §73-70;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within 2 years 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, May 6, 2003.

359-02-BZ

APPLICANT - Petraro & Jones, LLP, for Wegweiser & Erlich, LLC, owner.

SUBJECT - Application December 13, 2002 - under Z.R. §§42-31 & 73-19 to permit the proposed private school, Use Group 3, located in an M1-5 zoning district, which requires a special permit as per Z.R. §42-31.

PREMISES AFFECTED - 53/55 Beach Street, northwest corner of Collister Street, Block 214, Lot 1, Borough of Manhattan.

WHEREAS, the proposed pre-school will be located in the Tribeca neighborhood surrounded by numerous residences within Tribeca and outside of the manufacturing zoning districts; and

WHEREAS, the record indicates that special zoning regulations for the neighborhood provide enhanced opportunities for housing that typically do not exist for manufacturing districts resulting in Tribeca being a mixed-use area of residences, light

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Pat Jones.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 31, 2003 acting on Application No. 103314922 reads:

"The proposed school (Use Group 3) is not permitted in the Special Tribeca Mixed Use District Area B2 Per New York City Zoning Resolution Sections:111-02(b) 111-104(d), and 41-12. Therefore a Board of Standards and Appeals variance per ZR Section 72-21 is required. This Objection Supercedes my objection dated January 17/03"; and

WHEREAS, a public hearing was held on this application on April 15, 2003 after due notice by publication in The City Record, and laid over April 29, 2003 and then to May 6, 2003 for decision; and

WHEREAS, Community Board No. 1 in Manhattan recommended approval of the subject application; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, former Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a variance pursuant to Z.R. §72-21, to permit, in an M1-5 (Special Tribeca Mixed Use District) zoning district, the establishment of a pre-school, Use Group 3, on the ground floor and cellar of the subject building contrary to Z.R. Section 42-31; and

WHEREAS, the subject building is located at the northwest corner of Beach Street and Collister Street, presently housing an art gallery with incidental storage; and

WHEREAS, applicant represents that solely interior changes will be made to accommodate the school and that the school will occupy approximately 3,200 square feet of floor area on the ground floor of the eastern side of the building housing classrooms and office space with the cellar being used for storage; and

WHEREAS, the record indicates that the remainder of the building will continue to house the existing horticultural business; and

WHEREAS, the portion of the building where the pre-school is planned has no loading area and is accessible by a four step stairway at the building's southeast corner; and

WHEREAS, the record indicates that adverse noise impacts will be mitigated by providing adequate noise separation by sound-attenuating exterior brick walls and double-glazed windows; and

manufacturing, and clusters of street-level commercial uses; and

WHEREAS, the Board agrees with the applicant's contention that the aforementioned presence of a horticulture business occupying the entire building except for the space where the school is proposed, (2) design impracticality, and (3) the Department of Buildings' treatment of the lot as being subject to the Tribeca Mixed Use district regulations create an undue hardship for the school to

meet its programmatic needs while conforming to current zoning; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, the Board notes that as a matter of law, schools are considered beneficial to the public good; and

WHEREAS, the record indicates that the surrounding neighborhood is characterized by a mixture of residential, commercial and light manufacturing uses; and

WHEREAS, therefore, the Board finds that the instant applications 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, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §72-21, to permit, in an M1-5 zoning district, the establishment of a pre-school, Use Group 3, on the ground floor and cellar of the subject building contrary to Z.R. §42-31, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 21, 2003"- (7) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only

120-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Abraham Lokshin, owner; Dolphin Fitness, Inc., lessee.

SUBJECT - Application April 15, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment,

for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 6, 2003.

60-02-BZ

APPLICANT - Harold Weinberg, P.E., for Naomi Kunin, owner. SUBJECT - Application February 15, 2002 - under Z.R. §73-622, to permit the legalization of an interior enlargement in an existing one family dwelling, Use Group 1, which creates non-compliance with respect to floor area ratio and rear yard, which is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 3849 Bedford Avenue, east side, 380.0' south of Quentin Road, Block 6808, Lot 71, Borough of Brooklyn

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for continued hearing.

114-02-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., - Vito J. Fossella, P.E., for Jerry Campitiello, owner.

SUBJECT - Application April 12, 2002 - under Z.R. §72-21, to permit the proposed new two story commercial building, with retail sales on the first floor and offices on the second floor, Use Group 6, located in an R2 zoning district, which is contrary to Z.R. §22-00. PREMISES AFFECTED - 2493 Richmond Road, northwest corner of Odin Avenue, Block 947, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Victor Han.

For Opposition: Heather Forbes, Robert Trojano, Stella Orso and Allison Kamersky.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to May 20, 2003, at 1:30 P.M., for decision, hearing closed.

Use Group 9, located in the cellar of a six story building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 42 Avenue "A", northeast corner of East Third Street, Block 399, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to June 3, 2003, at 1:30 P.M., for decision, hearing closed.

165-02-BZ thru 176-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit the proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00 and does not provide the required thirty foot rear yard, light and air, which is contrary to Article 3, Section 26 of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

PREMISES AFFECTED -

147 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 27, Borough of Brooklyn.

151 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 25, Borough of Brooklyn.

153 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 24, Borough of Brooklyn.

155 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 23, Borough of Brooklyn.

157 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 22, Borough of Brooklyn.

159 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Allison Kamensky.

ACTION OF THE BOARD - Laid over to June 17, 2003, at 1:30 P.M., for continued hearing.

186-02-BZ thru 191-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

APPEARANCES -

For Applicant: Jeffrey Chester and Dinar Chodhury.

ACTION OF THE BOARD - Laid over to June 24, 2003, at 1:30 P.M., for continued hearing.

214-02-BZ

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not provide the required light and ventilation, is contrary to §27-733 of the NYC Building Code.

PREMISES AFFECTED -

143 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 29, Borough of Brooklyn.

145 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 28, Borough of Brooklyn.

149 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Allison Kamensky.

ACTION OF THE BOARD - Laid over to June 17, 2003, at 1:30 P.M., for continued hearing.

185-02-BZ

APPLICANT - Sheldon Lobel, P.C., for North Ninth Street Realty, LLC., owner.

SUBJECT - Application June 5, 2002 - under Z.R. §72-21 to permit the proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 93/101 North Ninth Street, north side, between Wythe Avenue and Berry Street, Block 2303, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jordan Most, David Stern and Marc Esrig.

ACTION OF THE BOARD - Laid over to June 24, 2003, at 1:30 P.M., for continued hearing.

202-02-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for Hajj D. Corp., owner.

SUBJECT - Application July 1, 2002 - under Z.R. §72-243 to permit the proposed construction of an accessory drive-thru facility in conjunction with an eating and drinking establishment, Use Group 6, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 133-20 Rockaway Boulevard, between 133rd and 134th Streets, Block 11757, Lot 55, Borough of Queens.

COMMUNITY BOARD #12Q

APPLICANT - Sheldon Lobel, P.C., for Berry Complex LLC, owner.

SUBJECT - Application July 16, 2002 - under Z.R. §72-21 to permit the proposed conversion of a light manufacturing building, to residential use, Use Group 2, located in an M1-2 zoning district, which is contrary to §42-00.

PREMISES AFFECTED - 55 Berry Street, site fronts both North 11th and Berry Streets, Block 2297, Lot 5, Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to June 3, 2003, at 1:30 P.M., for decision, hearing closed.

238-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Peter Krashes, owner.

SUBJECT - Application August 25, 2003 - under Z.R. §72-21 to permit the legalization of two residential units, in a building that is located within an M1-1 area zoned for manufacturing use, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 638 Dean Street, south side, between Carlton and Vanderbilt Avenues, Block 1137, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Steven Bennett, Esq., R.A.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to June 17, 2003, at 2 P.M., for decision, hearing closed.

265-02-BZ

APPLICANT - Koutsomitis Architects, P.C., for Ramakrishna Vivekanada Center of NY, owner.

SUBJECT - Application October 2, 2002 - under Z.R. §72-21 to permit the proposed rear enlargement to the first and second floors of an existing community facility, Use Group 4, which is being changed from a school, to accessory church uses, located in an R8B and R10 zoning district, which creates non-compliance in regards to rear yard, and is contrary to §24-36 and §54-31.

PREMISES AFFECTED - 19 East 94th Street, south side, 108' APPLICANT - Fredrick A. Becker, Esq., for Metropolitan Insurance and Annuity Co., owner.

SUBJECT - Application December 12, 2002 - under Z.R. §73-36 to permit the proposed physical culture establishment, on portions of the first and second floors, in a multi-story commercial, retail and office building, located in a C5-3 (MiD) zoning district, which requires a special permit as per §32-10.

PREMISES AFFECTED - 200 Park Avenue, southern blockfront of East 45th Street, between Vanderbilt Avenue and Depew Place, Block 1280, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick A. Becker.

west of the intersection of Madison Avenue and East 94th Street, Block 1506, Lot 13, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Peter Hirshman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to June 17, 2003, at 1:30P.M., for decision, hearing closed.

357-02-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for JAF of Bayside, LLC, owner; Bayside Dialysis Center, Inc., lessee.

SUBJECT - Application December 9, 2002 - under Z.R. §72-21 to permit the proposed rear yard enlargement, of an existing one-story dialysis center, which creates non-compliance with respect to required rear yard equivalents and permitted obstructions in the required rear yard or rear yard equivalents, and is contrary to Z.R. §33-28 and §33-23.

PREMISES AFFECTED - 201-10 Northern Boulevard, block bounded by Northern Boulevard, 44th and 45th Avenues, 202nd Street and Francis Lewis Boulevard, Block 5523, Lot 22, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Howard Hornstein and Barbara Hair.

For Opposition: James Carballal, Mary Carballal, Pauline Compton and others.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to June 17, 2003, at 1:30 P.M., for decision, hearing closed.

358-02-BZ

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to June 17, 2003, at 1:30 P.M., for decision, hearing closed.

366-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Nahum Z. Rabinowitz, owner; Chevra Nachlas Joshua Chasidei Monastritch, lessee.

MINUTES

SUBJECT - Application December 18, 2002 - under Z.R. §72-21 to permit the proposed conversion of a two family dwelling, to a synagogue and Rabbi's apartment (rectory), Use Group 4, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, front yard, lot coverage and side yards, and is contrary to Z.R. §24-111, §23-141, §24-34, §24-35.

PREMISES AFFECTED - 2702 Avenue "M" aka 1301 East 27th Street, southeast corner, Block 7663, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Josef Friedman and Moshe Friedman

For Opposition: Stuart Klein.

ACTION OF THE BOARD - Laid over to June 17, 2003, at 1:30 P.M., for continued hearing.

367-02-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for Rudolf Alonzo, owner.

SUBJECT - Application December 18, 2002 - under Z.R. §72-21 to permit the legalization of an existing dance studio, Use Group 9, located in the cellar of a five story multi-family building, which is not permitted in an R8-B zoning district, and is therefore contrary to Z.R. §22-10.

PREMISES AFFECTED - 434 East 75th Street, between First and York Avenues, Block 1469, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Jeffrey Chester, Natalia Brillante and Alexandra Lanau.

ACTION OF THE BOARD - Laid over to June 24, 2003, at 1:30 P.M., for continued hearing.

375-02-BZ

95-03-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Ross & Ross LLC, owner; Northside Center for Child Development, Inc., lessee.

SUBJECT - Application March 26, 2003 - under Z.R. §73-19 to permit the proposed head start school, Use Group 3, located in an M1-4 zoning district, which requires a special permit.

PREMISES AFFECTED - 302 East 111th Street, between First and Second Avenues, Block 1682, Lot 46, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Chris Wright.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to May 20, 2003, at 1:30 P.M., for decision, hearing closed

APPLICANT - Moshe M. Friedman, P.E., for Congregation Tzlosa D'Shlomo, owner.

SUBJECT - Application December 30, 2002 - under Z.R. §72-21 to permit the proposed new synagogue and Rabbi's apartment (rectory), Use Group 4, located in an R5 zoning district, which does not comply with the zoning requirements for floor area, side yards, front yard, maximum lot coverage, front wall height, narrow outer court and the sky exposure plane, is contrary to Z.R. §24-11, §24-34, §24-35, §24-521 and §24-631.

PREMISES AFFECTED - 1559 59th Street, north side, 200' west of 16th Avenue, Block 5502, Lot 54, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Josef Friedman and Moshe Friedman.

ACTION OF THE BOARD - Laid over to June 24, 2003, at 1:30 P.M., for continued hearing.

31-03-BZ

APPLICANT - Eric Palatnik, P.C., for Abraham Malek, owner.
SUBJECT - Application January 21, 2003 - under Z.R. § 73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located within an R2 zoning district, which does not comply with the zoning requirements for floor area and open space ratio is contrary to Z.R. §23-141.

PREMISES AFFECTED - 2502 Avenue "M" southeast corner of Bedford Avenue, Block 7661, Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik and David Shtelerman.

For Opposition: Isabella Caruso.

ACTION OF THE BOARD - Laid over to June 24, 2003, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 4:10 P.M.

MINUTES

CORRECTIONS

***CORRECTION**

Z.R §§23-141, 23-461 and 23-47; and

This resolution adopted on February 25, 2003, under Calendar No. 286-02-BZ and printed in Volume 88, Bulletin Nos. 9-10, is hereby corrected to read as follows:

286-02-BZ

CEQR #03-BSA-065K

APPLICANT - Sheldon Lobel, P.C., for Moshe & Sima Mehlman, Contract Vendee.

SUBJECT - Application October 25, 2002 - under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area, open space, side and rear yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47.

PREMISES AFFECTED - 1111 East 26th Street, between Avenues "K" and "L", 100' south of Avenue "K", Block 7626, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Jacqueline Cigliano.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele5

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated January 16, 2003, acting on Application No. 301413058 reads:

"Obtain special permit approval from the Board of Standards and Appeals for the following objections:

- 1). Proposed floor area contrary to zr 23-141.
- 2). Proposed open space ration contrary to zr 23-141.
- 3). Proposed rear yard contrary to zr 23-47.
- 4). Proposed side yard contrary to zr 23-461.;" and

WHEREAS, a public hearing was held on this application on February 4, 2003 after due notice by publication in *The City Record*, and laid over to February 25, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area, open space, side and rear yard requirements, and is contrary to

WHEREAS, the perimeter wall height will comply with the applicable zoning regulations; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area, open space, side and rear yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received October 25, 2002"-(4) sheets and "December 10, 2002"-(2) sheets; and *on further condition*;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, February 25, 2003.

***The resolution has been corrected to add: "DOB Applic. #301413058. Corrected in Bulletin No. 20, Vol. 88, dated May 15, 2003.**

CORRECTIONS

*CORRECTION

This resolution adopted on November 26, 2002, under Calendar No. 199-02-BZ and printed in Volume 87, Bulletin No. 48, is hereby corrected to read as follows:

199-02-BZ

CEQR #02-BSA-231M

APPLICANT - Law Offices of Howard Goldman, PLLC, for Cabrini Ctr for Nursing & Rehab & St. Cabrini Nursing Home, owner.

SUBJECT - Application June 21, 2002 - under Z.R. §72-21, to permit in an R7-2 zoning district, on a parcel containing three residential buildings, the proposed construction of a nine-story 58,647 square foot, 71 unit, residence for the elderly, (Use Group 2), contrary to Z.R. §§23-144, 23-633 and 23-462.

PREMISES AFFECTED - 210/220 East 19th Street, bounded by Second and Third Avenues, Block 899, Lots 46 through 49 and 51, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Chris Wright.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 14, 2002 acting on Application No. 103154532 reads:

- “1. Proposed construction of non-profit residences for the elderly does not comply with Section 23-144 of the NYC Zoning Resolution (Maximum Floor Area Ratio)
2. Proposed construction of non-profit residences for the elderly does not comply with Section 23-633 of the NYC Zoning Resolution (Height and Setback Regulations)
3. Proposed construction of non-profit residences for the elderly does not comply with Section 23-462 of the NYC Zoning Resolution (Side Yard Regulations).”;

WHEREAS, a public hearing was held on this application on October 22, 2002 after due notice by publication in *The City Record*, laid over to November 26, 2002 for decision; and

WHEREAS, the site and surrounding area had a site

and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R7-2 zoning district, on a parcel containing three residential buildings, the proposed construction of a nine-story 58,647 square foot, 71 unit, residence for the elderly, (Use Group 2), contrary to Z.R. §23-144, 23-633 and 23-462; and

WHEREAS, two of the three buildings, are vacant and the third is in the process of being vacated; and

WHEREAS, the applicant represents that federal funding authorizations require the creation of 71 units with a specific design criteria for low-income supportive housing for the elderly and is therefore seeking a variance to increase the allowable Floor Area Ratio by 5%, a waiver of the height and setback requirements for the front portion of the uppermost two floors and a reduction of the minimum depth required for the side yard on the west side of the building from eight feet to five; and

WHEREAS, according to the record four units will be set aside for the mobility impaired and up to 20 units will house tenants classified as frail elderly, additionally, federal regulations will also require that a community space be allocated and an office for an on-site caseworker ; and

WHEREAS, the applicant has provided health and social services to the elderly for over 100 years; and

WHEREAS, the applicant’s other facilities include a 240-bed facility on East 5th Street and a 489-bed teaching hospital located across the street from the subject site; and

WHEREAS, the applicant is mandated to equip each apartment with safety fixtures such as help alarms, handle bars, as every room must accommodate the needs of the elderly from the very active to the severely impaired; and

WHEREAS, the applicant’s programmatic needs discussed above, create a practical difficulty with strict compliance with the bulk provisions of the Zoning Resolution; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, this application will provide housing for senior citizens which is consistent with the residential and community facility character of the surrounding streets and the underlying R7-2 zoning district; and

WHEREAS, therefore, the Board finds that the subject proposal will not alter the essential character of the neighborhood or substantially impair the appropriate use or development of the surrounding area nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, evidence in the record demonstrates that this proposal, is the minimum necessary to meet the applicant's programmatic needs; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be

made under Z.R. §72-21; and

CORRECTIONS

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R7-2 zoning district, on a parcel containing three residential buildings, the proposed construction of a nine-story 58,647 square foot, 71 unit, residence for the elderly, (Use Group 2), contrary to Z.R. §§23-144, 23-633 and 23-462, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 21, 2002"- (12) sheets and on further condition;

THAT an Automatic Wet sprinkler system to be installed throughout the entire building and connected to a Fire Department approved Central Station;

THAT A fire alarm system be installed throughout the entire building and connected to a Fire Department approved Central Station;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the premises shall meet all applicable requirements of §12-10, *Non-profit residence for the elderly*;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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 including all fire safety and egress requirements, 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, November 26, 2002.

***The resolution has been corrected in that the part which read:** *"Therefore, it is Resolved that the Board of Standards and Appeals adopts the Department of City Planning's Negative Declaration issued on March 20, 2002 "* **now reads:** *"Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration". Corrected in Bulletin No. 20, Vol. 88, dated May 15, 2003.*

Pasquale Pacifico, Executive Director.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, Nos. 21-23

May 22, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

| | |
|----------------------------------|---------|
| DOCKET | 375-376 |
| CALENDAR of June 24, 2003 | |
| Morning | 377 |
| Afternoon | 378-379 |

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, May 20, 2003**

Morning Calendar380

Affecting Calendar Numbers

| | |
|---------------------------|--|
| 421-62-BZ | 153 East 57 th Street, Manhattan |
| 830-62-BZ | 157 East 57 th Street, Manhattan |
| 716-82-BZ | 209-30 Northern Boulevard, Queens |
| 286-82-BZ | 100 7 th Avenue, a/k/a 808 Union Avenue, Brooklyn |
| 74-49-BZ | 515 7 th Avenue and 144-158 West 38 th Street, Manhattan |
| 529-52-BZ | 77-11 Roosevelt Avenue, Queens |
| 763-59-BZ | 1764 University Avenue, Bronx |
| 80-75-BZ | 1377/1381 Sutter Avenue, Brooklyn |
| 190-75-BZ | 301-321 East 79 th Street, Manhattan |
| 660-77-BZ | 136-50 41 st Avenue, 41 st Avenue, Queens |
| 1043-80-BZ | 1680/88 Albany Avenue, a/k/a 4024 Marginal Street, Brooklyn |
| 561-87-BZ | 2700 Jerome Avenue, Bronx |
| 50-92-BZ | 1282 Shakespeare Avenue, Bronx |
| 172-97-BZ | 1023 Brighton Beach Avenue, Brooklyn |
| 259-00-BZ | 26 Court Street, a/k/a 179 Remsen Street, Brooklyn |
| 132-01-BZ | 1283 East 22 nd Street, Brooklyn |
| 332-01-A thru 333-02-A | 107 City Boulevard and 148 Norma Place, Staten Island |
| 86-03-A & 87-03-A | 11-19 132 nd Street and 132-01 14 th Avenue, Queens |

CONTENTS

| | |
|--|---|
| Afternoon Calendar..... | 385 |
| <u>Affecting Calendar Numbers:</u> | |
| 114-02-BZ | 2493 Richmond Road, Staten Island |
| 271-02-BZ | 1627 46 th Street, Brooklyn |
| 285-02-BZ | 900 East 213 th Street, a/k/a 3580 Bronxwood Avenue, Bronx |
| 329-02-BZ | 182-40 Radnor Road, Queens |
| 368-02-BZ | 22/36 Astor Place, a/k/a 443/49 Lafayette Street and 64/78 Cooper Square, Manhattan |
| 370-02-BZ thru 373-02-BZ | 56-14/56-24/56-26/56-44 Main Street, Queens |
| 1-03-BZ | 128-05 Hawtree Creek Road, Queens |
| 35-03-BZ | 12-18 154 th Street, a/k/a 152-61 12 th Road, Queens |
| 95-03-BZ | 302 East 111 th Street, Manhattan |
| 284-01-BZ | 275 Castleton Avenue, Staten Island |
| 66-02-BZ | 439 Marcy Avenue, Brooklyn |
| 73-02-BZ | 6 Stanwix Street, a/k/a 59 Jefferson Street, Brooklyn |
| 91-02-BZ | 3032/42 West 22 nd Street, Brooklyn |
| 156-02-BZ | 964/70 65 th Street, Queens |
| 210-02-BZ thru 213-02-BZ | 78-01/78-03/78-05 Myrtle Avenue, Queens |
| 222-02-BZ | 2547 East 12 th Street, Brooklyn |
| 268-02-BZ | 176 South Fourth Street, Brooklyn |
| 315-02-BZ | 223/27 West 60 th Street, Manhattan |
| 342-02-BZ | 6206 20 th Avenue, Brooklyn |
| 362-02-BZ | 4211 Ocean Avenue, Brooklyn |
| 24-03-BZ | 178-02/08 Union Turnpike, Queens |
| 28-03-BZ | 61/65 Green Street, Brooklyn |
| 30-03-BZ | 333/43 Lorimer Street, Brooklyn |
| 32-03-BZ | 1052 East 26 th Street, Brooklyn |
| MINUTES of Special Hearing, Wednesday, May 21, 2003 | |
| Morning Calendar | |
| <u>Affecting Calendar Numbers:</u> | |
| 256-02-BZ | 160 Imlay Street, Brooklyn |

DOCKETS

144-03-BZ B.Q. 188-16 Northern Boulevard, southwest corner of 189th Street, Block 5510, Lot 38, Borough of Queens. N.B. #401604019. Proposed development of a two story building on vacant land, for stores, Use Group 6, on the first floor with accessory storage in the cellar, two dwelling units, Use Group 2, on the second floor, and open accessory parking, located in an R3-2 zoning district, is contrary to Z.R. §§22-00 and 23-00.

COMMUNITY BOARD #11Q

145-03-BZ B.BK. 2814 Quentin Road, between East 28th and 29th Streets, Block 6811, Lot 5, Borough of Brooklyn. Alt. #301523750. Proposed enlargement of a single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, side yard and lot coverage, is contrary to Z.R. §23-141, §23-48 and §23-141.

COMMUNITY BOARD #15BK

146-03-BZ B.M. 1511 Third Avenue, a/k/a 201 East 85th Street, southwest corner of Block bounded by Second and Third Avenues, and East 85th and 86th Streets, Block 1531, Lot 1, Borough of Manhattan. Alt.1 #102589110. The legalization of an existing physical culture establishment, located on the second floor, and portions of the third and fourth floors, in a four story commercial and community facility building, in an C2-8A zoning district, requires a special permit from the Board as per Z.R. §73-36.

COMMUNITY BOARD #8M

147-03-BZ B.M. 567 Third Avenue, east side, between 37th and 38th Streets, 74.1' north of 37th Street, Block 918, Lot 4, Borough of Manhattan. Applic. #103411265. Proposed operation of a physical culture establishment, on the second floor of a five story commercial structure, located in a C1-9 zoning district, is contrary to Z.R. §32-10.

COMMUNITY BOARD #6M

148-03-BZ B.M. 111/13 West 28th Street, between Sixth and Seventh Avenues, 164'-4" west of Sixth Avenue, Block 804, Lots 1101-1105 (formerly 28 and 29),

Borough of Manhattan. Alt. #103390910. Proposed conversion of the remaining two units on the second and third floors, and the addition of two floor and a penthouse for residential use, in an existing small basement and three-story loft building, located in an M1-6 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #5M

149-03-BZ B.Q. 23-08 Sound Avenue, at the intersection of Sound and 42nd Streets, and 23rd Road, Block 781, lot 46, Borough of Queens. N.B. #401606393. Proposed construction of a three-story, three-family dwelling, Use Group 2, on a triangular, wedge-shaped lot that has three street frontages, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage, front yards and building height, is contrary to Z.R. §23-141(c), §23-45 and §23-631(d)-(e).

COMMUNITY BOARD #1Q

150-03-BZ B.BK. 136 Metropolitan Avenue, between Wythe Avenue and Berry Street, Block 2364, Lot 17, Borough of Brooklyn. Alt.1 #301341402. Proposed construction of three additional floors above a one story and basement building, to form a mixed-use building, to contain as of right uses on the first floor and basement level, and a nine residential units on the remaining three floors, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

151-03-BZ B.BK. 2812 Quentin Road, between East 28th and 29th Streets, Block 6811, Lot 4, Borough of Brooklyn. Alt. #301527122. 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 yard and lot coverage, is contrary to Z.R. § 23-141 and §23-48.

COMMUNITY BOARD #15BK

DOCKETS

152-03-BZ B.BK. 41 Varick Avenue,
northwest corner of Harrison Place, Block 2999, Lot 24,
Borough of Brooklyn. Alt.1 #301531411. Proposed
conversion of the Third and Fourth floors, of an existing four
story and cellar building, located in an M1-2 zoning district,
to residential use, Use Group 2, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

153-03-A B.M. 114/16 Hudson Street,
between North Moore and Franklin Streets, Block 189,
Lots 18 and 19, Borough of Manhattan. Applic.
#103437112. Application pursuant to Section 666 of the
City Charter for an interpretation of Z.R. §23-145,
regarding lot coverage regulations as it applies to said
premises.

154-03-BZ B.Q. 100-05 92nd Avenue,
corner of 102nd Street, Block 9306, Lot 30, Borough of
Queens. Applic. #401579449. Proposed change of use
of a vacant industrial building, to a multiple dwelling, Use
Group 2, located within an R3-1 zoning district, is contrary
to Z.R. §22-00.

COMMUNITY BOARD #9Q

DESIGNATIONS: D-Department of Buildings; B.BK.-
Department of Buildings, Brooklyn; B.M.-Department of
Buildings, Manhattan; B.Q.-Department of Buildings,
Queens; B.S.I.-Department of Buildings, Staten Island;
B.BX.-Department of Building, The Bronx; H.D.-Health
Department; F.D.-Fire Department.

CALENDAR

JUNE 24, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 24, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

—————
SPECIAL ORDER CALENDAR

812-61-BZ

APPLICANT - Omer Fenik Architects, for 80 Park Avenue Condominium, owner.

SUBJECT - Application February 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 24, 2002.

PREMISES AFFECTED - 74-82 Park Avenue, East 39th Street, Block 868, Lot 42, Borough of Manhattan.

COMMUNITY BOARD #6M

—————

202-62-BZ

APPLICANT - Sheldon Lobel, P.C., for Motiva Enterprises, LLC, owners.

SUBJECT - Application April 1, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired April 3, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 950 Allerton Avenue, triangular lot bound by Allerton Avenue, Williamsbridge Road and Paulding Avenue, Block 4447, Lot 62, Borough of The Bronx.

COMMUNITY BOARD #11BX

—————

36-70-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 200 West 79th Street Owners, Inc., owner; Amstore Limited Partnership, lessee.

SUBJECT - Application April 22, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 200-204 West 79th Street, aka 380 Amsterdam Avenue, west side of Amsterdam between West 78th Street and 79th Streets, Block 1170,, Lot 7501 FKA 29, 30, 32, 34, 35, 36, Borough of Manhattan.

COMMUNITY BOARD #7M

—————

136-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; Roberta Ludovico, lessee.

SUBJECT - Application April 25, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped

206-91-BZ

APPLICANT - Rampulla Associates, Architects, for Thomas Nicolosi, owner.

SUBJECT - Application April 16, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 28, 2002.

PREMISES AFFECTED - 4300 Hylan Boulevard, south side of Hylan Boulevard and Windchester Avenue, Block 5319, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

—————

121-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; Edward Kelly, lessee.

SUBJECT - Application April 16, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located partially in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 4 Kildare Walk, west side, 44.08' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

—————

122-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; April Forgina, lessee.

SUBJECT - Application April 16, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law .

PREMISES AFFECTED - 72 Hillside Avenue, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

—————

135-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; David Kelly, lessee.

SUBJECT - Application April 25, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law, and Department of Buildings Policy.

PREMISES AFFECTED - 31 Marion Walk, east side, 70.35' south of West End Avenue, Block 16350, Lot 400, Borough of Queens.

—————

street, and has an upgraded private disposal system located in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law, and Department of Buildings Policy.

PREMISES AFFECTED - 5 Irving Walk, east side, 45.40' north of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

CALENDAR

COMMUNITY BOARD #14Q

137-03-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, owner; Bradley J. Palummeri, lessee.

SUBJECT - Application April 29, 2003 - Proposed enlargement and the upgrading of the septic system, to an existing one family dwelling, not fronting on a legally mapped street, and simultaneously lies within the bed of two mapped streets, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 3 Arcadia Walk, east side, 10.71' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

153-03-A

APPLICANT - Francis R. Angelino, Esq, c/o DeCampo, Diamond & Ash, for Hudson Street Properties, LLC, c/o AFC Company, owner.

SUBJECT - Application May 15, 2003 - Pursuant to Section 666 of the City Charter for an interpretation of Z.R. §23-145, regarding lot coverage regulations as it applies to said premises.

PREMISES AFFECTED - 114/16 Hudson Street, between North Moore and Franklin Streets, Block 189, Lots 18 and 19, Borough of Manhattan.

COMMUNITY BOARD #1M

JUNE 24, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, June 24, 2003, at 1:30 P.M., at 40 Rector
COMMUNITY BOARD #14BK

75-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Deborah Raymond, owner.

SUBJECT - Application February 27, 2003 - under Z.R. § 72-21 to permit the legalization of the residential use, Use Group 2, on the second through fifth floors, of a mixed-use building, located in an M1-6 zoning district, which is contrary to §42-00.

PREMISES AFFECTED - 326 Seventh Avenue, between West 28th and 29th Streets, Block 778, Lot 38, Borough of Manhattan.

Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

161-02-BZ

APPLICANT - SFS Associates, for Coral Cove, LLC, owner.

SUBJECT - Application May 20, 2002 - under Z.R. § 72-21 to permit the 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.

PREMISES AFFECTED - 2433 Knapp Street, corner of Knapp Street and Avenue "X", Block 8833, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

234-02-BZ

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., Steve Tallidis, owner.

SUBJECT - Application August 23, 2002 - under Z.R. § 72-21 to permit the proposed construction of a three-story, four family multiple dwelling with an accessory garage, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, front yard, open space, height and/or setback is contrary to Z.R. §23-45, §23-12C and §23-631.

PREMISES AFFECTED - 24-64 27th Street, corner of 27th Street and Hoyt Avenue, Block 852, Lot 60, Borough of Queens.

COMMUNITY BOARD #1Q

377-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Rabbi Naftali Babad, owner; Cong. Kahal Tamopol (long term lessee).

SUBJECT - Application December 31, 2002- under Z.R. §72-21 to permit the proposed merging and expansion of two, two-story plus basement buildings, to become one-three story, cellar and basement synagogue, with Rabbi's apartment, Use Group 4, located in an R5 zoning district, which creates non-compliance with respect to lot coverage ratio, also side and rear yards, is contrary to Z.R. §24-11, §24-35 and §24-36.

PREMISES AFFECTED - 163/65 Parkville Avenue, north side, 198' west of Ocean Parkway, Block 5423, Lots 60 and 61, Borough of Brooklyn.

COMMUNITY BOARD #5M

93-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for John Mauro, owner.

SUBJECT - Application March 25, 2003 - under Z.R. §72-21 to permit the proposed addition 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, open space ratio and front yard, is contrary to Z.R. §§23-141 and 54-313.

PREMISES AFFECTED - 217-20 39th Avenue, northeast corner of

CALENDAR

218th Street, Block 6255, Lots 18, Borough of Queens.

COMMUNITY BOARD #7Q

99-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Yeheskel & Beatrice Frankel, owners.

SUBJECT - Application March 28, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 1173 East 24th Street, between Avenues "K and L", Block 7624, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #14BK

104-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Gila Realty, owner; 61 Strickland Fitness Center, LLC, lessee.

SUBJECT - Application May 20, 2003 - under Z.R. §72-21 to permit

the proposed physical cultural establishment, to be located in a portion of an existing one story building, located in an R3-1 and C2-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 6161 Strickland Avenue, between Mill Avenue and East 60th Place, Block 8470, Lot 1110, Borough of Brooklyn.

COMMUNITY BOARD #18BK

111-03-BZ thru 115-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 909 East 5th Street, LLC, owner.

SUBJECT - Application April 7, 2003 - under Z.R. §72-21 to permit the proposed three story, three family residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, wall and building height, front yard and the

**REGULAR MEETING
TUESDAY MORNING, MAY 20, 2003
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, April 8, 2003, were approved as printed in the Bulletin of April 17, 2003, Volume 88, No. 15-16.

SPECIAL ORDER CALENDAR

421-62-BZ

APPLICANT - Omer Fenik Architects, for Gotham Towne House Owners Corp., owner; Rapid Park Industries, lessee

parking requirements, is contrary to Z.R. §23-141, §23-631, §23-45 and §25-23.

PREMISES AFFECTED -

1685 60TH Street, northwest corner of 17th Avenue, Block 5510, Lot 150, Borough of Brooklyn.

1687 60TH Street, northwest corner of 17th Avenue, Block 5510, Lot 149, Borough of Brooklyn.

1689 60TH Street, northwest corner of 17th Avenue, Block 5510, Lot 148, Borough of Brooklyn.

1691 60TH Street, northwest corner of 17th Avenue, Block 5510, Lot 147, Borough of Brooklyn.

1693 60TH Street, northwest corner of 17th Avenue, Block 5510, Lot 47, Borough of Brooklyn.

COMMUNITY BOARD #12BK

146-03-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for 1511 Third Avenue Associates, LLC, c/o The Related Companies, L.P., owner; Equinox 85th Street, Inc, lessee.

SUBJECT - Application May 9, 2003 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located on the second floor, and portions of the third and fourth floors, in a four story commercial and community facility building, in an C2-8A zoning district, which requires a special permit.

PREMISES AFFECTED - 1511 Third Avenue, a/k/a 201 East 85th Street, southwest corner of Block bounded by Second and Third Avenues, and East 85th and 86th Streets, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

Pasquale Pacifico, Executive Director

SUBJECT - Application August 22, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expires November 20, 2003.

PREMISES AFFECTED - 153 East 57th Street, intersection of East 57th Street, 120' west of Third Avenue, Block 1312, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and term of Variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

MINUTES

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expires on November 20, 2003; and

WHEREAS, a public hearing was held on this application on February 11, 2003, after due notice by publication in *The City Record*, and laid over to April 29, 2003 and then to May 20, 2003 for decision; and

WHEREAS, on November 20, 1962, the Board granted an application to permit transient parking for passenger cars for the surplus tenant spaces within the existing Multiple Dwelling accessory garage.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the Variance which expires on November 20, 2003, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the Variance for an additional ten (10) years from November 20, 2003 to expire on November 20, 2013, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received May 6, 2003”- (1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the

WHEREAS, on November 20, 1962, the Board granted an application to permit transient parking for passenger cars for the surplus tenant spaces within the existing Multiple Dwelling accessory garage.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution to extend the term of the Variance which expires on November 20, 2003, so that as amended this portion of the resolution shall read:

“to permit the legalization of an existing business sign and to extend the term of the Variance for an additional ten (10) years from November 20, 2003 to expire on November 20, 2013, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received May 6, 2003”- (2) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from

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.” (DOB Application # 528/62)

Adopted by the Board of Standards and Appeals, May 20, 2003.

830-62-BZ

APPLICANT - Omer Fenik Architects, for 157 East 57th Street, LLC, owner; Rapid Park Industries, lessee.

SUBJECT - Application August 22, 2002 - reopening for an extension of term of variance which expired November 29, 2002.

PREMISES AFFECTED - 157 East 57th Street, northwest corner of Third Avenue and East 57th Street, Block 1312, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Application reopened, resolution amended and term of Variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION-

WHEREAS, a public hearing was held on this application on February 11, 2003, after due notice by publication in *The City Record*, and laid over to April 29, 2003 and then to May 20, 2003 for decision; and

WHEREAS, the applicant has requested a re-opening, an extension of the term of the variance which expires on November 20, 2003; and

WHEREAS, the subject application also seeks an amendment to the variance for the legalization of an existing illuminated business sign; and

prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.”

(DOB Application # 998/62)

Adopted by the Board of Standards and Appeals, May 20, 2003.

716-82-BZ

APPLICANT - Joseph P. Morsellino, for Cigarette Realty, owner; Staples Inc., lessee.

SUBJECT - Application February 20, 2003 - reopening for an extension of term of variance which expired June 13, 2003.

PREMISES AFFECTED - 209-30 Northern Boulevard, Northern Boulevard, east of Oceania Street, Block 7309, Lots 9, 11, 13 and

MINUTES

49, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Application reopened, and term of Variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening, an extension of the term of the variance which expires on June 13, 2003; and

WHEREAS, a public hearing was held on this application on April 29, 2003, after due notice by publication in *The City Record*, and laid over to May 20, 2003 for decision; and

WHEREAS, on February 26, 1991, the Board granted an application under §§72-01 and 72-22 to amend the variance to permit retail stores, offices and accessory parking at the rear of the building, and to merge Cal. No. 477-69-BZ into Cal. No. 716-82-BZ.

Resolved, that the Board of Standards and Appeals, *reopens and amends* the resolution to extend the term of the Variance which expires on June 13, 2003, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the Variance for an additional ten (10) years from June 13, 2003 to expire on June 13, 2013, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received February 20, 2003”- (2) sheets and “May 6, 2003”- (1) sheet; and on further **ACTION OF THE BOARD** - Rules of Practice and Procedure waived, application reopened and time to obtain a Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on July 27, 2002; and

WHEREAS, a public hearing was held on this application on April 29, 2003, after due notice by publication in *The City Record*, and laid over to May 20, 2003 for decision; and

WHEREAS, on March 20, 1986, the Board granted an application permitting the operation of a physical culture establishment.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution to extend the time to obtain a Certificate of Occupancy which expired on July 27, 2002, so that as amended this portion of the resolution

condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.”

(DOB Application # 400112980)

Adopted by the Board of Standards and Appeals, May 20, 2003.

286-86-BZ

APPLICANT - Sheldon Lobel, P.C., for George Kotsonis, owner; Union Fitness Organization, lessee.

SUBJECT - Application February 24, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 100 7th Avenue, a/k/a 808 Union Avenue, portion of block bounded by 7th Avenue, Union Street, 6th Avenue and President Street, Block 957, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Jordan Most.

shall read:

“to permit the extension of the time to obtain a Certificate of Occupancy for an additional two (2) years from the date of this resolution to expire on May 20, 2005, *on condition*

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.”

(DOB Alt. Application #301022783)

Adopted by the Board of Standards and Appeals, May 20, 2003.

MINUTES

74-49-BZ

APPLICANT - Sheldon Lobel, P.C., for 515 Seventh Associates, L.P., owner.

SUBJECT - Application November 8, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction and to obtain a certificate of occupancy which expired April 4, 2001.

PREMISES AFFECTED - 515 7th Avenue and 144-158 West 38th Street, Block 813, Lot 64, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to September 30, 2003, at 10 A.M., for continued hearing.

529-52-BZ

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., for Angelo Mordini, owner.

SUBJECT - Application January 13, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 9, 2001 and for an amendment to the resolution.

80-75-BZ

APPLICANT - Fredrick A. Becker, Esq., for 1377 Sutter Avenue, Inc., owner.

SUBJECT - Application December 13, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired July 8, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 1377/1381 Sutter Avenue, north side of Sutter Avenue, 40' West of Lincoln Avenue, Block 4254, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to June 17, 2003, at 10 A.M., for decision, hearing closed.

190-75-BZ

PREMISES AFFECTED - 77-11 Roosevelt Avenue, northwest corner of 78th Street, and Roosevelt Avenue, Block 1288, Lot 39, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to June 17, 2003, at 10 A.M., for decision, hearing closed.

763-59-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Exxonmobile Fuels Marketing Co., owner.

SUBJECT - Application October 10, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1764 University Avenue, southeast corner of Macombs Road and University Avenue, Block 2876, Lot 122, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to June 17, 2003, at 10 A.M., for decision, hearing closed.

APPLICANT - Kevin B. McGrath, Esq., for Condominium, owner.

SUBJECT - Application August 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 301-321 East 79th Street, Second Avenue and East 79th Street, Block 1542, Lots 1001-1546, 7501, 12, 49, Block 8, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Kevin B. McGrath and other.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to June 17, 2003, at 10 A.M., for decision, hearing closed.

660-77-BZ

APPLICANT - Joseph P. Morsellino, for 41st Realty LLC, owner; Fogarty Funeral Home, lessee.

SUBJECT - Application March 7, 2003 - reopening for an extension of term of variance which expired March 7, 2003.

PREMISES AFFECTED - 136-50 41st Avenue, 41st Avenue, east of Kissena Boulevard, Block 5044, Lot 32, Borough of Queens.

MINUTES

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 10 A.M., for continued hearing.

1043-80-BZ

APPLICANT - Rothkrug & Rothkrug Weinberg & Spector for RANS 1680 Building Corp., owner.

SUBJECT - Application December 17, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 3, 2000.

PREMISES AFFECTED - 1680/88 Albany Avenue a/k/a 4024 Marginal Street, southwest corner of Albany Avenue and Marginal Street, Block 7744, Lots 47, 49, 50, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to July 22, 2003, at 10 A.M., for continued hearing.

561-87-BZ

APPLICANT - The Agusta Group, for Carlos Abreu, owner.

SUBJECT - Application September 13, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to June 17, 2003, at 10 A.M., for decision, hearing closed.

172-97-BZ

APPLICANT - Harold Weinberg, P.E., for Oceana Holding Corporation, Inc., owner.

SUBJECT - Application July 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 11, 2002.

PREMISES AFFECTED - 1023 Brighton Beach Avenue, north side, between Brighton 11th and Brighton 12th Street, Block B-8709, L-60, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Opposition: BC Eugene J. Carty and Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to July 15, 2003, at 10 A.M., for continued hearing.

259-00-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 26 Court Associates, LLC, owner; TSI Court Street, Inc. dba New York Sports Club, lessee.

SUBJECT - Application March 21, 2003 - reopening for an amendment to the resolution.

extension of term of variance which expired April 13, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 2700 Jerome Avenue, east side 222' north of E. Kingsbridge Road, Block 3371, Lot 17, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Philip Agusta.

ACTION OF THE BOARD - Laid over to June 17, 2003, at 10 A.M., for continued hearing.

50-92-BZ

APPLICANT - Walter T. Gorman, P.E., for Higinio Caballero, owner; D/B/A/ Chile Parking Lot, lessee.

SUBJECT - Application February 26, 2003 - reopening for an extension of term of variance which expires May 4, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 1282 Shakespeare Avenue, southeast of West 169th Street, Block 2506, Lot 111, Borough of The Bronx.

COMMUNITY BOARD #4BX

APPEARANCES -

For Applicant: John Ronan and Higinio Caballero.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

PREMISES AFFECTED - 26 Court Street, aka 179 Remsen Street, northwest corner of Court Street and Remsen Street, Block 250, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to June 17, 2003, at 10 A.M., for decision, hearing closed.

132-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Mark Spiegel, owner.

SUBJECT - Application November 27, 2002- reopening for an amendment to the resolution.

MINUTES

PREMISES AFFECTED - 1283 East 22nd Street, East 22nd Street between Avenue L and Avenue M, Block 7640, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to June 17, 2003, at 10 A.M., for decision, hearing closed.

148 Norma Place, 175' west of Metropolitan Avenue, Block 262, Lot 127, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to June 24, 2003, at 10 A.M., for decision, hearing closed.

332-02-A thru 333-02-A

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Thomas Gennarelli, owner.

SUBJECT - Application November 12, 2002 - proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

107 City Boulevard, east side, 200' north of Crosshill Street, Block 262, Lot 126, Borough of Staten Island.

86-03-A & 87-03-A

APPLICANT - Richard Bowers, Stadtmauer Bailkin LLP, owner.

SUBJECT - Application March 19, 2003 - Proposed erection of a contractor's establishment with offices, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

11-19 132nd Street, south of eleventh Avenue, Block 4012, Tentative Lot 144, Borough of Queens.

132-01 14th Avenue, north side, 418.57' west of 133rd Place, Block 4012, Tentative Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: BC Eugene J. Carty, Fire Department and Steven Sinacori.

For Opposition: Judith Panaciali.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to June 3, 2003, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:35 A.M.

REGULAR MEETING

TUESDAY AFTERNOON, MAY 20, 2003

2:00 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

114-02-BZ

CEQR #02-BSA-181R

APPLICANT - Land Planning and Engineering Consultants, P.C., - Vito J. Fossella, P.E., for Jerry Campitiello, owner.

SUBJECT - Application April 12, 2002 - under Z.R. §72-21, to permit on a site previously before the Board, in an R-2 zoning district, a one-story commercial building with offices on the first floor and cellar level (Use Group 6) which is contrary to Cal. #817-80-BZ and Z.R. §22-10 and §25-50.

PREMISES AFFECTED - 2493 Richmond Road, northwest corner of Odin Avenue, Block 947, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Victor Han.

ACTION OF BOARD - Application granted on condition

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 1, 2002 acting on Application No. 500509773

MINUTES

reads:

1. Subject site has been a subject of a previous board grant to permit in a R-2 district, A florist and a general business office and an(sic) voluntary parking lot which would be Used jointly accessory to an existing off-site eating and drinking establishment, under Cal. # 817-80-BZ.
2. The proposed removal of the above existing building and the development of a new two-story building with retail on the first floor, and offices on the second floor with accessory parking facility is contrary to Cal #817-80-BZ and 22-10 and 25-50 of the N.Y.C. Zoning resolution.”; and

WHEREAS, a public hearing was held on this application on November 19, 2002 after due notice by publication in *The City Record* and laid over to January 28, 2003, March 4, 2003, April 18, 2003, and May 6, 2003 and then to May 20, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman

WHEREAS, in 1992, the Board granted an amendment permitting a retail florist (Use Group 6) and allowed occupancy to general office uses on condition that a landscaped buffer be provided and that lighting be minimized; and

WHEREAS, the subject site is a corner lot with frontages on Odin Street (a 60' wide mapped Street) and Richmond Road (an 80' wide mapped street), and the record indicates that Richmond Road is a heavily traveled roadway and that there is a 10' wide widening area along Odin Avenue precluding utilization of the full depth of 100' (perpendicular to Odin Avenue);

WHEREAS, the applicant represents that the subject building which was converted in the early 1980's to a commercial use, both retail and office uses, has become obsolete and costly to maintain; and

WHEREAS, the site's corner lot location developed with an existing two-story residential structure fronting on a heavily traveled roadway, its history of development with a prior non-conforming Board approved Use Group 6 uses, and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning Resolution; and

WHEREAS, evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that a conforming use in the entire building would not yield a reasonable return; and

WHEREAS, the record indicates that the proposed development has been designed to minimize adverse impacts on the surrounding neighbors as lighting will be directed away from adjacent residential users, and will provide landscaping and fences to buffer the site from residential neighbors; and

WHEREAS, the Board notes that the existing character of the neighborhood has not changed since the

Satish Babbar and former Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, to permit, on a site previously before the Board, in an R-2 zoning district, a one-story commercial building with offices on the first floor and cellar level (Use Group 6) which is contrary to Cal. #817-80-BZ and Z.R. §22-10 and §25-50; and

WHEREAS, the applicant states that no more than a third of the proposed cellar floor shall be used for additional offices and the remaining area shall be used for accessory uses such as storage, utility rooms, mechanical space and toilets; and

WHEREAS, on February 3, 1981, under Calendar #817-80-BZ, the Board permitted the conversion of a then two-story dwelling into a medical and professional office building that encroached into the required side yard and the use of an open area as an off-site accessory parking lot for and eating and drinking establishment; and

WHEREAS, the above grant was limited to a renewable five year term, restricted the hours of operation and restricted the office uses to certain professions; and

original Board grant which permitted the first conversion of the existing residence to the present commercial use; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, on a site previously before the Board, in an R-2 zoning district, a one-story commercial building with offices on the first floor and cellar level (Use Group 6) which is contrary to Cal. #817-80-BZ and Z.R. §22-10 and §25-50, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received May 8, 2003”- (4) sheets; and on further condition;

THAT no more than a third of the proposed cellar floor shall be used for additional offices and the remaining area

MINUTES

shall be used for accessory uses;

THAT; the term of the variance shall be limited to ten (10) years from the date of this grant expiring on May 20, 2013;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

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 PREMISES AFFECTED - 1627 46th Street, between 16th and 17th Avenues, Block 5434, Lot 76, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 10, 2002 acting on N.B. Application No. 301361452 reads:

“(1) LOT COVERAGE DEFICIENT FROM REQUIRED BY SECTION 24-11

2) PROPOSED SIDE, FRONT & REAR YARD CONTRARY TO 24-34, 24-35 & 24-36

3) PROPOSED BALCONY PROJECTION IS CONTRARY TO SECTION 24-51 & 23-131”;

and

WHEREAS, a public hearing was held on this application on February 25, 2003 after due notice by publication in *The City Record* and laid over to April 8, 2003, April 29, 2003 and then to May 20, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a community facility (synagogue), Use Group 4, located in an R5 zoning district, which does not comply with zoning requirements for lot coverage, front, side and rear yards, and balcony projection, which is contrary to Z.R. §§24-11, 24-34, 24-35, 24-36, 24-51 and 23-131; and

Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 20, 2003.

271-02-BZ

CEQR #03-BSA-052K

APPLICANT - Sheldon Lobel, P.C., for Rabbi and Mrs. Akiva and Yocheved Ludmir, owner; Congregation Chesev Sofer of Pressburg, lessee.

SUBJECT - Application October 8, 2002 - under Z.R. §72-21 to permit the proposed construction of a three stories and a cellar, community facility, Use Group 4, located in an R5 zoning district, which does not comply with the zoning requirements for lot coverage, front, side and rear yards and also a projection of the proposed balcony, which is contrary of §23-131, §24-11, §24-34, §24-35, §24-36 and §24-51.

WHEREAS, Community Board #12 recommends approval of this application provided that the premises will not be used for commercial catering; and

WHEREAS, the subject site is a single lot, situated within an R2 zoning district, located on 46th Street between 16th and 17th Avenues, and is currently vacant; and

WHEREAS, the site was previously developed with a two-story, two family dwelling; and

WHEREAS, the proposal seeks to construct a three-story plus cellar synagogue with: a changing room, multi-purpose room, kitchen, and bathroom in the cellar; a main sanctuary to be used for prayer on the first floor; and housing for the Rabbi and his family on the upper two floors; and

WHEREAS, the applicant represents that the proposed cellar will be used to host events for the members of the congregation and will not be used for catering events for the general public; and

WHEREAS, the applicant states that the proposed facility is necessary in order to meet the programmatic needs of the community facility to provide suitable religious environment; and

WHEREAS, the applicant further states that without the variance, a smaller facility would leave inadequate room for the congregation and its anticipated growth; and

WHEREAS, in addition, where a non-profit community facility's programmatic needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it unarguably contravenes public health, safety or welfare or creates a severe detriment to the character of the neighborhood; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, at the request of the Board and in response to community concerns, the applicant has substantially reduced the bulk of the proposal from an initial FAR of 2.75 to a proposed FAR of 1.99, resulting in a structure that has greater setbacks and less physical impact on the community;

MINUTES

and

WHEREAS, the Board notes that a synagogue is an as-of-right use in an R2 zoning district; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or future development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed construction of a community facility (synagogue), Use Group 4, located in an R5 zoning district, which does not comply with zoning requirements for lot coverage, front, side and rear yards, and balcony projection, which is contrary to Z.R. §§24-11, 24-24, 24-34, 24-35, 24-36, 24-51 and 23-131, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 22, 2003"- (11) sheets; and *on further condition*;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT there shall be no commercial catering on the premises;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 20, 2003.

285-02-BZ

CEQR #03-BSA-064X

APPLICANT - The Augusta Group, for Frank Ward, owner.

SUBJECT - Application October 23, 2002 - under Z.R. §72-21 to permit in an R4 zoning district the legalization of an existing eating and drinking establishment, and a retail store, Use Group 6, which is contrary Z.R. Section 22-00, and also contrary to two prior variances granted under Calendar Numbers 905-53-BZ and 1052-66-BZ which allowed a

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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.

factory building.

PREMISES AFFECTED - 900 East 213th Street, a/k/a 3580 Bronxwood Avenue, southeast corner, Block 4683, Lot 49, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Philip Augusta.

ACTION OF THE BOARD - Application granted on condition

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 24, 2002 acting on ALT. Application No. 200745266 reads:

"1. Proposed Use Group 6A as an Eating and Drinking Establishment in a R4 Zoning District is contrary to Sec. 22-00 and is contrary to BS + A CAL 905-53-BZ and 1052-66-BZ."; and

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in *The City Record* and laid over to May 20, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, to permit, in an R4 zoning district the legalization of an existing eating and drinking establishment, and a retail store, Use Group 6, which is contrary Z.R. Section 22-00, and also contrary to two prior variances granted under Calendar Numbers 905-53-BZ and 1052-66-BZ which allowed a factory building; and

WHEREAS, the subject building was erected in 1953 as a factory under 905-53-BZ with a subsequent enlargement granted under Calendar Number 1052-66-BZ; and

WHEREAS, on January 13, 1976, the Board granted a ten year extension of the prior variance which expired January 13, 1986; and

WHEREAS, in 1986, the current owner, unaware that the property was subject to a variance purchased the building and converted the factory into an eating and drinking establishment; and

MINUTES

WHEREAS, applicant represents that, the subject parcel is unique because it is a corner irregular parcel that has housed a non-conforming use since 1953 when it received Board approval; and

WHEREAS, the applicant has documented that the same hardships that existed in 1953, still exist and that the property was designed, built and used for a non-conforming manufacturing use; and

WHEREAS, site's history of development with non-conforming Board approved uses and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning Resolution; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 on a site previously before the Board, to permit, in an R4 zoning district the legalization of an existing eating and drinking establishment, and a retail store, Use Group 6, which is contrary Z.R. Section 22-00, and also contrary to two prior variances granted under Calendar Numbers 905-53-BZ and 1052-66-BZ which allowed a factory building, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 23, 2002"- (2) sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on May 20, 2013;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

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

WHEREAS, evidence in the record, including a prior feasibility study and financial analysis sufficiently demonstrates that a conforming use in the entire building would not yield a reasonable return; and

WHEREAS, the record indicates that the proposed use for the subject property is less detrimental to residential development than the factory use previously approved; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 20, 2003.

329-02-BZ

CEQR #03-BSA-076Q

APPLICANT - The Agusta Group by Paul Bonfilio, R.A., for Yuri Abramov, owner.

SUBJECT - Application November 7, 2002 - under Z.R. §72-21 to permit the proposed addition to an existing one-family dwelling creating non-compliance with respect to the required side yard contrary to Z.R. §23-461.

PREMISES AFFECTED - 182-40 Radnor Road, east side, between Grand Central Parkway and Kent Street, Block 7246, Lot 11, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Philip Agusta.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated January 9, 2003, acting on Application No. 401102427, reads:

1. The minimum total width of required side yards in an R1-2 zone is 20'-0" feet with the required minimum width of any side yard 8'-0" feet. Therefore, the side yards proposed, 5.87' and 10.83' are contrary to Section 23-461 of the

MINUTES

Zoning Resolution.”; and

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in *The City Record*, laid over to May 20, 2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Commissioner Joel Miele and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed addition to an existing one-family dwelling creating non-compliance with respect to the required side yard contrary to Z.R. §23-461; and

WHEREAS, the instant application is for a bulk variance for a single family house and the Board has determined that no showing of financial hardship is required pursuant to Z.R. §72-21(b); and

WHEREAS, the record indicates that the proposed use and bulk of the subject proposal are consistent with the surrounding residential uses; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, the proposed addition to an existing one-family dwelling creating non-compliance with respect to the required side yard contrary to Z.R. §23-461 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 21, 2003”-(4) sheets and “May 13, 2003”-(1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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;

WHEREAS, the subject parcel is located on an interior irregular trapezoidal lot on Radnor Road between the Grand Central Parkway North Service Road and Kent Street, with approximately 90' of frontage along Radnor Road narrowing down to a 60' rear lot line; and

WHEREAS, the side lot line are also regular measuring 157.47 feet on the south side and 170.39 feet on the north side resulting in a small side yard encroachment at two points when the addition was built symmetrical to the existing building; and

WHEREAS, the Board finds that aforementioned unique physical condition, creates an unnecessary hardship in developing the site in conformity with the current zoning; and

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, May 20, 2003.

368-02-BZ CEQR #03-BSA-108M

APPLICANT - Jesse Masyr, Esq., for Astor Place Holding Corporation, owner; Astor Place Associates, LLC c/o The Related Companies, lessees.

SUBJECT - Application December 24, 2002 - under Z.R. §73-52 to permit the proposed construction of a 22-story and cellar mixed-use building on a zoning lot divided by a district boundary by extending the C6-2 district regulations 25 feet into the adjacent M1-5B zoning district.

PREMISES AFFECTED - 22/36 Astor Place, a/k/a 443/49 Lafayette Street and a/k/a 64/78 Cooper Square, blockfront of Astor Place, between Lafayette Street and Cooper Square, Block 544, Lot 22, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Gerry Johnson.

For Opposition: Dorris Diether, Community Board #2.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 29, 2002, acting on Application No. 103219553, reads:

“On a zoning lot split by a district boundary between a C6-2 and an M1-5B district with more than 50% of

MINUTES

the zoning lot area located in the C6-2 zoning district, the extension of C6-2 use regulations into the M1-5B district exceeds the maximum permitted pursuant to Section 77-11 Z.R. (25'-0") from the mapped district boundary). The proposed extension of the C6-2 use and bulk regulations to the 25 foot area within the M1-5B district is contrary to Section 42-00 ZR and 43-00 ZR.”; and

WHEREAS, this is an application for a special permit, on a site previously before the Board, pursuant to Z.R. §§73-03 and 73-52, to permit the proposed construction of a 22-story and cellar mixed-use building on a zoning lot divided by a district boundary by extending the C6-2 district regulations 25 feet into the adjacent M1-5B zoning district; and

WHEREAS, the record indicates that the subject premises is an irregularly shaped lot, bounded by Lafayette Street, Astor Place and Fourth Avenue, and is currently improved with a public parking lot; and

WHEREAS, the applicant proposes to develop a mixed-use building containing retail and art gallery uses (Use Group 6) on the first floor, retail uses (Use Group 6) on the second floor and residential uses (Use Group 2) on floors 3 through 22, with 14 accessory parking spaces located in the cellar; and

WHEREAS, in addition to the subject special permit, the applicant is also seeking from the City Planning Commission an authorization pursuant to Z.R. §13-553 to relocate an existing curb cut sixty feet south on Fourth Avenue and a ministerial certification pursuant to Z.R. §27-00 for compliance with the residential plaza regulation; and

WHEREAS, the subject zoning lot is located within two zoning districts, with the majority of the site (13,184 sf) zoned C6-2 with this district extending 100 feet south from Astor Place, leaving a small triangular portion of the zoning lot (4,544 sf) zoned M1-5B; and

WHEREAS, §73-52 states that:

“Whenever a zoning lot existing in single ownership on December 15, 1961, or on the effective date of any applicable subsequent amendment to the zoning maps is divided by a boundary between two or more districts in which different uses are permitted, the Board of Standards and Appeals may permit a use which is a permitted use in the district in which more than 50 percent of the lot area of the zoning lot is located to extend not more than 25 feet into the remaining portion of the zoning lot, where such use is not a permitted use, provided that the following findings are made:

- (a) that, without any such extension, it would not be economically feasible to use or develop the remaining portion of the zoning lot for a permitted use; and
- (b) that such extension will not cause impairment of the essential character or the future use or development of the surrounding area.

Where such an extension of a use is permitted,

WHEREAS, a public hearing was held on this application on March 25, 2003 after due notice by publication in *The City Record*, laid over to April 29, 2003 and then to May 20, 2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

the Board may permit the bulk, off-street parking and loading, and all other regulations of the district in which more than 50 percent of the lot area of the zoning lot is located, to apply for the distance, not exceeding 25 feet, that such use is permitted to extend into the remaining portion of the zoning lot. Any portion of the zoning lot beyond such distance shall be subject to all the regulations of the district in which it is located, and shall not be counted as lot area for a building or other structure, or portion thereof, used for such extended use.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effect on the character of the surrounding area.”; and

WHEREAS, the subject zoning lot has existed in single ownership since the creation of the M1-5B district in 1976 and more than 50% of the lot area is located within the C6-2 district which permits residential and commercial uses, and it is proposed to extend the district boundary 25 feet into the M1-5B district which prohibits residential uses and retail uses below the floor level of the second story; and

WHEREAS, the record indicates that it is not economically feasible to use or develop the portion of the zoning lot located in the M1-5B district for a permitted manufacturing or commercial use because its triangular shape and small lot area create massing difficulties and floor plates that are too small and impractical to develop as-of-right and the use limitations prohibit the integration with an as-of-right building in the C6-2 district; and

WHEREAS, therefore, the Board finds that the applicant satisfies the requirements of §73-52 (a); and

WHEREAS, the record indicates that the extension of the C6-2 district regulations is consistent with the essential character and future development in this neighborhood, which is characterized by a mix of cultural and educational institutions and retail uses; and

WHEREAS, the upper floors of many of the surrounding buildings are characterized by residential uses; and

WHEREAS, the Board notes that the proposed mixed-use building will have a total floor area ratio that is less than would be permitted as-of-right without the relocated district boundary; and

WHEREAS, based upon letters of opposition and testimony during public hearings, the Board notes that a significant number of opponents to the project based their opposition largely upon an earlier application approved by the City Planning Commission over the objections of the Community Board and others, which allowed a zoning map change and a Large Scale Development Plan to permit The Cooper Union for the Advancement of Science and Art to

MINUTES

provide improved educational, institutional and commercial facilities; and

WHEREAS, however, the record demonstrates that this application is independent and different from the aforementioned approvals; and

WHEREAS, in response to Board concerns, by letter dated April 10, 2003, the New York City Department of Transportation has reviewed the application and has

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §§73-03 and 73-52 of the Zoning Resolution; and

WHEREAS, the Board, as lead agency, has conducted an environmental review with the Department of City Planning for the proposed action and has carefully considered all relevant areas of environmental concern, including parking, traffic, socio-economic impacts, historical and archaeological resources, shadows, noise, open space and hazardous materials; and

WHEREAS, the subject application is considered a Type I action because of the zoning lot's adjacency to an historic district; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Type I Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §§73-03 and 73-52, to permit the proposed construction of a 22-story and cellar mixed-use building on a zoning lot divided by a district boundary by extending the C6-2 district regulations 25 feet into the adjacent M1-5B 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, December 24, 2002"-(15) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a Certificate of Occupancy be obtained within four (4) years of this grant.

concluded that "the proposed project would not create any significant traffic impacts."; 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, thus satisfying the requirements of §73-52 (b); and

Adopted by the Board of Standards and Appeals, May 20, 2003.

370-02-BZ

CEQR #03-BSA-110Q

APPLICANT - Sheldon Lobel, P.C., for NY Hospital Medical Center of Queens, owner.

SUBJECT - Application December 24, 2002 - under Z.R. § 72-21 to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36.

PREMISES AFFECTED - 56-14 Main Street, between Booth Memorial and 56th Avenues, 100' south of 56th Avenue, Block 5133, Lot 40, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated December 12, 2002 acting on Alt. Application No. 401482766 reads:

"Proposed Medical Offices at the second floor of the existing structure, which is located within an R-4 zoning district is contrary Section to ZR Sections 22-14 and ZR 24-36 (Rear Yard 30Ft. Min.) Therefore must be referred to the Board of Standards and Appeals."; and

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in The *City Record* and laid over to May 20, 2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin and Commissioner Peter Caliendo; and

WHEREAS, Community Board #7, Queens recommends conditional approval of this application; and

MINUTES

WHEREAS, this is an application under Z.R. §72-21, to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36; and

WHEREAS, this application is part of a four unit development and was heard with 3 companion cases under BSA Calendar Numbers 371-02-BZ, 372-02-BZ and

WHEREAS, the applicant seeks relief from Z.R. §22-14(a) which prohibits Use Group 4 medical office uses on the second floor; and

WHEREAS, the record indicates that the proposed use and design is necessary to meet the subject hospital's programmatic needs because the subject properties are directly across from the Medical Center's main campus and the additional space will allow easy access to all of the required diagnostic and continuum of care services to meet patient needs; and

WHEREAS, the applicant represents that, the existing facilities are not adequate to provide critical programs to meet the health care needs of the surrounding community; and

WHEREAS, for example, the Breast Center operates 9-5, Monday through Friday with only one examination room, has seen its number of patients grow to over 1000 current patients with a projection that the number will grow by more than 75% over the next few years; and

WHEREAS, the applicant represents that the requested variance will enable the applicant meet its programmatic needs and pursue its mission to be the premier healthcare institution, serving the greater community by delivering clinical care, education, research and service; and

WHEREAS, the applicant's programmatic needs discussed above, create a practical difficulty and an undue hardship with strict compliance with the bulk and use provisions of the Zoning Resolution; and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the construction will be in furtherance of its programmatic needs; and

WHEREAS, the record indicates that this application does not alter the exterior of the subject premises; and

WHEREAS, the Board notes that hospital/community facility uses have occupied the site since 1957; and

WHEREAS, the applicant represents that the proposal will be constructed in such a way that it will blend harmoniously with the existing structure and will not adversely impact local residential dwellings; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent property nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, therefore, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

373-02-BZ; and

WHEREAS, the record indicates that since 1957 a community facility has occupied the premises and that the applicant, a 439-bed community teaching hospital, providing community-based health programs employing full time physicians in 14 areas of medical specialties, has occupied the subject sites since 1993; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36, *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 24, 2002"- (2) sheets and "May 15, 2003"- (1) sheet; and *on further condition*;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 20, 2003.

371-02-BZ

CEQR #03-BSA-111Q

APPLICANT - Sheldon Lobel, P.C., for NY Hospital Medical Center of Queens, owner.

MINUTES

SUBJECT - Application December 24, 2002 - under Z.R. § 72-21 to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated December 12, 2002 acting on Alt. Application No. 401482841 reads:

“Proposed Medical Offices at the second floor of the existing structure, which is located within an R-4 zoning district is contrary Section to ZR Sections 22-14, ZR 24-35 (side Yard 8' Min.) and ZR 24-36 (Rear Yard 30Ft. Min) Therefore must be referred to the Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in The *City Record* and laid over to May 20, 2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin and Commissioner Peter Caliendo; and

WHEREAS, Community Board #7, Queens recommends conditional approval of this application; and

WHEREAS, this is an application under Z.R. §72-21, to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36; and

WHEREAS, this application is part of a four unit development and was heard with 3 companion cases under BSA Calendar Numbers 370-02-BZ, 372-02-BZ and 373-02-BZ; and

WHEREAS, the record indicates that since 1957 a community facility has occupied the premises and that the applicant, a 439-bed community teaching hospital, providing community -based health programs employing full time physicians in 14 areas of medical specialties, has occupied the subject sites since 1993; and

WHEREAS, the applicant seeks relief from Z.R. §22-14(a) which prohibits Use Group 4 medical office uses on the second floor; and

WHEREAS, the record indicates that the proposed use and design is necessary to meet the subject hospital's programmatic needs because the subject properties are directly across from the Medical Center's main campus and the additional space will allow easy access to all of the required diagnostic and continuum of care services to meet

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure

PREMISES AFFECTED - 56-24 Main Street, between Booth Memorial and 56th Avenues, 210' south of 56th Avenue, Block 5133, Lot 45, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

patient needs; and

WHEREAS, the applicant represents that, the existing facilities are not adequate to provide critical programs to meet the health care needs of the surrounding community; and

WHEREAS, for example, the Breast Center operates 9-5, Monday through Friday with only one examination room, has seen its number of patients grow to over 1000 current patients with a projection that the number will grow by more than 75% over the next few years; and

WHEREAS, the applicant represents that the requested variance will enable the applicant meet its programmatic needs and pursue its mission to be the premier healthcare institution, serving the greater community by delivering clinical care, education, research and service; and

WHEREAS, the applicant's programmatic needs discussed above, create a practical difficulty and an undue hardship with strict compliance with the bulk and use provisions of the Zoning Resolution; and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the construction will be in furtherance of its programmatic needs; and

WHEREAS, the record indicates that this application does not alter the exterior of the subject premises; and

WHEREAS, the Board notes that hospital/community facility uses have occupied the site since 1957; and

WHEREAS, the applicant represents that the proposal will be constructed in such a way that it will blend harmoniously with the existing structure and will not adversely impact local residential dwellings; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent property nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, therefore, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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.

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,

MINUTES

limited to the objections cited, to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36, *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 24, 2002"-(2) sheets and "May 15, 2003"-(1) sheet; and *on further condition*;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 20, 2003.

372-02-BZ

CEQR #03-BSA-112Q

APPLICANT - Sheldon Lobel, P.C., for NY Hospital Medical Center of Queens, owner.

SUBJECT - Application December 24, 2002 - under Z.R. § 72-21 to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36.

PREMISES AFFECTED - 56-26 Main Street, between Booth Memorial and 56th Avenues, 230' south of 56th Avenue, Block 5133, Lot 47, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated December 12, 2002 acting on Alt. Application No. 401482891 reads:

"Proposed Medical Offices at the second floor of the

existing structure, which is located within an R-4 zoning district is contrary Section to ZR Sections 22-14 ZR 24-35 (side yard 8' Min.) and ZR 24-36 (Rear Yard 30Ft. Min.) Therefore must be referred back to the Board of Standards and Appeals."; and

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in The *City Record* and laid over to May 20, 2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin and Commissioner Peter Caliendo; and

WHEREAS, Community Board #7, Queens recommends conditional approval of this application; and

WHEREAS, this is an application under Z.R. §72-21, to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36; and

WHEREAS, this application is part of a four unit development and was heard with 3 companion cases under BSA Calendar Numbers 370-02-BZ, 371-02-BZ and 373-02-BZ; and

WHEREAS, the record indicates that since 1957 a community facility has occupied the premises and that the applicant, a 439-bed community teaching hospital, providing community-based health programs employing full time physicians in 14 areas of medical specialties, has occupied the subject sites since 1993; and

WHEREAS, the applicant seeks relief from Z.R. §22-14(a) which prohibits Use Group 4 medical office uses on the second floor; and

WHEREAS, the record indicates that the proposed use and design is necessary to meet the subject hospital's programmatic needs because the subject properties are directly across from the Medical Center's main campus and the additional space will allow easy access to all of the required diagnostic and continuum of care services to meet patient needs; and

WHEREAS, the applicant represents that, the existing facilities are not adequate to provide critical programs to meet the health care needs of the surrounding community; and

WHEREAS, for example, the Breast Center operates 9-5, Monday through Friday with only one examination room, has seen its number of patients grow to over 1000 current patients with a projection that the number will grow by more than 75% over the next few years; and

WHEREAS, the applicant represents that the requested variance will enable the applicant meet its programmatic needs and pursue its mission to be the premier healthcare institution, serving the greater community by delivering clinical care, education, research and service; and

WHEREAS, the applicant's programmatic needs discussed above, create a practical difficulty and an undue hardship with strict compliance with the bulk and use provisions of the Zoning Resolution; and

MINUTES

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the construction will be in furtherance of its programmatic needs; and

WHEREAS, the record indicates that this application does not alter the exterior of the subject premises; and

WHEREAS, the Board notes that hospital/community facility uses have occupied the site since 1957; and

WHEREAS, the applicant represents that the proposal will be constructed in such a way that it will blend harmoniously with the existing structure and will not adversely impact local residential dwellings; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent property nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, therefore, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36, *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 24, 2002"-(2) sheets and "May 15, 2003"-(2) sheets; and *on further condition*;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the Certificate of Occupancy;

WHEREAS, this is an application under Z.R. §72-21, to permit in an R-4 zoning district, the legalization of an

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 20, 2003.

373-02-BZ

CEQR #03-BSA-113Q

APPLICANT - Sheldon Lobel, P.C., for NY Hospital Medical Center of Queens, owner.

SUBJECT - Application December 24, 2002 - under Z.R. § 72-21 to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36.

PREMISES AFFECTED - 56-44 Main Street, between Booth Memorial and 56th Avenues, 230' south of 56th Avenue, Block 5133, Lot 45, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated December 12, 2002 acting on Alt. Application No. 401482775 reads:

"Proposed Medical Offices at the second floor of the existing structure, which is located within an R-4 zoning district is contrary Section to ZR Sections 22-14 ZR 24-35 (side yard 8'Min.) and ZR 24-36 (Rear Yard 30Ft. Min.) Therefore must be referred back to the Board of Standards and Appeals.;" and

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in The *City Record* and laid over to May 20, 2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin and Commissioner Peter Caliendo; and

WHEREAS, Community Board #7, Queens recommends conditional approval of this application; and

existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35

MINUTES

and 24-36; and

WHEREAS, this application is part of a four unit development and was heard with 3 companion cases under BSA Calendar Numbers 370-02-BZ, 371-02-BZ and 372-02-BZ; and

WHEREAS, the record indicates that since 1957 a community facility has occupied the premises and that the applicant, a 439-bed community teaching hospital, providing community -based health programs employing full time physicians in 14 areas of medical specialties, has occupied the subject sites since 1993; and

WHEREAS, the applicant seeks relief from Z.R. §22-14(a) which prohibits Use Group 4 medical office uses on the second floor; and

WHEREAS, the record indicates that the proposed use and design is necessary to meet the subject hospital's programmatic needs because the subject properties are directly across from the Medical Center's main campus and the additional space will allow easy access to all of the required diagnostic and continuum of care services to meet patient needs; and

WHEREAS, the applicant represents that, the existing facilities are not adequate to provide critical programs to meet the health care needs of the surrounding community; and

WHEREAS, for example, the Breast Center operates 9-5, Monday through Friday with only one examination room, has seen its number of patients grow to over 1000 current patients with a projection that the number will grow by more than 75% over the next few years; and

WHEREAS, the applicant represents that the requested variance will enable the applicant meet its programmatic needs and pursue its mission to be the premier healthcare institution, serving the greater community by delivering clinical care, education, research and service; and

WHEREAS, the applicant's programmatic needs discussed above, create a practical difficulty and an undue hardship with strict compliance with the bulk and use provisions of the Zoning Resolution; and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the construction will be in furtherance of its programmatic needs; and

WHEREAS, the record indicates that this application does not alter the exterior of the subject premises; and

WHEREAS, the Board notes that hospital/community facility uses have occupied the site since 1957; and

WHEREAS, the applicant represents that the proposal will be constructed in such a way that it will blend harmoniously with the existing structure and will not adversely impact local residential dwellings; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent property nor be detrimental to the public welfare; and

1-03-BZ

CEQR #03-BSA-118Q

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, therefore, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36, *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 24, 2002"-(2) sheets and "May 15, 2003"-(1) sheet; and *on further condition*;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 20, 2003.

APPLICANT - The Agusta Group, for BRK Properties Inc., owner.
SUBJECT - Application January 7, 2003 - under Z.R. §72-21 to

MINUTES

permit the proposed construction of a two-family dwelling (Use Group 2) located in an R3-2 zoning district, which does not comply with the zoning requirements for lot area, front yard, floor area ratio and permitted obstructions in required yards, and is contrary to Z.R. §§23-32, 23-44, 23-45 and 23-141.

PREMISES AFFECTED - 128-05 Hawtree Creek Road, southwest corner of 109th Avenue, Block 11609, Lot 1, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 14, 2002 and updated January 6, 2003, acting on Application No. 401547643, reads:

- “1) The zoning lot for a two family detached dwelling in a R3-2 zone is less than 3,800 square feet, therefore contrary to section 23-32 of the Zoning Resolution.
- 2) The proposed front yards of 10 ft facing all streets is contrary to section 23-45 of the zoning resolution.
- 3) The proposed dwelling exceeds the F.A.R. of the .5 therefore contrary to section 23-141 of the zoning resolution.
- 4) The proposed parking space within the front yard is contrary to 23-44 of the zoning resolution.”; and

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in *The City Record*, laid over to May 20, 2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a two-family dwelling (Use Group 2) located in an R3-2 zoning district, which

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, to permit the proposed construction of a two-family dwelling (Use Group 2) located in an R3-2 zoning district, which does not comply with the zoning requirements for lot area, front yard, floor area ratio and permitted obstructions in required yards, and is contrary to Z.R. §§23-32, 23-44, 23-45 and 23-141, on condition that all work shall substantially conform to drawings as they apply to the objections above

does not comply with the zoning requirements for lot area, front yard, floor area ratio and permitted obstructions in required yards, and is contrary to Z.R. §§23-32, 23-44, 23-45 and 23-141; and

WHEREAS, the record indicates that the subject premises is triangular parcel with approximately 72 feet of frontage on 128th Street, 79 feet of frontage on 109th Avenue and 93 feet of frontage on Hawtree Creek Road; and

WHEREAS, the subject zoning lot comprises the entire block; and

WHEREAS, the subject lot is considered a corner lot and therefore has no side or rear yard requirements; and

WHEREAS, the applicant represents that the 15 foot front yard requirement was reduced to 10 feet in order to obtain a reasonable floor plan for the proposed building; and

WHEREAS, the applicant further represents that the two required parking spaces were placed in the largest available area on the zoning lot, resulting in an obstruction in the front yard; and

WHEREAS, the aforementioned unique physical condition, namely the triangular shape and small size of the subject lot, makes its occupancy for a complying use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the instant application is for a two-family house and the Board has determined that no showing of financial hardship is required pursuant to Z.R. §72-21(b); and

WHEREAS, the record indicates that the proposed use and bulk of the subject proposal are consistent with the surrounding residential uses; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public 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

noted, filed with this application marked “Received, January 7, 2003”-(5) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved

MINUTES

only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, May 20, 2003.

35-03-BZ

CEQR #03-BSA-128Q

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Paul & Maryann Penzi, owners.

SUBJECT - Application January 28, 2003 - under Z.R. §73-125 to permit the proposed medical office, Use Group 4, in excess of 1,500 square feet, located in an R2 zoning district, which requires a special permit as per Z.R. §73-125.

PREMISES AFFECTED - 12-18 154th Street, a/k/a 152-61 12th Road, northwest corner, Block 4537, Lot 90, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:.....0
Negative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3
Absent: Commissioner Miele.....1
THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 10, 2003 acting on Application No. 401516436, reads in pertinent part:

“Objection #1. Comply with 12-10 Medical office shall be limited to less than 1,500 square feet of floor area or cellar space.

Objection #2. Comply with ZR 73-12 and 73-125 Community Facility Uses in R1 or R2 Districts”;

and

WHEREAS, a public hearing was held on this application on April 8, 2003, after due notice by publication in the *City Record*, laid over to April 29, 2003 and then to May 20, 2003 for decision; and

WHEREAS, this is an application under Z.R. §§73-03

WHEREAS, echoing the decisions of the Borough President and the Community Board, the Board notes that it is not adverse to the use of the site for a single practitioner, but is rather very concerned about the traffic and parking issues generated by the addition of a second medical office; and

WHEREAS, two medical offices would have a total staff of at least six employees (two dentists, two assistants and two hygienists); and

WHEREAS, the Board finds that the two medical offices with separate employees and patients, would create

and 73-125, to permit the operation of a medical office (Use Group 4) in excess of 1,500 square feet, located in an R2 zoning district, which requires a special permit; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by committees of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, the subject premises is an irregularly shaped corner lot with approximately 60 feet of frontage along 154th Street and approximately 87.84 feet of frontage along 12th Road, with a total area of 6,349.7 square feet, and is currently improved with a one-story and cellar dwelling; and

WHEREAS, the applicant seeks to convert the building into two medical offices, one on the first floor and one in the cellar; and

WHEREAS, the proposal also entails a 37.4 square foot addition for a new entryway; and

WHEREAS, the record indicates that the owner of the premises will occupy the first floor of the building, containing two operating rooms, two examination rooms, the doctor's office, and accessory reception waiting and laboratory areas with a staff of one dental assistant and a hygienist; and

WHEREAS, the applicant states that the cellar will have a design and layout similar to the first floor and will be leased to a second dentist who will have a similar practice and will generate a similar amount of traffic; and

WHEREAS, the applicant contends that there would not be more than 50 visits to the premises over the span of 12 hours; and

WHEREAS, the Board finds that the applicant satisfies all the requirements of §73-125 concerning open area, distribution, parking, landscaping and screening; and

WHEREAS, however, the Board finds that the applicant's application would adversely affect the character of the surrounding area; and

WHEREAS, based upon site and neighborhood inspection as well as evidence in the record, the Board notes that the adjoining lots are developed with single-family residences and the surrounding area is characterized with one and two-story residences; and

WHEREAS, by letter dated May 19, 2003, the Queens Borough President recommended disapproval of this application; and

WHEREAS, in its meeting of March 18, 2003, Community Board #7 recommended disapproval of this application; and

increased traffic and parking issues and would detract from the otherwise residential character of this neighborhood; and

WHEREAS, although the proposal provides off-street parking for six vehicles and therefore satisfies the requirement of §73-125(b), the Board finds that the parking layout provided is impractical and inappropriate within the context of the surrounding area; and

WHEREAS, therefore, the Board finds that the application would create disadvantages to the community that outweigh the advantages derived from the granting of this special permit and the application fails §73-03(a), under

MINUTES

General Findings Required for All Special Permit Uses and Modifications.

Resolved, that the decision of the Borough Commissioner, dated January 10, 2003 acting on Application No. 401516436 is upheld and this application is denied.

Adopted by the Board of Standards and Appeals, May 20, 2003.

95-03-BZ

CEQR #03-BSA-155M

APPLICANT - Law Offices of Howard Goldman, PLLC, for Ross & Ross LLC, owner; Northside Center for Child Development, Inc., lessee.

SUBJECT - Application March 26, 2003 - under Z.R. §73-19 to permit within an M1-4 zoning district, the location of a head start school.

PREMISES AFFECTED - 302 East 111th Street, between First and Second Avenues, Block 1682, Lot 46, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Chris Wright.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated March 20 2003 acting on Application No. 10340940 1 reads:

- “1. Proposed arrangement in layout indicates nursery, day care center with classrooms (community facility- Use Group 3) which is not permitted as of right in a M1-4 District as per section 42-10 ZR..”: and

WHEREAS, a public hearing was held on this application on May 6, 2003 after due notice by publication in *The City Record* and laid over to May 20, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the

WHEREAS, the Board notes that the above condition meets the requirement of Section 73-19(d), that the movement of traffic through the street on which the school is located can be controlled as to protect children going to and from the school; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-03 and 73-19; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

Board consisting of Chairman James Chin, Vice-Chair Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit under Z.R. §§73-03 and 73-19 to permit, within an M1-4 zoning district, the location of a head start school; and

WHEREAS, Community Board #11, Manhattan recommends approval of this application; and

WHEREAS, the subject site is a 14,785 square foot building located 111th Street between First and Second Avenue; and

WHEREAS, the record indicates that for more than 50 years the applicant has provided community services focusing on the development of children and families in urban settings; and

WHEREAS, the applicant represents that the building was formerly used as a community facility and contains adequate floor space to accommodate the school's programmatic requirements including, classrooms, faculty offices, and counseling centers and can therefore be converted to a school use by rearranging the floor layout; and

WHEREAS, the Board notes that despite an extensive search for a suitable facility where the school would be permitted as-of-right, no suitable site has been found; and

WHEREAS, the record indicates that the proposed use is located immediately adjacent to an R7-2 zone meeting the requirement that the school not be located more than 400 feet from the boundary of a district where the school is permitted as-of-right; and

WHEREAS, the surrounding manufacturing district consists of a parking lot which is located more than 240 feet from the subject school thereby minimizing any adverse noise impacts; and

WHEREAS, the record indicates that the remainder of the surrounding neighborhood is characterized by a mixture of residential with ground floor retail uses and other community facility uses; and

WHEREAS, therefore, the Board finds that the proposed use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the applicant represents that due to their young age, the children will not enter or leave the building without an escort and that the hours will be limited to 8:00 A.M to 6:00 P.M. Monday through Friday; 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. §§73-03 and 73-19 to permit, within an M1-4 zoning district, the location of a head start school, *on condition* that all work

MINUTES

shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received April 11, 2003"- (5) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the term of this special permit shall be limited to eleven (11) years, to coincide with the lease agreement, to expire on May 20, 2014;

THAT the hours of operation shall be limited to 8:00 A.M to 6:00 P.M. Monday through Friday;

THAT fire protection measures, including an automatic wet-sprinkler and a Fire Alarm system throughout the subject premises, with both systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT construction shall be completed in accordance with Z.R. §73-70;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 20, 2003.

284-01-BZ

APPLICANT - Stanley K. Schlein, Esq., for Silver Lake Realty Partnership, owner.

SUBJECT - Application October 3, 2001 - under Z.R. §72-21, to permit the proposed expansion of an existing nursing home, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, is contrary to Z.R. §24-111.

PREMISES AFFECTED - 275 Castleton Avenue, 26' east of the northeast corner of Castleton Avenue and Harbor View Court,

91-02-BZ

APPLICANT - Sheldon Lobel, P.C., for David Winiarski, owner.

SUBJECT - Application September 11, 2002 - under Z.R. § 72-21 to permit the proposed construction of a six story building, with residential uses on the upper floors and community facility use on the first floor, located in an R5 zoning district, which exceeds the permitted residential and community facility floor area ratios, is contrary to Z.R. §24-11 and §23-141.

PREMISES AFFECTED - 3032/42 West 22nd Street, 180' north of Highland View Avenue, Block 7071, Lot 19 (prev. 19, 29 and 22), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

Block 119, Lot 104, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Patrick W. Jones.

For Opposition: Diane O'Donnell.

ACTION OF THE BOARD - Laid over to July 15, 2003, at 2 P.M., for continued hearing.

66-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Harry Einhorn, owner.

SUBJECT - Application February 20, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, Use Group 2, in an M3-1 residential building, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 439 Marcy Avenue, Lot fronting on Marcy Avenue and Union and Wallabout Streets, Block 2249, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 1:30 P.M., for continued hearing.

73-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Aron Adler, owner.

SUBJECT - Application July 9, 2002 - under Z.R. §72-21, to permit the proposed conversion of an existing four story building, located in a manufacturing zoning district, into a mixed-use building, with floors 2 through 4 for residential use, and the first floor to remain commercial, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 6 Stanwix Street, a/k/a 59 Jefferson Street, a through lot fronting Stanwix and Jefferson Streets, Block 3162, Lot 1, Borough of Brooklyn. **COMMUNITY BOARD #4BK**

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to July 15, 2003, at 1:30 P.M., for continued hearing.

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to June 24, 2003, at 1:30 P.M., for decision, hearing closed.

156-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for 8021 15th Avenue Corp., owner; Aspen Ford, lessee.

MINUTES

SUBJECT - Application May 15, 2002 - under Z.R. §11-411 to permit the reestablishment of a variance previously granted under Cal. No.606-85-BZ, which permitted the maintenance of a new and used car sales lot with an accessory office and parking, located in a C2-3 within and R5 zoning district.

PREMISES AFFECTED - 964/70 65th Street, south side, 100' west of Tenth Avenue, Block 5750, Lot 47, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to June 24, 2003, at 1:30 P.M., for decision, hearing closed.

210-02-BZ thru 213-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Mark Grane, owner.

SUBJECT - Application July 15, 2002 - under Z.R. §72-21 to permit the proposed mixed use building, Use Groups 2 and 6, which does not comply with the zoning requirements for lot coverage, open space and lot area per dwelling unit, and is contrary to Z.R.§23-141, §23-22 and §35-40.

PREMISES AFFECTED -

78-01 Myrtle Avenue, northeast corner of 78th Street, Block 3827, Lot 50, Borough of Queens.

78-03 Myrtle Avenue, between 78th and 79th Streets, (20' east of 78th Street), Block 3827, Lot 49, Borough of Queens.

78-05 Myrtle Avenue, between 78th and 79th Streets,

268-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Williamsburg Bridge Towers, LLC, owner.

SUBJECT - Application October 4, 2002 - under Z.R. §72-21 to permit the proposed construction of a seven story Class Multiple A Dwelling, with nine dwelling units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R.§42-00.

PREMISES AFFECTED - 176 South Fourth Street, between Driggs Avenue and South Fifth Place, Block 2446, Lot 78, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Irving E. Minkin.

ACTION OF THE BOARD - Laid over to June 24, 2003, at 1:30 P.M., for continued hearing.

315-02-BZ

(39.15' east of 78th Street), Block 3827, Lot 48, Borough of Queens.

78-07 Myrtle Avenue, between 78th and 79th Streets, (58.30' east of 78th Street), Block 3827, Lot 47, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to June 24, 2003, at 1:30 P.M., for decision, hearing closed.

222-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Eugene & Francine Simonetti, owner.

SUBJECT - Application August 5, 2002 - under Z.R. §72-21 to permit the proposed nine family residential development, Use Group 2, located in an R4 zoning district, which exceeds the permitted floor area and number of dwelling units, and provide less than the required parking, which is contrary to Z.R.§23-141b, §23-22 and §25-23.

PREMISES AFFECTED - 2547 East 12th Street, east side, 280' north of Avenue "Z", Block 7433, Lot 159, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to July 15, 2003, at 1:30 P.M., for continued hearing.

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for 225-227 West 60th Street, LLC, owner.

SUBJECT - Application October 25, 2002 - under Z.R. §72-21 to permit the proposed construction of a mixed-use building, containing college facilities and apartments, Use Groups 2 and 3, located in an R8 zoning district, which does not comply with the zoning requirements for floor area ratio, number of dwelling units, setback, rear setback, sky exposure plane and lot coverage, is contrary to Z.R. §23-142, §24-11, §24-20, §24-16, §24-33 and §24-522.

PREMISES AFFECTED - 223/27 West 60th Street, north side, between Amsterdam and West End Avenues, Block 1152, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Howard Weiss and Jack Freeman.

ACTION OF THE BOARD - Laid over to June 24, 2003, at 1:30 P.M., for continued hearing.

MINUTES

342-02-BZ

APPLICANT - Sheldon Lobel, P.C., for John Dioguardi, owner.
SUBJECT - Application November 15, 2002 - under Z.R. §73-53 to permit the legalization of an enlargement to an existing non-conforming manufacturing use, located in C1-2 within an R5 zoning district, which requires a special permit.

PREMISES AFFECTED - 6206 20th Avenue, between 62nd and 63rd Streets, Block 5534, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to June 24, 2003, at 1:30 P.M., for decision, hearing closed.

362-02-BZ

APPLICANT - Harold Weinberg, P.E., for Ronnie Hasson, owner.

SUBJECT - Application December 13, 2002 - under Z.R. §73-622 to permit the proposed erection of a rear enlargement at the level of the second floor, of an existing two story single family dwelling, which does not comply with the zoning requirements for floor area ratio, open space and lot coverage, and is contrary to Z.R. §23-141 and §54-31.

PREMISES AFFECTED - 4211 Ocean Avenue, east side, 52'-6" north of Oriental Boulevard, Block 8748, Lot 209, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

28-03-BZ

APPLICANT -Martyn & Don Weston, for Minc Platform, LLC, owner.

SUBJECT - Application January 15, 2003 - under Z.R. §72-21 to permit the proposed conversion of the upper floors, and a small portion of the ground floor, of a partially vacant three story manufacturing building, for residential units of loft type housing, which is contrary to §42-00.

PREMISES AFFECTED - 61/65 Green Street, northeast corner of West Street, Block 2511, Lots 1 and 8, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Lavra L. Smith.

ACTION OF THE BOARD - Laid over to June 24, 2003, at 1:30 P.M., for continued hearing.

30-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Barry Himmel, owner.

SUBJECT - Application January 16, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing two-story non-conforming commercial use building, Use Group 17B, by the

For Applicant: Harold Weinberg, Henry Hasson, Nathan Hasson, Aid Hasson, Jack Aini and Rachel Hasson.

For Opposition: Harold Rosenthal, Ed Eisenberg and Rosalie Rosenthal.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to June 24, 2003, at 1:30 P.M., for decision, hearing closed.

24-03-BZ

APPLICANT - Vassalotti Associates Architects, for Phillips Petroleum, owner.

SUBJECT - Application January 13, 2003 - under Z.R. §11-411 to permit the reestablishment of an expired variance, previously granted under Cal. No. 624-39-BZ, which permitted a gasoline service station and an automobile repair facility, Use Group 16, in a C1-2 within an R2 zoning district.

PREMISES AFFECTED - 178-02/08 Union Turnpike, southwest corner of Surrey Place, Block 7227, Lot 29, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to July 15, 2003, at 1:30 P.M., for decision, hearing closed.

addition of two stories, located in an R6 zoning district, which is contrary to Z.R. §52-22.

PREMISES AFFECTED - 333/43 Lorimer Street, corner of Lorimer Street and Montrose Avenue, Block 3049, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to June 17, 2003, at 1:30 P.M., for deferred decision.

32-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Jeffrey J. Edelman, owner.

SUBJECT - Application January 23, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, 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 rear and side yards, and is contrary to Z.R. §§23-141, 23-47 and 23-461.

PREMISES AFFECTED - 1052 East 26th Street, between Avenues

MINUTES

“J” and “M”, Block 7607, Lot 71, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner
Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to June 24, 2003,
at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 3:20 P.M.

SPECIAL MEETING

**WEDNESDAY MORNING, MAY 21, 2003
10:00 A.M.**

Adjourned: 11:45 A.M.

Present: Chairman Chin, Vice-Chair Babbar and
Commissioner Caliendo.

ZONING CALENDAR

256-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 160
Imlay Street Real Estate LLC, owner.

SUBJECT - Application September 18, 2002- under Z.R. §72-01
to permit the proposed development of a vacant six story
manufacturing building, and the addition of three floors, for
residential use, Use Group 2, located in an M2-1 zoning district,
which is contrary to Z.R. §42-00 and §43-00.

PREMISES AFFECTED - 160 Imlay Street, bounded by Imlay,
Verona and Commerce Streets, and Atlantic Basin, Block 515,
Lot 75, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Howard Goldman, Jack Freeman, John McGetrick,
Anthony Pugliese, Lou Sones, J. Getra, Z. Fruchthandler, Szlratore
Buddy Scotto, Edie Stone, Robert Perry, Bette Stoltz and Paul
Rivera.

For Opposition: John Jerard, Terica Watson, Ernest Mcgliaccio,
Matt Yater, Jenifer Roth Nyian, Phaedra Thomas and Carolina
Salguero.

ACTION OF THE BOARD - Laid over to August 13,
2003, at 11:00 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, Nos. 24-25

June 12, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - Counsel

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET409-411

CALENDAR of July 15, 2003

Morning412

Afternoon413-414

CONTENTS

MINUTES of Regular Meetings,

Tuesday, June 3, 2003

Morning Calendar415

Affecting Calendar Numbers:

| | |
|--------------------|---|
| 660-77-BZ | 136-50 41 st Avenue, Queens |
| 193-92-BZ | 1303 Beach Channel Drive, Queens |
| 37-00-BZ | 111-05 to 111-18 Van Wyck Expressway, Queens |
| 139-01-BZ | 27 West 38 th Street, Manhattan |
| 228-01-BZ | 1153 Grand Concourse, The Bronx |
| 86-03-A | 11-19 132 nd Street, Queens |
| 472-37-BZ, Vol. IV | 2765/2773 Cropsey Avenue, Queens |
| 352-64-BZ | 408-424 East 51 st Street, Manhattan |
| 669-80-BZ | 7 Buttonwood Road, Staten Island |
| 89-65-BZ | 26-01, 26-15 86 th Street, Brooklyn |
| 41-91-BZ | 5012/24 Avenue N, aka 1700 East 51 st Street, Brooklyn |
| 37-96-BZ | 1601 Bronxdale Avenue, The Bronx |
| 87-03-A | 132-01 14 th Avenue, Queens |
| 21-02-A | |
| thru 25-02-A | Francis Lewis Boulevard, Queens |
| 259-02-A | 819 Rossville Avenue, Staten Island |
| 287-02-A | |
| thru 289-02-A | 3 & 7 Reynolds Court, Staten Island |
| 101-03-A | 845 United Nations Plaza, Manhattan |
| 116-03-A | 400 West 55 th Street, Manhattan |

CONTENTS

Afternoon Calendar.....422

Affecting Calendar Numbers:

| | |
|----------------|--|
| 120-02-BZ | 42 Avenue "A", Manhattan |
| 214-02-BZ | 55 Berry Street, Brooklyn |
| 338-02-BZ | 14-01 College Point Boulevard, Queens |
| 358-02-BZ | 200 Park Avenue, Manhattan |
| 43-03-BZ | 18 West 17 th Street, Manhattan |
| 74-03-BZ | 32 College Place, Brooklyn |
| 282-01-BZ | 222 Wallabout Street, Brooklyn |
| 283-01-BZ | 266 Lee Avenue, Brooklyn |
| 384-01-BZ | 218 Wallabout Street, Brooklyn |
| 237-02-BZ | 37-49 91 st Street, Queens |
| 66-02-BZ | 439 Marcy Avenue, Brooklyn |
| 178-02-BZ | 57 Eagle Street aka 233 Franklin Street, Brooklyn |
| 181-02-BZ | 1875 Bartow Avenue, The Bronx |
| 258-02-BZ | 7/13 Ash Street, Brooklyn |
| 277-02-BZ | 60 Coleridge Street, Brooklyn |
| 283-02-BZ | 1246 East 24 th Street, Brooklyn |
| 334-02-BZ | |
| thru 336-02-BZ | Atlantic Avenue, Brooklyn |
| 343-02-BZ | 54 West 21 st Street, Manhattan |
| 364-02-BZ | 142 West Ninth Street, Brooklyn |
| 365-02-BZ | 4306 Third Avenue, Brooklyn |
| 374-02-BZ | 267-20 74 th Avenue, Queens |
| 29-03-BZ | 1179 East 28 th Street, Brooklyn |
| 34-03-BZ | 89-57 207 th Street, Queens |
| 36-03-BZ | 271-17 76 th Avenue, Queens |
| 73-03-BZ | 400 Lenox Avenue, Manhattan |
| 94-03-BZ | 622/26 Broadway, aka 156/60 Crosby Street, Manhattan |

CORRECTION.....434

Affecting Calendar Number

| | |
|-----------|--|
| 193-01-BZ | 3044 Coney Island Avenue, Brooklyn |
| 341-02-BZ | 231/33 East 58 th Street, Manhattan |

DOCKET

New Case Filed Up to June 3, 2003

155-03-BZ B.Q. 37-44 103rd Street, east side, 410.75' south of 37th Avenue, Block 1768, Lot 32, Borough of Queens. Applic.#401574603. The legalization of a retail store, Use Group 6, on the first floor of an existing frame two story, two family dwelling with a one story masonry enlargement at the front and rear, located in an R6 zoning district, is contrary to Z.R. §22-00 and §23-47.

COMMUNITY BOARD #3Q

156-03-BZ B.Q. 135-35 Northern Boulevard, northside of Main Street, Block 4958, Lots 48 and 38, Borough of Queens. Alt.1#401622669. Proposed construction of a fourteen story mixed use building, Use Groups 2 and 6, containing retail, office, 150 dwelling units and 250 parking spaces, located in an R6 within a C2-2 overlay zoning district, is contrary to Z.R. §§35-00 and 36-00.

COMMUNITY BOARD #7Q

157-03-A B.S.I. 41 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 23, Borough of Staten Island. Applic.#500567237. Proposed contractor's establishment and warehouse, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

158-03-A B.S.I. 37 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 25, Borough of Staten Island. Applic.#500567246. Proposed contractor's establishment and warehouse, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

159-03-A B.S.I. 33 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 27, Borough of Staten Island. Applic.#500567255. Proposed contractor's establishment and warehouse, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

160-03-A B.S.I. 29 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 29, Borough of Staten Island. Applic.#500567264. Proposed contractor's establishment and warehouse, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

161-03-A B.S.I. 25 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 31, Borough of Staten Island. Applic.#500567273. Proposed contractor's establishment and warehouse, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

162-03-A B.S.I. 21 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 33, Borough of Staten Island. Applic.#500567282. Proposed contractor's establishment and warehouse, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

163-03-A B.S.I. 17 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 35, Borough of Staten Island. Applic.#500567291. Proposed contractor's establishment and warehouse, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

164-03-A B.S.I. 11 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 37, Borough of Staten Island. Applic.#500567308. Proposed contractor's establishment and warehouse, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

DOCKET

New Case Filed Up to June 3, 2003

165-03-A B.S.I. 288 Wild Avenue, south side, between Mackay and Walton Avenues, Block 2647, Lot 01, Borough of Staten Island. Applic.#500567317. Proposed contractor's establishment and warehouse, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

166-03-A B.S.I. 284 Wild Avenue, south side, between Mackay and Walton Avenues, Block 2647, Lot 03, Borough of Staten Island. Applic.#500567326. Proposed contractor's establishment and warehouse, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

167-03-A B.S.I. 280 Wild Avenue, south side, between Mackay and Walton Avenues, Block 2647, Lot 05, Borough of Staten Island. Applic.#500567335. Proposed contractor's establishment and warehouse, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

168-03-A B.S.I. 12 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 07, Borough of Staten Island. Applic.#500567344. Proposed contractor's establishment and warehouse, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

169-03-A B.S.I. 16 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 09, Borough of Staten Island. Applic.#500567353. Proposed contractor's establishment and warehouse, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

170-03-A B.S.I. 20 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 11, Borough of Staten Island. Applic.#500567362. Proposed contractor's establishment and warehouse, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

171-03-A B.S.I. 24 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 13, Borough of Staten Island. Applic.#500567371. Proposed contractor's establishment and warehouse, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

172-03-A B.S.I. 28 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 15, Borough of Staten Island. Applic.#500567380. Proposed contractor's establishment and warehouse, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

173-03-A B.S.I. 32 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 17, Borough of Staten Island. Applic.#500567399. Proposed contractor's establishment and warehouse, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

174-03-A B.S.I. 36 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 19, Borough of Staten Island. Applic.#500567406. Proposed contractor's establishment and warehouse, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

175-03-A B.S.I. 40 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 21, Borough of Staten Island. Applic.#500567415. Proposed contractor's establishment and warehouse, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

176-03-BZ B.Q. 220-02 Jamaica Avenue, aka 219-42/54 Jamaica Avenue, south side, between Springfield Boulevard and 222nd Street, Block 10789, Lots 256 (formerly known as Lot 27), and 264, Borough of Queens. Applic.#401587369. Proposed change of use from automobile repair shop and sales, Use Group 16, to a self-storage facility, with non-illuminated and illuminated signages, located in C1-2 within an R3-2 zoning district, is contrary to Z.R. §32-25, §32-642 and §32-643.

COMMUNITY BOARD #13Q

DOCKET

177-03-A B.BX. 626 West 254th Street, between Arlington and Independence Avenues, Block 5942, Lot 192, Borough of The Bronx. Applic.#200780360. Proposed residential structure, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

Avenues "L and M", Block 7641, Lot 62, Borough of Brooklyn. Applic.#301539360. Proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space, and rear yard, is contrary to Z.R. §§23-141 and 23-47.

COMMUNITY BOARD #14BK

178-03-BZ B.Q. 114-02 Van Wyck Expressway, southwest corner of Linden Boulevard, Block 11661, Lot 7, Borough of Queens. Applic.#401638885. The continued use of the premises as an automotive service station, Use Group 16, also a modification to the existing signage, located in a C2-2 within an R3-2 zoning district, is contrary to Z.R. §32-35.

COMMUNITY BOARD #10BK

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.

179-03-BZ B.BK. 402 Avenue "U", aka 2133 East Second Street, southeast corner, Block 7129, Lot 1, Borough of Brooklyn. Applic.#301271567. Proposed construction of a synagogue and twenty-one apartments, Use Groups 2 and 4, with a twenty-three car garage, accessory to the residential use, located in an R6-A zoning district, which does not comply with the zoning requirements for floor area, base and building height, is contrary to Z.R. §24-11 and §23-633.

COMMUNITY BOARD #15BK

180-03-A B.S.I. 86 Sweetbrook Road, southwest corner of Getz Avenue, Block 5523, Lot 83, Borough of Staten Island. Applic.#500605197. Proposed two-family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

181-03-BZ B.BK. 2615 Avenue "N", north side, 40' west of East 27th Street, Block 7662, Lot 3, Borough of Brooklyn. Applic.#301534711. Proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, is contrary to Z.R. §23-141.

COMMUNITY BOARD #14BK

182-03-BZ B.BK. 1238 East 24th Street, between

CALENDAR

JULY 15, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, July 15, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

361-49-BZ

APPLICANT - Eric Palatnik, P.C., for Aaronoff FLP and Leonard Lazarus, owner; BP Products North America, lessee.

SUBJECT - Application May 2, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a certificate of occupancy which expired April 18, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 74-01 Eliot Avenue, Eliot Avenue and 74th Street, Block 2844, Lot 46, Borough of Queens.

COMMUNITY BOARD #5Q

921-57-BZ

APPLICANT - Moshe M. Friedman, P.E., for Aeomt Realty, Inc., owner.

SUBJECT - Applications April 28, 2003 and May 29, 2003 - reopening for an extension of term of variance which expired May 29, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 6602 New Utrecht Avenue aka 6602-6610 New Utrecht Avenue, aka 1472-1478 66th Street, northeast corner of New Utrecht Avenue and 66th Street, Block 5762, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #11BK

292-58-BZ

APPLICANT - Eric Palatnik, P.C., for 830 East 233rd Street Corp., owner; BP Products North America, lessee.

SUBJECT - Application March 18, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expires October 22, 2004 and for an amendment to the resolution.

PREMISES AFFECTED - 836 East 233rd Street, northwest corner of Bussing Avenue and East 233rd Street, Block 4857, Lot 44, Borough of The Bronx.

COMMUNITY BOARD #12BX

118-71-BZ

APPLICANT - Edward Lauria, P.E., for Dominick Suppo, owner.

40-03-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Ben Gardner, owner.

SUBJECT - Application January 30, 2003 - under Z.R. § 72-21 to permit the proposed construction of a twenty-seven unit residential

SUBJECT - Application February 27, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 299 Guyon Avenue, northwest corner of Hylan Boulevard and Guyon Avenue, Block 4301, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

192-92-BZ

APPLICANT - Anthony M. Salvati, for Mr. Paul Rose, owner.

SUBJECT - Application May 30, 2003 - reopening for an extension of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 900 Southern Boulevard, northeast corner of Southern Boulevard and Barretto Street, Block 2735, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #2BX

JULY 15, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, July 15, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

324-02-BZ

APPLICANT - Law Office of Howard Goldman, PLLC, for Henry Weinstein, owner; 752 Pacific LLC, lessee.

SUBJECT - Application October 31, 2002 - under Z.R. §72-21 to permit the proposed conversion of a vacant industrial building into a forty-nine unit residential building, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 752 Pacific Street, between Carlton and Underhill Avenues, Block 1129, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #8BK

complex, in a three story building, with retail use on the ground floor, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 124-20 Jamaica Avenue, corner of 125th Street, Block 9333, Lot 7, Borough of Queens.

CALENDAR

COMMUNITY BOARD #9Q

44-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Josephine Valletta, owner; Nissan Lift of New York, lessee.

SUBJECT - Application February 7, 2003 - under Z.R. §72-21 to permit the proposed enlargement, both vertically and horizontally of an existing non-conforming one story commercial use, Use Group 16, located in an R5 zoning district, which is contrary to Z.R. §54-30.

PREMISES AFFECTED - 97-20 99th Street, 100' south of 97th Avenue, between 97th and 101st Avenues, Block 9075, Lot 32, Borough of Queens.

COMMUNITY BOARD #9Q

100-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Gabe and Roberta Levy, owners.

SUBJECT - Application March 28, 2003 - under Z.R. §73-622 to permit the legalization of an enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space ratio, balconies, and side and rear yards, is contrary to Z.R. §23-141, §23-461 (a), §23-47 and §23-131.

PREMISES AFFECTED - 3448 Bedford Avenue, between Avenues "M" and "N", Borough of Brooklyn.

COMMUNITY BOARD #14BK

118-03-BZ

APPLICANT - Slater & Beckerman, LLP, for 1101 Prospect LLC, owner.

SUBJECT - Application April 11, 2003 - under Z.R. § 72-21 to permit the proposed construction of a six-story residential and community facility building, Use Groups 2 and 4, located in an R5B zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, number of dwelling units, community facility bulk regulations, front and yards, height and setback, is contrary to Z.R. §23-141(b), §23-22, §24-01, §24-162, §23-45, §24-34, §24-35 and §24-521.

PREMISES AFFECTED - 1101 Prospect Avenue, a/k/a 1677 11th Avenue, northeast corner, Block 5256, Lot 1, Borough of Brooklyn.

279-02-BZ

APPLICANT - Harold Weinberg, P.E., for Michael Pellegrino, owner.

SUBJECT - Application May 2, 2003 - under Z.R. §73-622 to permit the legalization of a second story to an existing one story, one family dwelling, Use Group 1, located in an R4 zoning district, which does not comply with the zoning requirements for lot coverage, floor area ratio and side yard, is contrary to Z.R. §23-141, §23-47 and §54-31.

COMMUNITY BOARD #7BK

143-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Raymond and Vivian Dayan, owners.

SUBJECT - Application May 5, 2003 - 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, lot coverage, side and rear yards, is contrary to Z.R. §23-141, §23-461A and §23-47.

PREMISES AFFECTED - 1734 East 24th Street, between Quentin Road and Avenue "R", 240' south of Quentin Road, Block 6806, Lot 19, Borough of Brooklyn. **COMMUNITY BOARD #15BK**

154-03-BZ

APPLICANT - Steven Sinacori for Stadtmauer Bailkin, LLP, for 100-05 92nd Avenue Realty, Corporation, owner.

SUBJECT - Application May 15, 2003 - under Z.R. §72-21 to permit the proposed change of use of a vacant industrial building, to a multiple dwelling, Use Group 2, located within an R3-1 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 100-05 92nd Avenue, corner of 102nd Street, Block 9306, Lot 30, Borough of Queens.

COMMUNITY BOARD #9Q

176-03-BZ

APPLICANT - Stadtmauer Bailkin, LLP, for 219-44 Jamaica Avenue, 220-02 Jamaica Avenue, LLC, owner; Public Storage, Inc, lessee.

SUBJECT - Application May 22, 2003 - under Z.R. §72-21, to permit within a C1-2 and R3-2 zoning district a change of use from automobile repair shop and automobile sales to storage warehouse (Use Group 16), which is contrary to Z.R. §32-00.

PREMISES AFFECTED - 220-02 Jamaica Avenue a.k.a 219-42/54 Jamaica Avenue, southern side of Jamaica Avenue between Springfield Boulevard and 222nd Street, Block 10789, Lots 256 and 264, Borough of Queens.

COMMUNITY BOARD #13Q

PREMISES AFFECTED - 76 Aster Court, east side, 34'-0" north of Channel Avenue, south of Bijou Avenue, Block 8946, Lot 844, Borough of Brooklyn.

COMMUNITY BOARD #15BK

Pasquale Pacifico, Executive Director

MINUTES

MINUTES

**REGULAR MEETING
TUESDAY MORNING JUNE 3, 2003
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, March 25, 2003, were approved as printed in the Bulletin of April 3, 2003, Volume 88, No. 14.

SPECIAL ORDER CALENDAR

660-77-BZ

APPLICANT - Joseph P. Morsellino, for 41st Realty LLC, owner; Fogarty Funeral Home, lessee.

SUBJECT - Application March 7, 2003 - reopening for an extension of term of variance which expired March 7, 2003.

PREMISES AFFECTED - 136-50 41st Avenue, 41st Avenue, east of Kissena Boulevard, Block 5044, Lot 32, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

ACTION OF THE BOARD - Application reopened and term of variance extended.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the applicant requested a reopening for an extension of the term of the variance which expires on March 7, 2003; and

WHEREAS, a public hearing was held on this application on April 29, 2003, after due notice by publication in The City Record, and laid over to June 3, 2003 for decision; and

WHEREAS, on March 7, 1978, the Board granted an application under Z.R.§72-21 to amend the variance to permit the construction and maintenance of an accessory parking lot to a funeral parlor establishment.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution to extend the term of the variance which expired on March 7, 2003, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional fifteen (15) years from March 7, 2003 to expire on March 7, 2018, on condition;

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 7, 2003- (1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 4, 2003- (4) sheets; and on further condition;

graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.

(DOB Application #401604732)

Adopted by the Board of Standards and Appeals, June 3, 2003.

193-92-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Rhee Enterprises, Ltd., owner; White Castle System, Inc., lessee.

SUBJECT - Application February 4, 2003 - reopening for an extension of term of variance which expired July 13, 2003.

PREMISES AFFECTED - 1303 Beach Channel Drive, northwest corner of Mott Avenue, Block 15661, Lot 1, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES - None.

ACTION OF THE BOARD - Application reopened and term of variance extended.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the applicant requested a reopening for an extension of the term of the variance which expires on July 13, 2003; and

WHEREAS, a public hearing was held on this application on April 29, 2003, after due notice by publication in The City Record, and laid over to June 3, 2003 for decision; and

WHEREAS, on July 13, 1993, the Board granted an application under Z.R.§73-243 to amend the variance to permit an accessory drive through facility to an eating and drinking establishment.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution to extend the term of the Variance which expires on July 13, 2003, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the Variance for an additional ten (10) years from July 13, 2003 to expire on July 13, 2013, on condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

MINUTES

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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."

(DOB Application # 400336695)

Adopted by the Board of Standards and Appeals, June 3, 2003.

37-00-BZ

APPLICANT - Leo Weinberger, Esq., for Pappco Holding Co., Ltd., owner; Sai Gas, Inc., lessee.

SUBJECT - Application March 7, 2003 - reopening for an extension of time to obtain a new certificate of occupancy.

PREMISES AFFECTED - 111-05 to 111-18 Van Wyck Expressway and 111-05 Lincoln Street, Block 11639, Lot 12, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES - None.

ACTION OF THE BOARD - Application reopened and time to obtain a Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a reopening for an extension of the time to obtain a Certificate of Occupancy which expired on February 5, 2003; and

WHEREAS, a public hearing was held on this application on May 6, 2003, after due notice by publication in The City Record, and laid over to June 3, 2003 for decision; and

WHEREAS, on February 5, 2002, the Board granted an application permitting the re-establishment of an expired variance for an automotive service station with accessory uses in a C2-2 district.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution to extend the time to obtain a Certificate of Occupancy which expired on February 5, 2003, so that as amended this portion of the resolution shall read:

WHEREAS, on February 5, 2002, the Board granted a variance application permitting residential dwellings in an M1-6 District.

Resolved, that the Board of Standards and Appeals waives the rules of practice and procedure and reopens and amends the resolution to extend the time to obtain a Certificate of Occupancy which expired on February 5, 2003, so that as amended this portion of the resolution shall read:

“to permit the extension of the time to obtain a Certificate of

“to permit the extension of the time to obtain a Certificate of Occupancy for an additional two (2) years from the date of this resolution to expire on June 3, 2005, on condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.

(DOB Alt. Application #2989/56)

Adopted by the Board of Standards and Appeals, June 3, 2003.

139-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Mitchell Kaufman, owner.

SUBJECT - Application March 14, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a certificate of occupancy which expired February 5, 2003.

PREMISES AFFECTED - 27 West 38th Street, between Fifth and Sixth Avenues, Block 840, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD -Rules of Practice and Procedure waived, application reopened and time to obtain a Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the applicant requested a waiver of the rules of practice and procedure, a reopening for an extension of the time to obtain a Certificate of Occupancy which expired on February 5, 2003; and

WHEREAS, a public hearing was held on this application on May 6, 2003, after due notice by publication in The City Record, and laid over to June 3, 2003 for decision; and

Occupancy for an additional two (2) years from the date of this resolution to expire on June 3, 2005, on condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board

MINUTES

in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

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.

(DOB Alt. Application #102959185)

Adopted by the Board of Standards and Appeals, June 3, 2003.

228-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Helbor Realty Corp., owner.

SUBJECT - Application Remanded back to BSA as per Supreme Court Decision

PREMISES AFFECTED - 1153 Grand Concourse, northwest corner of the Grand Concourse and McClellan Street, Block 2463, Lot 21, Borough of The Bronx.

COMMUNITY BOARD #4BX

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Prior Decision Reaffirmed and Application Denied.

THE VOTE TO GRANT -

Affirmative:.....0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo, and Commissioner Miele.....4

THE RESOLUTION -

WHEREAS, on January 8, 2002 the Board denied a variance application under Z.R. §72-21, seeking the legalization of a Use Group 6 Food Store and a Use Group 6 Record and Music store at the subject premises; and

WHEREAS, pursuant to a March 12, 2002 decision by Justice Bertram Katz, J.S.C of the Supreme Court of the State of New York, this case has been remanded to the Board for further variance consideration with specific reference to the Board's prior finding under Calendar Number 161-00-BZ, issued on December 12, 2000, which the applicant claims is analogous to the subject application; and

WHEREAS, a new hearing for this application was held on February 11, 2003, laid over March 25, 2003, and then to June 3,

WHEREAS, the Board's site visit revealed that in the blocks surrounding the subject premises there are numerous multiple dwellings units without ground floor commercial occupancy; and

WHEREAS, furthermore, the Board finds that the occupied ground floor residential apartments in the area indicate the viability of ground floor residential use; and

WHEREAS, within the R8 zoning district, community facilities are an as-of-right use; and

WHEREAS, the Board finds no compelling evidence that a conforming residential or community facility use is not viable at the site; and

WHEREAS, the applicant contends that development of this property without the food and record stores will preclude the

2003 for decision; and

WHEREAS, the site and surrounding area have had site and neighborhood examinations by committees of the Board consisting of Chairman James Chin, former Commissioner Mitchell Korbey, Commissioner Peter Caliendo, Vice Chairman Satish Babbar and Commissioner Joel Miele; and

WHEREAS, on December 12, 2000, a variance was granted by the Board under Calendar Number 161-00-BZ permitting the legalization of an existing physical culture establishment (skin care clinic) located in the cellar level of a twelve story residential apartment building with penthouse, within an R8B zoning district; and

WHEREAS, the subject premises under Calendar Number 161-00-BZ was located at 314-322 East 52nd Street in Manhattan; and

WHEREAS, under Calendar Number 161-00-BZ, the Board found unique physical conditions at the premises which created practical difficulties in developing the site in strict conformity with the applicable zoning regulations; and

WHEREAS, although both cases cite the requirements of the Americans with Disabilities Act and local law 58/87 as part of their required findings for Z.R.§72-21(a), the Board notes that there are substantial differences between the two cases; and

WHEREAS, the premises under Calendar Number 161-00-BZ was more than 50% below grade and therefore could not be converted or used for residential or community facility purposes; and

WHEREAS, in contrast to the site at 314-322 East 52nd Street, this site is more than 50% above grade and thus can legally be used for residential purposes; and

WHEREAS, the applicant cites low rent in the area, the proximity to a newly constructed courthouse lacking retail services, and "checkerboard" commercial usage in the area while addressing Z.R.§72-21(a); and

WHEREAS, the Board has thoroughly reviewed the record and finds that applicant has failed to adequately demonstrate unique physical conditions leading to practical difficulty and unnecessary hardship which merit approval of this application as required under Z.R.§72-21(a); and

WHEREAS, the Board notes that although there are commercial uses within the area, there also exist many ground floor residential apartments in the immediate area; and

WHEREAS, the record indicates that the two stores that are the subject of this action were formerly residential units; and earning of a reasonable return; and

WHEREAS, the subject premises are currently improved with a multiple dwelling that is much larger than a structure that could be built under currently bulk regulations; and

WHEREAS, the subject building contains 58 dwelling units; and

WHEREAS, based on the evidence in the record, the Board finds that the applicant has failed to demonstrate that without the conversion of two residential units to a food store and a record store, the residential building can not make a reasonable return; and

WHEREAS, the Board finds that the application, as presented, fails to show the inability to obtain a reasonable return without this variance and thus fails to meet the requirements of Z.R. §72-21 (b);

MINUTES

and

WHEREAS, the subject premises is a six-story multiple dwelling (new law tenement), constructed in 1922 located within an R8 Zoning District within the Special Grand Concourse Preservation District in the Bronx; and

WHEREAS, as outlined in §122-00, one of the General Purposes of the Special Grand Concourse Preservation District is "to preserve and enhance the residential character of the Grand Concourse by limiting ground floor retail and commercial uses to certain specified locations"; and

WHEREAS, the Board notes that the subject premises is not located in such "specified location" and therefore contradicts the intent of the Special Grand Concourse Preservation District designation; and

WHEREAS, the record indicates that the area immediately surrounding the subject premises is marked by medium and low-density residential buildings; and

WHEREAS, although there exist many buildings in the city with ground floor commercial usage mixed with upper-level residential usage, such mixed use buildings are generally located in appropriately zoned commercial areas, often along streets developed for local retail uses; and

WHEREAS, the Board notes that extended illegal existence is not indicative of the store's appropriateness for the surrounding area; and

WHEREAS, the area surrounding the subject site under Calendar Number 161-00-BZ, is characterized by numerous commercial uses; and

WHEREAS, the Board notes that a physical culture establishment use, such as the skin care clinic approved under Calendar Number 161-00-BZ, generates less foot traffic generally and therefore is a less intensive use compared to the two commercial retail uses proposed under this application; and

WHEREAS, the Board finds that the stores in question do alter the residential character of the area and thus fail to meet the requirements of Z.R. §72-21(c); and

WHEREAS, furthermore, the Board notes that variance applications are evaluated and adjudicated by the Board on a site-specific basis relying on evidence in the record and its SUBJECT - Application February 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired March 14, 2001. PREMISES AFFECTED - 2765/2773 Cropsey Avenue, southeast corner of 28th Avenue and Cropsey Avenue, Block 6915, Lot 44, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at 10 A.M., for decision, hearing closed.

assessment of the site and proposal in context with the character of the surrounding area; and

WHEREAS, the instant application fails to meet the requirements of Z.R. §72-21 (a), (b) and (c), and therefore must be denied.

Therefore, it is Resolved that the decision of the Borough Commissioner must be sustained and the prior denial reaffirmed.

Adopted by the Board of Standards and Appeals, June 3, 2003.

86-03-A

APPLICANT - Richard Bowers, Stadtmauer Bailkin LLP, owner. SUBJECT - Application March 19, 2003 - Proposed erection of a contractor's establishment with offices, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 11-19 132nd Street, south of eleventh Avenue, Block 4012, Tentative Lot 144, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, June 3, 2003.

472-37-BZ, Vol. IV

APPLICANT - Vassalotti Associates, Architects, for 246 Sears Rd Realty Corp., owner.

352-64-BZ

APPLICANT - Sheldon Lobel, P.C., for Garage Management Company, owner.

SUBJECT - Application April 1, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 16, 1979.

PREMISES AFFECTED - 408-424 East 51st Street, East 51st Street between First Avenue and Beekman Place, Block 1362, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to June 24, 2003, at 10 A.M., for decision, hearing closed.

MINUTES

669-80-BZ

APPLICANT - Robert A. Caneco, R.A., for Stephen Ardizzone, owner.

SUBJECT - Application December 20, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 7 Buttonwood Road, east side, 200' North of Willow Pond Road, Block 879, Lot 12, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Robert Caneco.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to June 24, 2003, at 10 A.M., for decision, hearing closed.

89-65-BZ

APPLICANT - Walter Marin c/o The Marin Group, for Eleanor Gatto, owner; Genovese Drugs/Eckerd Corp.

SUBJECT - Application April 3, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 26-01, 26-15 86th Street, 2045 Stillwell Avenue, 2036-2042 West 13th Street, corner lot bounded by 86th Street, and West 13th Street, Block 7092, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,

PREMISES AFFECTED - 1601 Bronxdale Avenue, southwest corner of East Tremont Avenue, Block 4042, Lot 200, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: Jordon Most.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 10 A.M., for continued hearing.

87-03-A

APPLICANT - Richard Bowers, Stadtmauer Bailkin LLP, owner.

SUBJECT - Application March 19, 2003 - Proposed erection of a contractor's establishment with offices, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 132-01 14th Avenue, north side, 418.57' west of 133rd Place, Block 4012, Tentative Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to June 24, 2003, at 10 A.M., for decision, hearing closed.

41-91-BZ

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Reo Realty & Construction, owner; Her Body Inc., d/b/a For Your Body Only, lessee.

SUBJECT - Application March 25, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 12, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 5012/24 Avenue N, a/k/a 1700 East 51st Street, southwest corner of Avenue N and East 51st Street, Block 7895, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Adam W. Rothkrug and Judy Gargano.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to June 24, 2003, at 10 A.M., for decision, hearing closed.

37-96-BZ

APPLICANT - Sheldon Lobel, P.C., for Pilot Realty Corp., owner.

SUBJECT - Application June 1, 2001 - reopening for an amendment to the resolution and for an extension of time to complete construction.

ACTION OF THE BOARD - Appeal granted.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated April 1, 2003 N.B. Application No. 401621205 reads in pertinent part:

"Construction of a dwelling in the bed of a mapped street is contrary to General City Law Number 35. Refer to the Board of Standards and Appeals for their determination."; and

WHEREAS, this case was filed with a companion application under BSA Calendar No. 86-03-A which is being withdrawn at the request of the applicant; and

WHEREAS, this appeal is filed to allow retail and office space to be built in the bed of a mapped street known as 132nd Street between 14th and 11th Avenues; and

WHEREAS, by letter dated May 20, 2003, the Fire Department has reviewed the above project and has no objections; and

MINUTES

WHEREAS, by the letter dated May 14, 2003, the Department of Environmental Protection has reviewed the above project and has no objections provided that no structures of a permanent nature be built on the 25 foot "Sewer Corridor located partially within the applicant's property and partially within the adjacent lot"; and

WHEREAS, by letter dated April 30, 2003, 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 April 1, 2003 acting on N.B. Application No. 401621205, 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 May 22, 2003"- (1) sheet; and that the proposal comply with all applicable M1-1 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

259-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP for Michael Giordano, owner.

SUBJECT - Application September 23, 2003 - Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 819 Rossville Avenue, a/k/a 504 Correll Avenue, Block 6146, Lot 35, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to June 24, 2003, at 10 A.M., for decision, hearing closed.

287-02-A thru 289-02-A

to the relief granted.

Adopted by the Board of Standards and Appeals, June 3, 2003.

21-02-A thru 25-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for MSIM Development, Inc., owner.

SUBJECT - Application January 8, 2002 - Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -258-31 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 26, Borough of Queens.

258-33 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 27, Borough of Queens.

258-35 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 28, Borough of Queens.

258-37 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 128, Borough of Queens.

258-39 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 29, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at 10 A.M., for decision, hearing closed.

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Ocean Park Estates, owner.

SUBJECT - Application October 23, 2002 - Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

3 Reynolds Court, north side, 363.9' east of Reynolds Street, Block 2981, Lot 93, Borough of Staten Island.

5 Reynolds Court, north side, 363.1' east of Reynolds Street, Block 2981, Lot 95, Borough of Staten Island.

7 Reynolds Court, north side, 300' east of Reynolds Street, Block 2981, Lot 97, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Laid over to July 15, 2003, at 10 A.M., for continued hearing.

101-03-A

APPLICANT - BTU Design Corporation.

OWNER OF RECORD: Trump World Tower Condominium, owner.

MINUTES

SUBJECT - Application April 1, 2003 - An appeal challenging a final determination by the Department of Buildings, dated March 19, 2003, regarding manual fire pump and motor at said premises. PREMISES AFFECTED - 845 United Nations Plaza, between 47th and 48th Streets, Block 1340, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Davie M. Fiet, Robbins, Irving
For Administration: Anthony Scaduto, Fire Department; Felicia Miller, Ron A. Livian, Department of Buildings.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to August 5, 2003, at 10 A.M., for decision, hearing closed.

116-03-A

APPLICANT - Harvey Epstein, Esq., for 340 Owners Corp. et.al. OWNER OF RECORD: 55th Street and 9th Avenue Partners.

SUBJECT - Application April 9, 2003 - An appeal challenging the Department of Buildings' determination dated March 11, 2003, in which the Department has determined that the construction permits for the new building at said premises was granted appropriately.

PREMISES AFFECTED - 400 West 55th Street, southwest

REGULAR MEETING

TUESDAY AFTERNOON, JUNE 3, 2003

1:30 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele

ZONING CALENDAR

120-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Abraham Lokshin, owner; Dolphin Fitness, Inc., lessee.

SUBJECT - Application April 15, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, Use Group 9, located in the cellar of a six story building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 42 Avenue "A", northeast corner of East Third Street, Block 399, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

corner of Ninth Avenue, Block 1064, Lot 36, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Brian Sogol of State Senator Tom Duane, Jason Haber of Assemblymember Scott Stringer, Daryl Cochrane of U.S. Congressman Jerry Nadler, Dan Golub of Assemblymember Richard Gottfried, Jeremy Hoffman of Councilmember Christine Quinn, Anne Hayes Levin of Manhattan Community Board #4, JD Noland of Midtown North Community Council, J. R of Clinton Housing Development Co., Jennifer Berman, Jonathan Walker of Friends of Special Clinton District, Paul Loeb of W.55th Street Block Association, Mary Brendle, Linda Linday, Adam Harrigan, Maureen Wycisk, Lee Cameron, Marie Schultz, Kathy Kalahut, Ethel Elkin and John Kelly.

For Administration: Lisa Orantia, Department of Buildings.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to June 24, 2003, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 1:05 P.M.

WHEREAS, the decision of the Manhattan Borough Commissioner, dated March 14, 2002 acting on ALTI Application No. 102493730 reads:

"Physical Culture Establishment is not a use permitted as-of-right in a C2-5 District. It is contrary to 32-10 ZR"; and

WHEREAS, a public hearing was held on this application on February 11, 2003, laid over to after due notice by publication in The City Record and laid over to March 18, 2003, April 8, 2003, May 6, 2003 and then to June 3, 2003 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 Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §73-36 to permit, within a C2-5 zoning district, the legalization of an existing physical culture establishment, located in the cellar level of a six-story mixed-use building; and

WHEREAS, the subject PCE is located on the corner of Avenue A and 3rd Street and consists of approximately 3,300 square feet; and

WHEREAS, the applicant represents that the hours of operation are Monday-Friday 5:30 A.M. to 1:30 A.M. and Saturday and Sunday 9:00 A.M. to 9:00 P.M.; and

WHEREAS, the applicant has sufficiently demonstrated that the proposed hours of operation would not be out of character with the operating hours of other businesses in the immediate area; and

WHEREAS, the applicant represents that the remainder of the building is occupied by commercial and residential tenants, and that

MINUTES

there are no residential units directly above or adjacent to the subject facility; and

WHEREAS, the record indicates that the subject facility commenced operation on February 1, 2002; 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 Board finds that the proposed use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; 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. §73-03 and §73-36; and

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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 the hours of operation shall be limited to Monday-Friday 5:30 A.M. to 1:30 A.M. and Saturday and Sunday 9:00 A.M. to 9:00 P.M.;

THAT the aforementioned hours of operation of the facility shall only be permitted as long as there are no residential units directly above or adjacent to the subject facility;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all provisions of Local Law 58/87;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 3, 2003.

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, within a C2-5 zoning district, the legalization of an existing physical culture establishment, located in the cellar level of a six-story mixed-use building, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received October 18, 2002,"- (4) sheets and "March 4, 2003"- (2) sheets; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from February 1, 2002 to expire on February 1, 2012;

214-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Berry Complex LLC, owner.

SUBJECT - Application July 16, 2002 - under Z.R. §72-21 to permit the proposed conversion of a light manufacturing building, to residential use, Use Group 2, located in an M1-2 zoning district, which is contrary to §42-00.

PREMISES AFFECTED - 55 Berry Street, site fronts both North 11th and Berry Streets, Block 2297, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 2, 2002 acting on Application No. 301293570 reads:

"1. PROPOSED RESIDENTIAL USE GROUP 2 NOT PERMITTED IN M1-2 ZONING DISTRICT AS PER Z.R. 42-00.;" and

WHEREAS, a public hearing was held on this application on February 25, 2003 after due notice by publication in The City Record and laid over to April 15, 2003, May 6, 2003 and then to June 3, 2003 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, former Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit

MINUTES

in an M1-2 district, the proposed construction of a new six-story and cellar mixed-use building containing conforming uses at the first floor and cellar level with residential uses on the floors above which is contrary to Z.R. §42-00; and

WHEREAS, although the subject block falls within the M1-2 district which does not permit residential uses, the premises is located adjacent to the Special Northside Mixed-Use District, which allows a mixture of manufacturing and residential uses; and

WHEREAS, the record indicates that the manufacturing districts adjacent to the Special Northside District have historically contained mixed-use areas irrespective of a manufacturing designation housing many non-complying and non-conforming residential uses; and

WHEREAS, the applicant has demonstrated that when the

WHEREAS, the applicant has demonstrated that the building is burdened with ceiling heights that are too low to accommodate manufacturing needs and that the streets surrounding the building are too narrow to accommodate large trucks and tractor-trailers; and

WHEREAS, the aforementioned unique physical conditions, narrow streets, low ceiling heights and inadequate loading docks, yields a building that despite documented efforts to obtain a conforming tenant is obsolete for conforming manufacturing uses; and

WHEREAS, therefore the Board finds the above conditions create an undue burden in conforming to applicable zoning; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that the introduction of residential uses at the subject site would not adversely affect the character of the surrounding neighborhood; and

WHEREAS, therefore, the Board finds that the instant applications 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, the Board finds that 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 the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement;

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit in an M1-2 district, the proposed construction of a new six-story and cellar mixed-use building containing conforming uses at the first floor and cellar level with residential uses on the floors above which is contrary to Z.R. §42-00, on condition that all

current owner purchased the building it was partially occupied with illegal residential uses with conversions completed without permits and haphazardly; and

WHEREAS, the instant proposal will provide many Quality Housing Program elements, including landscaping, laundry facilities, double glazed windows, parking, and a 12 square foot refuse-disposal room; and

WHEREAS, the record indicates that the existing building's one freight elevator is inadequate to service tenants in a six-story, 62,996 square foot building resulting in the owner not being able to retain former tenants or attracting new ones; and

WHEREAS, Z.R. §44-52 requires that a building containing 62,996 square feet of floor area have provide a minimum of four loading berths; and

work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 15, 2003"- (13) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 3, 2003.

338-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Collpoint Enterprises, Inc., owner; Walgreen's lessee.

SUBJECT - Application November 14, 2002 - under Z.R. §72-21 to permit the proposed erection and maintenance of a permitted drugstore, Use Group 6, which does not have the required parking, and provides a 5' sideyard on one side instead of the required 8' sideyard, and is contrary to Z.R. §§33-291 and 36-21.

PREMISES AFFECTED - 14-01 College Point Boulevard, southeast corner, Block 4085, Lots 65 and 68, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Application granted on condition.

MINUTES

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated-November 7, 2002 acting on Application No. 401268301 reads:

"1) ZONING DISTRICT BOUNDARY COINCIDES WITH SIDE LOT LINE OF ZONING LOT IN R4

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 and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in a C1-2 & R4 zoning district, the erection and maintenance of a permitted drugstore (Use Group 6) which does not provide the required parking and only provides a 5' side yard contrary to §§33-291 and 36-21; and

WHEREAS, the subject property is located in a C1-2 (R4) district where the proposed drugstore is permitted as to use and bulk; and

WHEREAS, the applicant represents that in order to build a one-story drug store of the size required today, a variance from parking regulations is needed; and

WHEREAS, the record indicates that there is a municipal parking lot directly across from the site; and

WHEREAS, the Board notes that most of the retail stores along College Point Boulevard do not have parking; and

WHEREAS, lot 65 of the instant application is developed with two stores, a stationery store and a novelty store with no parking provided and the record indicates that lot 68 is vacant and can be divided and developed with a retail use that would qualify for a parking waiver; and

WHEREAS, the applicant has demonstrated that an as-of-right development encompassing lots 65 and 68, would yield a total square footage of approximately 9,955 square feet which is greater than the instant proposal and would create four new retail stores; and

WHEREAS, the upper floors are presently developed with two apartments, one occupied, the other vacant and the evidence suggests that the dwellings are old and obsolete; and

WHEREAS, the applicant represents that dwelling units are no longer appropriate or desirable resulting in the conversion of many dwellings to office uses or uses more compatible with first floor commercial uses; and

WHEREAS, although Z.R. §33-25 does not require a sideyard, if an open area is provided along a side lot line, it must be at least 8'; and

WHEREAS, the applicant notes that although no side yard is required, the proposal contains a 5' side yard to provide an additional means of egress; and

WHEREAS, the Board finds that the site's history of development commercial uses and its location on a major thoroughfare surrounded by retail uses that do not contain parking constitutes a unique physical conditions leading to an undue hardship in developing the site with a conforming or complying

DISTRICT 8'-0" MIN SIDE YARD REQUIRED (AN OPEN AREA NOT HIGHER THAN CURB LEVEL SHALL BE PROVIDED) 33-291 ZR

2) NO PARKING SPACES PROVIDED CONTRARY TO 36-21 ZR.."; and

WHEREAS, a public hearing was held on this application on March 4, 2003 after due notice by publication in the City Record, and laid over to, April 15, 2003 and then to June 3, 2003 for decision; and

development; and

WHEREAS, the evidence demonstrates that a complying development would not yield a reasonable return; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that both the use and the bulk are permitted under current zoning and that other properties on this commercial strips cannot provide parking; and

WHEREAS, therefore, the Board finds that the instant applications 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, the Board finds that 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 the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in a C1-2 & R4 zoning district, the erection and maintenance of a permitted drugstore (Use Group 6) which does not provide the required parking and only provides a 5' sideyard contrary to Z.R. §§33-291 and 36-21, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 14, 2002"- (4) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of

MINUTES

Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other

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 3, 2003.

358-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Metropolitan Insurance and Annuity Co., owner.

SUBJECT - Application December 12, 2002 - under Z.R. §73-36 to permit the proposed physical culture establishment, on portions of the first and second floors, in a multi-story commercial, retail and office building, located in a C5-3 (MiD) zoning district, which requires a special permit as per §32-10.

PREMISES AFFECTED - 200 Park Avenue, southern blockfront of East 45th Street, between Vanderbilt Avenue and Depew Place, Block 1280, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated December 10, 2002 acting on ALT. Application No. 103320522 reads:

"PHYSICAL CULTURE ESTABLISHMENT IS A USE NOT PERMITTED AS IF RIGHT IN C5-3 AND IT IS CONTRARY TO SECTION 32-10 ZR"; and

WHEREAS, a public hearing was held on this application on April 15, 2003 after due notice by publication in The City Record and laid over to May 6, 2003 and then to June 3, 2003 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 Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §73-36 to permit, within a C2-5 zoning district, the operation of a physical culture establishment, located in portions of the first and second floor level of a 59-story building containing commercial, restaurant, retail and office uses; and

WHEREAS, the subject PCE will have a total floor area of approximately 20,835 square feet; and

WHEREAS, the applicant represents that the remainder of the

jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; building is occupied by as-of-right uses that are not part of this application; 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 Board finds that the proposed use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; 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. §73-03 and §73-36; 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, within a C2-5 zoning district, the operation of a physical culture establishment, located in portions of the first and second floor level of a 59-story building containing commercial, restaurant, retail and office uses, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received April 29, 2003"-(3) sheets; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from June 3, 2003 to expire on June 3, 2013;

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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 the above conditions shall appear on the Certificate of Occupancy;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

MINUTES

THAT the 24 hour operation of the facility shall only be permitted as long as there are no residential units directly above or adjacent to the subject facility;

THAT the applicant shall comply with all provisions of Local Law 58/87;

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 3, 2003.

43-03-BZ

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin, for Center For Jewish History, owner.

SUBJECT - Application February 6, 2003 - under Z.R. § 72-21 & 43-43 to permit the proposed six-story addition on top of an existing six story community facility building, which will result in a street wall above the permitted 85 foot height, and will penetrate the sky exposure plane, which is contrary to Z.R. §43-43, located in a M1-6M and C6-2M zoning district.

PREMISES AFFECTED - 18 West 17th Street, south side, approx. 300' west of the intersection of Fifth Avenue and West 17th Street, Block 818, Lots 27, 31, 61, 63 and 64, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 4, 2003 acting on Application No. 103307440 reads:

" Proposed front wall of building located on a wide street in an M1-6M zoning district in excess of 85 feet in height and is contrary to Section 43-43 of the Zoning Resolution"; and

WHEREAS, a public hearing was held on this application on April 15, 2003 after due notice by publication in The City Record

WHEREAS, the applicant represents that Penetration of the sky exposure plane, as a result of the proposed variance will create a uniform street wall in conformity with the adjacent two twelve story buildings; and

WHEREAS, the Board finds that there are unique conditions to the lot, namely. the narrow width of the existing building causing the development to be in conflict with set back requirements creates an undue hardship and a practical difficulty in conforming

and laid over to and then to June 3, 2003, for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21 to permit, in an M1-6M and C6-2M zoning district, the erection on top of an existing community facility building, resulting in a street wall above the permitted 85 foot height, and will penetrate the sky exposure plane, which is contrary to Z.R. §43-43; and

WHEREAS, the existing community facility building is located on the south side of West 17th Street approximately 300 feet west of Fifth Avenue with the proposed addition located within an M1-6M zoning district and within the Ladies Mile Historic District

WHEREAS, the applicant notes that although the proposed addition would penetrate the sky exposure plane, it would match the street wall heights of the two twelve story historic loft buildings sandwiching the subject site on West 17th Street; and

WHEREAS, the record indicates that the subject building houses a cultural Center created to further Jewish scholarship devoted to document preservation, research, teaching, exhibitions and public programs; and

WHEREAS, the applicant represents that the Center's success has resulted in a need to expand its space to house its vast and ever increasing holdings in a location accessible to those pursuing scholarly research; and

WHEREAS, presently, many of the Center's documents must be stored in inaccessible warehouses that the applicant notes are practically useless for everyday research and the variance requested from the setback requirements will enable the applicant to six additional full floors onto an existing six-story building enhancing access to documents; and

WHEREAS, the proposed addition has been approved by the New York City Landmarks Preservation Commission; and

WHEREAS, the record indicates that compliance with the setback requirements would cause the loss of more than one story worth of floor area, create significant areas of unusable and inefficient space, and add a prohibitive cost to the project; and

WHEREAS, the proposal cannot achieve a sufficient expansion without penetrating the sky exposure plane because its physical and site limitations would reduce in size the type of addition that could be built to one that cannot functionally serve and provide for its research needs; and

WHEREAS, the record indicates that an as-of-right expansion would provide little useful additional stack space because setback requirements would cause the loss of approximately 20% of the 10,800 square feet of additional library stack space proposed in the addition; and

with the current zoning; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, the record indicates that the majority of the buildings on the subject block have street walls of over ten stories and the proposed addition would complete the street wall between

MINUTES

the adjacent twelve story structures at 16 and 20 West 17th Street; and

WHEREAS, the Board finds that the proposed development will neither alter the essential character of the neighborhood, nor impair the appropriate use or development of adjacent property nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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 I Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, to permit, in an M1-6M and C6-2M zoning district, the erection on top of an existing community facility building, resulting in a street wall above the permitted 85 foot height, and will penetrate the sky exposure plane, which is contrary to Z.R. §43-43, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received "February 6, 2003"- (2) sheets, and "April 30, 2003"- (6) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

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;

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in a R7-1 and LH-1 (Limited Height District), the proposed conversion of an existing garage space and minor expansion of an existing mezzanine within a two-story functionally obsolete carriage house, into living space to be used as single family residence which does not comply with the zoning requirements for floor area ratio and open space ratio, and is contrary to Z.R. §23-142; and

WHEREAS, the zoning lot is improved with a vacant two-story building containing a 1,466.02 square foot garage

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 3, 2003.

74-03-BZ

APPLICANT - Steven Sinacori/Stadtmauer Bailkin, LLP, for F/B/O Laing P Foster, c/o Steven C. Curley, owner.

SUBJECT - Application February 25, 2003 - under Z.R. §72-21 to permit the proposed conversion of garage space, and the minor expansion of an existing mezzanine within an existing two story functionally obsolete carriage house, into living space to be used primarily by the building's owner, in an existing single family residential building, located in an R7-1 and LH-1 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, and is contrary to Z.R. §23-142.

PREMISES AFFECTED - 32 College Place, east side, 294.11' north of Love Lane, Block 236, Lot 53, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated December 31, 2002 and updated February 5, 2003, acting on Application No. 301383018, reads:

"1) The actual open space ratio is contrary to zoning resolution section 23-142.

2) The actual floor area ratio is contrary to zoning resolution section 23-142."; and

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in The City Record, laid over to June 3, 2003 for decision; and

occupying the building's entire first floor, and 1,595.1 square feet of living space on the second floor, which includes a 129.09 square foot mezzanine; and

WHEREAS, the record indicates that the subject building was erected in 1857 as a carriage house on its 1,658.88 square foot, 81.92 foot deep zoning lot fronting 20.25 feet on College Place; and

WHEREAS, this application seeks to convert 1,129.67 square feet of existing ground floor garage space into living area and to expand the mezzanine by 100.2 square feet; and

WHEREAS, evidence in the record indicates represents that the garage space was originally designed and created to accommodate horses, carriages and related equipment; and

WHEREAS, the applicant represents that the garage space has

MINUTES

outlived its purpose as there is no need for a four to six car garage within a single family residence in downtown Brooklyn; and

WHEREAS, therefore the owner seeks to divide the existing garage space into living quarters and a single vehicle garage; and

WHEREAS, the additional floor area created from the conversion and expansion would exceed the permitted floor area by 299 square feet and would necessitate an additional 202.93 square feet of open space; and

WHEREAS, the record indicates that the existing building currently has a legal but non-complying open space ratio with 69.73 square feet less than the 262.53 currently required; and

WHEREAS, the applicant states that in order to comply with the open space requirement, the building's original rear wall, a portion of the roof and the rear floor would need to be demolished; and

WHEREAS, the record indicates that the building's rear wall was erected in 1857, and is contiguous with the rear walls of three adjacent and similar landmark quality structures; and

WHEREAS, the Board finds that the aforementioned unique physical condition, namely the functional obsolescence of the building, makes its occupancy for a conforming use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the instant application is for a variance for a single-family house and the Board has determined that no showing of financial hardship is required pursuant to Z.R. §72-21(b); and

WHEREAS, the applicant represents that the building's footprint and envelope will not change as a result of the proposed variance; and

WHEREAS, the record indicates that the proposed use and bulk of the subject proposal are consistent with the surrounding residential uses; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a Certificate of Occupancy be obtained in accordance with §72-23.

Adopted by the Board of Standards and Appeals, June 3, 2003.

282-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six story and basement Class "A" multiple dwelling, Use Group 2, in an M1-2 zoning district is contrary to Z.R. §42-00.

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed construction of a two-family dwelling (Use Group 2) located in both an R6 permit, in a R7-1 and LH-1 (Limited Height District), the proposed conversion of an existing garage space and minor expansion of an existing mezzanine within a two-story functionally obsolete carriage house, into living space to be used as single family residence which does not comply with the zoning requirements for floor area ratio and open space ratio, and is contrary to Z.R. §23-142, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 25, 2003"-(3) sheets and "May 14, 2003"-(1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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;

PREMISES AFFECTED - 222 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES-

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for continued hearing.

283-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six(6) story and basement Class "A" multiple dwelling, Use Group 2, in an M1-2 zoning district is contrary to Z.R. §42-00.

PREMISES AFFECTED - 266 Lee Avenue, between Wallabout Street and Flushing Avenue, Block 2263, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES-

MINUTES

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for continued hearing.

384-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six (6) story and cellar Class "A" multiple dwelling, Use Group 2, located in an M1-2 zoning district, is contrary to §42-00.

PREMISES AFFECTED - 218 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for continued hearing.

237-02-BZ

APPLICANT - The Agusta Group, for Jose Lazo, D.D.S., Gerson F. Mendoza, D.C., owners.

SUBJECT - Application August 26, 2002 - under Z.R. §72-21 to permit the legalization of the conversion from residential use, to an existing dental office, located on the second floor of a two story and cellar building, in an R6 zoning district, is contrary to Z.R. §22-14.

PREMISES AFFECTED - 37-49 91st Street, east side, between

SUBJECT - Application May 23, 2002 - under Z.R. §72-21 to permit 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.

PREMISES AFFECTED - 57 Eagle Street aka 233 Franklin Street, northwest corner, Block 2494, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Laid over to July 22, 2003, at 1:30 P.M., for continued hearing.

181-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for ISHJ Corp., owner.

SUBJECT - Application May 28, 2002 - under Z.R. §72-21 to permit the proposed erection and maintenance of a one story car wash facility, Use Group 16, located in an R4 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 1875 Bartow Avenue, northwest corner of Ely Avenue, Block 4795, Lot 21, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Opposition: Joseph Williams.

ACTION OF THE BOARD - Laid over to July 22, 2003, at

Roosevelt and Elmhurst Avenues, Block 1479, Lot 53, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to June 17, 2003, at 1:30 P.M., for defer decision.

66-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Harry Einhorn, owner.

SUBJECT - Application February 20, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, Use Group 2, in an M3-1 residential building, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 439 Marcy Avenue, Lot fronting on Marcy Avenue and Union and Wallabout Streets, Block 2249, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to July 22, 2003, at 1:30 P.M., for continued hearing.

178-02-BZ

APPLICANT - Dominick Salvati & Son Architects, for Diego Salazar, owner.

1:30 P.M., for continued hearing.

258-02-BZ

APPLICANT - Jesse Masyr, Esq., Wachtel & Masyr, LLP, for Inex Fulton, owner.

SUBJECT - Application September 24, 2002 - under Z.R. §72-21 to permit the proposed conversion of a one and four story manufacturing building to residential use, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 7/13 Ash Street, a/k/a 1164/66 Manhattan Avenue, northeast corner, Block 2477, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jerry Johnson and Jesse Masyr.

For Opposition: Kenneth K. Fisher, David Sweeney and Paul Parkhill.

ACTION OF THE BOARD - Laid over to July 22, 2003, at 1:30 P.M., for continued hearing.

277-02-BZ

APPLICANT - Harold Weinberg, P.E., for Maya Puzaitzer, owner.

MINUTES

SUBJECT - Application October 15, 2002 - under Z.R. §73-622 to permit the legalization of a one story rear enlargement, and the use of attic for living space, in an existing one family dwelling, Use Group 1, located in R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio and the required yard is contrary to Z.R. §23-141, §54-31 and §23-47.

PREMISES AFFECTED - 60 Coleridge Street, west side, 280.0' north of Hampton Avenue, and south of Shore Boulevard, Block 8728, Lot 49, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to June 24, 2003, at 1:30 P.M., for decision, hearing closed.

283-02-BZ

APPLICANT - Harold Weinberg, P.E., for Yves Levenson, owner.

SUBJECT - Application October 18, 2003 - under Z.R. §73-622 to permit the proposed two story enlargement, to an existing one family dwelling, Use Group 1, located in an R2 zoning district, PREMISES AFFECTED -

1281 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

1283 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

1287 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to July 15, 2003, at 1:30 P.M., for continued hearing.

343-02-BZ

APPLICANT - Harry A. Meltzer, R.A., for Richard Winer of RAW Corporation, owner; Peak Performance Sports Center, Inc., lessee.

SUBJECT - Application November 18, 2002 - under Z.R. §73-36 to permit the proposed physical culture establishment, to be located on the eighth floor of an existing twelve story commercial building, requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 54 West 21st Street, south side, 104.2' east of Avenue of the Americas, Block 822, Lot 70, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

which does not comply with the zoning requirements for floor area ratio, open space ratio, rear and side yards, is contrary to Z.R. §23-141, §54-31, §23-47 and §23-461.

PREMISES AFFECTED - 1246 East 24th Street, west side, 396'-0" north of Avenue "M", Block 7641, Lot 66, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to June 24, 2003, at 1:30 P.M., for decision, hearing closed.

334-02-BZ thru 336-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 1287 Atlantic Realty LLC, owner.

SUBJECT - Application November 13, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy in a one story, four unit building, which is located within an M1-1 zoning district, which is contrary to Z.R. §42-00.

For Applicant: Harry A. Meltzer and Joe Dowdell.

For Opposition: Alice Dalton Brown and Howard S. Koh.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to June 24, 2003, at 1:30 P.M., for decision, hearing closed.

364-02-BZ

APPLICANT - Agusta & Ross, for Hamilton Enterprises, LLC, owner.

SUBJECT - Application December 16, 2002 - under Z.R. §72-21 to permit the proposed five story mixed use building, with retail/or office use on the ground floor, which does not comply with the zoning requirements for floor area ratio, open space and commercial use in an R-6 zoning district, which is contrary to Z.R. §22-10 and §23-142.

PREMISES AFFECTED - 142 West Ninth Street, southeast corner of Hamilton Avenue, Block 382, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Mitchell Ross.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

MINUTES

ACTION OF THE BOARD - Laid over to June 24, 2003, at 1:30 P.M., for decision, hearing closed.

365-02-BZ

APPLICANT - Agusta & Ross, for 4306 3rd Avenue, LLC, owner.

SUBJECT - Application December 16, 2002 - under Z.R. §72-21 to permit the proposed vertical enlargement of a vacant former mixed use multiple dwelling, for proposed office and showroom, located in an M1-2 zoning district, which does not comply with the zoning requirements for floor area and rear yard, and is contrary to Z.R. §43-12 and §43-26.

PREMISES AFFECTED - 4306 Third Avenue, north side, 22' west of 43rd Street, Block 727, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Mitchell Ross.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at 1:30 P.M., for continued hearing.

29-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Seymour Benefeld, as Trustee, owner.

SUBJECT - Application January 16, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located within an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear side yards, is contrary to Z.R. §§23-141(a), 23-47 and 23-461.

PREMISES AFFECTED - 1179 East 28th Street, 126'-8" north of Avenue "L", Block 7628, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to June 24, 2003, at 1:30 P.M., for decision, hearing closed.

34-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Thaneshwar Sukhdeo, owner.

SUBJECT - Application January 28, 2003 - under Z.R. §72-21 to permit the proposed erection of a two family dwelling, located in an R3-2 zoning district, on an undersized lot, which does not comply

ACTION OF THE BOARD - Laid over to July 15, 2003, at 1:30 P.M., for decision, hearing closed.

374-02-BZ

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

SUBJECT - Application December 30, 2002 - under Z.R. §§73-481 & 73-49 to permit the proposed 1,660 space parking garage, located within the medical center campus, in an R3-2 zoning district, which exceeds the number of spaces permitted by Z.R. §§25-12 and 25-13, and also will have rooftop parking that is only permitted pursuant to Z.R. §25-11, which requires a special permit as per Z.R. §73-481 and §73-49.

PREMISES AFFECTED - 267-20 74th Avenue, block bounded by 74th and 76th Avenues, also 263rd Street and the Queens/Nassau Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of 4 Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker, Richard Hellerbrecht, Andrew B. Roth, Kenneth F Noretka and Bernard Brandt.

For Opposition: O. ?

with the zoning requirements for front and side yards, lot width or lot area, and the required sky exposure plane, which is contrary to Z.R. §23-45, §23-32 and §23-461.

PREMISES AFFECTED - 89-57 207th Street, a/k/a 207-01 90th Avenue, northeast corner, Block 10572, Lot 35, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to June 17, 2003, at 1:30 P.M., for defer decision.

36-03-BZ

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

SUBJECT - Application January 29, 2003 - under Z.R. §73-481 to permit the proposed increase in the total number of parking spaces, through the use of attended parking, at an accessory parking garage, for an existing medical center, which requires a special permit as per Z.R. §73-481.

PREMISES AFFECTED - 271-17 76th Avenue, located on a block bounded by 76th Avenue, 74th Avenue, and the Queens/Nassau county border, Block 8520, Lot 2, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Richard C. Hellenbrecht.

MINUTES

ACTION OF THE BOARD - Laid over to July 15, 2003, at 1:30 P.M., for postponed hearing.

73-03-BZ

APPLICANT - Mark A. Levine, Esq., for Uptown Partners, contract vendee.

SUBJECT - Application February 20, 2003 - under Z.R. §72-21 to permit the proposed construction of a 24-story mixed use building (residential and commercial), in an R7-2 zoning district, which does not comply with the zoning requirements for lot coverage, floor area, setbacks and exposure planes, and also has commercial use on the same floor as residential use, is contrary to Z.R. §23-142, §23-632, §23-64 and §32-421.

PREMISES AFFECTED - 400 Lenox Avenue, situated between West 129th and 130th Streets, Block 1727, Lot 1, Borough of Manhattan.

94-03-BZ

APPLICANT - Marvin B. Mitzner, Esq., Fischbein Badillo Wagner Harding, for Moklam Enterprises, Inc., owner.

SUBJECT - Application March 26, 2003 - under Z.R. §72-21 to permit the legalization of retail use, Use Group 6, in the cellar of an existing six story building, located in an M1-5B zoning district, is contrary to Z.R. §42-14(2)(b).

PREMISES AFFECTED - 622/26 Broadway, aka 156/60 Crosby Street, east side of Broadway, 118' north of East Houston Street, Block 522, Lot 5, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Martin Mitzner, Peter Geis and Harriet Fields.

ACTION OF THE BOARD - Laid over to July 15, 2003, at 1:30 P.M., for continued hearing.

COMMUNITY BOARD #10M

APPEARANCES -

For Applicant: Mark A. Levine, Trevor Salmon, Jack Freeman, Richard Bass, Janice, Cecil Chisolm and Ethan Eldon.

For Opposition: Carlos Vargas, Daniel P., Juanita Washington, Clark-Smith, Councilmember Bill Perkins, Richard Harley, Beverly Smith, Regina Smith, Georgina Bailey, Sandra Petway, Rosetta Williams.

ACTION OF THE BOARD - Laid over to July 15, 2003, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 6:12 P.M.

CORRECTIONS

*CORRECTION

This resolution adopted on March 25, 2003, under Calendar No. 193-01-BZ and printed in Volume 88, Bulletin No. 14, is hereby corrected to read as follows:

193-01-BZ

CEQR# 01-BSA-139K

APPLICANT - Harold Weinberg, P.E., for 3044 Coney Island Avenue Associates, Samuel Shpelfogel Agent, owner.

SUBJECT - Application April 25, 2002 - under Z.R. §72-21, to permit the proposed use of the second floor of an existing five-story building, as medical offices (Use Group 4), and the third floor, fourth floor and penthouse level as business offices (Use Group 6), located in an R6 (Ocean Parkway) zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 3044 Coney Island Avenue, between Brighton 8th Street and Neptune Avenue, Block 7264, Lot 72, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 5, 2002, acting on Application No. 300985272, reads:

A1. THE PROPOSED USE OF THE SECOND, THIRD, FOURTH AND FIFTH FLOORS ON A BUILDING LOCATED IN AN R6 ZONE IN THE OCEAN PARKWAY SPECIAL ZONING DISTRICT IS CONTRARY TO SECT. 22-00 OF THE ZONING RESOLUTION.”; and

WHEREAS, a public hearing was held on this application on July 23, 2002 after due notice by publication in The City Record, laid over to September 10, 2002, October 22, 2002, December 10, 2002, January 28, 2003 and then to March 18, 2003 for decision and deferred until March 25, 2003; and

WHEREAS, the premises and surrounding area had several site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar, former Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed use of the second floor of an existing five-story building, as medical offices (Use Group 4), and the third floor, fourth floor and penthouse level as business offices (Use Group 6), located in an R6 (Ocean Parkway) zoning district, which is contrary to Z.R. §22-00; and

WHEREAS, the Board notes that medical offices are an

as-of-right use on the first floor in the subject zoning district, and pursuant to §22-14, medical offices may be located on the second floor of a multiple dwelling provided that access to the outside is provided separately from residential uses; and

WHEREAS, the applicant now seeks to abandon residential uses on the upper levels, thereby necessitating a variance for the second floor medical use; and

WHEREAS, the subject premises located on the northwest corner of the intersection of Coney Island Avenue and Neptune Avenue on a lot of approximately 10,294.8 square feet; and

WHEREAS, the record indicates that the property is improved with a vacant five-story building, whose Temporary Certificate of Occupancy currently allows medical offices on the cellar, first and second floors, residential uses on the third and fourth floor, and a study room to be used in conjunction with the fourth floor on the penthouse level; and

WHEREAS, the applicant represents that substandard soil conditions were discovered during the construction process at the site which incurred additional construction costs; and

WHEREAS, the applicant has submitted boring reports from the site to document the substandard soil conditions; and

WHEREAS, the applicant also contends that the site's uniqueness can be attributed to its proximity to a high water table; and

WHEREAS, the Board notes that the subject premises is situated within the Ocean Parkway Special Zoning District which was created to enforce a more stringent set of zoning laws designed to preserve the unique character of this neighborhood; and

WHEREAS, through a series of site and neighborhood visits, and a meticulous review of land usage in the surrounding area, the Board notes that the neighborhood is residential in character with commercial use limited to the first floor level; and

WHEREAS, the Board concurs that the subject site has unique conditions stemming from subsurface soil conditions resulting in additional construction costs and has offered the applicant a scenario which would be more contextual with the character of the neighborhood;

WHEREAS, during the hearing process, the Board suggested to the applicant that ground floor commercial uses would be more contextual with the surrounding area but that commercial uses above the first floor would be out of the character of the neighborhood; and

WHEREAS, the Board has determined that the proposed use variance would undermine the intent of the residential zoning of the area and thus alter the essential character of the neighborhood and district; and

WHEREAS, therefore, the subject application fails to meet the requirements of Z.R. §72-21(c); and

CORRECTIONS

WHEREAS, the applicant has sited a previous BSA variance granted under Calendar Number 549-84-BZ which it claims is analogous to the subject variance application; and

WHEREAS, the Board notes that although the unique conditions of the two cases are comparable, specifics concerning the (c) finding are dissimilar; and

WHEREAS, the previous case was not located in a Special Zoning District, and it involved only cellar and first floor non-conforming uses while the subject application entails non-conforming uses on the second, third, fourth and penthouse levels; and

WHEREAS, the Zoning Resolution mandates that each and every finding of Z.R. §72-21 shall be met in order to grant a variance; and

WHEREAS, the Board finds that the subject application does not meet the (c) finding and must be denied.

Therefore, it is resolved that the decision of the Borough Commissioner dated July 5, 2002, acting on Application No. 300985272 is upheld and this application is denied.

Adopted by the Board of Standards and Appeals, March 25, 2003.

***The resolution has been corrected to reflect the changes in the SUBJECT and the part in the premises which read: "3034 Coney Island Avenue" now reads "3044 Coney Island Avenue". Corrected in Bulletin Nos. 24-25, Vol. 88, dated June 12, 2003.**

*CORRECTION

This resolution adopted on April 8, 2003, under Calendar No. 341-02-BZ and printed in Volume 88, Bulletin Nos. 15-16, is hereby corrected to read as follows:

341-02-BZ

CEQR #03-BSA-083M

APPLICANT - Martyn & Don Weston, for 231 East 58th Street Associates, owner.

SUBJECT - Application November 15, 2002 - under Z.R. §72-21 to permit the reestablishment of a variance granted under Calendar Number 633-66-BZ which allowed a retail store, Use Group 6, on the first floor of a five-story building.

PREMISES AFFECTED - 231/33 East 58th Street, north side, 129'-8" west of Second Avenue, Block 1332, Lot 16, Borough of

Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Don Weston.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo, and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 21, 2002 acting on Application No. 103244954 reads:

"Z-3 A use group 6 retail store, proposed at first floor is not permitted in an R8B zoning district as per section 22-10 Z.R."; and

WHEREAS, a public hearing was held on this application on March 18, 2003 after due notice by publication in *The City Record* and laid over to April 8, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar and former Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, to permit, in an R8B zoning district to permit the reestablishment of a variance granted under Calendar Number 633-66-BZ which allowed a retail store, Use Group 6, on the first floor of a five-story building; and

WHEREAS, the subject building was erected in 1889 as a five story and cellar Old Law Class "A" Multiple Dwelling and the record indicates that in 1955, the zoning was changed to a "Retail Use District" because much of the ground floor uses were developed for retail; and

WHEREAS, in 1961, the zone was changed to an R8 and then changed to an R8B; and

WHEREAS, in 1967, under Calendar Number 633-66-BZ, the Board permitted the conversion of the four apartments on the first floor to a retail store; and

WHEREAS, applicant represents that, at the time of the above conversion, since the building had a central hall exiting to the street from the interior stair, it was proposed to rebuild the last run of the double-run stair so that the stair exit to the street could be relocated to the east wall of the building, thus allowing a single store; and

WHEREAS, however, the above work was never done, the ground floor remained divided in two sections and was converted to retail stores on either side of the center hall entrance; and

WHEREAS, the 1967 variance was granted for 15 years until 1982, however in 1980, the building was sold to the present owner who was unaware that use of the ground floor was subject to Board approval; and

CORRECTIONS

WHEREAS, the applicant has documented that the same hardships that existed in 1967, namely, the narrowness of the lot, the existence of the old tenement that lacks and elevator still exist; and

WHEREAS, the applicant notes that if the instant application were denied, the owner would have to rebuild the entire ground floor for residential use on a block that has many ground floor commercial uses in almost every building on both sides of East 58th Street from 2nd to 3rd Avenues; and

WHEREAS, site's history of development with non-conforming Board approved uses and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning Resolution; and

WHEREAS, evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that a conforming use in the entire building would not yield a reasonable return; and

WHEREAS, the record indicates that the subject property is located in an area characterized by commercial uses that have intensified since 1967; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 on a site previously before the Board, in an R8B zoning district to permit the reestablishment of a variance granted under Calendar Number 633-66-BZ which allowed a retail store, Use Group 6, on the first floor of a five-story building, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 15,

2002"-(3) sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on April 8, 2013;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 8, 2003.

***The resolution has been corrected to reflect the approved plans which read: "Received November 15, 2002"-(9) sheets" now reads: "Received November 15, 2002"-(3) sheets". Corrected in Bulletin Nos. 24-25, Vol. 88, dated June 12, 2003.**

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, No. 26

June 26, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

| | |
|----------------------------------|---------|
| DOCKET | 441-442 |
| CALENDAR of July 22, 2003 | |
| Morning | 443 |
| Afternoon | 444 |

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, June 17, 2003**

Morning Calendar445

Affecting Calendar Numbers:

| | |
|-----------|--|
| 340-41-BZ | 72-09 Main Street, Queens |
| 529-52-BZ | 77-11 Roosevelt Avenue, Queens |
| 80-75-BZ | 1377/1381 Sutter Avenue, Brooklyn |
| 190-75-BZ | 301-321 East 79 th Street, Manhattan |
| 561-87-BZ | 2700 Jerome Avenue, Bronx |
| 50-92-BZ | 1282 Shakespeare Avenue, Bronx |
| 99-00-BZ | 147-06 76 th Avenue, Queens |
| 259-00-BZ | 26 Court Street, a/k/a 179 Remsen Street, Brooklyn |
| 132-01-BZ | 1283 East 22 nd Street, Brooklyn |
| 558-51-BZ | 68-22 Northern Boulevard, Queens |
| 705-51-BZ | 163-15 Northern Boulevard, Queens |
| 763-59-BZ | 1764 University Avenue, Bronx |
| 60-82-BZ | 60-11 Queens Boulevard, Queens |
| 132-86-BZ | 102-09/11 Roosevelt Avenue, Queens |
| 226-01-BZ | 48 Laight Street, (166-172 Hudson Street), Manhattan |
| 261-02-A | 444 Sharrotts Road, Staten Island |
| 79-03-A | 3149 Bedford Avenue, Brooklyn |
| 103-03-A | 7 East Market Street, Queens |
| 117-03-A | 411/25 East 68 th Street, Manhattan |

CONTENTS

Afternoon Calendar.....453

Affecting Calendar Numbers:

| | |
|----------------------------|--|
| 369-01-BZ | 303 Seigel Street, Brooklyn |
| 237-02-BZ | 37-49 91 st Street, Queens |
| 238-02-BZ | 638 Dean Street, Brooklyn |
| 357-02-BZ | 201-10 Northern Boulevard, Queens |
| 34-03-BZ | 89-57 207 th Street, a/k/a 207-01 90 th Avenue, Queens |
| 233-01-BZ | 537 West 19 th Street, Manhattan |
| 249-01-BZ | 9 White Street, a/k/a 210/22 Varet Street, Brooklyn |
| 165-02-BZ thru 176-02-A | 147/151/153/155/157/159 Classon Avenue, Brooklyn |
| 186-02-BZ thru 191-02-A | 143/145/149 Classon Avenue, Brooklyn |
| 241-02-BZ | 130 Third Street, Brooklyn |
| 254-02-BZ | 41/45 South Fifth Street, Brooklyn |
| 265-02-BZ | 19 East 94 th Street, Manhattan |
| 267-02-BZ | 3478 Bedford Avenue, Brooklyn |
| 275-02-BZ | 160 North Fourth Street, Brooklyn |
| 350-02-BZ | 6389 Amboy Road, Staten Island |
| 360-02-BZ | 130 North Fourth Street, Brooklyn |
| 366-02-BZ | 2702 Avenue "M", a/k/a 1301 East 27 th Street, Brooklyn |
| 30-03-BZ | 333/43 Lorimer Street, Brooklyn |
| 42-03-BZ | 1221 Avenue of the Americas, Manhattan |
| 71-03-BZ | 1305 York Avenue, Manhattan |
| 88-03-BZ & 89-03-BZ | 313 & 315 East 81 st Street, Manhattan |
| 90-03-BZ | 109-37 Sutphin Boulevard, Queens |

DOCKETS

New Case Filed Up to June 17, 2003

183-03-BZ B.BK 118 Berry Street, 116 North Seventh Street, a/k/a 116/26 North Seventh Street and 118/20 Berry Street, northwest corner, Block 2326, Lots 18 and 19 (tentative Lot 18), Borough of Brooklyn. Alt.1 #301542141. Proposed forty-three unit multiple dwelling, with retail space on the ground floor, and underground accessory parking throughout for twenty-two vehicles, Use Groups 2 and 6, located in an M1-2 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #1BK

184-03-BZ B.Q. 165-02 120th Avenue, southeast corner of 165th Street, Block 12381, Lot 90, Borough of Queens. N.B. #401599524. Proposed construction of a two-story, two-family detached dwelling, Use Group 2, located in an R3-2 zoning district, which encroaches into the required front yards, is contrary to Z.R. §23-45.

COMMUNITY BOARD #12Q

185-03-BZ B.M. 277 Canal Street, northeast corner of Broadway, Block 209, Lot 1, Borough of Manhattan. Applic. #103150162. Proposed change of use of a portion of an area located on the building's first floor, formerly occupied by single screen movie theater to retail use, and also a portion of the cellar for the same use, Use Group 6, in an existing three story with cellar commercial building, located in an M1-5B zoning district, is contrary to Z.R. §42-14 D2(b).

COMMUNITY BOARD #2M

186-03-BZ B.BK. 525 Union Avenue, west side, 48' south of Withers Street, Block 2315, Lot 14, Borough of Brooklyn. N.B. #301545898. Proposed seven story multiple dwelling, Use Group 2, with a total of sixty residential units and twenty-four parking spaces, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

187-03-BZ B.Q. 214-02 24th Avenue, southeast corner of Bell Boulevard, Block 6001, Lot 55, Borough of Queens. Alt.1 #401592772. The reestablishment of an expired special permit, previously granted by the Board under Cal. No. 142-88-BZ, which permitted medical offices, Use Group 4, that exceeded 1,500 square feet of floor area in an R2 zoning district.

COMMUNITY BOARD #11Q

188-03-A B.Q. 4 Bayview Walk, south side, corner of Bayside Connection Walk, Block 16350, Lot 300, Borough of Queens. Alt.1 #401508999. Proposed alteration of an existing one family dwelling, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

189-03-BZ B.BX. 836 East 233rd Street, northwest corner of Bussing Avenue, Block 4857, Lots 44 and 41, Borough of The Bronx. Applic. #200788870. The continued use of the premises as a gasoline service station, the alteration of the existing signage, and the legalization of the enlargement of the zoning lot on which the existing station rests, is contrary to §32-35.

COMMUNITY BOARD #12BX

190-03-BZ B.Q. 87-48 215th Place, corner of Hillside Avenue, Block 10682, Lot 45, Borough of Queens. Applic. #401641201. The legalization of a portion of a two-story building to a temple, to convert the remainder of the building to a temple, and to permit an enlargement to the building, which does not comply with the zoning requirements for height, side and front yards, is contrary to Z.R. §24-521, §24-35 and §24-34.

COMMUNITY BOARD #13Q

191-03-A B.Q. 87-48 215th Place, corner of Hillside Avenue, Block 10682, Lot 45, Borough of Queens. Applic. #401641201. The legalization of a portion of a two-story building to a temple, to convert the remainder of the building to a temple, and to permit an enlargement to the building, of Class II-D construction, located within the fire district, is contrary to §§27-301 and 27-305 of the NYC Administrative Code.

192-03-BZ B.BX. 509 East 165th Street, between Washington and Third Avenues, Block 2370, Lot 45, Borough of The Bronx. Alt.1 #200781920. Proposed head start facility, Use Group 3, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #3BX

DOCKETS

193-03-BZ B.BK. 824/34 Kent Avenue, south side of Park Avenue, and east of Taaffe Place, Block 1897, Lot 31, Borough of Brooklyn. N.B. #301469088. Proposed construction of a five (5) story, 27 unit residential building, in an M1-1 zoning district.

COMMUNITY BOARD #3BK

194-03-BZ B.BK. 739 East New York Avenue, between Troy and Albany Avenues, Block 1428, Lot 47, Borough of Brooklyn. Applic. #300988377. Proposed catering establishment, Use Group 9, in the cellar of a n existing one story, basement and cellar building (school for girls), located in an R6 zoning district, is contrary to Z.R.§22-00.

COMMUNITY BOARD #9BK

195-03-A B.Q. 31 Kildare Walk, east side, 192.27' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt.1 #401623301. Proposed building not fronting on a legally mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy.

196-03-A B.Q. 6 Devon Walk, west side, 20.46' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens. Alt.1 #401613170. Proposed building not fronting on a legally mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy.

197-03-A B.Q. 30 Lincoln Walk, west side, 248.63' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt.1 #401636380. Proposed building not fronting on a legally mapped street, located within the bed of a mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings policy.

198-03-A B.Q. 42 Roosevelt Walk, corner of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt.1 #401623392. Proposed building not fronting on a legally mapped street, located within the bed of a mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings policy.

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 22, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 22, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

242-54-BZ

APPLICANT - Eric Palatnik, P.C., for BP Products North America, owner.

SUBJECT - Application April 1, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 21-17 Jackson Avenue, aka 21-15 Jackson Avenue, fronting on Jackson Avenue, 21st Street and 46th Road, Block 74, Lot 1, Borough of Queens.

COMMUNITY BOARD #2Q

548-69-BZ, Vol. II

APPLICANT - Carl A. Sulfaro, Esq., for BP-North America, Inc., owner.

SUBJECT - Application May 2, 2003- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 25, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 107-10 Astoria Boulevard, southeast corner of 107th Street, Block 1694, Lot 1, Borough of Queens.

COMMUNITY BOARD #3Q

608-85-BZ

APPLICANT - The Agusta Group, for J.C. Organization, LLC, owner.

SUBJECT - Application May 13, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 17, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 33-56 11th Street, west side 11th Street, 235' south of 33rd Road, Block 319, Lot 36, Borough of Queens.

COMMUNITY BOARD #1Q

JULY 22, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, July 22, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

323-98-BZ

APPLICANT - Paul Selver, Esq./Jeremiah H. Candreva, Esq., for 801 Eleventh Avenue, LLC, owner.

SUBJECT - Application May 21, 2003 - reopening for an extension of time to complete construction which expired April 27, 2003.

PREMISES AFFECTED - 795 Eleventh Avenue, west side of Eleventh Avenue, between West 55th Street and West 56th Street, Block 1103, Lot 36, Borough of Manhattan.

COMMUNITY BOARD #4M

402-01-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Ruth Fischl, owner.

SUBJECT - Application May 20, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to complete construction which expired February 26, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 936 East 24th Street, East 24th Street, 260' south of Avenue I, Block 7587, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #14BK

180-03-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Julieta Pizzini, owner.

SUBJECT - Application May 28, 2003 - Proposed two-family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -86 Sweetbrook Road, southwest corner of Getz Avenue, Block 5523, Lot 83, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

188-03-A

APPLICANT - Frank R. Gencorelli, for Breezy Point Co-op Inc., owner; John DeAngelis, lessee.

SUBJECT - Application June 6, 2003 - Proposed alteration of an existing one family dwelling, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED -4 Bayview Walk, south side, corner of Bayside Connection Walk, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

ZONING CALENDAR

326-02-BZ

CALENDAR

APPLICANT - Gary H. Silver, Architect, P.C., for 230 Church Avenue Realty, LLC, owner; JF Fitness Inc., DBA Church Avenue Fitness, lessee.

SUBJECT - Application November 1, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, which occupies the cellar of the subject premises, located in a C4-2 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 2238 Church Avenue, 213.8' east of the corner formed by the intersection of Flatbush and Church Avenues, Block 5103, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #14BK

363-02-BZ

APPLICANT - Francis R. Angelino, Esq., for Rohith Rheddy, LLC, owner.

SUBJECT - Application December 16, 2002 - under Z.R. §72-21 to permit the proposed extension of Use Group 4, medical office use and occupancy, on the second floor of a new basement and two story community facility, is not permitted as per Z.R. §22-14. PREMISES AFFECTED - 9413 Flatlands Avenue, northeast corner of East 94th Street, Block 8182, Lots 1, 6, 11, 60 and 162, Borough of Brooklyn.

COMMUNITY BOARD #18BK

376-02-BZ

APPLICANT - Harold Weinberg, P.E., for Joseph Stern, owner.

SUBJECT - Application December 30, 2002 - under Z.R. §73-622 to permit the proposed two story rear 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, open space ratio and rear yard, is contrary to Z.R. §23-141, §54-31 and §23-47.

PREMISES AFFECTED - 916 East 23rd Street, west side, 100'-0" south of Avenue "I", Block 7586, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #14BK

145-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Juliana Vincenti, owner.

SUBJECT - Application May 8, 2003 - under Z.R. §73-622 to permit the proposed enlargement of a single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply

REGULAR MEETING

TUESDAY MORNING, JUNE 17, 2003

10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, April 22, 2003, were approved as printed in the Bulletin of May 1, 2003, Volume 88, No. 18.

with the zoning requirements for floor area ratio, side yard and lot coverage, is contrary to Z.R. §23-141, §23-48 and §23-141.

PREMISES AFFECTED - 2814 Quentin Road, between East 28th and 29th Streets, Block 6811, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #15BK

151-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Alan Shrem, owner.

SUBJECT - Application May 15, 2003 - 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, side yard and lot coverage, is contrary to Z.R. § 23-141 and §23-48.

PREMISES AFFECTED - 2812 Quentin Road, between East 28th and 29th Streets, Block 6811, Lot 4, Borough of Brooklyn.

COMMUNITY BOARD #15BK

Pasquale Pacifico, Executive Director

SPECIAL ORDER CALENDAR

340-41-BZ

APPLICANT - Walter T. Gorman, P.E, for Paul & Marie Sinanis, owner; S & J Service Station, Inc., lessee.

SUBJECT - Application March 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 1, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 72-09 Main Street, southeast corner of

MINUTES

72nd Avenue, Block 6660, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD - Waiver of the Rules of Practice and Procedure, application reopened, resolution amended and term of Variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION-

WHEREAS, a public hearing was held on this application on May 6, 2003, after due notice by publication in *The City Record*, and then to June 17, 2003 for decision; and

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, re-opening, an extension of the term of the variance which expires on May 1, 2002; and

WHEREAS, the subject application also seeks an amendment to the resolution for the legalization of the removal of a portion of the planting area on 72nd Avenue side of the property, legalization of a planting area along Vleigh Place which had been designated for parking, legalization of modifications to the interior, which include a wall to divide the office area into a smaller office and auto accessories sales area and the installation of a new slop sink, legalization of the erection of a chain link fence in lieu of a wooden railing at the corner of Vleigh Place and 72nd Avenue, legalization of the construction of a masonry wall rather than brick piers and wooden pickets along 72nd Avenue, legalization of the bricking over of the windows on the service building and its cupola, and elimination of the prohibition of vending machines at gasoline service stations located in a C1-2 within in a R4 zoning district; and

WHEREAS, on June 24, 1941, the Board granted an application to permit the erection of a gasoline service station with accessory uses; and

WHEREAS, on September 18, 1951, the Board extended the term of the variance for a period of ten years; and

WHEREAS, on February 3, 1953, the Board approved the installation of additional gasoline tanks on the premises; and

Resolved, that the Board of Standards and Appeals (DOB Application # 401612572)

Adopted by the Board of Standards and Appeals, June 17, 2003.

529-52-BZ

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., for Angelo Mordini, owner.

SUBJECT - Application January 13, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 9, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 77-11 Roosevelt Avenue, northwest

waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the Variance which expires on May 1, 2002, so that as amended this portion of the resolution shall read:

“to permit the legalization of the removal of a portion of the planting area on 72nd Avenue side of the property, legalization of a planting area along Vleigh Place which had previously been designated for parking, legalization of modifications to the interior, which include a wall to divide the office area into a smaller office and auto accessories sales area and the installation of a new slop sink, legalization of the erection of a chain link fence in lieu of a wooden railing at the corner of Vleigh Place and 72nd Avenue, legalization of the construction of a masonry wall rather than brick piers and wooden pickets along 72nd Avenue, legalization of the bricking over of the windows on the service building and its cupola, elimination of the prohibition of vending machines at gasoline service stations located in a C1-2 within in a R4 zoning district, and to extend the term of the Variance for an additional ten (10) years from May 1, 2002 to expire on May 1, 2012, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received May 15, 2003”- (5) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.

corner of 78th Street, and Roosevelt Avenue, Block 1288, Lot 39, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES - None.

ACTION OF THE BOARD - Waiver of the Rules of Practice and Procedure, application reopened, resolution amended and term of Variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

MINUTES

WHEREAS, a public hearing was held on this application on March 18, 2003 and on April 15, 2003, after due notice by publication in *The City Record*, and laid over to May 20, 2003 and then to June 17, 2003 for decision; and

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, re-opening, an extension of the term of the variance which expires on May 9, 2001; and

WHEREAS, the subject application also seeks an amendment to the resolution for a change in use from a gasoline service station, lubritorium, non-automatic auto wash, office, sale of accessories, minor repairs with hand tools only, safety inspection station, parking, ground sign and parking and storage of motor vehicles to auto repair with lubritorium, non-automatic auto wash, office, sale of accessories, minor repairs with hand tools only, safety inspection station, parking, ground sign and parking and storage of motor vehicles; and

WHEREAS, on September 9, 1992, the Board granted an application to reopen and amend the resolution adopted on May 9, 1961, permitting the erection of a gasoline service station with accessory uses, as amended through February 9, 1982, expiring May 9, 1991; and

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the Variance which expired on May 9, 2001, so that as amended this portion of the resolution shall read:

“to permit a change in use from a gasoline service station, lubritorium, non-automatic auto wash, office, sale of accessories, minor repairs with hand tools only, safety inspection station, parking, ground sign and parking and storage of motor vehicles to auto repair with lubritorium, non-automatic auto wash, office, sale of accessories, minor repairs with hand tools only, safety inspection station, parking, ground sign and parking and storage of motor vehicles and to extend the term of the Variance for an additional ten (10) years from May 9, 2001 to expire on May 9, 2011, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received July 1, 2002” - (1) sheets

WHEREAS, a public hearing was held on this application on April 8, 2003 and again on April 15, 2003, after due notice by publication in *The City Record*, and laid over to May 20, 2003 and then to June 17, 2003 for decision; and

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, re-opening, an extension of the term of the variance which expires on July 8, 2000; and

WHEREAS, the subject application also seeks an amendment to the resolution for a change in use on a portion of the subject property from Use Group 16 to Use Group 6, while still maintaining a portion of the subject property with a Use Group 16; and

and “January 13, 2003”-(1) sheet and “June 9, 2003”- (1); and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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. (DOB Application # 401457286)

Adopted by the Board of Standards and Appeals, June 17, 2003.

80-75-BZ

APPLICANT - Fredrick A. Becker, Esq., for 1377 Sutter Avenue, Inc., owner.

SUBJECT - Application December 13, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired July 8, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 1377/1381 Sutter Avenue, north side of Sutter Avenue, 40' West of Lincoln Avenue, Block 4254, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Waiver of the Rules of Practice and Procedure, application reopened, resolution amended and term of Variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, on July 8, 1975, the Board granted an application to permit the erection of a one story enlargement to an existing beverage sale and distributors establishment; and

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the Variance which expired on, July 8, 2000 so that as amended this portion of the resolution shall read:

“to permit the change in use from Use Group 16 to Use Group 6 and to extend the term of the Variance for an additional ten (10) years from July 8, 2000 to expire on July 8, 2010, on condition

THAT all work shall substantially conform to drawings

MINUTES

as they apply to the objections above noted, filed with this application marked "Received February 26, 2003"- (1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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. (DOB Application # 321424830)

Adopted by the Board of Standards and Appeals, June 17, 2003.

190-75-BZ

APPLICANT - Kevin B. McGrath, Esq., for Condominium, owner.

SUBJECT - Application August 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 301-321 East 79th Street, Second Avenue and East 79th Street, Block 1542, Lots 1001-1546, 7501, 12, 49, Block 8, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Kevin B. McGrath and other.

ACTION OF THE BOARD - Application re-opened and resolution amended.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution, so that as amended this portion of the resolution shall read:

"to permit the legalization of an exhaust shed and changes to the fencing and railings including the fence currently situated between the plaza and the rear yard and the closure of the fencing located at the East 80th Street entrance to the driveway" on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 14, 2003"- (2) sheets; and on further condition;

THAT the posted notice plaques shall contain the following language:

"THIS PLAZA IS OPEN TO THE PUBLIC.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION-

WHEREAS, a public hearing was held on this application on November 19, 2002, after due notice by publication in *The City Record*, and laid over to March 18, 2003, April 15, 2003, May 20, 2003 and then to June 17, 2003 for decision; and

WHEREAS, the applicant has requested an amendment to the variance for the legalization of an exhaust shed and changes to the fencing and railings on the subject property; and

WHEREAS, the requested amendment includes the legalization of the fence currently situated between the plaza and the rear yard and the closure of the fencing located at the East 80th Street entrance to the driveway; and

WHEREAS, on November 12, 1975 the Board granted an application to permit the enlargement of the lot and floor area of a thirty-six story mixed use building, on the condition that all work would substantially conform with the approved drawings; and

WHEREAS, in a letter dated October 10, 2002, Community Board #8M recommended approval of this application; and

WHEREAS, the record indicates that the New York City Department of City Planning has no objections to the subject application.

Complaints regarding this plaza may be addressed to the Department of City Planning or the Department of Buildings of the City of New York.;"

THAT the public plaza shall remain open 24 hours a day;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

MINUTES

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.” (DOB Application #ALT. I. 103182556 and #ALT. I. 103158306)

Adopted by the Board of Standards and Appeals, June 17, 2003.

561-87-BZ

APPLICANT - The Agusta Group, for Carlos Abreu, owner.
SUBJECT - Application September 13, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired April 13, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 2700 Jerome Avenue, east side 222' north of E. Kingsbridge Road, Block 3371, Lot 17, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES - None.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended and term of Variance extended.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4
Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on April 13, 2002; and

WHEREAS, the applicant has requested an

THAT the hours of operation for the auto laundry shall be limited to 8:00am to 6:00 pm Monday through Saturday;

THAT the eating and drinking establishment with entertainment and dancing and the auto laundry do not operate during the same business hours;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other

amendment to the variance for the reconfiguration of the first floor plan of a one-story eating and drinking establishment with entertainment and dancing located on the same lot as an auto laundry; and

WHEREAS, a public hearing was held on this application on April 8, 2003, after due notice by publication in *The City Record*, laid over to May 20, 2003 and then to June 17, 2003 for decision; and

WHEREAS, on October 25, 1988, the Board granted an application to permit in a C2-3 overlay in an R8 district, a one story eating and drinking establishment without restriction on entertainment for a term of five years; and

WHEREAS, on October 25, 1994, the Board granted an application to permit in a C2-3 overlay in an R8 district, an increase in the allowable number of patrons, as well as, interior modifications on a one story eating and drinking establishment with entertainment and dancing for a term of three years; and

WHEREAS, on April 13, 1999, the Board granted an application to extend the term of the Special Permit for one story eating and drinking establishment in a C2-3 overlay in an R8 district for an additional three years.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the Variance which expired on April 13, 2002, so that as amended this portion of the resolution shall read:

“to permit the reconfiguration of the first floor plan of an eating and drinking establishment with entertainment and dancing and the extension of the term of the Variance for an additional three (3) years from April 13, 2002 to expire on April 13, 2005, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “September 13, 2002”- (1) sheet, “June 3, 2003”-(2) sheets; and on further condition;

THAT the hours of operation for the eating and drinking establishment with entertainment and dancing shall be limited to 6:00 pm to 4:00 am seven days per week;

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 17, 2003.

50-92-BZ

APPLICANT - Walter T. Gorman, P.E., for Higinio Caballero, owner; D/B/A/ Chile Parking Lot, lessee.

SUBJECT - Application February 26, 2003 - reopening for an extension of term of variance which expires May 4, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 1282 Shakespeare Avenue, southeast of West 169th Street, Block 2506, Lot 111, Borough of The Bronx.

COMMUNITY BOARD #4BX

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD - Application reopened,

MINUTES

resolution amended and term of Variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on May 20, 2003, after due notice by publication in *The City Record*, and then to June 17, 2003 for decision; and

WHEREAS, the applicant has requested a re-opening and extension of the term of the variance which expires on May 4, 2003; and

WHEREAS, the subject application also seeks an amendment to the resolution to permit an increase in the number of parking spaces from thirty-six to fifty-four, installation of additional floodlights, installation of guardrails at the attendant's booth, and legalization of the signage on the site; and

WHEREAS, on May 4, 1993, the Board granted an application for the legalization of a parking lot for a term of ten years.

Resolved, that the Board of Standards and Appeals, *reopens and amends* the resolution to extend the term of the Variance, which expired on, May 4, 2003, so that as amended this portion of the resolution shall read:

"to permit the an increase in the number of parking spaces from thirty-six to fifty-four, installation of additional floodlights, installation of guardrails at the attendant's booth, and legalization of the signage on the site and to extend the term of the Variance for an additional five (5) years from May 4, 2003 to expire on May 4, 2008, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 2, 2003"- (5) sheets; and on further condition;

WHEREAS, a public hearing was held on this application on May 6, 2003, after due notice by publication in *The City Record*, and then to June 17, 2003 for decision; and

WHEREAS, the applicant has requested a re-opening and amendment to the resolution to permit the construction of a mezzanine space between the first and second floors to be filled in with floor area to accommodate an enlargement of the existing library; and

WHEREAS, on January 9, 2001, the Board granted an application for a variance permitting non-compliance with side and front set back provisions, as well as minimum distances between windows and walls.

Resolved, that the Board of Standards and Appeals, *reopens and amends* the resolution so that as amended this portion of the resolution shall read:

"to permit construction of a mezzanine space between the first and second floors to be filled in with floor area to accommodate an enlargement of the existing library, on

condition
THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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. (DOB Application # 200771600)

Adopted by the Board of Standards and Appeals, June 17, 2003.

99-00-BZ

APPLICANT - Eric Palatnik, P.C., for Rabbinical Seminary of America, owner.

SUBJECT - Application February 7, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 147-06 76th Avenue, 147th Street between 76th Road and 76th Avenue, Block 6685, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 12, 2003"- (6) sheets and "May 27, 2003"- (2) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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

MINUTES

to the relief granted.
(DOB Application # 400845412)

Adopted by the Board of Standards and Appeals, June 17, 2003.

259-00-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 26 Court Associates, LLC, owner; TSI Court Street, Inc. dba New York Sports Club, lessee.

SUBJECT - Application March 21, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 26 Court Street, a/k/a 179 Remsen Street, northwest corner of Court Street and Remsen Street, Block 250, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

(DOB Application #301079696)

Adopted by the Board of Standards and Appeals, June 17, 2003.

132-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Mark Spiegel, owner.

SUBJECT - Application November 27, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1283 East 22nd Street, East 22nd Street between Avenue L and Avenue M, Block 7640, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES - None.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner

WHEREAS, a public hearing was held on this application on May 20, 2003, after due notice by publication in *The City Record*, and then to June 17, 2003 for decision; and

WHEREAS, the applicant has requested re-opening and amendment to the resolution for the expansion of the second floor area of an existing physical culture establishment; and

WHEREAS, on February 6, 2003, the Board granted an application to permit the operation of a physical culture establishment located in portions of the cellar, first floor, mezzanine, and second floor of an existing twenty-eight story plus penthouse commercial building; and

Resolved, that the Board of Standards and Appeals, *reopens and amends* the resolution, so that as amended this portion of the resolution shall read:

“to permit the expansion of the second floor area of an existing physical culture establishment, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received March 21, 2003”- (8) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.

Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on May 20, 2003, after due notice by publication in *The City Record*, and then to June 17, 2003 for decision; and

WHEREAS, the applicant has requested re-opening and amendment to the resolution to permit the addition of an attic, minor interior changes, the addition of a chimney on the north side of the house, and an enclosure of the porch on the front south side of the first floor of the house, thereby modifying the elevations ; and

WHEREAS, on July 17, 2001, the Board granted an application to permit the enlargement of an existing single family residence.

Resolved, that the Board of Standards and Appeals, *reopens and amends* the resolution, so that as amended this portion of the resolution shall read:

“to permit the addition of an attic, minor interior

MINUTES

changes, the addition of a chimney on the north side of the house, and an enclosure of the porch on the front south side of the first floor of the house, thereby modifying the elevations, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 20, 2003"- (12) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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. (DOB Application #301373626)

Adopted by the Board of Standards and Appeals, June 17, 2003.

558-51-BZ

APPLICANT - Eric Palatnik, P.C., for BP Products North America, owner.

SUBJECT - Application April 1, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a certificate of occupancy which expired September 13, 2000.

PREMISES AFFECTED - 68-22 Northern Boulevard, southwest
763-59-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Exxonmobile Fuels Marketing Co., owner.

SUBJECT - Application October 10, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1764 University Avenue, southeast corner of Macombs Road and University Avenue, Block 2876, Lot 122, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to June 24, 2003, at 10 A.M., for decision, hearing closed.

corner of 68-22 Northern Boulevard and 69th Street, Block 1186, lot 19, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at 10 A.M., for decision, hearing closed.

705-51-BZ

APPLICANT - Eric Palatnik, P.C., for 163-15 Northern Flushing Corp., owner; BP Products North America, lessee.

SUBJECT - Application April 4, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired May 19, 1999 and for an amendment to the resolution.

PREMISES AFFECTED - 163-15 Northern Boulevard, Northern Boulevard and 164th Street, Block 5338, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at 10 A.M., for decision, hearing closed.

60-82-BZ

APPLICANT - Eric Palatnik, P.C., for BP Amoco Corp., owner.

SUBJECT - Application April 4, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to complete a certificate of occupancy which expired September 28, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 60-11 Queens Boulevard, between 60th Street and 61st Street, Block 1338, Lot 1, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at 10 A.M., for decision, hearing closed.

MINUTES

132-86-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Cristobal F. Rosero, owner.

SUBJECT - Application April 9, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 8, 2002.

PREMISES AFFECTED - 102-09/11 Roosevelt Avenue, northside 196.16', west of 103rd Street, Block 1770, Lots 47 & 48, Corona, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to July 15, 2003, at 10 A.M., for postponed hearing.

226-01-BZ

APPLICANT - Francis R. Angelino, Esq., for 48 Laight Street, Associates, LLC, c/o The Daten Group, Inc., owner.

SUBJECT - Application April 10, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 48 Laight Street, (166-172 Hudson 79-03-A

APPLICANT - Naftali Zvi Dembitzer, for Kemmy Safdie, owner; Morris & Sari Chera & Sarmo Mgmt. Corp., lessee.

SUBJECT - Application March 4, 2003 - An administrative appeal challenging the Department of Buildings' final determination, dated February 7, 2003, declining to revoke the Certificate of Occupancy No. 300518296("CO"), that was unlawfully obtained from the Department on or about February 16, 1999 for said premises.

PREMISES AFFECTED - 3149 Bedford Avenue, 180'-0 north of the corner of Avenue "J", Block 7607, Lot 35, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant Naftali Zvi Dembitzer

For Opposition: David H. Singor.

For Administration: Lisa M. Orrantia, Department of Buildings.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to August 5, 2003, at 10 A.M., for decision, hearing closed.

Street) at northeast corner of Laight and Hudson Streets, Block 220, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Francis R. Angelino, Dana Sottile and David Ennis.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at 10 A.M., for decision, hearing closed.

261-02-A

APPLICANT - Rudolf J. Beneda, A.I.A., for Imtiaz Mohammed, owner.

SUBJECT - Application September 26, 2002 - Proposed one story warehouse building, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 444 Sharrotts Road, south side, 1,652.75' east of Arthur Kill Road, Block 7328, Lot 8l, Borough of Staten Island.

APPEARANCES -

For Applicant: Rudolf J. Beneda.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at 10 A.M., for decision, hearing closed.

103-03-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc, owner; John & Joan O'Hara, owners.

SUBJECT - Application April 4, 2003 - Proposed construction of a new one story addition to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 7 East Market Street, north side, 15' east of Beach 201st Street, Block 16350, Part of Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at 10 A.M., for decision, hearing closed.

MINUTES

Adjourned: 12:40 P.M.

**REGULAR MEETING
TUESDAY AFTERNOON, JUNE 17, 2003
2:00 P.M.**

117-03-A

APPLICANT - Molly Abady (Luca Sartini, Toni Vastinar.

OWNER OF PREMISES: Memorial Hospital.

SUBJECT - Application April 11, 2003 - An appeal challenging the Department of Buildings determination, dated March 24, 2003, in which the Department has stated that the project (research laboratory), is allowed as a Use Group 4, hospital "related facility".

As a "related facility", (Sloan Kettering) the use is allowed as of right in a residential district.

PREMISES AFFECTED - 411/25 East 68th Street, Mid-block, between First and York Avenues, Block 1463, Lots 5, 9 and 11, Borough of Manhattan.

APPEARANCES -

For Applicant: Roger Crane, Amy Baxter, Minna Elias, Dan Steinberg, Jonathan Federico, Elizabeth Ashley, Teri Slater, Betty Cooper Waltersteins, Irene Peneri, Marcia Lowe, Carol Sigmns, John Settel and Judith Squire.

For Opposition: Shelly Friedman.

For Administration: Stacy Harvey, Department of Building.

ACTION OF THE BOARD - Laid over to August 5, 2003, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Affirmative: Chairman Chin, Vice-Chair Babbar, and Commissioner Miele3

Negative: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 9, 2001, acting on Application No. 301118332 reads:

"PROPOSED CONVERSION OF THE BUILDING INTO RESIDENTIAL DWELLINGS IS NOT PERMITTED IN A MANUFACTURING DISTRICT AS PER SECTION 42-00 OF THE ZONING RESOLUTION."; and

WHEREAS, a public hearing was held on this application on July 9, 2002 after due notice by publication in *The City Record*, and laid over to August 6, 2002, and then to October 29, 2002, and then to December 18, 2002, and then to January 28, 2003, and then to March 4, 2003, and then to April 29, 2003, and then to June 24, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-2 zoning district, the legalization of an existing three story residential building contrary to Z.R. §42-00; and

WHEREAS, the parcel measures 219 feet 7 inches by

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

369-01-BZ

CEQR #02-BSA-077K

APPLICANT - Sheldon Lobel, P.C., for SYC, LLC, owner.

SUBJECT - Application November 27, 2001 - under Z.R. §72-21, to permit the legalization of an existing three story residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 303 Seigel Street, northwest corner of Bogart Street, Block 3092, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

91 feet 6 3/8 inches, located on the northwest corner of Bogart Street and is improved with a three-story building; and

WHEREAS, the record indicates that the subject building currently has 51 dwelling units and a total floor area of 53,468 square feet; and

WHEREAS, the applicant has provided the Board with documentation of attempts to market the property for a conforming use; and

WHEREAS, the applicant represents that the subject property is structurally inadequate for manufacturing uses, because of its low ceiling heights and the weight bearing columns which run length of the building hinder the movement and/or storage of goods about the floor area; and

WHEREAS, the applicant further states that its multiple levels and single elevator, create an inefficient movement of goods and people; and

WHEREAS, the record indicates that the subject property has a single loading dock and is located on a narrow street where parking is permitted on both sides, restricting the movement of incoming and outgoing vehicles; and

WHEREAS, the Board agrees with the applicant's assertion, low ceiling heights, obstructed floor area, limited elevator service, limited loading dock access would create a hardship regarding the storage and movement of work product and/or equipment on each in and around the building; and

MINUTES

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary hardship in developing the site in conformity with the current zoning resolution; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with an as of right development would not yield a reasonable return; and

WHEREAS, the record indicates that there is a public park, a subway entrance and a number of residential dwellings within a 400-foot radius of the subject site; and

WHEREAS, the applicant asserts that there is ample parking along the streets to supplement the limited parking available on-site; and

WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

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.

Approved by the Board of Standards and Appeals, June 17, 2003.

237-02-BZ

CEQR #03-BSA-028Q

APPLICANT - The Agusta Group, for Jose Lazo, D.D.S., Gerson F. Mendoza, D.C., owners.

SUBJECT - Application August 26, 2002 - under Z.R. §72-21 to permit the legalization of the conversion from residential use, to an existing dental office, located on the second floor of a two story and cellar building, in an R6 zoning district, is contrary to Z.R. §22-14.

PREMISES AFFECTED - 37-49 91st Street, east side, between Roosevelt and Elmhurst Avenues, Block 1479, Lot 53, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....3

Negative: Chairman Chin.....1

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated May 9, 2002, acting on Application

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-2 zoning district, the legalization of existing residential units contrary to Z.R. §42-00, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 2, 2003"- (5) sheets, "July 25, 2002"- (1) sheet, and "February 25, 2003"- (3) sheets and *on further condition*;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

No. 401402683, reads:

"The proposed conversion of the second floor of an existing 2-story Medical Office with dwelling above to Medical office (U.G. 4) is contrary to Section 22-14 of the Zoning Resolution since it is located above the level of the first floor ceiling;" and

WHEREAS, a public hearing was held on this application on March 18, 2003 after due notice by publication in *The City Record*, laid over to April 29, 2003, June 3, 2003 and then to June 17, 2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice-Chair Babbar and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R6 zoning district, the legalization of the conversion from residential use, to an existing dental office, located on the second floor of a two-story and cellar building contrary to Z.R. §22-14; and

WHEREAS, the subject parcel is located on an interior narrow lot, only 24 feet wide housing a building that is only 20 feet wide with a four foot side yard on the south side of the zoning lot that is used as a common driveway with the building to the south and sharing a party wall with the building north of the property; and

WHEREAS, the record indicates that the cellar and first floor contain medical offices (Use Group 4) which are allowed as-of-right in an R6 zoning district; and

WHEREAS, the applicant represents that the as-of-right community facility use on the first floor makes it impracticable to use the second floor for residential occupancy as there is only one entrance to the building, a

MINUTES

hardship that is created by the extreme narrow width of the building; and

WHEREAS, the Board finds that aforementioned unique physical condition, 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 second floor with a conforming use would not yield a reasonable return; and

WHEREAS, the applicant represents that the existing medical offices on the cellar and first floor and the dental office on the second floor exists with no apparent negative impacts on the surrounding R6 district; and

WHEREAS, 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 approval limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, June 17, 2003.

238-02-BZ

CEQR #03-BSA-029K

APPLICANT - Sheldon Lobel, P.C., for Peter Krashes, owner.
SUBJECT - Application August 25, 2003 - under Z.R. §72-21 to permit the legalization of two residential units, in a building that is located within an M1-1 area zoned for manufacturing use, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 638 Dean Street, south side, between Carlton and Vanderbilt Avenues, Block 1137, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on

environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an R6 zoning district, the legalization of the conversion from residential use, to an existing dental office, located on the second floor of a two-story and cellar building contrary to Z.R. §22-14 on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 13, 2003"-(6) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 26, 2002 acting on Application No. 301096757 reads:

"PROPOSED CONVERSION OF THE BUILDING INTO RESIDENTIAL DWELLINGS IS NOT PERMITTED IN A MANUFACTURING DISTRICT AS PER SECTION 42-00 OF THE ZONING RESOLUTION."; and

WHEREAS, a public hearing was held on this application on March 23, 2003 after due notice by publication in *The City Record*, and laid over to May 6, 2003, and then to June 17, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-1 zoning district, the legalization of existing residential units contrary to Z.R. Section 42-00; and

WHEREAS, the subject parcel measures 19 feet and 9 inches by 110 feet, with a lot area of 2,172.5 square feet, located on the south side of Dean Street between Carlton Avenue and Vanderbilt Avenue, and is currently improved with a three-story building with 4,058 square feet of floor area; and

MINUTES

WHEREAS, the record indicates that the subject building contains open space on the ground floor, which the most recent Certificate of Occupancy lists as "sale of used cars and contractor's establishment", one residential unit on the second floor and one residential unit on the third floor; and

WHEREAS, the owner proposes to create two residential units, one located on the ground floor and the other, a duplex unit comprised of the second and third floors; and

WHEREAS, the Community Board has unanimously approved this proposal; and

WHEREAS, the applicant represents that although the building contains residential units, the current owner has never illegally rented the units for residential use; and

WHEREAS, the record indicates that the applicant documented good-faith attempts to obtain a conforming tenant; and

WHEREAS, the record indicates that the applicant states that the subject lot is irregular and substandard for modern manufacturing or warehouse uses because it limited floor space and does not provide an elevator or a

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-1 zoning district, the legalization of existing residential units contrary to Z.R. Section 42-00 , *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 29, 2003"- (5) sheets, and *on further condition*;

THAT all future rental agreements, leases, contracts of sale, and deeds for the subject property contain a disclosure putting all parties on notice that the subject property is located within an M-1 manufacturing and commercial zoning district and the Board has granted this variance subject to the property, building, and unit owners' understanding that they have no right, legal or otherwise, to complain of any possible adverse legal use of any existing or future manufacturing or commercial use in the subject building;

THAT the premises shall be maintained free of debris and graffiti;

loading dock; and

WHEREAS, the record indicates that the subject property is located in the middle of the block and its location, in conjunction with its lack of a loading dock, would create difficulty in loading and unloading of trucks; and

WHEREAS, the Board agrees with the applicant's assertion, that the limited size of each floor would require multi-level occupation and the lack of an elevator and loading dock would create a difficulty in moving work products or equipment from floor to floor; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary undue hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

WHEREAS, the record indicates that the surrounding area contains an abundance of residential uses with some commercial overlay; and

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 17, 2003

357-02-BZ

CEQR #03-BSA-097Q

APPLICANT - Fischbein Badillo Wagner Harding, for JAF of Bayside, LLC, owner; Bayside Dialysis Center , Inc., lessee.

SUBJECT - Application December 9, 2002 - under Z.R. §72-21 to permit the proposed rear yard enlargement, of an existing one-story dialysis center, which creates non-compliance with respect to required rear yard equivalents and permitted obstructions in the required rear yard or rear yard equivalents, and is contrary to Z.R. §33-28 and §33-23.

PREMISES AFFECTED - 201-10 Northern Boulevard, block bounded by Northern Boulevard, 44th and 45th Avenues, 202nd

MINUTES

Street and Francis Lewis Boulevard, Block 5523, Lot 22, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Howard Hornstein and Barbara Hair.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated January 17, 2003 acting on Application No. 401515302 reads in pertinent part:

1. Proposed yard 0' is less than required by Z.R. 33-28
2. Proposed enlargement is contrary to Section 33-23, permitted obstruction is a required rear yard, and Section 33-28 for minimum

WHEREAS, the applicant seeks a rear yard extension of 1,841 square feet resulting in a 5,741 square one-story structure on a lot that is only 5,741 square feet; and

WHEREAS, Z.R §33-28 requires an unobstructed rear yard equivalent for through lots deeper than 110 feet, except as provided in Section 33-23; and

WHEREAS, the record indicates that the site is a through lot of 134 feet on the north lot line and 152 feet on the south lot line; and

WHEREAS, the existing structure is built on the front and side lot lines with a 45 foot rear yard equivalent along 45th Avenue, and the proposed enlargement will extend the walls of the existing structure and cover the rear yard; and

WHEREAS, Section 33-23 permits a building to obstruct the rear yard equivalent if used for a permitted use (other than residences) provided the height of the building does not exceed one-story, excluding basement, or in any event 23 feet above curb level, and the record indicates that in the instant application, the grade of the site slopes down from Northern Boulevard to 45th Avenue; and

WHEREAS, the grade of the existing building along Northern Boulevard is at a height of 16 feet and the height of the proposed enlargement along 45th Avenue is 22 feet 4 1/2 inches and exceeds the one-story permitted obstruction; and

WHEREAS, the record indicates that the site contains irregular angles on the Northern Boulevard side and an elevation change between streets of 6 feet 4 1/2 inches; and

WHEREAS, the applicant represents that existing medical facilities was erected in 1983 in accordance with industry standards and regulatory codes in effect at that time, and the evidence suggests that the center has become old and obsolete and lacks the physical capacity to meet today's needs; and

WHEREAS, the applicant further asserts that the subject facility uses state of the art medical equipment within the physical limitations of the existing structure and

required rear yard; and

WHEREAS, a public hearing was held on this application on March 25, 2003 after due notice by publication in the City Record, and laid over to May 6, 2003, then to June 17, 2003 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 and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in a C-2 and R3-2 zoning district, the proposed rear yard enlargement of an existing one-story dialysis center, which creates non-compliance with respect to rear yard equivalents and permitted obstructions in the required rear yard or rear yard equivalents and is contrary to §§33-28 and 33-23; and

WHEREAS, the subject property is located on a through lot with a frontage of approximately 44 feet on Northern Boulevard and 40 feet on 45th Avenue, currently improved with a one-story plus cellar structure housing 3,900 square feet; and

needs the subject application to improve patient services and comply with requirements imposed on new facilities; and

WHEREAS, the applicant notes that today's medical equipment is considerably larger requiring placement on the floor and the minimum floor area requirement has increased to 120 square feet per station; and

WHEREAS, the Board notes that the existing facility does not provide a "private toilet for the exclusive use of patients" as required pursuant to 10 NYCRR 715.1(f)(1) or privacy curtains between patient stations pursuant to 10 NYCRR 715.2(a); and

WHEREAS, the proposed enlargement will enable the applicant to provide interview space, storage space for records, and an elevator so that patient services will not be limited to the ground floor; and

WHEREAS, the Board finds that the site's history of development with a medical facility that is obsolete for current needs and its need to comply with statutory mandates, constitutes a unique physical conditions leading to an undue hardship in developing the site with a conforming or complying development; and

WHEREAS, the applicant has provide a feasibility study indicating that development of the zoning lot in strict conformity with applicable zoning will not yield a reasonable return; and

WHEREAS, the record indicates that the surrounding area is characterized by a mix of commercial and retail uses; and

WHEREAS, only, a small portion, approximately 120 feet along Francis Lewis Boulevard and 220 feet along 45th Avenue is outside the commercial overlay and within the R3-2 portion of the block; and

WHEREAS, the record indicates that the number of dialysis stations will not increase as a result of this variance; and

WHEREAS, the existing facility has operated at this location for 20 years; and

MINUTES

WHEREAS, therefore, the Board finds that the instant applications 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, the Board finds that 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 the Final Environmental Assessment Statement 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

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 17, 2003.

34-03-BZ

CEQR #03-BSA-127Q

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Thaneshwar Sukhdeo, owner.

SUBJECT - Application January 28, 2003 - under Z.R. §72-21 to permit the proposed erection of a two family dwelling, located in an R3-2 zoning district, on an undersized lot, which does not comply with the zoning requirements for front and side yards, lot width or lot area, and the required sky exposure plane, which is contrary to Z.R. §23-45, §23-32 and §23-461.

PREMISES AFFECTED - 89-57 207th Street, a/k/a 207-01 90th Avenue, northeast corner, Block 10572, Lot 35, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in a C-2 & R3-2 zoning district, the proposed rear yard enlargement of an existing one-story dialysis center, which creates non-compliance with respect to rear yard equivalents and permitted obstructions in the required rear yard or rear yard equivalents and is contrary to §§33-28 and 33-23, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, June 3, 2003" (5) sheets; and on further condition;

THAT the 45th Avenue door will be used for emergency egress only;

THAT the premises shall be maintained free of debris and graffiti;

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated, January 13, 2002 acting on Application No. 401571571, reads:

"Proposed two-family dwelling does not provide the required front yard, side yard, sky exposure clearance and width or lot area in an R3-2 zoning district and must be referred to the Board of Standards and Appeals; and

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in *The City Record*, laid over to June 17, 2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Joel Miele and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a two-family dwelling (Use Group 2) located in an R3-2 zoning district, which does not comply with the zoning requirements for a front yard, a side yard, required lot width or lot area for a two-family dwelling, and the required sky exposure plane, which is contrary to Z.R. §23-45, Z.R. §23-32, and Z.R. §23-461; and WHEREAS, the record indicates that the subject premises is vacant 25 ft. wide by 100 ft. deep, corner lot, with a total area of 2,500 sq. ft.; and

WHEREAS, the proposed two-family dwelling does not provide the required front yard, side yard, sky exposure clearance, and width or lot area, but complies in all other

MINUTES

respects with the applicable zoning requirements; and

WHEREAS, the applicant represents that compliance with the required front and side yard regulations would result in a ten foot wide building; and

WHEREAS, the Board finds that construction of a ten foot wide residential development would be impractical; and

WHEREAS, the aforementioned unique physical condition, namely the narrowness of the subject lot, makes its occupancy for a conforming use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the instant application is for a variance for a two-family house and the Board has determined that no showing of financial hardship is required; and

WHEREAS, the record indicates that the proposed use and bulk of the subject proposal are consistent with the

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed construction of a two-family dwelling (Use Group 2) located in an R3-2 zoning district, which does not comply with the zoning requirements for front yard, side yard, required sky exposure plane, and lot width, and is contrary to Z.R. §23-45, §23-32, and §23-461, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, June 12, 2003"-(6) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT substantial construction be completed and a Certificate of Occupancy be obtained in accordance with §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 17, 2002.

surrounding residential uses; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the applicant represents that the premises was not in common ownership with either of the two contiguous lots on December 15, 1961 when the effective date of the current zoning; 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

233-01-BZ

APPLICANT - Rampulla Associates Architects, for Heller Realty Corporation, owner.

SUBJECT - Application July 9, 2001 - under Z.R. §72-21, to permit the proposed construction of a mixed use 16 story commercial/residential building, Use Groups 2 and 6, in an M1-5 zoning district, in which the residential use with accessory off street parking spaces is not permitted, and also does not meet the zoning requirement for outer courts, which is contrary to Z.R. §42-10, §13-11, §13-12 and §23-84.

PREMISES AFFECTED - 537 West 19th Street, northwest corner of 11th Avenue, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Sheldon Lobel, Irving Minkin and Kenneth Heller.

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for continued hearing.

249-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for B.Z.V. Enterprise Corporation, owner.

SUBJECT - Application August 7, 2001 - under Z.R. § 72-21, to permit the proposed conversion of an existing four story manufacturing building, Use Group 17, to joint living/working quarters, Use Group 17D, located in an M1-2 zoning district, which is contrary to Z.R. §42-14.

PREMISES AFFECTED - 9 White Street, a/k/a 210/22 Varet Street, southwest corner, Block 3117, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Moshe Friedman.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for continued hearing.

165-02-BZ thru 176-02-A

MINUTES

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit the proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00 and does not provide the required thirty foot rear yard, light and air, which is contrary to Article 3, Section 26 of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

PREMISES AFFECTED -

147 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 27, Borough of Brooklyn.

151 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 25, Borough of

For Applicant: Allison Kamensky.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at 1:30 P.M., for decision, hearing closed.

186-02-BZ thru 191-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not provide the required light and ventilation, is contrary to §27-733 of the NYC Building Code.

PREMISES AFFECTED -

143 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 29, Borough of Brooklyn.

145 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 28, Borough of Brooklyn.

149 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Allison Kamensky.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at 1:30 P.M., for decision, hearing closed.

241-02-BZ

APPLICANT - Sheldon Lobel, P.C., for HFK Inc., owner.

SUBJECT - Application August 30, 2002 - under Z.R. §72-21 to

Brooklyn.

153 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 24, Borough of Brooklyn.

155 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 23, Borough of Brooklyn.

157 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 22, Borough of Brooklyn.

159 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

permit the proposed conversion to residential use, of two connected vacant manufacturing building, Use Group 2, located in an M2-1 zoning district, that will provide 48 residential loft type units, and is contrary to Z.R. §42-00.

PREMISES AFFECTED - 130 Third Street, corner of Bond and Third Streets, Block 466, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to August 5, 2003, at 1:30 P.M., for continued hearing.

254-02-BZ

APPLICANT - Klein & O'Brien, LLP, for Malka Ausch, owner.

SUBJECT - Application September 18, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy, Use Group 2, in an existing three-story building and the proposed use, in the one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 41/45 South Fifth Street, bounded on the west by Kent Avenue, and on the east by Wythe Avenue, Block 2441, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Stuart Klein and Allison Kamensky.

For Opposition: BC Carty.

ACTION OF THE BOARD - Laid over to August 5, 2003, at 1:30 P.M., for continued hearing.

265-02-BZ

APPLICANT - Koutsomitis Architects, P.C., for Ramakrishna Vivekananda Center of NY, owner.

SUBJECT - Application October 2, 2002 - under Z.R. §72-21 to permit the proposed rear enlargement to the first and second floors of an existing community facility, Use Group 4, which is being changed from a school, to accessory church uses, located in an R8B and R10 zoning district, which creates non-compliance in regards to rear yard, and is contrary to §24-36 and §54-31.

PREMISES AFFECTED - 19 East 94th Street, south side, 108'

MINUTES

west of the intersection of Madison Avenue and East 94th Street,
Block 1506, Lot 13, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Peter Hirshman.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner
Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at
1:30P.M., for continued hearing.

267-02-BZ

APPLICANT - Harold Weinberg, P.E., for Barry Braunstein,
owner.

SUBJECT - Application October 4, 2002- under Z.R. §73-622 to
permit the proposed extension of residential use into the attic, of an
existing one family dwelling, Use Group 1, located in an R2 zoning
district, which does not comply with the zoning requirements for
rear yard, open space ratio and floor area ratio is contrary to Z.R.
§23-141 and §223-47.

PREMISES AFFECTED - 3478 Bedford Avenue, west side,
230'0" north of Avenue "N", Block 7660, Lot 70, Borough of
Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg, Joseph Goldstein and Barry
Braunstein.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner
Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at
1:30 P.M., for decision, hearing closed.

275-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for
BFN Realty, LLC, owner.

SUBJECT - Application October 10, 2002- under Z.R. §72-21 to
permit the legalization of 34 residential units, Use Group 2, located
in an M1-2 zoning district, on the second floor of a two story
building, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 160 North Fourth Street, between
Driggs and Bedford Avenues, Block 2352, Lot 9, Borough of
Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES -

For Applicant: Chris Wright.

For Opposition: Girand Owens, Richard Drake and Beatice
Hanson.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to July 22, 2003, at
1:30 P.M., for continued hearing.

350-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for
Advance Investments, owner.

SUBJECT - Application November 25, 2002- under Z.R. §73-27
to permit the proposed use of an existing building as a funeral
establishment, Use Group 7, with accessory off-street parking for
12 automobiles, located in a C1-1(R3-2) (SRD) zoning district,
requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 6389 Amboy Road, west side, 258'
north of Weir Avenue, Block 7534, Lot 186, Borough of
Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner
Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to July 22, 2003, at
1:30 P.M., for decision, hearing closed.

360-02-BZ

APPLICANT - Law offices of Howard Goldman, PLLC, for S &
Y Enterprises, LLC, owner.

SUBJECT - Application December 13, 2002- under Z.R. §72-21
to permit the proposed conversion and enlargement of an existing
warehouse, into a residential building with 83 units and 41 parking
spaces, located in an M1-2 zoning district, which is contrary to Z.R.
§42-00.

PREMISES AFFECTED - 130 North Fourth Street, between
Berry Street and Bedford Avenue, Block 2351, Lot 6, Borough of
Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Chris Wright.

For Opposition: Bea Hanson, Girand Owens.

ACTION OF THE BOARD - Laid over to August 5, 2003,

MINUTES

at 1:30 P.M., for continued hearing.

366-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Nahum Z. Rabinowitz, owner; Chevra Nachlas Joshua Chasidei Monastritch, lessee.

PREMISES AFFECTED - 2702 Avenue "M" aka 1301 East 27th Street, southeast corner, Block 7663, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Moshe Friedman.

ACTION OF THE BOARD - Laid over to July 22, 2003, at 1:30 P.M., for continued hearing.

30-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Barry Himmel, owner.
SUBJECT - Application January 16, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing two-story non-confirming commercial use building, Use Group 17B, by the addition of two stories, located in an R6 zoning district, which is contrary to Z.R. §52-22.

PREMISES AFFECTED - 333/43 Lorimer Street, corner of Lorimer Street and Montrose Avenue, Block 3049, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel and others.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to July 22, 2003, at 1:30 P.M., for continued hearing.

42-03-BZ

APPLICANT - Law Office of Frederick A. Becker, for Rock-McGraw Inc., owner; TSI West 48th Inc., dba New York Sports Club, lessee.

SUBJECT - Application February 4, 2003 - under Z.R. §73-36 to permit proposed enlargement of a pre-existing grandfathered physical culture establishment, located in portions of the cellar, sub-cellar, and third sub-cellar levels in a multi-story mixed use building, requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 1221 Avenue of the Americas, between 48th and 49th Streets, Block 1001, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to July 22, 2003, at 1:30 P.M., for decision, hearing closed.

SUBJECT - Application December 18, 2002 - under Z.R. §72-21 to permit the proposed conversion of a two family dwelling, to a synagogue and Rabbi's apartment (rectory), Use Group 4, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, front yard, lot coverage and side yards, and is contrary to Z.R. §24-111, §23-141, §24-34, §24-35.

71-03-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for Joan and Sanford I. Weill Medical College of Cornell University, owner.
SUBJECT - Application April 24, 2003 - under Z.R. § 72-21 to permit the proposed construction of a new ambulatory care building, which would have 13 occupied stories and two mechanical floors above, located in an R10, R8, C1-5 overlay and C2-8zoning district, which does not comply with the zoning requirement for floor area, front and rear height and setback, rear yard , accessory parking and curb cut, is contrary to Z.R. §§33-121, 33-122, 24-11, 23-15, 35-31, 24-522, 33-431, 24-552, 24-36, 33-26, 33-292, 13-133, 13-143 and 13-142.

PREMISES AFFECTED - 1305 York Avenue, block bounded by York Avenue, East 70th Street, First Avenue and East 69th Street, Block 1464, Los 1, 28, 29, 30, 105, 1001-1210 and 1300-1301.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Gary R. Tamoff, Samuel H. Lindenbaum, Richard S. Thomas and William Friedland.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to July 22, 2003, at 1:30 P.M., for decision, hearing closed.

88-03-BZ & 89-03-BZ

APPLICANT - Law Office of Fredrick A. Becker, for Frank & Walter Eberhart, L.P., owner.

SUBJECT - Application March 19, 2003- under Z.R. §73-621 to permit the proposed enlargement of the subject premises, which will result in the creation of larger units for two of the existing twenty (20) apartments in the building, creates non-compliance with respect to floor area, and is therefore contrary to Z.R. §23-145.

PREMISES AFFECTED -

313 East 81st Street, north side, 225' east of Second Avenue, Block 1544, Lot 10, Borough of Manhattan.

315 East 81st Street, north side, 250' east of Second Avenue, Block 1544, Lot 11, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

MINUTES

ACTION OF THE BOARD - Laid over to July 22, 2003, at 1:30 P.M., for decision, hearing closed.

90-03-BZ

APPLICANT - Eric Palatnik, P.C., for Women of Faith, Inc., owner.

SUBJECT - Application - under Z.R. § 72-21 to permit the proposed construction of a five/six story apartment building, with 34 dwelling units, located in a C2-2 within an R4 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, total height, dwelling units, lot area per dwelling unit, side yard and parking, is contrary to Z.R. §23-141(b), §23-631(b), §23-222, §23-462(a) and §25-22.

PREMISES AFFECTED - 109-37 Sutphin Boulevard, between 109th Road and 109th Drive, Block 12141, Lot 3, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar1

ACTION OF THE BOARD - Laid over to July 22, 2003, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 4:25 P.M.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, No. 27

July 3, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - Counsel

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

CONTENTS

DOCKET468-469

CALENDAR of August 5, 2003

Morning470

Afternoon471

CONTENTS

MINUTES of Regular Meetings,

Affecting Calendar Numbers:

| | |
|---------------|---|
| 763-59-BZ | 1764 University Avenue, The Bronx |
| 352-64-BZ | 408-424 East 51 st Street, Manhattan |
| 89-65-BZ | 26-01, 26-15 86 th Street, Brooklyn |
| 374-75-BZ | 380-394 Amsterdam Avenue, Manhattan |
| 669-80-BZ | 7 Buttonwood Road, Staten Island |
| 41-91-BZ | 5012/24 Avenue N, a/k/a 1700 East 51 st Street, Brooklyn |
| 812-61-BZ | 74-82 Park Avenue, Manhattan |
| 202-62-BZ | 950 Allerton Avenue, The Bronx |
| 36-70-BZ | 200-204 West 79 th Street, Manhattan |
| 206-91-BZ | 4300 Hylan Boulevard, Staten Island |
| 77-99-BZ | 255-39 Jamaica Avenue, Queens |
| 259-02-A | 819 Rossville Avenue, Staten Island |
| 332-02-A | 107 City Boulevard, Staten Island |
| 333-02-A | 148 Norma Place, Staten Island |
| 115-02-A thru | |
| 118-02-A | 767, 747, Third Avenue & 437 Madison Avenue, Manhattan |
| 116-03-A | 400 West 55 th Street, Manhattan |
| 113-02-A | 777 Third Avenue, Manhattan |
| 121-03-A | 4 Kildare Walk, Queens |
| 122-03-A | 72 Hillside Avenue, Queens |
| 135-03-A | 31 Marion Walk, Queens |
| 136-03-A | 5 Irving Walk, Queens |
| 137-03-A | 3 Arcadia Walk, Queens |
| 153-03-A | 114/16 Hudson Street, Manhattan |

CONTENTS

Afternoon Calendar.....

Affecting Calendar Numbers:

| | |
|----------------|--|
| 91-02-A | 3032/42 West 22 nd Street, Brooklyn |
| 268-02-BZ | 176 South Fourth Street, Brooklyn |
| 277-02-BZ | 60 Coleridge Street, Brooklyn |
| 283-02-BZ | 1246 East 24 th Street, Brooklyn |
| 342-02-BZ | 6206 20 th Avenue, Brooklyn |
| 343-02-BZ | 54 West 21 st Street, Manhattan |
| 364-02-BZ | 142 West Ninth Street, Brooklyn |
| 32-03-BZ | 1052 East 26 th Street, Brooklyn |
| 75-02-BZ | 460 Union Street, Brooklyn |
| 156-02-BZ | 964/70 65 th Street, Queens |
| 185-02-BZ | 93/101 North Ninth Street, Brooklyn |
| 202-02-BZ | 133-20 Rockaway Boulevard, Queens |
| 242-02-BZ | One North Railroad Street, Staten Island |
| 362-02-BZ | 4211 Ocean Avenue, Brooklyn |
| 29-03-BZ | 1179 East 28 th Street, Brooklyn |
| 161-02-BZ | 2433 Knapp Street, Brooklyn |
| 210-02-BZ thru | |
| 213-02-BZ | 78-01, 78-03, 78-05 & 78-07 Myrtle Avenue, Queens |
| 229-02-BZ thru | |
| 231-02-BZ | 24, 32 & 42 Walton Street, Brooklyn |
| 234-02-BZ | 24-64 27 th Street, Queens |
| 315-02-BZ | 223/27 West 60 th Street, Manhattan |
| 367-02-BZ | 434 East 75 th Street, Manhattan |
| 375-02-BZ | 1559 59 th Street, Brooklyn |
| 377-02-BZ | 163/765 Parkville Avenue, Brooklyn |
| 28-03-BZ | 61/65 Green Street, Brooklyn |
| 31-03-BZ | 2502 Avenue M, Brooklyn |
| 75-03-BZ | 326 Seventh Avenue, Manhattan |
| 93-03-BZ | 217-20 39 th Avenue, Queens |
| 104-03-BZ | 6161 Strickland Avenue, Brooklyn |
| 111-03-BZ thru | |
| 115-03-BZ | 1685, 1687, 1689, 1691, 1693 60 th Street, Brooklyn |
| 146-03-BZ | 1511 Third Avenue, Manhattan |

CORRECTION.....

Affecting Calendar Number:

| | |
|-----------|---|
| 340-41-BZ | 72-09 Main Street, Queens |
| 87-02-BZ | 8401 Flatlands Avenue, Brooklyn |
| 274-59-BZ | 3356-3558 Eastchester Road, The Bronx |
| 190-75-BZ | 301-321 East 79 th Street, Manhattan |
| 87-02-BZ | 8401 Flatlands Avenue, Brooklyn |
| 249-02-BZ | 2501 Grand Concourse, The Bronx |

DOCKET

New Case Filed Up to June 24, 2003

199-03-BZ B.BK. 148 Classon Avenue, between Myrtle and Park Avenues, Block 1895, Proposed Lot 42, Borough of Brooklyn. N.B.#301350151. Proposed seven story residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #3BK

200-03-BZ B.BK. 152 Classon Avenue, between Myrtle and Park Avenues, Block 1895, Proposed Lot 46, Borough of Brooklyn. N.B.#301350160. Proposed seven story residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #3BK.

201-03-BZ B.BK. 156 Classon Avenue, between Myrtle and Park Avenues, Block 1895, Proposed Lot 47, Borough of Brooklyn. N.B.#301350179. Proposed seven story residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #3BK

202-03-BZ B.BK. 77 Emerson Place, between Myrtle and Park Avenues, Block 1895, Proposed Lot 117, Borough of Brooklyn. N.B.#301350153. Proposed seven story residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #3BK

203-03-BZ B.BK. 81 Emerson Place, between Myrtle and Park Avenues, Block 1895, Proposed Lot 116, Borough of Brooklyn. N.B.#301350124. Proposed seven story residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #3BK

204-03-BZ B.BK. 85 Emerson Place, between Myrtle and Park Avenues, Block 1895, Proposed Lot 115, Borough of Brooklyn. N.B.#301350133. Proposed seven story residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #3BK

205-03-BZ B.BK. 89 Emerson Place, between Myrtle and Park Avenues, Block 1895, Proposed Lot 114, Borough of Brooklyn. N.B.#301350142. Proposed seven story residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #3BK

206-03-BZ B.M. 980 Madison Avenue, west side, between East 76th and East 77th Streets, Block 1391, Lot 14, Borough of Manhattan. Applic.#103459963. Proposed physical establishment, located on the second floor of a five story commercial building, in a C5-1 (MP) zoning district, requires a special permit from the Board as per Z.R. §32-10.
COMMUNITY BOARD #8M

207-03-BZ B.BK. 2316 Avenue "J", south side, between East 23rd and East 24th Streets, Block 7605, Lot 47, Borough of Brooklyn. Applic.#301537460. Proposed enlargement of a single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, and side and rear yards, is contrary to §23-141, §23-461 and §23-47.
COMMUNITY BOARD #14BK

208-03-BZ B.BK. 2555 Shell Road, east side, between Avenue "X" and Bouck Court, Block 7192, Lot 74, Borough of Brooklyn. Alt.1#301263816. The legalization of an expansion of an existing catering hall, Use Group 9, located in a split C1-2(overlay of R-4) and M1-1 zoning district, which does not comply with the zoning requirements for floor area ratio, rear yard, and parking, is contrary to Z.R. §33-121, 33-292, §36-21, §43-26 and §44-20.
COMMUNITY BOARD #

209-03-BZ B.M. 150 Central Park South, south side, between Avenue of the Americas and Seventh Avenue, Block 1011, Lot 52, Borough of Manhattan. Applic.#103473224. Proposed physical culture establishment, located in a portion of the cellar, first floor and second floor of subject thirty-six (36) story residential building, in an R10-H zoning district, is contrary to Z.R. §22-00.
COMMUNITY BOARD #5M

DOCKET

210-03-BZ B.BK. 1455 East 24th Street, east side, 450' south of Avenue "N", Block 7678, Lot 26, Borough of Brooklyn. Applic.#301546815. Proposed erection of a two-story enlargement, at the rear of 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, open space ratio and rear yard, is contrary to Z.R. §23-141, §23-47 and §54-31.

COMMUNITY BOARD #14BK

211-03-BZ B.Q. 5-29/33 48TH Avenue, between Vernon Boulevard and Fifth Street, Block 30, Lot 9, Borough of Brooklyn. Applic.#401581793. Proposed expansion and also the conversion of an existing warehouse, to residential use, Use Group 2, located in an M1-4(Special LIC District), which does not comply with the zoning requirements for the new use, floor area and total height, is contrary to Z.R.§43-12,§43-43 and §42-10.

COMMUNITY BOARD #2M

212-03-A B.Q. 129-32 Hook Creek Boulevard, east side, between 129th Road and 130th Avenue, Block 12891, Lot 2, Borough of Queens. N.B.#401623711. Proposed single family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General Law.

213-03-A B.Q. 129-36 Hook Creek Boulevard, east side, between 129th Road and 130th Avenue, Block 12891, Lot 4, Borough of Queens. N.B.#401623169. Proposed single family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General Law.

214-03-BZ B.M. 388 Broadway, east side, , between White and Walker Streets, Block 195, Lot 3, Borough of Manhattan. Applic.#103444916. The legalization of an existing physical culture establishment, located on the first floor of a five story loft building, in an M1-5 zoning district, requires a special permit from the Board as per Z.R. §73-36.

COMMUNITY BOARD #1M

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

AUGUST 5, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, August 5, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

578-71-BZ

APPLICANT - Walter T. Gorman, P.E., for The Richard W. Schenkel Trust and Schenkel Investments, L.P., owner; One Hess Plaza, lessee.

SUBJECT - Application May 27, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 833/47 4th Avenue, southeast corner of 30th Street, Block 673, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

1255-80-BZ

APPLICANT - Gerald J. Caliendo, R.A., for Constantine Plagakis, owner.

SUBJECT - Application May 30, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 2, 2001.

PREMISES AFFECTED - 35-33 31st Street, east side of 31st Street, 217.71' North of 36th Avenue, Block 604, Lot 10, Borough of Queens.

COMMUNITY BOARD #1Q

830-86-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for A & J Properties, LLC, owner; Jack LaLanne Fitness Centers, Inc., lessee.

SUBJECT - Application June 20, 2003 - 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 - 1720/28 Sheepshead Bay Road, 123.21' south of intersection of Vorhies Avenue, Block 8770, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #15BK

PREMISES AFFECTED - 18 Exeter Street, east side, 126'-4½" south of Oriental Boulevard, north of Hampton Avenue, Block 8730, Lot 53, Borough of Brooklyn.

COMMUNITY BOARD #15BK

263-98-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Joseph Elegudin, owner.

SUBJECT - Application June 3, 2003 - reopening for an extension of time to complete construction which expired July 24, 2003.

PREMISES AFFECTED - 118 Oxford Street, Oxford Street, 115' south of Shore Boulevard, Block 8757, Lot 90, Borough of Brooklyn.

COMMUNITY BOARD #15BK

212-03-A & 213-03-A

APPLICANT - Tai Lawal Calibre Building Services, Inc., for Nabat Development Corp., owner.

SUBJECT - Application June 20, 2003 - Proposed single family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General Law.

PREMISES AFFECTED -

129-32 Hook Creek Boulevard, east side, between 129th Road and 130th Avenue, Block 12891, Lot 2, Borough of Queens.

129-36 Hook Creek Boulevard, east side, between 129th Road and 130th Avenue, Block 12891, Lot 4, Borough of Queens.

COMMUNITY BOARD #13Q

AUGUST 5, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, August 5, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

281-02-BZ

APPLICANT - Harold Weinberg, P.E., for Jacob Farhi, owner.

SUBJECT - Application October 18, 2002- under Z.R. §73-622 to permit the legalization of an enlargement at the rear of an existing one family residence, Use Group 1, located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio, also side and rear yards, and is contrary to Z.R. §23-141, §54-31, §23-47 and §23-461.

68-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Torah M. Sinai, Inc., owner.

SUBJECT - Application February 11, 2003 - under Z.R. §72-21 to permit the proposed conversion of an existing building, which is

CALENDAR

located in an area designated as a manufacturing district, to be used for a day care center, Use Group 3, and office use, Use Group 6, without the required parking, and is contrary to Z.R. §42-00 and §44-21.

PREMISES AFFECTED - 649 39th Street, northwest corner of Seventh Avenue, Block 903, Lots 79, 80 and 83, Borough of Brooklyn.

COMMUNITY BOARD #7BK

80-03-BZ

APPLICANT - Fredrick A. Becker, Esq., for C & L Pioneer Enterprises LLC, owner.

SUBJECT - Application March 4, 2003 - under Z.R. §72-21 to permit the proposed construction of two multi-story multiple dwellings, also the use of a community facility (school), in one of the buildings, Use Groups 2 and 4, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 602 39th Street, southeast corner of Sixth Avenue, Block 914, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #7BK

83-03-BZ

APPLICANT - The Agusta Group, for Ms. Hilda Lovera, owner.

SUBJECT - Application March 12, 2003 - under Z.R. §72-21 to permit the proposed construction of a two family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, front yard and the maximum number of dwelling units, which is contrary to Z.R. §23-141, §23-45 and §23-22.

PREMISES AFFECTED - 2100 Hermany Avenue, southeast corner of Olmstead Avenue, Block 3685, Lot 9, Borough of The Bronx.

COMMUNITY BOARD #9BX

96-03-BZ

APPLICANT - Agusta & Ross, for Brucha Building Corp., owner.

SUBJECT - Application March 27, 2003 - under Z.R. §72-21 to permit the proposed erection of a five story, ten unit multiple dwelling, Use Group 2, upon a vacant shallow corner zoning lot, located in an M1-1 zoning district, which is contrary to Z.R. §42-

REGULAR MEETING

TUESDAY MORNING JUNE 24, 2003

10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, April 29, 2003, were approved as printed in the Bulletin of May 8, 2003, Volume 88, No. 19.

10.

PREMISES AFFECTED - 86 Franklin Avenue, aka 450/52 Park Avenue, southwest corner, Block 1898, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #3BK

97-03-BZ-98-03-BZ

APPLICANT - Agusta & Ross, for Coconut International Realty Corp./Blue Sky, Inc., owner.

SUBJECT - Application March 27, 2003 - under Z.R. §72-21 to permit the proposed erection of a multiple dwelling, Use Group 2, upon a vacant irregularly shaped zoning lot, located in an R7-1/M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

461 Flushing Avenue, northside, 72' east of Bedford Avenue, Block 2263, Lot 86, Borough of Brooklyn.

463 Flushing Avenue, northside, 124'10" east of Bedford Avenue, Block 2263, Lot 84, Borough of Brooklyn.

COMMUNITY BOARD #1BK

181-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Abraham Gutwein and Shirley Gutwein, owners.

SUBJECT - Application May 28, 2003 - under Z.R. §73-6223 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, which is contrary to Z.R. §23-141.

PREMISES AFFECTED - 2615 Avenue "N", north side, 40' west of East 27th Street, Block 7662, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #14BK

Pasquale Pacifico, Executive Director

SPECIAL ORDER CALENDAR

763-59-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Exxonmobile Fuels Marketing Co., owner.

SUBJECT - Application October 10, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1764 University Avenue, southeast corner of Macombs Road and University Avenue, Block 2876, Lot 122, Borough of The Bronx.

MINUTES

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Janice Cahalane for Hiram A. Rothkrug.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated April 19, 2002 and updated on September 23, 2003 acting on Application No. 200700786 reads:

"PROPOSED ADDITION OF PUMP ISLAND IS CONTRARY TO BOARD OF STANDARDS AND APPEALS APPROVAL UNDER CAL #763-59 BZ."; and

WHEREAS, a public hearing was held on this application on December 17, 2002, and laid over to February 11, 2003 for decision, reopened and laid over to April 15 2003, May 6 2003, May 20, 2003, June 17, 2003 and then to June 24, 2003 for decision; and

WHEREAS, on June 1, 1960, the Board granted an application for reconstruction of an existing gasoline service station with accessory uses; and

WHEREAS, the applicant now proposes to remove two (2) existing pump islands with one multi-product dispenser on each island and install three (3) new islands with one multi-product dispenser on each island; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the variance pursuant to '73- 11, said resolution having been adopted November 16, 1971, so that as amended this portion of the resolution shall read:

"to permit the removal two (2) existing pump islands with one multi-product dispenser on each island and installation three (3) new islands with one multi-product dispenser on each island, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawing submitted with the application marked "Received April 8, 2003"-(1) sheet and "June 20, 2003"-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure and a reopening for an extension of the term of the variance which expired on June 16, 1979; and

WHEREAS, a public hearing was held on this application on November 19, 2002, after due notice by publication in The City Record, and laid over to December 17, 2002, and then to February 4, 2002, and then to April 15, 2002, and then June 3, 2002 and then to June 24, 2003 for decision; and

WHEREAS, on June 16, 1974, the Board granted an application to permit in a C1-5 and R10 district, transient parking for passenger cars in unused and surplus tenant spaces within the existing Multiple Dwelling accessory garage for a term of fifteen years; and

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, reopens and amends the

further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, June 24, 2003

352-64-BZ

APPLICANT - Sheldon Lobel, P.C., for Garage Management Company, owner.

SUBJECT - Application April 1, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 16, 1979.

PREMISES AFFECTED - 408-424 East 51st Street, East 51st Street between First Avenue and Beekman Place, Block 1362, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened and term of variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION -

resolution to extend the term of the variance which expired on June 16, 1979, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the Variance for an additional ten (10) years from June 24, 2003 to expire on June 24, 2013, on condition;

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 4, 2002"-(3) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior

MINUTES

resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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."

(DOB Application #102944405)

Adopted by the Board of Standards and Appeals, June 24, 2003.

89-65-BZ

APPLICANT - Walter Marin c/o The Marin Group, for Eleanor Gatto, owner; Genovese Drugs/Eckerd Corp.

SUBJECT - Application April 3, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 26-01, 26-15 86th Street, 2045 Stillwell Avenue, 2036-2042 West 13th Street, corner lot bounded by 86th Street, and West 13th Street, Block 7092, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES - None.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION-

WHEREAS, a public hearing was held on this application on June 3, 2002, after due notice by publication in The City Record, and then to June 24, 2003 for decision; and

WHEREAS, the applicant has requested an amendment to the variance for the erection of a horizontal enlargement to the existing

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."

(DOB Application # 301520316)

Adopted by the Board of Standards and Appeals, June 24, 2003.

374-75-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT: to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 380-394 Amsterdam Avenue,

structure, increasing the floor area from 5,400 square feet to approximately 9,200 square feet, as well as, a change in the use from a eating drinking establishment with a drive thru to an as of right retail establishment with accessory parking and a loading area; and

WHEREAS, on May 4, 1965, the Board granted an application to permit in a C8-2, C2-3, and R-5 district the extension of an accessory parking area into an R-5 district, in conjunction with, the erection of a one-story eating and drinking establishment; and

WHEREAS, on August 9, 1988, the Board granted an application to permit the demolition of the structure, the construction of a new one-story eating and drinking establishment with a drive thru facility, and the rearrangement of parking spaces to decrease the number of available spaces; and

Resolved, that the Board of Standards and Appeals reopens and amends the resolution, so that as amended this portion of the resolution shall read:

"to permit the erection of a horizontal enlargement to the existing structure, increasing the floor area from 5,400 square feet to approximately 9,200 square feet, as well as, a change in the use from a eating drinking establishment with a drive thru to an as of right retail establishment with accessory parking and a loading area"; and

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 3, 2003"-(10) sheets and "Received June 9, 2003"-(1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

Manhattan.

COMMUNITY BOARD #8M

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

Adopted by the Board of Standards and Appeals, June 24, 2003.

669-80-BZ

APPLICANT - Robert A. Caneco, R.A., for Stephen Ardizzone, owner.

SUBJECT - Application December 20, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 7 Buttonwood Road, east side, 200'

MINUTES

North of Willow Pond Road, Block 879, Lot 12, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES - None.

ACTION OF THE BOARD - Application re-opened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION-

WHEREAS, a public hearing was held on this application on April 15, 2003, after due notice by publication in The City Record, and laid over to June 3, 2003 and then to June 24, 2003 for decision; and

WHEREAS, the applicant has requested an amendment to the variance for the extension of the cellar, first story, second story, and attic of an existing two-story, one-family residence with two-car garage; and

WHEREAS, on January 14, 1981, the Board granted an application to permit the enlargement of the first floor of an existing one-family dwelling in an R1-1 district that encroached into the side yard contrary to Z.R. §23-44; and

Resolved, that the Board of Standards and Appeals reopens and amends the resolution, so that as amended this portion of the resolution shall read:

"to permit the enlargement of the cellar, first floor, second floor, and attic of an existing two-story, one-family dwelling in an R1-1 district, located in a required side yard," on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 5, 2003"- (10) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on June 3, 2003, after due notice by publication in The City Record, and then to June 24, 2003 for decision; and

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on May 12, 2002; and

WHEREAS, the subject application also seeks an amendment to the Variance to permit the legalization of the expansion of a physical culture establishment in a C2-2 (R3-2) district; and

WHEREAS, on May 12, 1992, the Board granted an application to permit in a C2-2 (R3-2) district, the installation of a physical culture establishment for a term of ten years; and

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, reopens and amends the resolution to extend the term of the Variance which expired on May 12, 2002, so that as amended this portion of the resolution shall read:

"to permit the legalization of the expansion of a physical culture

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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."

(DOB Application # ALT. I. 500386147)

Adopted by the Board of Standards and Appeals, June 24, 2003.

41-91-BZ

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Reo Realty & Construction, owner; Her Body Inc., d/b/a For Your Body Only, lessee.

SUBJECT - Application March 25, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 12, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 5012/24 Avenue N, a/k/a 1700 East 51st Street, southwest corner of Avenue N and East 51st Street, Block 7895, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES - None.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended, and term of Variance extended.

THE VOTE TO GRANT -

establishment in a C2-2 (R3-2) district and to permit the extension of the term of the Variance for an additional ten (10) years from May 12, 2002 to expire on May 12, 2012, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 25, 2003"- (2) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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."

MINUTES

(DOB Application #300051431)

Adopted by the Board of Standards and Appeals, June 24, 2003.

812-61-BZ

APPLICANT - Omer Fenik Architects, for 80 Park Avenue Condominium, owner.

SUBJECT - Application February 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 24, 2002.

PREMISES AFFECTED - 74-82 Park Avenue, East 39th Street, Block 868, Lot 42, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Peter Hirshman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:

.....0

ACTION OF THE BOARD - Laid over to August 5, 2003, at 10 A.M., for decision, hearing closed.

202-62-BZ

APPLICANT - Sheldon Lobel, P.C., for Motiva Enterprises, LLC,

ACTION OF THE BOARD - Laid over to September 9, 2003, at 10 A.M., for continued hearing.

206-91-BZ

APPLICANT - Rampulla Associates, Architects, for Thomas Nicolosi, owner.

SUBJECT - Application April 16, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 28, 2002.

PREMISES AFFECTED - 4300 Hylan Boulevard, south side of Hylan Boulevard and Windchester Avenue, Block 5319, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Philip P. Agusta.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:

.....0

ACTION OF THE BOARD - Laid over to July 22, 2003, at 10 A.M., for decision, hearing closed.

owners.

SUBJECT - Application April 1, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired April 3, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 950 Allerton Avenue, triangular lot bound by Allerton Avenue, Williamsbridge Road and Paulding Avenue, Block 4447, Lot 62, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to August 12, 2003, at 10 A.M., for continued hearing.

36-70-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 200 West 79th Street Owners, Inc., owner; Amstore Limited Partnership, lessee.

SUBJECT - Application April 22, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 200-204 West 79th Street, aka 380 Amsterdam Avenue, west side of Amsterdam between West 78th Street and 79th Streets, Block 1170,, Lot 7501 FKA 29, 30, 32, 34, 35, 36, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

For Opposition: Jeremy Harwood and Edward Rogoff.

77-99-BZ

APPLICANT - The Agusta Group, for Turnpike Auto Laundry Inc. Phil Frank President, owner.

SUBJECT - Application January 21, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired December 5, 2002.

PREMISES AFFECTED - 255-39 Jamaica Avenue, north side of Jamaica Avenue (a.k.a Jericho Turnpike) 80' west of 256th Street, Block 8830, Lot 52, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Nelly Bravo.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:

.....0

ACTION OF THE BOARD - Laid over to July 22, 2003, at 10 A.M., for decision, hearing closed.

259-02-A

MINUTES

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP for Michael Giordano, owner.

SUBJECT - Application September 23, 2003 - Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 819 Rossville Avenue, a/k/a 504 Correll Avenue, Block 6146, Lot 35, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Philip Rampulla.

ACTION OF THE BOARD -Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Staten Island Borough Commissioner, dated August 23, 2002 acting on N.B. Application No. 500556187, reads in pertinent part:

"The proposed construction is located within the bed of a mapped street is contrary to Section 35 of the General Law"; and

WHEREAS, by letter dated November 22, 2002, the Fire Resolved, that the decision of the Staten Island Borough Commissioner, dated August 23, 2002 acting on N.B. Application No. 500556187, 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 June 20, 2003"- (1) sheet and that the proposal comply with all applicable R3-2 (SRD) zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the 15 foot sewer corridor easement that is acceptable to the DEP is created and recorded prior to the issuance of the Certificate of Occupancy;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, June 24, 2003

332-02-A

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for

Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated April 24, 2003, the Department of Transportation has reviewed the above project and has indicated that this property is not presently included in DOT's Capital Improvement Program and therefore has no objections; and

WHEREAS, by the letter dated May 15, 2003, the Department of Environmental Protection has reviewed the above project and is requiring that to guarantee the construction, maintenance and or reconstruction of the future sanitary sewer and storm sewer, a minimum 25ft wide easement be provided as a "Sewer Corridor" in the bed of Correll Avenue, the mapped street. Since there is an existing house in part of the bed of Correll Avenue and there is approximately 10 ft. clearance from that house to the above captioned property, DEP requires only an additional 15'. for the "Sewer Corridor" from Lot #35 on which the new building is to be built. DEP requires that no structures of permanent nature be built on Lot#37 within the existing 10ft. clearance, and on the additional 15' clearance on Lot #35; and

WHEREAS, the applicant has by letter dated June 20, 2003 agreed to provide a 15' easement in response to DEP's request; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Thomas Gennarelli, owner.

SUBJECT - Application November 12, 2002 - proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 107 City Boulevard, east side, 200' north of Crosshill Street, Block 262, Lot 126, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Philip Rampulla.

ACTION OF THE BOARD - Appeal granted

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Staten Island Commissioner, dated November 6, 2002, N.B. Application No. 500564150 reads in pertinent part:

" Proposed Construction in the bed of a final mapped street is contrary to Article 111 Section 35 of the General City Law and is referred to the Board of Standards and Appeals"; and

WHEREAS, this case was filed with a companion application under BSA Calendar No. 333-02-A which is being withdrawn at the request of the applicant; and

WHEREAS, this appeal is filed to allow a single two family dwelling to be built in the bed of a mapped street known as Norma Place between City Boulevard and Metropolitan Avenue; and

WHEREAS, by a letter dated January 8, 2003 , the Fire Department has reviewed the above project and has no objections provide hydrant is added at the end of the presently paved section of Norma Place in proximity to the proposed dwelling; and

MINUTES

WHEREAS, by the letter dated May 20, 2003, the Department of Environmental Protection has reviewed the above revised project and requires the applicant to revise the location of the proposed construction to provide a 25ft. Sewer Corridor Easement within the bed of Norma Place for the future drainage for the purpose of installation, maintenance and or reconstruction of the 10 inch dia. Sanitary and 12inch dia. Storm sewers; and

WHEREAS, by letter dated April 24, 2003, the Department of Transportation has reviewed the above revised project and objects to the proposal since it will create a dead end section on Norma Place that is approximately 175 feet long, without a turn around; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Staten Island Borough Commissioner, dated November 6, 2002 acting on N.B. Application No. 500564150, 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 7, 2003"-(1) sheet; and that the proposal comply with all applicable R3X (HS) zoning district

333-02-A

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Thomas Gennarelli, owner.

SUBJECT - Application November 12, 2002 - proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 148 Norma Place, 175' west of Metropolitan Avenue, Block 262, Lot 127, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Philip Rampulla.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, June 24, 2003.

115-02-A thru 118-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.

SUBJECT - Application April 16, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

PREMISES AFFECTED - 767 Third Avenue, southeast corner of East 48th Street, Block 1321, Lots 41-47, Borough of Manhattan. 747 Third Avenue, east side, between East 46th and East 47th Streets, Block 1320, Lots 1-5 and 46-49, Borough of Manhattan. 437 Madison Avenue, east side, between East 49th and East 50th Streets, Block 1285, Lot 21, Borough of Manhattan. 320 West 13th Street, northwest corner of Horatio Street, Block

requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the 25 foot sewer corridor easement that is acceptable to the DEP is created and recorded prior to the issuance of the Certificate of Occupancy;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 24, 2003.

627, Lot 43, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Francis R. Angelino.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, June 24, 2003.

116-03-A

APPLICANT - Harvey Epstein, Esq., for 340 Owners Corp. et.al. OWNER OF RECORD: 55th Street and 9th Avenue Partners.

SUBJECT - Application April 9, 2003 - An appeal challenging the Department of Buildings' determination dated March 11, 2003, in which the Department has determined that the construction permits for the new building at said premises was granted appropriately. PREMISES AFFECTED - 400 West 55th Street, southwest corner of Ninth Avenue, Block 1064, Lot 36, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Administration: Janine Gaylard, Department of Buildings.

ACTION OF THE BOARD - Appeal Denied.

THE VOTE TO GRANT -

Affirmative:.....0

Negative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

MINUTES

THE RESOLUTION-

WHEREAS, a public hearing was held on this application on June 3, 2003, after due notice by publication in The City Record, and laid over to June 24, 2003 for decision; and

WHEREAS, this is an administrative appeal challenging the Department of Buildings' ("DOB") determinations dated February 11, 2003 and March 11, 2003, in which the DOB stated that the construction permits for a new building at the above premises were granted appropriately; and

WHEREAS, the premises is located on the southwest corner of Ninth Avenue and 55th Street and is situated within the Special Clinton Zoning District; and

WHEREAS, the portion of the property located within 100 feet of Ninth Avenue is zoned R8 with a C1-5 overlay, and the portion located more than 100 feet from Ninth Avenue is zoned "The height restrictions of this Section apply to any development or enlargement. For all zoning lots or portions thereof located within 100 feet from the street line of a wide street, the height and setback regulations of the underlying district shall apply.

The height of a building or other structure on a zoning lot or portion thereof located more than 100 feet from the street line of a wide street, shall not exceed seven stories or 66 feet above curb level, whichever is less."; and

WHEREAS, the record indicates that the proposed building has a height of 173 feet 2 inches for the portion of the building within the first 100 feet from 9th Avenue (a wide street) and a height of 52 feet 2 inches in the portion more than 100 feet from 9th Avenue; and

WHEREAS, the appellant claims that the second paragraph of ZR §96-104 should be read so that the entire proposed building is subject to the seven story or 66 foot height restriction because a portion of the building is located more than one hundred feet from Ninth Avenue, a wide street; and

WHEREAS, upon review of ZR §96-104, the Board has determined that it is the portion of the proposed structure, which is located more than 100 feet from a wide street, that is the subject of the seven story or 66 feet height restriction; and

WHEREAS, therefore, the Board agrees with the DOB's interpretation of ZR §96-104 ; and

WHEREAS, the record indicates that the owner of the premises has merged the zoning lot of the development site (Lot 36) with those of adjacent Lots 22 and 25 and has acquired development rights from those parcels; and

WHEREAS, the record indicates that Lot 22 and Lot 25, contain a two-story garage and five four-story tenement buildings respectively; and

WHEREAS, the appellant contends that the merger of the zoning lots and the transfer of unused Floor Area to be used for the proposed building triggers the parameters of ZR §96-109, and therefore necessitates the issuance of a Certificate of No Harassment from the New York City Department of Housing Preservation and Development; and

WHEREAS, ZR §96-109 applies to "Alterations of buildings" and states that a Certificate of No Harassment is required only "prior to the issuance of an alteration permit by the Department of Buildings for an alteration other than incidental alteration of a

C6-2; and

WHEREAS, the record indicates that on December 13, 2002, the DOB issued permits to Gotham Construction Co. to develop the premises with an as-of-right 18-story mixed-use residential and commercial building; and

WHEREAS, the appellant contends that the DOB attempted to circumvent the intent and the language of the Special Clinton District by incorrectly interpreting the Special District regulations and/or incorrectly interpreting and processing the building owner's permit applications; and

WHEREAS, the appellant asserts that the proposed building exceeds the height regulations set forth in Zoning Resolution ("ZR") §96-104; and

WHEREAS, ZR §96-104 states that:

building containing residential uses within the Preservation Area."; and

WHEREAS, the term "alteration" is defined in §27-232 of the New York City Administrative Code as:

"Any addition, or change or modification of a building, or the service equipment thereof, that affects safety or health and that is not classified as a minor alteration or ordinary repair. The moving of a building from one location or position to another shall be deemed an alteration"; and

WHEREAS, the Board concurs with DOB's determination that "since the application did not involve any addition, change, or modification to the residential buildings on Lot 25, it is not an alteration permit subject to ZR §96-109."; and

WHEREAS, further, the Board finds that the merger of the zoning lots and the transfer of floor area does not result in the alteration of any of the residential buildings on Lot 25, which would trigger the requirements of ZR §96-109 for a Certificate of No Harassment; and

WHEREAS, by letter dated January 27, 2003 to the DOB, the appellant contends that the proposed building does not comply with the requirements of ZR §§96-103, 96-01 and 33-23 with regards to open space, lot coverage and permitted obstructions in the rear yard or rear yard equivalent; and

WHEREAS, by letter dated February 11, 2003, the DOB responded to the appellant regarding the alleged non-compliances and stated that the proposed building did, in fact, comply with all the requirements for open space, lot coverage and permitted obstructions in the rear yard or rear yard equivalent; and

WHEREAS, the Board has reviewed the alleged non-compliances with regard to open space, lot coverage and permitted obstructions in the rear yard or rear yard equivalent and accepts the DOB's determination that the proposed building does comply in the aforementioned categories; and

WHEREAS, the appellant has argued that it is not possible to merge Lot 22 with Lots 25 and 36 because Lot 22 contains a non-complying rear yard; and

WHEREAS, in its letter dated June 11, 2003, the DOB states that although the definition in ZR §12-10 prohibits the subdivision of zoning lots which would create non-compliances with all applicable zoning regulations, "it does not bar a merger of zoning lots that has this effect"; and

WHEREAS, the DOB further states that although ZR §54-31

MINUTES

"prohibits the enlargement or conversion of a non-complying building that would create a new non-compliance or increase the building's degree of non-compliance". "it does not prohibit such non-compliance where no enlargement of the building takes place."; and

WHEREAS, upon review, the Board finds that the Zoning Resolution does not prohibit the proposed merger of the subject zoning lots; and

WHEREAS, in a letter to the Board dated "June 16, 2003," the appellant states:

"We do not argue that the lot merger in and of itself is a

WHEREAS, the Board has a copy of the aforementioned decision in its files and finds that the determination of the Court of Appeals is not applicable in the subject appeals case; and

WHEREAS, in *Bella Vista v. Bennett*, the court found that:

". . .excess residential use development rights enjoyed by property that specifically benefits from a commercial use variance may not be transferred to and tacked onto an adjoining property even for an as-of-right use by that lot owner, without discrete BSA approval"; and

WHEREAS, the Court of Appeals did not find that the transfer of development rights from a non-complying building to an as-of-right development required a variance as the appellant asserts; and

WHEREAS, in *Bella Vista v. Bennett*, the Court found that since the site from which the development rights were being taken was the subject of a Board variance, the Board was effectively required to approve the transfer of its variance; and

WHEREAS, in the subject application, Lot 22 (the non-complying) building does not have a BSA variance, and therefore the transfer of its excess FAR does not trigger the need for a variance; and

WHEREAS, the appellant further asserts that the DOB ignored the clear language and intent of the Special Clinton District; and

WHEREAS, the appellant further contends that the intent of the ZR §96-00 mandates that all new developments maintain the character of this community; and

WHEREAS, §96-00 outlines the "General Purposes" of the Special Clinton District and lists a number of goals of the special zoning designation; and

WHEREAS, these goals include:

"to preserve and strengthen the residential character of the community to permit rehabilitation and new construction within the area in character with the existing scale of the community .to preserve the small-scale character and variety of existing stores and activities"; and

WHEREAS, in a response letter dated May 27, 2003, the Department of Buildings states that ". the general purposes preamble does not function as a prerequisite for construction in the Special Clinton District"; and

WHEREAS, the Board notes that all the sections of the ZR concerning Special Purpose Districts begin with an outline of the overall goals of the special district designation, and follow with specific rules and regulations which dictate development within these districts; and

WHEREAS, although the appellant contends that these

problem, it's the use of the FAR from the non-complying building. The reality is that the two story commercial building is noncompliant. Use of the FAR from the non-complying building is prohibited without a variance based on the noncompliance in addition to the fact that the FAR is commercial, not residential building."; and

WHEREAS, as evidence of his claims, the appellant cites *Bella Vista v. Bennett*, 89 N.Y.2d 465, 655 N.Y. S.2d 742 (1997), a Court of Appeals decision concerning the transfer of development rights from a building which benefited from a use variance from the BSA; and

"General Purposes" mandate the strict compliance with the goals outlined in ZR §96-00; and

WHEREAS, the Board concurs with the DOB and finds that it is not ZR §96-00 which sets out the development goals for the Special Clinton Districts; and

WHEREAS, however, the sections which follow provide detailed regulations and requirements; and

WHEREAS, in its letter dated June 2, 2003, the appellant has argued that "the BSA is obligated to look at the intent of the regulation if unambiguous"; and

WHEREAS, the appellant has also contended that pursuant to ZR §11-22 (Applications of Overlapping Regulations), the DOB should have determined that although the proposed building may meet the specific requirements of the Special Clinton District regulations, the proposed building would not fit in the character of the neighborhood as described in the General Purposes section; and

WHEREAS, the Board finds that ZR §96-00 was intended to serve as a preamble and not as a definitive set of rules which must be strictly complied with; and

WHEREAS, therefore the Board also notes that the goals listed in ZR§96-00 do not control the more specific regulations which follow in the chapter; and

WHEREAS, the Board has reviewed the issues presented by the appellant and has determined that the appellant has not established an adequate basis upon which the Board could grant this appeal and reverse the DOB's decision to issue construction permits for the proposed building.

Resolved, the Borough Commissioner's determinations dated February 11, 2003 and March 11, 2003, are sustained and this appeal is denied.

113-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.

SUBJECT - Application April 11, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

PREMISES AFFECTED - 777 Third Avenue, east side, between East 48th and East 49th Streets, Block 1322, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

MINUTES

For Applicant: Francis R. Angelino.
For Administration: Janine Gaylard, Department of Buildings.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

121-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; Edward Kelly, lessee.

SUBJECT - Application April 16, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located partially in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 4 Kildare Walk, west side, 44.08' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:

.....0

ACTION OF THE BOARD - Laid over to July 22, 2003, at 10 A.M., for decision, hearing closed.

122-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; April Forgina, lessee.

SUBJECT - Application April 16, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law .

PREMISES AFFECTED - 72 Hillside Avenue, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:

.....0

ACTION OF THE BOARD - Laid over to July 22, 2003, at 10 A.M., for decision, hearing closed.

135-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; David Kelly, lessee.

SUBJECT - Application April 25, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped

Adopted by the Board of Standards and Appeals, June 24, 2003.

street, and has an upgraded private disposal system located in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law, and Department of Buildings Policy.

PREMISES AFFECTED - 31 Marion Walk, east side, 70.35' south of West End Avenue, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Loretta Papa.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:

.....0

ACTION OF THE BOARD - Laid over to July 22, 2003, at 10 A.M., for decision, hearing closed.

136-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; Roberta Ludovico, lessee.

SUBJECT - Application April 25, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law, and Department of Buildings Policy.

PREMISES AFFECTED - 5 Irving Walk, east side, 45.40' north of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:

.....0

ACTION OF THE BOARD - Laid over to July 22, 2003, at 10 A.M., for decision, hearing closed.

137-03-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, owner; Bradley J. Palummeri, lessee.

SUBJECT - Application April 29, 2003 - Proposed enlargement and the upgrading of the septic system, to an existing one family dwelling, not fronting on a legally mapped street, and simultaneously lies within the bed of two mapped streets, is contrary to Sections 35 and 36, Article 3 of the General City Law.

MINUTES

PREMISES AFFECTED - 3 Arcadia Walk, east side, 10.71' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to July 22, 2003, at 10 A.M., for decision, hearing closed.

153-03-A

APPLICANT - Francis R. Angelino, Esq, c/o DeCampo, Diamond & Ash, for Hudson Street Properties, LLC, c/o AFC Company, owner.

SUBJECT - Application May 15, 2003 - Pursuant to Section 666 of the City Charter for an interpretation of Z.R. §23-145, regarding lot coverage regulations as it applies to said premises.

PREMISES AFFECTED - 114/16 Hudson Street, between North Moore and Franklin Streets, Block 189, Lots 18 and 19, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Francis R. Angelino and George Schieferdecker.

For Opposition: Janine Gayland, Department of Buildings.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to August 5, 2003, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:25 P.M.

WHEREAS, this is an application under Z.R. §72-21 to permit, in an R5 zoning district, the erection of a six-story building containing residential uses on the upper floors and community

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Arthur Sullivan.

REGULAR MEETING

TUESDAY AFTERNOON, JUNE 24, 2003

1:30 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele

ZONING CALENDAR

91-02-BZ

APPLICANT - Sheldon Lobel, P.C., for David Winiarski, owner.

SUBJECT - Application September 11, 2002 - under Z.R. § 72-21 to permit the proposed construction of a six story building, with residential uses on the upper floors and community facility use on the first floor, located in an R5 zoning district, which exceeds the permitted residential and community facility floor area ratios, is contrary to Z.R. §24-11 and §23-141.

PREMISES AFFECTED - 3032/42 West 22nd Street, 180' north of Highland View Avenue, Block 7071, Lot 19 (prev. 19, 29 and 22), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Application granted on condition THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 26, 2002 acting on Application No. 301111384 reads:

"Proposed plans are contrary to Zoning Resolution 24-11 in that the proposed community facility floor area ratio exceeds the maximum permitted community facility floor area ratio of .35

Proposed plans are contrary to Zoning Resolution 23-141 in that the proposed residential floor area ratio exceeds the maximum permitted residential floor area ratio of 1.65"; and

WHEREAS, a public hearing was held on this application on December 10, 2002 after due notice by publication in The City Record and laid over to March 18, 2003, April 29, 2003, May 20, 2003 and then to June 24, 2003, for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

facility uses on the ground floor, which is contrary to Z.R. §§24-11 and 23-141; and

WHEREAS, the subject is located in the Coney Island Section

MINUTES

of Brooklyn with frontage along the west side of West 22nd Street, between Surf Avenue and Highland View Avenue; and

WHEREAS, the applicant notes that the site is burdened by various foundations requiring significant and costly excavation work, a high water table, an existing long brick wall that is over 50 years old, poor load bearing soil; and

WHEREAS, therefore, the Board finds that there are unique conditions to the lot, namely: poor load bearing soil, the need to provide special foundation waterproofing causing the development to be in conflict with applicable bulk requirements creating an undue hardship and a practical difficulty in conforming with the current zoning; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a complying development would not yield a reasonable return; and

WHEREAS, the record indicates that the degree of non-compliance has been reduced from the original application, that the community facility space has been redesigned to improve vehicle mobility and that the residential layout has been modified to reduce the building's density; and

WHEREAS, the applicant notes that the inclusion of 23 parking spots on-site illustrates that this project has been designed to mitigate adverse parking impacts; and

WHEREAS, the Board finds that the proposed development, as modified, will neither alter the essential character of the neighborhood, nor impair the appropriate use or development of adjacent property nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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 I Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, in an R5 zoning district, the erection of a six-story building containing residential uses on the upper floors

THE VOTE TO CLOSE HEARING-
Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE VOTE TO GRANT -
Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION

and community facility uses on the ground floor, which is contrary to Z.R.§§24-11 and 23-141, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received "May 6, 2003"-(12) sheets, and "June 17, 2003"-(2) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 24, 2003.

268-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Williamsburg Bridge Towers, LLC, owner.

SUBJECT - Application October 4, 2002 - under Z.R. §72-21 to permit the proposed construction of a seven story Class Multiple A Dwelling, with nine dwelling units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R.§42-00.

PREMISES AFFECTED - 176 South Fourth Street, between Driggs Avenue and South Fifth Place, Block 2446, Lot 78, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

WHEREAS, the decision of the Borough Commissioner, dated September 24, 2002 acting on Application No. 301408322 reads: "PROPOSED RESIDENTIAL BUILDING IN AN M1-1 ZONING DISTRICT IS CONTRARY TO SECTION 42-00 OF THE ZONING RESOLUTION AND REQUIRES A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS. "; and

WHEREAS, a public hearing was held on this application on April 15, 2003 after due notice by publication in The City Record,

MINUTES

and laid over to May 20, 2003, and then to June 24, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-1 zoning district, the construction of a six-story and cellar Class A multiple dwelling, Use Group 2, containing nine dwelling units and five off-street accessory parking spaces, contrary to Z.R. Section 42-00; and

WHEREAS, the subject parcel measures 42 feet by 100 feet, and is located between Driggs Avenue and South Fifth Place; and

WHEREAS, the record indicates that the subject property is currently a vacant lot; and

WHEREAS, the record indicates that the applicant has provided documentation attempting to obtain a conforming tenant; and

WHEREAS, the applicant asserts that the subject property fronts a narrow street of 60 feet in width, in which residential vehicles park on both sides, making it difficult and unsuitable for the movement of trucks affiliated with a conforming manufacturing use; and

WHEREAS, the applicant represents that block on which the subject site is located on is comprised only of either residential or community facility use; and

WHEREAS, the Board finds that aforementioned unique physical conditions, namely the narrowness of the street and the dominant residential character of the block, create an unnecessary hardship in developing the site in conformity with the current zoning resolution; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a complying development would not yield a reasonable return; and

WHEREAS, the record indicates that within a 400-foot radius of the subject site, there are a multitude of non-conforming residential properties, a park, some garages, parking, and non-conforming community facilities; and

WHEREAS, at the request of the Board, the applicant has reduced the height of the building from seven floors to six floors to better fit within the context of the neighborhood; and

WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding

Adopted by the Board of Standards and Appeals, June 24, 2003.

277-02-BZ

APPLICANT - Harold Weinberg, P.E., for Maya Puzaitzer, owner.

SUBJECT - Application October 15, 2002 - under Z.R. §73-622 to permit the legalization of a one story rear enlargement, and the use of attic for living space, in an existing one family dwelling, Use Group 1, located in R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio and the required

neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-1 zoning district, the construction of a six-story and cellar Class A multiple dwelling, Use Group 2, containing nine dwelling units and five off-street accessory parking spaces, contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 6, 2003"-(6) sheets and "May 6, 2003"-(5) sheets, and on further condition;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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.

yard is contrary to Z.R. §23-141, §54-31 and §23-47.

PREMISES AFFECTED - 60 Coleridge Street, west side, 280.0' north of Hampton Avenue, and south of Shore Boulevard, Block 8728, Lot 49, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated

MINUTES

October 10, 2003, acting on Application No. 300987591 reads:

"THE ENLARGEMENT OF THE ONE FAMILY RESIDENCE IN AN R3-1 ZONING DISTRICT:

1. INCREASES THE DEGREE OF NONCOMPLIANCE FOR FLOOR AREA RATIO AND IS CONTRARY TO SECTIONS 23-141 AND 54-31 OF THE ZONING RESOLUTION (ZR);

2. CREATES A NEW NON-COMPLIANCE WITH RESPECT TO THE REQUIRED REAR YARD AND IS CONTRARY TO SECTION 23-47 (ZR); and

WHEREAS, a public hearing was held on this application on June 3, 2003 and then laid over to June 24, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the enlargement of a one-family residence in an R3-1 zoning district which increases the degree of non-compliance for floor area ratio and is contrary to Z.R. §23-141 and §54-31 of the zoning resolution and which creates a new non-compliance with respect to the rear yard requirements and is contrary to Z.R. §23-47; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the enlargement of a one-family residence in an R3-1 zoning district which increases SUBJECT - Application October 18, 2003 - under Z.R. §73-622 to permit the proposed two story 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, open space ratio, rear and side yards, is contrary to Z.R. §23-141, §54-31, §23-47 and §23-461.

PREMISES AFFECTED - 1246 East 24th Street, west side, 396'-0" north of Avenue "M", Block 7641, Lot 66, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:

.....0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated October 11, 2002, acting on Application No. 301419980 reads:

the degree of non-compliance for floor area ratio and is contrary to Z.R. §23-141 and §54-31 of the zoning resolution and which creates a new non-compliance with respect to the rear yard requirements and is contrary to Z.R. §23-47, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received October 15, 2002- (5) sheets, March 27, 2003- (4) sheets, March 28, 2003- (1) sheet; and June 5, 2003- (4) sheets"; on further condition;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, June 24, 2003.

283-02-BZ

APPLICANT - Harold Weinberg, P.E., for Yves Levenson, owner.

"THE ENLARGEMENT OF THE ONE FAMILY RESIDENCE IN AN R2 ZONING DISTRICT:

1. INCREASES THE DEGREE OF NONCOMPLIANCE FOR FLOOR AREA RATIO EXCEEDING THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRARY TO SECTIONS 23-141 AND 54-31 OF THE ZONING RESOLUTION.

2. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO THE OPEN SPACE RATIO AND IS CONTRARY TO SECTIONS 23-141 AND 54-31 OF THE ZONING RESOLUTION.

3. REDUCES THE REAR YARD BELOW 30' AND IS CONTRARY TO SECTION 23-47 OF THE ZONING RESOLUTION.

4. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO SIDE YARDS AND IS CONTRARY TO SECTIONS 23-461 AND 54-31."; and

WHEREAS, a public hearing was held on this application on

MINUTES

June 3, 2003 and then laid over to June 24, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the enlargement of a one-family residence in an R2 zoning district, which increases the degree of non-compliance with respect to floor area ratio, open space ratio, side yards, and reduces the size of the rear yard below 30' and is contrary to Z.R. §§23-141, 54-31, 23-461, and 23-47; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit enlargement of a one-family residence in an R2 zoning district, which increases the degree of non-compliance with respect to floor area ratio, open space ratio, side yards, and reduces the size of the rear yard below 30' and is contrary to Z.R. §§23-141, 54-31, 23-461, and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application
SUBJECT - Application November 15, 2002- under Z.R. §73-53 to permit the legalization of an enlargement to an existing non-conforming manufacturing use, located in C1-2 within an R5 zoning district, which requires a special permit.

PREMISES AFFECTED - 6206 20th Avenue, between 62nd and 63rd Streets, Block 5534, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated October 17, 2002 acting on Application No. ALT. 301423680 reads:

"The proposed legalization of an expansion of a non-conforming use in a C1-2 district mapped within an R5 zoning district is not permitted as-of-right, and requires a special permit from the Board of Standards and Appeals."; and

WHEREAS, a public hearing was held on this application on May 20, 2003 and then laid over to June 24, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and

marked "Received March 28, 2003-(11) sheets and June 5, 2003 -(1) sheet"; on further condition;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, June 24, 2003.

342-02-BZ

APPLICANT - Sheldon Lobel, P.C., for John Dioguardi, owner. neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §§ 73-03 and 73-53 to permit, in a C1-2 within an R5 zoning district, the legalization of an enlargement to an existing non-conforming manufacturing use; and

WHEREAS, the subject site is located on 20th Avenue between 62nd and 63rd Streets, containing approximately 2,000 square feet housing a building containing approximately 2,957 square feet; and

WHEREAS, the record indicates that the portion of the building that is the subject of this application consists of approximately 1,920 square feet located on the first floor; and

WHEREAS, the applicant has demonstrated that the premises is listed in Section 15-50 of the Zoning Resolution, is operated as a Use Group 17B Use, is not subject to termination pursuant to Section 52-70, the underlying use has lawfully existed for more than 5 years, the subject building has not received an enlargement pursuant to Sections 11-412, 43-121 or 72-21 and the subject use is listed in Use Group 17, not Use Group 18; and

WHEREAS, the Board notes that Section 73-53(a)(5) is not applicable because the premises is located in a C1-2 district mapped within an R5 zoning district; and

WHEREAS, the requested legalization is of an enlargement that is both less than 45% of the floor area occupied by such use on December 17, 1987 and is less than 2,500 square feet additional to

MINUTES

the floor area occupied by such use on December 17, 1987 and does not exceed 10,000 square feet; and

WHEREAS, the applicant represents that the enlarged portion and use generated by the enlargement, including storage and processing will be housed in an entirely enclosed building and will meet applicable performance standards; and

WHEREAS, further, no open uses of any kind, including storage or processing are located within 30 feet of the rear lot line; and

WHEREAS, the Board notes that Sections 73-53(b)(4), (5), (6), (7), (8) and 9 are not applicable to the instant application because the side lot lines do not coincide with a rear lot line of a residential district; and

WHEREAS, the record indicates that the subject enlargement has not generated significant increases in vehicular or pedestrian traffic nor caused congestion in the surrounding area, and that there is adequate parking to accommodate vehicles generated by the enlargement; and

WHEREAS, therefore, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R.

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, June 24, 2003.

343-02-BZ

APPLICANT - Harry A. Meltzer, R.A., for Richard Winer of RAW Corporation, owner; Peak Performance Sports Center, Inc., lessee.

SUBJECT - Application November 18, 2002 - under Z.R. §73-36 to permit the proposed physical culture establishment, to be located on the eighth floor of an existing twelve story commercial building, requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 54 West 21st Street, south side, 104.2' east of Avenue of the Americas, Block 822, Lot 70, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated October 30, 2002 acting on ALT I. Application No. 103157343 reads:

"The Physical Culture Establishment at the 8th floor in a

§73-53 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-53 and 73-03. to permit, in a C1-2 within an R5 zoning district, the legalization of an enlargement to an existing non-conforming manufacturing use, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received June 15, 2002" -(6) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

(M1-6M) zoning district requires a special permit from the Board of Standards and Appeals, as per Section 73-36(ZR) rectify."; and

WHEREAS, a public hearing was held on this application on April 29, 2003 , after due notice by publication in The City Record, laid over to June 3, 2003 for continued hearing and held over to June 24, 2003 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 Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §73-36 to permit, within an M1-6M zoning district, the installation of a physical culture establishment on the eighth floor of a twelve-story commercial building; and

WHEREAS, the subject PCE is located on the eighth floor of a 54 West 21st Street and consists of approximately 8,930 square feet; and

WHEREAS, the applicant represents that the hours of operation are Monday through Friday 6:00 A.M. to 9:30 A.M. and Saturday and Sunday 8:00 A.M. to 5:00 P.M.; and

WHEREAS, the applicant asserts that the surrounding area is comprised largely of commercial and manufacturing uses; and

WHEREAS, the applicant represents that the remainder of the building is occupied by commercial tenants, and that there are no residential units in the subject building; and

WHEREAS, the applicant has provided the Board with an acoustical decibel report demonstrating that the noise generated by the PCE use is below the permitted levels of the subject manufacturing district; and

WHEREAS, the applicant has installed rubber flooring,

MINUTES

padding and raised platforms that are designed to minimize sound transmission to the floor below; 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 adjacent manufacturing uses; and

WHEREAS, the Board finds that the proposed use will not alter the essential character of the surrounding neighborhood, nor will it impair the future use and development of the surrounding area; and

WHEREAS, the applicant represents that the proposed physical culture establishment will contain facilities for classes, instruction, and programs for physical improvement, body building, weight reduction, and cardiovascular fitness; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Department of Investigation has performed a

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, within a M1-6M zoning district, the installation of a physical culture establishment, located on the eighth floor of a twelve-story commercial building, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received November 18, 2002"-(1) sheet; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from June 3, 2003 to expire on June 3, 2013;

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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 the hours of operation shall be limited to Monday through Friday 6:00 A.M. to 9:30 P.M. and Saturday and Sunday 8:00 A.M. to 5:00 P.M.;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all provisions of Local Law 58/87;

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.

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. §73-03 and §73-36; 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.

Adopted by the Board of Standards and Appeals, June 24, 2003.

364-02-BZ

APPLICANT - Agusta & Ross, for Hamilton Enterprises, LLC, owner.

SUBJECT - Application December 16, 2002 - under Z.R. §72-21, to permit a five-story mixed use building with commercial use on the ground floor, which does not comply with the zoning requirements for floor area ratio, open space ratio, and commercial use, which is contrary to §22-10.

PREMISES AFFECTED - 142 West Ninth Street, southeast corner of Hamilton Avenue, Block 382, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated November 18, 2002 acting on Application No. 301410863 reads: "1.) STORE, U.G. 6, IS NOT A PERMITTED, AS OF RIGHT, USE IN AN R6 DISTRICT AS PER SECTION 22-00 OF THE ZONING RESOLUTION AND, AS SUCH, MUST BE REFERRED TO THE BOARD OF STANDARDS AND APPEALS FOR APPROVAL."

MINUTES

2.) PROPOSED FLOOR AREA AND OPEN SPACE RATIO CONTRARY TO Z.R. §142 AND, AS SUCH, MUST BE REFERRED TO THE BOARD OF STANDARDS AND APPEALS."; and

WHEREAS, a public hearing was held on this application on June 3, 2003 after due notice by publication in The City Record, and then to June 24, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit a five-story mixed use building with commercial use on the ground floor, which does not comply with the zoning requirements

WHEREAS, the applicant asserts that the subject property is extremely small and has a very unusual triangular shape, which make a complying or conforming development difficult thus posing an unnecessary hardship on the owner; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary undue hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, the evidence in the record, including a feasibility study, indicates that due to the unusual shape and small size of the subject lot, an as of right residential development would not yield a reasonable rate of return; and

WHEREAS, the record indicates that the surrounding area consists largely of residential uses mixed with some commercial and ground floor retail uses; and

WHEREAS, the applicant represents that although the adjoining properties are primarily three stories in height, the lots upon which they are situated, are significantly larger than that of the subject property; and

WHEREAS, the applicant represents that there are four and five story located in the area, including a six story building under construction across the street; and

WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R6 zoning district, the construction of a five-story mixed use multiple dwelling with ground floor commercial use, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked

for floor area ratio, open space ratio, and commercial use, which is contrary to §22-10; and

WHEREAS, the subject parcel is triangularly shaped and measures 28'3" by 27'9" by 39'8", with a lot area of 392.6 square feet, located on the south side of West Ninth Street abutting the Gowanus Expressway and Hamilton Avenue; and

WHEREAS, the subject property currently contains a vacant, substandard former dwelling, which the applicant intends to demolish; and

WHEREAS, the owner proposes a five-story mixed use multiple dwelling containing ground floor retail and or office use, a studio apartment on the second floor, and a two bedroom triplex apartment on the third, fourth, and fifth floors; and

"Received March 27, 2003"-(6) sheets and "June 19, 2003"-(1) sheet, and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 24, 2003.

32-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Jeffrey J. Edelman, owner.

SUBJECT - Application January 23, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, 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 rear and side yards, and is contrary to Z.R. §§23-141, 23-47 and 23-461.

PREMISES AFFECTED - 1052 East 26th Street, between Avenues "J" and "M", Block 7607, Lot 71, Borough of Brooklyn.
COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner

MINUTES

Caliendo and Commissioner Miele.....4 Negative:
.....0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated March 6, 2003, acting on Application No. ALT. 301483455 reads:

1. PROPOSED PLANS ARE CONTRARY TO Z.R. 23-141 IN THAT IT EXCEEDS THE MAXIMUM PERMITTED FLOOR AREA RATIO OF .5 AND DOES NOT PROVIDE THE MINIMUM REQUIRED

WHEREAS, a public hearing was held on this application on May 20, 2003 and then laid over to June 24, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, and rear and side yard requirements and is contrary to Z.R. §23-141 and §23-47, and §23-461 of the zoning resolution; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, and rear and side yard requirements and is contrary to Z.R. §23-141 and §23-47, and §23-461 of the zoning resolution, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received January 23, 2003"-(7) sheets, "March 19, 2003"-(3) sheets, and "June 6, 2003"-(1) sheet; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

OPEN SPACE RATIO OF 150.

2. PROPOSED PLANS ARE CONTRARY TO Z.R. 23-47 IN THAT THE PROPOSED REAR YARD IS LESS THAN 30 FEET.

3. PROPOSED PLANS ARE CONTRARY TO Z.R. 23-461 IN THAT THE ONE PROPOSED SIDE YARD IS LESS THAN THE MINIMUM 5 FEET REQUIRED, AND A STRAIGHT LINE ENLARGEMENT IS BEING PROPOSED WHICH WILL CREATE A NEW NON-COMPLIANCE"; 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;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, June 24, 2003.

75-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 460 Union Street LLC, contract vendee.

SUBJECT - Application March 12, 2002 - under Z.R. §72-21 to permit the proposed construction of a six story, 64-unit residential building, Use Group 2, located in an M2-1 zoning district, is contrary to §42-00.

PREMISES AFFECTED - 460 Union Street, bounded by Union, Bond and Presidents Streets, and Gowanus Canal, Block 438, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Chris Wright.

For Opposition: Linda Marianno, Joseph Mariano, Bette Stoltz, Peter Colarito, Ernest Migliaccio, Enid Braun and Mrs. Cela Maniero Cacace.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 1:30 P.M., for continued hearing.

156-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for 8021 15th Avenue Corp., owner; Aspen Ford, lessee.

SUBJECT - Application May 15, 2002 - under Z.R. §11-411 to permit the reestablishment of a variance previously granted under Cal. No.606-85-BZ, which permitted the maintenance of a new and used car sales lot with an accessory office and parking, located in a C2-3 within and R5 zoning district.

PREMISES AFFECTED - 964/70 65th Street, south side, 100' west of Tenth Avenue, Block 5750, Lot 47, Borough of Queens.

MINUTES

COMMUNITY BOARD #10Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to July 22, 2003, at 1:30 P.M., for deferred decision.

SUBJECT - Application June 5, 2002 - under Z.R. §72-21 to permit the proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 93/101 North Ninth Street, north side, between Wythe Avenue and Berry Street, Block 2303, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to August 5, 2003, at 1:30 P.M., for continued hearing.

202-02-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for Hajj D. Corp., owner.

SUBJECT - Application July 1, 2002 - under Z.R. §72-243 to permit the proposed construction of an accessory drive-thru facility in conjunction with an eating and drinking establishment, Use Group 6, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 133-20 Rockaway Boulevard, between 133rd and 134th Streets, Block 11757, Lot 55, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Jeffrey Chester.

ACTION OF THE BOARD - Laid over to August 5, 2003, at 1:30 P.M., for continued hearing.

242-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Helen Fullam, owner.

SUBJECT - Application August 30, 2002 - under Z.R. §72-21 to permit the proposed construction of a two family residence, Use Group 2, located within an R3X/SR zoning district, which does not comply with the zoning requirements for lot area per dwelling unit, front yards, and has less than the minimum required lot area for a proposed two family occupancy, is contrary to Z.R. §23-222, §23-45, §107-461 and §107-42.

PREMISES AFFECTED - One North Railroad Street, between Burchard Court and Belfield Avenue, Block 6274, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Richard Lobel and Helen Fullam.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,

185-02-BZ

APPLICANT - Sheldon Lobel, P.C., for North Ninth Street Realty, LLC., owner.

Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to July 22, 2003, at 1:30 P.M., for decision, hearing closed.

362-02-BZ

APPLICANT - Harold Weinberg, P.E., for Ronnie Hasson, owner.

SUBJECT - Application December 13, 2002 - under Z.R. §73-622 to permit the proposed erection of a rear enlargement at the level of the second floor, of an existing two story single family dwelling, which does not comply with the zoning requirements for floor area ratio, open space and lot coverage, and is contrary to Z.R. §23-141 and §54-31.

PREMISES AFFECTED - 4211 Ocean Avenue, east side, 52'-6" north of Oriental Boulevard, Block 8748, Lot 209, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg and Ronnie Hasson.

For Opposition: Harold Rosenthal, Ed Eisenberg and Rosalie Rosenthal.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner

Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at 1:30 P.M., for continued hearing.

29-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Seymour Benenfeld, as Trustee, owner.

SUBJECT - Application January 16, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located within an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear side yards, is contrary to Z.R. §§23-141(a), 23-47 and 23-461.

PREMISES AFFECTED - 1179 East 28th Street, 126'-8" north of Avenue "L", Block 7628, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Sheldon Lobel and Lewis Garfinkel.

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner

Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to July 22, 2003, at

MINUTES

1:30 P.M., for continued hearing.

161-02-BZ

APPLICANT - SFS Associates, for Coral Cove, LLC, owner.
SUBJECT - Application May 20, 2002 - under Z.R. § 72-21 to permit the 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.

PREMISES AFFECTED - 2433 Knapp Street, corner of Knapp Street and Avenue "X", Block 8833, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for postponed hearing.

210-02-BZ thru 213-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Mark Grane, owner.
SUBJECT - Application July 15, 2002 - under Z.R. §72-21 to permit the proposed mixed use building, Use Groups 2 and 6, which does not comply with the zoning requirements for lot coverage, open space and lot area per dwelling unit, and is contrary to Z.R. §§23-141, §23-22 and §35-40.

PREMISES AFFECTED -

78-01 Myrtle Avenue, northeast corner of 78th Street, Block 3827, Lot 50, Borough of Queens.

78-03 Myrtle Avenue, between 78th and 79th Streets, (20' east of 78th Street), Block 3827, Lot 49, Borough of Queens.

78-05 Myrtle Avenue, between 78th and 79th Streets, (39.15' east of 78th Street), Block 3827, Lot 48, Borough of Queens.

78-07 Myrtle Avenue, between 78th and 79th Streets, (58.30' east of 78th Street), Block 3827, Lot 47, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Richard Lobel.

For Opposition: BC Eugene J. ?

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to August 5, 2003, at 1:30 P.M., for continued hearing.

SUBJECT - Application October 25, 2002 - under Z.R. §72-21 to permit the proposed construction of a mixed-use building, containing college facilities and apartments, Use Groups 2 and 3,

229-02-BZ thru 231-02-BZ

APPLICANT - Mark A. Levine, Esq., of Herrick, Feinstein, LLP, for Simon Dushinsky and Issac Rabinowitz, owners.

SUBJECT - Application August 15, 2002 - under Z.R. §72-21 to permit the proposed construction of a six- story building containing twelve units, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 24 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 5, Borough of Brooklyn.

32 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 7, Borough of Brooklyn.

42 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mark A. Levine.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for postponed hearing.

234-02-BZ

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., Steve Tallidis, owner.

SUBJECT - Application August 23, 2002 - under Z.R. § 72-21 to permit the proposed construction of a three-story, four family multiple dwelling with an accessory garage, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, front yard, open space, height and/or setback is contrary to Z.R. §23-45, §23-12C and §23-631.

PREMISES AFFECTED - 24-64 27th Street, corner of 27th Street and Hoyt Avenue, Block 852, Lot 60, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sandy ?.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to August 5, 2003, at 1:30 P.M., for decision, hearing closed.

315-02-BZ

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for 225-227 West 60th Street, LLC, owner.

located in an R8 zoning district, which does not comply with the zoning requirements for floor area ratio, number of dwelling units, setback, rear setback, sky exposure plane and lot coverage, is

MINUTES

contrary to Z.R. §23-142, §24-11, §24-20, §24-16, §24-33 and §24-522.

PREMISES AFFECTED - 223/27 West 60th Street, north side, between Amsterdam and West End Avenues, Block 1152, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Howard Weiss.

For Opposition: Eric Wilson, Shampa Chanda and Hope Cohen.

ACTION OF THE BOARD - Laid over to July 22, 2003, at 1:30 P.M., for continued hearing.

367-02-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for Rudolf Alonzo, owner.

SUBJECT - Application December 18, 2002 - under Z.R. §72-21 to permit the legalization of an existing dance studio, Use Group 9, located in the cellar of a five story multi-family building, which is not permitted in an R8-B zoning district, and is therefore contrary to Z.R. §22-10.

PREMISES AFFECTED - 434 East 75th Street, between First and York Avenues, Block 1469, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Jeffrey Chester.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to July 22, 2003, at 1:30 P.M., for decision, hearing closed.

375-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Congregation Tzlosa D'Shlomo, owner.

SUBJECT - Application December 30, 2002 - under Z.R. §72-21 to permit the proposed new synagogue and Rabbi's apartment (rectory), Use Group 4, located in an R5 zoning district, which does not comply with the zoning requirements for floor area, side yards, front yard, maximum lot coverage, front wall height, narrow outer court and the sky exposure plane, is contrary to Z.R. §24-11, §24-34, §24-35, §24-521 and §24-631.

PREMISES AFFECTED - 1559 59th Street, north side, 200' west of 16th Avenue, Block 5502, Lot 54, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Moshe Friedman.

THE VOTE TO CLOSE HEARING -

31-03-BZ

APPLICANT - Eric Palatnik, P.C., for Abraham Malek, owner.

SUBJECT - Application January 21, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located within an R2 zoning district, which does not comply with the zoning requirements for floor area and

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to July 22, 2003, at 1:30 P.M., for decision, hearing closed.

377-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Rabbi Naftali Babad, owner; Cong. Kahal Tarnopol (long term lessee).

SUBJECT - Application December 31, 2002- under Z.R. §72-21 to permit the proposed merging and expansion of two, two-story plus basement buildings, to become one-three story, cellar and basement synagogue, with Rabbi's apartment, Use Group 4, located in an R5 zoning district, which creates non-compliance with respect to lot coverage ratio, also side and rear yards, is contrary to Z.R. §24-11, §24-35 and §24-36.

PREMISES AFFECTED - 163/65 Parkville Avenue, north side, 198' west of Ocean Parkway, Block 5423, Lots 60 and 61, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Janice Cahalane and Louis Garfinkey.

ACTION OF THE BOARD - Laid over to July 15, 2003, at 1:30 P.M., for continued hearing.

28-03-BZ

APPLICANT - Martyn & Don Weston, for Minc Platform, LLC, owner.

SUBJECT - Application January 15, 2003 - under Z.R. §72-21 to permit the proposed conversion of the upper floors, and a small portion of the ground floor, of a partially vacant three story manufacturing building, for residential units of loft type housing, which is contrary to §42-00.

PREMISES AFFECTED - 61/65 Green Street, northeast corner of West Street, Block 2511, Lots 1 and 8, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Don Weston.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to July 22, 2003, at 1:30 P.M., for decision, hearing closed.

open space ratio is contrary to Z.R. §23-141.

PREMISES AFFECTED - 2502 Avenue "M" southeast corner of Bedford Avenue, Block 7661, Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

MINUTES

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to July 22, 2003, at
1:30 P.M., for decision, hearing closed.

75-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Deborah Raymond,
owner.

SUBJECT - Application February 27, 2003 - under Z.R. § 72-21
to permit the legalization of the residential use, Use Group 2, on the
second through fifth floors, of a mixed-use building, located in an
M1-6 zoning district, which is contrary to §42-00.

PREMISES AFFECTED - 326 Seventh Avenue, between West
28th and 29th Streets, Block 778, Lot 38, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Isabella Caruso.

ACTION OF THE BOARD - Laid over to July 22, 2003, at
1:30 P.M., for continued hearing.

93-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for John
Mauro, owner.

SUBJECT - Application March 25, 2003 - under Z.R. §72-21 to
permit the proposed addition 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, open space ratio
and front yard, is contrary to Z.R. §§23-141 and 54-313.

PREMISES AFFECTED - 217-20 39th Avenue, northeast corner
of 218th Street, Block 6255, Lots 18, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Hiram Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to August 5, 2003,

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to July 22, 2003, at
1:30 P.M., for decision, hearing closed.

111-03-BZ thru 115-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 909 East
5th Street, LLC, owner.

SUBJECT - Application April 7, 2003 - under Z.R. §72-21 to
permit the proposed three story, three family residential building,

at 1:30 P.M., for decision, hearing closed.

99-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for
Yehekel & Beatrice Frankel, owners.

SUBJECT - Application March 28, 2003 - under Z.R. §73-622 to
permit the proposed enlargement of an existing one family dwelling,
Use Group 1, located in an R2 zoning district, which does not
comply with the zoning requirements for floor area ratio, open space
ratio and side and rear yards, is contrary to Z.R. §23-141, §23-461
and §23-47.

PREMISES AFFECTED - 1173 East 24th Street, between
Avenues "K and L", Block 7624, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman, Lewis Garfinkel and Mr. Frankel.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner
Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to July 22, 2003, at
1:30 P.M., for decision, hearing closed.

104-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Gila Realty, owner; 61
Strickland Fitness Center, LLC, lessee.

SUBJECT - Application May 20, 2003 - under Z.R. §72-21 to
permit

the proposed physical cultural establishment, to be located in a
portion of an existing one story building, located in an R3-1 and C2-
2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 6161 Strickland Avenue, between Mill
Avenue and East 60th Place, Block 8470, Lot 1110, Borough of
Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Jordan Most.

For Opposition: Carl Kruger, Dorothy Turano, Sol Needle, Roberta
Sherman, Judith Gargano and Stephen F. Gordon.

THE VOTE TO CLOSE HEARING -

Use Group 2, located in an R5 zoning district, which does not
comply with the zoning requirements for floor area ratio, open
space, lot coverage, wall and building height, front yard and the
parking requirements, is contrary to Z.R. §23-141, §23-631,
§23-45 and §25-23.

PREMISES AFFECTED -

1685 60TH Street, northwest corner of 17th Avenue, Block 5510,
Lot 150, Borough of Brooklyn.

1687 60TH Street, northwest corner of 17th Avenue, Block 5510,
Lot 149, Borough of Brooklyn.

1689 60TH Street, northwest corner of 17th Avenue, Block 5510,
Lot 148, Borough of Brooklyn.

1691 60TH Street, northwest corner of 17th Avenue, Block 5510,

MINUTES

Lot 147, Borough of Brooklyn.
1693 60TH Street, northwest corner of 17th Avenue, Block 5510,
Lot 47, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Peter Geis

For Opposition: Max Saken, Deborah Rosen and E. Dusdner.

ACTION OF THE BOARD - Laid over to August 5, 2003,
at 1:30 P.M., for continued hearing.

146-03-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for 1511
Third Avenue Associates, LLC, c/o The Related Companies, L.P.,
owner; Equinox 85th Street, Inc, lessee.

SUBJECT - Application May 9, 2003 - under Z.R. §73-36 to
permit the legalization of an existing physical culture establishment,
located on the second floor, and portions of the third and fourth
floors, in a four story commercial and community facility building, in
an C2-8A zoning district, which requires a special permit.

PREMISES AFFECTED - 1511 Third Avenue, a/k/a 201 East
85th Street, southwest corner of Block bounded by Second and
Third Avenues, and East 85th and 86th Streets, Block 1531, Lot
1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Michael T. Sillerman and Leah Ferster.

For Opposition: Jonathan Federico, Anthony Scaduto, Michael
Levin and Marvin Mitzner.

ACTION OF THE BOARD - Laid over to August 12,
2003, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 5:35 P.M.

CORRECTIONS

*CORRECTION

This resolution adopted on June 17, 2003, under Calendar No. 340-41-BZ and printed in Volume 88, Bulletin No.26, is hereby corrected to read as follows:

340-41-BZ

APPLICANT - Walter T. Gorman, P.E, for Paul & Marie Sinanis, owner; S & J Service Station, Inc., lessee.

SUBJECT - Application March 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 1, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 72-09 Main Street, southeast corner of 72nd Avenue, Block 6660, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD - Waiver of the Rules of Practice and Procedure, application reopened, resolution amended and term of Variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION-

WHEREAS, a public hearing was held on this application on May 6, 2003, after due notice by publication in *The City Record*, and then to June 17, 2003 for decision; and

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, re-opening, an extension of the term of the variance which expires on May 1, 2002; and

WHEREAS, the subject application also seeks an amendment to the resolution for the legalization of the removal of a portion of the planting area on 72nd Road side of the property, legalization of a planting area along Vleigh Place which had been designated for parking, legalization of modifications to the interior, which include a wall to divide the office area into a smaller office and auto accessories sales area and the installation of a new slop sink, legalization of the erection of a chain link fence in lieu of a wooden railing at the corner of Vleigh Place and 72nd Road, legalization of the construction of a masonry wall rather than brick piers and wooden pickets along 72nd Avenue, legalization of the bricking over of the windows on the service building and its cupola, and elimination of the prohibition of vending machines at gasoline service stations located in a C1-2 within in a R4 zoning district; and

WHEREAS, on June 24, 1941, the Board granted an application to permit the erection of a gasoline service station with accessory uses; and

WHEREAS, on September 18, 1951, the Board extended the term of the variance for a period of ten years;

and

WHEREAS, on February 3, 1953, the Board approved the installation of additional gasoline tanks on the premises; and

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the Variance which expires on May 1, 2002, so that as amended this portion of the resolution shall read:

“to permit the legalization of the removal of a portion of the planting area on 72nd Road side of the property, legalization of the parking spaces in a portion of the area that had been designated for planting along 72nd Road; legalization of a planting area along Vleigh Place which had previously been designated for parking, legalization of modifications to the interior, which include a wall to divide the office area into a smaller office and auto accessories sales area and the installation of a new slop sink, legalization of the erection of a chain link fence in lieu of a wooden railing at the corner of Vleigh Place and 72nd Road, legalization of the construction of a masonry wall rather than brick piers and wooden pickets along 72nd Avenue, legalization of the bricking over of the windows on the service building and its cupola, elimination of the prohibition of vending machines at gasoline service stations located in a C1-2 within in a R4 zoning district, and to extend the term of the Variance for an additional ten (10) years from May 1, 2002 to expire on May 1, 2012, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received May 15, 2003”- (5) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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. (DOB Application #401612572)

Adopted by the Board of Standards and Appeals, June 17, 2003.

***The resolution has been corrected to add in that the part of the resolved:** “ legalization of the parking spaces in a portion

CORRECTIONS

Road; ". Corrected in Bulletin No. 27, Vol. 88, dated July 3,

*CORRECTION

This resolution adopted on June 14, 2003, under Calendar No. 87-02-BZ and printed in Volume 88, Bulletin No. 27, is hereby corrected to read as follows:

87-02-BZ

CEQR #02-BSA-160K

APPLICANT - Sheldon Lobel, P.C., for Harvinder Singh, owner.
SUBJECT - Application March 27, 2002 - under Z.R. §72-2, to permit in an R5 zoning district to replace the existing structure with a new 4,741 square foot automotive service station with an accessory retail convenience store, installation of underground storage tanks, construction of a new overhead canopy with 5 pump islands and the installation of new signage contrary to Z.R. Section 32-00 and Calendar Number 483-69-BZ.

PREMISES AFFECTED - 8401 Flatlands Avenue, between East 83rd and East 84th Streets, Block 8005, Lots 2 and 6, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Janice Calahane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 28, 2002 acting on Application No. 301292553 reads:

“PROPOSED EXTENSION OF A GASOLINE SERVICE STATION USE GROUP 16 IN A R5 DISTRICT PREVIOUSLY APPROVED BY THE BOARD OF STANDARDS AND APPEAL UNDER RESOLUTION 483-69-BZ IS CONTRARY TO SECTION 32-00 OF THE ZONING RESOLUTION”; and

WHEREAS, a public hearing was held on this application on October 1, 2002 after due notice by publication in *The City Record* and laid over to November 12, 2002 and December 17, 2002 and then to January 14, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, in an R5 zoning district

to permit the enlargement and modification of an existing automotive service station with repairs, Use Group 16, to include an accessory retail convenience store contrary to Z.R. Section 32-00 and Calendar Number 483-69-BZ; and
WHEREAS, the site is located at the corner of Flatlands Avenue and East 84th Street improved with an existing automotive service station; and

WHEREAS, the record indicates that the proposal provides parking for seven vehicles in addition to spaces at the pump islands, illuminated signage of 215.09 square feet and no non-illuminated signage; and

WHEREAS, the proposal also provides a 6-foot high chain link fence with privacy slats, six-foot high evergreens to screen and buffer the adjoining 3-story apartment at block 8005 Lot 11 in addition to an existing 6-foot high opaque wood fence along the Northern property line which provides a buffer to the property at Block 8005, Lot 1; and

WHEREAS, the applicant represents that under Calendar # 483-69-BZ, in 1969, the Board permitted the rehabilitation and enlargement of the then existing automotive service station; and

WHEREAS, the site’s history of development with non-conforming Board approved uses and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning Resolution; and

WHEREAS, evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that a conforming use in the entire building would not yield a reasonable return; and

WHEREAS, the record indicates that the subject property is located in an area characterized by commercial uses; and

WHEREAS, the Board notes that the site has housed non-conforming uses similar to the one proposed for over 33 years; and

WHEREAS, the record indicates that the subject proposal would meet the special permit findings of Zoning Resolution Section 73-211, and provides sufficient parking, screening, fencing and vegetation along the residential district to avoid congestion and adverse traffic and noise impacts; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

CORRECTIONS

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, on a site previously before the Board, in an R5 zoning district to permit the enlargement and modification of an existing automotive service station with repairs, Use Group 16, to include an accessory retail convenience store contrary to Z.R. Section 32-00 and Calendar Number 483-69-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 "October 29, 2002"- (4) sheets, and "December 10, 2002"- (2) sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on January 14, 2013;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 14, 2003.

***The resolution has been corrected in that the portion of which read:** *"to replace the existing structure with a new 4,741 square foot automotive service station with an accessory retail convenience store, installation of underground storage tanks, construction of a new overhead canopy with 5 pump islands and the installation of new signage "* **now reads:** *"to permit the enlargement and modification of an existing automotive service station with repairs, Use Group 16, to include an accessory retail convenience store ". Corrected in Bulletin No. 27, Vol. 88, dated July 3, 2003.*

*CORRECTION

This resolution adopted on October 29, 2002, under Calendar No. 274-59-BZ, Vol. II and printed in Volume 87, Bulletin No. 44, is hereby corrected to read as follows:

274-59-BZ, Vol. II

APPLICANT - Laurence Dalfino, R.A., for Manorwood Realty Corp., owner.

SUBJECT - Application February 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired September 28, 2001. PREMISES AFFECTED - 3356-3358 Eastchester Road and 1510-1514 Tillotson Avenue, south side Tillotson Avenue from Eastchester Road to Mickle Avenue, Block 4744, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES - None.

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, Commissioner Caliendo and
Commissioner Miele.....4
Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Procedure and a reopening for an extension of the term of the variance which expired September 28, 2001; and

WHEREAS, a public hearing was held on this application on August 6, 2002, after due notice by publication in The City Record, laid over to September 10, 2002, October 8, 2002 and then to October 29, 2002 for decision; and

WHEREAS, the applicant represents that there are no substantial changes from what was previously approved by the Board;

WHEREAS, the applicant seeks to extend the term of the variance, permitting a private parking lot, for an additional ten years.

CORRECTIONS

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and extends the term of the variance, said resolution having been adopted January 17, 1961, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional ten years from September 28, 2001 expiring September 28, 2011, on condition;

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received February 15, 2002"-(3) sheets and "June 19, 2002"-(2) sheets"; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

THAT all landscaping shall be maintained according to BSA approved plans;

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

THAT the Certificate of Occupancy shall expire with the termination of Certificate of Occupancy for the catering establishment located on Block 4743, Lot 8;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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."

(DOB. ALT No. 695/64)

Adopted by the Board of Standards and Appeals, October 29, 2002.

***The resolution has been corrected to reflect the approved plans which read: "Received February 15, 2002"-(5) sheets" now reads: "Received February 15, 2002"-(3) sheets and "June 19, 2002"-(2) sheets". Corrected in Bulletin No. 27, Vol. 88, dated July 3, 2003.**

*CORRECTION

This resolution adopted on June 17, 2003, under Calendar No. 190-75-BZ, and printed in Volume 88, Bulletin No. 26, is hereby corrected to read as follows:

190-75-BZ

APPLICANT - Kevin B. McGrath, Esq., for Condominium, owner.

SUBJECT - Application August 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 301-321 East 79th Street, Second Avenue and East 79th Street, Block 1542, Lots 1001-1546, 7501, 12, 49, Block 8, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Kevin B. McGrath and other.

ACTION OF THE BOARD - Application re-opened and resolution amended.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele...4 Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele...4 Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele...4 Negative:0

THE RESOLUTION-

WHEREAS, a public hearing was held on this application on November 19, 2002, after due notice by publication in *The City Record*, and laid over to March 18, 2003, April 15, 2003, May 20, 2003 and then to June 17, 2003 for decision; and

WHEREAS, the applicant has requested an amendment to the variance for the legalization of an exhaust shed and changes to the fencing and railings on the subject property; and

WHEREAS, the requested amendment includes the legalization of the fence currently situated between the plaza and the rear yard and the closure of the fencing located at the East 80th Street entrance to the driveway; and

CORRECTIONS

WHEREAS, on November 12, 1975 the Board granted an application to permit the enlargement of the lot and floor

that all work would substantially conform with the approved drawings; and

WHEREAS, in a letter dated October 10, 2002, Community Board #8M recommended approval of this application; and

WHEREAS, the record indicates that the New York City Department of City Planning has no objections to the subject application.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution, so that as amended this portion of the resolution shall read:

“to permit the legalization of an exhaust shed and changes to the fencing and railings including the fence currently situated between the plaza and the rear yard and the closure of the fencing located at the East 80th Street entrance to the driveway, and to allow the said rear yard and driveway leading to the East 80th Street entrance to be used for storage and the removal of garbage”, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received May 14, 2003”- (2) sheets; and on further condition;

THAT the posted notice plaques shall contain the following language:

“THIS PLAZA IS OPEN TO THE PUBLIC. Complaints regarding this plaza may be addressed to the Department of City Planning or the Department of Buildings of the City of New York.”;

THAT the public plaza shall remain open 24 hours a day;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.”

area of a thirty-six story mixed use building, on the condition

(DOB Application #ALT. I. 103182556 and #ALT. I. 103158306)

Adopted by the Board of Standards and Appeals, June 17, 2003.

***The resolution has been corrected to add to the Resolved portion:** “to allow the said rear yard and driveway leading to the East 80th Street entrance to be used for storage and the removal of garbage”. **Corrected in Bulletin No. 27, Vol. 88, dated July 3, 2003.**

*CORRECTION

This resolution adopted on June 14, 2003, under Calendar No. 87-02-BZ and printed in Volume 88, Bulletin No. 27, is hereby corrected to read as follows:

87-02-BZ

CEQR #02-BSA-160K

APPLICANT - Sheldon Lobel, P.C., for Harvinder Singh, owner.
SUBJECT - Application March 27, 2002 - under Z.R. §72-21, on a site previously before the Board, in an R5 zoning district to permit the enlargement and modification of an existing automotive service station with repairs, Use Group 16, to include an accessory retail convenience store contrary to Z.R. Section 32-00 and Calendar Number 483-69-BZ.

PREMISES AFFECTED - 8401 Flatlands Avenue, between East 83rd and East 84th Streets, Block 8005, Lots 2 and 6, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Janice Calahane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough

CORRECTIONS

SERVICE STATION USE GROUP 16 IN A R5

WHEREAS, a public hearing was held on this application on October 1, 2002 after due notice by publication in *The City Record* and laid over to November 12, 2002 and December 17, 2002 and then to January 14, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, in an R5 zoning district to permit the enlargement and modification of an existing automotive service station with repairs, Use Group 16, to include an accessory retail convenience store contrary to Z.R. Section 32-00 and Calendar Number 483-69-BZ; and

WHEREAS, the site is located at the corner of Flatlands Avenue and East 84th Street improved with an existing automotive service station; and

WHEREAS, the record indicates that the proposal provides parking for seven vehicles in addition to spaces at the pump islands, illuminated signage of 215.09 square feet and no non-illuminated signage; and

WHEREAS, the proposal also provides a 6-foot high chain link fence with privacy slats, six-foot high evergreens to screen and buffer the adjoining 3-story apartment at block 8005 Lot 11 in addition to an existing 6-foot high opaque wood fence along the Northern property line which provides a buffer to the property at Block 8005, Lot 1; and

WHEREAS, the applicant represents that under Calendar # 483-69-BZ, in 1969, the Board permitted the rehabilitation and enlargement of the then existing automotive service station; and

WHEREAS, the site's history of development with non-conforming Board approved uses and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning Resolution; and

WHEREAS, evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that a conforming use in the entire building would not yield a reasonable return; and

WHEREAS, the record indicates that the subject property is located in an area characterized by commercial

ZONING RESOLUTION"; and

uses; and

WHEREAS, the Board notes that the site has housed non-conforming uses similar to the one proposed for over 33 years; and

WHEREAS, the record indicates that the subject proposal would meet the special permit findings of Zoning Resolution Section 73-211, and provides sufficient parking, screening, fencing and vegetation along the residential district to avoid congestion and adverse traffic and noise impacts; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, on a site previously before the Board, in an R5 zoning district to permit the enlargement and modification of an existing automotive service station with repairs, Use Group 16, to include an accessory retail convenience store contrary to Z.R. Section 32-00 and Calendar Number 483-69-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 "October 29, 2002".

(4) sheets, and "December 10, 2002"-(2) sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on January 14, 2013:

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

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

CORRECTIONS

only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 14, 2003.

***The resolution has been corrected in that the portion which read: "to replace the existing structure with a new 4,741 square foot automotive service station with an accessory retail convenience store, installation of underground storage tanks, construction of a new overhead canopy with 5 pump islands and the installation of new signage" now reads: "to permit the enlargement and modification of an existing automotive service station with repairs, Use Group 16, to include an accessory retail convenience store". Corrected in Bulletin No. 27, Vol. 88, dated July 3, 2003.**

*CORRECTION

This resolution adopted on January 7, 2003, under Calendar No. 249-02-BZ and printed in Volume 88, Bulletin Nos. 1-3, is hereby corrected to read as follows:

249-02-BZ

CEQR#03-BSA-040X

APPLICANT - Jay Segal, Esq., for Fordham Associates, LLC, owner.

SUBJECT - Application September 20, 2002 - under Z.R. §72-21, to permit the proposed physical culture establishment, to be located in the cellar of an existing five story building, in an R8 and R8/C1-3 zoning district, which is contrary to §32-31.

PREMISES AFFECTED - 2501 Grand Concourse, northwest corner of Fordham Road, Block 3167, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Jay Segal.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated August 21, 2002 acting on Application number 200675359 reads; "HEALTH CLUB NOT PERMITTED IN C1-3 IN R8 ZONING DISTRICT. VARIANCE REQUIRED AS PER SECTION 32-31 Z.R."; and

WHEREAS, Community Board #3, Queens, recommends conditional approval of this application; and

WHEREAS, a public hearing was held on this application on November 26, 2002 after due notice by publication in The City Record, and laid over to January 7, 2003 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 Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application for under Z.R. §72-21, to permit the proposed physical culture establishment, to be located in the cellar of an existing five story building, in an R8 and R8/C1-3 zoning district, which is contrary to §32-31; and

WHEREAS, subject building was formerly used as a department store, and is located on the northwest corner of the intersection of Fordham Road and the Grand Concourse in the Bronx; and

WHEREAS, the subject building covers its entire 55,197 square foot lot area, with the exception of two small triangular portions at the intersections of the Grand Concourse and Fordham Road, and Fordham Road and East 190th Street; and

WHEREAS, the subject building is located in three zoning districts: a C4-4, an R8/C1-3, and an R8, and is also situated within the Special Grand Concourse District; and

WHEREAS, a variance, rather than a special permit, is required because 13,830 square feet of the proposed PCE would be in the R8 and R8/C1-3 zoning districts in which a special permit may not be granted; and

WHEREAS, the proposed health club would occupy 35,028 square feet of area in the cellar and 1,852 square feet of area on the first floor, to be used as an entrance; and

WHEREAS, the record indicates that the building has a subcellar, cellar, four full stories and a partial fifth story and has always been used as a single purpose department store building; and

WHEREAS, the applicant represents that building is functionally obsolete due to the design and layout of the building as a single purpose department store; and

WHEREAS, evidence in the record indicates that the

CORRECTIONS

subject building has no windows, five escalators and only one passenger elevator, significant bathrooms only on alternate floors, one modest lobby, high ceilings, and a HVAC system that must be either on or off for the entire building; and

WHEREAS, the applicant states that the aforementioned conditions result in extraordinary costs in rehabilitating the building to earn a reasonable return; and

WHEREAS, the applicant represents that the redevelopment plan for the building includes multiple as-of-right retail uses on the first and second floors, with the upper three floors to be used as offices and classrooms; and

WHEREAS, the applicant further represents that retail use in the cellar is not feasible and that the only conforming option would be retail storage, which produces almost no income; and

WHEREAS, the Board finds that there are physical conditions attributed to the existing building, namely the varying zoning designations, the history of use, and the functional obsolescence, which 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 cellar with a conforming use would not yield the owner a reasonable return; and

WHEREAS, the record indicates that subject building is located on two heavily trafficked thoroughfares and that the surrounding area is primarily commercial in nature; 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 unnecessary hardship associated with a conforming use of the zoning lot was not caused by the owner, nor by a predecessor in interest, but is inherent in the site; and

WHEREAS, the hardship results from the strict application of the Zoning Resolution to the subject zoning lot; and

WHEREAS, therefore, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board notes that although a variance is being requested, the subject application meets all the requirements of the special permit for a PCE, except for the zoning district; and

WHEREAS, the proposed physical cultural establishment will contain facilities for classes, instruction and programs for physical improvement, body building, weight reduction, and aerobics; 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. §§73-03 & 73-36; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed physical culture establishment, to be located in the cellar of an existing five story building, in an R8 and R8/C1-3 zoning district, which is contrary to §32-31, which is contrary to Z.R. §32-31, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 20, 2002"-(13) sheets; and on further condition;

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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 substantial construction shall be completed in accordance with §72-23; and

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within two years of the date of this 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;

CORRECTIONS

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, January 7, 2003.

***The resolution has been corrected to add:** *“to permit the proposed physical culture establishment, to be located in the cellar of an existing five story building, in an R8 and R8/C1-3 zoning district, which is contrary to §32-31, which is contrary to Z.R. §32-31”.* **Corrected in Bulletin No. 27, Vol. 88, dated July 3, 2003.**

Pasquale Pacifico, Executive Directo

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, No. 28-29

July 24, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

CONTENTS

DOCKET

CALENDAR of

Morning

Afternoon

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, July 17, 2003**

Morning Calendar

Affecting Calendar Numbers:

| | |
|---------------------------|--|
| 472-37-BZ, Vol. IV | 2765/2773 Cropsey Avenue, Queens |
| 705-51-BZ | 163-15 Northern Boulevard, Queens |
| 292-58-BZ | 836 East 233 rd Street, Bronx |
| 60-82-BZ | 60-11 Queens Boulevard, Queens |
| 226-01-BZ | 48 Laight Street, Manhattan |
| 361-49-BZ | 74-01 Eliot Avenue, Queens |
| 558-51-BZ | 68-22 Northern Boulevard, Queens |
| 118-71-BZ | 299 Guyon Avenue, Staten Island |
| 132-86-BZ | 102-09/11 Roosevelt Avenue, Queens |
| 192-92-BZ | 900 Southern Boulevard, Bronx |
| 172-97-BZ | 1023 Brighton Beach Avenue, Brooklyn |
| 261-02-A | 444 Sharrots Road, Staten Island |
| 103-03-A | 7 East Market Street, Queens |
| 21-02-A thru 25-02-A | 258-31/258-33/258-35/258-37/258-39 Francis Lewis Boulevard, Queens |
| 287-02-A thru 289-02-A | 3/5/7 Reynolds Court, Staten Island |
| 45-03-A thru 64-03-A | 69/67/65/63/61/59/55/53/51/49/45/43/41/39/37/35/31/29 Hall Avenue, Staten Island |

CONTENTS

Afternoon Calendar.....

Affecting Calendar Numbers:

| | |
|-----------------------------|--|
| 165-02-BZ thru 176-02-A | 147/151/153/155/157/159 Classon Avenue, Brooklyn |
| 186-02-BZ thru 191-02-A | 143/145/149 Classon Avenue, Brooklyn |
| 267-02-BZ | 3478 Bedford Avenue, Brooklyn |
| 362-02-BZ | 4211 Ocean Avenue, Brooklyn |
| 365-02-BZ | 4306 Third Avenue, Brooklyn |
| 24-03-BZ | 178-02/08 Union Turnpike, Queens |
| 94-03-BZ | 622/26 Broadway, a/k/a 156/60 Crosby Street, Manhattan |
| 284-01-BZ | 275 Castleton Avenue, Staten Island |
| 73-02-BZ | 6 Stanwix Street, a/k/a 59 Jefferson Street, Brooklyn |
| 222-02-BZ | 2547 East 12 th Street, Brooklyn |
| 265-02-BZ | 19 East 94 th Street, Manhattan |
| 279-02-BZ | 76 Aster Court, Brooklyn |
| 324-02-BZ | 752 Pacific Street, Brooklyn |
| 334-02-BZ thru 336-02-BZ | 1281/1283/1287 Atlantic Avenue, Brooklyn |
| 374-02-BZ | 267-20 74 th Avenue, Queens |
| 377-02-BZ | 163/65 Parkville Avenue, Brooklyn |
| 36-03-BZ | 271-17 76 th Avenue, Queens |
| 40-03-BZ | 124-20 Jamaica Avenue, Queens |
| 44-03-BZ | 97-20 99 th Street, Queens |
| 73-03-BZ | 400 Lenox Avenue, Manhattan |
| 100-03-BZ | 3448 Bedford Avenue, Brooklyn |
| 118-03-BZ | 1101 Prospect Avenue, a/k/a 1677 11 th Avenue, Brooklyn |
| 143-03-BZ | 1734 East 24 th Street, Brooklyn |
| 154-03-BZ | 100-05 92 nd Avenue, Queens |
| 176-03-BZ | 220-02 Jamaica Avenue, a/k/a 219-42/54 Jamaica Avenue, Queens |

DOCKETS

New Case Filed Up to July 17, 2003

215-03-A B.Q. 11 Kildare Walk, east side, 154.99' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens. Alt.1 #401578315. Proposed building not fronting on a legally mapped street, and has an upgraded private disposal system in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings Policy.

216-03-A B.Q. 73 Reid Avenue, east side, 287.35' north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens. Alt.1 #401627343. Proposed building not fronting on a legally mapped street, and located partially within the bed of a mapped street is contrary to Sections 35 and 36, Article 3 of the General City Law.

217-03-BZ B.BK. 140/42 Pennsylvania Avenue, southeast corner of Liberty Avenue, Block 3703, Lot 21, Borough of Brooklyn. Alt.1 #301521333. Proposed one story and cellar expansion, of an existing one story and cellar retail building, Use Group 6, located in an R5 zoning district, is contrary to Z.R. §52-22.

COMMUNITY BOARD #5BK

218-03-BZ B.Q. 19-73 38th Street, corner of 20th Avenue, Steinway Street and 38th Street, Block 811, Lot 1, Borough of Queens. N.B. #401444923. Proposed nine-story mixed use building with residential, commercial and community facility uses, located in an M1-1 zoning district, which does not comply with the zoning requirements for the uses, permitted floor area, total height and perimeter wall, is contrary to Z.R. §42-00, §23-141 and §23-631.

COMMUNITY BOARD #1Q

219-03-BZ B.Q. 175-15 Rockaway Boulevard, north side, between 175th Street and 149th Road, Block 13381, Lot 1, Borough of Queens. Applic. #401685798. The legalization of an existing philanthropic institution with sleeping accommodations, Use Group 3, in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #13Q

220-03-BZ B.Q. 175-21 149th Avenue, a/k/a 175-48 148th Road, 140' east of 175th Street, Block 13380, Lots 11 and 63 (Tentative Lot 11), Borough of Queens. Applic. #401685805. The legalization of an

existing philanthropic institution with sleeping accommodations, Use Group 3, in an M1-1 zoning district, and the addition of a new building that does not comply with the the rear yard requirement, is contrary to Z.R. §42-00 and §43-23 and §43-27.

COMMUNITY BOARD #13Q

221-03-BZ B.M. 253/55 West 28th Street, north side, 105'-1" east of Eighth Avenue, Block 778, Lot 7, Borough of Manhattan. Alt.1 #102987314. The legalization of three existing residential units, located on the third, fourth and fifth floors, of a five story mixed use building, in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #5M

222-03-BZ B.Q. 30-04 73rd Street, southwest corner of 30th Avenue, Block 1121, Lot 6, Borough of Queens. Alt.1 #401573631. Proposed enlargement of the second floor of an existing one family dwelling, that will be converted into a two family dwelling, located in an R4 zoning district, which will encroach into the required front yard, is contrary to Z.R. §23-45 and §54-313.

COMMUNITY BOARD #3Q

223-03-BZ B.Q. 115-15 Farmers Boulevard, bounded by 115th Road and 115th Avenue, Block 11032, Lot 4, Borough of Queens. Applic. #401404805. Proposed installation of a wireless telecommunications facility, located in a C2-2 within an R3-2 zoning district, requires a special permit from the Board as per Z.R. §73-30.

COMMUNITY BOARD #12Q

224-03-BZ B.Q. 139-19 109th Avenue, bounded by 139th and 142nd Streets, Block 10068, Lots 210, 213, 214 and 215, Borough of Queens. Applic. #401618807. Proposed installation of a wireless telecommunications facility, located in an R3-2 zoning district, requires a special permit from the Board as per Z.R. §73-30.

COMMUNITY BOARD #12Q

DOCKETS

225-03-A B.Q. 21 Park End Terrace, north side of Rockaway Point Boulevard, 94.61' west of Bayside Drive, Block 16340, Lot 50, Borough of Queens. Alt.1 #401618923. Proposed first floor enlargement, and a proposed new second story to an existing single family dwelling, situated within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

226-03-A B.Q. 30 Reid Avenue, south side, 264.91' west of Marshall Avenue, Block 16350, Part of Lot 300, Borough of Queens. Alt.1 #401633194. Proposed first floor alterations, and a partial new second floor addition, to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

227-03-A B.Q. 5 Bath Walk, west side, 56.00' north of Proposed 12th Avenue, Block 16350, Part of Lot 400, Borough of Queens. Alt.1 #401633185. Proposed first floor alterations and additions, also a partial new second floor addition, to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

228-03-A B.Q. 32 Gotham Walk, west side, 62.26' north of Stehn Promenade, Block 16350, Part of Lot 400, Borough of Queens. Alt.1 #401639786. Proposed first floor alterations and additions, also a partial new second floor addition, to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

229-03-BZ B.S.I. 303 Crystal Avenue, southeast corner of Watchogue Road, Block 472, Lot 149, Borough of Staten Island. N.B. #500602065. Proposed erection of a one family detached residence, Use Group 1, located in an R-2 zoning district, which does not comply with the zoning requirements for front yard is contrary to Z.R. §23-45.

COMMUNITY BOARD #1SI

230-03-BZ B.S.I. 144 Billop Avenue, southeast corner of Brighton Street, Block 7881, Lots 67, 1 and 2, Borough of Staten Island. N.B. #500609273. Proposed erection of a one family detached residence, Use Group 1, located in an R-3A zoning district, which does not comply with the zoning requirements for front yard is contrary to Z.R. §23-45.

COMMUNITY BOARD #1SI

231-03-BZ B.BK. 63 and 65 Columbia Street, southeast corner of Congress Street, Block 299, Lots 7 and 8, Borough of Brooklyn. Applic. #301481037. Proposed construction of a six story building, with a mezzanine and cellar, to contain eighteen residential units, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #6BK

232-03-BZ B.Q. 32-45 75th Street, eastside, 100' north of Northern Boulevard, Block 1171, Lot 46, Borough of Queens. Applic. #401563287. Proposed additional storage of vehicles, on the roof of an existing automotive storage facility, Use Group 16c, located in an R4 zoning district, is contrary to Calendar No. 171-93-BZ and Z.R. §22-00.

COMMUNITY BOARD #3Q

233-03-A B.Q. 25 Gotham Walk, east side, 102.01' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens. Alt.1 #401633167. Proposed first floor alterations and additions, also a partial new second floor addition, to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

234-03-BZY B.M. 499 Greenwich Street, east side, 41' south of Spring Street, Block 594, Lots 29 and 37, Borough of Manhattan. N.B. #103413735. Application is hereby made under Z.R. §11-331 to extend the time of construction for a minor development for a period of six months.

235-03-A B.S.I. 119 Kenilworth Avenue, east side, 40' south of Winston Street, Block 5725, Lot 32, Borough of Staten Island. Applic. #500605384. Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

236-03-A B.S.I. 18 Winston Street, south side, 100' west of Woodrow Road, Block 5725, Lot 48, Borough of Staten Island. Applic. #500583451. Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

DOCKETS

237-03-BZ B.BK. 3077 Bedford Avenue, east side, between Avenues I and J, Block 7589, Lot 25, Borough of Brooklyn. Alt.1 #301537969. Proposed enlargement of an existing one family dwelling, located in an R-2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, is contrary to Z.R. §23-141(a) and §23-47.
COMMUNITY BOARD #14BK

238-03-BZ B.BK. 2305 Olean Street, north side, 16'-1½" east of East 23rd Street, Block 7677, Lot 63, Borough of Brooklyn. Applic. #301238550. Proposed side and rear enlargements, to an existing synagogue and parsonage, Use Group 4, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, side and rear yards, is contrary to Z.R. §24-11, §24-35 and §24-36.
COMMUNITY BOARD #14BK

239-03-BZ B.M. 468 West Broadway and 140 Thompson Street, fronting on West Broadway and Thompson Street, between West Houston and Prince Streets, Block 516, Lot 7, Borough of Manhattan. Applic. #103459570. Proposed extension of the uses (studios w/accessory living/ sleeping /accommodations) allowed on floors two through six of the West Broadway portion of the building, to the ground floor portion of the building, located in M1-5A and R7-2 zoning districts, is contrary to Z.R. §42-14D.
COMMUNITY BOARD #2M

240-03-BZ B.Q. 83-10 and 83-16 188th Street, south side, between Midland Parkway and Radnor Road, Block 7263, Lots 35 and 39, Borough of Queens. Applic. #s401591808 and 401646527. Proposed enlargement of an existing two story synagogue, Use Group 4, located in an R1-2 zoning district, which does not comply with the zoning requirements for floor area ratio, building height, side yards, rear yard, also the proposed addition of lot 39 to the existing building, is contrary to Z.R. §24-10, §24-111, §24-521, §24-35 and §24-36, and a previous variance granted by the Board under Cal. No. 815-85-BZ.
COMMUNITY BOARD #8Q

241-03-BZ B.BK. 1183 East 28th Street, east side, 100' north of Avenue "L", Block 7628, Lot 11, Borough of Brooklyn. Applic. #301553726. 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, open space ratio, rear yard and minimum side yard, is contrary to Z.R. §23-141(a), §23-47 and §23-48.
COMMUNITY BOARD #14BK

242-03-BZ B.BK. 1858 East 26th Street,

west side, 285'-0" north of Avenue "S", Borough of Brooklyn. Applic. #301053507. 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, open space ratio, rear yard, side yard, minimum side yard, lot coverage and perimeter wall, is contrary to Z.R. §23-141(b), §23-47 and §23-48 and §23-631(b)
COMMUNITY BOARD #14BK

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

AUGUST 12, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, August 12, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

867-55-BZ

APPLICANT - Carl. A. Sulfaro, Esq., for 66-15 JR Realty Corp., owner.

SUBJECT - Application June 17, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 19, 2001.

PREMISES AFFECTED - 66-11 Borden Avenue, northeast corner of Clinton Avenue, Block 2394, Lot 8, Maspeth, Borough of Queens.

COMMUNITY BOARD #5Q

444-67-BZ

APPLICANT - Eric Palatnik, P.C., for Hillside 188th Street Corp, owner; BP Products North America, owner.

SUBJECT - Application June 3, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 187-39 Hillside Avenue, northwest corner of 87-88 to 87-96 188th Street, Block 9960, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

1122-81-BZ

APPLICANT - The Agusta Group, for Brothers Roofing Supplies Co., Inc., owner.

SUBJECT - Application June 12, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 9, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 105-14 Astoria Boulevard, southwest corner of 106th Street and Astoria Boulevard, Block 1692, Lots 3, 5, 9 & 11, Borough of Queens.

COMMUNITY BOARD #3Q

245-90-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for SUBJECT - Application June 13, 2003 - Proposed building not fronting on a legally mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 31 Kildare Walk, east side, 192.27' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough

Margarita Herskovich and Lyubov Herskovich, owners.

SUBJECT - Application June 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 29, 2001.

PREMISES AFFECTED - 1054 43rd Street, south side of 43rd Street, Block 5602, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #12BK

145-95-BZ

APPLICANT - Sullivan Chester & Gardner, P.C., for LRHC, Inc., d/b/a Lucille Roberts, owner.

SUBJECT - Application June 5, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired November 13, 2002.

PREMISES AFFECTED - 80 Fifth Avenue, southwest corner of West 14th Street, Block 577, Lot 39, Borough of Manhattan.

COMMUNITY BOARD #2M

221-01-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Charand Associates, LLC, owner; The Learning Spring Foundation, Inc., lessee.

SUBJECT - Application July 11, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 252-254 West 29th Street, south side of West 29th Street, Block 778, Lot 70, Borough of Manhattan.

COMMUNITY BOARD #5M

134-03-A

APPLICANT - James Periconi, Esq., for Olive Freud.

OWNER OF RECORD - Hudson Waterfront Associate.

SUBJECT - Application April 21, 2003 - An appeal challenging the Department of Buildings' March 20, 2003 denial of applicant's request to revoke the permit for construction at said premises, enforce the conditions of the Special Permit and Restrictive Declaration, Art. II, §2.01(d), dated December 17, 1992, and to enforce the conditions of the Mapping Agreement, dated May 27, 1998.

PREMISES AFFECTED - 240 Riverside Boulevard, a/k/a "Building A", between West 72nd Street and Riverside Boulevard, Block 1171, Lot 105, Borough of Manhattan.

COMMUNITY BOARD #7M

195-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Charles & Margaret Collins, lessees. of Queens.

COMMUNITY BOARD #14Q

196-03-A

CALENDAR

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Raymond G. Strype, lessee.

SUBJECT - Application June 13, 2003 - Proposed building not fronting on a legally mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 6 Devon Walk, west side, 20.46' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

197-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Joseph & Kathleen Lynch, lessees.

SUBJECT - Application June 13, 2003 - Proposed building not fronting on a legally mapped street, located within the bed of a mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 30 Lincoln Walk, west side, 248.63' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

198-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; James and Nancy Denison, lessee.

SUBJECT - Application June 13, 2003 - Proposed building not fronting on a legally mapped street, located within the bed of a mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 42 Roosevelt Walk, corner of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

AUGUST 12, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, August 12, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPLICANT - Fischbein Badillo Wagner Harding, for Sephardic Foundation for Torah Studies, Inc, owner.

SUBJECT - Application May 28, 2003 - under Z.R. §72-21 to permit the proposed construction of a synagogue and twenty-one apartments, Use Groups 2 and 4, with a twenty-three car garage, accessory to the residential use, located in an R6-A zoning district, which does not comply with the zoning requirements for floor area, base and building height, is contrary to Z.R. §24-11 and §23-633.
PREMISES AFFECTED - 402 Avenue "U", aka 2133 East

ZONING CALENDAR

119-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Columbus Centre, LLC, owner; Equinor Columbus Centre, Inc., lessee.

SUBJECT - Application April 14, 2003 - under Z.R. §73-36 to permit the proposed physical culture establishment, within portions of the ground floor and second sub-cellar of fifty-four mixed use building, currently under construction, located in an C6-6(MiD) zoning district, which requires a special permit as per Z.R. §§32-10 and 81-10.

PREMISES AFFECTED - 10 Columbus Circle, a/k/a 301 West 58th Street, a/k/a 300 West 60th Street, northwest corner of west 58th Street and Columbus Circle, Block 1049, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #4M

142-03-BZ

APPLICANT - George Sirinakis/Phanuel Soba, for Ishamael Miller, owner.

SUBJECT - Application May 1, 2003 - under Z.R. §§11-412 & 11-413

to permit the proposed auto repair shop, Use Group 16, located in a C2-2 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 140-20 Farmers Boulevard, northwest corner of 142nd Avenue, Block 12592, Lot 315, Borough of Queens.

COMMUNITY BOARD #12Q

178-03-BZ

APPLICANT - Eric Palatnik, P.C., for King Carmichael, owner; BP Products North America, lessee.

SUBJECT - Application May 23, 2003 - under Z.R. §73-211 to permit the continued use of the premises as an automotive service station, Use Group 16, also a modification to the existing signage, located in a C2-2 within an R3-2 zoning district, which is contrary to Z.R. §32-35.

PREMISES AFFECTED - 114-02 Van Wyck Expressway, southwest corner of Linden Boulevard, Block 11661, Lot 7, Borough of Queens.

COMMUNITY BOARD #10Q

179-03-BZ

Second Street, southeast corner, Block 7129, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

185-03-BZ

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin LLP, for AJJ Canal, LLC, owner.

CALENDAR

SUBJECT - Application June 4, 2003 - under Z.R. §72-21 to permit the proposed change of use of a portion of an area located on the building's first floor, formerly occupied by single screen movie theater to retail use, and also a portion of the cellar for the same use, Use Group 6, in an existing three story with cellar commercial building, located in an M1-5B zoning district, is contrary to Z.R. §42-14 D2(b).

PREMISES AFFECTED - 277 Canal Street, northeast corner of Broadway, Block 209, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #2M

187-03-BZ

APPLICANT - Marvin B. Mitzner, Esq, of Fischbein Badillo Wagner Harding, for Robert Hollander and Steve Abrahms, owners.

SUBJECT - Application June 6, 2003 - under Z.R. §73-125 to permit the reestablishment of an expired special permit, previously granted under Cal. No. 142-88-BZ, which permitted medical offices, Use Group 4, that exceeded 1,500 square feet of floor area in an R2 zoning district.

PREMISES AFFECTED - 214-02 24th Avenue, southeast corner of Bell Boulevard, Block 6001, Lot 55, Borough of Queens.

COMMUNITY BOARD #11Q

Pasquale Pacifico, Executive Director

AUGUST 13, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, August 13, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

DISMISSAL CALENDAR

276-02-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Morton Osterman.

PREMISES AFFECTED - 922/926 Bedford Avenue, a/k/a 371 Willoughby Avenue, northwest corner of Bedford Avenue and Willoughby Avenue, Block 1914, Lots 43, 44, 46 (tentative Lot 43), Borough of Brooklyn.

COMMUNITY BOARD #1BK

77-03-BZ & 78-03-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Better Luxury Home, Inc.

SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 260-32 Grand Central Parkway, east side of Grand Central Parkway, 9' south of Grand Central Parkway and 267th Street, Block 8443, Lot 123, Borough of Queens.

COMMUNITY BOARD #13Q

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 160 Norfolk Street, west side, 300' north of Oriental Boulevard, and south of Shore Boulevard, Block 8756, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #15BK

132-92-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Joseph DiStefano.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 3948-52 Amboy Road, south side of Amboy Road, between Hillside Terrace and Brown Avenue, Block 5142, Lot 22, Borough of Staten Island.

COMMUNITY BOARD #3SI

70-03-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Flatlands 84th Realty Corp.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 761 East 84th Street, east side of East 84th Street, 89' north of Flatlands Avenue, Block 8005, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #18BK

361-02-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: 214 25 Street Corp.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 214 25th Street, between Fourth and Fifth Avenue, Block 655, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #7BK

85-03-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: 926 Bedford LLC, owner.

SUBJECT - to dismiss the application for lack of prosecution.

84-03-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Nissan Perla

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 35-40 30th Street, aka 35-37 29th Street, frontage on West side of 30th Street, east side of 29th Street, between 35th and 36th Avenues, Block 341, Lot 6, Borough of Queens.

COMMUNITY BOARD #1Q

263-02-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Sando Realty by David Mosher

SUBJECT - to dismiss the application for lack of prosecution.

CALENDAR

PREMISES AFFECTED - 1800 Coney Island Avenue, west side, 260' north of Avenue O, south of Avenue N, Block 6592, Lot 34, Borough of Brooklyn.

COMMUNITY BOARD #12BK

290-02-BZ thru 314-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Edgewater Development, Inc.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED -

114-01 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 125, Borough of Queens.

114-03 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 126, Borough of Queens.

114-05 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 127, Borough of Queens.

114-07 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 128, Borough of Queens.

114-09 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 129, Borough of Queens.

114-11 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 130, Borough of Queens.

114-13 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 131, Borough of Queens.

114-15 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 132, Borough of Queens.

114-21 Taipei Court, north side, 501' west of 115th Street, Block 4019, Lot 133, Borough of Queens.

114-23 Taipei Court, north side, 491' west of 115th Street, Block 4019, Lot 134, Borough of Queens.

114-25 Taipei Court, north side, 471' west of 115th Street, Block 4019, Lot 135, Borough of Queens.

114-27 Taipei Court, north side, 451' west of 115th Street, Block 4019, Lot 136, Borough of Queens.

114-29 Taipei Court, north side, 421' west of 115th Street, Block 4019, Lot 137, Borough of Queens.

Pasquale Pacifico, Executive Director

114-31 Taipei Court, north side, 411' west of 115th Street, Block 4019, Lot 138, Borough of Queens.

114-33 Taipei Court, northwest corner of 115th Street, Block 4019, Lot 139, Borough of Queens.

114-35 Taipei Court, north side, 371' west of 115th Street, Block 4019, Lot 141, Borough of Queens.

114-20 Taipei Court, south side, 501' west of 115th Street, Block 4019, Lot 124, Borough of Queens.

114-22 Taipei Court, south side, 491' west of 115th Street, Block 4019, Lot 123, Borough of Queens.

114-24 Taipei Court, south side, 471' west of 115th Street, Block 4019, Lot 122, Borough of Queens.

114-26 Taipei Court, south side, 451' west of 115th Street, Block 4019, Lot 121, Borough of Queens.

114-28 Taipei Court, south side, 431' west of 115th Street, Block 4019, Lot 119, Borough of Queens.

114-30 Taipei Court, south side, 411' west of 115th Street, Block 4019, Lot 117, Borough of Queens.

114-32 Taipei Court, south side, 391' west of 115th Street, Block 4019, Lot 116, Borough of Queens.

114-34 Taipei Court, south side, 371' west of 115th Street, Block 4019, Lot 115, Borough of Queens.

114-36 Taipei Court, south side, 391' west of 115th Street, Block 4019, Lot 114, Borough of Queens.

COMMUNITY BOARD #7Q

177-86-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Harry & Brady Santoro

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 851 Forest Avenue, north side 348' West of Broadway, Block 220, Lot 78, Borough of Staten Island.

COMMUNITY BOARD #1SI

MINUTES

**REGULAR MEETING
TUESDAY MORNING, JULY 17, 2003
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, May 6, 2003, were approved as printed in the Bulletin of May 15, 2003, Volume 88, No. 20.

SPECIAL ORDER CALENDAR

472-37-BZ, Vol. IV

APPLICANT - Vassalotti Associates, Architects, for 246 Sears Rd Realty Corp., owner.

SUBJECT - Application February 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired March 14, 2001.

PREMISES AFFECTED - 2765/2773 Cropsey Avenue, southeast corner of 28th Avenue and Cropsey Avenue, Block 6915, Lot 44, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, and term of Variance extended.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the

Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on March 14, 2001; and

WHEREAS, a public hearing was held on this application on November 12, 2002, after due notice by publication in *The City Record*, and laid over to December 10, 2002, February 25, 2003, April 29, 2003, June 3, 2003 and then to July 15, 2003 for decision; and

WHEREAS, on March 14, 1961, the Board granted an application to permit in a residence use district, the reconstruction of an existing gasoline service station, lubricatorium, non-automatic auto laundry and office and to extend the uses to include minor auto repairs with hand tools only, sales of accessories, parking and storage of motor vehicles and an increase in the area of the plot for a term of twenty years.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the Variance which expired on March 14, 2001, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the Variance for an additional ten (10) years from March 14, 2001 to expire on March 14, 2011, *on condition*

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this

MINUTES

application marked "Received July 11, 2003"- (1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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." (DOB Application #1355/60)

Adopted by the Board of Standards and Appeals, July 15, 2003.

705-51-BZ

APPLICANT - Eric Palatnik, P.C., for 163-15 Northern Flushing Corp., owner; BP Products North America, lessee.

SUBJECT - Application April 4, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired May 19, 1999 and for an amendment to the resolution.

PREMISES AFFECTED - 163-15 Northern Boulevard, Northern

WHEREAS, on October 10, 1951 the Board granted an application to permit in a business use district, the erection and maintenance of a gasoline service station, lubrication, car washing, storage and sale of accessories, motor vehicle repairs and office and to permit the parking of cars waiting to be serviced.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, pursuant to Z.R. §11-411, said resolution having been adopted on August 9, 1951 as amended through May 19, 1998, so that as amended this portion of the resolution shall read:

"to permit a change in signage from a 57 square feet of illuminated signage and 37.5 square feet of non-illuminated signage for a total of 94.5 square feet of signage to 58 square feet of illuminated signage and 5 square feet of non-illuminated signage for a total of 63 square feet of signage and to extend the time to obtain a new Certificate of Occupancy so that a new Certificate of Occupancy shall be obtained within two years from the date of this amended resolution, on *condition*

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 9, 2003"- (5) sheet; and on further condition;

THAT the premises shall be maintained free of debris

Boulevard and 164th Street, Block 5338, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, resolution amended and time extended to obtain a new certificate of occupancy.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of time to obtain a new certificate of occupancy, which expired on May 19, 1999; and

WHEREAS, the applicant has also requested an amendment to the resolution for a change in signage from 57 square feet of illuminated signage and 37.5 square feet of non-illuminated signage for a total of 94.5 square feet of signage to 58 square feet of illuminated signage and 5 square feet of non-illuminated signage for a total of 63 square feet of signage; and

WHEREAS, a public hearing was held on this application on June 17, 2003 after due notice by publication in The City Record, and laid over to July 15, 2003 for decision; and

and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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." (DOB # 401462788, 401462779, 401467756, 401467621, 401462760, and 401467765)

Adopted by the Board of Standards and Appeals, July 15, 2003.

292-58-BZ

APPLICANT - Eric Palatnik, P.C., for 830 East 233rd Street Corp., owner; BP Products North America, lessee.

SUBJECT - Application March 18, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expires October 22, 2004 and for an amendment to the resolution.

PREMISES AFFECTED - 836 East 233rd Street, northwest corner

MINUTES

of Bussing Avenue and East 233rd Street, Block 4857, Lot 44, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

Adopted by the Board of Standards and Appeals, July 15, 2003.

60-82-BZ

APPLICANT - Eric Palatnik, P.C., for BP Amoco Corp., owner.
SUBJECT - Application April 4, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to complete a certificate of occupancy which expired September 28, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 60-11 Queens Boulevard, between 60th Street and 61st Street, Block 1338, Lot 1, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, resolution

WHEREAS, on July 7, 1982 the Board granted an application for the reconstruction of an existing automotive service station with accessory uses into a gasoline and oil selling station without repair services for a term of fifteen years.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, pursuant to Z.R. §§72-01 and 72-22, said resolution having been adopted on July 24, 1952 as amended through April 19, 1999, so that as amended this portion of the resolution shall read:

“to permit a change in signage from a total of 129 square feet of illuminated signage to 65.5 square feet of illuminate signage and 9 square feet of non-illuminated signage for a total of 74.5 square feet of signage and to extend the time to obtain a new Certificate of Occupancy so that a new Certificate of Occupancy shall be obtained within two years from the date of this amended resolution, *on condition*

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received June 9, 2003”- (5) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

amended and time extended to obtain a new certificate of occupancy.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of time to obtain a new certificate of occupancy which expired on September 28, 2000; and

WHEREAS, the applicant has also requested an amendment to the resolution for a change in signage from a total of 129 square feet of illuminated signage to 65.5 square feet of illuminate signage and 9 square feet of non-illuminated signage for a total of 74.5 square feet of signage; and

WHEREAS, a public hearing was held on this application on June 17, 2003, after due notice by publication in The City Record, and laid over to July 15, 2003 for decision; and

WHEREAS, on July 24, 1952 the Board granted an application to permit in a business district, the erection and maintenance of a gasoline service station, lubritorium, car washing, motor vehicle repairs, storage and sale of accessories, office, and parking of motor vehicles waiting to be serviced for a term of fifteen years; and

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 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.” (DOB # 401509783, 401408071, 401509765, 401408062, 401408080, and 401509774)

Adopted by the Board of Standards and Appeals, July 15, 2003.

226-01-BZ

APPLICANT - Francis R. Angelino, Esq., for 48 Laight Street, Associates, LLC, c/o The Daten Group, Inc., owner.

SUBJECT - Application April 10, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 48 Laight Street, (166-172 Hudson Street) at northeast corner of Laight and Hudson Streets, Block 220, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Francis R. Angelino and David Ennis.

ACTION OF THE BOARD - Application re-opened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner

MINUTES

Miele.....4
Negative:0
THE RESOLUTION-

WHEREAS, a public hearing was held on this application on June 17, 2003, after due notice by publication in The City Record, and laid over to July 15, 2003 for decision; and

WHEREAS, the applicant has requested an amendment to the variance to permit an increase in the number of dwelling units from five to ten and to make minor alterations to the balconies and courtyard, which do not increase the floor area and are not readily visible from the exterior; and

WHEREAS, on February 26, 2002, the Board granted an application to permit in an M1-5 Tribeca Mixed Use district, the construction of a six-story building with Use Group 6 retail stores on the ground floor and Use Group 2 loft dwelling units on the upper floors, which is contrary to Z.R. §42-00; and

Resolved, that the Board of Standards and Appeals reopens and amends the resolution, so that as amended this portion of the resolution shall read:

“to permit an increase in the number of dwelling units from five to ten and to make minor alterations to the balconies and courtyard, which do not increase the floor area and are not readily visible from the exterior,” *on condition*

THAT the New York City Landmarks Preservation Commission approves the proposed alterations to the APPLICANT - Eric Palatnik, P.C., for Aaronoff FLP and Leonard Lazarus, owner; BP Products North America, lessee.

SUBJECT - Application May 2, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a certificate of occupancy which expired April 18, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 74-01 Eliot Avenue, Eliot Avenue and 74th Street, Block 2844, Lot 46, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to August 5, 2003, at 10 A.M., for decision, hearing closed.

558-51-BZ

balconies and courtyard;

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received April 10, 2003”- (9) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.” (DOB Application # 102796146)

Adopted by the Board of Standards and Appeals, July 15, 2003.

361-49-BZ

APPLICANT - Eric Palatnik, P.C., for BP Products North America, owner.

SUBJECT - Application April 1, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a certificate of occupancy which expired September 13, 2000.

PREMISES AFFECTED - 68-22 Northern Boulevard, southwest corner of 68-22 Northern Boulevard and 69th Street, Block 1186, lot 19, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to August 5, 2003, at 10 A.M., for decision, hearing closed.

118-71-BZ

APPLICANT - Edward Lauria, P.E., for Dominick Suppo, owner.

SUBJECT - Application February 27, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 299 Guyon Avenue, northwest corner

MINUTES

of Hylan Boulevard and Guyon Avenue, Block 4301, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Edward Lauria.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to August 5, 2003, at 10 A.M., for decision, hearing closed.

COMMUNITY BOARD #2B

APPEARANCES -

For Applicant: Peter Hirshman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to August 5, 2003, at 10 A.M., for decision, hearing closed.

172-97-BZ

APPLICANT - Harold Weinberg, P.E., for Oceana Holding Corporation, Inc., owner.

SUBJECT - Application July 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 11, 2002.

PREMISES AFFECTED - 1023 Brighton Beach Avenue, north side, between Brighton 11th and Brighton 12th Street, Block B-8709, L-60, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 10 A.M., for continued hearing.

261-02-A

APPLICANT - Rudolf J. Beneda, A.I.A., for Imtiaz Mohammed, owner.

132-86-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Cristobal F. Rosero, owner.

SUBJECT - Application April 9, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 8, 2002.

PREMISES AFFECTED - 102-09/11 Roosevelt Avenue, northside 196.16', west of 103rd Street, Block 1770, Lots 47 & 48, Corona, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Laid over to October 7, 2003, at 10 A.M., for continued hearing.

192-92-BZ

APPLICANT - Anthony M. Salvati, for Mr. Paul Rose, owner.

SUBJECT - Application May 30, 2003 - reopening for an extension of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 900 Southern Boulevard, northeast corner of Southern Boulevard and Barretto Street, Block 2735, Lot 1, Borough of The Bronx.

SUBJECT - Application September 26, 2002 - Proposed one story warehouse building, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 444 Sharrotts Road, south side, 1,652.75' east of Arthur Kill Road, Block 7328, Lot 81, Borough of Staten Island.

APPEARANCES - None.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Staten Island Borough Commissioner, dated September 4, 2002, acting on NB. Application No. 500525611, reads in pertinent part:

- “1. Street giving access to the proposed building is not placed on the official map of the City of New York therefore,
 - A. No Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law and
 - B. Permit may not be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage and therefore contrary to Section 27-291 of the Administrative Code.”; and

WHEREAS, by the letter dated November 8, 2002 the Fire Department has reviewed the above project and has no objections provide that a sign containing the name and address of the business must be placed on Sharrotts Road at the entrance to the driveway to this building; and

MINUTES

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Staten Island Borough Commissioner, dated September 4, 2002 acting on NB. Application No. 500525611 is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received April 15, 2003"-(1) sheet; and that the proposal comply with all applicable M1-1 (S.R.D) zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT a sign containing the name and address of the business be placed on Sharrotts Road at the entrance of the driveway to this building;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by PREMISES AFFECTED - 7 East Market Street, north side, 15' east of Beach 201st Street, Block 16350, Part of Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Arthur Sullivan.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated March 27, 2003 acting on ALT 1. Application No. 401626576, reads in pertinent part:

"1- Proposal to construct a new one story addition on a home which lies within an R4 district but does not front on a mapped street is contrary to Article 3, Section 36 of the General City Law and Section 27-291 of the of the Building Code and must therefore, be referred to the Board of Standards and Appeals for approval.

WHEREAS, by the letter dated April 10, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated March 27, 2003 acting on ALT 1. Application No. 401626576 is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received April 4, 2003"-(1) sheet; and that the proposal

the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, July 15, 2003.

103-03-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc, owner; John & Joan O'Hara, owners.

SUBJECT - Application April 4, 2003 - Proposed construction of a new one story addition 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.

comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; *on further condition*

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals on July 15, 2003.

21-02-A thru 25-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for MSIM Development, Inc., owner.

SUBJECT - Application January 8, 2002 - Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

258-31 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 26, Borough of Queens.

258-33 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 27, Borough of Queens.

258-35 Francis Lewis Boulevard, east side, 310.3' south

MINUTES

of 145th Avenue, Block 13682, Lot 28, Borough of Queens.

258-37 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 128, Borough of Queens.

258-39 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 29, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to September 9, 2003, at 10 A.M., for decision, hearing closed.

45-03-A thru 64-03-A

APPLICANT - Robert E. Englert, A.I.A., for Sleepy Hollow Development Corp., owner.

SUBJECT - Application February 10, 2003 - Proposed two family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED -

69 Hall Avenue, north side, 595.62' west of Willowbrook Road, Block 2091, Lot 85, Borough of Staten Island.

67 Hall Avenue, north side, 570.62' west of Willowbrook Road, Block 2091, Lot 80, Borough of Staten Island.

65 Hall Avenue, north side, 545.62' west of Willowbrook Road, Block 2091, Lot 79, Borough of Staten Island.

63 Hall Avenue, north side, 520.62' west of Willowbrook Road, Block 2091, Lot 78, Borough of Staten Island.

61 Hall Avenue, north side, 495.62' west of Willowbrook Road, Block 2091, Lot 77, Borough of Staten Island.

59 Hall Avenue, north side, 465.62' west of Willowbrook Road, Block 2091, Lot 76, Borough of Staten Island.

55 Hall Avenue, north side, 435.62' west of Willowbrook Road, Block 2091, Lot 75, Borough of Staten Island.

53 Hall Avenue, north side, 410.62' west of Willowbrook Road, Block 2091, Lot 74, Borough of Staten Island.

51 Hall Avenue, north side, 385.62' west of Willowbrook Road, Block 2091, Lot 73, Borough of Staten Island.

49 Hall Avenue, north side, 355.62' west of

287-02-A thru 289-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Ocean Park Estates, owner.

SUBJECT - Application October 23, 2002 - Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

3 Reynolds Court, north side, 363.9' east of Reynolds Street, Block 2981, Lot 93, Borough of Staten Island.

5 Reynolds Court, north side, 363.1' east of Reynolds Street, Block 2981, Lot 95, Borough of Staten Island.

7 Reynolds Court, north side, 300' east of Reynolds Street, Block 2981, Lot 97, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 10 A.M., for continued hearing.

Willowbrook Road, Block 2091, Lot 72, Borough of Staten Island.

45 Hall Avenue, north side, 325.62' west of Willowbrook Road, Block 2091, Lot 71, Borough of Staten Island.

43 Hall Avenue, north side, 300.62' west of Willowbrook Road, Block 2091, Lot 70, Borough of Staten Island.

41 Hall Avenue, north side, 275.62' west of Willowbrook Road, Block 2091, Lot 69, Borough of Staten Island.

39 Hall Avenue, north side, 250.62' west of Willowbrook Road, Block 2091, Lot 68, Borough of Staten Island.

37 Hall Avenue, north side, 225.62' west of Willowbrook Road, Block 2091, Lot 67, Borough of Staten Island.

35 Hall Avenue, north side, 200.62' west of Willowbrook Road, Block 2091, Lot 66, Borough of Staten Island.

31 Hall Avenue, north side, 267.12' west of Willowbrook Road, Block 2091, Lot 65, Borough of Staten Island.

29 Hall Avenue, north side, 143.62' west of Willowbrook Road, Block 2091, Lot 63, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 10:40 A.M.

MINUTES

**REGULAR MEETING
TUESDAY AFTERNOON, JULY 17, 2003
2:00 P.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

165-02-BZ thru 175-02-BZ

151 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 25, Borough of Brooklyn.

153 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 24, Borough of Brooklyn.

155 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 23, Borough of Brooklyn.

157 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 22, Borough of Brooklyn.

159 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Allison Kamensky and Stuart Klein.

For Opposition: Hiram Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 7, 2002 acting on Application No. 301341625 reads:

“Proposed residential dwellings in M1-1 Zoning District are contrary to section 42-00 of the Zoning Resolution and require a variance from the Board of Standards and Appeals”; and

WHEREAS, a public hearing was held on this application on October 22, 2002 after due notice by publication in *The City Record*, and laid over to December 10, 2002, February 4, 2003, March 18, 2003, May 6, 2003, and June 17, 2003 and then to July 15, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21,

CEQR #02-BSA-208K thru CEQR #02-BSA-213K

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit the construction of two, five-story, Use Group 2 residential buildings in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

147 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 27, Borough of Brooklyn.

to permit the construction of a five-story, Use Group 2 residential building in an M1-1 zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, this application was heard in conjunction with 186-02-BZ through 190-02-BZ, which is a similar proposed development on the adjoining property; and

WHEREAS, each of these zoning calendar cases is accompanied by a concurrent appeals case, which addresses the issues of non-compliance with Multiple Dwelling Law, Article 3, §26 and §27-733 of the New York City Building Code; and

WHEREAS, the subject properties total 21,250 square feet in area and are located on the east side of Classon Avenue between Park Avenue and Myrtle Avenue; and

WHEREAS, the subject properties currently contain three substandard, functionally obsolete, structurally hazardous and vacant structures, i.e. - a warehouse, an industrial building, a commercial building, which the applicant intends to demolish, in addition to a vacant lot; and

WHEREAS, the owner proposes a five-story and cellar multiple dwelling with sixteen family units; and

WHEREAS, in response to Community concerns and requests made by the Board, the applicant has significantly scaled down the proposed development from nine buildings to two, 45 units to 32 units, reduced the height of the building by ten feet, a substantial setback added to the top floor so that it is not visible from grade, reduced the proposed floor area by more than 10,000 square feet to yield an FAR of 3.08, in addition to adding parking facilities; and

WHEREAS, the applicant asserts that the structures which currently exist on the property cannot be renovated, but rather they require demolition due to their state of disrepair and their outdated designs; and

WHEREAS, the applicant asserts that the subject lots are significantly undersized for an as-of-right construction; and

WHEREAS, the applicant also asserts that Classon Avenue is a narrow street as defined by the Zoning Resolution, which makes the movement of trucks and other vehicles associated with industrial facilities difficult and inefficient; and

WHEREAS, the applicant represents that the small size of the subject properties has made it logistically impossible to provide the BSA required 16 parking spaces, therefore 11 parking spaces have been proposed; and

MINUTES

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, the evidence in the record, including a feasibility study, indicates that due to the costs of the proposed demolition, in addition to the small size of the subject properties, an as of right manufacturing development would not yield a reasonable rate of return; and

WHEREAS, the applicant represents that there are many vacant properties and multiple dwelling units, as well

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the construction of two, five-story, Use Group 2 residential buildings in an M1-1 zoning district, which is contrary to Z.R. §42-00, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 3, 2003"- (5) sheets and "Received July 7, 2003"- (4) sheets and *on further condition*;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other

as some garages, factories and community facilities in the surrounding area; and

WHEREAS, the record shows that the Taaffe Place Playground runs along the rear of the subject properties; and WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

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, July 15, 2003.

166-02-A thru 176-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit the construction of two, five-story, Use Group 2 residential buildings in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

147 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 27, Borough of Brooklyn.

151 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 25, Borough of Brooklyn.

153 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 24, Borough of Brooklyn.

155 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 23, Borough of Brooklyn.

157 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 22, Borough of Brooklyn.

159 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Allison Kamensky and Stuart Klein.

For Opposition: Hiram Rothkrug.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chairman Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated May 07, 2002 acting on Application No. 301341625, reads:

MINUTES

“NYC Building Code Section 27-733 Light and Air not provided”; and

WHEREAS, the decisions of the Brooklyn Borough Commissioner, dated May 07, 2002 acting on Application Nos. 301341876, 301341643, 301341607, 301341616, and 301341652 read:

“1. 30 foot rear yard not provided contrary to MDL Article 3, Section 26

2. NYC Building Code Section 27-733 Light and

WHEREAS, each of these appeals cases is accompanied by a concurrent zoning case which addresses the issues of non-compliance with Zoning Resolution §42-00; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decisions of the Brooklyn Borough Commissioner, dated May 07, 2002 acting on Application No. 301341625, 01341876, 301341643, 301341607, 301341616, and 301341652 are modified 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 June 3, 2003”- (5) sheets and “Received July 7, 2003”- (4) sheets; 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;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 15, 2003.

186-02-BZ thru 190-02-BZ

CEQR #02-BSA-221K thru CEQR #02-BSA-223K

APPLICANT - Klein & O’Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit the construction of two, five-story, Use Group 2 residential buildings in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

143 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 29, Borough of Brooklyn.

145 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 28, Borough of Brooklyn.

Air not provided”; and

WHEREAS, the applicant represents that the small size of the subject properties creates a hardship with respect to rear yard and light and air compliance; and

WHEREAS, the applicant asserts that the proposed development will provide a 20 foot rear yard and the Taaffe Playground, which abuts the rear of the subject properties, will supply necessary light and air to the residential development; and

149 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, Brooklyn, dated May 21, 2002 reads:

“Proposed residential dwellings in M1-1 Zoning District are contrary to section 42-00 of the Zoning Resolution and require a variance from the Board of Standards and Appeals”; and

WHEREAS, a public hearing was held on this application on October 22, 2002 after due notice by publication in *The City Record*, and laid over to December 10, 2002, February 4, 2003, March 18, 2003, May 6, 2003, and June 17, 2003 and then to July 15, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the construction of a five-story, Use Group 2 residential building in an M1-1 zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, this application was heard in conjunction with 165-02-BZ through 175-02-BZ, which is a similar proposed development on the adjoining property; and

WHEREAS, each of these zoning calendar cases is accompanied by a concurrent appeals case which addresses the issues of non-compliance with Multiple Dwelling Law, Article 3, §26 and §27-733 of the New York City Building Code; and

WHEREAS, the subject properties total 21,250 square feet in area and are located on the eastside of Classon Avenue between Park Avenue and Myrtle Avenue; and

WHEREAS, the subject properties currently contain three substandard, functionally obsolete and vacant structures, a warehouse, an industrial building, a commercial building, which the applicant intends to demolish, in addition to a vacant lot; and

WHEREAS, the owner proposes a five-story and cellar

MINUTES

multiple dwelling with sixteen family units; and

WHEREAS, in response to Community concerns and requests made by the Board, the applicant has significantly scaled down the proposed development from nine buildings to two, 45 units to 32 units, reduced the height of the building by ten feet, substantially setback the top floor so that it is not visible from grade, reduced the proposed

WHEREAS, the applicant asserts that the subject lots are significantly undersized for an as of right construction; and

WHEREAS, the applicant also asserts that Classon Avenue is a narrow street as defined by the Zoning Resolution, which makes the movement of trucks and other vehicles associated with industrial facilities difficult and inefficient; and

WHEREAS, the applicant represents that the small size of the subject properties has made it logistically impossible to provide the required 16 parking spaces, therefore 11 parking spaces have been proposed; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, the evidence in the record, including a feasibility study, indicates that due to the costs of the proposed demolition, in addition to the small size of the subject properties, an as of right manufacturing development would not yield a reasonable rate of return; and

WHEREAS, the applicant represents that there are many vacant properties and multiple dwelling units, as well as some, garages, factories and community facilities in the surrounding area; and

WHEREAS, the record shows that the Taaffee Place Playground runs along the rear of the subject properties; and WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the construction of two, five-story, Use Group 2 residential buildings in an M1-1 zoning district, which is contrary to Z.R. §42-00, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 3,

floor area by more than 10,000 square feet to yield an FAR of 3.08, in addition to adding parking facilities; and

WHEREAS, the applicant asserts that the structures which currently exist on the property cannot be renovated, but rather they require demolition due to their state of disrepair and their outdated designs; and

2003"- (5) sheets and "July 7, 2003"- (4) sheets, and *on further condition*;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 15, 2003.

188-02-A thru 191-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit the construction of two, five-story, Use Group 2 residential buildings in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

143 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 29, Borough of Brooklyn.

145 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 28, Borough of Brooklyn.

149 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES - None.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated May 31, 2002 reads:

"NYC Building Code Section 27-733 Light and Air

MINUTES

not provided"; and

WHEREAS, the applicant represents that the small

WHEREAS, the applicant asserts that the proposed development will provide a 20 foot rear yard and the Taaffe Playground, which abuts the rear of the subject properties, will supply necessary light and air to the residential development; and

WHEREAS, each of these appeals cases is accompanied by a concurrent zoning case which addresses the issues of non-compliance with Zoning Resolution §42-00; 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 November 13, 2002 acting on ALT 1. Application No. 401484791, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received June 3, 2003"- (5) sheets and "July 7, 2003"- (4) sheets; 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;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 15, 2003.

267-02-BZ

CEQR #03-BSA-048K

APPLICANT - Harold Weinberg, P.E., for Barry Braunstein, owner.

SUBJECT - Application October 4, 2002 - under Z.R. §73-622 to permit the proposed extension of residential use into the attic, of an existing one family dwelling, Use Group I, located in an R2 zoning district, which does not comply with the zoning requirements for rear yard, open space ratio and floor area ratio is contrary to Z.R. §23-141 and §223-47.

PREMISES AFFECTED - 3478 Bedford Avenue, west side, 230'0" north of Avenue "N", Block 7660, Lot 70, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application granted on condition.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality

size of the subject properties creates a hardship with respect light and air compliance; and

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 3, 2002, acting on Application No. 301421049 reads in pertinent part:

·THE PROPOSED ENLARGEMENT OF THE EXISTING CONFORMING ONE FAMILY RESIDENCE IN AN R2 DISTRICT:

- 1) INCREASES THE FLOOR AREA ABOVE THE ALLOWABLE FLOOR AREA RATIO AND OPEN SPACE RATIO AND IS CONTRARY TO SECTION 23-141 OF THE ZONING RESOLUTION (ZR).
- 2) THE PROPOSED ENLARGEMENT IN THE REAR YARD REDUCES THE REAR YARD BELOW 30' AND IS CONTRARY TO SECTION 23-47 ZR."; and

WHEREAS, a public hearing was held on this application on June 17, 2003 and then laid over to July 15, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the enlargement of a one-family residence in an R2 zoning district which does not comply with the requirements for floor area ratio, open space ratio and rear yard and is contrary to Z.R. §§23-141 and 23-47; and

WHEREAS, Community Board #14 in Brooklyn has recommended approval of this application; and

WHEREAS, the perimeter wall height will comply with the applicable zoning requirements; and

WHEREAS, the applicant has provided the Board with the copy of an easement agreement between the owners of 3478 and 3472 Bedford Avenue which allows for the ingress and egress of vehicles to the garage at the northwest corner of the subject site; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Review and makes the required findings under Z.R. §73-622 to permit the enlargement of a one-family residence in an R2 zoning district which does not comply with the

MINUTES

requirements for floor area ratio, open space ratio and rear yard and is contrary to Z.R. §§23-141 and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received July 27, 2003"- (13) sheets, on further condition;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT no construction shall begin until the non-complying rear yard green house enclosure and in ground pool have been dismantled and removed;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, July 15, 2003.

362-02-BZ

CEQR #03-BSA-102K

APPLICANT - Harold Weinberg, P.E., for Ronnie Hasson, owner.

SUBJECT - Application December 13, 2002 - under Z.R. §73-622 to permit the erection of a rear enlargement at the second floor level of an existing two-story, single family dwelling, which is non-compliant with the requirements for floor area ratio, open space ratio, and lot coverage under the Zoning Resolution, and which is contrary to Z.R. §23-141 and §54-31.

PREMISES AFFECTED - 4211 Ocean Avenue, east side, 52'-6" north of Oriental Boulevard, Block 8748, Lot 209, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application granted on condition.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 10, 2002, acting on Application No. 301477293 reads:

“THE ENLARGEMENT OF THE RESIDENCE IN AN R3-1 ZONING DISTRICT:

1. INCREASES THE DEGREE OF NONCOMPLIANCE FOR FLOOR AREA RATIO AND IS CONTRARY TO SECTIONS 23-141 AND 54-31 OF THE ZONING RESOLUTION;
2. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO OPEN SPACE AND IS CONTRARY TO SECTIONS 23-141 AND 54-31 OF THE ZONING RESOLUTION;
3. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO LOT COVERAGE AND IS CONTRARY TO SECTIONS 23-141 AND 54-31 OF THE ZONING RESOLUTION”; and

WHEREAS, a public hearing was held on this application on May 20, 2003 and then laid over to June 24, 2003 and then to July 15, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the erection of a rear enlargement at the second floor level of an existing two-story, single family dwelling, which is non-compliant with the requirements for floor area ratio, open space ratio, and lot coverage under the Zoning Resolution, and which is contrary to Z.R. § 23-141 and §54-31; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-622 and 73-03.

the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-

MINUTES

622 to permit the erection of a rear enlargement at the second floor level of an existing two-story, single family dwelling, which is non-compliant with the requirements for floor area ratio, open space ratio, and lot coverage under the Zoning Resolution, and which is contrary to Z.R. §23-141 and §54-31, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received June 30, 2003"- (8) sheets, "July 10, 2003"- (4) sheets; and *on further condition*;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, June 24, 2003.

365-02-BZ

CEQR #03-BSA-105K

APPLICANT - Agusta & Ross, for 4306 3rd Avenue, LLC, owner.

SUBJECT - Application December 16, 2002 - under Z.R. §72-21 to permit in an M1-2 district, the proposed vertical enlargement of a vacant former mixed use multiple dwelling for office and showroom uses which is contrary to floor area and rear yard requirements of Z.R. §§43-12 and 43-26.

PREMISES AFFECTED - 4306 Third Avenue, north side, 22' west of 43rd Street, Block 727, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 21, 2002 acting on Alt. 1. Application No. 301329220 in pertinent part reads:

"This request is made for a BSA approval:

| | Max Permitted Existing | Proposed |
|-------------------|------------------------|-----------------|
| F.A.R.-ZR43-12 | 2.0 | 1.58 |
| | 3.41 | |
| | Min Required Existing | Proposed |
| Rear Yard-ZR43.26 | 20'-0" | 10'-1¼" 10'-1¼" |

"; and

WHEREAS, a public hearing was held on this application on June 3, 2003 after due notice by publication in The City Record and laid over to July 15, 2003 for decision; and

WHEREAS, Community Board No. 7 in Brooklyn recommended approval of the subject application; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit in an M1-2 district, the proposed vertical enlargement of a vacant former mixed use multiple dwelling for office and showroom uses which is contrary to floor area and rear yard requirements of Z.R. §§43-12 and 43-26; and

WHEREAS, the subject site is located on the westerly side of Third Avenue, fronting upon the elevated Gowanus Expressway (near 43rd Street); and

WHEREAS, the record indicates that the premises was originally designed in the 1940s as a mixed use apartment building, with ground floor retail and two apartments above, but this building was gutted by fire damage in 1996 resulting in the existing two-story structure; and

WHEREAS, the applicant represents that the site predates the construction of the Gowanus Expressway and that its proximity to the Expressway has lead to the demise of the residential aspects of the immediate area as evidenced by the subject building's vacancy of nearly ten years; and

WHEREAS, the applicant has demonstrated that the instant application will enable the productive use of a long vacant, former burnt out building; and

WHEREAS, the aforementioned history of development since the introduction of the Gowanus Expressway and the building's severe fire damage yields a building that despite documented efforts to obtain a conforming tenant is obsolete for conforming manufacturing uses; and

MINUTES

WHEREAS, therefore the Board finds the above conditions create an undue burden in conforming to applicable zoning; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that the introduction of office and showroom uses at the subject site would not adversely affect the character of the surrounding neighborhood; and

WHEREAS, the record indicates that the surrounding area is characterized by commercial/manufacturing uses; and

WHEREAS, therefore, the Board finds that the instant applications 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, the Board finds that 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 the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement;

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit in an M1-2 district, the proposed vertical enlargement of a vacant former mixed use multiple dwelling for office and showroom uses which is contrary to floor area and rear yard requirements of Z.R. §§43-12 and 43-26, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 11, 2003"- (2) sheets and "Received March 27, 2003"- (5) sheets; and on further condition;

THAT the premises shall comply with all applicable accessibility regulations including any elevator requirements; and

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT construction shall be completed in accordance

WHEREAS, the site and surrounding area had a site

with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 15, 2003.

24-03-BZ

CEQR #03-BSA-121Q

APPLICANT - Vassalotti Associates Architects, for Phillips Petroleum, owner.

SUBJECT - Application January 13, 2003 - under Z.R. §11-411 to permit on site previously before the Board, in an C2-1 within an R2 zoning district, the reestablishment of a variance previously granted under Calendar Number 624-39-BZ, which permitted a gasoline service station and an automobile repair facility (Use Group 16).

PREMISES AFFECTED - 178-02/08 Union Turnpike, southwest corner of Surrey Place, Block 7227, Lot 29, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 28, 2002 and updated December 12, 2002 acting on Alt Application No. 1205 reads:

"Proposed use of a gas station lubritorium auto laundry (non-automatic) minor auto repair shop with hands tools only and parking of motor vehicles awaiting service located in a C1-2 in R2 district is not permitted and must be referred to the Board of Standards and Appeals."; and

WHEREAS, a public hearing was held on this application on April 15, 2003 after due notice by publication in *The City Record* and laid over to 2003 and then to July 15, 2003, for decision; and

and neighborhood examination by a committee of the

MINUTES

Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §11-411 to permit, on site previously before the Board, in an C2-1 within an R2 zoning district, the reestablishment of a variance previously granted under Calendar Number 624-39-BZ, which permitted a gasoline service station and an automobile repair facility (Use Group 16); and

WHEREAS, the subject property is located on a rectangular parcel between Utopia Parkway and Surrey Place in the Fresh Meadows section of Queens measuring 140' in width and a depth of 100'; and

WHEREAS, the site is improved with an 18' high, 2,595 square foot automobile repair facility containing four (4) gasoline pump islands and convenience store with accessory parking for eight (8) cars; and

WHEREAS, on July 23, 1946, under Calendar Number 624-39-BZ, the Board permitted for a term of ten (10) years a gasoline service station and the erection of a building housing an office, auto laundry and lubricatorium, installation of eight 550 gallon storage tanks, each with two pumps set back at least 10 feet from the building line and to construct along the lot line and a 6 foot high brick wall; and

WHEREAS, on January 25, 1955, the Board granted an amendment enlarging the site to allow an accessory building; and

WHEREAS, the record indicates that the site has received additional amendments and extensions with the last extension of term expiring January 25, 2000; and

WHEREAS, the applicant represents that due to corporate and ownership changes, an application to extend the aforementioned term was never filed and notes that the site has been occupied by a gasoline service station and repair facility for nearly fifty (50) years; and

WHEREAS, the Board finds that the continuation of the subject use will create no foreseeable adverse impacts on the privacy, quiet, light and air of the surrounding area; and

WHEREAS, the record indicates that the instant application will not interfere with any public improvement project which is approved or pending before the City Council, Site Selection Board or City Planning Commission; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §11-411 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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 I 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. §11-411 to permit, on site previously before the Board, in an C2-1 within an R2 zoning district, the reestablishment of a variance previously granted under Calendar Number 624-39-BZ, which permitted a gasoline service station and an automobile repair facility (Use Group 16), *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 13, 2003"- (1) sheet; and on further condition;

THAT the term of the grant is limited to ten (10) years from the date of this resolution expiring on July 15, 2013;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 15, 2003.

94-03-BZ

CEQR #03-BSA-154M

APPLICANT - Marvin B. Mitzner, Esq., Fischbein Badillo Wagner Harding, for Moklam Enterprises, Inc., owner.

SUBJECT - Application March 26, 2003 - under Z.R. §72-21 to permit in an M1-5B zoning district, the legalization of an existing retail use in the cellar of a six-story building, which is contrary to Z.R. §42-14.

PREMISES AFFECTED - 622/26 Broadway, a/k/a 156/60 Crosby Street, east side of Broadway, 118' north of East Houston Street, Block 522, Lot 5, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Peter Geis.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

MINUTES

WHEREAS, the decision of the Borough Commissioner, dated March 25, 2003 acting on ALT 1 Application No. 103414217 reads:

“Proposed use group 6 below the floor level of the second story is contrary to section 42-14 (d) (b) ZR. New use is being proposed at cellar level”;
and

WHEREAS, a public hearing was held on this application on June 3, 2003 after due notice by publication in *The City Record*, and laid over to July 15, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-5B zoning district, the legalization of an existing retail use in the cellar of a six-story building, which is contrary to Z.R. §42-14; and

WHEREAS, by letter dated June 2, 2003, Community Board #2 has recommended approval of this application; and

WHEREAS, the subject site is an irregularly shaped through lot running from Broadway to Crosby Street located 119 feet north of the northeast corner of Broadway and East Houston Street, with a depth of approximately 196 feet and frontages of approximately 75 feet on Broadway and 70 feet on Crosby Street; and

WHEREAS, the site is located within the NOHO Historic District in an M1-5B zoning district which does not permit retail uses below the level of the second floor; and

WHEREAS, the record indicates that the subject site is improved with a six-story and cellar commercial building with offices and studios on the upper floors, and retail uses on the ground floor and cellar; and

WHEREAS, the ground floor retail use is a legal non-conforming condition with the offices and studios on the upper floors permitted under current zoning, and the cellar space is listed under the Certificate of Occupancy for use as commercial art, dance and theatrical studios; and

WHEREAS, the applicants states that due to the lack of natural light and comparatively low ceilings, the cellar space is not conducive for use as studio space; and

WHEREAS, the applicant represents that as the cellar is located below a retail space, there is little utility for the space other than for retail occupancy, specifically in conjunction with the first floor occupant; and

WHEREAS, the Board finds that the aforementioned history of use of the ground floor and cellar level of the premises, in addition to the lack of natural light and comparatively low ceilings create an unnecessary undue hardship in developing the cellar level in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with SUBJECT - Application October 3, 2001 - under Z.R. §72-21, to permit the proposed expansion of an existing nursing home, located in an R3-2 zoning district, which does not comply with the zoning

a conforming development would not yield a reasonable return; and

WHEREAS, the record indicates that the surrounding area contains a large number of retail uses on the ground floor level; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-5B zoning district, the legalization of an existing retail use in the cellar of a six-story building, which is contrary to Z.R. §42-14, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received March 26, 2003”- (2) sheets, and *on further condition*;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 15, 2003.

284-01-BZ

APPLICANT - Stanley K. Schlein, Esq., for Silver Lake Realty Partnership, owner.

requirements for floor area ratio, is contrary to Z.R. §24-111.

PREMISES AFFECTED - 275 Castleton Avenue, 26' east of the northeast corner of Castleton Avenue and Harbor View Court,

MINUTES

Block 119, Lot 104, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for continued hearing.

73-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Aron Adler, owner.

SUBJECT - Application July 9, 2002 - under Z.R. §72-21, to permit the proposed conversion of an existing four story building, located in a manufacturing zoning district, into a mixed-use building, with floors 2 through 4 for residential use, and the first floor to remain commercial, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 6 Stanwix Street, a/k/a 59 Jefferson Street, a through lot fronting Stanwix and Jefferson Streets, Block 3162, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #4BK

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to August 5, 2003, at 1:30 P.M., for decision, hearing closed.

222-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Eugene & Francine Simonetti, owner.

SUBJECT - Application August 5, 2002 - under Z.R. §72-21 to permit the proposed nine family residential development, Use Group 2, located in an R4 zoning district, which exceeds the permitted floor area and number of dwelling units, and provide less than the required parking, which is contrary to Z.R. §23-141b, §23-22 and §25-23.

PREMISES AFFECTED - 2547 East 12th Street, east side, 280' north of Avenue "Z", Block 7433, Lot 159, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for continued hearing.

265-02-BZ

APPLICANT - Koutsomitits Architects, P.C., for Ramakrishna Vivekanada Center of NY, owner.

SUBJECT - Application October 2, 2002 - under Z.R. §72-21 to permit the proposed rear enlargement to the first and second floors of an existing community facility, Use Group 4, which is being
SUBJECT - Application October 31, 2002 - under Z.R. §72-21 to permit the proposed conversion of a vacant industrial building into a forty-nine unit residential building, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 752 Pacific Street, between Carlton

changed from a school, to accessory church uses, located in an R8B and R10 zoning district, which creates non-compliance in regards to rear yard, and is contrary to §24-36 and §54-31.

PREMISES AFFECTED - 19 East 94th Street, south side, 108' west of the intersection of Madison Avenue and East 94th Street, Block 1506, Lot 13, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Peter Hirshman and Nicholas Koutsomitits.

For Opposition: Jack Lester, William Brothum, S. White, Carrol Ostrow and Lo Van deo Valk.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for decision, hearing closed.

279-02-BZ

APPLICANT - Harold Weinberg, P.E., for Michael Pellegrino, owner.

SUBJECT - Application May 2, 2003 - under Z.R. §73-622 to permit the legalization of a second story to an existing one story, one family dwelling, Use Group 1, located in an R4 zoning district, which does not comply with the zoning requirements for lot coverage, floor area ratio and side yard, is contrary to Z.R. §23-141, §23-47 and §54-31.

PREMISES AFFECTED - 76 Aster Court, east side, 34'0" north of Channel Avenue, south of Bijou Avenue, Block 8946, Lot 844, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Laid over to August 5, 2003, at 1:30 P.M., for continued hearing.

324-02-BZ

APPLICANT - Law Office of Howard Goldman, PLLC, for Henry Weinstein, owner; 752 Pacific LLC, lessee.

and Underhill Avenues, Block 1129, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to September 30, 2003, at 1:30 P.M., for postponed hearing.

MINUTES

334-02-BZ thru 336-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 1287 Atlantic Realty LLC, owner.

SUBJECT - Application November 13, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy in a one story, four unit building, which is located within an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

1281 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

1283 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

1287 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to August 5, 2003, at 1:30 P.M., for continued hearing.

374-02-BZ

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

SUBJECT - Application December 30, 2002 - under Z.R. §§73-481 and 73-49 to permit the proposed 1,660 space parking garage, located within the medical center campus, in an R3-2 zoning district, which exceeds the number of spaces permitted by Z.R. §§25-12 and 25-13, and also will have rooftop parking that is only permitted pursuant to Z.R. §25-11, which requires a special permit as per Z.R. §73-481 and §73-49.

PREMISES AFFECTED - 267-20 74th Avenue, block bounded by 74th and 76th Avenues, also 263rd Street and the Queens/Nassau Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker.

ACTION OF THE BOARD - Laid over to September 30, 2003, at 1:30 P.M., for continued hearing.

377-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Ben Gardner, owner.

SUBJECT - Application January 30, 2003 - under Z.R. § 72-21 to permit the proposed construction of a twenty-seven unit residential complex, in a three story building, with retail use on the ground floor, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 124-20 Jamaica Avenue, corner of 125th Street, Block 9333, Lot 7, Borough of Queens.

APPLICANT - Sheldon Lobel, P.C., for Rabbi Naftali Babad, owner; Cong. Kahal Tarnopol (long term lessee).

SUBJECT - Application December 31, 2002- under Z.R. §72-21 to permit the proposed merging and expansion of two, two-story plus basement buildings, to become one-three story, cellar and basement synagogue, with Rabbi's apartment, Use Group 4, located in an R5 zoning district, which creates non-compliance with respect to lot coverage ratio, also side and rear yards, is contrary to Z.R. §24-11, §24-35 and §24-36.

PREMISES AFFECTED - 163/65 Parkville Avenue, north side, 198' west of Ocean Parkway, Block 5423, Lots 60 and 61, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for decision, hearing closed.

36-03-BZ

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

SUBJECT - Application January 29, 2003 - under Z.R. §73-481 to permit the proposed increase in the total number of parking spaces, through the use of attended parking, at an accessory parking garage, for an existing medical center, which requires a special permit as per Z.R. §73-481.

PREMISES AFFECTED - 271-17 76th Avenue, located on a block bounded by 76th Avenue, 74th Avenue, and the Queens/Nassau county border, Block 8520, Lot 2, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker, Richard C. Hellenbrecht and Andrew B. Roth.

ACTION OF THE BOARD - Laid over to September 30, 2003, at 1:30 P.M., for continued hearing.

40-03-BZ

COMMUNITY BOARD #9Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to September 30, 2003 at 1:30 P.M., for postponed hearing.

44-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Josephine Valletta, owner; Nissan Lift of New York, lessee.

MINUTES

SUBJECT - Application February 7, 2003 - under Z.R. §72-21 to permit the proposed enlargement, both vertically and horizontally of an existing non-conforming one story commercial use, Use Group 16, located in an R5 zoning district, which is contrary to Z.R. §54-30.

PREMISES AFFECTED - 97-20 99th Street, 100' south of 97th Avenue, between 97th and 101st Avenues, Block 9075, Lot 32, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for continued hearing.

73-03-BZ

APPLICANT - Mark A. Levine, Esq., for Uptown Partners, contract vendee.

SUBJECT - Application February 20, 2003 - under Z.R. §72-21 to permit the proposed construction of a 24-story mixed use building (residential and commercial), in an R7-2 zoning district, which does not comply with the zoning requirements for lot coverage, floor area, setbacks and exposure planes, and also has commercial use on the same floor as residential use, is contrary to Z.R. §23-142, §23-632, §23-64 and §32-421.

PREMISES AFFECTED - 400 Lenox Avenue, situated between West 129th and 130th Streets, Block 1727, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #10M

APPEARANCES -

For Applicant: Mark A. Levine.

For Opposition: Carlos Vargas-Ramos, Daniel Perez, Richard Harley, Beverly Smith, Regina Smith, Rosetta Williams, Jo Anne Gray, Igor Jozsa and others.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for continued hearing.

100-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Gabe and Roberta Levy, owners.

SUBJECT - Application March 28, 2003 - under Z.R. §73-622 to permit the legalization of an enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does

APPEARANCES -

For Applicant: Lyra J. Altman.

For Opposition: Brian J. Burston and Herbert Loving.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4
Negative:0

ACTION OF THE BOARD - Laid over to August 5, 2003, at 1:30 P.M., for decision, hearing closed.

154-03-BZ

not comply with the zoning requirements for floor area, open space ratio, balconies, and side and rear yards, is contrary to Z.R. §23-141, §23-461 (a), §23-47 and §23-131.

PREMISES AFFECTED - 3448 Bedford Avenue, between Avenues "M" and "N", Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for continued hearing.

118-03-BZ

APPLICANT - Slater & Beckerman, LLP, for 1101 Prospect LLC, owner.

SUBJECT - Application April 11, 2003 - under Z.R. § 72-21 to permit the proposed construction of a six-story residential and community facility building, Use Groups 2 and 4, located in an R5B zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, number of dwelling units, community facility bulk regulations, front and yards, height and setback, is contrary to Z.R. §23-141(b), §23-22, §24-01, §24-162, §23-45, §24-34, §24-35 and §24-521.

PREMISES AFFECTED - 1101 Prospect Avenue, a/k/a 1677 11th Avenue, northeast corner, Block 5256, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to October 7, 2003, at 1:30 P.M., for postponed hearing.

143-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Raymond and Vivian Dayan, owners.

SUBJECT - Application May 5, 2003 - 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, lot coverage, side and rear yards, is contrary to Z.R. §23-141, §23-461A and §23-47.

PREMISES AFFECTED - 1734 East 24th Street, between Quentin Road and Avenue "R", 240' south of Quentin Road, Block 6806, Lot 19, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPLICANT - Steven Sinacori for Stadtmauer Bailkin, LLP, for 100-05 92nd Avenue Realty, Corporation, owner.

SUBJECT - Application May 15, 2003 - under Z.R. §72-21 to permit the proposed change of use of a vacant industrial building, to a multiple dwelling, Use Group 2, located within an R3-1 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 100-05 92nd Avenue, corner of 102nd Street, Block 9306, Lot 30, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Stadtmauer Bailkin, Steven Sinacori, Howard Zipser, Joan DeCamp, Carl Perrera and Ethan Eldon.

MINUTES

For Opposition: Thomas Denneng.

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for continued hearing.

176-03-BZ

APPLICANT - Stadtmauer Bailkin, LLP, for 219-44 Jamaica Avenue, 220-02 Jamaica Avenue, LLC, owner; Public Storage, Inc, lessee.

SUBJECT - Application May 22, 2003 - under Z.R. §72-21, to permit within a C1-2 and R3-2 zoning district a change of use from automobile repair shop and automobile sales to storage warehouse (Use Group 16), which is contrary to Z.R. §32-00.

PREMISES AFFECTED - 220-02 Jamaica Avenue, a/k/a 219-42/54 Jamaica Avenue, southern side of Jamaica Avenue between Springfield Boulevard and 222nd Street, Block 10789, Lots 256 and 264, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Richard C. Hellenbrecht and Steven Sinacori.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 4:35 P.M.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, No. 30

July 31, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

CONTENTS

DOCKET541

CALENDAR of September 9, 2003

Morning542

Afternoon543

CONTENTS

MINUTES of Regular Meetings,

Tuesday, July 22, 2003

Morning Calendar545

Affecting Calendar Numbers:

| | |
|------------|--|
| 206-91-BZ | 4300 Hylan Boulevard, Staten Island |
| 77-99-BZ | 255-39 Jamaica Avenue, Queens |
| 1043-80-BZ | 1680/88 Albany Avenue, Brooklyn |
| 242-54-BZ | 21-17 Jackson Avenue, Queens |
| 548-69-BZ | 107-10 Astoria Boulevard, Queens |
| 608-85-BZ | 33-56 11 th Street, Queens |
| 323-98-BZ | 795 Eleventh Avenue, Manhattan |
| 402-01-BZ | 936 East 24 th Street, Brooklyn |
| 121-03-A | 4 Kildare Walk, Queens |
| 122-03-A | 72 Hillside Avenue, Queens |
| 135-03-A | 31 Marion Walk, Queens |
| 136-03-A | 5 Irving Walk, Queens |
| 137-03-A | 3 Arcadia Walk, Queens |
| 180-03-A | 86 Sweetbrook Road, Staten Island |
| 188-03-A | 4 Bayview Walk, Queens |

CONTENTS

Afternoon Calendar.....551

Affecting Calendar Numbers:

| | |
|------------|---|
| 181-02-BZ | 1875 Bartow Avenue, The Bronx |
| 242-02-BZ | One North Railroad Street, Staten Island |
| 367-02-BZ | 434 East 75 th Street, Manhattan |
| 375-02-BZ | 1559 59 th Street, Brooklyn |
| 28-03-BZ | 61/65 Green Street, Brooklyn |
| 31-03-BZ | 2502 Avenue "M", Brooklyn |
| 42-03-BZ | 1221 Avenue of the Americas, Manhattan |
| 88-03-BZ & | |
| 89-03-BZ | 313 & 315 East 81 st Street, Manhattan |
| 90-03-BZ | 109-37 Sutphin Boulevard, Queens |
| 99-03-BZ | 1173 East 24 th Street, Brooklyn |
| 104-03-BZ | 6161 Strickland Avenue, Brooklyn |
| 234-03-BZY | 499 Greenwich Street, Manhattan |
| 297-01-BZ | 201 East 23 rd Street, Manhattan |
| 66-02-BZ | 439 Marcy Avenue, Brooklyn |
| 156-02-BZ | 964/70 65 th Street, Queens |
| 178-02-BZ | 57 Eagle Street, Brooklyn |
| 258-02-BZ | 7/13 Ash Street, Brooklyn |
| 275-02-BZ | 160 North Fourth Street, Brooklyn |
| 315-02-BZ | 223/27 West 60 th Street, Manhattan |
| 350-02-BZ | 6389 Amboy Road, Staten Island |
| 366-02-BZ | 2702 Avenue M, Brooklyn |
| 29-03-BZ | 1179 East 28 th Street, Brooklyn |
| 30-03-BZ | 333/43 Lorimer Street, Brooklyn |
| 71-03-BZ | 1305 York Avenue, Manhattan |
| 75-03-BZ | 326 Seventh Avenue, Manhattan |
| 326-02-BZ | 2238 Church Avenue, Brooklyn |
| 363-02-BZ | 9413 Flatlands Avenue, Brooklyn |
| 376-02-BZ | 916 East 23 rd Street Brooklyn |
| 145-03-BZ | 2814 Quentin Road, Brooklyn |
| 151-03-BZ | 2812 Quentin Road, Brooklyn |

DOCKET

New Case Filed Up to July 22, 2003

243-03-BZ B.Q. 2420 Amsterdam Avenue, between West 180th and West 181st Streets, Block 2152, Lots 77 and 83, Borough of Queens. Applic.#103311925. The reestablishment of a previous variance granted by the Board, Under Cal. No. 8-78-BZ, which permitted a gasoline service station with accessory uses, Use Group 16, on a site that is divided by an R7-2 and C8-3 district boundary, also the conversion of a portion of the building to an accessory convenient store, is contrary to Z.R. §22-10.

COMMUNITY BOARD #12Q

244-03-BZ B.BK. 3975 Bedford Avenue, between Avenues "S" and "R", Block 6831, Lot 56, Borough of Brooklyn. Applic.#301556144. Proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for side yard, rear yard, floor area and open space ratio, is contrary to Z.R.§23-461, §23-47 and §23-141.

COMMUNITY BOARD #14BK

245-03-BZ B.Q. 160-11 Willets Point Boulevard, northeast corner of Francis Lewis Boulevard, Block 4758, Lot 100, Borough of Queens. Applic.#401574060. Proposed accessory drive-through facility, for an existing eating and drinking establishment, Use Group 6, in a C1-2 zoning district, is contrary to Z.R.§32-41.

COMMUNITY BOARD #7Q

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

SEPTEMBER 9, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, September 9, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

849-49-BZ

APPLICANT - Jay A. Segal, Esq., for Directors Guild of America, Inc., owner.

SUBJECT - Application June 24, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 3, 2002.

PREMISES AFFECTED - 110 West 57th Street, south side of West 57th Street, between Avenue of the Americas and 7th Avenue, Block 1009, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #5M

931-57-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Ziya Ercan, owner; Time Service Station, Inc., lessee.

SUBJECT - Application June 13, 2003 - reopening for an extension of term of variance which expires May 9, 2004 and for an amendment to the resolution.

PREMISES AFFECTED - 535 Vanderbilt Avenue aka 1047 Van Duzer Street, northeast corner of Vanderbilt Avenue and Van Duzer Street, Block 650, Lot 30, Borough of Staten Island.

COMMUNITY BOARD #1SI

140-71-BZ

APPLICANT - Carl A Sulfaro, Esq., for 12-42 150 Realty Corp., owner; Stork's Bakery, lessee.

SUBJECT - Application June 17, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 12-40/42 150th Street, southwest corner of 12th Road, Block 4505, Lot 29, Borough of Queens.

COMMUNITY BOARD #7Q

994-77-BZ

SEPTEMBER 9, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, September 9, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following

APPLICANT - Joseph P. Morsellino, for Rutledge Apartments, owner; DNS Automotive Inc., lessee.

SUBJECT - Application June 12, 2003 - reopening for an extension of term of variance which expired May 23, 2003.

PREMISES AFFECTED - 89-43/49 Doran Avenue, northside of Woodhaven Boulevard, Block 3872, Lot 49, Borough of Queens.

COMMUNITY BOARD #5Q

235-01-BZ

APPLICANT - Rothkrug & Rothkrug for Mermaid Commons, LLC, owner; Coney Island Memorial Chapel, Inc., lessee.

SUBJECT - Application July 10, 2001 - reopening for a rehearing for reconsideration.

PREMISES AFFECTED - 2009 Mermaid Avenue aka 2879 West 21st Street aka 2882 West 20th Street, northwest corner of West 20th Street and Mermaid Avenue, Block 7018, Lot 42 (Tentatively), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEALS CALENDAR

177-03-A

APPLICANT - Eric Palatnik, P.C., for Lai Ho Chen, owner.

SUBJECT - Application May 23, 2003 - Proposed residential structure, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 626 West 254th Street, between Arlington and Independence Avenues, Block 5942, Lot 192, Borough of The Bronx.

COMMUNITY BOARD #8BX

matters:

CALENDAR

ZONING CALENDAR

229-02-BZ thru 231-02-BZ

APPLICANT - Mark A. Levine, Esq., of Herrick, Feinstein, LLP, for Simon Dushinsky and Issac Rabinowitz, owners.

SUBJECT - Application August 15, 2002 - under Z.R. §72-21 to permit the proposed construction of a six-story building containing twelve units, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 24 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 5, Borough of Brooklyn.

32 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 7, Borough of Brooklyn.

42 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #3BK

138-03-BZ

APPLICANT - Agusta & Ross, for C & M Service Center, owner.

SUBJECT - Application June 19, 2003 - under Z.R. §§11-412 & 11-413 to permit the proposed modification and enlargement of a former gasoline service station, to reflect, the elimination of the gasoline sales and to permit a compensating enlargement to facilitate an accessory store, larger repair bays and auto sales, is contrary to Z.R. §32-10.

PREMISES AFFECTED - 79-59/77 Cooper Avenue, north side, at the corner of 69th Road, Block 3801, Lot 35, Borough of Queens.

COMMUNITY BOARD #5Q

140-03-BZ

APPLICANT - Lipton Associates, for Lipton Real Estate Corp., owner.

SUBJECT - Application April 29, 2003 - under Z.R. §72-21 to permit the proposed office building, Use Group 6, located in an R3-2 zoning district, is contrary to Z.R. §22-00.

PREMISES AFFECTED - 1855 Richmond Avenue, east side, 650.06' south of Eton Place, Block 2030, Lot 48, Borough of

189-03-BZ

APPLICANT - Eric Palatnik, P.C., for 830 East 233rd Street Corp, owner; BP Products North America, lessee.

SUBJECT - Application June 6, 2003 - under Z.R. §73-211 to permit the continued use of the premises as a gasoline service station, the alteration of the existing signage, and the legalization of the enlargement of the zoning lot on which the existing station rests, is contrary to §32-35.

PREMISES AFFECTED - 836 East 233rd Street, northwest corner of Bussing Avenue, Block 4857, Lots 44 and 41, Borough

Staten Island.

COMMUNITY BOARD #2S.I.

141-03-BZ

APPLICANT - Petraro & Jones, LLP, for Reva Holding Corp., owner.

SUBJECT - Application May 1, 2003- under Z.R. §72-21 to permit the proposed addition to an existing retail building, for new retail space (a new sporting goods store), Use Group 6, without on-lot parking and loading berths, located in a C4-3 zoning district, is contrary to Z.R. §36-21 and §36-62.

PREMISES AFFECTED - 10 Graham Avenue, aka 747/49 Broadway, at the intersection of Ghaham and Flushing Avenues and Broadway, Block 3127, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

149-03-BZ

APPLICANT - Petraro & Jones, LLP, for Angelo Stratigakis, owner.

SUBJECT - Application May 14, 2003 - under Z.R. §72-21, to permit the proposed construction of a three-story, three-family dwelling, Use Group 2, on a triangular, wedge-shaped lot that has three street frontages, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage, front yards and building height, is contrary to Z.R. §23-141(c), §23-45 and §23-631(d)-(e).

PREMISES AFFECTED - 23-08 Sound Avenue, at the intersection of Sound and 42nd Streets, and 23rd Road, Block 781, lot 46, Borough of Queens.

COMMUNITY BOARD #1Q

182-03-BZ

APPLICANT - Eric Palatnik, P.C., for Solomon Scharf, owner.

SUBJECT - Application May 29, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space, and rear yard, is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 1238 East 24th Street, between Avenues "L and M", Block 7641, Lot 62, Borough of Brooklyn.

COMMUNITY BOARD #14BK

of The Bronx.

COMMUNITY BOARD #12BX

219-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Homes for the Homeless Summer Camp, Inc., owner.

MINUTES

SUBJECT - Application June 25, 2003 - under Z.R. §72-21 to permit the legalization of an existing philanthropic institution with sleeping accommodations, Use Group 3, in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 175-15 Rockaway Boulevard, north side, between 175th Street and 149th Road, Block 13381, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

220-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Homes for the Homeless Summer Camp, Inc., owner.

SUBJECT - Application June 25, 2003 - under Z.R. §72-21 to permit the legalization of an existing philanthropic institution with sleeping accommodations, Use Group 3, in an M1-1 zoning district, and the addition of a new building that does not comply with the rear yard requirement, is contrary to Z.R. §42-00 and §43-23 and §43-27.

PREMISES AFFECTED - 175-21 149th Avenue, a/k/a 175-48 148th Road, 140' east of 175th Street, Block 13380, Lots 11 and 63 (Tentative Lot 11), Borough of Queens.

COMMUNITY BOARD #13Q

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING JULY 22, 2003
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, May 19, 2003, were approved as printed in the Bulletin of May 22, 2003, Volume 88, No. 21.

SPECIAL ORDER CALENDAR

206-91-BZ

APPLICANT - Rampulla Associates, Architects, for Thomas Nicolosi, owner.

SUBJECT - Application April 16, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 28, 2002.

PREMISES AFFECTED - 4300 Hylan Boulevard, south side of Hylan Boulevard and Windchester Avenue, Block 5319, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Philip P. Agusta.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, and term of Variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on July 28, 2002; and

WHEREAS, a public hearing was held on this application on June 24, 2003, after due notice by publication in The City Record, and laid over to July 22, 2003 for decision; and

WHEREAS, on July 28, 1992, the Board granted an application to permit the legalization of the change in use of the cellar from medical offices to professional offices in a one-story and cellar building.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, reopens and amends the resolution to extend the term of the Variance which expired on July 28, 2002, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the Variance for an

WHEREAS, a public hearing was held on this application on April 8, 2003, after due notice by publication in The City Record, and laid over to May 6, 2003, June 24, 2003 and then to July 22, 2003 for decision; and

Resolved, that the Board of Standards and Appeals, waives

additional twenty (20) years from July 28, 2002 to expire on July 28, 2022, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received April 16, 2003”- (9) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Rules of Practice and Procedure waived, application re-opened, and term of Variance extended.

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.” (DOB Application #500601217)

Adopted by the Board of Standards and Appeals, July 22, 2003.

77-99-BZ

APPLICANT - The Agusta Group, for Turnpike Auto Laundry Inc. Phil Frank President, owner.

SUBJECT - Application January 21, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired December 5, 2002.

PREMISES AFFECTED - 255-39 Jamaica Avenue, north side of Jamaica Avenue (a.k.a Jericho Turnpike) 80' west of 256th Street, Block 8830, Lot 52, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Nelly Bravo.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, and time to obtain a Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the time to obtain a Certificate of Occupancy which expired on December 5, 2002; and

the Rules of Practice and Procedure, reopens and amends the resolution to extend the time to obtain a Certificate of Occupancy which expired on December 5, 2002, so that as amended this portion of the resolution shall read:

"to permit the extension of the time to obtain a Certificate of

MINUTES

Occupancy so that a new Certificate of Occupancy shall be obtained within two years from the date of this resolution, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 15, 2003"- (1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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."

(DOB Application #401129015)

Adopted by the Board of Standards and Appeals, July 22, 2003.

1043-80-BZ

APPLICANT - Rothkrug & Rothkrug Weinberg & Spector for RANS 1680 Building Corp., owner.

SUBJECT - Application December 17, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 3, 2000.

PREMISES AFFECTED - 1680/88 Albany Avenue a/k/a 4024 Marginal Street, southwest corner of Albany Avenue and Marginal Street, Block 7744, Lots 47, 49, 50, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 10 A.M., for continued hearing.

242-54-BZ

APPLICANT - Eric Palatnik, P.C., for BP Products North America, owner.

SUBJECT - Application April 1, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 21-17 Jackson Avenue, aka 21-15

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 10 A.M., for postponed hearing.

Jackson Avenue, fronting on Jackson Avenue, 21st Street and 46th Road, Block 74, Lot 1, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Anthony Scaduto, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:

.....0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 10 A.M., for decision, hearing closed.

548-69-BZ, Vol. II

APPLICANT - Carl A. Sulfaro, Esq., for BP-North America, Inc., owner.

SUBJECT - Application May 2, 2003- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 25, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 107-10 Astoria Boulevard, southeast corner of 107th Street, Block 1694, Lot 1, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Anthony Scaduto, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:

.....0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 10 A.M., for decision, hearing closed.

608-85-BZ

APPLICANT - The Agusta Group, for J.C. Organization, LLC, owner.

SUBJECT - Application May 13, 2003- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 17, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 33-56 11th Street, west side 11th Street, 235' south of 33rd Road, Block 319, Lot 36, Borough of Queens.

COMMUNITY BOARD #1Q

323-98-BZ

APPLICANT - Paul Selver, Esq./Jeremiah H. Candreva, Esq., for 801 Eleventh Avenue, LLC, owner.

SUBJECT - Application May 21, 2003- reopening for an extension of time to complete construction which expired April 27, 2003.

PREMISES AFFECTED - 795 Eleventh Avenue, west side of Eleventh Avenue, between West 55th Street and West 56th Street, Block 1103, Lot 36, Borough of Manhattan.

COMMUNITY BOARD #4M

MINUTES

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Anthony Scaduto, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner

Caliendo and Commissioner Miele.....4 Negative:

.....0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 10 A.M., for decision, hearing closed.

402-01-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Ruth Fischl, owner.

SUBJECT - Application May 20, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to complete construction which expired February 26, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 936 East 24th Street, East 24th Street, 260' south of Avenue I, Block 7587, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Anthony Scaduto, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner

Caliendo and Commissioner Miele.....4 Negative:

.....0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 10 A.M., for decision, hearing closed.

121-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; Edward Kelly, lessee.

SUBJECT - Application April 16, 2003 - Proposed enlargement of

Resolved, that the decision of the Queens Borough Commissioner, dated April 1, 2003, acting on ALT 1. Application No. 401570019 is modified under the power vested in the Board by §§35 & 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received April 16, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located partially in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 4 Kildare Walk, west side, 44.08' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner

Caliendo and Commissioner Miele.....4 Negative:

.....0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated April 1, 2003 acting on ALT 1. Application No. 401570019, reads in pertinent part:

"A1- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued since proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York.

A2- The upgrade private disposal system is partially in the bed of a private service road contrary to Department of Buildings policy."; and

WHEREAS, by the letter dated May 16, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated June 4, 2003, the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

WHEREAS, by letter dated July 17, 2003 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.

for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals on July 22, 2003.

122-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; April Forgina, lessee.

SUBJECT - Application April 16, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is

MINUTES

contrary to Sections 35 and 36, Article 3 of the General City Law .
PREMISES AFFECTED - 72 Hillside Avenue, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated April 1, 2003 acting on ALT 1. Application No. 401600969, reads in pertinent part:

"A1 - The site is located partially in the bed of a mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 35 of the General City Law

A2- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued since proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally street or frontage space and therefore contrary to Section 27-291 (C26-401.1) of the Administrative Code of the City of New York."; and

WHEREAS, by the letter dated May 16, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated June 4, 2003 , the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

WHEREAS, by letter dated July 17, 2003 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.

PREMISES AFFECTED - 31 Marion Walk, east side, 70.35' south of West End Avenue, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Loretta Papa.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated April 15, 2003 acting on ALT 1. Application No. 401593682, reads in pertinent part:

"A1 - The site is located partially in the bed of a mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 35 of the General City Law

A2- The upgraded private disposal system is in the bed of a private service road is contrary to Department of Building

Resolved, that the decision of the Queens Borough Commissioner, dated April 1, 2003, acting on ALT 1. Application No. 401600969 is modified under the power vested in the Board by §§35 & 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received April 16, 2003"- (1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals on July 22, 2003.

135-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; David Kelly, lessee.

SUBJECT - Application April 25, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law, and Department of Buildings Policy.

policy"; and

WHEREAS, by the letter dated June 6, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated June 4, 2003 , the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

WHEREAS, by letter dated May 28, 2003 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 April 15, 2003, acting on ALT 1. Application No. 401593682 is modified under the power vested in the Board by §§35 & 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application

MINUTES

marked, "Received April 25, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals on July 22, 2003

136-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; Roberta Ludovico, lessee.

SUBJECT - Application April 25, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law, and Department of Buildings Policy.

PREMISES AFFECTED - 5 Irving Walk, east side, 45.40' north of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated April 15, 2003, acting on ALT 1. Application No. 401037456 is modified under the power vested in the Board by §§35 & 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received April 25, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner

Caliendo and Commissioner Miele.....4 Negative:
.....0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated April 15, 2003 acting on ALT 1. Application No. 401575112, reads in pertinent part:

"A1-The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued since proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally street or frontage space and therefore contrary to Section 27-291 (C26-401.1) of the Administrative Code of the City of New York.

A2- The upgraded private disposal system is in the bed of a private service road is contrary to Department of Building policy"; and

WHEREAS, by the letter dated June 6, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated May 29, 2003, the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

WHEREAS, by letter dated May 28, 2003 the Department of Transportation has reviewed the above project and has no objections; and

jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals on July 22, 2003.

137-03-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, owner; Bradley J. Palummeri, lessee.

SUBJECT - Application April 29, 2003 - Proposed enlargement and the upgrading of the septic system, to an existing one family dwelling, not fronting on a legally mapped street, and simultaneously lies within the bed of two mapped streets, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 3 Arcadia Walk, east side, 10.71' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Arthur Sullivan.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:

MINUTES

.....0
THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated April 23, 2003 acting on ALT 1. Application No. 401637546, reads in pertinent part:

"1 - Proposal to extend first floor, construct a new second floor and upgrade the septic system on a home which lies within an R4 zoning district but does not front on a mapped street (Arcadia Walk) and simultaneously lies within the bed of two streets that are mapped (Breezy Point Boulevard and Oceanside Avenue) is contrary to Article 3 Sections 36(2) and 35 of the General City Law and contrary to Section 27-291 of the Building Code and must, therefore, be referred to the Board of Standards & Appeals for approval"; and

WHEREAS, by the letter dated May 12, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated May 29, 2003 , the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

WHEREAS, by letter dated July 2, 2003 the Department of Transportation has reviewed the above project and has indicated that the improvement of Oceanside Avenue and Breezy Point Boulevard to their full mapped width including the above site is not presently included in the DOT's Capital Improvement Program and therefore has no objections; and

WHEREAS, the applicant has submitted adequate evidence to **180-03-A**

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Julieta Pizzini, owner.

SUBJECT - Application May 28, 2003 - Proposed two-family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -86 Sweetbrook Road, southwest corner of Getz Avenue, Block 5523, Lot 83, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 10 A.M., for continued hearing.

188-03-A

APPLICANT - Frank R. Gencorelli, for Breezy Point Co-op Inc., owner; John DeAngelis, lessee.

SUBJECT - Application June 6, 2003 - Proposed alteration of an existing one family dwelling, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED -4 Bayview Walk, south side, corner of Bayside Connection Walk, Block 16350, Lot 300, Borough of Queens.

warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated April 23, 2003, acting on ALT 1. Application No. 401637546 is modified under the power vested in the Board by §§35 & 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received April 29, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals on July 22, 2003.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:25 P.M.

**REGULAR MEETING
TUESDAY AFTERNOON, JULY 22, 2003
1:30 P.M.**

MINUTES

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele

Adopted by the Board of Standards and Appeals on July 22, 2003.

ZONING CALENDAR

181-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for ISHJ Corp., owner.

SUBJECT - Application May 28, 2002 - under Z.R. §72-21 to permit the proposed erection and maintenance of a one story car wash facility, Use Group 16, located in an R4 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 1875 Bartow Avenue, northwest corner of Ely Avenue, Block 4795, Lot 21, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Opposition: Joseph Williams.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 6, 2002 acting on Application No. 500554376 reads:

"1. Proposed new building is deficient in required lot area per dwelling unit, and is contrary to Section 23-222, Z.R.

2. Proposed new building does not have the minimum required front yards, and is contrary to section 23-45 and 107-461, Z.R.

3. Proposed new building for occupancy by two (2) families on a lot having less than the minimum lot area required by Section 107-42, Z.R. is not permissible."; and

WHEREAS, a public hearing was held on this application on December 10, 2002 after due notice by publication in The City Record, and laid over to April 15, 2003 and June 24, 2003, and then to July 22, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the construction of a detached two-family residence, Use Group 2, located within a R3X/SR zoning district, which does not comply with the zoning requirements for lot area per dwelling unit, front yards, and lot area for two-family occupancy, which is

242-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Helen Fullam, owner.

SUBJECT - Application August 30, 2002 - under Z.R. §72-21 to permit the proposed construction of a two family residence, Use Group 2, located within an R3X/SR zoning district, which does the comply with the zoning requirements for lot area per dwelling unit, front yards, and has less than the minimum required lot area for a proposed two family occupancy, is contrary to Z.R. §23-222, §23-45, §107-461 and §107-42.

PREMISES AFFECTED - One North Railroad Street, between Burchard Court and Belfield Avenue, Block 6274, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

contrary to Z.R. §§23-222, 23-45, 107-461 and 107-42; and

WHEREAS, the record indicates that the subject site is an undersized triangular parcel of land which fronts on Burchard Court, Belfield Avenue and North Railroad Street with 2,778 square feet of lot area; and

WHEREAS, the applicant represents that the underlying zoning regulations require one 18 foot front yard and two 10 foot front yards which would result in the construction of a building with a lot coverage of 507 square feet; and

WHEREAS, the Board finds that the small size, triangular shape, and front yard requirements create an unnecessary hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, the Board has determined that a financial feasibility analysis is not required as this is a two-family dwelling; and

WHEREAS, although the subject lot is deficient in lot area, the subject zoning district does permit two-family dwellings; and

WHEREAS, the applicant represents that the surrounding area is comprised of mostly one and two-family dwellings; and

WHEREAS, the subject site is surrounded on two sides by vacant freshwater wetland property that is part of the Sweet Brook Bluebelt system and is owned by the New York City Department of Environmental Protection; and

WHEREAS, the record indicates that freshwater wetland permits have been obtained from the New York State Department of Environmental Conservation to do restoration work on the DEP parcel adjacent to the subject property; and

WHEREAS, the applicant has redesigned the subject building to minimize the impingement on the Sweet Brook Bluebelt system; and

WHEREAS, the record indicates that the proposed action is consistent with Local Waterfront Revitalization Policies; and

MINUTES

WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 22, 2003.

367-02-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for Rudolf Alonzo, owner.

SUBJECT - Application December 18, 2002 - under Z.R. §72-21 to permit, in an R8B zoning district, the legalization of an existing dance studio, Use Group 9, located in the cellar of a five-story building, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 434 East 75th Street, between First and York Avenues, Block 1469, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Jeffrey Chester.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a [Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the construction of a detached two family residence, Use Group 2, located within a R3X/SR zoning district, which does not comply with the zoning requirements for lot area per dwelling unit, front yards, and lot area for two-family occupancy, which is contrary to Z.R. §'23-222, 23-45, 107-461 and 107-42, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 1, 2003"- (1) sheet and "Received October 4, 2002" - (2) sheets and on further condition;

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 18, 2002 acting on ALT 1 Application No. 103336267 reads in pertinent part:

"PROPOSED DANCE STUDIO USE GROUP 9 WHICH IS NOT PERMITTED IN R8B DISTRICT AND IS CONTRARY TO SECTION 22-10 ZR PLEASE REFER TO BSA"; and

WHEREAS, a public hearing was held on this application on May 6, 2003 after due notice by publication in The City Record, and laid over to June 24, 2003 and then to July 22, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R8B zoning district, the legalization of an existing dance studio, Use Group 9, located in the cellar of a five-story building, which is contrary to Z.R. §22-10; and

WHEREAS, the applicant represents that the subject site is improved with a five-story "old law tenement" multi-family dwelling with four small one-bedroom apartments on each of the upper floors; and

WHEREAS, the current Certificate of Occupancy list the cellar occupancy as a boiler room, storage and three recreation rooms; and

WHEREAS, the applicant states that for the last three years the space has been occupied by the subject dance studio, and has offered ballet, modern and tap dance classes to small groups of children age 2-13; and

WHEREAS, the applicant represents that the apartments in the subject old law tenement walk-up building do not meet current standards; and

WHEREAS, the applicants states that due to the condition and configuration of the building, the owner has been unable to garner market rents; and

WHEREAS, the Board finds that the applicant satisfies the

MINUTES

requirements of Z.R. §72-21(a); and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that the surrounding area contains a number of pre-existing commercial uses on the ground floor level; and

WHEREAS, the applicant represents that the maximum size of each dance class will be 8 students; and

WHEREAS, therefore, the Board finds that the proposed

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R8B zoning district, the legalization of an existing dance studio, Use Group 9, located in the cellar of a five-story building, which is contrary to Z.R. §22-10, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 13, 2003"- (3) sheets, and on further condition;

THAT the term of this variance shall be limited to twenty (20) years from the date of this resolution to expire on July 22, 2023; and

THAT revocable consent be obtained from the NYC Department of Transportation within 6 months from the date of this resolution for the cellar entry steps which will project onto the abutting sidewalk area;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 22, 2003.

375-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Congregation Tzlosa D' Shlomo, owner.

SUBJECT - Application December 30, 2002 - under Z.R. §72-21 to permit the proposed new synagogue and Rabbi's apartment (rectory), Use Group 4, located in an R5 zoning district, which does not comply with the zoning requirements for floor area, side yards,

application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

front yard, maximum lot coverage, front wall height, narrow outer court and the sky exposure plane, is contrary to Z.R. §24-11, §24-34, §24-35, §24-521 and §24-631.

PREMISES AFFECTED - 1559 59th Street, north side, 200' west of 16th Avenue, Block 5502, Lot 54, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Moshe Friedman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated, December 19, 2002 acting on Application No. NB 301480733, reads:

"PROPOSED NEW SYNAGOGUE AND RABBI'S APARTMENT (RECTORY) IS CONTRARY TO Z.R. §24-11 FLOOR AREA, Z.R. §24-11 MAXIMUM LOT COVERAGE, Z.R. §24-34 FRONT YARD, Z.R. §24-35 SIDE YARDS, Z.R. §24-521 FRONT WALL HEIGHT, Z.R. §24-521 SKY EXPOSURE, Z.R. §24-631 NARROW OUTER COURT AND REQUIRES A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS AS PER §72-21"; and

WHEREAS, a public hearing was held on this application on May 6, 2003 after due notice by publication in The City Record, laid over to June 24, 2003 and then to July 22, 2003 for decision; and

WHEREAS, Community Board No. 12 in Brooklyn recommended approval of the subject application; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Joel Miele and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the enlargement of a four-story with cellar synagogue and Rabbi's apartment (rectory) which does not comply with floor area, maximum lot coverage, front yard, side yard, narrow outer court, front wall height, and sky exposure requirements and is contrary to Z.R. §§24-11, 24-34, 24-35, 24-631, and 24-521; and

WHEREAS, the proposed construction consists of a Use Group 4 synagogue with 120 person capacity in the cellar, which will not be simultaneously used with the upper floors, a Use Group 4 synagogue with 150 person capacity on the first floor, a Use Group 4 synagogue with 70 person capacity on the second floor, and a Use Group 4 apartment - rectory on the third and fourth floors; and

MINUTES

WHEREAS, the record indicates that the subject premises is a vacant 40 ft. wide by 100 ft. deep, mid-block lot, with a total area of 4,000 sq. ft.; and

WHEREAS, the applicant represents that the subject lot is

WHEREAS, the applicant asserts that the proposed building is necessary to meet the programmatic needs of the congregation; and

WHEREAS, the Board finds that the programmatic needs of the community facility create an undue hardship with strict compliance with the provisions of the Zoning Resolution; and

WHEREAS, the aforementioned unique physical condition, namely the narrowness of the subject lot, makes its occupancy for a conforming use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, the Board finds that a community facility may exist in the area 'as of right'; and

WHEREAS, the applicant asserts that the surrounding neighborhood is largely residential; and

WHEREAS, the record shows that the proposed building will be non-combustible construction and will contain a wet sprinkler system, as well as hard wired smoke detectors, which will be connected to an approved Fire Department central station; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the enlargement of a four-story with cellar synagogue and rabbi's apartment (rectory) which does not comply with floor area, maximum lot coverage, front yard, side yard, narrow outer court, front wall height, and sky exposure requirements and is contrary to Z.R. §§24-11, 24-34, 24-35, 24-631, and 24-521, on condition that all work shall substantially conform to drawings as they apply to the objections above noted.

WHEREAS, a public hearing was held on this application on May 20, 2003 after due notice by publication in The City Record,

narrow, which makes the construction of a facility which provides for the religiously required synagogue and rectory, with separate, private entrances for both men and women a practical difficulty; and

filed with this application marked "Received June 17, 2003"-(12) sheets; and on further condition;

THAT there shall be no masonry parapet on the roof;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a Certificate of Occupancy be obtained in accordance with §72-23.

Adopted by the Board of Standards and Appeals, July 22, 2003.

28-03-BZ

APPLICANT -Martyn & Don Weston, for Minc Platform, LLC, owner.

SUBJECT - Application January 15, 2003 - under Z.R. §72-21 to permit the proposed conversion of the upper floors, and a small portion of the ground floor, of a partially vacant three story manufacturing building, for residential units of loft type housing, which is contrary to §42-00.

PREMISES AFFECTED - 61/65 Green Street, northeast corner of West Street, Block 2511, Lots 1 and 8, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - For Applicant: Don Weston.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 30, 2002 acting on Application No. 301467320 reads:

"THE PROPOSED CHANGE TO RESIDENTIAL USE ON THE FIRST, SECOND, AND THIRD FLOORS IS CONTRARY TO SECTION 42-00 AND IS NOT PERMITTED"; and

and laid over to June 24, 2003, and then to July 22, 2003 for decision; and

MINUTES

WHEREAS, Community Board No. 1 in Brooklyn recommended approval of the subject application;

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-1 zoning district, the conversion of the upper floors and a small portion of the ground floor of an existing, partially vacant, three-story manufacturing building to residential, loft-type units, which is contrary to Z.R.42-00; and

WHEREAS, the subject parcel measures 125 feet by 200 feet, with a lot area of 25,000 square feet, located on the corner of Greene Street and West Street, and is currently improved with a three-story building with 47,650 square feet of floor area; and

WHEREAS, the owner proposes a basement for mechanical equipment, commercial uses and three residential units on the first floor, ten residential units on the second floor, and two residential units on the third floor, in addition to a communal and some private decks; and

WHEREAS, the record indicates that the applicant documented good-faith attempts to obtain a conforming tenant; and

WHEREAS, the applicant states that the existing building is sub-divided into five separate building sections, which are separated by heavy masonry walls with limited access between the sections, as the floors in each section are not level with one another; and

WHEREAS, the applicant asserts that three of the five sub-sections are irregular and substandard for modern manufacturing or warehouse uses because they have limited floor space; and

WHEREAS, the applicant asserts that the existing building has only one small elevator, which is inconveniently located, therefore, making the movement of goods, equipment and people for a manufacturing use inefficient; and

WHEREAS, the applicant represents that the building has no air conditioning, inadequate lighting and electric service, and restrooms for a manufacturing or commercial use; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary undue hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

WHEREAS, the record indicates that the surrounding area contains many residential dwellings, warehouses and some factories; and

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance

WHEREAS, the applicant represents that the proposed action is consistent with Local Waterfront Revitalization Policies; and

WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-1 zoning district, the conversion of the upper floors and a small portion of the ground floor of an existing, partially vacant, three-story manufacturing building to residential, loft-type units, which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 17, 2003"-(7) sheets, and on further condition;

THAT future rental agreements, leases, contracts of sale, and deeds for the subject property contain a disclosure putting all parties on notice that the subject property is located within an M1-1 manufacturing and commercial zoning district and the Board has granted this variance subject to the property, building, and unit owners' understanding that they have no right, legal or otherwise, to complain of any possible adverse legal use of any existing or future manufacturing or commercial use in the subject or adjoining buildings;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

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, July 22, 2003.

31-03-BZ

MINUTES

APPLICANT - Eric Palatnik, P.C., for Abraham Malek, owner.
SUBJECT - Application January 21, 2003 - under Z.R. § 73-622 to permit the enlargement of an existing one-family residence, Use Group 1, located in an R2 zoning district which does not comply with the zoning requirements for floor area and open space and is contrary to Z.R. §23-141.

PREMISES AFFECTED - 2502 Avenue "M" southeast corner of Bedford Avenue, Block 7661, Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated December 3, 2002, acting on Application No. ALT 300498450 reads:

"1.) PROPOSED FLOOR AREA CONTRARY TO Z.R. §23-141.

2.) PROPOSED OPEN SPACE RATIO CONTRARY TO Z.R. 23-141"; and

WHEREAS, a public hearing was held on this application on May 6, 2003 and then laid over to June 24, 2003 and then to July 22, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the enlargement of an existing one-family residence, Use Group 1, located in an R2 zoning district which does not comply with the zoning requirements for floor area and open space and is contrary to Z.R. §23-141; and

WHEREAS, the perimeter wall height will comply with all applicable zoning regulations; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

42-03-BZ

APPLICANT - Law Office of Frederick A. Becker, for Rock-McGraw Inc., owner; TSI West 48th Inc., dba New York Sports Club, lessee.

SUBJECT - Application February 4, 2003 - under Z.R. §73-36 to permit proposed enlargement of a pre-existing grandfathered physical culture establishment, located in portions of the cellar, sub-cellar, and third sub-cellar levels in a multi-story mixed use building, requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 1221 Avenue of the Americas, between 48th and 49th Streets, Block 1001, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick A. Becker.

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the enlargement of an existing one-family residence, Use Group 1, located in an R2 zoning district which does not comply with the zoning requirements for floor area and open space and is contrary to Z.R. §23-141, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received June 16, 2003"-(7) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, July 22, 2003.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated April 10, 2003 acting on ALT I. Application No. 103349093 reads:

"A PHYSICAL CULTURE ESTABLISHMENT IS NOT PERMITTED AS OF RIGHT USE IN A C6-6 AND C6-6.5 DISTRICT. THIS IS CONTRARY TO Z.R. §32-10."; and

WHEREAS, a public hearing was held on this application on June 17, 2003, after due notice by publication in The City Record and held over to July 22, 2003 for decision; and

MINUTES

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 Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §73-36 to permit the enlargement of a pre-existing, grandfathered physical culture establishment, which is presently located in portions of the cellar and first sub-cellar of a multi-story mixed use building, into the third sub-cellar level, which requires a special permit as per Z.R. §32-10; and

WHEREAS, the subject PCE is located on the western block front of the Avenue of the Americas between West 48th Street and West 49th Street; and

WHEREAS, the applicant proposes to enlarge the more than twenty year old, PCE facility to allow operation in the third sub-cellar level; and

WHEREAS, the applicant represents that the hours of operation are Monday through Thursday 6:00 A.M. to 11:00 P.M., Friday 6:00 A.M. to 10:00 P.M., and Saturday and Sunday 9:00 A.M. to 7:00 P.M.; and

WHEREAS, the applicant has sufficiently demonstrated that the proposed hours of operation would not be out of character with the operating hours of other businesses in the immediate area; and

WHEREAS, the applicant asserts that the surrounding area is comprised largely of commercial and manufacturing uses; and

WHEREAS, the applicant represents that the remainder of the building is occupied by commercial tenants, and that there are no residential units directly above or adjacent to the subject facility; and

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §73-36 to permit the enlargement of a pre-existing, grandfathered physical culture establishment, which is presently located in portions of the cellar and first sub-cellar of a multi-story mixed use building, into the third sub-cellar level, which requires a special permit as per Z.R. §32-10, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received February 4, 2003" - (4) sheets and "June 24, 2003" -(1) sheet; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from July 22, 2003 to expire on July 22, 2013;

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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 the hours of operation shall be limited to Monday through Thursday 6:00 A.M. to 11:00 P.M., Friday 6:00 A.M. to 10:00 P.M., and Saturday and Sunday 9:00 A.M. to 7:00 P.M.;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT the premises shall be maintained free of debris and

WHEREAS, the Board finds that the proposed use will not alter the essential character of the surrounding neighborhood, nor will it impair the future use and development of the surrounding area; and

WHEREAS, the applicant represents that the proposed physical culture establishment will contain facilities for classes, instruction, and programs for physical improvement, body building, weight reduction, and cardiovascular fitness; and

WHEREAS, the applicant asserts that the proposed enlargement will have no adverse impact on the privacy, light, quiet, and air of the surrounding area, as the facility is located within an existing structure; and

WHEREAS, the proposed project will not interfere with the existing street system or any pending public improvement project; 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 §73-03; 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. graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the 24 hour operation of the facility shall only be permitted as long as there are no residential units directly above or adjacent to the subject facility;

THAT the applicant shall comply with all provisions of Local Law 58/87;

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, July 22, 2003.

88-03-BZ & 89-03-BZ

APPLICANT - Law Office of Fredrick A. Becker, for Frank & Walter Eberhart, L.P., owner.

SUBJECT - Application March 19, 2003 - under Z.R. §73-621 to permit, in an R8B zoning district, the enlargement of the subject

MINUTES

premises creating larger units for two of the existing twenty (20) apartments in the building contrary to Z.R. §23-145.

PREMISES AFFECTED -

- 313 East 81st Street, north side, 225' east of Second Avenue, Block 1544, Lot 10, Borough of Manhattan.
- 315 East 81st Street, north side, 250' east of Second Avenue, Block 1544, Lot 11, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated February 24, 2003, acting on Application Nos. 103339665 and 103338700 reads:

"Proposed floor area exceeds maximum allowed floor area contrary to ZR 23-145."; and

WHEREAS, a public hearing was held on this application on June 17, 2003 and then laid over to July 22, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-621 to permit, in an R8B zoning district, the enlargement of the subject premises creating larger units for two of the existing twenty (20) apartments in the building contrary to Z.R. §23-145, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received March 19, 2003"- (6) sheets, and "June 26, 2003" -(5) sheets; on further condition;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, July 22,

of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-621 to permit, in an R8B zoning district, the enlargement of the subject premises creating larger units for two of the existing twenty (20) apartments in the building contrary to Z.R. §23-145; and

WHEREAS, the Board notes that the proposed enlargement will not create any new units; and

WHEREAS, Z.R. §73-621 allows the construction of additional floor area, if the new floor area ratio does not exceed the permitted floor area ratio by more than ten (10) percent and provided that the enlargement does not create any new non-compliance or increase the amount or degree of any existing non-compliance ; and

WHEREAS, the applicant has demonstrated that the instant application meets the criteria established under Z.R. §73-621; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-621 and 73-03.

2003.

90-03-BZ

APPLICANT - Eric Palatnik, P.C., for Women of Faith, Inc., owner.
SUBJECT - Application March 21, 2003 - under Z.R. §72-21 to permit the proposed construction of a five and six-story apartment building containing 34 dwelling units, which does not comply with the zoning requirements for floor area, open space, lot coverage, total height, dwelling units, lot area per dwelling unit, side yard, and parking, and is contrary to Z.R. §§23-141(b), 23-631(b), 23-222, 23-462(a), and 25-22.

PREMISES AFFECTED - 109-37 Sutphin Boulevard, between 109th Road and 109th Drive, Block 12141, Lot 3, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated, April 1, 2003 acting on Application No. 401623132, reads:

"PROPOSED BUILDING CONTRARY TO Z.R. §23-141(b), Z.R. 23-222, Z.R.23-462(c), Z.R. 23-462(a), Z.R. §23-45(a), Z.R. §23-631(b), AND Z.R. 25-22 AND THEREFORE MUST BE REFERRED TO THE BOARD OF

MINUTES

STANDARDS AND APPEALS.

THE PROPOSED BUILDING IS CONTRARY DUE TO THE FOLLOWING:

SECTION Z.R. 23-141(b) FLOOR AREA PROPOSED IS OVER BUILT BY 39,645 S.F.

SECTION Z.R. 23-141(b) OPEN SPACE REQUIRED 12,180 S.F. PROPOSED 4535 S.F.

SECTION Z.R. 23-141(b) LOT COVERAGE IS EXCEEDED BY 4705 S.F.

SECTION 23-222 DWELLING UNITS EXCEEDED BY 20 D.U.

SECTION Z.R. 23-462(a) SIDE YARD REQUIRED 16'-0" PROPOSED 9'-6"

SECTION 23-45(a) FRONT YARD REQUIRED 10'-0" PROPOSED NONE

SECTION 23-631(b) MAXIMUM HEIGHT 25'-0" PROPOSED 54'-0"

SECTION Z.R. 23-22 PARKING REQUIRED 1 PER D.U. PROPOSED 17 SPACES (50% OF D.U.); and

WHEREAS, a public hearing was held on this application on June 17, 2003 after due notice by publication in The City Record,

WHEREAS, the record shows that the proposed construction will consist of a five and six story with cellar, affordable quality housing rental apartment building, which will contain thirty four units and have a total floor area of 52,245 square feet; and

WHEREAS, the applicant proposes storage and seventeen parking spaces in the cellar, five dwelling units, a laundry room, and a recreation room on the first floor, as well as a rear yard, six dwelling units on each of the second through the fifth floors, four dwelling units on the sixth floor and a roof terrace; and

WHEREAS, the applicant represents that the existing structure is inadequate to meet the programmatic needs of the Women of Faith, a community-based not-for-profit group, which services the social needs of the Jamaica community; and

WHEREAS, the applicant asserts that the construction of smaller structure, which would comply with the existing R4 zoning designation, would not be sufficient to meet the requirements set forth by the various sources of funding for this affordable housing development; and

WHEREAS, the applicant seeks to construct a building which complies with the R6A zoning district located just two blocks north of the site, a part of the Jamaica redevelopment and rezoning area; and

WHEREAS, the Board finds that the programmatic needs of the not-for-profit organization create an undue hardship with strict compliance with the provisions of the Zoning Resolution; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, the record indicates that the surrounding area is largely residential with commercial and community facility uses; and

WHEREAS, the applicant represents that the proposed development will satisfy the demands of the Quality Housing program; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor

laid over to July 22, 2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Joel Miele and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in a C2-2 within an R4 zoning district, the construction of a five and six story apartment building containing 34 dwelling units, which does not comply with the zoning requirements for floor area, open space, lot coverage, total height, dwelling units, lot area per dwelling unit, side yard, and parking, and is contrary to Z.R. §§23-141(b), 23-631(b), 23-222, 23-462(a), and 25-22; and

WHEREAS, the Queens Borough President has recommended approval of this applications; and

WHEREAS, the record indicates that the subject premises is a 160 ft. wide by 106 ft. deep, corner lot, with a total area of 16,800 sq. ft.; and

WHEREAS, applicant represents that the subject lot is currently improved with a two-story, community facility with a total floor area of 9,240 sq. ft.; and

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed construction of a five and six-story apartment building containing 34 dwelling units, which does not comply with the zoning requirements for floor area, open space, lot coverage, total height, dwelling units, lot area per dwelling unit, side yard, and parking, and is contrary to Z.R. §§23-141(b), 23-631(b), 23-222, 23-462(a), and 25-22, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, March 21, 2003"-(8) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction

MINUTES

objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted

THAT substantial construction be completed and a Certificate of Occupancy be obtained in accordance with §72-23.

Adopted by the Board of Standards and Appeals, July 22, 2003.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated March 25, 2003, acting on Application No. ALT 301474492 reads:

- " 1. PROPOSED PLANS ARE CONTRARY TO Z.R. 23-141 IN THAT THE FLOOR AREA RATIO EXCEEDS THE .5 PERMITTED AND THE OPEN SPACE RATIO IS LESS THAN THE 150.0 REQUIRED.
2. PROPOSED PLANS ARE CONTRARY TO Z.R. 23-461 IN THAT THE PROPOSED SIDE YARDS ARE LESS THAN THE MINIMUM 5 FEET REQUIRED ON ONE SIDE.
3. PROPOSED PLANS ARE CONTRARY TO Z.R. 23-47 IN THAT THE PROPOSED REAR YARD IS LESS THAN 30 FEET"; and

WHEREAS, a public hearing was held on this application on June 24, 2003 and then laid over to July 22, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the enlargement of an existing one-family residence, Use Group 1, located in an R2 zoning district which does not comply with the zoning requirements for floor area, open space, side yards, and rear yards and is contrary to Z.R. §§23-141, 23-461, and 23-47; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the perimeter wall height will comply with all applicable zoning regulations; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

99-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Yeheskel & Beatrice Frankel, owners.

SUBJECT - Application March 28, 2003 - under Z.R. §73-622 to permit the enlargement of an existing one-family residence, Use Group 1, located in an R2 zoning district which does not comply with the zoning requirements for floor area, open space, side yards, and rear yards and is contrary to Z.R. §§ 23-141, 23-461, and 23-47. PREMISES AFFECTED - 1173 East 24th Street, between Avenues " K and L", Block 7624, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman, Lewis Garfinkel and Mr. Frankel.

ACTION OF THE BOARD - Application granted on condition.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the enlargement of an existing one-family residence, Use Group 1, located in an R2 zoning district which does not comply with the zoning requirements for floor area, open space, side yards, and rear yards and is contrary to Z.R. §§ 23-141, 23-461, and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received May 23, 2003-(10) sheets and "July 1, 2003" -(1) sheet; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, July 22, 2003.

104-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Gila Realty, owner; 61 Strickland Fitness Center, LLC, lessee.

SUBJECT - Application May 20, 2003 - under Z.R. §72-21 to permit, in an R3-1 and C2-2 zoning district, a physical culture

MINUTES

establishment located in a portion of an existing one-story building, which is contrary to Z.R.§22-00.

PREMISES AFFECTED - 6161 Strickland Avenue, between Mill Avenue and East 60th Place, Block 8470, Lot 1110, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Jordan Most.

For Opposition: Carl Kruger, Dorothy Turano, Sol Needle, Roberta Sherman, Judith Gargano and Stephen F. Gordon.

ACTION OF THE BOARD - Application granted on condition.

WHEREAS, a public hearing was held on this application on June 24, 2003 after due notice by publication in The City Record, and laid over to July 22, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R3-1 and C2-2 zoning district, a physical culture establishment located in a portion of an existing one-story building, which is contrary to Z.R.§22-00; and

WHEREAS, the premises is located on Strickland Avenue between Mill Avenue and East 60th Place, improved with a one-story structure currently used as a bowling alley, Use Group 12, with 53,335 square feet of floor area and 100 accessory parking spaces; and

WHEREAS, the applicant represents that in 2002, the aforementioned bowling alley opted to lease only a portion of the building rather than the entire building, leaving approximately 19,900 square feet of space unutilized; and

WHEREAS, it is the 19,900 square foot space which is proposed to be used for the physical culture establishment; and

WHEREAS, the applicant represents that the subject site is shaped like an irregular pentagon, and split between an R3-1 zoning district, and a C2-2 commercial overlay; and

WHEREAS, approximately 15,000 square feet of the proposed PCE space is located within the C2-2 district (which allows PCE use as-of-right) while 4,900 square feet of the space is located in the R3-1 district which requires a zoning variance; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, namely the split zoning designation and the irregular pentagon shape, create an unnecessary hardship and practical difficulty in developing the site in conformity of the underlying zoning regulations, thus satisfying the requirements of §72-21(a); and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the rear portion of the lot, with a conforming development would not yield a reasonable return; and

WHEREAS, the applicant represents that there will be no changes to the existing buildings height or floor area, and that all the proposed changes are interior, with the exception of the addition of a gym entrance, and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 31, 2003 acting on ALT 1 Application No. 301521921 reads in pertinent part:

"Obtain variance per ZR 72-21 for physical culture/health establishment in R3-1 zoning district."; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R.§72-21.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R3-1 and C2-2 zoning district, a physical culture establishment located in a portion of an existing one-story building, which is contrary to Z.R.§22-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 20, 2003"- (3) sheets and "July 10, 2003" -(1) sheet, and on further condition;

THAT the hours of operation for the PCE shall be limited to 5:30 a.m. to 11:00p.m. on weekdays, and 8:00 a.m. to 10:00p.m. on Saturday /Sunday;

THAT there shall be no boxing ring and no boxing matches shall occur in the PCE;

THAT there shall be no private parties or parties open to the general public in the PCE;

THAT the installation of the PCE at the subject property shall not warrant, nor shall the management of the PCE seek, an increase in the maximum number of persons permitted pursuant to the current certificate of occupancy;

THAT there shall be no loitering;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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.

MINUTES

Adopted by the Board of Standards and Appeals, July 22, 2003.

234-03-BZY

APPLICANT - Jay A. Segal, Esq., of Greenberg Traurig, for Greenwich Renwick, LLC, owner.

SUBJECT - Application July 7, 2003 - under Z.R. §11-331 for an extension of time to complete construction for a minor development.

PREMISES AFFECTED - 499 Greenwich Street, east side of Greenwich Street, 41' south of Spring Street, Block 594, Lots 29 and 37, Borough of Manhattan.

APPEARANCES -

For Applicant:

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 30, 2003 acting on NB Application No. 102493204 reads in pertinent part:

"THE REQUEST FOR A SIX MONTH EXTENSION TO COMPLY WITH THE REQUIREMENTS FOR VESTING PURSUANT TO SECTION 11-331 AND 11-31 OF THE NEW YORK CITY ZONING RESOLUTION FOR THE ABOVE REFERENCED BUILDING BASED UPON CPC APPROVAL OF THE PROPOSED ZONING CHANGE FOR THE HUDSON SQUARE RE-ZONING AND EXPECTED ENACTMENT ON JULY 25, 2003 REQUIRES A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS"; and

WHEREAS, a public hearing was held on this application on July 22, 2003 after due notice by publication in The City Record, and a decision handed down on July 22, 2003; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §11-331, to renew a building permit and extend the time for the completion of the foundation of a minor development under construction thereon, pursuant to a variance, BSA Calendar Number 162-01-BZ, issued by the Board; and

WHEREAS, on December 18, 2001 the Board granted a variance to permit, in an M1-6 zoning district, the construction of a new fourteen-story and cellar residential building with retail use on a

Therefore, it is Resolved that this application is granted to renew New Building permit No. 103413735-01 pursuant to §11-331, and to extend the time to complete the required foundations for one term of six months from the date of this

portion of the first floor; and

WHEREAS, on June 18, 2003 the City Planning Commission approved an application filed by the Department of City Planning to rezone an area encompassing the subject site from an M1-6 zoning district to C6-2A zoning district; and

WHEREAS, the applicant represents that the City Council is expected to approve the rezoning measure on July 23, 2003; and

WHEREAS, a rezoning of the subject zoning district would effectively cause the applicant's building permit to lapse and construction to discontinue, and for all subsequent construction to comply with the new underlying zoning regulations; and

WHEREAS, based upon unique conditions and unnecessary hardships inherent to the subject zoning lot the Board permitted construction on the site with an FAR of 9.76, while the new C6-2A zoning district regulations permit a maximum FAR of 6.02; and

WHEREAS, although the building permits are still valid at the time of the granting of this application, the applicant requests that the Board preemptively approve a renewal of the building permits and an extension of time to complete the required foundations pursuant to §11-331 of zoning resolution so as to permit construction to continue without shutdown and re-startup that would otherwise occur at great additional expense and neighborhood inconvenience; and

WHEREAS, the records shows that on March 21, 2003 a building permit to allow for the construction of a new building was lawfully issued to the applicant; and

WHEREAS, the record shows that the building permit for the subject property was issued to Greenwich Renwick LLC, which has a possessory interest in the zoning lot; and

WHEREAS, the applicant represents that excavation on the site is complete; and

WHEREAS, the applicant states that a portion of the excavation pit has been graded at an angle for the movement of workers and equipment, the proposed cellar will not encompass the entire excavation site, and soil from the ramp and any other loose fill will eventually be used to backfill the site; and

WHEREAS, the Board notes that the presence of loose fill on the excavation site is part of ordinary construction practice and foundation work;

WHEREAS, the applicant represents that all of the foundation engineering design is complete, all of the piles have been driven, adjacent structures have been supported, the placement of the pile caps are one-quarter complete, and a majority of the well points have been sunk and dewatering has begun; and

WHEREAS, as of June 27, 2003, the applicant states that 82% of the foundation has been completed and it would take approximately 34 more days to complete the foundation; and

WHEREAS, the Board finds that the applicant has adequately satisfied all the requirements of '11-331.

resolution, to expire on January 22, 2004; on condition that all work shall substantially conform to previously approved BSA plans, and that the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the

MINUTES

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, July 22, 2003

297-01-BZ

APPLICANT - Eric Palatnik, P.C., for Snake River Development LLC, owner; Synergy Fitness 23rd Street Inc., lessee.

SUBJECT - Application October 24, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the second floor of an existing two story building, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 201 East 23rd Street, northeast corner of Third Avenue, Block 904, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For the Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to October 7, 2003, at 2 P.M., for continued hearing.

66-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Harry Einhorn, owner.

SUBJECT - Application February 20, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, Use Group 2, in an M3-1 residential building, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 439 Marcy Avenue, Lot fronting on Marcy Avenue and Union and Wallabout Streets, Block 2249, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for continued hearing.

156-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for 8021 APPEARANCES -

For Applicant: Jerry Johnson and Jesse Masyr.

For Opposition: Kenneth K. Fisher, David Sweeney and Paul Parkhill.

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for continued hearing.

15th Avenue Corp., owner; Aspen Ford, lessee.

SUBJECT - Application May 15, 2002 - under Z.R. §11-411 to permit the reestablishment of a variance previously granted under Cal. No.606-85-BZ, which permitted the maintenance of a new and used car sales lot with an accessory office and parking, located in a C2-3 within and R5 zoning district.

PREMISES AFFECTED - 964/70 65th Street, south side, 100' west of Tenth Avenue, Block 5750, Lot 47, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for continued hearing.

178-02-BZ

APPLICANT - Dominick Salvati & Son Architects, for Diego Salazar, owner.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21 to permit 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.

PREMISES AFFECTED - 57 Eagle Street aka 233 Franklin Street, northwest corner, Block 2494, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Peter Hirshman.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for decision, hearing closed.

258-02-BZ

APPLICANT - Jesse Masyr, Esq., Wachtel & Masyr, LLP, for Inex Fulton, owner.

SUBJECT - Application September 24, 2002 - under Z.R. §72-21 to permit the proposed conversion of a one and four story manufacturing building to residential use, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 7/13 Ash Street, a/k/a 1164/66 Manhattan Avenue, northeast corner, Block 2477, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

275-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for BFN Realty, LLC, owner.

SUBJECT - Application October 10, 2002 - under Z.R. §72-21 to permit the legalization of 34 residential units, Use Group 2, located in an M1-2 zoning district, on the second floor of a two story building, which is contrary to Z.R. §42-00.

MINUTES

PREMISES AFFECTED - 160 North Fourth Street, between Driggs and Bedford Avenues, Block 2352, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES -

For Applicant: Chris Wright.

For Opposition: Girard Owens, Richard Drake and Beatrice Hanson.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for continued hearing.

315-02-BZ

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for 225-227 West 60th Street, LLC, owner.

SUBJECT - Application October 25, 2002 - under Z.R. §72-21 to permit the proposed construction of a mixed-use building, containing college facilities and apartments, Use Groups 2 and 3, located in an R8 zoning district, which does not comply with the zoning requirements for floor area ratio, number of dwelling units, setback, rear setback, sky exposure plane and lot coverage, is contrary to Z.R. §23-142, §24-11, §24-20, §24-16, §24-33 and §24-522.

PREMISES AFFECTED - 223/27 West 60th Street, north side, between Amsterdam and West End Avenues, Block 1152, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Howard Weiss.

For Opposition: Eric Wilson, Shampa Chanda and Hope Cohen.

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for continued hearing.

350-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Advance Investments, owner.

SUBJECT - Application November 25, 2002 - under Z.R. §73-27 to permit the proposed use of an existing building as a funeral establishment, Use Group 7, with accessory off-street parking for 12 automobiles, located in a C1-1(R3-2) (SRD) zoning district, SUBJECT - Application January 16, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located within an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear side yards, is contrary to Z.R. §§23-141(a), 23-47 and 23-461.

PREMISES AFFECTED - 1179 East 28th Street, 126'-8" north of Avenue "L", Block 7628, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Sheldon Lobel and Lewis Garfinkel.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,

requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 6389 Amboy Road, west side, 258' north of Weir Avenue, Block 7534, Lot 186, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant:

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to August 5, 2003, at 1:30 P.M., for continued hearing.

366-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Nahum Z. Rabinowitz, owner; Chevra Nachlas Joshua Chasidei Monastritch, lessee.

SUBJECT - Application December 18, 2002 - under Z.R. §72-21 to permit the proposed conversion of a two family dwelling, to a synagogue and Rabbi's apartment (rectory), Use Group 4, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, front yard, lot coverage and side yards, and is contrary to Z.R. §24-111, §23-141, §24-34, §24-35.

PREMISES AFFECTED - 2702 Avenue "M" aka 1301 East 27th Street, southeast corner, Block 7663, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Moshe Friedman.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for decision, hearing closed.

29-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Seymour Benefeld, as Trustee, owner.

Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for decision, hearing closed.

30-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Barry Himmel, owner.

SUBJECT - Application January 16, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing two-story non-

MINUTES

confirming commercial use building, Use Group 17B, by the addition of two stories, located in an R6 zoning district, which is contrary to Z.R. §52-22.

PREMISES AFFECTED - 333/43 Lorimer Street, corner of Lorimer Street and Montrose Avenue, Block 3049, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel and others.

For Administration: Anthony Scaduto, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for decision, hearing closed.

71-03-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for Joan and Sanford I. Weill Medical College of Cornell University, owner. SUBJECT - Application April 24, 2003 - under Z.R. § 72-21 to permit the proposed construction of a new ambulatory care building, which would have 13 occupied stories and two mechanical floors above, located in an R10, R8, C1-5 overlay and C2-8 zoning district, which does not comply with the zoning requirement for floor area, front and rear height and setback, rear yard, accessory parking and curb cut, is contrary to Z.R. §§33-121, 33-122, 24-11, 23-15, 35-31, 24-522, 33-431, 24-552, 24-36, 33-26, 33-292, 13-133, 13-143 and 13-142.

PREMISES AFFECTED - 1305 York Avenue, block bounded by York Avenue, East 70th Street, First Avenue and East 69th Street, Block 1464, Los 1, 28, 29, 30, 105, 1001-1210 and 1300-1301, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Gary R. Tarnoff, Samuel H. Lindenbaum, Richard S. Thomas and William Friedland.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for postponed hearing.

363-02-BZ

APPLICANT - Francis R. Angelino, Esq., for Rohith Rheddy, LLC, owner.

SUBJECT - Application December 16, 2002 - under Z.R. §72-21 to permit the proposed extension of Use Group 4, medical office use and occupancy, on the second floor of a new basement and two story community facility, is not permitted as per Z.R. §22-14.

PREMISES AFFECTED - 9413 Flatlands Avenue, northeast corner of East 94th Street, Block 8182, Lots 1, 6, 11, 60 and 162, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for deferred decision.

75-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Deborah Raymond, owner. SUBJECT - Application February 27, 2003 - under Z.R. § 72-21 to permit the legalization of the residential use, Use Group 2, on the second through fifth floors, of a mixed-use building, located in an M1-6 zoning district, which is contrary to §42-00.

PREMISES AFFECTED - 326 Seventh Avenue, between West 28th and 29th Streets, Block 778, Lot 38, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Isabella Caruso.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for decision, hearing closed.

326-02-BZ

APPLICANT - Gary H. Silver, Architect, P.C., for 230 Church Avenue Realty, LLC, owner; JF Fitness Inc., DBA Church Avenue Fitness, lessee.

SUBJECT - Application November 1, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, which occupies the cellar of the subject premises, located in a C4-2 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 2238 Church Avenue, 213.8' east of the corner formed by the intersection of Flatbush and Church Avenues, Block 5103, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant:

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for decision, hearing closed.

376-02-BZ

APPLICANT - Harold Weinberg, P.E., for Joseph Stern, owner. SUBJECT - Application December 30, 2002 - under Z.R. §73-622 to permit the proposed two story rear 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, open space ratio and rear yard, is contrary to Z.R. §23-141, §54-31 and §23-47.

PREMISES AFFECTED - 916 East 23rd Street, west side,

MINUTES

100'-0" south of Avenue "I", Block 7586, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES - None.

Pasquale Pacifico, Executive Director.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Adjourned: 3:20 P.M.

Negative:0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for decision, hearing closed.

145-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Juliana Vincenti, owner.

SUBJECT - Application May 8, 2003 - under Z.R. §73-622 to permit the proposed enlargement of a single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, side yard and lot coverage, is contrary to Z.R. §23-141, §23-48 and §23-141.

PREMISES AFFECTED - 2814 Quentin Road, between East 28th and 29th Streets, Block 6811, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for decision, hearing closed.

151-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Alan Shrem, owner.

SUBJECT - Application May 15, 2003 - 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, side yard and lot coverage, is contrary to Z.R. § 23-141 and §23-48.

PREMISES AFFECTED - 2812 Quentin Road, between East 28th and 29th Streets, Block 6811, Lot 4, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for decision, hearing closed.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, Nos. 31-32

August 7, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

CONTENTS

| | |
|---------------------------------------|-----|
| DOCKET | 572 |
| CALENDAR of September 16, 2003 | |
| Morning | 573 |
| Afternoon | 574 |

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, August 5, 2003**

Morning Calendar576

Affecting Calendar Numbers:

| | |
|------------|--|
| 361-49-BZ | 74-01 Eliot Avenue, Queens |
| 558-51-BZ | 68-22 Northern Boulevard, Queens |
| 812-61-BZ | 74-82 Park Avenue, Manhattan |
| 118-71-BZ | 299 Guyon Avenue, Staten Island |
| 192-92-BZ | 900 Southern Boulevard, Bronx |
| 578-71-BZ | 833/47 4 th Avenue, Brooklyn |
| 1255-80-BZ | 35-33 31 st Street, Queens |
| 830-86-BZ | 1720/28 Sheepshead Bay Road, Brooklyn |
| 263-98-BZ | 118 Oxford Street, Brooklyn |
| 79-03-A | 3149 Bedford Avenue, Brooklyn |
| 153-03-A | 114/16 Hudson Street, Manhattan |
| 101-03-A | 845 United Nations Plaza, Manhattan |
| 117-03-A | 411/25 East 68 th Street, Manhattan |
| 212-03-A & | 129-32/129-36 Hook Creek Boulevard, Queens |
| 213-03-A | |

CONTENTS

Afternoon Calendar.....583

Affecting Calendar Numbers:

| | |
|-----------------------------|--|
| 73-02-BZ | 6 Stanwix Street, Brooklyn |
| 156-02-BZ | 964/70 65 th Street, Queens |
| 234-02-BZ | 24-64 27 th Street, Queens |
| 93-03-BZ | 217-20 39 th Avenue, Queens |
| 143-03-BZ | 1734 East 24 th Street, Brooklyn |
| 185-02-BZ | 93/101 North Ninth Street, Brooklyn |
| 202-02-BZ | 133-20 Rockaway Boulevard, Queens |
| 210-02-BZ thru 213-02-BZ | 78-01/78-03/78-05/78-07 Myrtle Avenue, Queens |
| 254-02-BZ | 41/45 South Fifth Street, Brooklyn |
| 279-02-BZ | 76 Aster Court, Brooklyn |
| 281-02-BZ | 18 Exeter Street, Brooklyn |
| 334-02-BZ thru 336-02-BZ | 1281/1283/1287 Atlantic Avenue, Brooklyn |
| 350-02-BZ | 6389 Amboy Road, Staten Island |
| 360-02-BZ | 130 North Fourth Street, Brooklyn |
| 68-03-BZ | 649 39 th Street, Brooklyn |
| 80-03-BZ | 602 39 th Street, Brooklyn |
| 83-03-BZ | 2100 Hermany Avenue, Bronx |
| 96-03-BZ | 86 Franklin Avenue, a/k/a 450/52 Park Avenue, Brooklyn |
| 97-03-BZ thru 98-03-BZ | 461/463 Flushing Avenue, Brooklyn |
| 111-03-BZ thru 115-03-BZ | 1685/1687/1689/1691/1693 60 th Street, Brooklyn |
| 181-03-BZ | 2615 Avenue "N", Brooklyn |

DOCKETS

New Case Filed Up to August 5, 2003

246-03-BZ B.BK. 1371 East 23rd
Street,
east side, between Avenues "N and M", Block 7659, Lot
15, Borough of Brooklyn. Applic. #301556126. Proposed
enlargement of an existing single family residence, Use
Group 1, located in an R2 zoning district, which does not
comply with the zoning requirements for floor area, open
space, rear and side yards, is contrary to Z.R. §23-141,
§23-461 and §23-47.

COMMUNITY BOARD #14BK

247-03-A B.Q. 18 Gotham Walk,
west side, 226.99' south of Oceanside Avenue, Block
16350, Lot 400, Borough of Queens. Alt.1 #401684879.
Proposed alteration and enlargement of an existing single
family residence, not fronting on a legally mapped street, is
a contrary to Section 36, Article 3 of the General City Law.

248-03-BZ B.M. 1915 Third Avenue,
southeast corner of East 106th Street, Block 1655, Lot 45,
Borough of Manhattan. Alt.1 #103485630. Proposed
operation of a physical culture establishment, in an existing
two story commercial building, with mezzanine and cellar,
that is located in C1-5(R7-2) zoning district.

COMMUNITY BOARD #11M

249-03-BZ B.BK. 265 Bedford Avenue,
southeast corner of North First Street, Block 2381, Lot 1,
Borough of Brooklyn. Applic.#301551354. Proposed four
story building, with penthouse and cellar, to contain nine
residential units on the second, third and fourth floors, and
one commercial unit on the ground floor, on a site that is
located in C8-2 zoning district, which does not permit
residential use, is contrary to §32-10.

COMMUNITY BOARD #1BK

250-03-BZ B.BK. 1861 East 21st Street,
between Quentin Road and Avenue "R", Block 6804, Lot
66, Borough of Brooklyn. Alt.1 #301533044. Proposed
enlargement of an existing single family residence, Use
Group 1, located in an R3-2 zoning district, which does not
comply with the zoning requirements for floor area, open
space, lot coverage, rear and side yards, is contrary to
Z.R. §23-141, §23-461 and §23-47.

COMMUNITY BOARD #15BK

251-03-BZ B.Q. 217-25 106th Avenue,
corner of 217th Street, Block 11104, Lot 268, Borough of
Queens. Applic. #401603121. Proposed construction of
a semi-detached two-story, two family dwelling, Use Group
2, having on-site accessory parking, on a lot having that
has a non-complying rear yard, is contrary to Z.R. §23-47.

COMMUNITY BOARD #13Q

252-03-BZ B.Q. 217-31 106th Avenue,
corner of 217th Street, Block 11104, Lot 270, Borough of
Queens. Applic. #401609158. Proposed construction of
a semi-detached two-story, two family dwelling, Use Group
2, having on-site accessory parking, on a lot having that
has a non-complying rear yard, is contrary to Z.R. §23-47.

COMMUNITY BOARD #13Q

253-03-BZ B.Q. 163-15 Northern Boulevard,
bounded by 164th Street and Station Road, Block 5338,
Lot 1, Borough of Queens. Applic. #401690728.
Proposed reduction in the number of required parking
spaces, for an as of right, two story and basement building,
to be used as five retail stores, located in a C2-2/R4
zoning district, is contrary to Z.R. §36-21.

COMMUNITY BOARD #7Q

DESIGNATIONS: D-Department of Buildings; B.BK.-
Department of Buildings, Brooklyn; B.M.-Department of
Buildings, Manhattan; B.Q.-Department of Buildings,
Queens; B.S.I.-Department of Buildings, Staten Island;
B.BX.-Department of Building, The Bronx; H.D.-Health
Department; F.D.-Fire Department.

CALENDAR

SEPTEMBER 16, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, September 16, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

779-57-BZ

APPLICANT - Eric Palatnik, P.C., for Tira Holding Corporation, owner; BP Products North America, lessee.

SUBJECT - Application May 23, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 11, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 137-21 Jamaica Avenue, northeast corner of Jamaica Avenue and Van Wyck Expressway, Block 9618, Lot 30, Borough of Queens.

COMMUNITY BOARD #12Q

297-72-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for J.B. Campus Realty, Ltd., owner.

SUBJECT - Application July 3, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 630-646 East Fordham Road, southwest corner of Belmont and East Fordham Road, Block 3078, Lot 48, Borough of The Bronx.

COMMUNITY BOARD #6BX

546-82-BZ

APPLICANT - Pasquale Carpentiere, for Pasquale Carpentiere, owner; Ganesh Budhu, lessee.

SUBJECT - Application July 2, 2003 - reopening for an extension of term of variance which expired June 14, 2003.

PREMISES AFFECTED - 148-15 89th Avenue, west side 110' east of 148th Street, Block 9693, Lot 60, Jamaica, Borough of Queens.

COMMUNITY BOARD #12Q

226-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; John Sullivan, lessee.

1059-84-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for BMS Realty Co., owner, Bally Fitness Corp., lessee.

SUBJECT - Application June 10, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 943/61 Kings Highway aka 2032 Coney Island Avenue, northwest corner of intersection Kings Highway & Coney Island Avenue, Block 6666, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEALS CALENDAR

215-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Leo & Barbara MacCourtney, lessees.

SUBJECT - Application June 24, 2003 - Proposed building not fronting on a legally mapped street, and has an upgraded private disposal system in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED - 11 Kildare Walk, east side, 154.99' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

216-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Brendan & Joann Dolan, lessees.

SUBJECT - Application June 24, 2003 - Proposed building not fronting on a legally mapped street, and located partially within the bed of a mapped street is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 73 Reid Avenue, east side, 287.35' north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

225-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Msgr. Ronald A. Newland, lessee.

SUBJECT - Application July 1, 2003 - Proposed first floor enlargement, and a proposed new second story to an existing single family dwelling, situated within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 21 Park End Terrace, north side of Rockaway Point Boulevard, 94.61' west of Bayside Drive, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

SUBJECT - Application July 1, 2003 - Proposed first floor alterations, and a partial new second floor addition, to an existing single family dwelling, not fronting on a legally mapped street, is

CALENDAR

contrary to Section 36, Article 3 of the General City Law.
PREMISES AFFECTED - 30 Reid Avenue, south side, 264.91' west of Marshall Avenue, Block 16350, Part of Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

227-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Lisa & Thomas Good, lessee.

SUBJECT - Application July 1, 2003 - Proposed first floor alterations and additions, also a partial new second floor addition, to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.
PREMISES AFFECTED - 5 Bath Walk, west side, 56.00' north of Proposed 12th Avenue, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

228-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; William F. & Kerry A. Dolan, lessee.

SUBJECT - Application July 1, 2003 - Proposed first floor alterations and additions, also a partial new second floor addition, to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.
PREMISES AFFECTED - 32 Gotham Walk, west side, 62.26' north of Stehn Promenade, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

233-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Patti & Ken Damstron, lessees.

SUBJECT - Application July 7, 2003 - Proposed first floor alterations and additions, also a partial new second floor addition, to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.
PREMISES AFFECTED - 25 Gotham Walk, east side, 102.01' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

SEPTEMBER 16, 2003, 1:30 P.M.

APPLICANT - The Law Office of Fredrick A. Becker, for 974 Madison Avenue Company, LP, owner; Exhale Mindbody Spa, lessee.

SUBJECT - Application June 18, 2003 - under Z.R. §73-36 to permit the proposed physical establishment, located on the second floor of a five story commercial building, in a C5-1 (MP) zoning district, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 980 Madison Avenue, west side, between East 76th and East 77th Streets, Block 1391, Lot 14, Borough of Manhattan.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, September 16, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

131-02-BZ & 132-03-A

APPLICANT - The Agusta Group, for Dr. S.K. Bhat & Dr. Unnila Bhat, owner.

SUBJECT - Application April 18, 2003 - under Z.R. §72-11, 72-21 & 73-125 to permit the proposed conversion of the first floor and cellar of an existing one family dwelling, to medical offices, and also to add a two-story enlargement, to create space necessary for larger examination rooms, creates non-compliance with respect to side yard, floor area ratio, front yard, floor area and cellar space, which is contrary to §24-35, §24-34, §22-14 and §24-161; and proposed conversion of the first floor and cellar of an existing one family dwelling, of frame construction Class IIC, to medical offices (occupancy group E), is not permitted inside the Fire District as per Table 4-1, Section 27-302 of the NYC Building Code.

PREMISES AFFECTED - 80-03 192nd Street, southeast corner of Union Turnpike, Block 7269, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

184-03-BZ

APPLICANT - The Agusta Group, for Troy McKenzie, owner.

SUBJECT - Application June 3, 2003 - under Z.R. §72-21 to permit

the proposed construction of a two-story, two-family detached dwelling, Use Group 2, located in an R3-2 zoning district, which encroaches into the required front yards, is contrary to Z.R. §23-45.
PREMISES AFFECTED - 165-02 120th Avenue, southeast corner of 165th Street, Block 12381, Lot 90, Borough of Queens.

COMMUNITY BOARD #12Q

206-03-BZ

COMMUNITY BOARD #14M

Pasquale Pacifico, Executive Director

CALENDAR

**REGULAR MEETING
TUESDAY MORNING, AUGUST 5, 2003
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, May 28, 2003, were approved as printed in the Bulletin of June 6, 2003, Volume 88, No. 22-23.

SPECIAL ORDER CALENDAR

361-49-BZ

APPLICANT - Eric Palatnik, P.C., for Aaronoff FLP and Leonard Lazarus, owner; BP Products North America, lessee.

SUBJECT - Application May 2, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a certificate of occupancy which expired April 18, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 74-01 Eliot Avenue, Eliot Avenue and 74th Street, Block 2844, Lot 46, Borough of Queens.

MINUTES

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, resolution amended and time extended to obtain a new certificate of occupancy.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Miele and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of time to obtain a new certificate of occupancy which expired on April 18, 2002; and

WHEREAS, the applicant has also requested an amendment to the resolution to permit a change in the existing signage from 48 square feet of illuminated signage and 18 square feet of non-illuminated signage for a total of 66 square feet of signage to 81.2 square feet of illuminated signage and 37.8 square feet of non-illuminated signage for a total of 119 square feet of signage; and

WHEREAS, a public hearing was held on this application on July 15, 2003, after due notice by publication in The City Record, and laid over to August 5, 2003 for decision; and

WHEREAS, on April 26, 1949 the Board granted an application to permit in a residence and business use district, the erection and maintenance of a gasoline service station, auto laundry, lubratorium, motor vehicle repair shop, storage and sale of auto accessories, parking for more than five vehicles awaiting service, and an entrance more than the permitted distance from an intersection for a term of ten years; and

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, pursuant to Z.R. §11-411, said resolution having been adopted on April 26, 1949 as amended through May 27, 2000, so that as amended this portion of the resolution shall read:

“to permit a change in the existing signage from

558-51-BZ

APPLICANT - Eric Palatnik, P.C., for BP Products North America, owner.

SUBJECT - Application April 1, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a certificate of occupancy which expired September 13, 2000.

PREMISES AFFECTED - 68-22 Northern Boulevard, southwest corner of 68-22 Northern Boulevard and 69th Street, Block 1186, lot 19, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, resolution

48 square feet of illuminated signage and 18 square feet of non-illuminated signage for a total of 66 square feet of signage to 81.2 square feet of illuminated signage and 37.8 square feet of non-illuminated signage for a total of 119 square feet of signage and to extend the time to obtain a new Certificate of Occupancy so that a new Certificate of Occupancy shall be obtained within two years from the date of this amended resolution, *on condition*

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received May 27, 2003”- (5) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.” (DOB Applications # 401480170, 401480358, 401467729, 401467747, 401480189, 401467738, 401480161)

Adopted by the Board of Standards and Appeals, August 5, 2003.

amended and time extended to obtain a new certificate of occupancy.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Miele and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of time to obtain a new certificate of occupancy which expired on September 13, 2000; and

WHEREAS, the applicant has also requested an amendment to the resolution for a change in signage from a total of 108 square feet of illuminated signage to 50 square feet of illuminate signage and 6.25 square feet of non-

MINUTES

illuminated signage for a total of 56.25 square feet of signage; and

WHEREAS, a public hearing was held on this application on June 17, 2003, after due notice by publication in The City Record, and laid over to July 15, 2003, and then to August 5, 2003 for decision; and

WHEREAS, Community Board #3 has recommended approval of this application; and

WHEREAS, on August 9, 1951 the Board granted an application to permit the erection and maintenance of a gasoline service station, auto washing, lubritorium, sale of auto accessories, motor vehicle repairs and offices, parking for more than five vehicles awaiting service, and an entrance more than the permitted distance from an intersection for a term of fifteen years; and

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, pursuant to Z.R. §11-411, said resolution having been adopted on August 9, 1951 as amended through September 14, 1999, so that as amended this portion of the resolution shall read:

“to permit a change in signage from a total of 108 square feet of illuminated signage to 66.25 square feet of illuminated signage and to extend the time to obtain a new Certificate of Occupancy so that a new Certificate of Occupancy shall be obtained within two years from the date of this amended resolution, *on condition*

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received June 2, 2003”- (5) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on October 24, 2002; and

WHEREAS, a public hearing was held on this application on June 24, 2003, after due notice by publication in *The City Record*, and laid over to August 5, 2003 for decision; and

WHEREAS, on October 24, 1961, the Board granted an application to permit in a residential district, the use of an existing accessory multiple dwelling garage for transient parking; and

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the Variance which expired on October 24, 2002, so that as amended this portion of the resolution shall read:

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.” (DOB Applications # 401510842, 401510851, 401407429, 401510860, 401407517, and 401407508)

Adopted by the Board of Standards and Appeals, August 5, 2003.

812-61-BZ

APPLICANT - Omer Fenik Architects, for 80 Park Avenue Condominium, owner.

SUBJECT - Application February 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 24, 2002.

PREMISES AFFECTED - 74-82 Park Avenue, East 39th Street, Block 868, Lot 7502, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, and term of variance extended.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

“to permit the extension of the term of the variance for an additional ten (10) years from October 24, 2002 to expire on October 24, 2012, *on condition*

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received July 22, 2003”- (2) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

MINUTES

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.” (DOB Application #100493814)

Adopted by the Board of Standards and Appeals, August 5, 2003.

118-71-BZ

APPLICANT - Edward Lauria, P.E., for Dominick Suppo, owner.
SUBJECT - Application February 27, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 299 Guyon Avenue, northwest corner of Hylan Boulevard and Guyon Avenue, Block 4301, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Edward Lauria.

ACTION OF THE BOARD - Application re-opened and resolution amended.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on July 15, 2003, after due notice by publication in *The City Record*, and then to August 5, 2003 for (DOB Application # 500508970)

Adopted by the Board of Standards and Appeals, August 5, 2003.

192-92-BZ

APPLICANT - Anthony M. Salvati, for Mr. Paul Rose, owner.
SUBJECT - Application May 30, 2003 - reopening for an extension of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 900 Southern Boulevard, northeast corner of Southern Boulevard and Barretto Street, Block 2735, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #2B

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Application re-opened and time extended to obtain a new certificate of occupancy.

decision; and

WHEREAS, the applicant has requested an amendment to the variance for a minor modifications to the interior design of an existing one-story and cellar building which contains medical offices on the first floor and accessory storage in the cellar; and

WHEREAS, on July 20, 1971, the Board granted a special permit under Z.R. §§73-11(g) and 73-125 to permit the enlargement of an existing medical office building in an R2 district, contrary to Z.R. §22-14.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution, so that as amended this portion of the resolution shall read:

“to permit minor modifications to the interior design of an existing one-story and cellar building which contains medical offices on the first floor and accessory storage in the cellar;” *on condition*

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received June 4, 2003”- (1) sheet, “July 18, 2003”- (2) sheets and “August 5, 2003”- (1) sheet; and on further condition;

THAT there shall be no habitable space or occupancy in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.”

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Miele and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and amendment to the resolution to allow for an extension of time to obtain a new certificate of occupancy which expired on April 30, 2003; and

WHEREAS, a public hearing was held on this application on July 15, 2003, after due notice by publication in *The City Record*, and laid over to August 5, 2003 for decision; and

WHEREAS, on November 4, 1992, the Board granted application to reestablish an expired variance, previously granted under BSA Calendar No. 112-39-BZ, to permit in a C2-4 zoning district a motor vehicle repair shop.

MINUTES

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, pursuant to Z.R. §11-411, said resolution having been adopted on November 4, 1992 as amended through October 30, 2001, so that as amended this portion of the resolution shall read:

“to extend the time to obtain a new Certificate of Occupancy so that a new Certificate of Occupancy shall be obtained within eighteen (18) months from

the date of this amended resolution, *on condition* THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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, August 5, 2003.

578-71-BZ

APPLICANT - Walter T. Gorman, P.E., for The Richard W. Schenkel Trust and Schenkel Investments, L.P., owner; One Hess Plaza, lessee.

SUBJECT - Application May 27, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 833/47 4th Avenue, southeast corner of 30th Street, Block 673, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

ACTION OF THE BOARD - Laid over to September 9, 2003, at 10 A.M., for decision, hearing closed.

263-98-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Joseph Elegudin, owner.

SUBJECT - Application June 3, 2003 - reopening for an extension of time to complete construction which expired July 24, 2003.

PREMISES AFFECTED - 118 Oxford Street, Oxford Street, 115' south of Shore Boulevard, Block 8757, Lot 90, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:

.....0

ACTION OF THE BOARD - Laid over to September 9,

APPEARANCES -

For Applicant: John Ronan and H.A. Lautenbacher.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 10:00 A.M., for continued hearing.

1255-80-BZ

APPLICANT - Gerald J. Caliendo, R.A., for Constantine Plagakis, owner.

SUBJECT - Application May 30, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 2, 2001.

PREMISES AFFECTED - 35-33 31st Street, east side of 31st Street, 217.71' North of 36th Avenue, Block 604, Lot 10, Borough of Queens.

COMMUNITY BOARD #1Q

ACTION OF THE BOARD - Laid over to September 30, 2003, at 10 A.M., for continued hearing.

830-86-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for A & J Properties, LLC, owner; Jack LaLanne Fitness Centers, Inc., lessee.

SUBJECT - Application June 20, 2003 - 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 - 1720/28 Sheepshead Bay Road, 123.21' south of intersection of Vorhies Avenue, Block 8770, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Barbara Hair.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:

.....0

2003, at 10 A.M., for decision, hearing closed.

79-03-A

APPLICANT - Naftali Zvi Dembitzer, for Kemmy Safdie, owner; Morris & Sari Chera & Sarmo Mgmt. Corp., lessee.

SUBJECT - Application March 4, 2003 - An administrative appeal challenging the Department of Buildings' final determination, dated February 7, 2003, declining to revoke the Certificate of Occupancy No. 300518296 (“CO”), that was unlawfully obtained from the Department on or about February 16, 1999 for said premises.

PREMISES AFFECTED - 3149 Bedford Avenue, 180'-0 north of the corner of Avenue “J”, Block 7607, Lot 35, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Naftali Zvi Dembitzer and Stacy Harvey.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, and

MINUTES

Commissioner Caliendo, Commissioner Miele.....4

Negative:.....0

WHEREAS, this is an appeal of the Borough Commissioner's decision dated February 7, 2003, declining revocation of Certificate of Occupancy Number 300518296; and

WHEREAS, the Board notes that on June 4, 2002, New York Supreme Court Kings County, determined that in the case Dembitzer v. Chera, et al., Index No. 18947/1999, Justice Hutcherson, stayed the court action and ordered the plaintiff to exhaust available administrative remedies directing the appellant to seek Board review of the Department of Buildings determinations; and

WHEREAS, consequently, this appeal challenges the Department of Buildings determination refusing revocation of Certificate of Occupancy Number 300518296; and

WHEREAS, the record indicates that Application Number 300518296 was originally issued for an altered building, but that the Certificate of Occupancy, issued on or about February 16, 1999 was issued for a "New" building with two stories and a cellar; and

WHEREAS, the appellant is the owner and occupant of 3155 Bedford Avenue, which is adjacent to the subject premises; and

WHEREAS, the appellant represents that the illegal construction has existed since 1996; and

WHEREAS, the record indicates that neither the job application folder, nor the microfiche files are available for inspection; and

WHEREAS, in response to the Board's request, the Department of Buildings submitted two microfilmed surveys of the premises dated June 6, 1998 and February 6, 1999; and

WHEREAS, the June 6, 1998 survey entitled "Line Survey" does not show the entire premises, it does depict

WHEREAS, the Department of Buildings argues that Certificate of Occupancy Number 300518296 should not be revoked because the premises would revert to the condition permitted under the 1924 Certificate of Occupancy creating similar enforcement problems; and

WHEREAS, however, the issue before the Board, is whether Certificate of Occupancy Number 300518296 was erroneously issued; and

WHEREAS, DOB Application Number 300518296 was originally issued for an altered building, but the Certificate of Occupancy, issued on or about February 16, 1999 was issued for a "New" building, which the Board finds violates numerous yard sections of the Zoning Resolution; and

WHEREAS, therefore, the Board finds that the appellant has submitted adequate evidence to warrant granting this appeal.

Resolved, that the Borough Commissioner's decision dated February 7, 2003, declining revocation of Certificate of Occupancy Number 300518296 is reversed and Certificate of Occupancy Number 300518296 is revoked.

Adopted by the Board of Standards and Appeals, August 5, 2003.

the south side of the premises and describes it as a "Two-story brick & stucco" building, "brick deck," and "Concrete block garage (stucco) and also describes a "1 story stucco" at the eastern, or rear portion of the premises; and

WHEREAS, the February 6, 1999 survey entitled "Final Survey," describes the premises as containing an "open porch," a "Two-story brick & stucco" building, "brick deck," and "Concrete block garage" (stucco) and shows a common driveway to the garage; and

WHEREAS, the Department of Buildings notes that it is common for applications for Certificates of Occupancy to contain two surveys depicting the premises before and after the application work is completed; and

WHEREAS, the Board agrees with the Department of Buildings contention that the existence of two surveys showing different conditions at the premises does not support a claim that the subject Certificate of Occupancy was improperly issued; and

WHEREAS, however, the record suggests, that in the instant case, there are procedural and substantive irregularities that would render Certificate of Occupancy Number 300518296 invalid; and

WHEREAS, therefore, a site and neighborhood examination was made by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, the Board notes that the subject dwelling is located in an R2 zoning district, which is characterized by low density detached developments; and

WHEREAS, the Board agrees with the appellants representation that the subject dwelling violates the floor area and open space ratios permitted under Zoning Resolution Section 23-141, as well as the side, front and rear yard requirements; and

153-03-A

APPLICANT - Francis R. Angelino, Esq. c/o DeCampo, Diamond & Ash, for Hudson Street Properties, LLC, c/o AFC Company, owner.

SUBJECT - Application May 15, 2003 - Pursuant to Section 666 of the City Charter for an interpretation of Z.R. §23-145, regarding lot coverage regulations as it applies to said premises.

PREMISES AFFECTED - 114/16 Hudson Street, between North Moore and Franklin Streets, Block 189, Lots 18 and 19, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Francis R. Angelino and Stacy Harvey.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

MINUTES

THE RESOLUTION -

WHEREAS, this appeal seeks an interpretation of ZR §23-145, regarding lot coverage regulations, as they apply to the subject premises; and

WHEREAS, the final determination of the Borough Commissioner, dated May 9, 2003 states that the “Proposed combined lot coverage does not comply with ZR §23-145 (max. lot coverage). Max lot coverage permitted under R8A is 70%. Under this application the proposed lot coverage is 73.3%.”; and

WHEREAS, a public hearing was held on this application on June 24, 2003, and laid over to August 5, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, the subject premises are located in a C6-2A (R8A equivalent) zoning district within the Tribeca Mixed Use Special Purpose District Area A-1, and in the Tribeca West Historic District; and

WHEREAS, this application pertains to two interior lots, 116 Hudson Street which is currently improved with a pre-1961, six-story mixed-use building, and 114 Hudson Street which is currently vacant; and

WHEREAS, the applicant seeks to merge the two Converted buildings or buildings designed for non-residential use and erected prior to December 15, 1961 proposed to be converted to loft dwellings and joint living/work quarters for artists in areas A1 through A4 may be enlarged to their maximum permitted floor area, provided the new enlarged portion complies with the applicable commercial district regulations for a residential building without regard to the existing building’s non-compliance in lot coverage, open space, yards, courts or legal windows.”; and

WHEREAS, the applicant argues that the building located at 116 Hudson Street complies with the zoning resolution and the provisions of the Tribeca Mixed Use district, since the Department of Buildings approved the residential conversion in 1997; and

WHEREAS, the applicant asserts that even if the existing building at 116 Hudson Street was not in compliance with lot coverage requirements, TPPN #1/97 provides for the review the proposed enlargement’s compliance with district regulations to take place irrespective of the existing buildings non-compliance; and

WHEREAS, the applicant argues that the Department of Building’s interpretation is not consistent with the intent of the Tribeca Mixed Use District, which is to permit loft dwellings with fewer yards and legal windows to exist and to allow the buildings that contain them to be enlarged; and

WHEREAS, the respondent argues that TPPN #1/97 must be read as an amendment to a Department of Buildings Memorandum dated October 30, 1981 and in

zoning lots and enlarge the existing building at 116 Hudson Street with a seven-story extension; and

WHEREAS, the appellant contends that the lot coverage regulations C6-2A (R8A equivalent) should only apply to the enlargement on 114 Hudson Street irrespective of the existent building 116 Hudson Street’s compliance or non-compliance; and

WHEREAS, ZR §23-145 outlines the maximum lot coverage for buildings, such as the subject building, developed or enlarged pursuant to the Quality Housing Program, and sets the maximum lot coverage for an interior lot located within an R8A district at 70%; and

WHEREAS, the existing building at 116 Hudson Street has a legally non-complying lot coverage of 88.3% and the proposed enlargement at 114 Hudson Street has a lot coverage of 60%; and

WHEREAS, the post-merger building would have a total lot coverage of 73%; and

WHEREAS, the crux of this appeal is based upon whether the 70% maximum lot coverage should be applied to the entire post-merger building, or just the enlargement at 114 Hudson Street; and

WHEREAS, the applicant has provided the Board with a copy of DOB Technical Policy and Procedure Notice #1/97 (TPPN #1/97), dated April 28, 1997, which pertains to “Enlargements of Converted Buildings” and states:

“ENLARGEMENT PURSUANT TO §111-02 AND §111-104 Z.R.

conjunction with the ZR, therefore, enlargements on a merged zoning lot and a lot coverage analysis on a pre-merger lot are not permitted; and

WHEREAS, the respondent contends that lot coverage analysis must be performed with reference to the newly merged zoning lot and not the original two separate zoning lots, because under the ZR definition of “building”, a building cannot cross two lot lines, therefore the lot coverage provisions must apply to the entire development and not just the proposed enlargement; and

WHEREAS, the applicant also notes that it would be possible to construct a building with 70% lot coverage, the same as the proposed enlargement, at 114 Hudson Street and connect it to the existing building at 116 Hudson Street to obtain the applicant’s proposed building configuration; and

WHEREAS, the respondent also contends that although the applicant would have the ability to construct a new building on 114 Hudson Street with 70% lot coverage and to connect that building to the building located at 116 Hudson Street sometime in the future, the proposed construction does not provide for a fire wall and a means of egress and access for the new building; and

WHEREAS, based upon its review of the record and its reading of the Zoning Resolution and the TPPN #1/97, the Board finds that the lot coverage provisions of Section 23-145 of the zoning resolution are applicable to the proposed enlargement and not the entire development; and

WHEREAS, the Board notes that the Landmarks Preservation Committee has approved the proposed development; and

WHEREAS, therefore, the Board finds that the

MINUTES

appellant has submitted adequate evidence to warrant granting this appeal.

Resolved, the Borough Commissioner's determination dated, May 9, 2003, rejecting the proposed enlargement as contrary to the lot coverage provisions of Z.R. §23-145, is reversed and this appeal is granted.

Adopted by the Board of Standards and Appeals, August 5, 2003.

101-03-A

APPLICANT - BTU Design Corporation.

OWNER OF RECORD: Trump World Tower Condominium, owner.

SUBJECT - Application April 1, 2003 - An appeal challenging a final determination by the Department of Buildings, dated March 19, 2003, regarding manual fire pump and motor at said premises. PREMISES AFFECTED - 845 United Nations Plaza, between 47th and 48th Streets, Block 1340, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Bruce Fat.

For Administration: Anthony Scaduto, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to September 30, 2003, at 10 A.M., for decision, hearing closed.

212-03-A & 213-03-A

APPLICANT - Tai Lawal Calibre Building Services, Inc., for Nabat Development Corp., owner.

SUBJECT - Application June 20, 2003 - Proposed single family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General Law.

PREMISES AFFECTED -

129-32 Hook Creek Boulevard, east side, between 129th Road and 130th Avenue, Block 12891, Lot 2, Borough of Queens.

129-36 Hook Creek Boulevard, east side, between 129th Road and 130th Avenue, Block 12891, Lot 4, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Michael Kaye, Imel L. Stephen.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:15 A.M.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to September 16, 2003, at 10 A.M., for decision, hearing closed.

117-03-A

APPLICANT - Molly Abady (Luca Sartini, Toni Vastinar.

OWNER OF PREMISES: Memorial Hospital.

SUBJECT - Application April 11, 2003 - An appeal challenging the Department of Buildings determination, dated March 24, 2003, in which the Department has stated that the project (research laboratory), is allowed as a Use Group 4, hospital "related facility". As a "related facility", (Sloan Kettering) the use is allowed as of right in a residential district.

PREMISES AFFECTED - 411/25 East 68th Street, Mid-block, between First and York Avenues, Block 1463, Lots 5, 9 and 11, Borough of Manhattan.

APPEARANCES -

For Applicant: Robert Gottlieb.

For Opposition: Shelly Friedman, Edward Mahoney, John F. Settel, Dr. Joy Zagoren and Marcia Lowe.

For Administration: Stacy Harvey, Department of Building.

THE VOTE TO CLOSE HEARING -

REGULAR MEETING
TUESDAY AFTERNOON, AUGUST 5, 2003
2:00 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner

MINUTES

Caliendo and Commissioner Miele.

ZONING CALENDAR

73-02-BZ

CEQR #02-BSA-147K

APPLICANT - Sheldon Lobel, P.C., for Aron Adler, owner.

SUBJECT - Application July 9, 2002 - under Z.R. §72-21, to permit in an M1-1 zoning district, the conversion of the fourth floor of an existing four-story building to residential use which is contrary to Z.R. Section 42-00.

PREMISES AFFECTED - 6 Stanwix Street, a/k/a 59 Jefferson Street, a through lot fronting Stanwix and Jefferson Streets, Block 3162, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #4BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

WHEREAS, the subject building is located on the northeasterly corner of Stanwix Street and Jefferson Street, extending 104 feet along the easterly side of Stanwix Street and 99 feet along the northerly side of Jefferson Street; and

WHEREAS, the first through third floors of the subject building currently and will continue to contain conforming uses; and

WHEREAS, the record indicates that the applicant documented good-faith yet unsuccessful attempts to obtain a conforming tenant for the fourth floor; and

WHEREAS, the applicant represents that the subject building is the only multistory building in the immediate M1-1 area that does not contain residential use; and

WHEREAS, the applicant asserts that the subject building has only one elevator, and that it is less desirable for a business tenant to locate in the upper stories of a building where issues may arise in sharing elevators and loading docks; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary undue hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

WHEREAS, the record indicates that the subject site is located directly across the street from a large R6 district; and

WHEREAS, the applicant has voluntarily provided 5 off-street parking spaces while only 4 were requested by the Board; and

WHEREAS, therefore, the Board finds that the

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 5, 2001, and updated January 8, 2002 and February 11, 2002 acting on Application No. 301173030 reads:

“PROPOSED CONVERSION OF THE BUILDING INTO RESIDENTIAL DWELLINGS IS NOT PERMITTED IN A MANUFACTURING DISTRICT AS PER SECTION 42-00 OF ZONING RESOLUTION”; and

WHEREAS, a public hearing was held on this application on November 19, 2002 after due notice by publication in *The City Record*, and laid over to January 28, 2003, March 25, 2003, May 20, 2003, and July 15, 2003 and then to August 5, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-1 zoning district, the conversion of the fourth floor of an existing four-story building to residential use which is contrary to Z.R. Section 42-00; and

proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-1 zoning district, the conversion of the fourth floor of an existing four-story building to residential use which is contrary to Z.R. Section 42-00, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received May 22, 2003”- (8) sheets and “Received July 22, 2003”- (2) sheets and *on further condition*;

MINUTES

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 5, 2003.

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 16, 2003 acting on ALT.1 Application No. 301318991 reads:

“Proposed extension of term variance under Cal. No. 606-85 BZ, which expired on July 1, 1991, permitting sale of new and used cars and parking for more than five (5) motor vehicles (Use Group 16), now in an R5 District is contrary to Section 22-00 of the Zoning Resolution and is referred back to the Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on May 20, 2003 after due notice by publication in the City Record, and laid over to June 24, 2003 and then to July 22, 2003 for decision reopened; laid over to continued hearing on August 5, 2003, and closed and granted on August 5, 2003; 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 and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §11-411, on a site previously before the Board, to re-establish a variance previously granted under Calendar Number 606-85-BZ, in a C2-3 within an R5 zoning district, permitting the maintenance of a new and used car sales lot with an accessory office and parking contrary to Z.R. § 22-00; and

WHEREAS, Brooklyn Community Board #10 recommends unanimous conditional approval of this

156-02-BZ

CEQR #02-BSA-201K

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for 8021 15th Avenue Corp., owner; Aspen Ford, lessee.

SUBJECT - Application May 15, 2002 - under Z.R. §11-411 to permit the re-establish a variance previously granted under Calendar Number 606-85-BZ, in a C2-3 within an R5 zoning district, permitting the maintenance of a new and used car sales lot with an accessory office and parking contrary to Z.R. §22-00.

PREMISES AFFECTED - 964/70 65th Street, south side, 100' west of Tenth Avenue, Block 5750, Lot 47, Borough of Brooklyn.

COMMUNITY BOARD #10K

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE VOTE TO GRANT -

application; and

WHEREAS, the subject parcel is irregular measuring 80' by 100' currently occupied by a used car lot with an accessory office, operated by an automobile dealership; and

WHEREAS, the automobile dealership also occupies the adjacent building at the corner of Fort Hamilton Parkway and 65th Street; and

WHEREAS, on May 26, 1959, under Calendar Number 696-58-BZ, the Board legalized, for a term of five (5) years, the maintenance of a new and used cars sales lot, with accessory office and parking; and

WHEREAS, the term of the original variance received extensions until it expired on January 2, 1980 and a new application was filed under Calendar Number 606-85-BZ; and

WHEREAS, on July 1, 1986, the Board granted a new variance which expired on July 1, 1991; and

WHEREAS, the record indicates that the site has housed a new and used car sales lot with an accessory office and parking continuously at since May 26, 1959; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §11-411 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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

MINUTES

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. §11-411 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, on a site previously before the Board, to re-establish a variance previously granted under Calendar Number 606-85-BZ, in a C2-3 within an R5 zoning district, permitting the maintenance of a new and used car sales lot with an accessory office and parking contrary to Z.R. §22-00 on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received May 15, 2002"- (2) sheets and "Received July 22, 2003"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant expiring on August 5, 2013;

THAT signage shall be provided in accordance with BSA-approved plans;

THAT there shall be no parking of automobiles on the sidewalk at any time;

THAT the number for open storage and parking of motor vehicle shall be limited to (32) as indicated on BSA

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 5, 2003.

234-02-BZ

CEQR #03-BSA-026Q

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., Steve Tallidis, owner.

SUBJECT - Application August 23, 2002 - under Z.R. §72-21 to permit the proposed construction of a three-story, four-family multiple dwelling with an accessory garage, located in an R5 zoning district, which does not comply with the zoning requirements and is contrary to §23-141 floor area ratio, §23-45 front yard, §23-141 and §23-12 open space, §23-631 height and or setback.

PREMISES AFFECTED - 24-64 27th Street, corner of 27th Street and Hoyt Avenue, Block 852, Lot 60, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sandy Anagnostou.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

approved plans;

THAT there shall be no commercial flags and banners on the site at any time;

THAT fencing and screening shall be provided in accordance with BSA-approved plans;

THAT lighting shall be provided in accordance with BSA-approved plans and shall be positioned down and away from the adjacent residential uses;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT a new Certificate of Occupancy Shall be obtained within two (2) years of the date of this resolution;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT a Department of Consumer Affairs license be obtained within one year after issuance of a new Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated, March 31, 2003 and July 31, 2002 acting on NB Application Nos. 401123663 and 401265938, read:

- "1. FLOOR AREA RATIO (FAR) EXCEEDS THAT PERMITTED BY SECTION 23-141(c)
2. PROPOSED FRONT YARD IS CONTRARY TO SECTION 23-45 ZR
3. PROPOSED PROJECT DOES NOT MEET THE PERIMETER WALL AND SETBACK REQUIREMENTS AS PER SECTION 23-631(d).
4. PROPOSED PROJECT DOES NOT COMPLY WITH OPEN SPACE RATIO AS PER SECTION 23-141(c).
5. PROPOSED PROJECT DOES NOT COMPLY WITH LOT COVERAGE RATIO AS PER SECTION 23-141(c)."

"1. PROPOSED NEW ONE STORY DETACHED TWO CAR GARAGE WITH 9'-0" CURB CUT, FILED IN CONJUNCTION WITH N.B. #401123663 WHICH REQUIRES A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS, SHOULD ALSO BE

MINUTES

REFERRED TO B.S.A. PROPOSED GARAGE IS CONTRARY TO §23-45 Z.R.

2. PROPOSED PERMITTED OBSTRUCTION IN OPEN SPACE IS CONTRARY TO §23-12 Z.R. REFER TO B.S.A.”; and

WHEREAS, a public hearing was held on this application on June 24, 2003 after due notice by publication in *The City Record*, laid over to August 5, 2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Joel Miele and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a three-story, four-family multiple dwelling with an accessory garage, located in an R5 zoning district, which does not comply with the zoning requirements and is contrary to §23-141 floor area ratio, §23-45 front yard, §23-141 and §23-12 open space,

WHEREAS, the applicant represents that the subject site is located within a predominantly built up area, which the proposed building will keep in character with, while a complying building would not; 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 Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that 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, to permit the proposed construction of a three-story, four-family multiple dwelling with an accessory garage, located in an R5 zoning district, which does not comply with the zoning requirements and is contrary to §23-141 floor area ratio, §23-45 front yard, §23-141 and §23-12 open space, §23-631 height and or setback, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received July 30, 2003”-(5) sheets; and on further

§23-631 height and or setback; and

WHEREAS, the record indicates that the subject property is located on the corner of Hoyt Avenue North and 27th Street and on a lot of 25 feet by 100 feet in area; and

WHEREAS, the site is a corner lot which requires two front yards of 10 feet and 18 feet; and

WHEREAS, the applicant represents that the yard requirements for this lot would result in a complying building of 15 feet by 67 feet which would be too narrow and have an impractical layout; and

WHEREAS, the aforementioned unique physical conditions, namely the narrowness and corner location of the lot, make its occupancy for a conforming use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the evidence in the record, including a feasibility study, demonstrates that developing the site with a complying development would not yield a reasonable rate of return; and

WHEREAS, the record indicates that the surrounding area is predominantly residential; and

condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT substantial construction be completed and a Certificate of Occupancy be obtained in accordance with §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 5, 2003.

93-03-BZ

CEQR #03-BSA-153Q

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for John Mauro, owner.

SUBJECT - Application March 25, 2003 - under Z.R. §72-21 to permit the proposed addition 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, open space ratio, and front yard, which is contrary to Z.R. §§23-141 and 54-313.

PREMISES AFFECTED - 217-20 39th Avenue, northeast corner of 218th Street, Block 6255, Lots 18, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

MINUTES

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated, February 26, 2003 acting on A2 Application No. 401469077, reads:

“OBJECTION #1 PROPOSED ADDITION EXCEEDS ALLOWABLE FAR AND OSR AS PER Z.R. §23-141.

OBJECTION #2 PROPOSED VERTICAL EXTENSION AT NON-COMPLYING FRONT YARD NOT PERMITTED AS PER Z.R. §54-313.”;

and

WHEREAS, tax lot 18 is an irregular through lot with a total area of 2,782 sq. ft., tax lot 19 is an irregularly sized lot with a total area of 5,705.6 sq. ft.; and

WHEREAS, the record indicates that both tax lots are improved with a single family dwelling, the proposed second floor addition will be constructed on the one and two-story frame dwelling located in tax lot 18; and

WHEREAS, the proposed addition will exceed the total permitted floor area, will not comply with the open space requirements, and will increase the degree of non-compliance with respect to the front yard requirements, but complies in all other respects with the applicable zoning requirements; and

WHEREAS, the applicant represents that compliance with the required front yard regulations would demand a 15 foot front yard on 39th Avenue and a 15 foot front yard on 218 Street, a total of 30 feet, which exceeds the width of the site and would therefore prohibit construction on the subject site; and

WHEREAS, the Board finds that strict compliance with the provisions of the Zoning Resolution would be impractical; and

WHEREAS, the aforementioned unique physical condition, namely the narrowness of the subject through lot, located in the bed of a mapped street, makes its occupancy for a conforming use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the instant application is for a variance for a two-family house and the Board has determined that no showing of financial hardship is required; and

WHEREAS, the record indicates that the use and bulk of the subject proposal are consistent with the surrounding residential uses; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein

WHEREAS, a public hearing was held on this application on June 24, 2003 after due notice by publication in *The City Record*, laid over to August 5, 2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Joel Miele and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed addition 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, open space ratio, and front yard, which is contrary to Z.R. §§23-141 and 54-313; and

WHEREAS, the record indicates that the subject premises consist of a single zoning lot, comprised of two tax lots, 18 and 19; and

was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed addition 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, open space ratio, and front yard, which is contrary to Z.R. §§ 23-141 and 54-313, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received March 25, 2003”-(5) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT substantial construction be completed and a Certificate of Occupancy be obtained in accordance with §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

MINUTES

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, August 5, 2002.

143-03-BZ

CEQR #03-BSA-181K

APPLICANT - The Law Office of Fredrick A. Becker, for Raymond and Vivian Dayan, owners.

SUBJECT - Application May 5, 2003 - under Z.R. §73-622 to permit the enlargement of an existing one-family residence, Use Group 1, located in an R3-2 zoning district which does not comply with the zoning requirements for floor area, lot coverage, side yards, and rear yards and is contrary to Z.R.

THE PROPOSED ENLARGEMENT OF THE EXISTING ONE FAMILY RESIDENCE IN AN R3-2 ZONING DISTRICT

1. CAUSES AN INCREASE IN THE FLOOR AREA EXCEEDING THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRARY TO THE ALLOWABLE FLOOR AREA RATIO ALLOWED BY SECTION 23-141 OF THE ZONING RESOLUTION.
2. CAUSES AN INCREASE IN THE LOT COVERAGE EXCEEDING THE ALLOWABLE LOT COVERAGE ALLOWED BY SECTION 23-141 OF THE ZONING RESOLUTION.
3. PROPOSED SIDE YARD IS CONTRARY TO ZR 23-461A. 13' TOTAL, 5' MIN.
4. PROPOSED PLANS ARE CONTRARY TO ZR 23-47 IN THAT THE PROPOSED REAR YARD IS LESS THAN THE 30'-0" THAT IS REQUIRED"; and

WHEREAS, a public hearing was held on this application on July 15, 2003 after due notice by publication in the City Record and then laid over to August 5, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the enlargement of an existing one-family residence, Use Group 1, located in an R3-2 zoning district which does not comply with the zoning requirements for floor area, lot coverage, side yards, and rear yards and is contrary to Z.R. §§23-141, 23-461, and 23-47; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the perimeter wall height will comply with

§§23-141, 23-461, and 23-47.

PREMISES AFFECTED - 1734 East 24th Street, between Quentin Road and Avenue "R", 240' south of Quentin Road, Block 6806, Lot 19, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Lyra J. Altman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 28, 2003, acting on Application No. ALT 301526604 reads:

all applicable zoning regulations; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the enlargement of an existing one-family residence, Use Group 1, located in an R3-2 zoning district which does not comply with the zoning requirements for floor area, lot coverage, side yards, and rear yards and is contrary to Z.R. §§23-141, 23-461, and 23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received May 5, 2003"- (9) sheets and "Received May 9, 2003"- (2) sheets; and *on further condition*;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years

MINUTES

of this grant.

Adopted by the Board of Standards and Appeals,
August 5, 2003.

185-02-BZ

APPLICANT - Sheldon Lobel, P.C., for North Ninth Street Realty, LLC., owner.

SUBJECT - Application June 5, 2002 - under Z.R. §72-21 to permit the proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 93/101 North Ninth Street, north side, between Wythe Avenue and Berry Street, Block 2303, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPLICANT - Sullivan Chester & Gardner, LLP, for Hajj D. Corp., owner.

SUBJECT - Application July 1, 2002 - under Z.R. §72-243 to permit the proposed construction of an accessory drive-thru facility in conjunction with an eating and drinking establishment, Use Group 6, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 133-20 Rockaway Boulevard, between 133rd and 134th Streets, Block 11757, Lot 55, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for continued hearing.

210-02-BZ thru 213-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Mark Grane, owner.

SUBJECT - Application July 15, 2002 - under Z.R. §72-21 to permit the proposed mixed use building, Use Groups 2 and 6, which does not comply with the zoning requirements for lot coverage, open space and lot area per dwelling unit, and is contrary to Z.R. §23-141, §23-22 and §35-40.

PREMISES AFFECTED -

78-01 Myrtle Avenue, northeast corner of 78th Street, Block 3827, Lot 50, Borough of Queens.

78-03 Myrtle Avenue, between 78th and 79th Streets, (20' east of 78th Street), Block 3827, Lot 49, Borough of Queens.

78-05 Myrtle Avenue, between 78th and 79th Streets, (39.15' east of 78th Street), Block 3827, Lot 48, Borough of Queens.

78-07 Myrtle Avenue, between 78th and 79th Streets, (58.30' east of 78th Street), Block 3827, Lot 47, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Richard Lobel.

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for continued hearing.

202-02-BZ

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for continued hearing.

254-02-BZ

APPLICANT - Klein & O'Brien, LLP, for Malka Ausch, owner.

SUBJECT - Application September 18, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy, Use Group 2, in an existing three-story building and the proposed use, in the one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 41/45 South Fifth Street, bounded on the west by Kent Avenue, and on the east by Wythe Avenue, Block 2441, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Peter Bajta Brightsill.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for continued hearing.

279-02-BZ

APPLICANT - Harold Weinberg, P.E., for Michael Pellegrino, owner.

SUBJECT - Application May 2, 2003 - under Z.R. §73-622 to permit the legalization of a second story to an existing one story, one family dwelling, Use Group 1, located in an R4 zoning district, which does not comply with the zoning requirements for lot coverage, floor area ratio and side yard, is contrary to Z.R. §23-141, §23-47 and §54-31.

PREMISES AFFECTED - 76 Aster Court, east side, 34'0" north of Channel Avenue, south of Bijou Avenue, Block 8946, Lot 844, Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg, Michael Pellegrino and Christine Pellegrino.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for continued hearing.

334-02-BZ thru 336-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 1287 Atlantic Realty LLC, owner.

SUBJECT - Application November 13, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy in a one story, APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for continued hearing.

350-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Advance Investments, owner.

SUBJECT - Application November 25, 2002 - under Z.R. §73-27 to permit the proposed use of an existing building as a funeral establishment, Use Group 7, with accessory off-street parking for 12 automobiles, located in a C1-1(R3-2) (SRD) zoning district, requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 6389 Amboy Road, west side, 258' north of Weir Avenue, Block 7534, Lot 186, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Dennis Deliahece.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for decision, hearing closed.

360-02-BZ

APPLICANT - Law offices of Howard Goldman, PLLC, for S & Y Enterprises, LLC, owner.

SUBJECT - Application December 13, 2002 - under Z.R. §72-21 to permit the proposed conversion and enlargement of an existing warehouse, into a residential building with 83 units and 41 parking spaces, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 130 North Fourth Street, between Berry Street and Bedford Avenue, Block 2351, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Chris Wright.

ACTION OF THE BOARD - Laid over to September 30,

four unit building, which is located within an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

1281 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

1283 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

1287 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

COMMUNITY BOARD #3BK

2003, at 1:30 P.M., for continued hearing.

281-02-BZ

APPLICANT - Harold Weinberg, P.E., for Jacob Farhi, owner.

SUBJECT - Application October 18, 2002- under Z.R. §73-622 to permit the legalization of an enlargement at the rear of an existing one family residence, Use Group 1, located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio, also side and rear yards, and is contrary to Z.R. §23-141, §54-31, §23-47 and §23-461.

PREMISES AFFECTED - 18 Exeter Street, east side, 126'-4½" south of Oriental Boulevard, north of Hampton Avenue, Block 8730, Lot 53, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for postponed hearing.

68-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Torah M. Sinai, Inc., owner.

SUBJECT - Application February 11, 2003 - under Z.R. §72-21 to permit the proposed conversion of an existing building, which is located in an area designated as a manufacturing district, to be used for a day care center, Use Group 3, and office use, Use Group 6, without the required parking, and is contrary to Z.R. §42-00 and §44-21.

PREMISES AFFECTED - 649 39th Street, northwest corner of Seventh Avenue, Block 903, Lots 79, 80 and 83, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Sheldon Lobel and Janice Cahalane.

For Opposition: Carmen Yulfo, Leah Archibald and Steven Howard.

ACTION OF THE BOARD - Laid over to September 9,

MINUTES

2003, at 1:30 P.M., for continued hearing.

80-03-BZ

APPLICANT - Fredrick A. Becker, Esq., for C & L Pioneer Enterprises LLC, owner.

SUBJECT - Application March 4, 2003 - under Z.R. §72-21 to permit the proposed construction of two multi-story multiple dwellings, also the use of a community facility (school), in one of the buildings, Use Groups 2 and 4, located in an M1-2 zoning district,

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for continued hearing.

83-03-BZ

APPLICANT - The Agusta Group, for Ms. Hilda Lovera, owner.

SUBJECT - Application March 12, 2003 - under Z.R. §72-21 to permit the proposed construction of a two family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, front yard and the maximum number of dwelling units, which is contrary to Z.R. §23-141, §23-45 and §23-22.

PREMISES AFFECTED - 2100 Hermany Avenue, southeast corner of Olmstead Avenue, Block 3685, Lot 9, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Sol Korman.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for continued hearing.

96-03-BZ

APPLICANT - Agusta & Ross, for Brucha Building Corp., owner.

SUBJECT - Application March 27, 2003 - under Z.R. §72-21 to permit the proposed erection of a five story, ten unit multiple dwelling, Use Group 2, upon a vacant shallow corner zoning lot, located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 86 Franklin Avenue, a/k/a 450/52 Park Avenue, southwest corner, Block 1898, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for continued hearing.

which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 602 39th Street, southeast corner of Sixth Avenue, Block 914, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Fredrick A. Becker and Eugene Chen.

For Opposition: Martin Gringer, Leah Archibald, Jean Begot, Steven Howard, Alvin Gibbons, Jenifer Roth, John A. Mastandrea, Dr. Adel Eskander, Carls Cruz and Josh Derrelh.

97-03-BZ-98-03-BZ

APPLICANT - Agusta & Ross, for Coconut International Realty Corp./Blue Sky, Inc., owner.

SUBJECT - Application March 27, 2003 - under Z.R. §72-21 to permit the proposed erection of a multiple dwelling, Use Group 2, upon a vacant irregularly shaped zoning lot, located in an R7-1/M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

461 Flushing Avenue, northside, 72' east of Bedford Avenue, Block 2263, Lot 86, Borough of Brooklyn.

463 Flushing Avenue, northside, 124'10" east of Bedford Avenue, Block 2263, Lot 84, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for continued hearing.

111-03-BZ thru 115-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 909 East 5th Street, LLC, owner.

SUBJECT - Application April 7, 2003 - under Z.R. §72-21 to permit the proposed three story, three family residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, wall and building height, front yard and the parking requirements, is contrary to Z.R. §23-141, §23-631, §23-45 and §25-23.

PREMISES AFFECTED -

1685 60th Street, northwest corner of 17th Avenue, Block 5510, Lot 150, Borough of Brooklyn.

1687 60th Street, northwest corner of 17th Avenue, Block 5510, Lot 149, Borough of Brooklyn.

1689 60th Street, northwest corner of 17th Avenue, Block 5510, Lot 148, Borough of Brooklyn.

1691 60th Street, northwest corner of 17th Avenue, Block 5510, Lot 147, Borough of Brooklyn.

1693 60th Street, northwest corner of 17th Avenue, Block 5510, Lot 47, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

MINUTES

For Applicant: Peter Geis

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for continued hearing.

181-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Abraham Gutwein and Shirley Gutwein, owners.

SUBJECT - Application May 28, 2003 - under Z.R. §73-6223 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, which is contrary to Z.R. §23-141.

PREMISES AFFECTED - 2615 Avenue "N", north side, 40' west of East 27th Street, Block 7662, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to September 30, 2003, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 4:30 P.M.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, No. 33

August 21, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - Counsel

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

CONTENTS

| | |
|---------------------------------------|---------|
| DOCKET | 597 |
| CALENDAR of September 30, 2003 | |
| Morning | 598 |
| Afternoon | |
| CALENDAR of October 7, 2003 | |
| Morning | 599-600 |
| Afternoon | |
| CALENDAR of October 8, 2003 | |
| Morning | 601 |

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, August 12, 2003**

Morning Calendar.....602

Affecting Calendar Numbers:

| | |
|--------------------|---|
| 242-54-BZ | 21-17 Jackson Avenue, Queens |
| 921-57-BZ | 6602 New Utrecht Avenue, Brooklyn |
| 548-69-BZ, Vol. II | 107-10 Astoria Boulevard, Queens |
| 323-98-BZ | 795 Eleventh Avenue, Manhattan |
| 221-01-BZ | 252-254 West 29 th Street, Manhattan |
| 402-01-BZ | 936 East 24 th Street, Brooklyn |
| 867-55-BZ, Vol. II | 66-11 Borden Avenue, Queens |
| 202-62-BZ | 950 Allerton Avenue, The Bronx |
| 444-67-BZ | 187-39 Hillside Avenue, Queens |
| 1122-81-BZ | 105-14 Astoria Boulevard, Queens |
| 245-90-BZ | 1054 43 rd Street, Brooklyn |
| 145-95-BZ | 80 Fifth Avenue, Manhattan |
| 134-03-A | 240 Riverside Boulevard, Manhattan |
| 195-03-A | 31 Kildare Walk, Queens |
| 196-03-A | 6 Devon Walk, Queens |
| 197-03-A | 30 Lincoln Walk, Queens |
| 198-03-A | 42 Roosevelt Walk, Queens |

CONTENTS

Afternoon Calendar.....608

Affecting Calendar Numbers:

178-02-BZ 57 Eagle Street, Brooklyn
265-02-BZ 19 East 94th Street, Manhattan
363-02-BZ 9413 Flatlands Avenue, Brooklyn
366-02-BZ 2702 Avenue M, Brooklyn
376-02-BZ 916 East 23rd Street, Brooklyn
71-03-BZ 1305 York Avenue, Manhattan
145-03-BZ 2814 Quentin Road, Brooklyn
151-03-BZ 2812 Quentin Road, Brooklyn
377-02-BZ 163/65 Parkville Avenue, Brooklyn
176-03-BZ 220-02 Jamaica Avenue, Queens
233-01-BZ 537 West 19th Street, Manhattan
284-01-BZ 275 Castleton Avenue, Staten Island
66-02-BZ 439 Marcy Avenue, Brooklyn
258-02-BZ 7/13 Ash Street, Brooklyn
275-02-BZ 160 North Fourth Street, Brooklyn
315-02-BZ 223/27 West 60th Street, Manhattan
44-03-BZ 97-20 99th Street, Queens
119-03-BZ 10 Columbus Circle, Manhattan
142-03-BZ 140-20 Farmers Boulevard, Queens
146-03-BZ 1511 Third Avenue, Manhattan
154-03-BZ 100-03 92nd Avenue, Queens
178-03-BZ 114-02 Van Wyck Expressway, Queens
179-03-BZ 402 Avenue U, Brooklyn
185-03-BZ 277 Canal Street, Manhattan
187-03-BZ 214-02 24th Avenue, Queens

**MINUTES of Dismissal Calendar,
Wednesday, August 13, 2003**

Affecting Calendar Numbers:623

276-02-BZ 160 Norfolk Street, Brooklyn
132-92-BZ 3948-52 Amboy Road, Staten Island
70-03-BZ 761 East 84th Street, Brooklyn
361-02-BZ 214 25th Street, Brooklyn
85-03-BZ 922/926 Bedford Avenue a/k/a 371 Willoughby Avenue, Brooklyn
77-03-BZ & 260-32 Grand Central Parkway, Queens
78-03-BZ
84-03-BZ 35-40 30th Street a/k/a 35-37 29th Street, Queens
263-02-BZ 1800 Coney Island Avenue, Brooklyn
290-02-BZ thru
314-02-BZ Tapei Court, Queens
177-86-BZ 851 Forest Avenue, Staten Island

**MINUTES of Special Hearing,
Wednesday, May 21, 2003**

Morning Calendar

Affecting Calendar Numbers:

256-02-BZ 160 Imlay Street, Brooklyn

DOCKET

New Case Filed Up to August 12, 2003

254-03-A B.Q. 423 Cross Bay Boulevard, west side, 150.69' north of 191st Avenue, Block 15306, Lot 6 (tentative), Borough of Queens. Applic.#401495048. Proposed construction of a single family dwelling, located partially within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

255-03-BZ B.BK. 1019 Surf Avenue, between West 8th and West 12th Streets, Block 7628, Lot 236, Borough of Brooklyn. Applic.# 301502835. The legalization of an existing furniture store, Use Group 10, located in a C7 zoning district, also a request to vary the requirement of maintaining a loading berth on the premises, is contrary to Z.R. §32-10 and §36-62.
COMMUNITY BOARD #13BK

256-03-A B.Q. 62-66 Fresh Pond Road, southwest corner of Metropolitan Avenue, Block 3521, Lots 35, 37 and 45, Borough of Queens. Applic.#401705561. Proposed construction, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

257-03-BZ B.BX. 3575 Boston Road, northwest corner of East 222nd Street and Boston Post Road, Block 4729, Lot 1, Borough of The Bronx. N.B.#200782849. Proposed erection and maintenance of a drugstore, located in a C8-1 and R-5 zoning district, that provides 21 parking spaces, instead of the required 35, and also will provide a 10' side yard, rather than the required 15', is contrary to Z.R. §36-21 and §33-291.
COMMUNITY BOARD #12BX

258-03-BZ B.BK. 47 Thames Street, between Morgan Street and Knickerbocker Avenue, Block 3008, Lot 31, Borough of Brooklyn. Applic.#301619336. The legalization of twenty-three residential units, in a four story building, located in an M1-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #1BK

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

SEPTEMBER 30, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, September 30, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

465-63-BZ

APPLICANT - Francis R. Angelino, Esq., for Mutual Redevelopment Houses, Inc., owner; Impact Parking Corp., lessee.
SUBJECT - Application July 15, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time which expired October 10, 2002.

PREMISES AFFECTED - 333 West 26th Street, between Eighth & Ninth Avenues, north side, 245.75' west of Eighth Avenue, Block 751, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

813-63-BZ

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin LLP, for Selma R. Miller, owner; Central Parking Corporation, lessee.

SUBJECT - Application August 6, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 22, 2002.

PREMISES AFFECTED - 699/717 West End Avenue, west side of West End Avenue between West 94th and 95th Streets, Block 1253, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #7M

31-96-BZ

APPLICANT - Eric Palatnik, P.C., for Jane Goldberg, owner.

SUBJECT - Application July 1, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired February 11, 2003.

PREMISES AFFECTED - 41 East 20th Street, between Broadway and Park Avenue South, Block 849, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #5M

67-02-BZ

APPLICANT - Davidoff & Malito, LLP, by Howard S. Weiss,

148-03-BZ

APPLICANT - Francis R. Angelino, Esq., for North West Real Estate, LLC, owner.

SUBJECT - Application May 12, 2003- under Z.R. §72-21 to permit the proposed conversion of the remaining two units on the second and third floors, and the addition of two floor and a

Esq. And Juan D. Reyes, III, Esq., for Korean Presbyterian Church of Queens, owner.

SUBJECT - Application July 18, 2003 - reopening for an extension of time to obtain a certificate of occupancy which expired June 18, 2002.

PREMISES AFFECTED - 143-22 Franklin Avenue and 143-25 Ash Avenue, 210' north of intersection of Franklin Avenue and Bowe Street and 211' north of intersection of Ash Avenue and Bowe Street, Block 5184, Lots 9 and 53, Borough of Queens.

COMMUNITY BOARD #7Q

APPEALS CALENDAR

91-03-A

APPLICANT - Paul Gregory, R.A., for 349 Broadway Group LP, owner.

SUBJECT - Application March 21, 2003 - Proposed increase in the number of loft dwelling units in an existing nine story mixed use building, must comply with Local Law 10/99 regarding sprinklers.

PREMISES AFFECTED - 349 Broadway , aka 93 Leonard Street, northwest corner, Block 174, Lot 37, Borough of Manhattan.

COMMUNITY BOARD #1M

SEPTEMBER 30, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, September 30, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

120-03-BZ

APPLICANT - Mothiur Rahman, for Earth Properties & Construction Corp., owner.

SUBJECT - Application April 16, 2003- under Z.R. §72-21 to permit the legalization of an existing public parking lot, Use Group 8, located in an R-5 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 1810 Loring Place, northeast corner of West Tremont Avenue, Block 2879, Lot 51, Borough of The Bronx.

COMMUNITY BOARD #5BX

penthouse for residential use, in an existing small basement and three-story loft building, located in an M1-6 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 111/13 West 28th Street, between Sixth and Seventh Avenues, 164'-4" west of Sixth Avenue, Block 804, Lots 1101-1105 (formerly 28 and 29), Borough of

CALENDAR

Manhattan.

COMMUNITY BOARD #5M

150-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Bolshy Gulliver, Inc., owner.

SUBJECT - Application May 15, 2003 - under Z.R. §72-21 to permit the proposed construction of three additional floors above a one story and basement building, to form a mixed-use building, to contain as of right uses on the first floor and basement level, and a nine residential units on the remaining three floors, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 136 Metropolitan Avenue, between Wythe Avenue and Berry Street, Block 2364, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #1BK

Pasquale Pacifico, Executive Director

OCTOBER 7, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, October 7, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

545-56-BZ

APPLICANT - Walter T. Gorman, P.E., for Williamsbridge Road Realty Corp., owner; Williamsbridge Auto Repairs/Service Station; lessee.

SUBJECT - Application July 22, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 2001-2007 Williamsbridge Road aka 1131-39 Neill Avenue, northwest corner of Neill Avenue, Block 4306, Lot 20, Borough of The Bronx.

COMMUNITY BOARD #11BX

PREMISES AFFECTED - 3948-52 Amboy Road, south side of Amboy Road between Hillside Terrace and Brown Avenue, Block 5142, Lot 22, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEALS CALENDAR

803-61-BZ

APPLICANT - Eric Palatnik, P.C., for Philip and Martin Blessinger, owner; BP Products North America, owner.

SUBJECT - Application July 10, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired November 14, 2001.

PREMISES AFFECTED - 1416 Hylan Boulevard, corner of Hylan Boulevard and Reid Avenue, Block 3350, Lot 30, Borough of Staten Island.

COMMUNITY BOARD #2SI

289-63-BZ

APPLICANT - Sheldon Lobel, P.C., for 61st LP, owner; Imperial Parking Systems, lessee.

SUBJECT - Application July 1, 2003 - reopening for an extension of term of variance which expired June 27, 2003.

PREMISES AFFECTED - 150 East 61st Street (aka 775 Lexington Avenue), south east corner of intersection of East 61st Street and Lexington Avenue, Block 1395, Lot 50, Borough of Manhattan.

COMMUNITY BOARD #8M

39-66-BZ

APPLICANT - Sheldon Lobel, P.C., for Jonathan Woodner Company, owner.

SUBJECT - Application August 4, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired April 30, 2003.

PREMISES AFFECTED - 43-70 Kissena Boulevard, south side of Kissena Boulevard, 304.22' west of Elder Avenue, Block 5137, Lot 102, Borough of Queens.

COMMUNITY BOARD #7Q

132-92-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Joseph DiStefano, owner.

SUBJECT - Application February 27, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expires July 19, 2004 and for an amendment to the resolution.

247-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Bruce Hannaway, lessee.

SUBJECT - Application July 30, 2003 - Proposed alteration and enlargement of an existing single family residence, not fronting on a legally mapped street, is a contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 18 Gotham Walk, west side, 226.99' south of Oceanside Avenue, Block 16350, Lot 400, Borough of

CALENDAR

Queens.

COMMUNITY BOARD #14Q

OCTOBER 7, 2003, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, October 7, 2003, at 2:00 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

105-03-BZ thru 107-03-BZ

APPLICANT - Joseph P. Morsellino, for Joseph Parisano, owner.
SUBJECT - Application April 4, 2003 - under Z.R. §72-21 to permit the proposed erection and maintenance of a three family dwelling, Use Group 2, located in an R4 zoning district, which does not qualify for development under the Predominantly Built Up Regulations, regarding shape of lot and size of block, is contrary to Z.R. §23-141(c).

PREMISES AFFECTED -

45-78 161st Street, north of 46th Avenue, Block 5439, Lot 88, Borough of Queens.

45-78A 161st Street, north of 46th Avenue, Block 5439, Lot 89, Borough of Queens.

45-80 161st Street, north of 46th Avenue, Block 5439, Lot 90, Borough of Queens

COMMUNITY BOARD #7Q

139-03-BZ

APPLICANT - Alfonso Duarte, for Sanjoy Augustine, owner.
SUBJECT - Application April 29, 2003 - under Z.R. §72-21 to permit the proposed erection of a two family dwelling, Use Group 2A, located in an R3-A zoning district, which does not comply with the zoning requirements, for rear yard and floor area ratio, is contrary to Z.R. §23-47 and §23-141(b).

PREMISES AFFECTED - 247-54 90th Avenue, south side,

207-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Charles Herzka, owner.
SUBJECT - Application June 19, 2003 - under Z.R. §73-622 to permit the proposed enlargement of a single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, and side and rear yards, is contrary to §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 2316 Avenue "J", south side, between East 23rd and East 24th Streets, Block 7605, Lot 47, Borough of Brooklyn.

COMMUNITY BOARD #14BK

225.51' west of Commonwealth Boulevard, Block 8662, Lot 28, Borough of Queens.

COMMUNITY BOARD #13Q

144-03-BZ

APPLICANT - H. Irving Sigman, for Ching Kuo Chiang, owner.
SUBJECT - Application May 8, 2003 - under Z.R. § 72-21 to permit the proposed development of a two story building on vacant land, for stores, Use Group 6, on the first floor with accessory storage in the cellar, two dwelling units, Use Group 2, on the second floor, and open accessory parking, located in an R3-2 zoning district, is contrary to Z.R. §§22-00 and 23-00.

PREMISES AFFECTED - 188-16 Northern Boulevard, southwest corner of 189th Street, Block 5510, Lot 38, Borough of Queens.

COMMUNITY BOARD #11Q

152-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Derby Textile Co., owner.

SUBJECT - Application May 15, 2003 - under Z.R. § 72-21 to permit the proposed conversion of the Third and Fourth floors, of an existing four story and cellar building, located in an M1-2 zoning district, to residential use, Use Group 2, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 41 Varick Avenue, northwest corner of Harrison Place, Block 2999, Lot 24, Borough of Brooklyn.

COMMUNITY BOARD #1BK

OCTOBER 8, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, October 8, 2003, at 10:00 A.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

CALENDAR

ZONING CALENDAR

69-03-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for Bond Street, LLC, owner.

SUBJECT - Application February 12, 2003 - under Z.R. § 72-21 to permit the proposed development of a 14-story mixed-use building, consisting of residential apartments and local retail usage, located in an M1-5B zoning district, where residential use is not permitted is contrary to Z.R. §42-10.

PREMISES AFFECTED - 32/40 Bond Street, mid-block portion fronting on north side, of Bond Street between Lafayette and the Bowery, Block 530, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #2M

Pasquale Pacifico, Executive Director

REGULAR MEETING TUESDAY MORNING AUGUST 12, 2003 10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, June 3, 2003, were approved as printed in the Bulletin of June 12, 2003, Volume 88, Nos. 24-25.

SPECIAL ORDER CALENDAR

242-54-BZ

APPLICANT - Eric Palatnik, P.C., for BP Products North America, owner.

SUBJECT - Application April 1, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 21-17 Jackson Avenue, aka 21-15 Jackson Avenue, fronting on Jackson Avenue, 21st Street and 46th Road, Block 74, Lot 1, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application re-opened and resolution amended.

THE VOTE TO GRANT-

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:

.....0

MINUTES

THE RESOLUTION-

WHEREAS, a public hearing was held on this application on July 22, 2003 after due notice by publication in The City Record, and laid over to August 12 for decision; and

WHEREAS, the applicant has requested an amendment to the variance for a change in existing signage from 60 square feet of illuminated signage and 50 square feet of non-illuminated signage for a total of 110 square feet of signage to 66.25 square feet of illuminated signage and no non-illuminated signage for a total of 66.25 square feet of signage; and

WHEREAS, the applicant has also requested the legalization of changes to the site subsequent to the Board approval dated November 9, 1954. These changes include the demolition of the approved structure and the elimination of accessory uses to erect a kiosk for the dispensing of gasoline, the elimination of a masonry wall on the 46th Road to construct two curb cuts, and the addition of a 25'-0" curb cut fronting 21st Street; and

WHEREAS, on November 9, 1954, as amended through April 8, 1955, the Board granted an application to permit in a business use district the reconstruction of an existing gasoline service station to include auto washing, lubritorium, motor vehicle repairs, storage and sale of accessories, and office; and

Resolved, that the Board of Standards and Appeals reopens and amends the resolution, so that as amended this portion of the resolution shall read:

"to permit a change in existing signage from 60 square feet of illuminated signage and 50 square feet of non-illuminated signage for a total of 110 square feet of signage to 66.25 square feet of illuminated signage and no non-illuminated signage for a total of 66.25 square feet of signage and the legalization of changes to the site subsequent to the Board approval dated November 9, 1954. These changes include the demolition of the approved structure and the elimination of accessory uses to erect a kiosk for the dispensing of gasoline, the elimination of a masonry wall on the 46th Road to construct two curb cuts, and

PREMISES AFFECTED - 6602 New Utrecht Avenue aka 6602-6610 New Utrecht Avenue, aka 1472-1478 66th Street, northeast corner of New Utrecht Avenue and 66th Street, Block 5762, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Josef Friedman.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended and term of Variance extended.

THE VOTE TO GRANT-

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term of the variance which expired on May 29, 2003; and

WHEREAS, the applicant has also requested an amendment to the resolution to permit a change in use, pursuant to Z.R. § 11-413, from gasoline service station to automobile repairs with hand tools only, no body work or heavy transmission work, lubritorium,

the addition of a 25'-0" curb cut fronting 21st Street," on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 27, 2003"- (5) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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."

(DOB Applications #401607436, 401607454, 401408115, 401607445, 401408133, and 401408124)

Adopted by the Board of Standards and Appeals, August 12, 2003.

921-57-BZ

APPLICANT - Moshe M. Friedman, P.E., for Aeomt Realty, Inc., owner.

SUBJECT - Applications April 28, 2003 and May 29, 2003 - reopening for an extension of term of variance which expired May 29, 2003 and for an amendment to the resolution.

auto-washing, offices, automobile sales, parking and storage of motor vehicles; and

WHEREAS, a public hearing was held on this application on July 15, 2003 after due notice by publication in The City Record, and laid over to August 12, 2003 for decision; and

WHEREAS, on May 13, 1958, the Board granted an application to erect and maintain in a business district a gasoline service station with accessory uses for a term of fifteen years.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, reopens and amends the resolution, pursuant to §11-413, said resolution having been adopted on May 13, 1958 as amended through February 1, 1994, to extend the term of the Variance which expired on May 29, 2003, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the Variance for an additional ten (10) years from May 29, 2003 to expire on May 29, 2013 and to permit a change in use, pursuant to Z.R. § 11-413, from gasoline service station to automobile repairs with hand tools only, no body work or heavy transmission work, lubritorium, auto-washing, offices, automobile sales, parking and storage of motor vehicles, on condition

THAT all work shall substantially conform to drawings as they

MINUTES

apply to the objections above noted, filed with this application marked "Received May 29, 2003"- (2) sheets and "Received July 21, 2003- (1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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."

(DOB Application #301499108)

Adopted by the Board of Standards and Appeals, August 12, 2003.

548-69-BZ, Vol. II

APPLICANT - Carl A. Sulfaro, Esq., for BP-North America, Inc., owner.

SUBJECT - Application May 2, 2003- request for a waiver of the

WHEREAS, in its resolution dated May 25, 1971, as amended through February 4, 1992, the Board granted an application to permit, in an R3-2 district, the erection and maintenance of an automotive service station with accessory signs restricted to the pumping of gasoline which omits automotive service and repair for a term of ten years.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, reopens and amends the resolution to extend the term of the Variance which expired on May 25, 2001, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the Variance for an additional ten (10) years from May 25, 2001 to expire on May 25, 2011 and to legalize a change in use from an accessory storage building to a convenience store, 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 5, 2003"- (4) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the

Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 25, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 107-10 Astoria Boulevard, southeast corner of 107th Street, Block 1694, Lot 1, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended and term of Variance extended.

THE VOTE TO GRANT-

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term of the variance which expired on May 25, 2001; and

WHEREAS, the applicant has also requested an amendment to the resolution for the legalization of a change in use from an accessory storage building to a convenience store as approved by the Department of Buildings under application 401505457; and

WHEREAS, a public hearing was held on this application on July 22, 2003, after due notice by publication in The City Record, and laid over to August 12, 2003 for decision; and

Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(DOB Application #401636510)

Adopted by the Board of Standards and Appeals, August 12, 2003.

323-98-BZ

APPLICANT - Paul Selver, Esq./Jeremiah H. Candreva, Esq., for 801 Eleventh Avenue, LLC, owner.

SUBJECT - Application May 21, 2003 - reopening for an extension of time to complete construction which expired April 27, 2003.

PREMISES AFFECTED - 795 Eleventh Avenue, west side of Eleventh Avenue, between West 55th Street and West 56th Street, Block 1103, Lot 36, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Jeremiah H. Candreva.

ACTION OF THE BOARD - Application re-opened and time extended to complete construction.

THE VOTE TO GRANT-

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and amendment to the resolution to allow for an extension of time to

MINUTES

complete construction for which the term expired on April 27, 2003; and

WHEREAS, a public hearing was held on this application on July 22, 2003, after due notice by publication in The City Record, and laid over to August 12 2003 for decision; and

WHEREAS, on April 27, 1999 the Board granted a special permit to permit, within an M2-3 zoning district within the Special Clinton District, the enlargement of an existing two-story non-residential building, which created a non-compliance with regards to floor area.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution, , said resolution having been adopted on April 27, 1999, so that as amended this portion of the resolution shall read:

"to extend the time to complete construction so that construction shall be completed within twenty four (24) months from the date of this amended resolution, on condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction

THE VOTE TO CLOSE HEARING -
Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0 **THE VOTE TO GRANT-**

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION-

WHEREAS, a public hearing was held on this application on August 12, 2003, after due notice by publication in The City Record, and the decision handed down on August 12, 2003; and

WHEREAS, the applicant has requested an amendment to the special permit, to permit an expansion in the floor area of the school to include the third floor of the subject premises; and

WHEREAS, on August 14, 2001 the Board granted a special permit pursuant to Z.R.73-19, which allowed for the operation of a school at the subject premises located in a C6-2, M1-5 zoning district; and

Resolved, that the Board of Standards and Appeals reopens and amends the resolution, pursuant to Z.R. §73-11, so that as amended this portion of the resolution shall read:

"to permit an expansion in the floor area of the school to include the third floor of the subject premises," on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 11, 2003"-(1) sheet and "August 12, 2003"-(1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

objection(s) only;

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, August 12, 2003.

221-01-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Charand Associates, LLC, owner; The Learning Spring Foundation, Inc., lessee.

SUBJECT - Application July 11, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 252-254 West 29th Street, south side of West 29th Street, Block 778, Lot 70, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD -Application re-opened and resolution amended.

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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."

(DOB Application # 102557537)

Adopted by the Board of Standards and Appeals, August 12, 2003.

402-01-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Ruth Fischl, owner.

SUBJECT - Application May 20, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to complete construction which expired February 26, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 936 East 24th Street, East 24th Street, 260' south of Avenue I, Block 7587, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

MINUTES

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended and term of Variance extended.

THE VOTE TO GRANT-

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of time to complete construction and obtain a new Certificate of Occupancy, for a term which expired on February 26, 2003; and

WHEREAS, the applicant has also requested an amendment to the resolution to permit minor modifications to the previously approved plans, namely, a decrease in floor area, an increase in "to extend the time to complete construction and to extend the time to obtain a new Certificate of Occupancy so that construction shall be completed and a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this amended resolution and to permit minor modifications to the previously approved plans, namely, a decrease in floor area, an increase in open space, a decrease in perimeter wall height and total height, interior partition changes, elimination of the attic as living space, and window and door location changes," on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 6, 2003"-(5) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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."

(DOB ALT 1 Application # 301276679)

Adopted by the Board of Standards and Appeals, August 12, 2003.

867-55-BZ, Vol. II

APPLICANT - Carl A. Sulfaro, Esq., for 66-15 JR Realty Corp., owner.

SUBJECT - Application June 17, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 19, 2001.

PREMISES AFFECTED - 66-11 Borden Avenue, northeast corner of Clinton Avenue, Block 2394, Lot 8, Maspeth, Borough

open space, a decrease in perimeter wall height and total height, interior partition changes, elimination of the attic as living space, and window and door location changes; and

WHEREAS, a public hearing was held on this application on July 22, 2003, after due notice by publication in The City Record, and laid over to August 12, 2003 for decision; and

WHEREAS, on February 26, 2002, the Board granted an application to permit the enlargement of a single family residence, Use Group 1, which did not comply with the zoning requirements for floor area, open space, ratio, and side and rear yards; and

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, reopens and amends the resolution to extend the time to complete construction, which expired on February 26, 2003, so that as amended this portion of the resolution shall read:

of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 10 A.M., for postponed hearing.

202-62-BZ

APPLICANT - Sheldon Lobel, P.C., for Motiva Enterprises, LLC, owners.

SUBJECT - Application April 1, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired April 3, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 950 Allerton Avenue, triangular lot bound by Allerton Avenue, Williamsbridge Road and Paulding Avenue, Block 4447, Lot 62, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to September 9, 2003, at 10 A.M., for decision, hearing closed.

444-67-BZ

APPLICANT - Eric Palatnik, P.C., for Hillside 188th Street Corp, owner; BP Products North America, owner.

SUBJECT - Application June 3, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 187-39 Hillside Avenue, northwest corner of 87-88 to 87-96 188th Street, Block 9960, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to October 7, 2003, at 10 A.M., for continued hearing.

MINUTES

1122-81-BZ

APPLICANT - The Agusta Group, for Brothers Roofing Supplies Co., Inc., owner.

SUBJECT - Application June 12, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 9, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 105-14 Astoria Boulevard, southwest corner of 106th Street and Astoria Boulevard, Block 1692, Lots 3, 5, 9 & 11, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Philip P. Agusta.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Laid over to September 30, 2003, at 10 A.M., for continued hearing.

145-95-BZ

APPLICANT - Sullivan Chester & Gardner, P.C., for LRHC, Inc., d/b/a Lucille Roberts, owner.

SUBJECT - Application June 5, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired November 13, 2002.

PREMISES AFFECTED - 80 Fifth Avenue, southwest corner of West 14th Street, Block 577, Lot 39, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to September 30, 2003, at 10 A.M., for postponed hearing.

134-03-A

APPLICANT - James Periconi, Esq., for Olive Freud.

OWNER OF RECORD - Hudson Waterfront Associate.

SUBJECT - Application April 21, 2003 - An appeal challenging the Department of Buildings' March 20, 2003 denial of applicant's request to revoke the permit for construction at said premises, enforce the conditions of the Special Permit and Restrictive Declaration, Art. II, §2.01(d), dated December 17, 1992, and to enforce the conditions of the Mapping Agreement, dated May 27, 1998.

PREMISES AFFECTED - 240 Riverside Boulevard, a/k/a "Building A", between West 72nd Street and Riverside Boulevard, Block 1171, Lot 105, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: James Periconi, Jason Haber on behalf of Assemblyman Steinf, Leon Mitrani, Edgar Freud, Hugh Ferlenson.

For Opposition: David Paget, T. Caffrey and Michael Bradley

For Administration: Lisa Orantia, Department of Buildings.

THE VOTE TO CLOSE HEARING -

Caliendo and Commissioner Miele.....4 Negative:
.....0

ACTION OF THE BOARD - Laid over to September 9, 2003, at 10 A.M., for decision, hearing closed.

245-90-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Margarita Herskovich and Lyubov Herskovich, owners.

SUBJECT - Application June 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 29, 2001.

PREMISES AFFECTED - 1054 43rd Street, south side of 43rd Street, Block 5602, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #12BK

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:
.....0

ACTION OF THE BOARD - Laid over to October 21, 2003, at 10 A.M., for decision, hearing closed.

195-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Charles & Margaret Collins, lessees.

SUBJECT - Application June 13, 2003 - Proposed building not fronting on a legally mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 31 Kildare Walk, east side, 192.27' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:
.....0

ACTION OF THE BOARD - Laid over to September 9, 2003, at 10 A.M., for decision, hearing closed.

196-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Raymond G. Strype, lessee.

SUBJECT - Application June 13, 2003 - Proposed building not fronting on a legally mapped street, and has a private disposal

MINUTES

system that is being upgraded in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 6 Devon Walk, west side, 20.46' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner
SUBJECT - Application June 13, 2003 - Proposed building not fronting on a legally mapped street, located within the bed of a mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 30 Lincoln Walk, west side, 248.63' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner
Caliendo and Commissioner Miele.....4 Negative:
.....0

ACTION OF THE BOARD - Laid over to September 9, 2003, at 10 A.M., for decision, hearing closed.

198-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; James and Nancy Denison, lessee.

SUBJECT - Application June 13, 2003 - Proposed building not fronting on a legally mapped street, located within the bed of a mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 42 Roosevelt Walk, corner of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner
Caliendo and Commissioner Miele.....4 Negative:
.....0

ACTION OF THE BOARD - Laid over to September 9, 2003, at 10 A.M., for decision, hearing closed.

Caliendo and Commissioner Miele.....4 Negative:
.....0

ACTION OF THE BOARD - Laid over to September 9, 2003, at 10 A.M., for decision, hearing closed.

197-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Joseph & Kathleen Lynch, lessees.

Pasquale Pacifico, Executive Director.

Adjourned: 11:30 P.M.

REGULAR MEETING TUESDAY AFTERNOON, AUGUST 12, 2003 1:30 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele

ZONING CALENDAR

178-02-BZ

APPLICANT - Dominick Salvati & Son Architects, for Diego Salazar, owner.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21 to permit, in an M1-1 zoning district, the legalization of two contiguous buildings on one zoning lot from a laundry facility to a multiple dwelling, Use Group 2, which is contrary to Z.R. Section 42-00.

PREMISES AFFECTED - 57 Eagle Street aka 233 Franklin Street, northwest corner, Block 2494, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Peter Hirshman and Kenneth Heller.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 8, 2002, acting on Application No. 300463228 reads:
"THE CONVERSION OF EXISTING LAUNDRY

MINUTES

FACILITY TO CLASS "A" MULTIPLE DWELLING IS NOT PERMITTED IN AN M1-1 ZONING DISTRICT AND IS CONTRARY TO 42-00 ZR AND IS REFERRED TO THE BSA.”; and

WHEREAS, a public hearing was held on this application on February 4, 2003 after due notice by publication in The City Record, and laid over to April 15, 2003, and then to June 3, 2003, and then to July 22, 2003 and then to August 12, 2003 for decision; and

WHEREAS, the subject site has a frontage of 200 feet along Eagle Street and 100 feet on Franklin Street and is improved with a three-story loft building at 233 Franklin Street and a one-story building at 57 Eagle Street; and

WHEREAS, the record indicates that the site was originally developed as a factory in 1918 and in 1930 was changed to a laundry facility; and

WHEREAS, the applicant represents that the history of development of the site has resulted in a building burdened with no freight elevator and lacking in the modern amenities required for a viable conforming use; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary undue hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

WHEREAS, the record indicates that the subject site is located directly across the street from the Special Franklin Street zoning district which permits residential development within the M1-1 district; and

WHEREAS, the Board notes that the subject application is consistent with the New York City Department of City Planning's currently proposed Greenpoint and Williamsburg rezoning plan; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R.§72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-1 zoning district, the legalization of two contiguous buildings on one zoning lot from a laundry facility to a multiple dwelling, Use Group 2, which is contrary to Z.R. Section 42-00; and

of the Zoning Resolution, limited to the objections cited, to permit, in an M1-1 zoning district, the legalization of two contiguous buildings on one zoning lot from a laundry facility to a multiple dwelling, Use Group 2, which is contrary to Z.R. Section 42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 23, 2002"- (4) sheets, "Received May 20, 2003"- (3) sheets, and "Received July 15, 2003"- (3) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 12, 2003.

265-02-BZ

APPLICANT - Koutsomitris Architects, P.C., for Ramakrishna Vivekanada Center of NY, owner.

SUBJECT - Application October 2, 2002 - under Z.R. §72-21 to permit the proposed rear enlargement to the first and second floors of an existing community facility, Use Group 4, which is being changed from a school, to accessory church uses, located in an R8B and R10 zoning district, which creates non-compliance in regards to rear yard, and is contrary to §24-36 and §54-31.

PREMISES AFFECTED - 19 East 94th Street, south side, 108' west of the intersection of Madison Avenue and East 94th Street, Block 1506, Lot 13, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Application granted on condition.

MINUTES

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

WHEREAS, the decisions of the Borough Commissioner, dated August 5, 2002 acting on Alteration Application No. 102824678 reads:

"PROPOSED EXTENSION DOES NOT MAINTAIN THE REQUIRED 30' REAR YARD AS PER SEC. 54-31 ZR."

WHEREAS, a public hearing was held on this application on May 6, 2003 after due notice by publication in The City Record, and laid over to June 17, 2003, and then to July 15, 2003, and then to August 12, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, the rear enlargement of the first and second floors of an existing community facility, which is located in an R8 and R10 zoning district, which creates rear yard non-compliance and is contrary to §24-36 and §54-31; and

WHEREAS, the subject property served as a school and is currently being converted for accessory uses by the adjoining Church located at 17 East 94th Street; and

WHEREAS, the record indicates that the 17 East 94th Street location is inadequate to meet the Church's programmatic needs because it has a lot width of less than 20'; and

WHEREAS, the subject building contains a cellar, basement, and four stories in height; and

WHEREAS, the applicant represents that, in order to accommodate the programmatic needs of the community facility, adequate room must be provided for food preparation areas as well as research areas; and

WHEREAS, the applicant further represents that the subject premises is currently too small to meet the programmatic needs of the community facility, and the 167 square foot, two-story rear extension will provide the additional space needed by the church; and

WHEREAS, the proposed first floor of the extension will serve as an archive and study area and the second floor will serve as a food preparation area; and

WHEREAS, the applicant represents that there will be no increase in the occupancy of the building as a result of the proposed rear extension; and

WHEREAS, the record indicates that the subject building can easily be converted for Church accessory uses, since it formerly housed a community facility use; and

WHEREAS, the applicant asserts that there will be no increase in traffic attributable to the proposed change in use; and

WHEREAS, the Board finds that the programmatic needs of the community facility create an undue hardship with strict compliance with the provisions of the Zoning Resolution; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit

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

Negative:0

THE RESOLUTION -

organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, the record indicates that the subject building is located in a neighborhood containing residential uses; and

WHEREAS, the Board finds that a community facility may exist in the area 'as of right'; and

WHEREAS, therefore, the Board finds that the subject proposal will not alter the essential character of the neighborhood or substantially impair the appropriate use or development of the surrounding area nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, evidence in the record demonstrates that this proposal, is the minimum necessary to meet the applicant's programmatic needs; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the Board has determined that the proposed action will not result in any significant environmental effects; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, the conversion of, a Use Group 4, school, for accessory church uses with a two-story expansion, contrary to Z.R. Section 42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 23, 2002"- (7) sheets and "June 4, 2003"- (3) sheets and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws including all fire safety and egress requirements, under its jurisdiction irrespective of

MINUTES

plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 12, 2003.

363-02-BZ

APPLICANT - Francis R. Angelino, Esq., for Rohith Rheddy, LLC, owner.

SUBJECT - Application December 16, 2002 - under Z.R. §72-21 to permit, in an R4 zoning district, the extension of a use group 4, Medical office use and occupancy to the first and second floors of a basement and two story building, which is contrary to Z.R. §24-14. PREMISES AFFECTED - 9413 Flatlands Avenue, northeast corner of East 94th Street, Block 8182, Lots 1, 6, 11, 60 and 162, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Francis R. Angelino and Lisa Vengelas.

ACTION OF THE BOARD -Application granted on condition THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 18, 2002 and updated July 24, 2003 acting on Application No. 30008819 reads:

"(1) MEDICAL OFFICES (U.G. 4) IS NOT PERMITTED, AS OF RIGHT USE ON THE SECOND AND THIRD FLOORS (THE TWO TOP FLOORS). FOR A R4 DISTRICT AND AS SUCH, MUST BE REFERRED TO THE BOARD OF STANDARDS AND APPEALS FOR APPROVAL."; and

WHEREAS, a public hearing was held on this application on July 22, 2002 after due notice by publication in The City Record and laid over to August 12, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. '72-21 to permit, in an R4 zoning district, the extension of a use group 4, Medical office use and occupancy to the first and second floors of a basement and two story building, which is contrary to Z.R. Section

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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 I Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, in an R4 zoning district, the extension

24-14; and

WHEREAS, the applicant notes that medical offices or group medical centers are limited to a location below the level of the first story ceiling, except that in multiple dwellings such uses may be located on the second floor, if a separate access is provided and such use existed on January 1, 1948; and

WHEREAS, the subject premises is an irregular L- shaped parcel on the northeast corner of Flatlands Avenue and East 94th Street totaling approximately 24, 825 square feet of lot area; and

WHEREAS, the site contains frontages of approximately 200' feet on the north side of Flatlands Avenue between East 94th and East 95th Streets, approximately 224'-10.5" on the east side of East 94th Street running north to Conklin Avenue, a frontage of approximately 41' on the south side of Conklin Avenue, then running south 100', east 74' south 50' east 85' to a frontage of 95' running south on the west side of East 95th Street; and

WHEREAS, the record indicates the zoning lot has remained vacant for several years and that test borings show poor soil conditions which limit development to three stories; and

WHEREAS, therefore, the Board finds that there are unique conditions to the lot, namely. an irregular L shaped parcel, an inability to retain a conforming user and poor soil conditions, causing the development to be in conflict with applicable bulk requirements creating an undue hardship and a practical difficulty in conforming with the current zoning; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a complying development would not yield a reasonable return; and

WHEREAS, the record indicates that the immediate vicinity, while zoned for residential use is characterized by commercial establishments and community facilities, creating a mixed used character; and

WHEREAS, the Board finds that the proposed development, will neither alter the essential character of the neighborhood, nor impair the appropriate use or development of adjacent property nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

of a use group 4, Medical office use and occupancy to the first and second floors of a basement and two story building, which is contrary to Z.R. §24-14; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 23, 2003"-(4) sheets.; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

MINUTES

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 12, 2003.

366-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Nahum Z. Rabinowitz, owner; Chevra Nachlas Joshua Chasidei Monastritch, lessee.

SUBJECT - Application December 18, 2002 - under Z.R. §72-21 to permit, in an R2 zoning district, the conversion of a 2 story and attic, two-family dwelling to Use Group 4 synagogue and rabbi's apartment (rectory), which does not comply with the zoning requirements for floor area, front yards, lot coverage, and side yards and is contrary to Z.R. §§24-111, 23-141, 24-34, and 24-35.

PREMISES AFFECTED - 2702 Avenue "M" aka 1301 East 27th Street, southeast corner, Block 7663, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Josef Friedman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner

WHEREAS, the applicant represents that the Synagogue located on the first floor will not be used simultaneously with the Synagogue located in the cellar; and

WHEREAS, the applicant asserts that the "as of right" conditions require two 11' side yards and two 15' front yards, therefore permitting only a 4' wide building, which makes a complying or conforming development difficult thus posing an unnecessary hardship on the owner; and

WHEREAS, the applicant asserts that religious custom, namely the location of the Synagogue and the parsonage on the same lot and religious requirements, namely separate private entrances for both male and female members of the congregation, create the a practical difficulty in the construction of a conforming development; and

WHEREAS, the Board finds that the programmatic needs of the community facility create an undue hardship with strict compliance with the provisions of the Zoning Resolution; and

WHEREAS, the Board finds that the aforementioned unique

Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated December 12, 2002 acting on ALT I. Application No. 301476203 reads:

"PROPOSED CONVERSION OF EXISTING NON-CONFORMING TWO (2) FAMILY RESIDENCE TO CONFORMING SYNAGOGUE AND RABBI'S APARTMENT (RECTORY) IS CONTRARY TO Z.R. SEC- 24-111 & 23-141 FLOOR AREA, Z.R. SEC 24-11 MAXIMUM LOT COVERAGE, Z.R. SEC 24-34 FRONT YARD, Z.R. SEC 24-35 SIDE YARDS AND REQUIRES A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS AS PER Z.R. SEC 72-21"; and

WHEREAS, a public hearing was held on this application on May 6, 2003 after due notice by publication in The City Record, and laid over to June 17, 2003 and July 22, 2003 and then to August 12, 2003 for decision; and

WHEREAS, Community Board No. 14 in Brooklyn recommended conditional approval of this application; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit in an R2 zoning district the conversion of a 2 story and attic, two-family dwelling to Use Group 4 synagogue and Rabbi's apartment (rectory), which does not comply with the zoning requirements for floor area, front yards, lot coverage, and side yards and is contrary to Z.R. §§24-111, 23-141, 24-34, and 24-35; and

WHEREAS, the subject parcel is a 30' by 100' corner lot, which is currently improved with a two and one-half story with cellar, two-family dwelling, a porch and a garage; and

WHEREAS, the owner proposes the construction of a one and two story extension to the existing building and a cellar Mikva and Synagogue, a synagogue on the first floor, and a Rabbi's apartment on the second floor and in the attic; and physical conditions, namely the narrowness of the narrowness of the subject lot, create an unnecessary undue hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, the record indicates that the surrounding area consists largely of residential uses mixed with some community facility uses; and

WHEREAS, the applicant represents that the existing synagogue and cellar have been upgraded to IIC construction and that the proposed addition will be IC construction; and

WHEREAS, the applicant has submitted, in response to the Board's Executive session of July 21, 2003, a copy of the prepared deed for the subject property; and

WHEREAS, the applicant represents that the entire building will contain a wet sprinkler system, with a fire alarm system directly

MINUTES

connected to a central station and hard-wired smoke detectors which will be connected to an approved Fire Department central station; and

WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R2 zoning district, the conversion of a 2 story and attic, two-family dwelling to Use Group 4 synagogue and rabbi's apartment (rectory), which does not comply with the zoning requirements for floor area, front yards, lot coverage, and side yards and is contrary to Z.R. §§24-111, 23-141, 24-34, and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 12, 2003.

376-02-BZ

APPLICANT - Harold Weinberg, P.E., for Joseph Stern, owner.
SUBJECT - Application December 30, 2002 - under Z.R. §73-622 to permit the enlargement of An existing one-family dwelling, Use Group 1, in an R2 zoning district which does not comply with the zoning requirements for floor area ratio, open space ratio, and rear yard and is contrary to Z.R. §§23-141, 54-31, 23-47.

PREMISES AFFECTED - 916 East 23rd Street, west side, 100'-0" south of Avenue "I", Block 7586, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner

24-35, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 19, 2003"- (3) sheets, "Received May 29, 2003"- (2) sheets, "Received July 29, 2003"- (3) sheets, "Received December 18, 2002"- (1) sheet and on further condition;

THAT the maximum occupancy of the subject building shall be limited to 120 persons;

THAT the side exit door is to only be used for the Rabbi's private family use;

THAT there shall be no cooking on the premises and the kitchen shall be used for warming food only;

THAT the Mikva hours shall be limited to between 6:15 AM and 8:15 AM in the morning and from about 2 hours before sunset to sunset, Fridays and Holiday eve.

THAT the rectory (apartment) at the second story and attic shall be limited to occupancy of the Rabbi and the immediate family (single family only). The plans have been updated to show New York City Building Code Occupancy Group "J3".

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated December 26, 2002, acting on Application No. 301480966 reads:

"THE PROPOSED ENLARGEMENT OF THE EXISTING ONE-FAMILY RESIDENCE IN AN R2 ZONING DISTRICT

1. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO FLOOR AREA RATIO EXCEEDING THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRARY TO SECTIONS 23-141 & 54-31 OF THE ZONING RESOLUTION

2. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO THE OPEN SPACE RATIO AND CONTRARY TO SECTIONS 23-141 & 54-31 OF THE ZONING RESOLUTION

3. REDUCES THE REAR YARD BELOW 30' AND IS CONTRARY TO SECTION 23-47 OF THE ZONING RESOLUTION; and

WHEREAS, a public hearing was held on this application on July 22, 2003 and then laid over to August 12, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and

MINUTES

neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the enlargement of An existing one-family dwelling, Use Group 1, in an R2 zoning district which does not comply with the zoning requirements for floor area ratio, open space ratio, and rear yard and is contrary to Z.R. §§23-141, 54-31, 23-47; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the perimeter wall height will comply with all applicable zoning regulations; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the enlargement of An existing one-family dwelling, Use Group 1, in an R2 zoning district which does not comply with the zoning requirements for floor area ratio, open space ratio, and rear yard and is contrary to Z.R. §§23-141, 54-31, 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection

71-03-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for Joan and Sanford I. Weill Medical College of Cornell University, owner. SUBJECT - Application April 24, 2003 - under Z.R. § 72-21 to permit the proposed construction of a new ambulatory care building, which would have 13 occupied stories and two mechanical floors above, located in an R10, R8, C1-5 overlay and C2-8 zoning district, which does not comply with the zoning requirement for floor area, front and rear height and setback, rear yard, accessory parking and curb cut, is contrary to Z.R. §§33-121, 33-122, 24-11, 23-15, 35-31, 24-522, 33-431, 24-552, 24-36, 33-26, 33-292, 13-133, 13-143 and 13-142.

PREMISES AFFECTED - 1305 York Avenue, block bounded by York Avenue, East 70th Street, First Avenue and East 69th Street, Block 1464, Los 1, 28, 29, 30, 105, 1001-1210 and 1300-1301.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Kramer Levin, Gary R. Tarnoff and Richard S. Thomas.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

above-noted, filed with this application marked "Received June 6, 2003"-(7) sheets and "July 24, 2003"- (4) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, August 12, 2003.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated February 11, 2003 acting on Application No. 103304657 reads:

- "1) Proposed new building is on a zoning lot located in R10/C1-5, R8/C1-5, R8 and C2-8 zoning districts and does not comply with the floor area regulations of Zoning Resolution Sections 33-121, 33-122, 24-11, 23-15 and 35-31.
- 2) Proposed new building does not comply with the front height and setback regulations of Zoning Resolution Section 24-522 and 33-431 along East 70th Street and York Avenue and rear setback regulations of the Zoning Resolution Section 24-552.
- 3) Proposed new Building does not provide rear yard required pursuant to Zoning Resolution Sections 24-36, 33-26 and 33-292
- 4) Proposed new building contains more accessory parking spaces than allowed by Zoning Resolution Section 13-133 and 13-143.
- 5) Proposed curb cut on York Avenue is contrary to Zoning Resolution Section 13-142 "; and

WHEREAS, a public hearing was held on this application on June 17, 2003 after due notice by publication in The City Record and laid over to July 22, 2003, and then to August 12, 2003 for

MINUTES

decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin and Commissioner Peter Caliendo; and

WHEREAS, Community Board #8, Manhattan, recommends conditional approval of this application; and

WHEREAS, this is an application under Z.R. §72-21, to permit in an R-10, R8, C1-5 overlay and C2-8 zoning districts, the proposed erection of a new ambulatory care building housing 13 stories with two floors of mechanical space above, contrary to zoning requirements for floor area, front and rear height and setback, rear yard, accessory parking and curb cut contrary to Z.R. §§ 33-121, 33-122, 24-11, 23-15, 35-31, 24-522, 33-431, 24-552, 24-36, 33-26, 33-292, 13-133, 13-143 and 13-142; and

WHEREAS, the applicant seeks to construct a 13-story building with two mechanical floors above, approximately 232 feet tall, with 233,903 square feet for floor area to be used in furtherance of the Applicant's patient care, educational and research missions; and

WHEREAS, the subject zoning lot is located on the block bounded by York Avenue, East 70th Street, First Avenue and East 69th Street consisting of lots 1,28, 29, 30, 105, 1001-1210 and

WHEREAS, the Applicant has concluded that the Proposed building requires floor plates of approximately 20,000 gross square feet because ambulatory care, by its nature, requires large floor plates that efficiently accommodate large practices that share common resources; and

WHEREAS, the Applicant contends that the floor plates that may be constructed on the parking lot site alone are insufficient for the applicant's programs, and that therefore the proposed building would entail the demolition of the one-story portion of the fifteen story student dormitory owned by the Applicant immediately to the west of the parking lot site, and the incorporation of the underlying land into the development site, creating 19,983 square foot footprint for the proposed building, which can accommodate floor plates that are appropriately sized for the applicant's ambulatory care needs; and

WHEREAS, the applicant states that there are unique physical conditions which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations; and

WHEREAS, the applicant contends that if the existing buildings were not on the zoning lot, the Applicant would have a very large footprint to work with, and could easily design a building that complies with the front and rear height and setback and rear yard requirements; and

WHEREAS, the requested modification if the curb cut regulations also arises out of the fact that Zoning Lot is already largely developed, in that if the existing buildings were not on the Zoning Lot, more of the East 70th Street frontage could be used for the new building and two curb cuts could be accommodated on East 70th Street without displacing much of the lobby and the building core; and

WHEREAS, the applicant further represents that based upon the existing structures at the site, the irregular shape of the lot, its split zoning designations, and two recent zoning actions that have severely reduced the allowable floor area on the zoning lot, there

1300-1301 with a total lot area of 80,434 square feet; and

WHEREAS, the applicant represents that the zoning lot is irregularly shaped with 100 feet 5 inches of frontage on the west side of York Avenue, the block's entire 613 feet 0 inches of frontage on the south side of East 70th Street, the block's entire 200 feet 10 inches of the East side of First Avenue, and 188 feet 0 inches of frontage on the north side of East 69th Street; and

WHEREAS, the Zoning Lot is currently improved with eight buildings, a 15-story dormitory building owned by the applicant, a 39-story residential building on the corner of East 70th Street and First Avenue, three 5-story residential buildings fronting on First Avenue and three 5-story residential buildings fronting of East 69th Street ; and

WHEREAS, evidence in the record indicates that Lots 28 and 29 of Block 1464 are currently occupied by a temporary parking lot used by staff of the applicant; and

WHEREAS, the applicant contends that because of growth in patient volume and advances in ambulatory patient care, education and research in recent years, the Applicant's existing facilities are no longer adequate and that it therefore requires a new ambulatory care building containing at least 200,000 programmable square feet; and

are unique physical conditions that create practical difficulties in building in strict conformity with the Zoning Resolution; and

WHEREAS, the states that the Proposed Building is required to meet the school's programmatic needs, including the Applicant's programmatic need for additional floor area in order to locate all the program floors above grade and all of the parking spaces below grade; and

WHEREAS, where a non-profit community facility's programming needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it inarguably contravenes public health, safety or welfare or creates a detriment to the character of the neighborhood; and

WHEREAS, therefore, the Board finds that the Board finds that there are physical conditions attributed to the existing zoning lot, namely inadequate floor plates zoning designations, the history of development with medical facility uses, and the functional inadequacies of existing buildings, creates a practical in developing the site in compliance with the current zoning and meeting the applicant's programmatic needs; and

WHEREAS, the area surrounding the site is characterized by large scale institutional buildings on the east and on its west side by a mixture of low-rise tenements and high density residential towers; and

WHEREAS, therefore, the Board finds that the Board finds that there are physical conditions attributed to the existing zoning lot, namely inadequate floor plates zoning designations, the history of development with medical facility uses, and the functional inadequacies of existing buildings, creates a practical in developing the site in compliance with the current zoning and meeting the applicant's programmatic needs; and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the construction will be in furtherance of its programmatic needs; and

WHEREAS, the applicant states that the proposed building

MINUTES

would be shorter than a complying building could be and similar in height to the buildings on the west side of York Avenue; and

WHEREAS, the Board notes that hospital/community facility uses have occupied the site since 1932; and

WHEREAS, the record indicates that the area surrounding the subject Zoning Lot is characterized by large-scale institutional buildings-hospitals, schools, research facilities as well as a mixture of low-rise tenements and high-density residential towers; and

WHEREAS, the applicant represents that the proposed building would also not impair the appropriate use and development of adjacent property, since the 15-story dormitory building located immediately to the west of the development site is owned by the Applicant and has no east-facing windows, and the building located immediately south of the development site, is likewise owned by the

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit in an R-10, R8, C1-5 overlay and C2-8 zoning district, the proposed erection of a new ambulatory care building housing 13 stories with two floors of mechanical space above contrary to zoning requirements for floor area, front and rear height and setback, rear yard, accessory parking and curb cut contrary to Z.R. §§ 33-121, 33-122, 24-11, 23-15, 35-31, 24-522, 33-431, 24-552, 24-36, 33-26, 33-292, 13-133, 13-143 and 13-142, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 24, 2003"- (9) sheets and "June 10, 2003"-(2) sheets; and on further condition;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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

applicant and currently used for student housing and administrative purposes and has no north-facing windows along the lot line; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent property nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, therefore, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

to the relief granted.

Adopted by the Board of Standards and Appeals, August 12, 2003.

145-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Juliana Vincenti, owner.
SUBJECT - Application May 8, 2003 - under Z.R. §73-622 to permit the enlargement to permit the enlargement of a one-family residence, Use Group 1, in an R3-2 zoning district which does not comply with the zoning requirements for floor area ratio, side yard and lot coverage, and is contrary to Z.R. §§23-141, 23-48, 23-141.

PREMISES AFFECTED - 2814 Quentin Road,between East 28th and 29th Streets, Block 6811, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated April 9, 2003, acting on ALT Application No. 301523750 reads:

"THE PROPOSED ENLARGEMENT OF THE EXISTING ONE-FAMILY RESIDENCE IN AN R3-2 ZONING DISTRICT

1. CAUSES AN INCREASE IN THE FLOOR AREA EXCEEDING THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRAY TO THE ALLOWABLE FLOOR AREA RATIO ALLOWED BY SECTION 23-141 OF THE ZONING RESOLUTION

2. PROPOSED SIDE YARD IS LESS THAN THE MINIMUM 5'0" AND 10'0" TOTAL REQUIRED AS PER

MINUTES

SECTION 23-48

3. CAUSES AN INCREASE IN THE LOT COVERAGE EXCEEDING THE ALLOWABLE LOT COVERAGE ALLOWED BY SECTION 23-141 OF THE ZONING RESOLUTION; and

WHEREAS, a public hearing was held on this application on July 22, 2003 and then laid over to August 12, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the perimeter wall height will comply with all applicable zoning regulations; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the enlargement to permit the enlargement of a one-family residence, Use Group 1, in an R3-2 zoning district which does not comply with the zoning requirements for floor area ratio, side yard and lot coverage, and is contrary to Z.R. §§23-141, 23-48, 23-141, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received August 5, 2003"- (9) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, August 12, 2003.

151-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Alan Shrem, owner.

SUBJECT - Application May 15, 2003 - under Z.R. §73-622 to

neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the enlargement of a one-family residence, Use Group 1, in an R3-2 zoning district which does not comply with the zoning requirements for floor area ratio, side yard and lot coverage, and is contrary to Z.R. §§23-141, 23-48, 23-141; and

permit the enlargement of a one-family residence, Use Group 1, in an R3-2 zoning district which does not comply with the zoning requirements for floor area ratio, side yard and lot coverage, and is contrary to Z.R. §§23-141, 23-48, 23-141.

PREMISES AFFECTED - 2812 Quentin Road, between East 28th and 29th Streets, Block 6811, Lot 4, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated August 1, 2003, acting on ALT Application No. 301527122 reads:

"THE PROPOSED ENLARGEMENT OF THE EXISTING ONE-FAMILY RESIDENCE IN AN R3-2 ZONING DISTRICT

1. CAUSES AN INCREASE IN THE FLOOR AREA EXCEEDING THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRARY TO THE ALLOWABLE FLOOR AREA RATIO ALLOWED BY SECTION 23-141 OF THE ZONING RESOLUTION

2. PROPOSED SIDE YARD IS LESS THAN THE MINIMUM 5'0" AND 10'0" TOTAL REQUIRED AS PER SECTION 23-48

3. CAUSES AN INCREASE IN THE LOT COVERAGE EXCEEDING THE ALLOWABLE LOT COVERAGE ALLOWED BY SECTION 23-141 OF THE ZONING RESOLUTION; and

WHEREAS, a public hearing was held on this application on July 22, 2003 and then laid over to August 12, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the enlargement of a one-family residence, Use Group 1, in an R3-2 zoning district which does not comply with the zoning requirements for floor area ratio, side yard and lot coverage, and is contrary to Z.R. §§23-141, 23-48, 23-141; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of

MINUTES

the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the enlargement to permit the enlargement of a one-family residence, Use Group 1, in an R3-2 zoning district which does not comply with the zoning requirements for floor area ratio, side yard and lot coverage, and is contrary to Z.R. §§23-141, 23-48, 23-141, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received August 5, 2003-(9) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, August 12, 2003.

377-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Rabbi Naftali Babad, owner; Cong. Kahal Tarnopol (long term lessee).

SUBJECT - Application December 31, 2002- under Z.R. §72-21 to permit the proposed merging and expansion of two, two-story plus basement buildings, to become one-three story, cellar and basement synagogue, with Rabbi's apartment, Use Group 4, located in an R5 zoning district, which creates non-compliance with respect to lot coverage ratio, also side and rear yards, is contrary to Z.R. §24-11, §24-35 and §24-36.

PREMISES AFFECTED - 163/65 Parkville Avenue, north side, 198' west of Ocean Parkway, Block 5423, Lots 60 and 61, Borough of Brooklyn.

COMMUNITY BOARD #14BK

284-01-BZ

WHEREAS, the perimeter wall height will comply with all applicable zoning regulations; and

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for continued hearing.

176-03-BZ

APPLICANT - Stadtmauer Bailkin, LLP, for 219-44 Jamaica Avenue, 220-02 Jamaica Avenue, LLC, owner; Public Storage, Inc, lessee.

SUBJECT - Application May 22, 2003 - under Z.R. §72-21, to permit within a C1-2 and R3-2 zoning district a change of use from automobile repair shop and automobile sales to storage warehouse (Use Group 16), which is contrary to Z.R. §32-00.

PREMISES AFFECTED - 220-02 Jamaica Avenue, a/k/a 219-42/54 Jamaica Avenue, southern side of Jamaica Avenue between Springfield Boulevard and 222nd Street, Block 10789, Lots 256 and 264, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Steven Sinacori.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for continued hearing.

233-01-BZ

APPLICANT - Rampulla Associates Architects, for Heller Realty Corporation, owner.

SUBJECT - Application July 9, 2001 - under Z.R. §72-21, to permit the proposed construction of a mixed use 16 story commercial/residential building, Use Groups 2 and 6, in an M1-5 zoning district, in which the residential use with accessory off street parking spaces is not permitted, and also does not meet the zoning requirement for outer courts, which is contrary to Z.R. §42-10, §13-11, §13-12 and §23-84.

PREMISES AFFECTED - 537 West 19th Street, northwest corner of 11th Avenue, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Irving Minkin and Ken Heller.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to November 5, 2003, at 1:30 P.M., for decision, hearing closed.

APPLICANT - Stanley K. Schlein, Esq., for Silver Lake Realty

MINUTES

Partnership, owner.

SUBJECT - Application October 3, 2001 - under Z.R. §72-21, to permit the proposed expansion of an existing nursing home, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, is contrary to Z.R. §24-111.

PREMISES AFFECTED - 275 Castleton Avenue, 26' east of the northeast corner of Castleton Avenue and Harbor View Court, Block 119, Lot 104, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Pat Jones.

For Opposition: Diane O'Donnell and Denise Bilezikjian.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 1:30 P.M., for continued hearing.

66-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Harry Einhorn, owner.
SUBJECT - Application February 20, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, Use Group 2, in an M3-1 residential building, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 439 Marcy Avenue, Lot fronting on Marcy Avenue and Union and Wallabout Streets, Block 2249, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for decision, hearing closed.

258-02-BZ

APPLICANT - Jesse Masyr, Esq., Wachtel & Masyr, LLP, for Inex Fulton, owner.

SUBJECT - Application September 24, 2002 - under Z.R. §72-21 to permit the proposed conversion of a one and four story manufacturing building to residential use, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 7/13 Ash Street, a/k/a 1164/66 Manhattan Avenue, northeast corner, Block 2477, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for continued hearing.

44-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Josephine Valletta, owner; Nissan Lift of New York, lessee.

SUBJECT - Application February 7, 2003 - under Z.R. §72-21 to permit the proposed enlargement, both vertically and horizontally of

275-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for BFN Realty, LLC, owner.

SUBJECT - Application October 10, 2002 - under Z.R. §72-21 to permit the legalization of 34 residential units, Use Group 2, located in an M1-2 zoning district, on the second floor of a two story building, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 160 North Fourth Street, between Driggs and Bedford Avenues, Block 2352, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES -

For Applicant: Chris Wright.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for decision, hearing closed.

315-02-BZ

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for 225-227 West 60th Street, LLC, owner.

SUBJECT - Application October 25, 2002 - under Z.R. §72-21 to permit the proposed construction of a mixed-use building, containing college facilities and apartments, Use Groups 2 and 3, located in an R8 zoning district, which does not comply with the zoning requirements for floor area ratio, number of dwelling units, setback, rear setback, sky exposure plane and lot coverage, is contrary to Z.R. §23-142, §24-11, §24-20, §24-16, §24-33 and §24-522.

PREMISES AFFECTED - 223/27 West 60th Street, north side, between Amsterdam and West End Avenues, Block 1152, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Howard Weiss.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for decision, hearing closed.

an existing non-conforming one story commercial use, Use Group 16, located in an R5 zoning district, which is contrary to Z.R. §54-30.

PREMISES AFFECTED - 97-20 99th Street, 100' south of 97th Avenue, between 97th and 101st Avenues, Block 9075, Lot 32,

MINUTES

Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to September 30, 2003, at 1:30 P.M., for continued hearing.

119-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Columbus Centre, LLC, owner; Equinor Columbus Centre, Inc., lessee.

SUBJECT - Application April 14, 2003 - under Z.R. §73-36 to permit the proposed physical culture establishment, within portions of the ground floor and second sub-cellar of fifty-four mixed use building, currently under construction, located in an C6-6(MiD) zoning district, which requires a special permit as per Z.R. §§32-10 and 81-10.

PREMISES AFFECTED - 10 Columbus Circle, a/k/a 301 West 58th Street, a/k/a 300 West 60th Street, northwest corner of west 58th Street and Columbus Circle, Block 1049, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Adam Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for decision, hearing closed.

142-03-BZ

APPLICANT - George Sirinakis/Phanuel Soba, for Ishamael Miller, owner.

SUBJECT - Application May 1, 2003 - under Z.R. §§11-412 & 11-413

to permit the proposed auto repair shop, Use Group 16, located in a C2-2 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 140-20 Farmers Boulevard, northwest corner of 142nd Avenue, Block 12592, Lot 315, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to October 28, 2003, at 1:30 P.M., for postponed hearing.

APPLICANT - Eric Palatnik, P.C., for King Carmichael, owner; BP Products North America, lessee.

SUBJECT - Application May 23, 2003 - under Z.R. §73-211 to permit the continued use of the premises as an automotive service station, Use Group 16, also a modification to the existing signage, located in a C2-2 within an R3-2 zoning district, which is contrary to Z.R. §32-35.

PREMISES AFFECTED - 114-02 Van Wyck Expressway,

146-03-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for 1511 Third Avenue Associates, LLC, c/o The Related Companies, L.P., owner; Equinox 85th Street, Inc, lessee.

SUBJECT - Application May 9, 2003 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located on the second floor, and portions of the third and fourth floors, in a four story commercial and community facility building, in an C2-8A zoning district, which requires a special permit.

PREMISES AFFECTED - 1511 Third Avenue, a/k/a 201 East 85th Street, southwest corner of Block bounded by Second and Third Avenues, and East 85th and 86th Streets, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Michael T. Sillerman.

For Opposition: Marvin Mitzner.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to October 21, 2003, at 1:30 P.M., for decision, hearing closed.

154-03-BZ

APPLICANT - Steven Sinacori for Stadtmauer Bailkin, LLP, for 100-05 92nd Avenue Realty, Corporation, owner.

SUBJECT - Application May 15, 2003 - under Z.R. §72-21 to permit the proposed change of use of a vacant industrial building, to a multiple dwelling, Use Group 2, located within an R3-1 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 100-05 92nd Avenue, corner of 102nd Street, Block 9306, Lot 30, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Steven Sinacori.

For Opposition: Carl Perrera.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for decision, hearing closed.

178-03-BZ

southwest corner of Linden Boulevard, Block 11661, Lot 7, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to October 7, 2003, at 1:30 P.M., for continued hearing.

MINUTES

179-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Sephardic Foundation for Torah Studies, Inc, owner.

SUBJECT - Application May 28, 2003 - under Z.R. §72-21 to permit the proposed construction of a synagogue and twenty-one apartments, Use Groups 2 and 4, with a twenty-three car garage, accessory to the residential use, located in an R6-A zoning district, which does not comply with the zoning requirements for floor area, base and building height, is contrary to Z.R. §24-11 and §23-633. PREMISES AFFECTED - 402 Avenue "U", aka 2133 East Second Street, southeast corner, Block 7129, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Howard Hornstein.

For Opposition: Steven Eriquez, Francesca Renda and Angelina Eriquez.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 1:30 P.M., for continued hearing.

185-03-BZ

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin LLP, for AJJ Canal, LLC, owner.

SUBJECT - Application June 4, 2003 - under Z.R. §72-21 to permit the proposed change of use of a portion of an area located on the building's first floor, formerly occupied by single screen movie theater to retail use, and also a portion of the cellar for the same use, Use Group 6, in an existing three story with cellar commercial building, located in an M1-5B zoning district, is contrary to Z.R. §42-14 D2(b).

PREMISES AFFECTED - 277 Canal Street, northeast corner of Broadway, Block 209, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Zipser.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for decision, hearing closed

WEDNESDAY MORNING, AUGUST 13, 2003

10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele

70-03-BZ

187-03-BZ

APPLICANT - Marvin B. Mitzner, Esq. of Fischbein Badillo Wagner Harding, for Robert Hollander and Steve Abrahms, owners.

SUBJECT - Application June 6, 2003 - under Z.R. §73-125 to permit the reestablishment of an expired special permit, previously granted under Cal. No. 142-88-BZ, which permitted medical offices, Use Group 4, that exceeded 1,500 square feet of floor area in an R2 zoning district.

PREMISES AFFECTED - 214-02 24th Avenue, southeast corner of Bell Boulevard, Block 6001, Lot 55, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Marvin Mitzner and Peter Geis.

For Opposition: Maria Passas and William Drosopoulos.

ACTION OF THE BOARD - Laid over to September 30, 2003, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 4:30 P.M.

DISMISSAL CALENDAR

APPLICANT - New York City Board of Standards and Appeals. OWNER OF PREMISES: Flatlands 84th Realty Corp.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 761 East 84th Street, east side of East 84th Street, 89' north of Flatlands Avenue, Block 8005, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Carl A. Sulpharo, Esq.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

MINUTES

Affirmative: Commissioner Chin, Vice-Chair Babbar Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Adopted by the Board of Standards and Appeals, August 13, 2003.

77-03-BZ & 78-03-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Better Luxury Home, Inc.

SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 260-32 Grand Central Parkway, east side of Grand Central Parkway, 9' south of Grand Central Parkway and 267th Street, Block 8443, Lot 123, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Gerald Caliendo.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Adopted by the Board of Standards and Appeals, August 13, 2003.

85-03-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: 926 Bedford LLC, owner.

SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 922/926 Bedford Avenue, a/k/a 371 Willoughby Avenue, northwest corner of Bedford Avenue and Willoughby Avenue, Block 1914, Lots 43, 44, 46 (tentative Lot 43), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Application withdrawn.

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Sando Realty by David Mosher
SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 1800 Coney Island Avenue, west side, 260' north of Avenue O, south of Avenue N, Block 6592, Lot 34, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Laid over to December 10, 2003, at 10 A.M., for continued hearing.

276-02-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Morton Osterman.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Adopted by the Board of Standards and Appeals, August 13, 2003.

177-86-BZ

APPLICANT - New York City Board of Standards and Appeals..

OWNER OF PREMISES: Harry & Brady Santoro
SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 851 Forest Avenue, north side 348' West of Broadway, Block 220, Lot 78, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 10 A.M., on the Special Order Calendar.

132-92-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Joseph DiStefano.

SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 3948-52 Amboy Road, south side of Amboy Road, between Hillside Terrace and Brown Avenue, Block 5142, Lot 22, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to October 7, 2003, at 10 A.M., on the Special Order Calendar.

263-02-BZ

SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 160 Norfolk Street, west side, 300' north of Oriental Boulevard, and south of Shore Boulevard, Block 8756, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 10 A.M., for Special Order Calendar.

361-02-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: 214 25 Street Corp.

SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 214 25th Street, between Fourth and Fifth Avenue, Block 655, Lot 13, Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #7BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to November 18, 2003, at 10 A.M., for Special Order Calendar.

290-02-BZ thru 314-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Edgewater Development, Inc.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED -

114-01 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 125, Borough of Queens.

114-03 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 126, Borough of Queens.

114-05 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 127, Borough of Queens.

114-07 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 128, Borough of Queens.

114-09 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 129, Borough of Queens.

114-11 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 130, Borough of Queens.

114-13 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 131, Borough of Queens.

114-15 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 132, Borough of Queens.

114-21 Taipei Court, north side, 501' west of 115th Street, Block 4019, Lot 133, Borough of Queens.

114-23 Taipei Court, north side, 491' west of 115th Street, Block 4019, Lot 134, Borough of Queens.

114-25 Taipei Court, north side, 471' west of 115th Street, Block 4019, Lot 135, Borough of Queens.

114-27 Taipei Court, north side, 451' west of 115th Street, Block 4019, Lot 136, Borough of Queens.

114-29 Taipei Court, north side, 421' west of 115th Street,

84-03-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Nissan Perla

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 35-40 30th Street, aka 35-37 29th Street, frontage on West side of 30th Street, east side of 29th Street, between 35th and 36th Avenues, Block 341, Lot 6, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 10 A.M., on the Special Order Calendar.

Block 4019, Lot 137, Borough of Queens.

114-31 Taipei Court, north side, 411' west of 115th Street, Block 4019, Lot 138, Borough of Queens.

114-33 Taipei Court, northwest corner of 115th Street, Block 4019, Lot 139, Borough of Queens.

114-35 Taipei Court, north side, 371' west of 115th Street, Block 4019, Lot 141, Borough of Queens.

114-20 Taipei Court, south side, 501' west of 115th Street, Block 4019, Lot 124, Borough of Queens.

114-22 Taipei Court, south side, 491' west of 115th Street, Block 4019, Lot 123, Borough of Queens.

114-24 Taipei Court, south side, 471' west of 115th Street, Block 4019, Lot 122, Borough of Queens.

114-26 Taipei Court, south side, 451' west of 115th Street, Block 4019, Lot 121, Borough of Queens.

114-28 Taipei Court, south side, 431' west of 115th Street, Block 4019, Lot 119, Borough of Queens.

114-30 Taipei Court, south side, 411' west of 115th Street, Block 4019, Lot 117, Borough of Queens.

114-32 Taipei Court, south side, 391' west of 115th Street, Block 4019, Lot 116, Borough of Queens.

114-34 Taipei Court, south side, 371' west of 115th Street, Block 4019, Lot 115, Borough of Queens.

114-36 Taipei Court, south side, 391' west of 115th Street, Block 4019, Lot 114, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Laid over to December 10, 2003, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director

Adjourned: 10:20 A.M.

MINUTES

**SPECIAL MEETING
WEDNESDAY MORNING, AUGUST 13, 2003
11:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.

ZONING CALENDAR

256-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 160 Imlay Street Real Estate LLC, owner.

SUBJECT - Application September 18, 2002- under Z.R. §72-01 to permit the proposed development of a vacant six story manufacturing building, and the addition of three floors, for residential use, Use Group 2, located in an M2-1 zoning district, which is contrary to Z.R. §42-00 and §43-00.

PREMISES AFFECTED - 160 Imlay Street, bounded by Imlay, Verona and Commerce Streets, and Atlantic Basin, Block 515, Lot 75, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Chris Wright, Howard Goldman.

For Opposition: Peter Brightbill.

ACTION OF THE BOARD - Laid over to November 18, 2003, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:10 A.M.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, Nos. 34-37

September 18, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

John E. Reisinger, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

CONTENTS

| | |
|-------------------------------------|---------|
| DOCKET | 629-632 |
| CALENDAR of October 21, 2003 | |
| Morning | 633 |
| Afternoon | 634 |
| CALENDAR of October 28, 2003 | |
| Morning | 634 |
| Afternoon | 635 |

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, September 9, 2003**

Morning Calendar636

Affecting Calendar Numbers:

| | |
|---------------------------|---|
| 830-86-BZ | 1720/28 Sheephead Bay Road, Brooklyn |
| 263-98-BZ | 118 Oxford Street, Brooklyn |
| 849-49-BZ | 110 West 57 th Street, Manhattan |
| 931-57-BZ | 535 Vanderbilt Avenue, a/k/a 1047 Van Duzer Street, Staten Island |
| 202-62-BZ | 950 Allerton Avenue, Bronx |
| 36-70-BZ | 200-204 West 79 th Street, a/k/a 380 Amsterdam Avenue, Manhattan |
| 140-71-BZ | 12-40/42 150 th Street, Queens |
| 994-77-BZ | 89-43/49 Doran Avenue, Queens |
| 1043-80-BZ | 1680/88 Albany Avenue, a/k/a 4024 Marginal Street, Brooklyn |
| 1122-81-BZ | 105-14 Astoria Boulevard, Queens |
| 37-96-BZ | 1601 Bronxdale Avenue, Bronx |
| 235-01-BZ | 2009 Mermaid Avenue, a/k/a 2879 West 21 st Street, a/k/a 2882 West 20 th Street, Brooklyn |
| 188-03-A | 4 Bayview Walk, Queens |
| 195-03-A | 31 Kildare Walk, Queens |
| 196-03-A | 6 Devon Walk, Queens |
| 197-03-A | 30 Lincoln Walk, Queens |
| 198-03-A | 42 Roosevelt Walk, Queens |
| 21-02-A thru 25-02-A | 258-31/258-33/258-35/258-37/258-39 Francis Lewis Boulevard, Queens |
| 287-02-A thru 289-02-A | 3/5/7 Reynolds Court, Staten Island |
| 177-03-A | 626 West 254 th Street, Bronx |
| 180-03-A | 86 Sweetbrook Road, Staten Island |

CONTENTS

Afternoon Calendar.....643

Affecting Calendar Numbers:

282-01-BZ 222 Wallabout Street, Brooklyn
283-01-BZ 266 Lee Avenue, Brooklyn
384-01-BZ 218 Wallabout Street, Brooklyn
29-03-BZ 1179 East 28th Street, Brooklyn
30-03-BZ 333/43 Lorimer Street, Brooklyn
75-03-BZ 326 Seventh Avenue, Manhattan
176-03-BZ 220-02 Jamaica Avenue, a/k/a 219-42/54 Jamaica Avenue, Queens
60-02-BZ 3849 Bedford Avenue, Brooklyn
185-02-BZ 93/101 North Ninth Street, Brooklyn
210-02-BZ thru 78-01/78-03/78-05/78-07 Myrtle Avenue, Queens
213-02-BZ
222-02-BZ 2547 East 12th Street, Brooklyn
229-02-BZ thru 24/32/42 Walton Street, Brooklyn
231-02-BZ
241-02-BZ 130 Third Street, Brooklyn
254-02-BZ 41/45 South Fifth Street, Brooklyn
334-02-BZ thru 1281/1283/1287 Atlantic Avenue, Brooklyn
336-02-BZ
377-02-BZ 163/65 Parkville Avenue, Brooklyn
68-03-BZ 649 39th Street, Brooklyn
73-03-BZ 400 Lenox Avenue, Manhattan
100-03-BZ 3448 Bedford Avenue, Brooklyn
138-03-BZ 79-59/77 Cooper Avenue, Queens
140-03-BZ 1855 Richmond Avenue, Staten Island
141-03-BZ 10 Graham Avenue, a/k/a 747/49 Broadway, Brooklyn
149-03-BZ 23-08 South Avenue, Queens
182-03-BZ 1238 East 24th Street, Brooklyn
189-03-BZ 836 East 233rd Street, Bronx
219-03-BZ 175-15 Rockaway Boulevard, Queens
220-03-BZ 175-21 149th Avenue, a/k/a 175-48 148th Avenue, Queens

CORRECTION.....654-655

Affecting Calendar Number:

214-02-BZ 55 Berry Street, Brooklyn

DOCKET

New Case Filed Up to September 9, 2003

259-03-A B.Q. 4 Newport Walk,
west side, 368.86' south of Breezy Point Boulevard, Block
16350, Lot 400, Borough of Queens. Alt.1 #401623310.
Proposed enlargement of an existing one family dwelling,
not fronting on a legally mapped street, and has an
upgraded private disposal system located partially in the
bed of a private service road is contrary to Section 36,
Article 3 of the General City Law and The Department of
Buildings' policy.

260-03-BZ B.BK. 20 Grand
Avenue,
between Flushing and Park Avenues, Block 1877, Lot 35,
Borough of Brooklyn. Alt. #301619327. The legalization of
sixty (60) residential units, in an existing seven story
building, located in an M1-2 zoning district, is contrary to
Z.R. §42-00.
COMMUNITY BOARD #2BK

261-03-BZ B.BX. 1404/06 Stebbins Avenue,
northeast corner of East 170th Street, Block 2965, Lot 36,
Borough of The Bronx. Applic. #200565619. The
legalization of an existing one story building, as an auto
repair shop, Use Group 16, located in an R7-1 zoning
district, is contrary to Z.R. §23-00.
COMMUNITY BOARD #3BX

262-03-BZ B.BK. 1564 East 28th
Street,
west side, between Avenue "P" and Kings Highway, Block
7688, Lot 82, Borough of Brooklyn. Alt.II #300686096.
The legalization of an enlargement to an existing one family
dwelling, which does not comply with the zoning
requirements for floor area and rear yard, is contrary to
Z.R. §23-47 and §23-142.
COMMUNITY BOARD #15BK

263-03-A B.BK. 1638 Eighth Avenue,
west side, 110-5' east of Prospect Avenue, Block 1112,
Lot 52, Borough of Brooklyn. Applic. #301172184. An
administrative appeal challenging the Department of
Buildings' final determination dated August 13, 2003, in
which the Department refused to revoke the certificate of
occupancy, on the basis that the applicant had satisfied all
objections regarding said premises.

264-03-BZ B.BK. 2713 Avenue "N",
66' west of East 28th Street, Block 7663, Lot 5, Borough of
Brooklyn. Alt. #301620850. Proposed enlargement of a
single family residence, located in an R2 zoning district,
which does not comply with the zoning requirements for
floor area ratio, open space ratio and side yard, is contrary
to Z.R. §23-141 and §23-461.
COMMUNITY BOARD #14BK

265-03-BZ B.Q. 28-56/60 Steinway
Street,
northwest corner of 30th Avenue, Block 662, Lot 41,
Borough of Queens. Applic. #401705963. Proposed
physical culture establishment, located on the second and
third floors of an existing three story commercial structure,
situated within C2-2 and C4-2A zoning districts, requires a
special permit from the Board as per Z.R §73-36.
COMMUNITY BOARD #1Q

266-03-BZ B.BK. 1710/12 McDonald
Avenue, west side, 60' south of Avenue "O", Block 6607,
Lot 10, Borough of Brooklyn. Applic. #301265244.
Proposed enlargement of an existing warehouse
(furniture), situated in an M1-1 zoning district, by
constructing a one-story addition at the rear, that will
encroach into the required yard between district
boundaries, is contrary to Z.R. §43-302.
COMMUNITY BOARD #11BK

267-03-BZ B.BK. 2/6 Berry Street,
194/96 North 14th Street, south side, between Wythe
Avenue to the west and Berry Street to the east, Block
2279, Lot 13, Borough of Brooklyn. Applic. #301572395.
Proposed construction of three attached six and seven
story buildings, Use Group 2, located in an M1-1 zoning
district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #1BK

268-03-BZ B.Q. 145-55 Guy Brewer
Boulevard, a/k/a 145-51/67 Guy Brewer Boulevard and
145-54/66 Farmers Boulevard, northeast corner, Block
13313, Lot 40, Borough of Queens. Alt.1 #401702617.
The reestablishment of a previous variance granted by the
Board under Cal.#704-53-BZ for an automotive service
station, the legalization of the existing air station, vacuum
and beverage machines, and the modification of the
existing signage, is contrary to Z.R. §32-35.
COMMUNITY BOARD #13Q

DOCKET

269-03-BZ B.M. 333 Pearl Street, northwest corner of Frankfort Street, Block 94, Lot 1, Borough of Manhattan. Alt.II #103518506. Proposed installation of a wireless telecommunications facility (30' radio communications monopole), on the grassy lawn portion of subject property, located in an R-8 zoning district, requires a special permit from the Board as per Z.R. §22-21.

COMMUNITY BOARD #1M

270-03-BZ B.Q. 108-36/50 Queens Boulevard, southeast corner of 71st Road, Block 3257, Lot 1 (formerly 1 and 42), Borough of Queens. N.B. #401696562. Proposed erection and maintenance of a mixed use building, Use Groups 2 and 6, with less than the required open space, and which exceeds the permitted floor area ratio, located on a site that is divided by two zoning districts (C4-2 and R7-1), is contrary to §35-23, §23-142, §35-33 and §35-32.

COMMUNITY BOARD #6Q

271-03-BZ B.BK. 976 Metropolitan Avenue, between Catherine Street and Morgan Avenue, Block 2918, Lot 3, Borough of Brooklyn. N.B. #301628969. Proposed construction of a five family, three-story multiple dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10, §42-11 and §42-12.

COMMUNITY BOARD #1BK

272-03-BZ B.S.I. 4106 Hylan Boulevard, south side, between Goodall and Glover Streets, Block 5307, Lots 6, 7, 13 and 14 (tentative Lot 6), Borough of Staten Island. Applic. #500634619. Proposed construction of a cellar and two story retail building, Use Group 6, with accessory off-street parking for twenty-five cars, with a curb cut on Hylan Boulevard which is not permitted, also the proposed building in the required arterial setback is not permitted, is contrary to Z.R. §22-10, §107-251(a) and §107-251(b).

COMMUNITY BOARD #3SI

273-03-BZ B.Q. 211-51 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 92, Borough of Queens. N.B. #401632630. Proposed construction of a two-story, semi-detached, two family residence, located in an R-2 zoning district, which does not comply with the zoning requirements for zoning district, number of dwelling units, floor area, floor area ratio, and open space ratio, is contrary to Z.R. §23-22, §23-141(a) and §23-141.

COMMUNITY BOARD #13Q

274-03-BZ B.Q. 211-49 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 93, Borough of Queens. N.B. #401632621. Proposed construction of a two-story, semi-detached, two family residence, located in an R-2 zoning district, which does not comply with the zoning requirements for zoning district, number of dwelling units, floor area, floor area ratio, and open space ratio, is contrary to Z.R. §23-22, §23-141(a) and §23-141.

COMMUNITY BOARD #13Q

275-03-BZ B.Q. 211-47 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 94, Borough of Queens. N.B. #401632612. Proposed construction of a two-story, semi-detached, two family residence, located in an R-2 zoning district, which does not comply with the zoning requirements for zoning district, number of dwelling units, floor area, floor area ratio, and open space ratio, is contrary to Z.R. §23-22, §23-141(a) and §23-141.

COMMUNITY BOARD #13Q

276-03-BZ B.Q. 211-45 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 95, Borough of Queens. N.B. #401632603. Proposed construction of a two-story, semi-detached, two family residence, located in an R-2 zoning district, which does not comply with the zoning requirements for zoning district, number of dwelling units, floor area, floor area ratio, and open space ratio, is contrary to Z.R. §23-22, §23-141(a) and §23-141.

COMMUNITY BOARD #13Q

277-03-BZ B.Q. 211-43 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 96, Borough of Queens. N.B. #401632596. Proposed construction of a two-story, semi-detached, two family residence, located in an R-2 zoning district, which does not comply with the zoning requirements for zoning district, number of dwelling units, floor area, floor area ratio, and open space ratio, is contrary to Z.R. §23-22, §23-141(a) and §23-141.

COMMUNITY BOARD #13Q

DOCKETS

278-03-BZ B.Q. 211-41 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 97, Borough of Queens. N.B. #401632587. Proposed construction of a two-story, semi-detached, two family residence, located in an R-2 zoning district, which does not comply with the zoning requirements for zoning district, number of dwelling units, floor area, floor area ratio, and open space ratio, is contrary to Z.R. §23-22, §23-141(a) and §23-141.

COMMUNITY BOARD #13Q

279-03-BZ B.Q. 211-54 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 98, Borough of Queens. N.B. #401632578. Proposed construction of a two-story, semi-detached, two family residence, located in an R-2 zoning district, which does not comply with the zoning requirements for zoning district, number of dwelling units, floor area, floor area ratio, and open space ratio, is contrary to Z.R. §23-22, §23-141(a) and §23-141.

COMMUNITY BOARD #13Q

280-03-BZ B.Q. 211-52 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 99, Borough of Queens. N.B. #401632569. Proposed construction of a two-story, semi-detached, two family residence, located in an R-2 zoning district, which does not comply with the zoning requirements for zoning district, number of dwelling units, floor area, floor area ratio, and open space ratio, is contrary to Z.R. §23-22, §23-141 (a) and §23-141.

COMMUNITY BOARD #13Q

281-03-BZ B.Q. 211-50 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 100, Borough of Queens. N.B. #401632550. Proposed construction of a two-story, semi-detached, two family residence, located in an R-2 zoning district, which does not comply with the zoning requirements for zoning district, number of dwelling units, floor area, floor area ratio, and open space ratio, is contrary to Z.R. §23-22, §23-141(a) and §23-141.

COMMUNITY BOARD #13Q

282-03-BZ B.Q. 211-48 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 101, Borough of Queens. N.B. #401632541. Proposed construction of a two-story, semi-detached, two family residence, located in an R-2 zoning district, which does not comply with the zoning requirements for zoning district, number of dwelling units, floor area, floor area ratio, and open space ratio, is contrary to Z.R. §23-22, §23-141(a) and §23-141.

COMMUNITY BOARD #13Q

283-03-BZ B.Q. 211-46 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 102, Borough of Queens. N.B. #401632532. Proposed construction of a two-story, semi-detached, two family residence, located in an R-2 zoning district, which does not comply with the zoning requirements for zoning district, number of dwelling units, floor area, floor area ratio, and open space ratio, is contrary to Z.R. §23-22, §23-141 (a) and §23-141.

COMMUNITY BOARD #13Q

284-03-BZ B.Q. 211-44 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 103, Borough of Queens. N.B. #401632523. Proposed construction of a two-story, semi-detached, two family residence, located in an R-2 zoning district, which does not comply with the zoning requirements for zoning district, number of dwelling units, floor area, floor area ratio, and open space ratio, is contrary to Z.R. §23-22, §23-141(a) and §23-141.

COMMUNITY BOARD #13Q

285-03-BZ B.Q. 211-42 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 104, Borough of Queens. N.B. #401632514. Proposed construction of a two-story, semi-detached, two family residence, located in an R-2 zoning district, which does not comply with the zoning requirements for zoning district, number of dwelling units, floor area, floor area ratio, and open space ratio, is contrary to Z.R. §23-22, §23-141(a) and §23-141.

COMMUNITY BOARD #13Q

DOCKET

286-03-BZ B.Q. 148 Beach 116th Street, 200' north of the Ocean Promenade, Block 16188, Lot 30, Borough of Queens. Applic. #401703402. Proposed renovation of the existing building, to facilitate a retail store with accessory storage, as well as offices with accessory storage, Use Group 6, located in C1-2 and R5 zoning districts, is contrary to Z.R. §22-00.

COMMUNITY BOARD #14Q

287-03-BZ B.BK. 430 Keap Street, southeast corner of Hope Street, Block 2387, Lot 2, Borough of Brooklyn. N.B. #301535159. Proposed construction of a six-story residential building, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

288-03-BZ B.Q. 109-17 Horace Harding Expressway, northeast corner of Saultell Avenue, Block 1969, Tentative Lot 2, Borough of Queens. Applic. #401633684. Proposed construction of a three story vertical and horizontal enlargement to an existing two story hotel, Use Group 5, located in a C2-2 within an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, height and non-complying signs, is contrary to Z.R. §33-121, §33-341, §32-641-643, §32-652 and §32-655.

COMMUNITY BOARD #4Q

289-03-BZ B.BK. 440 Morgan Avenue, southeast corner of Frost Street, Block 2869, Lot 5, Borough of Brooklyn. Applic. #301391802. The legalization of an existing contractor' establishment, Use Group 16, located in an M1-1 zoning district, which is currently overbuilt by 21% beyond the permitted floor area ratio of 1.0 is contrary to Z.R. §43-12.

COMMUNITY BOARD #1BK

290-03-BZ B.M. 1097 Second Avenue, west side, 40' south of East 56th Street, Block 1331, Lot 126, Borough of Manhattan. Alt.1 #103523457. The legalization of an existing physical culture establishment, located on the second floor of a four story building, in a C2-8(TA special district), requires a special permit from the Board as per Z.R. §73-36.

COMMUNITY BOARD #6M

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

OCTOBER 21, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, October 21, 2003, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

254-63-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 301 East 66th Street Condominium, owner.
SUBJECT - Application July 10, 2003 - reopening for an extension of term of variance which expired June 20, 2003.
PREMISES AFFECTED - 301 East 66th Street, aka 1260-1274 Second Avenue, East side of Second Avenue from East 66th Street to East 67th Street, Block 1441, Lot 1, Borough of Manhattan.
COMMUNITY BOARD #8M

207-68-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Deerfield Meadows Inc., dba Castro Convertibles, owner.
SUBJECT - Application July 14, 2003 - reopening for an extension of term of variance which expired June 18, 2003.
PREMISES AFFECTED - 115-58 Dunkirk Street, westerly side of Dunkirk Street, 80' north of Newburg Street, Block 10315, Lots 134, 225, 227, Borough of Queens.
COMMUNITY BOARD #12Q

873-77-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for John Brunjes, owner.
SUBJECT - Application August 11, 2003 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 62-66 Fresh Pond Road, southwest corner of Fresh Pond Road and Metropolitan Avenue, Block 3521, Lots 35, 37, 45, Borough of Queens.
COMMUNITY BOARD #5Q

405-82-BZ

APPLICANT - Anthony M. Salvati, For John H. Wallace, owner.
SUBJECT - Application June 9, 2003 - under Z.R. § 72-21 to permit the legalization of a portion of a two-story building to a temple, to convert the remainder of the building to a temple, an enlargement to the building, which does not comply with the zoning requirements for height, side and front yards, and is contrary to Z.R. §24-521, §24-35 and §24-34; also to permit an enlargement to the building, of Class II-D construction, located within the fire district, which is contrary to §§27-301 and 27-305 of the NYC

SUBJECT - Application July 23, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 18, 2003.

PREMISES AFFECTED - 8-14 Ford Street, 41.74' south of the intersection of Ford and Carroll Streets, Block 1415, Lots 31-34, Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEALS CALENDAR

256-03-A

APPLICANT - Fischbein Badillo Wagner Harding, for John Brunjes, owner.
SUBJECT - Application August 11, 2003 - Proposed construction, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.
PREMISES AFFECTED - 62-66 Fresh Pond Road, southwest corner of Metropolitan Avenue, Block 3521, Lots 35, 37 and 45, Borough of Queens.
COMMUNITY BOARD #5Q

259-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP for Michael Giordano, owner.
SUBJECT - Application September 23, 2003 - Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.
PREMISES AFFECTED - 819 Rossville Avenue, aka 504 Correll Avenue, Block 6146, Lot 35, Borough of Staten Island.
COMMUNITY BOARD #3S.I.

OCTOBER 21, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, October 21, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

190-03-BZ/191-03-A

APPLICANT - Sheldon Lobel, P.C., for Satya Sanatan Dharma Sabha, Inc., owner.

Administrative Code.

PREMISES AFFECTED - 87-48 215th Place, corner of Hillside Avenue, Block 10682, Lot 45, Borough of Queens.
COMMUNITY BOARD #13Q

222-03-BZ

CALENDAR

APPLICANT - Alfonso Duarte, for Emanuel T. Lorras, owner.
SUBJECT - Application June 27, 2003 - under Z.R. § 72-21 to permit the proposed enlargement of the second floor of an existing one family dwelling, that will be converted into a two family dwelling, located in an R4 zoning district, which will encroach into the required front yard, is contrary to Z.R. §23-45 and §54-313.
PREMISES AFFECTED - 30-04 73rd Street, southwest corner of 30th Avenue, Block 1121, Lot 6, Borough of Queens.
COMMUNITY BOARD #3Q

231-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Isaac Douek Jacqueline Douek Maurice Douek, owners.
SUBJECT - Application July 29, 2003 - under Z.R. §72-21 to permit the proposed construction of a six story building, with a mezzanine and cellar, to contain eighteen residential units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.
PREMISES AFFECTED - 63 and 65 Columbia Street, southeast corner of Congress Street, Block 299, Lots 7 and 8, Borough of Brooklyn.
COMMUNITY BOARD #6BK

232-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Lacher Koeppel Realty Corporation, owner.
SUBJECT - Application July 2, 2003 - under Z.R. §72-21 to permit the proposed additional storage of vehicles, on the roof of an existing automotive storage facility, Use Group 16c, located in an R4 zoning district, which is contrary to Calendar No. 171-93-BZ and Z.R. 22-00.
PREMISES AFFECTED - 32-25 75th Street, eastside, 100' north of Northern Boulevard, Block 1171, Lot 46, Borough of Queens.
COMMUNITY BOARD #3Q

237-03-BZ

APPLICANT - Eric Palatnik, P.C., for Sydel Rand, owner.
SUBJECT - Application July 9, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, located in an R-2 zoning district, which does not comply with the **515-89-BZ**
APPLICANT - Sheldon Lobel, P.C., for 50 East 78th Street, L.P., owner.
SUBJECT - Application August 23, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time which expired October 16, 1998.
PREMISES AFFECTED - 50 East 78th Street, 78th Street between Madison and Park Avenues, Block 1392, Lot 47, Borough of Manhattan.
COMMUNITY BOARD #8M

zoning requirements for floor area ratio, open space ratio and rear yard, is contrary to Z.R. §23-141(a) and §23-47.
PREMISES AFFECTED - 3077 Bedford Avenue, east side, between Avenues I and J, Block 7589, Lot 25, Borough of Brooklyn.
COMMUNITY BOARD #14BK

Pasquale Pacifico, Executive Director

OCTOBER 28, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, October 28, 2003, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

785-67-BZ

APPLICANT - Eric Palatnik, P.C., for Park Circle Realty Associates, owner; BP Products North America, lessee.
SUBJECT - Application August 18, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 18, 2001.
PREMISES AFFECTED - 577/89 Marcy Avenue, southeast corner of Marcy Avenue and Myrtle Avenue, Brooklyn.
COMMUNITY BOARD #4BK

370-82-BZ

APPLICANT - Walter T. Gorman, P.E., for Douglaston Plaza Shopping Center, LLC, owner.
SUBJECT - Application August 21, 2003 - reopening for an extension of time which expired October 16, 2003.
PREMISES AFFECTED - 242-02 61st Avenue, southwest corner of 245th Place, Block 8286, Lot 185, Borough of Queens.
COMMUNITY BOARD #11Q

2-02-BZ

APPLICANT - Sheldon Lobel, P.C., for City of New York c/o NYC Economic Development Corp., owner; Bronx Preparatory Charter School, lessee.
SUBJECT - Application September 15, 2003 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 3872 Third Avenue, a/k/a 532 East

CALENDAR

172nd Street, southeast corner of Third Avenue and East 172nd Street, Block 2929, Lot 8, Borough of The Bronx.
COMMUNITY BOARD #3BX

APPEALS CALENDAR

292-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Karen Carey & George Zandalasini, lessees.
SUBJECT - Application September 5, 2003 - Proposed alteration and enlargement, to single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 919 Bayside Walk, 716.86' north of Beach 209th Street, Block 16350, Lot 300, Borough of Queens.
COMMUNITY BOARD #14Q

293-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Lorraine & William Baker, lessees.
SUBJECT - Application September 5, 2003 - Proposed alteration and enlargement, to single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 928 Bayside Walk, 457.43' north of Beach 209th Street, Block 16350, Lot 300, Borough of Queens.
COMMUNITY BOARD #14Q

OCTOBER 28, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, October 28, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

70-03-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Flatlands 84th Realty
REGULAR MEETING
TUESDAY MORNING, SEPTEMBER 9, 2003
10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, June 17, 2003, were approved as printed in the Bulletin of June 26, 2003, Volume 88, No. 26.

Corp., owner.

SUBJECT - Application February 13, 2003 - under Z.R. §72-21 to permit the reestablishment of an expired variance, previously granted under Cal. No. 29-68-BZ, which permitted a one story contractor's establishment, in an R-5 zoning district, also the legalization of a one story enlargement to the establishment, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 761 East 84th Street, east side, 89'-0" north of Flatlands Avenue, Block 8005, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #18BK

77-03-BZ & 78-03-BZ

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., for Better Luxury Homes, Inc., owner.

SUBJECT - Application March 3, 2003 - under Z.R. §72-21 to permit the proposed construction of a one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirement for minimum rear yard, and is contrary to Z.R. §23-47.

PREMISES AFFECTED -

260-32 Grand Central Parkway, east side, 9' south of 267th Street, Block 8443, Lot 123, Borough of Queens.

260-34 Grand Central Parkway, east side, 9' south of 267th Street, Block 8443, Lot 120, Borough of Queens.

COMMUNITY BOARD #13Q

142-03-BZ

APPLICANT - George Sirinakis/Phanuel Soba, for Ishamael Miller, owner.

SUBJECT - Application May 1, 2003 - under Z.R. §§11-412 & 11-413

to permit the proposed auto repair shop, Use Group 16, located in a C2-2 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 140-20 Farmers Boulevard, northwest corner of 142nd Avenue, Block 12592, Lot 315, Borough of Queens.

COMMUNITY BOARD #12Q

Pasquale Pacifico, Executive Director

SPECIAL ORDER CALENDAR

830-86-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for A & J Properties, LLC, owner; Jack LaLanne Fitness Centers, Inc., lessee.

SUBJECT - Application June 20, 2003 - 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 - 1720/28 Sheepshead Bay Road, 123.21' south of intersection of Vorhies Avenue, Block 8770, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

MINUTES

For Applicant: Barbara Hair.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, and time to obtain a new certificate of occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Miele and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of time to obtain a new certificate of occupancy which expired on September 21, 1999; and

WHEREAS, a public hearing was held on this application on August 5, 2003, after due notice by publication in The City Record, and laid over to September 9, 2003 for decision; and

WHEREAS, on May 5, 1987 the Board granted an application on the subject premises to permit the operation of a physical culture establishment.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, so that as amended this portion of the resolution shall read:

“to extend the time to obtain a new Certificate of Occupancy so that a new Certificate of Occupancy shall be obtained within two years from the date of this amended resolution, *on condition*

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other

“to extend the time to complete substantial construction for a period of two (2) years from the date of this resolution, *on condition*

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.”
(DOB Application # 1708/85)

Adopted by the Board of Standards and Appeals, September 9, 2003.

263-98-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Joseph Elegudin, owner.

SUBJECT - Application June 3, 2003 - reopening for an extension of time to complete construction which expired July 24, 2003.

PREMISES AFFECTED - 118 Oxford Street, Oxford Street, 115' south of Shore Boulevard, Block 8757, Lot 90, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Application re-opened and time complete substantial construction extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Miele and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested an extension of time to complete substantial construction which expired on July 24, 2003; and

WHEREAS, a public hearing was held on this application on August 5, 2003 after due notice by publication in The City Record, and laid over to September 9, 2003 for decision; and

WHEREAS, on April 27, 1999, the Board granted a special permit for the subject premises for the erection of a one-family dwelling.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, so that as amended this portion of the resolution shall read:

and/or configuration(s) not related to the relief granted.”
(DOB Application # 300782240)

Adopted by the Board of Standards and Appeals, September 9, 2003.

849-49-BZ

APPLICANT - Jay A. Segal, Esq., for Directors Guild of America, Inc., owner.

SUBJECT - Application June 24, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 3, 2002.

PREMISES AFFECTED - 110 West 57th Street, south side of West 57th Street, between Avenue of the Americas and 7th Avenue, Block 1009, Lot 40, Borough of Manhattan.

MINUTES

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Jay Segal.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to September 30, 2003, at 10 A.M., for decision, hearing closed.

931-57-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Ziya Ercan, owner; Time Service Station, Inc., lessee.

SUBJECT - Application June 13, 2003 - reopening for an extension of term of variance which expires May 9, 2004 and for an amendment to the resolution.

PREMISES AFFECTED - 535 Vanderbilt Avenue, a/k/a 1047 Van Duzer Street, northeast corner of Vanderbilt Avenue and Van Duzer Street, Block 650, Lot 30, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Laid over to October 28, 2003, at 10 A.M., for continued hearing.

202-62-BZ

APPLICANT - Sheldon Lobel, P.C., for Motiva Enterprises, LLC, owners.

SUBJECT - Application April 1, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired April 3, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 950 Allerton Avenue, triangular lot bound by Allerton Avenue, Williamsbridge Road and Paulding Avenue, Block 4447, Lot 62, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

140-71-BZ

APPLICANT - Carl A Sulfaro, Esq., for 12-42 150 Realty Corp., owner; Stork's Bakery, lessee.

SUBJECT - Application June 17, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 12-40/42 150th Street, southwest corner of 12th Road, Block 4505, Lot 29, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Laid over to November 18, 2003, at 10 A.M., for continued hearing.

994-77-BZ

APPLICANT - Joseph P. Morsellino, for Rutledge Apartments, owner; DNS Automotive Inc., lessee.

SUBJECT - Application June 12, 2003 - reopening for an

For Applicant: Janice Cahalane.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to September 30, 2003, at 10 A.M., for decision, hearing closed.

36-70-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 200 West 79th Street Owners, Inc., owner; Amstore Limited Partnership, lessee.

SUBJECT - Application April 22, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 200-204 West 79th Street, a/k/a 380 Amsterdam Avenue, west side of Amsterdam between West 78th Street and 79th Streets, Block 1170,, Lot 7501 FKA 29, 30, 32, 34, 35, 36, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Barbara Hair.

ACTION OF THE BOARD - Laid over to October 7, 2003, at 10 A.M., for continued hearing.

extension of term of variance which expired May 23, 2003.

PREMISES AFFECTED - 89-43/49 Doran Avenue, northside of Woodhaven Boulevard, Block 3872, Lot 49, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to November 18, 2003, at 10 A.M., for postponed hearing.

1043-80-BZ

APPLICANT - Rothkrug & Rothkrug Weinberg & Spector for RANS 1680 Building Corp., owner.

SUBJECT - Application December 17, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 3, 2000.

PREMISES AFFECTED - 1680/88 Albany Avenue a/k/a 4024 Marginal Street, southwest corner of Albany Avenue and Marginal Street, Block 7744, Lots 47, 49, 50, Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 10 A.M., for continued hearing.

1122-81-BZ

APPLICANT - The Agusta Group, for Brothers Roofing Supplies Co., Inc., owner.

SUBJECT - Application June 12, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 9, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 105-14 Astoria Boulevard, southwest corner of 106th Street and Astoria Boulevard, Block 1692, Lots 3, 5, 9 & 11, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to September 30, 2003, at 10 A.M., for deferred decision.

37-96-BZ

APPLICANT - Sheldon Lobel, P.C., for Pilot Realty Corp., owner.

SUBJECT - Application June 1, 2001 - reopening for an

188-03-A

APPLICANT - Frank R. Gencorelli, for Breezy Point Co-op Inc., owner; John DeAngelis, lessee.

SUBJECT - Application June 6, 2003 - Proposed alteration of an existing one family dwelling, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 4 Bayview Walk, south side, corner of Bayside Connection Walk, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated June 3, 2003 acting on ALT 1.

amendment to the resolution and for an extension of time to complete construction.

PREMISES AFFECTED - 1601 Bronxdale Avenue, southwest corner of East Tremont Avenue, Block 4042, Lot 200, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: Janice Cahalane

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to September 30, 2003, at 10 A.M., for decision, hearing closed.

235-01-BZ

APPLICANT - Rothkrug & Rothkrug for Mermaid Commons, LLC, owner; Coney Island Memorial Chapel, Inc., lessee.

SUBJECT - Application July 10, 2001 - reopening for a rehearing for reconsideration.

PREMISES AFFECTED - 2009 Mermaid Avenue, a/k/a 2879 West 21st Street, a/k/a 2882 West 20th Street, northwest corner of West 20th Street and Mermaid Avenue, Block 7018, Lot 42 (Tentatively), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Adam Rothkrug and Bill Lombardo.

For Opposition: Cidele Cohen, Urdieria Gooder, Ivana Wong, Yun Zhi Lio, Yun Zhu and Podu Seto.

ACTION OF THE BOARD - Laid over to October 28, 2003, at 10 A.M., for continued hearing.

Application No. 401508999, reads in pertinent part:

- “A1. The proposed enlargement is on a site where the building and lot are located in the bed of a mapped street therefore no permit of Certificate of Occupancy can be issued as per Art. 3, Sect 35 of the General City Law.
- A2. a) A Certificate of Occupancy may not be issued as per Art. 3 Sect. 36 of the General City Law
- b) Existing dwelling to be altered does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to Section 27-291 of the Administrative Code.”; and

WHEREAS, by the letter dated June 24, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated June 27, 2003, the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have

MINUTES

no objections to the above project; and

WHEREAS, by letter dated July 23, 2003 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 June 3, 2003 acting on ALT1. Application No. 401508999 is modified under the power vested in the Board by §35 and §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received June 6, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; *on further condition*

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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)

- "A1- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 36 of the General City Law; also no permit can be issued since the perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York.

- A2 - The existing private disposal system being upgraded is in the bed of a private service road is contrary to Department of Building policy"; and

WHEREAS, by the letter dated July 29, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated July 24, 2003, the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Boulevard they have no objections to the above project; and

WHEREAS, by letter dated July 8, 2003 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

and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals on September 09, 2003.

195-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Charles & Margaret Collins, lessees.

SUBJECT - Application June 13, 2003 - Proposed building not fronting on a legally mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 31 Kildare Walk, east side, 192.27' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated May 27, 2003 acting on ALT 1. Application No. 401623301, reads in pertinent part:

Commissioner, dated May 27, 2003, acting on ALT 1. Application No. 401623301 is modified under the power vested in the Board by §35 and §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 2, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; *on further condition*

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals on September 09, 2003.

MINUTES

196-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Raymond G. Strype, lessee.

SUBJECT - Application June 13, 2003 - Proposed building not fronting on a legally mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 6 Devon Walk, west side, 20.46' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough *Resolved*, that the decision of the Queens Borough Commissioner, dated May 27, 2003, acting on ALT 1. Application No. 401613170 is modified under the power vested in the Board by §35 and §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 2, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; *on further condition*

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals on September 09, 2003.

Commissioner, dated May 27, 2003 acting on ALT 1. Application No. 401613170, reads in pertinent part:

"A1. The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 36 of the General City Law; also no permit can be issued since the perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York.

A2- The existing private disposal system being upgraded is in the bed of a private service road is contrary to Department of Building policy"; and

WHEREAS, by the letter dated July 29, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated July 24, 2003, the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

WHEREAS, by letter dated July 8, 2003 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.

197-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Joseph & Kathleen Lynch, lessees.

SUBJECT - Application June 13, 2003 - Proposed building not fronting on a legally mapped street, located within the bed of a mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 30 Lincoln Walk, west side, 248.63' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated May 27, 2003 acting on ALT 1. Application No. 401636380, reads in pertinent part:

"A1. The site is located in the bed of a mapped street therefore no permit of Certificate of Occupancy can be issued as per Art. 3 Sect 35. of the General City Law .

A2. The site and building is not fronting on an

MINUTES

official mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 36 of the General City Law; also no permit can be issued since the perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 (C26-401.1) of the Administrative Code of the City of New York.

- A3. The private disposal system being upgraded is in the bed of a mapped street and in the private service road is contrary to Department of Building policy”; and

WHEREAS, by the letter dated July 29, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated July 24, 2003, the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

WHEREAS, by letter dated July 23, 2003 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 May 27, 2003, acting on ALT 1. Application No. 401636380 is modified under the power

198-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; James and Nancy Denison, lessee.

SUBJECT - Application June 13, 2003 - Proposed building not fronting on a legally mapped street, located within the bed of a mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 42 Roosevelt Walk, corner of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

ACTION OF THE BOARD- Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated May 27, 2003 acting on ALT 1. Application No. 401623392, reads in pertinent part:

- “A1. The site is located in the bed of a mapped street therefore no permit of Certificate of Occupancy can be issued as per Art. 3 Sect 35. of the General City Law .
- A2. The site and building is not fronting on an

vested in the Board by §35 and §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received September 2, 2003”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; *on further condition*

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals on September 09, 2003.

official mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 36 of the General City Law; also no permit can be issued since the perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 (C26-401.1)of the Administrative Code of the City of New York.

- A3. The existing private disposal system being upgraded is in the bed of a mapped street and in the private service road is contrary to Department of Building policy”; and

WHEREAS, by the letter dated July 29, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated July 24, 2003, the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Boulevard they have no objections to the above project; and

WHEREAS, by letter dated July 23, 2003 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 May 27, 2003, acting on ALT 1. Application No. 401623392 is modified under the power vested in the Board by §35 and 36 of the General City

MINUTES

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 September 2, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; *on further condition*

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals on September 09, 2003.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to September 30, 2003, at 10 A.M., for decision, hearing closed.

287-02-A thru 289-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Ocean Park Estates, owner.

SUBJECT - Application October 23, 2002 - Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

3 Reynolds Court, north side, 363.9' east of Reynolds Street, Block 2981, Lot 93, Borough of Staten Island.

5 Reynolds Court, north side, 363.1' east of Reynolds Street, Block 2981, Lot 95, Borough of Staten Island.

7 Reynolds Court, north side, 300' east of Reynolds Street, Block 2981, Lot 97, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Laid over to October 7, 2003, at 10 A.M., for continued hearing.

177-03-A

APPLICANT - Eric Palatnik, P.C., for Lai Ho Chen, owner.

21-02-A thru 25-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for MSIM Development, Inc., owner.

SUBJECT - Application January 8, 2002 - Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

258-31 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 26, Borough of Queens.

258-33 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 27, Borough of Queens.

258-35 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 28, Borough of Queens.

258-37 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 128, Borough of Queens.

258-39 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 29, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

SUBJECT - Application May 23, 2003 - Proposed residential structure, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 626 West 254th Street, between Arlington and Independence Avenues, Block 5942, Lot 192, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to September 30, 2003, at 10 A.M., for continued hearing.

180-03-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Julieta Pizzini, owner.

SUBJECT - Application May 28, 2003 - Proposed two-family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 86 Sweetbrook Road, southwest corner of Getz Avenue, Block 5523, Lot 83, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to September 30, 2003, at 10 A.M., for decision, hearing closed.

MINUTES

Pasquale Pacifico, Executive Director.

Adjourned: 11:40 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, SEPTEMBER 9, 2003
2:00 P.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

282-01-BZ

CEQR #02-BSA-030K

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC,

283-01-BZ

CEQR #02-BSA-031K

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six(6) story and basement Class "A" multiple dwelling, Use Group 2, in an M1-2 zoning district is contrary to Z.R. §42-00.

PREMISES AFFECTED - 266 Lee Avenue, between Wallabout Street and Flushing Avenue, Block 2263, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

Adopted by the Board of Standards and Appeals, September 9, 2003.

384-01-BZ

CEQR #02-BSA-089K

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six (6) story and cellar Class "A" multiple dwelling, Use Group 2, located in an M1-2 zoning district, is contrary to §42-00.

PREMISES AFFECTED - 218 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #1BK

owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six story and basement Class "A" multiple dwelling, Use Group 2, in an M1-2 zoning district is contrary to Z.R. §42-00.

PREMISES AFFECTED - 222 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

Adopted by the Board of Standards and Appeals, September 9, 2003.

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

Adopted by the Board of Standards and Appeals, September 9, 2003.

29-03-BZ

CEQR #03-BSA-123K

APPLICANT - Sheldon Lobel, P.C., for Seymour Benefeld, as Trustee, owner.

SUBJECT - Application January 16, 2003 - under Z.R. §73-622 to permit the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district which does not comply with the zoning requirements for floor area ratio, open space ratio, rear and side yards and is contrary to Z.R. §§23-141(a), 23-47, 23-461.

PREMISES AFFECTED - 1179 East 28th Street, 126'-8" north of Avenue "L", Block 7628, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

MINUTES

For Applicant: Richard Lobel.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 2, 2003, acting on Application No. 30141136319 reads:

- “1. Proposed plans are contrary to Z.R. 23-141(a) in that the floor area ratio is greater than the 50% permitted.
2. Proposed plans are contrary to Z.R. 23-141(a) in that the open space ratio is less than the 1.5 permitted
3. Proposed plans are contrary to Z.R. 23-47 in that the rear yard is less than 30 feet.
4. Proposed plans are contrary to Z.R. 23-461 in

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district which does not comply with the zoning requirements for floor area ratio, open space ratio, rear and side yards and is contrary to Z.R. §§23-141(a), 23-47, 23-461, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received January 16, 2003”-(2) sheets and “July 22, 2003”-(4) sheets; and *on further condition*;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4)

that the minimum side yard proposed is less than 5'-0".”; and

WHEREAS, a public hearing was held on this application on June 3, 2003 and then laid over to June 24, 2003, July 22, 2003 and September 9, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district which does not comply with the zoning requirements for floor area ratio, open space ratio, rear and side yards and is contrary to Z.R. §§23-141 (a), 23-47, 23-461; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and years of this grant.

Adopted by the Board of Standards and Appeals, September 9, 2003.

30-03-BZ

CEQR #03-BSA-124K

APPLICANT - Sheldon Lobel, P.C., for Barry Himmel, owner.

SUBJECT - Application January 16, 2003 - under Z.R. §72-21 to permit in an R6 zoning district, the proposed enlargement of an existing two-story non-conforming Use Group 17B building by the addition of two stories, which is contrary to Z.R. Section 52-22.

PREMISES AFFECTED - 333/43 Lorimer Street, corner of Lorimer Street and Montrose Avenue, Block 3049, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner

MINUTES

Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 20, 2002, acting on Application No. 301381172 reads:

“RESPECTFULLY REQUEST RECONSIDERATION OF OBJECTION 1. ENLARGEMENT OF EXISTING TWO-STORY NON-CONFORMING USE (FACTORY, U.G. 17B) TO A FOUR STORY NON-CONFORMING USE (FACTORY U.G. 17B) IN R-6 DISTRICT IS CONTRARY TO SECTION 52-22 OF THE ZONING RESOLUTION”; and

WHEREAS, a public hearing was held on this application on May 20, 2003 after due notice by publication in *The City Record*, and laid over to June 17, 2003, July 22, 2003 and then to September 9, 2003 for

WHEREAS, the record indicates that the site is currently occupied by a non-conforming one-story and basement commercial use within the Williamsburg Section of Brooklyn; and

WHEREAS, the site’s irregular slope on Lorimer Street yields a grade level which the applicant represents is actually a basement; and

WHEREAS, moreover, the Lorimer street frontage lacks windows and is burdened with a first floor ceiling height of only nine feet, which the applicant notes is inadequate to meet the owner’s needs; and

WHEREAS, the applicant represents that the site’s irregular slope has resulted in a building burdened with no windows and a low ceiling thus lacking in the modern amenities required for a viable conforming use; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary undue hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

WHEREAS, the record indicates that the operation of the subject building is wholly enclosed within the structure and that a two-story addition would not alter or adversely impact the character of the neighborhood; and

WHEREAS, the hours of operation shall be limited to Monday thru Friday 8:00 A.M. to 5:00 P.M.; and

WHEREAS, the applicant anticipates that all future hires to be from the local community and will not generate a need for parking; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

decision; and

WHEREAS, Community Board No. 1 in Brooklyn recommends approval of the subject application; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R6 zoning district, the proposed enlargement of an existing two-story non-conforming Use Group 17B building by the addition of two stories, which is contrary to Z.R. Section 52-22; and

WHEREAS, the subject site has a frontage of 100 feet along the easterly side of Lorimer Street, continuing southerly 100 feet along the westerly side of Montrose Avenue; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R6 zoning district, the proposed enlargement of an existing two-story non-conforming Use Group 17B building by the addition of two stories, which is contrary to Z.R. Section 52-22, *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 16, 2003”- (1) sheet, “Received July 15, 2003”- (4) sheets, and “Received August 20, 2003”- (4) sheets; and *on further condition*;

THAT the hours of operation shall be limited to Monday thru Friday 8:00 A.M. to 5:00 P.M.;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered

MINUTES

approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 9, 2003.

75-03-BZ

CEQR #03-BSA-140M

APPLICANT - Sheldon Lobel, P.C., for Deborah Raymond, owner.

SUBJECT - Application February 27, 2003 - under Z.R. § 72-21 to permit in an M1-6 zoning district, the legalization of

WHEREAS, the decision of the Borough Commissioner, dated January 28, 2003 acting on Application No. 103314673 reads:

“Proposed U.G. 2 residential use is not permitted as of right in M1-6 district. It is contrary to Section 42-10 Z.R.”; and

WHEREAS, a public hearing was held on this application on June 24, 2003 after due notice by publication in *The City Record*, and laid over to July 22, 2003 and then to September 9, 2003 for decision; and

WHEREAS, Community Board No. 5 in Manhattan recommends conditional approval of the subject application; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-6 zoning district, the legalization of residential use, Use Group 2, on the second through fifth floors of a mixed-use building, which is contrary to Z.R. Section 42-00; and

WHEREAS, the subject site is located on the westerly side of Seventh Avenue, between West 28th Street and West 29th Street and is currently improved with a five-story building; and

WHEREAS, the record indicates that the ground floor is occupied by a conforming use and the three units located on the second, third, fourth and fifth floors were leased as commercial space, but are currently occupied with residential uses with home occupation; and

WHEREAS, evidence in the record indicates that the City Planning Commission granted an application for Determination of Residential Loft Occupancy for all units above the first floor in both the subject and adjacent buildings pursuant to Zoning Resolution §§15-021 and 42-133 under application number N831692ZJM; and

WHEREAS, however, a Certificate of Occupancy for residential use was never obtained for the subject building; and

WHEREAS, the record indicates that the applicant

residential use, Use Group 2, on the second through fifth floors of a mixed-use building, which is contrary to Z.R. Section 42-00.

PREMISES AFFECTED - 326 Seventh Avenue, between West 28th and 29th Streets, Block 778, Lot 38, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

documented good-faith attempts to obtain conforming tenants for the upper floors; and

WHEREAS, the applicant represents that there are unique conditions which render the subject building inefficient for conforming occupancy; and

WHEREAS, the subject building lacks an elevator and loading berths which would preclude the effective movement of commercial or manufacturing goods; and

WHEREAS, the applicant contends that the ceiling heights are too low to accommodate conforming uses; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary undue hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

WHEREAS, the record indicates that the surrounding area contains a number of residential uses and community facilities; and

WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards

MINUTES

and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-6 zoning district, the legalization of residential use, Use Group 2, on the second through fifth floors of a mixed-use building, which is contrary to Z.R. Section 42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 27, 2003"- (5) sheets and "Received July 9, 2003"- (1) sheet, and on further condition;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 9, 2003.

176-03-BZ

CEQR #03-BSA-194Q

APPLICANT - Stadtmauer Bailkin, LLP, for 219-44 Jamaica Avenue, 220-02 Jamaica Avenue, LLC, owner; Public Storage, Inc, lessee.

SUBJECT - Application May 22, 2003 - under Z.R. §72-21, to permit on a site previously before the Board, within a C1-2 and an R3-2 zoning district, the erection of a two-story climate controlled building of approximately 54,896 square feet of floor area with a 28,596 square foot cellar to be used for the proposed storage warehouse and a change of use from automobile repair shop and automobile sales to storage warehouse (Use Group 16), which is contrary to Z.R. §32-00.

PREMISES AFFECTED - 220-02 Jamaica Avenue, a/k/a 219-42/54 Jamaica Avenue, southern side of Jamaica Avenue between Springfield Boulevard and 222nd Street, Block 10789, Lots 256 and 264, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner

THAT future rental agreements, leases, contracts of sale, and deeds for the subject property contain a disclosure putting all parties on notice that the subject property is located within an M1-6 manufacturing and commercial zoning district and may be in proximity to possible as-of-right use of any existing or future manufacturing or commercial use in the subject or adjoining buildings;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 19, 2003 acting on Application No. 401587369 reads:

"Proposed change of use in a C1-2 in R3-2 Zoning District from automobile repair shop (Use Group 16) and automobile sales (Use Group 16) to storage warehouse (Use Group 16) to storage warehouse (Use Group 16) is contrary to BSA Calendar numbers 652-55-BZ and 183-98-BZ and Zoning Resolution Section 32-25. Therefore must be referred to the Board of Standards and Appeals.

Proposed illuminated Signage 144 square feet and Non-illuminated signage 88 square feet in a C1-2 in R3-2 Zoning District contrary to Zoning Resolution section 32-642 and 32-643. Therefore must be referred to the Board of Standards and Appeals."; and

WHEREAS, a public hearing was held on this application on July 15, 2003 after due notice by publication in *The City Record*, and laid over to August 12, 2003 for decision. On August 12, 2003, the application was reopened and the decision deferred to September 9, 2003; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, on a site previously before the Board, within a C1-2 and an R3-2 zoning district, a change of use from automobile repair shop and automobile sales to storage warehouse (Use Group 16), which is contrary to Z.R. §32-00; and

WHEREAS, Community Board #12, Queens recommends approval of this application; and

WHEREAS, the subject zoning lot is an irregularly shaped parcel containing approximately 46,232 square feet with a 137.15 foot frontage on the south side of Jamaica Avenue with an average depth of 251.63 feet; and

WHEREAS, the subject zoning lot is bordered on the

MINUTES

south by an elevated Long Island Railroad right-of-way; and

WHEREAS, in 1955 under Calendar Number 625-55-BZ a change in occupancy on a portion of the Zoning Lot (Tax Lot 256 formerly known as lot 27) from garage to storage, manufacturing, dry cleaning facility, and the unenclosed parking of vehicles (Use Group 17); and

WHEREAS, the aforementioned resolution was amended in 1999 to permit a change of use from storage, manufacturing, dry cleaning facility, and the unenclosed parking of vehicles (Use Group 17) to automobile repair shop (Use Group 16); and

WHEREAS, presently, the subject zoning lot is improved with two buildings: (1) a 2,953.6 gross square

WHEREAS, the Board finds that the zoning lot's irregular shape and the aforementioned history of use with non-conforming Board approved uses creates an unnecessary undue hardship in developing the zoning lot in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

WHEREAS, the record indicates that the surrounding area contains a mixture of commercial community facility and residential uses; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21.

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration with specific conditions as noted below, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, on a site previously before the Board, within a C1-2 and an R3-2 zoning district, the erection of a two-story climate controlled building of approximately 54,896 square feet of floor area with a 28,596 square foot cellar to be used for the proposed storage warehouse and a change of use from automobile

foot one-story automobile and showroom facility and (2) a 7,837.6 gross square foot one-story automobile and repair facility; and

WHEREAS, the applicant proposes to demolish the above buildings and replace them with a two-story, 25 foot ten inches high climate controlled self-storage building containing approximately 54,896 square feet with an additional 28,596 square foot cellar area; and

WHEREAS, the applicant represents that at 25 feet ten inches high, the subject building is approximately the same height as its neighbors and lower than the Long Island Railroad elevated right of way abutting the south side of the zoning lot; and

repair shop and automobile sales to storage warehouse (Use Group 16), which is contrary to Z.R. §32-00, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 3, 2003"- (9) sheets and "August 1, 2003"-(1) sheet, and *on further condition*;

THAT the applicant shall comply with the following conditions requested by the New York City Department of Environmental Protection's Office of Environmental Planning and Assessment (DEP):

- As a result of the contamination levels detected on the site, a Remedial Action Plan (RAP) should be developed for the subject site and submitted to DEP for review and approval. The RAP should delineate that all excavated soils and fill materials to be removed from the site shall be properly used or disposed of in accordance with all applicable NYSDEC Regulations. Disposal of soils and fill material containing regulated concentrations of contaminants shall be at an appropriate landfill facility. Note that additional testing of the soils may be required by the disposal and/or recycling facility. Under no circumstances should surface soils and/or fills containing regulated concentrations of contaminants be utilized for backfilling and/or grading purposes.
- As a result of elevated concentrations of SVOCs and Heavy Metals exceeding NYSDEC Guidance Levels, a site-specific construction Health and Safety Plan (Construction HASP) should be prepared on the basis of workers' exposure to these contaminants for the proposed remediation. Soil disturbance should not occur without DEP's written approval of the site-specific construction HASP.
- An appropriate vapor barrier, which would sustain long term exposure to petroleum constituents (SVOCs) and heavy metals, should be incorporated into the design plan for all structures during the proposed construction project. The conceptual design of the vapor barrier system should be submitted to DEP for review and approval;

THAT the premises shall be maintained free of debris

MINUTES

and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

60-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Naomi Kunin, owner.

SUBJECT - Application February 15, 2002 - under Z.R. §72-21, to permit the legalization of an interior enlargement in an existing one family dwelling, Use Group 1, which creates non-compliance with respect to floor area ratio and rear yard, which is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 3849 Bedford Avenue, east side, 380.0' south of Quentin Road, Block 6808, Lot 71, Borough of Brooklyn

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Richard Lobel.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 1:30 P.M., for continued hearing.

185-02-BZ

APPLICANT - Sheldon Lobel, P.C., for North Ninth Street Realty, LLC., owner.

SUBJECT - Application June 5, 2002 - under Z.R. §72-21 to permit the proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 93/101 North Ninth Street, north side, between Wythe Avenue and Berry Street, Block 2303, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0**ACTION OF THE BOARD** - Laid over to October 7, 2003, at 1:30 P.M., for decision

210-02-BZ thru 213-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Mark Grane, owner.

SUBJECT - Application July 15, 2002 - under Z.R. §72-21 to permit the proposed mixed use building, Use Groups 2 and 6, which does not comply with the zoning requirements for lot coverage, open space and lot area per dwelling unit, and is contrary to Z.R. §23-141, §23-22 and §35-40.

PREMISES AFFECTED -

78-01 Myrtle Avenue, northeast corner of 78th Street, Block 3827, Lot 50, Borough of Queens.

78-03 Myrtle Avenue, between 78th and 79th Streets,

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, September 9, 2003.

(20' east of 78th Street), Block 3827, Lot 49, Borough of Queens.

78-05 Myrtle Avenue, between 78th and 79th Streets, (39.15' east of 78th Street), Block 3827, Lot 48, Borough of Queens.

78-07 Myrtle Avenue, between 78th and 79th Streets, (58.30' east of 78th Street), Block 3827, Lot 47, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Richard Lobel.

THE VOTE TO CLOSED HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0**ACTION C**

222-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Eugene & Francine Simonetti, owner.

SUBJECT - Application August 5, 2002 - under Z.R. §72-21 to permit the proposed nine family residential development, Use Group 2, located in an R4 zoning district, which exceeds the permitted floor area and number of dwelling units, and provide less than the required parking, which is contrary to Z.R. §23-141b, §23-22 and §25-23.

PREMISES AFFECTED - 2547 East 12th Street, east side, 280' north of Avenue "Z", Block 7433, Lot 159, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to October 7, 2003, at 1:30 P.M., for continued hearing.

ACTION OF THE BOARD - Laid over to October 7, 2003, at 1:30 P.M., for decision

229-02-BZ thru 231-02-BZ

APPLICANT - Mark A. Levine, Esq., of Herrick, Feinstein, LLP, for Simon Dushinsky and Issac Rabinowitz, owners.

SUBJECT - Application August 15, 2002 - under Z.R. §72-21 to permit the proposed construction of a six-story building containing twelve units, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

24 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 5, Borough of Brooklyn.

32 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 7, Borough of Brooklyn.

MINUTES

42 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

241-02-BZ

APPLICANT - Sheldon Lobel, P.C., for HFK Inc., owner.
SUBJECT - Application August 30, 2002 - under Z.R. §72-21 to permit the proposed conversion to residential use, of two connected vacant manufacturing building, Use Group 2, located in an M2-l zoning district, that will provide 48 residential loft type units, and is contrary to Z.R. §42-00.

PREMISES AFFECTED - 130 Third Street, corner of Bond and Third Streets, Block 466, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Ernest Migliaccio.

ACTION OF THE BOARD - Laid over to November 18, 2003, at 1:30 P.M., for continued hearing.

254-02-BZ

APPLICANT - Klein & O'Brien, LLP, for Malka Ausch, owner.
SUBJECT - Application September 18, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy, Use Group 2, in an existing three-story building and the proposed use, in the one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 41/45 South Fifth Street, bounded on the west by Kent Avenue, and on the east by Wythe Avenue, Block 2441, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Richard Budd.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 1:30 P.M., for continued hearing.

334-02-BZ thru 336-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 1287 Atlantic Realty LLC, owner.

SUBJECT - Application November 13, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy in a one story, four unit building, which is located within an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

1281 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

1283 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

1287 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

COMMUNITY BOARD #3BK

73-03-BZ

For Applicant: Mark A. Levine.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 1:30 P.M., for continued hearing.

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0**ACTION C**

377-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Rabbi Naftali Babad, owner; Cong. Kahal Tarnopol (long term lessee).

SUBJECT - Application December 31, 2002- under Z.R. §72-21 to permit the proposed merging and expansion of two, two-story plus basement buildings, to become one-three story, cellar and basement synagogue, with Rabbi's apartment, Use Group 4, located in an R5 zoning district, which creates non-compliance with respect to lot coverage ratio, also side and rear yards, is contrary to Z.R. §24-11, §24-35 and §24-36.

PREMISES AFFECTED - 163/65 Parkville Avenue, north side, 198' west of Ocean Parkway, Block 5423, Lots 60 and 61, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0**ACTION C**

68-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Torah M. Sinai, Inc., owner.

SUBJECT - Application February 11, 2003 - under Z.R. §72-21 to permit the proposed conversion of an existing building, which is located in an area designated as a manufacturing district, to be used for a day care center, Use Group 3, and office use, Use Group 6, without the required parking, and is contrary to Z.R. §42-00 and §44-21.

PREMISES AFFECTED - 649 39th Street, northwest corner of Seventh Avenue, Block 903, Lots 79, 80 and 83, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 1:30 P.M., for continued hearing.

APPLICANT - Mark A. Levine, Esq., for Uptown Partners,

MINUTES

contract vendee.

SUBJECT - Application February 20, 2003 - under Z.R. §72-21 to permit the proposed construction of a 24-story mixed use building (residential and commercial), in an R7-2 zoning district, which does not comply with the zoning requirements for lot coverage, floor area, setbacks and exposure planes, and also has commercial use on the same floor as residential use, is contrary to Z.R. §23-142, §23-632, §23-64 and §32-421.

PREMISES AFFECTED - 400 Lenox Avenue, situated between West 129th and 130th Streets, Block 1727, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #10M

APPEARANCES -

For Applicant: Mark A. Levine and Joseph Holland.

For Opposition: Carlos Vargas-Ramos, Beverly Smith.

ACTION OF THE BOARD - Laid over to October 7, 2003, at 1:30 P.M., for continued hearing.

100-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Gabe and Roberta Levy, owners.

SUBJECT - Application March 28, 2003 - under Z.R. §73-622 to permit the legalization of an enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space ratio, balconies, and side and rear yards, is contrary to Z.R. §23-141, §23-461 (a), §23-47 and §23-131.

PREMISES AFFECTED - 3448 Bedford Avenue, between Avenues "M" and "N", Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0**ACTION OF THE BOARD** - Laid over to October 21, 2003, at 1:30 P.M. for decision.

138-03-BZ

APPLICANT - Agusta & Ross, for C & M Service Center, owner.

SUBJECT - Application June 19, 2003 - under Z.R. §§11-412 & 11-413 to permit the proposed modification and enlargement of a former gasoline service station, to reflect, the elimination of the gasoline sales and to permit a compensating enlargement to facilitate an accessory store, larger repair bays and auto sales, is contrary to Z.R. §32-10.

PREMISES AFFECTED - 79-59/77 Cooper Avenue, north side, at the corner of 69th Road, Block 3801, Lot 35, Borough of

149-03-BZ

APPLICANT - Petraro & Jones, LLP, for Angelo Stratigakis, owner.

SUBJECT - Application May 14, 2003 - under Z.R. §72-21, to permit the proposed construction of a three-story, three-family dwelling, Use Group 2, on a triangular, wedge-shaped lot that has three street frontages, located in an R5 zoning district, which does

Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 1:30 P.M., for continued hearing.

140-03-BZ

APPLICANT - Lipton Associates, for Lipton Real Estate Corp., owner.

SUBJECT - Application April 29, 2003 - under Z.R. §72-21 to permit the proposed office building, Use Group 6, located in an R3-2 zoning district, is contrary to Z.R. §22-00.

PREMISES AFFECTED - 1855 Richmond Avenue, east side, 650.06' south of Eton Place, Block 2030, Lot 48, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Victor Han and M. Lipton.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0**ACTION OF THE BOARD** - Laid over to October 21, 2003, at 1:30 P.M. for decision.

141-03-BZ

APPLICANT - Petraro & Jones, LLP, for Reva Holding Corp., owner.

SUBJECT - Application May 1, 2003- under Z.R. §72-21 to permit the proposed addition to an existing retail building, for new retail space (a new sporting goods store), Use Group 6, without on-lot parking and loading berths, located in a C4-3 zoning district, is contrary to Z.R. §36-21 and §36-62.

PREMISES AFFECTED - 1000 Broadway, at the intersection of Ghaham and Flushing Avenues and Broadway, Block 3127, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Patrick Jones.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0**ACTION OF THE BOARD** - Laid over to October 21, 2003, at 1:30 P.M. for decision.

not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage, front yards and building height, is contrary to Z.R. §23-141(c), §23-45 and §23-631(d)-(e).

PREMISES AFFECTED - 23-08 Sound Avenue, at the intersection of Sound and 42nd Streets, and 23rd Road, Block 781, lot 46, Borough of Queens.

COMMUNITY BOARD #1Q

MINUTES

APPEARANCES -

For Applicant: Patrick Jones.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:

182-03-BZ

APPLICANT - Eric Palatnik, P.C., for Solomon Scharf, owner.
SUBJECT - Application May 29, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space, and rear yard, is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 1238 East 24th Street, between Avenues "L" and "M", Block 7641, Lot 62, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik and David Shteierman.

ACTION OF THE BOARD - Laid over to September 30, 2003, at 1:30 P.M., for continued hearing.

189-03-BZ

APPLICANT - Eric Palatnik, P.C., for 830 East 233rd Street Corp, owner; BP Products North America, lessee.

SUBJECT - Application June 6, 2003 - under Z.R. §73-211 to permit the continued use of the premises as a gasoline service station, the alteration of the existing signage, and the legalization of the enlargement of the zoning lot on which the existing station rests, is contrary to §32-35.

PREMISES AFFECTED - 836 East 233rd Street, northwest corner of Bussing Avenue, Block 4857, Lots 44 and 41, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:

ACTION OF THE BOARD - Laid over to September 30, 2003, at 1:30 P.M., for dec

219-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Homes for the Homeless Summer Camp, Inc., owner.

SUBJECT - Application June 25, 2003 - under Z.R. §72-21 to permit the legalization of an existing philanthropic institution with which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 175-15 Rockaway Boulevard, north side, between 175th Street and 149th Road, Block 13381, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Howard Hornstein, Peter Geis and Denise Scaravella.

For Opposition: Richard Hellenbrecht.

ACTION OF THE BOARD - Laid over to September 30, 2003, at 1:30 P.M., for continued hearing.

220-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Homes for the Homeless Summer Camp, Inc., owner.

SUBJECT - Application June 25, 2003 - under Z.R. §72-21 to permit the legalization of an existing philanthropic institution with sleeping accommodations, Use Group 3, in an M1-1 zoning district, and the addition of a new building that does not comply with the rear yard requirement, is contrary to Z.R. §42-00 and §43-23 and §43-27.

PREMISES AFFECTED - 175-21 149th Avenue, a/k/a 175-48 148th Road, 140' east of 175th Street, Block 13380, Lots 11 and 63 (Tentative Lot 11), Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Howard Hornstein, Peter Geis and Denise Scaravella.

For Opposition: Richard Hellenbrecht.

ACTION OF THE BOARD - Laid over to September 30, 2003, at 1:30 P.M., for continued hearing.

ACTION OF THE BOARD - Laid over to September 30, 2003, at 1:30 P.M., for deci

CORRECTIONS

Adjourned: 4:20 P.M.

***CORRECTION**

These resolution adopted on June 3, 2003, under Calendar No. 214-02-BZ and printed in Volume 84, Bulletin Nos. 24-25, is hereby corrected to read as follows:

214-02-BZ
CEQR#03-BSA-014K

APPLICANT - Sheldon Lobel, P.C., for Berry Complex LLC, owner.

SUBJECT - Application July 16, 2002 - under Z.R. §72-21 to permit the proposed conversion of a light manufacturing building, to residential use, Use Group 2, located in an M1-2 zoning district, which is contrary to §42-00.

PREMISES AFFECTED - 55 Berry Street, site fronts both North 11th and Berry Streets, Block 2297, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele...4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 2, 2002 acting on Application No. 301293570 reads:

"1. PROPOSED RESIDENTIAL USE GROUP 2 NOT PERMITTED IN M1-2 ZONING DISTRICT AS PER Z.R. 42-00.;" and

WHEREAS, a public hearing was held on this application on February 25, 2003 after due notice by publication in The City Record and laid over to April 15, 2003, May 6, 2003 and then to June 3, 2003 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, former Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit in an M1-2 district, the proposed construction of an existing six-story and cellar mixed-use building containing conforming uses at the first floor and cellar level with residential uses on the floors above which is contrary to Z.R. §42-00; and

WHEREAS, although the subject block falls within the M1-2 district which does not permit residential uses, the premises is located adjacent to the Special Northside Mixed-Use District, which allows a mixture of manufacturing and residential uses; and

WHEREAS, the record indicates that the manufacturing districts adjacent to the Special Northside District have historically contained mixed-use areas irrespective of a manufacturing designation housing many non-complying and non-conforming residential uses; and

WHEREAS, the applicant has demonstrated that when the current owner purchased the building it was partially occupied with illegal residential uses with conversions completed without permits

and haphazardly; and

WHEREAS, the instant proposal will provide many Quality Housing Program elements, including landscaping, laundry facilities, double glazed windows, parking, and a 12 square foot refuse-disposal room; and

WHEREAS, the record indicates that the existing building's one freight elevator is inadequate to service tenants in a six-story, 62,996 square foot building resulting in the owner not being able to retain former tenants or attracting new ones; and

WHEREAS, Z.R. §44-52 requires that a building containing 62,996 square feet of floor area have provide a minimum of four loading berths; and

WHEREAS, the applicant has demonstrated that the building is burdened with ceiling heights that are too low to accommodate manufacturing needs and that the streets surrounding the building are too narrow to accommodate large trucks and tractor-trailers; and

WHEREAS, the aforementioned unique physical conditions, narrow streets, low ceiling heights and inadequate loading docks, yields a building that despite documented efforts to obtain a conforming tenant is obsolete for conforming manufacturing uses; and

WHEREAS, therefore the Board finds the above conditions create an undue burden in conforming to applicable zoning; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that the introduction of residential uses at the subject site would not adversely affect the character of the surrounding neighborhood; and

WHEREAS, therefore, the Board finds that the instant applications 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, the Board finds that 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 the Final Environmental Assessment Statement 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;

CORRECTIONS

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit in an M1-2

district, the proposed construction of an existing six-story and cellar mixed-use building containing conforming uses at the first floor and cellar level with residential uses on the floors above which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections

above noted, filed with this application marked "Received May 15, 2003"-(13) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 3, 2003.

****The resolution has been corrected in that the part which read: "WHEREAS,...the proposed construction of a *new* six-story and cellar mixed-use building " now reads: "WHEREAS,the proposed construction of an *existing* six-story and cellar mixed-use building". Corrected in Bulletin Nos. 34-37, Vol. 88, dated September 18, 2003.**

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, Nos. 38-39

September 25, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

John E. Reisinger, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

CONTENTS

| | |
|-------------------------------------|-----|
| DOCKET | 659 |
| CALENDAR of October 28, 2003 | |
| Morning | 660 |
| Afternoon | 661 |

CONTENTS

MINUTES of Regular Meetings,

Affecting Calendar Numbers:

| | |
|-------------------------|--|
| 779-57-BZ | 137-21 Jamaica Avenue, Queens |
| 578-71-BZ | 833/47 4 th Avenue, Brooklyn |
| 297-72-BZ | 630-646 East Fordham Road, The Bronx |
| 546-82-BZ | 148-15 89 th Avenue, Queens |
| 1059-84-BZ | 943/61 Kings Highway, Brooklyn |
| 608-85-BZ | 33-56 11 th Street, Queens |
| 172-97-BZ | 1023 Brighton Beach Avenue, Brooklyn |
| 203-02-BZ | 110-18 Northern Boulevard, Queens |
| 101-03-A | 845 United Nations Plaza, Manhattan |
| 45-03-A thru 64-03-A | Hall Avenue, Staten Island |
| 212-03-A & 213-03-A | 129-32 & 129-36 Hook Creek Boulevard, Queens |
| 215-03-A | 11 Kildare Walk, Queens |
| 216-03-A | 73 Reid Avenue, Queens |
| 225-03-A | 21 Park End Terrace, Queens |
| 226-03-A | 30 Reid Avenue, Queens |
| 227-03-A | 5 Bath Walk, Queens |
| 228-03-A | 32 Gotham Walk, Queens |
| 233-03-A | 25 Gotham Walk, Queens |

CONTENTS

Afternoon Calendar.....667

Affecting Calendar Numbers:

| | |
|----------------|--|
| 66-02-BZ | 439 Marcy Avenue, Brooklyn |
| 275-02-BZ | 160 North Fourth Street, Brooklyn |
| 119-03-BZ | 10 Columbus Circle, Manhattan |
| 154-03-BZ | 100-05 92 nd Avenue, Queens |
| 185-03-BZ | 277 Canal Street, Manhattan |
| 249-01-BZ | 9 White Street, Brooklyn |
| 161-02-BZ | 2433 Knapp Street, Brooklyn |
| 202-02-BZ | 133-20 Rockaway Boulevard, Queens |
| 258-02-BZ | 7/13 Ash Street, Brooklyn |
| 279-02-BZ | 76 Aster Court, Brooklyn |
| 315-02-BZ | 224/27 West 60 th Street, Manhattan |
| 350-02-BZ | 6389 Amboy Road, Staten Island |
| 83-03-BZ | 2100 Hermany Avenue, The Bronx |
| 96-03-BZ | 86 Franklin Avenue, Brooklyn |
| 97-03-BZ & | |
| 98-03-BZ | 461 & 463 Flushing Avenue, Brooklyn |
| 111-03-BZ thru | |
| 115-03-BZ | 1685, 1687, 1689, 1691, 1693 60 th Street, Brooklyn |
| 131-03-BZ & | |
| 132-03-A | 80-03 192 nd Street, Queens |
| 184-03-BZ | 165-02 120 th Avenue, Queens |
| 206-03-BZ | 980 Madison Avenue, Manhattan |
| 209-03-BZ | 150 Central Park South, Manhattan |

DOCKET

New Case Filed Up to September 16, 2003

291-03-BZ B.BK. 1380 62ND Street, northwest corner of 14th Avenue, Block 5733, Lot 36, Borough of Brooklyn. Applic.#301534819. Proposed residential building, Use Group 2, located on a site in that is in an M1-1 and an R5 zoning district, is contrary to Z.R.§42-00.

COMMUNITY BOARD #10BK

292-03-A B.Q. 919 Bayside Walk, 716.86' north of Beach 209th Street, Block 16350, Lot 300, Borough of Queens. Alt.1#401684888. Proposed alteration and enlargement, to single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

293-03-A B.Q. 928 Bayside Walk, 457.43' north of Beach 209th Street, Block 16350, Lot 300, Borough of Queens. Alt.1#401689776. Proposed alteration and enlargement, to single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

294-03-BZ B.M. One East 60th Street, northeast corner of Fifth Avenue, Block 1375, Lot 1, Borough of Manhattan. Alt.#103495004. Proposed enlargement of an existing six story community facility, Use Group 4, located in R10-H and C5-1 zoning districts, and the Special Park Improvement District, which does not comply with the zoning requirements for lot coverage, rear yard, rear yard equivalent and front walls, is contrary to Z.R. §24-11, §33-26, §24-36, §54-31 and §92-042(c).

COMMUNITY BOARD #8M

295-03-BZ B.BX. 860/62 Castle Hill Avenue and 2201 Hermany Avenue, northeast corner, Block 3692, Lot 1, Borough of The Bronx. Applic.#200670746. The reestablishment of a previous variance granted by the Board under Cal. No. 288-58-BZ, which permitted an auto repair shop in an R3-1 zoning district, also the proposed addition of auto sales, is contrary to Z.R. §22-00.

COMMUNITY BOARD #9BX

296-03-BZ B.BK. 1619 Kings Highway, aka 1601/1621 Kings Highway and 1639/1651 East 17th Street, Block 6779, Lot 22, Borough of Brooklyn. Alt.1#301387498.

Proposed extension of an existing two story (2) commercial building, Use Group 6, to three stories, located in a C4-3 zoning district, which is in compliance with the NYC Zoning Resolution for the addition, but does not comply with the required parking requirements, as per Z.R.§36-21.

COMMUNITY BOARD #15BK

297-03-A B.Q. 101-10 Metropolitan Avenue, aka 91-51/99 71st Avenue, southwest corner, Block 3896, Lot 42, Borough of Queens. Applic.#401721286. Proposed construction, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

298-03-BZ B.M. 260 Park Avenue South, west side, between East 20th and East 21st Streets, Block 849, Lot 43, Borough of Manhattan. Applic.#103550195.

Proposed enlargement of an existing eight story building, by allowing available floor area to cross district boundary lines, from the adjacent building, that is located in an M1-5M zoning district, to said premises that is located in a C6-4A zoning district, which would exceed the maximum floor area permitted, is contrary to Z.R.§23-145.

COMMUNITY BOARD #5M

299-03-BZ B.Q. 179-16 Grand Central Parkway, between Midland Parkway and Edgerton Boulevard, Block 9943, Lot 43, Borough of Queens. N.B.#401588242. Proposed construction of a detached one-family dwelling, Use Group 1, located in an R1-2 zoning district, which does not comply with the zoning requirements for front yard, rear yard and setback, is contrary to Z.R.§23-45, §23-52 and §23-631.

COMMUNITY BOARD #8Q

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

OCTOBER 28, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, October 28, 2003, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

785-67-BZ

APPLICANT - Eric Palatnik, P.C., for Park Circle Realty Associates, owner; BP Products North America, lessee.
SUBJECT - Application August 18, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 18, 2001.
PREMISES AFFECTED - 577/89 Marcy Avenue, southeast corner of Marcy Avenue and Myrtle Avenue, Brooklyn.
COMMUNITY BOARD #4BK

370-82-BZ

APPLICANT - Walter T. Gorman, P.E., for Douglaston Plaza Shopping Center, LLC, owner.
SUBJECT - Application August 21, 2003 - reopening for an extension of time which expired October 16, 2003.
PREMISES AFFECTED - 242-02 61st Avenue, southwest corner of 245th Place, Block 8286, Lot 185, Borough of Queens.
COMMUNITY BOARD #11Q

515-89-BZ

APPLICANT - Sheldon Lobel, P.C., for 50 East 78th Street, L.P., owner.
SUBJECT - Application August 23, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time which expired October 16, 1998.
PREMISES AFFECTED - 50 East 78th Street, 78th Street between Madison and Park Avenues, Block 1392, Lot 47, Borough of Manhattan.
COMMUNITY BOARD #8M

OCTOBER 28, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, October 28, 2003, at 1:30 P.M., at 40 Rector

2-02-BZ

APPLICANT - Sheldon Lobel, P.C., for City of New York c/o NYC Economic Development Corp., owner; Bronx Preparatory Charter School, lessee.
SUBJECT - Application September 15, 2003 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 3872 Third Avenue, a/k/a 532 East 172nd Street, southeast corner of Third Avenue and East 172nd Street, Block 2929, Lot 8, Borough of The Bronx.
COMMUNITY BOARD #3BX

APPEALS CALENDAR

292-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Karen Carey & George Zandalasini, lessees.
SUBJECT - Application September 5, 2003 - Proposed alteration and enlargement, to single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.
PREMISES AFFECTED - 919 Bayside Walk, 716.86' north of Beach 209th Street, Block 16350, Lot 300, Borough of Queens.
COMMUNITY BOARD #14Q

293-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Lorraine & William Baker, lessees.
SUBJECT - Application September 5, 2003 - Proposed alteration and enlargement, to single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.
PREMISES AFFECTED - 928 Bayside Walk, 457.43' north of Beach 209th Street, Block 16350, Lot 300, Borough of Queens.
COMMUNITY BOARD #14Q

Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

CALENDAR

ZONING CALENDAR

70-03-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Flatlands 84th Realty Corp., owner.

SUBJECT - Application February 13, 2003 - under Z.R. §72-21 to permit the reestablishment of an expired variance, previously granted under Cal. No. 29-68-BZ, which permitted a one story contractor's establishment, in an R-5 zoning district, also the legalization of a one story enlargement to the establishment, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 761 East 84th Street, east side, 89'-0" north of Flatlands Avenue, Block 8005, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #18BK

77-03-BZ & 78-03-BZ

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., for Better Luxury Homes, Inc., owner.

SUBJECT - Application March 3, 2003 - under Z.R. §72-21 to permit the proposed construction of a one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirement for minimum rear yard, and is contrary to Z.R. §23-47.

PREMISES AFFECTED -

260-32 Grand Central Parkway, east side, 9' south of 267th Street, Block 8443, Lot 123, Borough of Queens.

260-34 Grand Central Parkway, east side, 9' south of 267th Street, Block 8443, Lot 120, Borough of Queens.

COMMUNITY BOARD #13Q

142-03-BZ

APPLICANT - George Sirinakis/Phaniel Soba, for Ishamael Miller, owner.

SUBJECT - Application May 1, 2003 - under Z.R. §§11-412 & 11-413

to permit the proposed auto repair shop, Use Group 16, located in a C2-2 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 140-20 Farmers Boulevard, northwest corner of 142nd Avenue, Block 12592, Lot 315, Borough of Queens.

COMMUNITY BOARD #12Q

Pasquale Pacifico, Executive Director

REGULAR MEETING TUESDAY MORNING SEPTEMBER 16, 2003 10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, June 24, 2003, were approved as printed in the Bulletin of July 3, 2003, Volume 88, No. 27.

SPECIAL ORDER CALENDAR

MINUTES

779-57-BZ

APPLICANT - Eric Palatnik, P.C., for Tira Holding Corporation, owner; BP Products North America, lessee.

SUBJECT - Application May 23, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 11, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 137-21 Jamaica Avenue, northeast corner of Jamaica Avenue and Van Wyck Expressway, Block 9618, Lot 30, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 10 A.M., for continued hearing.

578-71-BZ

APPLICANT - Walter T. Gorman, P.E., for The Richard W. Schenkel Trust and Schenkel Investments, L.P., owner; One Hess Plaza, lessee.

SUBJECT - Application May 27, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 833/47 4th Avenue, southeast corner of 30th Street, Block 673, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: John Ronan and H.A. Lautenbacher-Hess.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to October 7, 2003, at 10 A.M., for decision, hearing closed.

297-72-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for J.B. Campus Realty, Ltd., owner.

SUBJECT - Application July 3, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 630-646 East Fordham Road, southwest corner of Belmont and East Fordham Road, Block 3078, Lot 48, Borough of The Bronx.

608-85-BZ

APPLICANT - The Agusta Group, for J.C. Organization, LLC, owner.

SUBJECT - Application May 13, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 17, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 33-56 11th Street, west side 11th Street, 235' south of 33rd Road, Block 319, Lot 36, Borough of Queens.

COMMUNITY BOARD #6BX

APPEARANCES -

For Applicant: Peter Geis.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to October 7, 2003, at 10 A.M., for decision, hearing closed.

546-82-BZ

APPLICANT - Pasquale Carpentiere, for Pasquale Carpentiere, owner; Ganesh Budhu, lessee.

SUBJECT - Application July 2, 2003 - reopening for an extension of term of variance which expired June 14, 2003.

PREMISES AFFECTED - 148-15 89th Avenue, west side 110' east of 148th Street, Block 9693, Lot 60, Jamaica, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Pasquale Carpentiere.

ACTION OF THE BOARD - Laid over to November 5, 2003, at 10 A.M., for continued hearing.

1059-84-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for BMS Realty Co., owner, Bally Fitness Corp., lessee.

SUBJECT - Application June 10, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 943/61 Kings Highway aka 2032 Coney Island Avenue, northwest corner of intersection Kings Highway & Coney Island Avenue, Block 6666, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Barbara Hair.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to October 7, 2003, at 10 A.M., for decision, hearing closed.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Nelly Bravo.

ACTION OF THE BOARD - Laid over to October 7, 2003, at 10 A.M., for continued hearing.

172-97-BZ

MINUTES

APPLICANT - Harold Weinberg, P.E., for Oceana Holding Corporation, Inc., owner.

SUBJECT - Application July 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 11, 2002.

PREMISES AFFECTED - 1023 Brighton Beach Avenue, north side, between Brighton 11th and Brighton 12th Street, Block B-8709, L-60, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Harold Weinberg, P.E..

ACTION OF THE BOARD - Laid over to October 7, 2003, at 10 A.M., for continued hearing.

203-02-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Marcello Porcelli, Fabrizio Realty Corp.

LESSEE: BP AMOCO, plc

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 110-18 Northern Boulevard, between 110 and 111th Streets, Block 1725, Lots 1, 3, 4, 7, 8, 11, 12, & 13, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 10 A.M., for continued hearing.

APPEALS CALENDAR

101-03-A

APPLICANT - BTU Design Corporation.

OWNER OF RECORD: Trump World Tower Condominium, owner.

SUBJECT - Application April 1, 2003 - An appeal challenging a final determination by the Department of Buildings, dated March 19, 2003, regarding manual fire pump and motor at said premises.

WHEREAS, the appellant asserts that the motor to the pump is underpowered, and must be changed to a 350 HP motor to adequately serve the pump; and

WHEREAS, the appellant argues that the existing installation of the pump is in violation of NFPA 20 §6-5.2.1, which governs motors for fire pump service and provides that "all motors shall be of such capacity that at rated voltage (and on ac motors at rated frequency) their full load ampere rating will not be exceeded under any conditions of pump load. Exception: general purpose (open and drip proof motors) shall not have a service factor larger than 1.15.", because §6-5.2.1 permits the subject pump's motor to operate at a maximum horsepower of 345 and not the 397 horsepower at which the pump is rated; and

WHEREAS, the appellant contends that the maximum brake horse power on the subject motor is 397 HP, and that although the motor can operate in excess of the 115% allowed, the motor's

PREMISES AFFECTED - 845 United Nations Plaza, between 47th and 48th Streets, Block 1340, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Bruce M. Feit.

For Administration: Fecilia Miller, Department of Buildings.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:.....0

Negative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

THE RESOLUTION -

WHEREAS, the instant appeal comes before the Board in response to a final determination issued March 19, 2003 to BTU Design Corporation ("appellant") by the New York City Department of Buildings ("respondent" or "DOB"), concerning a fire pump and motor assembly installed at the subject premises, which states that neither the New York City Building Code (the "Building Code") nor the National Fire Prevention Association, Pamphlet 20 ("NFPA 20"), as referenced in Reference Standard 17 of the Building Code, require the field testing of the subject pump at 150% of rated capacity, and further that the manufacturer-supplied data for the pump shows that it meets the requirements for minimum, rated and peak loads; and

WHEREAS, the above determination also noted that the subject motor complied with the NFPA 20 requirement that, at peak load of the pump, the motor must be of sufficient capacity such that at rated voltage it will not have a service factor greater than 1.15, because pursuant to Building Code §27-946(a)(1), at least one 750 gallons per minute ("gpm") pump (which has an input power of 297.5 horsepower), capable of pumping water at a pressure of 50 psig above the normal static pressure, is required for the subject premises, and the motor of the pump in question has an approximately equal horsepower ("HP"), leading to a service factor of about 1, which is within the 1.15 maximum; and

WHEREAS, at present, the Building Code references the NFPA 20 issued in 1990 and not the 1999 version; and

WHEREAS, the appellant notes that the subject pump has a nameplate listing of a maximum of 397 HP, while the motor has a nameplate listing of 300 HP; and

manufacturer will not guarantee the performance of their product; and

WHEREAS, the appellant alleges that because the provisions of NFPA 20 were adopted as part of the Building Code and the subject pump and motor assembly installation violates NFPA 20, the installation is therefore in violation of the Building Code; and

WHEREAS, the appellant asserts that any UL listing for the subject pump does not extend to a motor or a pump installation or to a use that violates NFPA 20; and

WHEREAS, the appellant argues that the subject pump must be field tested at 150% of rated capacity per NFPA 20; and

WHEREAS, the respondent argues that NFPA 20 explicitly recognizes the right of local jurisdictional bodies to apply its own standards for testing and installation of standpipe systems, including pump and motor assemblies; and

WHEREAS, the respondent notes that although it adopted

MINUTES

NFPA 20 to provide guidelines for acceptance of pumps, the Building Code contains separate standards for testing, acceptance and installation of a standpipe system; and

WHEREAS, the respondent agrees that the subject pump's motor is not UL listed, but that there is no requirement in the Building Code or the NFPA 20 that requires such listing or any testing by a national laboratory; and

WHEREAS, pursuant to Building Code §27-946(a)(1), at least one 750 gpm pump is required for the subject premises; and

WHEREAS, pursuant to NFPA 20 §1-7.3.5, the service factor is a "multiplier that, when applied to the rated HP, indicates a permissible HP loading that may be carried at the rated voltage, frequency and temperature."; and

WHEREAS, the respondent argues that a motor with a HP of 297.5 is needed to meet the gpm requirement of Building Code §27-946(a)(1); and

WHEREAS, the respondent further argues that because the subject motor is rated at 300 HP, it complies with the Building Code and also does not exceed the maximum load of the pump (397 HP), as the service factor multiplier, when applied to the subject motor, leads to a 345 HP maximum capacity; and

WHEREAS, the respondent notes that the subject pump's motor is capable of meeting the requirements of Building Code §27-946(a)(1) with the HP provided; and

WHEREAS, the respondent does not require the field testing of pumps at 150% of rated capacity, and relies on a manufacturer's performance curve for data beyond 100%; and

WHEREAS, the record shows that the manufacturer's performance curve for the subject pump showed performance in compliance with the requirements of the Building Code; and

WHEREAS, the record also shows that although there is no requirement to test a manual fire pump at 150%, the company that

WHEREAS, respondent DOB has authority, pursuant to Building Code, Article 7 of Subchapter 1, to approve materials and equipment such as the pump for use in buildings; and

WHEREAS, the Board finds that the subject pump and motor assembly installation complies with Building Code §27-946(a)(1) and does not violate NFPA 20 §6-5.2.1; and

WHEREAS, the Boards finds that the subject pump and motor assembly installation is not required to be field tested, or operated, at 150% of capacity; and

WHEREAS, the Board further finds that the subject pump and motor assembly has been tested and shown to be in compliance with Building Code §27-951; and

WHEREAS, the Board, consequently, agrees with the final determination of DOB, dated March 19, 2003, as described above; and

Therefore, it is resolved that the final determination of the New York City Department of Buildings, dated March 19, 2003, is upheld and this appeal is denied.

Adopted by the Board of Standards and Appeals, September 16, 2003.

45-03-A thru 64-03-A

APPLICANT - Robert E. Englert, A.I.A., for Sleepy Hollow Development Corp., owner.

manufactured the pump noted that even if the pump operated at 150% of its rating, that both the control and motor could operate at 150% of rated capacity as well; and

WHEREAS, pursuant to Building Code §27-951(h), a pump must be tested at the top of the building where it is to be installed, and the pump must deliver the full 750 gpm through three hose outlets; and

WHEREAS, the record indicates that the subject standpipe system, including the pump, was tested on three different occasions, including an endurance test for 45 minutes, and it complied with Building Code §27-951; and

WHEREAS, the record further indicates that the results of the aforementioned tests showed that even when testing the pump in excess of the required 750 gpm, the pump and motor assembly did not overheat and supplied the gpm required at the highest portion of the building, which is 72 stories above street level; and

WHEREAS, the respondent maintains that the Building Code does not require that the motor possess any certain capacity beyond that needed to enable the pump to meet its service requirements for the particular building; and

WHEREAS, the respondent notes that the subject pump operates to supply the standpipe and sprinkler systems under the direction of the New York City Fire Department (the "Fire Department") in the event of a fire, and only partial pressure may be desired or required; and

WHEREAS, the record shows that the Fire Department, after its review of the subject pump assembly installation and the instant appeal, concurred with DOB that the installation of the pump and motor assembly at the subject premises was "in compliance with all of the rules, regulations, and requirements of the New York City Administrative Code;" and

SUBJECT - Application February 10, 2003 - Proposed two family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED -

69 Hall Avenue, north side, 595.62' west of Willowbrook Road, Block 2091, Lot 85, Borough of Staten Island.

67 Hall Avenue, north side, 570.62' west of Willowbrook Road, Block 2091, Lot 80, Borough of Staten Island.

65 Hall Avenue, north side, 545.62' west of Willowbrook Road, Block 2091, Lot 79, Borough of Staten Island.

63 Hall Avenue, north side, 520.62' west of Willowbrook Road, Block 2091, Lot 78, Borough of Staten Island.

61 Hall Avenue, north side, 495.62' west of Willowbrook Road, Block 2091, Lot 77, Borough of Staten Island.

59 Hall Avenue, north side, 465.62' west of Willowbrook Road, Block 2091, Lot 76, Borough of Staten Island.

55 Hall Avenue, north side, 435.62' west of Willowbrook Road, Block 2091, Lot 75, Borough of

MINUTES

Staten Island.

53 Hall Avenue, north side, 410.62' west of Willowbrook Road, Block 2091, Lot 74, Borough of Staten Island.

51 Hall Avenue, north side, 385.62' west of Willowbrook Road, Block 2091, Lot 73, Borough of Staten Island.

49 Hall Avenue, north side, 355.62' west of Willowbrook Road, Block 2091, Lot 72, Borough of Staten Island.

45 Hall Avenue, north side, 325.62' west of Willowbrook Road, Block 2091, Lot 71, Borough of Staten Island.

43 Hall Avenue, north side, 300.62' west of Willowbrook Road, Block 2091, Lot 70, Borough of Staten Island.

41 Hall Avenue, north side, 275.62' west of Willowbrook Road, Block 2091, Lot 69, Borough of Staten Island.

39 Hall Avenue, north side, 250.62' west of Willowbrook Road, Block 2091, Lot 68, Borough of Staten Island.

37 Hall Avenue, north side, 225.62' west of Willowbrook Road, Block 2091, Lot 67, Borough of Staten Island.

35 Hall Avenue, north side, 200.62' west of Willowbrook Road, Block 2091, Lot 66, Borough of Staten Island.

31 Hall Avenue, north side, 267.12' west of Willowbrook Road, Block 2091, Lot 65, Borough of

215-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Leo & Barbara MacCourtney, lessees.

SUBJECT - Application June 24, 2003 - Proposed building not fronting on a legally mapped street, and has an upgraded private disposal system in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED - 11 Kildare Walk, east side, 154.99' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to October 7, 2003, at 10 A.M., for decision, hearing closed.

216-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Brendan & Joann Dolan, lessees.

SUBJECT - Application June 24, 2003 - Proposed building not fronting on a legally mapped street, and located partially within the

Staten Island.

29 Hall Avenue, north side, 143.62' west of Willowbrook Road, Block 2091, Lot 63, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 10 A.M., for continued hearing.

212-03-A & 213-03-A

APPLICANT - Tai Lawal Calibre Building Services, Inc., for Nabat Development Corp., owner.

SUBJECT - Application June 20, 2003 - Proposed single family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General Law.

PREMISES AFFECTED -

129-32 Hook Creek Boulevard, east side, between 129th Road and 130th Avenue, Block 12891, Lot 2, Borough of Queens.

129-36 Hook Creek Boulevard, east side, between 129th Road and 130th Avenue, Block 12891, Lot 4, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Michael Kaye and Glen Bakhshi.

ACTION OF THE BOARD - Laid over to October 7, 2003, at 10 A.M., for continued hearing.

bed of a mapped street is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 73 Reid Avenue, east side, 287.35' north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to October 7, 2003, at 10 A.M., for decision, hearing closed

225-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Msgr. Ronald A. Newland, lessee.

SUBJECT - Application July 1, 2003 - Proposed first floor enlargement, and a proposed new second story to an existing single family dwelling, situated within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 21 Park End Terrace, north side of Rockaway Point Boulevard, 94.61' west of Bayside Drive, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

MINUTES

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to October 21,
2003, at 10 A.M., for decision, hearing closed

226-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point
Cooperative, Inc., owner; John Sullivan, lessee.

SUBJECT - Application July 1, 2003 - Proposed first floor
alterations, and a partial new second floor addition, to an existing
single family dwelling, not fronting on a legally mapped street, is
contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 30 Reid Avenue, south side, 264.91'
west of Marshall Avenue, Block 16350, Part of Lot 300, Borough
of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to October 7,
2003, at 10 A.M., for decision, hearing closed

228-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point
Cooperative, Inc., owner; William F. & Kerry A. Dolan, lessee.

SUBJECT - Application July 1, 2003 - Proposed first floor
alterations and additions, also a partial new second floor addition,
to an existing single family dwelling, not fronting on a legally mapped
street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 32 Gotham Walk, west side, 62.26'
north of Stehn Promenade, Block 16350, Part of Lot 400,
Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to October 7,
2003, at 10 A.M., for decision, hearing closed

233-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point
Cooperative, Inc., owner; Patti & Ken Damstron, lessees.

SUBJECT - Application July 7, 2003 - Proposed first floor
alterations and additions, also a partial new second floor addition,
to an existing single family dwelling, not fronting on a legally mapped
street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 25 Gotham Walk, east side, 102.01'
north of Breezy Point Boulevard, Block 16350, Part of Lot 400,
Borough of Queens.

2003, at 10 A.M., for decision, hearing closed

227-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point
Cooperative, Inc., owner; Lisa & Thomas Good, lessee.

SUBJECT - Application July 1, 2003 - Proposed first floor
alterations and additions, also a partial new second floor addition,
to an existing single family dwelling, not fronting on a legally
mapped street, is contrary to Section 36, Article 3 of the General
City Law.

PREMISES AFFECTED - 5 Bath Walk, west side, 56.00' north
of Proposed 12th Avenue, Block 16350, Part of Lot 400,
Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to October 7,
2003, at 10 A.M., for decision, hearing closed

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to October 7,
2003, at 10 A.M., for decision, hearing closed

Pasquale Pacifico, Executive Director.

Adjourned: 10:50 A.M.

REGULAR MEETING

TUESDAY AFTERNOON, SEPTEMBER 16, 2003

1:30 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner
Caliendo and Commissioner Miele

MINUTES

ZONING CALENDAR

66-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Harry Einhorn, owner.
SUBJECT - Application February 20, 2002 - under Z.R. §72-21, to permit, in an M3-1 zoning district, the construction of a 23 unit, six-story and cellar residential building, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 439 Marcy Avenue, Lot fronting on Marcy Avenue and Union and Wallabout Streets, Block 2249, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M3-1 zoning district, the construction of a 23 unit, six-story and cellar residential building, which is contrary to Z.R. §42-00; and

WHEREAS, the record indicates that the subject lot fronts on Marcy Avenue, Wallabout Street and Union Avenue, and is currently improved with a one-story building; and

WHEREAS, the applicant represents that the subject building is currently vacant; and

WHEREAS, the applicant contends that there are unique conditions on the subject lot which render practical difficulty in conforming with the underlying zoning regulations; and

WHEREAS, evidence in the record indicates that the subject site is of an irregular shape-cut at acute angles by a street at variance with the otherwise uniform street grid-which increases the cost of construction and reduces the efficiency of the use of the site; and

WHEREAS, the applicant asserts that existing building is burdened by an obsolete one-story building which the applicant claims is underdeveloped, with an FAR of 0.68 in a zoning district with a permitted FAR of 2.0; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary undue hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

WHEREAS, the applicant represents that residential development dominates the area, with the adjacency of R6 and R7 residential districts, and the proliferation of converted loft buildings;

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 12, 2002 acting on Application No. 301253989 reads:

"PROPOSED RESIDENTIAL DWELLINGS IN M3-1 ZONING DISTRICT ARE CONTRARY TO SECTION 42-00 OF THE ZONING RESOLUTION AND REQUIRE A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS"; and

WHEREAS, a public hearing was held on this application on October 8, 2002 after due notice by publication in The City Record, and laid over to November 26, 2002, April 8, 2003, May 20, 2003, June 3, 2003, July 22, 2003, and August 12, 2003 and then to September 16, 2003 for decision; and

WHEREAS, Community Board No. 1 in Brooklyn recommends conditional approval of the subject application; and

and

WHEREAS, at the request of the Board and in response to community-based concerns the applicant has reduced the scale and scope of this project; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action

and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, in an M3-1 zoning district, the construction of a 23 unit, six-story and cellar residential building, which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received August 5, 2003" - (11) sheets and "Received September 12, 2003" - (1) sheet, and on further condition;

MINUTES

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

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 the specifically cited and filed Department of Buildings objection 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 PREMISES AFFECTED - 160 North Fourth Street, between Driggs and Bedford Avenues, Block 2352, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #9BK

ACTION OF THE BOARD - Application granted on condition.

APPEARANCES - None.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 11, 2002 acting on Application No. 301022881 reads:

"PROPOSED CONVERSION OF THE BUILDING INTO RESIDENTIAL DWELLINGS IS NOT PERMITTED IN A MANUFACTURING DISTRICT AS PER SECTION 42-00 OF THE ZONING RESOLUTION"; and

WHEREAS, a public hearing was held on this application on June 17, 2003 after due notice by publication in The City Record, and laid over to July 22, 2003 and August 12, 2003, and then to September 16, 2003 for decision; and

WHEREAS, Community Board No. 1 recommends conditional approval of the subject application; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-2 zoning district, the legalization of 34 existing residential units (artist work/living studios) on the second floor of a two-story building, which is contrary to Z.R. §42-00; and

WHEREAS, the applicant proposes to legalize the 34 existing residential units (artist work/living studios) on the second floor of the building while maintaining the approximately 11 conforming retail and manufacturing uses on the ground floor; and

WHEREAS, the record shows that the building totals 90,595 square feet of floor area, on a lot with an area of 53,500 square feet; and

WHEREAS, the applicant proposes to upgrade the second floor to be in compliance with applicable building standards for

jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT the above conditions shall be noted in the Certificate of Occupancy.

Adopted by the Board of Standards and Appeals, September 16, 2003.

275-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for BFN Realty, LLC, owner.

SUBJECT - Application October 10, 2002 - under Z.R. §72-21 to permit, in an M1-2 zoning district, the legalization of 34 existing residential units on the second floor of an existing two-story building, which is contrary to Z.R. Section 42-00.

residential units, including, but not limited to, the light and air requirements of the Multiple Dwelling Law; and

WHEREAS, the record further shows that the applicant documented good-faith attempts to obtain a conforming tenant on the second floor; and

WHEREAS, the record shows that the existing building is comprised of two L-shaped portions, one on the east side of the lot, and one on the west side; and

WHEREAS, the applicant states that the building consists of several different sections that appear to have been constructed at different times, leading to inconsistent construction materials throughout; and

WHEREAS, the applicant asserts that the second story floor plates of the existing building are irregular and not properly aligned, and that the second story has no elevator access, preventing continued use of the second floor by manufacturing uses; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary undue hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

WHEREAS, the record indicates that the surrounding area contains many residential dwellings, warehouses converted to residential use, and some remaining manufacturing uses and community facilities; and

WHEREAS, the applicant represents that the subject legalization is consistent with the proposed Greenpoint-Williamsburg Rezoning, which recommends that the subject lot be rezoned from M1-2 to M1-2/R6B; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R.

MINUTES

§72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration based on the condition noted below, 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, in an M1-2 zoning district, the legalization of 34 existing residential units on the second floor of an existing two-story building, which is contrary to Z.R. Section 42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "July 14, 2003"-(3) sheets and "Received August 28, 2003" (3) sheets, and on further condition;

THAT the applicant shall provide an alternate means of ventilation shall be provided which includes, but is not limited to the following options:

- (1) Central air-conditioning in the apartments
- (2) Provision for air conditioner sleeves for use with an air conditioner or HUD-approved fan;

THAT to ensure that there shall not be any potential noise impacts on the proposed residents due to the proximity of the project site to industrial uses in the area, a minimum window/wall attenuation of 35 dBA shall be provided for all facades of the building;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

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 the specifically cited and filed Department of Buildings objection 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;

THAT the above conditions shall be noted in the Certificate of Occupancy.

Adopted by the Board of Standards and Appeals, September 16, 2003.

119-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Columbus Centre, LLC, owner; Equinor Columbus Centre, Inc.,

areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

SUBJECT - Application April 14, 2003 - under Z.R. §73-36 to permit the creation of a physical culture establishment within portions of a fifty-four story mixed-use building currently under construction on a corner lot, extending from West 58th Street to West 60th Street, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 10 Columbus Circle, a/k/a 301 West 58th Street, a/k/a 300 West 60th Street, northwest corner of west 58th Street and Columbus Circle, Block 1049, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE VOTE TO GRANT-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated March 28, 2003 acting on ALT I. Application No. 1022686112 reads:

"PROPOSED PHYSICAL CULTURE ESTABLISHMENT, LOCATED IN A C6-6 ZONING DISTRICT, IS NOT A PERMITTED AS OF RIGHT USE PURSUANT TO 32-10 AND 81-10 ZR."; and

WHEREAS, a public hearing was held on this application on August 12, 2003, after due notice by publication in The City Record and held over to September 17, 2003 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 Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §73-36 to permit the creation of a physical culture establishment ("PCE") within portions of a fifty-four story mixed-use building currently under construction on a corner lot, extending from West 58th Street to West 60th Street and within the Special Midtown District, which requires a special permit pursuant to Z.R. §32-10; and

WHEREAS, the proposed PCE is to be located within portions of the ground floor and second sub-cellar of the proposed mixed-use building; and

WHEREAS, the applicant states that the hours of operation of the PCE will be Monday through Friday 5:00 A.M. to 11:00 P.M.,

MINUTES

and Saturday and Sunday 7:30 A.M. to 9:00 P.M.; and

WHEREAS, the record indicates that the subject PCE will

WHEREAS, the applicant represents that the ground floor of the proposed mixed-use building will contain a significant amount of commercial floor area, extending several floors above the ground floor, and that there are no residential units directly above or adjacent to the proposed PCE; and

WHEREAS, the Board finds that the proposed use will not alter the essential character of the surrounding neighborhood, nor will it impair the future use and development of the surrounding area; and

WHEREAS, the record shows that the proposed PCE will contain facilities for classes, instruction, and programs for physical improvement, body building, weight reduction, and aerobics; and

WHEREAS, the applicant asserts that the proposed PCE will have no adverse impact on the privacy, light, quiet, and air of the surrounding area, as the facility is to be located at the ground floor and sub-cellars of a proposed mixed-use building; and

WHEREAS, the proposed project will not interfere with the existing street system or any pending public improvement project; 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 73-03; and

WHEREAS, the Board has determined that the evidence in the record shows that the proposed PCE will be consistent with the general purposes and provisions of the Special Purpose District as set forth in ZR§81-00 et. seq.; 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, 73-03 and 81-13 to permit the creation of a physical culture establishment within portions of a fifty-four story mixed-use building currently under construction on a corner lot, extending from West 58th Street to West 60th Street, which requires a special permit as per Z.R. §32-10, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received July 29, 2003" - (4) sheets and "September 2, 2003" -(1) sheet; and on further condition;

THAT the term of this special permit shall be limited to ten

THE VOTE TO GRANT -
Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner

have a separate dedicated entrance from West 60th Street; and

(10) years from September 16, 2003 to expire on September 16, 2013;

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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 all signage shall comply with the underlying signage regulations;

THAT the hours of operation shall be limited to Monday through Friday 5:00 A.M. to 11:00 P.M., and Saturday and Sunday 7:30 A.M. to 9:00 P.M.;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all provisions of Local Law 58/87;

THAT this approval is limited to the relief granted by the Board in response to the specifically cited and filed Department of Buildings objection 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, September 16, 2003.

154-03-BZ

APPLICANT - Steven Sinacori for Stadtmauer Bailkin, LLP, for 100-05 92nd Avenue Realty, Corporation, owner.

SUBJECT - Application May 15, 2003 - under Z.R. §72-21 to permit, in an R3-1 zoning district, the proposed change of use of a vacant industrial building, to a multiple dwelling which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 100-05 92nd Avenue, corner of 102nd Street, Block 9306, Lot 30, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Steven Sinacori.

ACTION OF THE BOARD - Application granted on condition.

Caliendo and Commissioner Miele.....4

Negative:0

MINUTES

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 12, 2003 acting on Application No. 401579449 reads:

"There are no bulk or use regulations for proposed multiple dwelling in an R3-1 zoning district. Therefore, proposed multiple dwelling is contrary to Zoning Resolution section 22-00.

Proposed multiple dwelling in R3-1 zoning district is contrary to Zoning Resolution Section 22-12."; and

WHEREAS, a public hearing was held on this application on July 15, 2003 after due notice by publication in The City Record, and laid over to August 12, 2003 and then to September 16, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R3-1 zoning district, the proposed change of use of a vacant industrial building, to a multiple dwelling which is contrary to Z.R. §22-00; and

WHEREAS, the subject site is located at a dead end of 92nd Avenue created by an unused Long Island Railroad right-of-way; and

WHEREAS, evidence in the record indicates that the subject site fronts 100.25 feet on the north side of 92nd Avenue, has a depth of 100.10 feet, and is currently improved with a vacant industrial building which was erected in 1927 as a bread bakery which was subsequently converted to a knitting mill; and

WHEREAS, the applicant proposes to convert the legally non-conforming use into a multiple dwelling that is not otherwise permitted within the Building's R3-1 residential zoning district which permits one and two-family homes; and

WHEREAS, the applicant represents the history of development of the zoning lot, including the functionally obsolete building create unique physical conditions resulting in practical difficulty in using the building for a conforming use; and

WHEREAS, the building's location on a narrow, two-way, dead-end street abutting a dormant railroad right-of-way renders the site impractical for commercial or manufacturing uses which may require loading/unloading of goods; and

WHEREAS, the record further shows that the building is ill-equipped for modern commercial/industrial use with insufficient elevator capacity; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary undue hardship in developing the site in conformity with the current zoning regulations; and

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 the specifically cited and filed Department of Buildings objection 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

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

WHEREAS, the record indicates that the surrounding area contains many residential dwellings, warehouses converted to residential use, and some remaining manufacturing uses and community facilities; and

WHEREAS, the proposal seeks to convert a non-conforming commercial building into a conforming residential use; and

WHEREAS, the record indicates that the surrounding area consists primarily of residential uses; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action

and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, in an R3-1 zoning district, the proposed change of use of a vacant industrial building, to a multiple dwelling which is contrary to Z.R. §22-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "August 1, 2003" - (8) sheets, and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

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 be noted in the Certificate of Occupancy.

Adopted by the Board of Standards and Appeals, September 16, 2003.

MINUTES

185-03-BZ

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin LLP, for AJJ Canal, LLC, owner.

SUBJECT - Application June 4, 2003 - under Z.R. §72-21 to permit, in an M1-5B zoning district, the proposed change of use of a portion of the first floor and cellar of an existing three-story with cellar commercial building, to retail use, which is contrary to Z.R. §42-14 D2(b).

PREMISES AFFECTED - 277 Canal Street, northeast corner of Broadway, Block 209, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Steve Sinacori.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 20, 2003 acting on Application No. 1031580162 reads:

"As per ZR 42-14 D2(b). Use group 6 is not permitted below the ceiling at the first story or cellar. Therefore an extension of that use is also not permitted."; and

WHEREAS, a public hearing was held on this application on August 12, 2003 after due notice by publication in The City Record, and laid over to September 16, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-5B zoning district, the proposed change of use of a portion of the first floor and cellar of an existing three-story with cellar commercial building, to retail use, which is contrary to Z.R. §42-14 D2(b); and

WHEREAS, the subject premises is a 9,996 square foot irregularly shaped corner lot fronting approximately 127 feet on Canal Street and 62 feet on Broadway, which is currently improved with a 26,685 square foot building occupied by 15 retail stores on

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and

its first floor and cellar, and an additional retail store on the second and third floors; and

WHEREAS, the requested variance would permit retail use in 5,737 square feet of the building's 9,996 square foot first floor and an additional 214 square feet in the building's cellar; and

WHEREAS, ZR '42-12 does not permit Use Group 6 retail use below the floor level of the second story in an M1-5B zoning district; and

WHEREAS, the applicant represents that legal but non-conforming retail use currently occupies the remaining 4,259 square feet of the building's first floor; and

WHEREAS, the subject building was constructed in 1927 for a movie theater and commercial use, but that the building is obsolete for modern movie theater purposes which require a number of amenities which the building lacks; and

WHEREAS, the applicant contends that the small footprint of the building precludes renovation work to modern movie requirements; and

WHEREAS, the applicant further asserts that the subject building is ill-equipped for its as-of-right manufacturing and commercial use because of the heavily traveled frontages of the site, the lack of a loading platform or loading/unloading area, the absence of freight elevators and the building's small footprint; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary undue hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

WHEREAS, the record indicates that the surrounding area contains many residential dwellings, warehouses converted to residential use, and some remaining manufacturing uses and community facilities; and

WHEREAS, the applicant represents that within the surrounding area there is a proliferation of ground floor retail uses; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, in an M1-5B zoning district, the proposed change of use of a portion of the first floor and cellar of an existing three-story with cellar commercial building, to retail use, which is contrary to Z.R. §42-14 D2(b), on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "June 4, 2003" - (4) sheets, and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

MINUTES

THAT the applicant shall comply with all applicable fire safety measures;

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 the specifically cited and filed Department of Buildings objection 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;

THAT the above conditions shall be noted in the Certificate of Occupancy.

Adopted by the Board of Standards and Appeals, September 16, 2003.

249-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for B.Z.V. Enterprise Corporation, owner.

SUBJECT - Application August 7, 2001 - under Z.R. § 72-21, to permit the proposed conversion of an existing four story manufacturing building, Use Group 17, to joint living/working quarters, Use Group 17D, located in an M1-2 zoning district, which is contrary to Z.R. §42-14.

PREMISES AFFECTED - 9 White Street, a/k/a 210/22 Varet Street, southwest corner, Block 3117, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Moshe Friedman.

ACTION OF THE BOARD - Laid over to September 16, APPEARANCES - None.

ACTION OF THE BOARD - Laid over to October 7, 2003, at 1:30 P.M., for continued hearing.

258-02-BZ

APPLICANT - Jesse Masyr, Esq., Wachtel & Masyr, LLP, for Inex Fulton, owner.

SUBJECT - Application September 24, 2002 - under Z.R. §72-21 to permit the proposed conversion of a one and four story manufacturing building to residential use, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 7/13 Ash Street, a/k/a 1164/66 Manhattan Avenue, northeast corner, Block 2477, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to October 7, 2003, at 1:30 P.M., for continued hearing.

2003, at 1:30 P.M., for continued hearing.

161-02-BZ

APPLICANT - SFS Associates, for Coral Cove, LLC, owner.
SUBJECT - Application May 20, 2002 - under Z.R. § 72-21 to permit the 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.

PREMISES AFFECTED - 2433 Knapp Street, corner of Knapp Street and Avenue "X", Block 8833, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Peter Hirshman, Robert Pauls, Donald Letnik.

For Opposition: Frank R. Seddio, Doreen Garson, George Broadherd, R. Gavilt, D Cavanagh, Repres. Senator Golden Steven Barrison, Esq., Pres. Bay Improvement Group.

ACTION OF THE BOARD - Laid over to November 5, 2003, at 1:30 P.M., for continued hearing.

202-02-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for Hajj D. Corp., owner.

SUBJECT - Application July 1, 2002 - under Z.R. §72-243 to permit the proposed construction of an accessory drive-thru facility in conjunction with an eating and drinking establishment, Use Group 6, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 133-20 Rockaway Boulevard, between 133rd and 134th Streets, Block 11757, Lot 55, Borough of Queens.

COMMUNITY BOARD #12Q

279-02-BZ

APPLICANT - Harold Weinberg, P.E., for Michael Pellegrino, owner.

SUBJECT - Application May 2, 2003 - under Z.R. §73-622 to permit the legalization of a second story to an existing one story, one family dwelling, Use Group 1, located in an R4 zoning district, which does not comply with the zoning requirements for lot coverage, floor area ratio and side yard, is contrary to Z.R. §23-141, §23-47 and §54-31.

PREMISES AFFECTED - 76 Aster Court, east side, 34'0" north of Channel Avenue, south of Bijou Avenue, Block 8946, Lot 844, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg and Yenny U.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

MINUTES

ACTION OF THE BOARD - Laid over to October 7, 2003, at 1:30 P.M., for decision, hearing closed.

281-02-BZ

APPLICANT - Harold Weinberg, P.E., for Jacob Farhi, owner.
SUBJECT - Application October 18, 2002- under Z.R. §73-622 to permit the legalization of an enlargement at the rear of an existing one family residence, Use Group 1, located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio, also side and rear yards, and is contrary to Z.R. §23-141, §54-31, §23-47 and §23-461.

PREMISES AFFECTED - 18 Exeter Street, east side, 126'-4½" south of Oriental Boulevard, north of Hampton Avenue, Block 8730, Lot 53, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg and Yenny U

ACTION OF THE BOARD - Laid over to October 7, 2003, at 1:30 P.M., for continued hearing.

315-02-BZ

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for 225-227 West 60th Street, LLC, owner.

SUBJECT - Application October 25, 2002- under Z.R. §72-21 to permit the proposed construction of a mixed-use building, containing college facilities and apartments, Use Groups 2 and 3, located in an R8 zoning district, which does not comply with the APPEARANCES -

For Applicant: Gary H. Silver

ACTION OF THE BOARD - Laid over to October 21, 2003, at 1:30 P.M., for continued hearing.

350-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Advance Investments, owner.

SUBJECT - Application November 25, 2002- under Z.R. §73-27 to permit the proposed use of an existing building as a funeral establishment, Use Group 7, with accessory off-street parking for 12 automobiles, located in a C1-1(R3-2) (SRD) zoning district, requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 6389 Amboy Road, west side, 258' north of Weir Avenue, Block 7534, Lot 186, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam Rothkrug.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner

zoning requirements for floor area ratio, number of dwelling units, setback, rear setback, sky exposure plane and lot coverage, is contrary to Z.R. §23-142, §24-11, §24-20, §24-16, §24-33 and §24-522.

PREMISES AFFECTED - 223/27 West 60th Street, north side, between Amsterdam and West End Avenues, Block 1152, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Howard Weiss.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to October 7, 2003, at 1:30 P.M., for continued hearing.

326-02-BZ

APPLICANT - Gary H. Silver, Architect, P.C., for 230 Church Avenue Realty, LLC, owner; JF Fitness Inc., DBA Church Avenue Fitness, lessee.

SUBJECT - Application November 1, 2002- under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, which occupies the cellar of the subject premises, located in a C4-2 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 2238 Church Avenue, 213.8' east of the corner formed by the intersection of Flatbush and Church Avenues, Block 5103, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #14BK

Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to November 5, 2003, at 1:30 P.M., for continued hearing.

83-03-BZ

APPLICANT - The Agusta Group, for Ms. Hilda Lovera, owner.
SUBJECT - Application March 12, 2003- under Z.R. §72-21 to permit the proposed construction of a two family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, front yard and the maximum number of dwelling units, which is contrary to Z.R. §23-141, §23-45 and §23-22.

PREMISES AFFECTED - 2100 Hermany Avenue, southeast corner of Olmstead Avenue, Block 3685, Lot 9, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Philip P. Agusta.

ACTION OF THE BOARD - Laid over to October 7, 2003, at 1:30 P.M., for continued hearing.

MINUTES

96-03-BZ

APPLICANT - Agusta & Ross, for Brucha Building Corp., owner.
SUBJECT - Application March 27, 2003 - under Z.R. §72-21 to permit the proposed erection of a five story, ten unit multiple dwelling, Use Group 2, upon a vacant shallow corner zoning lot, located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 86 Franklin Avenue, a/k/a 450/52 Park Avenue, southwest corner, Block 1898, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Laid over to September 30, 2003, at 1:30 P.M., for continued hearing.

97-03-BZ-98-03-BZ

APPLICANT - Agusta & Ross, for Coconut International Realty Corp./Blue Sky, Inc., owner.

SUBJECT - Application March 27, 2003 - under Z.R. §72-21 to permit the proposed erection of a multiple dwelling, Use Group 2, upon a vacant irregularly shaped zoning lot, located in an R7-1/M1-2 zoning district, which is contrary to Z.R. §42-00.

1685 60th Street, northwest corner of 17th Avenue, Block 5510, Lot 150, Borough of Brooklyn.

1687 60th Street, northwest corner of 17th Avenue, Block 5510, Lot 149, Borough of Brooklyn.

1689 60th Street, northwest corner of 17th Avenue, Block 5510, Lot 148, Borough of Brooklyn.

1691 60th Street, northwest corner of 17th Avenue, Block 5510, Lot 147, Borough of Brooklyn.

1693 60th Street, northwest corner of 17th Avenue, Block 5510, Lot 47, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Peter Geis

ACTION OF THE BOARD - Laid over to October 28, 2003, at 1:30 P.M., for continued hearing.

131-03-BZ & 132-03-A

APPLICANT - The Agusta Group, for Dr. S.K. Bhat & Dr. Unnila Bhat, owner.

SUBJECT - Application April 18, 2003 - under Z.R. §72-11, 72-21 & 73-125 to permit the proposed conversion of the first floor and cellar of an existing one family dwelling, to medical offices, and also to add a two-story enlargement, to create space necessary for larger examination rooms, creates non-compliance with respect to side yard, floor area ratio, front yard, floor area and cellar space, which is contrary to §24-35, §24-34, §22-14 and §24-161; and proposed conversion of the first floor and cellar of an existing one family dwelling, of frame construction Class IIC, to medical offices (occupancy group E), is not permitted inside the Fire District as per

PREMISES AFFECTED -

461 Flushing Avenue, northside, 72' east of Bedford Avenue, Block 2263, Lot 86, Borough of Brooklyn.

463 Flushing Avenue, northside, 124'10" east of Bedford Avenue, Block 2263, Lot 84, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Laid over to September 30, 2003, at 1:30 P.M., for continued hearing.

111-03-BZ thru 115-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 909 East 5th Street, LLC, owner.

SUBJECT - Application April 7, 2003 - under Z.R. §72-21 to permit the proposed three story, three family residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, wall and building height, front yard and the parking requirements, is contrary to Z.R. §23-141, §23-631, §23-45 and §25-23.

PREMISES AFFECTED -

Table 4-1, Section 27-302 of the NYC Building Code.

PREMISES AFFECTED - 80-03 192nd Street, southeast corner of Union Turnpike, Block 7269, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Philip P. Agusta, S. Bhat, Urmila Shivan Bhat and Pat Toro.

For Opposition: Harris Harry, J S, William Schart and Yuhsiang Niu.

ACTION OF THE BOARD - Laid over to October 28, 2003, at 1:30 P.M., for continued hearing.

184-03-BZ

APPLICANT - The Agusta Group, for Troy McKenzie, owner.

SUBJECT - Application June 3, 2003 - under Z.R. §72-21 to permit

the proposed construction of a two-story, two-family detached dwelling, Use Group 2, located in an R3-2 zoning district, which encroaches into the required front yards, is contrary to Z.R. §23-45.

PREMISES AFFECTED - 165-02 120th Avenue, southeast corner of 165th Street, Block 12381, Lot 90, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Philip P. Agusta.

For Opposition: Vivian Cannon, Sheila Vandeyar, Maria Jarvis and Michelle Felix.

ACTION OF THE BOARD - Laid over to November 18,

MINUTES

2003, at 1:30 P.M., for continued hearing.

206-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 974 Madison Avenue Company, LP, owner; Exhale Mindbody Spa, lessee.

SUBJECT - Application June 18, 2003 - under Z.R. §73-36 to permit the proposed physical establishment, located on the second floor of a five story commercial building, in a C5-1 (MP) zoning district, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 980 Madison Avenue, west side, between East 76th and East 77th Streets, Block 1391, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #14M

APPEARANCES -

For Applicant: Fredrick A. Becker and Julia Stiles.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 1:30 P.M., for continued hearing.

209-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 150 Central Park South Incorporated, owner; Exhale Mindbody Spa, lessee.

SUBJECT - Application June 19, 2003 - under Z.R. §72-21 to permit the proposed physical culture establishment, located in a portion of the cellar, first floor and second floor of subject thirty-six (36) story residential building, in an R10-H zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 150 Central Park South, south side, between Avenue of the Americas and Seventh Avenue, Block 1011, Lot 52, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick A. Becker and Julia Stiles.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 4:50 P.M.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, Nos. 40-41

October 9, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

John E. Reisinger, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

CONTENTS

| | |
|--------------------------------------|---------|
| DOCKET | 681 |
| CALENDAR of November 18, 2003 | |
| Morning | 682 |
| Afternoon | 683-684 |

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, September 30, 2003**

Morning Calendar685

Affecting Calendar Numbers:

| | |
|-------------------------|--|
| 849-49-BZ | 110 West 57 th Street, Manhattan |
| 37-96-BZ | 1601 Bronxdale Avenue, Bronx |
| 74-49-BZ | 515 7 th Avenue and 144-158 West 38 th Street, Manhattan |
| 202-62-BZ | 950 Allerton Avenue, Bronx |
| 465-63-BZ | 333 West 26 th Street, Manhattan |
| 813-63-BZ | 699/717 West End Avenue, Manhattan |
| 1255-80-BZ | 35-33 31 st Street, Queens |
| 1122-81-BZ | 105-14 Astoria Boulevard, Queens |
| 245-90-BZ | 1054 43 rd Street, Brooklyn |
| 145-95-BZ | 80 Fifth Avenue, Manhattan |
| 31-96-BZ | 41 East 20 th Street, Manhattan |
| 67-02-BZ | 143-22 Franklin Avenue and 143-25 Ash Avenue, Queens |
| 21-02-A thru 25-02-A | 258-31/258-33/258-35/258-37/258-39 Francis Lewis Boulevard, Queens |
| 117-03-A | 411/25 East 68 th Street, Manhattan |
| 177-03-A | 626 West 254 th Street, Bronx |
| 180-03-A | 86 Sweetbrook Road, Staten Island |
| 91-03-A | 349 Broadway, a/k/a 93 Leonard Street, Manhattan |

CONTENTS

Afternoon Calendar.....693

Affecting Calendar Numbers:

| | |
|-----------------------------|--|
| 210-02-BZ thru 213-02-BZ | 78-01/78-03/78-05/78-07 Myrtle Avenue, Queens |
| 324-02-BZ | 752 Pacific Street, Brooklyn |
| 377-02-BZ | 163/65 Parkville Avenue, Brooklyn |
| 140-03-BZ | 1855 Richmond Avenue, Staten Island |
| 149-03-BZ | 23-08 Sound Avenue, Queens |
| 181-03-BZ | 2615 Avenue "N", Brooklyn |
| 182-03-BZ | 1238 East 24 th Street, Brooklyn |
| 360-02-BZ | 130 North Fourth Street, Brooklyn |
| 374-02-BZ | 267-20 74 th Avenue, Queens |
| 36-03-BZ | 271-17 76 th Avenue, Queens |
| 40-03-BZ | 124-20 Jamacia Avenue, Queens |
| 44-03-BZ | 97-20 99 th Street, Queens |
| 96-03-BZ | 86 Franklin Avenue, a/k/a 450/52 Park Avenue, Brooklyn |
| 97-03-BZ & 98-03-BZ | 461/463 Flushing Avenue, Brooklyn |
| 120-03-BZ | 1810 Loring Place, Bronx |
| 148-03-BZ | 111/13 West 28 th Street, Manhattan |
| 150-03-BZ | 136 Metropolitan Avenue, Brooklyn |
| 187-03-BZ | 214-02 24 th Avenue, Queens |
| 189-03-BZ | 836 East 233 rd Street, Bronx |
| 219-03-BZ | 175-15 Rockaway Boulevard, Queens |
| 220-03-BZ | 175-21 149 th Avenue, a/k/a 175-48 148 th Road, Queens |

DOCKETS

New Case Filed Up to September 30, 2003

300-03-BZ B.M. 326 East 126th
Street,

south side, between First and Second Avenues, Block 1802, Lot 36, Borough of Manhattan. N.B. #103533231. Proposed construction of a six (6) story residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #11M

301-03-BZ B.BK. 1103 East 22nd Street,
between Avenues "J" and "K", Block 7604, Lot 31,
Borough of Brooklyn. Alt.1 #301622885. Proposed
enlargement of an existing single family residence, Use
Group 1, located in an R2 zoning district, which does not
comply with the zoning requirements for floor area, open
space ratio, rear and side yards, is contrary to Z.R. §23-
141, §23-46 and §23-47.

COMMUNITY BOARD #14BK

302-03-BZ B.BK. 1212 East 23rd Street,
west side, 100' south of Avenue "L", Block 7640, Lot 51,
Borough of Brooklyn. Applic. #301567052. Proposed
erection of a rear enlargement to an existing one family
dwelling, also an extension of the residential use into the
attic, Use Group 1, located in an R2 zoning district, which
does not comply with the zoning requirements for floor area
ratio and rear yard, is contrary to Z.R. §23-141, §23-47 and
§54-31.

COMMUNITY BOARD #14BK

303-03-BZ B.BK. 433 Columbia Street,
northeast corner of Columbia Street and West 9th Street,
Block 534, Lot 4, Borough of Brooklyn. Applic.
#301643327. Proposed reconstruction of a four story
residential building, Use Group 2, that had existed at this
location and was demolished by the City of New York,
which does not comply with the zoning requirements for
floor area, lot size, perimeter wall, dwelling units, side
yards and parking, is contrary to Z.R. §23-141(a), §23-32,
§23-631(d), §23-22, §23-462 and §25-23.

COMMUNITY BOARD #6BK

304-03-BZ B.BX. 4299 Katonah Avenue,
between East 236th and East 237th Streets, Block 3377,
Lot 59, Borough of The Bronx. Applic. #200801766.
Proposed dancing, Use Group 12, at an existing eating
and drinking establishment, is not permitted in a C1-3
within an R5B zoning district, and is therefore contrary to
Z.R. §32-31.

COMMUNITY BOARD #12BX

305-03-BZ B.BK. 2, 8, 10 Grand Avenue,
southwest corner of Flushing Avenue, Block 1877, Lots 27
and 30, Borough of Brooklyn. Alt.1 #301537399. The
legalization of residential occupancy, Use Group 2, located
in an M1-2 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #2BK

**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

NOVEMBER 18, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, November 18, 2003, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

389-37-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Rosemarie Fiore, Georgette Fiore ad George Fiore, owner.
SUBJECT - Application July 2, 2003 - reopening for an extension of term of variance which expired June 13, 2003.
PREMISES AFFECTED - 31-08 to 31-12 45th Street, 44-09 Newtown Road, 44-16 31st Avenue, 1.01' feet west of 45th Street, Block 710, Lots 5, 6, 17, 18, 19, Borough of Queens.
COMMUNITY BOARD #1Q

1152-64-BZ

APPLICANT - Eric Palatnik, P.C., for Ford Leasing Development Company, owner.
SUBJECT - Application August 27, 2003 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 2385 Richmond Avenue, between Nome Avenue and Richmond Hill Road, Block 2402, Lot 200, Borough of Staten Island.
COMMUNITY BOARD #2SI

489-82-BZ

APPLICANT - Beryl J. Levi, for Tower Isles Frozen Foods, Ltd., owner.
SUBJECT - Application October 3, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired February 1, 2003 and for an amendment to the resolution.
PREMISES AFFECTED - 2025 Atlantic Avenue, aka 228 Hopkinson Avenue, north side of Atlantic Avenue bounded by Radde Place and Hopkinson Avenue, Block 1564, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #16BK

297-03-A

APPLICANT - Fischbein Badillo Wagner Harding, for 101-02/10 Metropolitan, owner.

69-91-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 61 West 62 Owners Corp., owner; TSI Lincoln, Inc. dba New York Sports Club, lessee.
SUBJECT - Application September 12, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 26, 2001.
PREMISES AFFECTED - 49-61 West 62nd Street aka 61-67 Columbus Avenue aka 1881-1887 Broadway, West 62nd Street on the northeast corner of Columbus Avenue, Block 1115, Lot 1, Borough of Manhattan.
COMMUNITY BOARD #7M

APPEALS CALENDAR

235-03-A & 236-03-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for Castle View Associates, LLC, owner.
SUBJECT - Application July 9, 2003 - Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.
PREMISES AFFECTED - 119 Kenilworth Avenue, east side, 40' south of Winston Street, Block 5725, Lot 32, Borough of Staten Island.
18 Winston Street, south side, 100' west of Woodrow Road, Block 5725, Lot 48, Borough of Staten Island.
COMMUNITY BOARD #3SI

254-03-A

APPLICANT - Petraro & Jones, LLP, for Robert J. Eckert, II ad Jessica Rojas Eckert, owners.
SUBJECT - Application August 8, 2003 - Proposed construction of a single family dwelling, located partially within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.
PREMISES AFFECTED - 423 Cross Bay Boulevard, west side, 150.69' north of 191st Avenue, Block 15306, Lot 6 (tentative), Borough of Queens.
COMMUNITY BOARD #14Q

SUBJECT - Application September 11, 2003 - Proposed construction, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

CALENDAR

PREMISES AFFECTED - 101-10 Metropolitan Avenue, aka 91-51/99 71st Avenue, southwest corner, Block 3896, Lot 42, Borough of Queens.

COMMUNITY BOARD #6Q

NOVEMBER 18, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, November 18, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

108-03-BZ thru 110-03-BZ

APPLICANT - Eric Palatnik, P.C., for FAC Homeownership HDFC, owners.

SUBJECT - Application April 4, 2003 - under Z.R. §72-21 to permit the proposed construction of a four story residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for height, setback, also front and rear yards, is contrary to Z.R. §23-631, §23-45 and §23-47.

PREMISES AFFECTED -

135 Coffey Street, between Conover and Van Brunt Streets, Block 597, Tentative Lots 9 and 11, Former Lots Numbers, 9-11, 13, 14, 37 and 38, Borough of Brooklyn.

71 Walcott Street, between Richard and Van Brunt Streets, Block 596, Tentative Lot 24, Former Lots Numbers, 23-29 and 43, Borough of Brooklyn.

79 Walcott Street, between Richard and Van Brunt Streets, Block 596, Tentative Lot 12, Former Lots Numbers, 12-15, 22, 23, 49 and 50, Borough of Brooklyn.

COMMUNITY BOARD #2BK

199-03-BZ thru 205-03-BZ

APPLICANT - Stuart A. Klein, Esq., for Classon Holding Co., owner.

SUBJECT - Application June 17, 2003 - under Z.R. §72-21 to permit the proposed seven story residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED -

148 Classon Avenue, between Myrtle and Park Avenues, Block 1895, Proposed Lot 42, Borough of Brooklyn.

244-03-BZ

APPLICANT - Eric Palatnik, P.C., for Victor Falah, owner.

SUBJECT - Application July 17, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for side yard, rear yard, floor

152 Classon Avenue, between Myrtle and Park Avenues, Block 1895, Proposed Lot 46, Borough of Brooklyn.

156 Classon Avenue, between Myrtle and Park Avenues, Block 1895, Proposed Lot 47, Borough of Brooklyn.

77 Emerson Place, between Myrtle and Park Avenues, Block 1895, Proposed Lot 117, Borough of Brooklyn.

81 Emerson Place, between Myrtle and Park Avenues, Block 1895, Proposed Lot 116, Borough of Brooklyn.

85 Emerson Place, between Myrtle and Park Avenues, Block 1895, Proposed Lot 115, Borough of Brooklyn.

89 Emerson Place, between Myrtle and Park Avenues, Block 1895, Proposed Lot 114, Borough of Brooklyn.

COMMUNITY BOARD #3BK

238-03-BZ

APPLICANT - Harold Weinberg, P.E., for Congregation Derech Emunah, owner.

SUBJECT - Application July 9, 2003 - under Z.R. §72-21 to permit the proposed side and rear enlargements, to an existing synagogue and parsonage, Use Group 4, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, side and rear yards, is contrary to Z.R. §24-11, §24-35 and §24-36.

PREMISES AFFECTED - 2305 Olean Street, north side, 16'-1/2" east of East 23rd Street, Block 7677, Lot 63, Borough of Brooklyn.

COMMUNITY BOARD #14BK

240-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Young Israel of Jamaica Estates, Inc., owner.

SUBJECT - Application July 10, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing two story synagogue, Use Group 4, located in an R1-2 zoning district, which does not comply with the zoning requirements for floor area ratio, building height, side yards, rear yard, also the proposed addition of lot 39 to the existing building, is contrary to Z.R. §24-10, §24-111, §24-521, §24-35 and §24-36, and a previous variance granted under Cal. No. 815-85-BZ.

PREMISES AFFECTED - 83-10 and 83-16 188th Street, south side, between Midland Parkway and Radnor Road, Block 7263, Lots 35 and 39, Borough of Queens.

COMMUNITY BOARD #8Q

area and open space ratio, is contrary to Z.R. §23-461, §23-47 and §23-141.

PREMISES AFFECTED - 3975 Bedford Avenue, between Avenues "S" and "R", Block 6831, Lot 56, Borough of Brooklyn.

COMMUNITY BOARD #15BK

CALENDAR

Borough of Manhattan.
COMMUNITY BOARD #5M

251-03-BZ & 252-03-BZ

APPLICANT - Sheldon Lobel, P.C., for A.N. Glory Associates, owner.

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to permit

the proposed construction of a semi-detached two-story, two family dwelling, Use Group 2, having on-site accessory parking, on a lot having that has a non-complying rear yard, is contrary to Z.R. §23-47.

PREMISES AFFECTED - 217-25 106th Avenue, corner of 217th Street, Block 11104, Lot 268, Borough of Queens.
217-31 106th Avenue, corner of 217th Street, Block 11104, Lot 270, Borough of Queens.

COMMUNITY BOARD #13Q

Pasquale Pacifico, Executive Director

253-03-BZ

APPLICANT - Sheldon Lobel, P.C., for 163-15 Northern Flushing Corp., owner.

SUBJECT - Application August 4, 2003 - under Z.R. §72-21 to permit the proposed reduction in the number of required parking spaces, for an as of right, two story and basement building, to be used as five retail stores, located in a C2-2/R4 zoning district, is contrary to Z.R. §36-21.

PREMISES AFFECTED - 163-15 Northern Boulevard, bounded by 164th Street and Station Road, Block 5338, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

298-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 260 Park Avenue South, owner.

SUBJECT - Application September 12, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing eight story building, by allowing available floor area to cross district boundary lines, from the adjacent building, that is located in an M1-5M zoning district, to said premises that is located in a C6-4A zoning district, which would exceed the maximum floor area permitted, and is contrary to Z.R. §23-145.

PREMISES AFFECTED - 260 Park Avenue South, west side, between East 20th and East 21st Streets, Block 849, Lot 43,

REGULAR MEETING
TUESDAY MORNING, SEPTEMBER 30, 2003
10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, July 15, 2003, were approved as

printed in the Bulletin of July 24, 2003, Volume 88, No. 28-29.

SPECIAL ORDER CALENDAR

849-49-BZ

APPLICANT - Jay A. Segal, Esq., for Directors Guild of America,

MINUTES

Inc., owner.

SUBJECT - Application June 24, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 3, 2002.

PREMISES AFFECTED - 110 West 57th Street, south side of West 57th Street, between Avenue of the Americas and 7th Avenue, Block 1009, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Jay Segal.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and term of variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Miele and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term of the variance which expired on January 31, 2002; and

WHEREAS, a public hearing was held on this application on September 9, 2003, after due notice by publication in *The City Record*, and then to September 30, 2003 for decision; and

WHEREAS, in its resolution dated March 28, 1950, as amended and extended in term through May 9, 1995, the Board conditionally granted an application to permit, in a "restricted retail use district", the change in occupancy from a club to a motion picture theater and other uses; and

WHEREAS, since March 28, 1950, the Board has exercised jurisdiction of the premises under calendar number 849-49-BZ, on both the Zoning and Special Order Calendars, including three grants of extension of the term of the variance; and

WHEREAS, the record indicates that the premises has been continuously occupied as a theater from the date of the last grant of extension of term, on May 9, 1995; and

WHEREAS, the record indicates that the use of the subject theater complies with the plans approved by the Board on May 9, 1995, and also that the conditions of said Board approval have been met.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and*

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Miele and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on March 19, 2002, after due notice by publication in *The City Record*, and laid over to February 25, 2003, April 16, 2003, May 21, 2002, June 3, 2003, August 6, 2002, September 9, 2003, and then September 30, 2003 for decision; and

amends the resolution to extend the term of the variance which expired on January 31, 2002, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional ten (10) years from January 31, 2002 to expire on January 31, 2012, on condition

THAT all work and use shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 24, 2003"-(7) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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." (DOB Application #103455976)

Adopted by the Board of Standards and Appeals, September 30, 2003.

37-96-BZ

APPLICANT - Sheldon Lobel, P.C., for Pilot Realty Corp., owner.

SUBJECT - Application June 1, 2001 - reopening for an amendment to the resolution and for an extension of time to complete construction.

PREMISES AFFECTED - 1601 Bronxdale Avenue, southwest corner of East Tremont Avenue, Block 4042, Lot 200, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Application reopened, resolution amended and time to complete construction extended.

WHEREAS, on May 6, 1997, the Board granted a special permit under Z.R. §73-49, to permit, in an M1-1 zoning district, accessory rooftop parking of 150 spaces or less, immediately above the first floor of an existing one and two story commercial building; and

WHEREAS, the applicant requests an amendment to the resolution to increase the number of parking spaces, re-configure the ramp leading to the parking level and to extend the time to complete construction; and

WHEREAS, in response to a Board request, the applicant has submitted a permanent easement for pedestrian and vehicular ingress and egress between

MINUTES

Consolidated Edison and the owner of the subject premises; and

WHEREAS, the aforementioned easement will enable the applicant to construct and maintain the subject inclined ramp or roadway from Bronxdale Avenue to the proposed parking facility on the roof of the building.

Resolved, that the Board of Standards and Appeals, *reopens and amends* the resolution, pursuant to Zoning Resolution Sections 72-01 and 72-22, extends the time to complete construction which expired on May 6, 1999 so that as amended this portion of the resolution shall read:

“to allow an increase in the number of parking spaces to 145 and to extend the time to complete construction to 72 months from May 6, 1999, on condition;

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received July 23, 2003”-(4) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT a recorded copy of the easement referenced above be submitted to the Board’s Executive Director by May 6, 2004, and the reel and page number be noted on the Certificate of Occupancy;

THAT fencing and screening shall be provided and maintained in accordance with BSA approved plans;

THAT lighting shall be positioned down and away from adjacent uses

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.” (DOB Application #200306347)

Adopted by the Board of Standards and Appeals, September 30, 2003.

465-63-BZ

APPLICANT - Francis R. Angelino, Esq., for Mutual Redevelopment Houses, Inc., owner; Impact Parking Corp., lessee.

SUBJECT - Application July 15, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time which expired October 10, 2002.

PREMISES AFFECTED - 333 West 26th Street, between Eighth & Ninth Avenues, north side, 245.75' west of Eighth Avenue, Block 751, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Francis R. Angelino.

74-49-BZ

APPLICANT - Sheldon Lobel, P.C., for 515 Seventh Associates, L.P., owner.

SUBJECT - Application November 8, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction and to obtain a certificate of occupancy which expired April 4, 2001.

PREMISES AFFECTED - 515 7th Avenue and 144-158 West 38th Street, Block 813, Lot 64, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to November 25, 2003, at 10 A.M., for continued hearing.

202-62-BZ

APPLICANT - Sheldon Lobel, P.C., for Motiva Enterprises, LLC, owners.

SUBJECT - Application April 1, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired April 3, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 950 Allerton Avenue, triangular lot bound by Allerton Avenue, Williamsbridge Road and Paulding Avenue, Block 4447, Lot 62, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 10 A.M., for continued hearing.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to October 21, 2003, at 10 A.M., for decision, hearing closed.

813-63-BZ

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin LLP, for Selma R. Miller, owner; Central Parking Corporation, lessee.

SUBJECT - Application August 6, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension

MINUTES

of term of variance which expired January 22, 2002.
PREMISES AFFECTED - 699/717 West End Avenue, west side of West End Avenue between West 94th and 95th Streets, Block 1253, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Howard Zipser.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:
.....0

ACTION OF THE BOARD - Laid over to October 21, 2003, at 10 A.M., for decision, hearing closed.

1255-80-BZ

APPLICANT - Gerald J. Caliendo, R.A., for Constantine Plagakis, owner.

SUBJECT - Application May 30, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 2, 2001.

PREMISES AFFECTED - 35-33 31st Street, east side of 31st Street, 217.71' North of 36th Avenue, Block 604, Lot 10, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sandy Anaginostou.

ACTION OF THE BOARD - Laid over to October 28, 2003, at 10 A.M., for continued hearing.

1122-81-BZ

APPLICANT - The Agusta Group, for Brothers Roofing Supplies Co., Inc., owner.

SUBJECT - Application June 12, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 9, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 105-14 Astoria Boulevard, southwest corner of 106th Street and Astoria Boulevard, Block 1692, Lots 3,

31-96-BZ

APPLICANT - Eric Palatnik, P.C., for Jane Goldberg, owner.

SUBJECT - Application July 1, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired February 11, 2003.

PREMISES AFFECTED - 41 East 20th Street, between Broadway and Park Avenue South, Block 849, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:
.....0

ACTION OF THE BOARD - Laid over to October 7, 2003, at 10 A.M., for decision, hearing closed.

5, 9 and 11, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 10 A.M., for deferred decision.

245-90-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Margarita Herskovich and Lyubov Herskovich, owners.

SUBJECT - Application June 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 29, 2001.

PREMISES AFFECTED - 1054 43rd Street, south side of 43rd Street, Block 5602, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Laid over to November 5, 2003, at 10 A.M., for continued hearing.

145-95-BZ

APPLICANT - Sullivan Chester & Gardner, P.C., for LRHC, Inc., d/b/a Lucille Roberts, owner.

SUBJECT - Application June 5, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired November 13, 2002.

PREMISES AFFECTED - 80 Fifth Avenue, southwest corner of West 14th Street, Block 577, Lot 39, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to November 25, 2003, at 10 A.M., for continued hearing.

67-02-BZ

APPLICANT - Davidoff & Malito, LLP, by Howard S. Weiss, Esq. And Juan D. Reyes, III, Esq., for Korean Presbyterian Church of Queens, owner.

SUBJECT - Application July 18, 2003 - reopening for an extension of time to obtain a certificate of occupancy which expired June 18, 2002.

PREMISES AFFECTED - 143-22 Franklin Avenue and 143-25 Ash Avenue, 210' north of intersection of Franklin Avenue and Bowe Street and 211' north of intersection of Ash Avenue and Bowe Street, Block 5184, Lots 9 and 53, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Juan Reyes.

THE VOTE TO CLOSE HEARING -

MINUTES

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to October 21, 2003, at 10 A.M., for decision, hearing closed.

21-02-A thru 25-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for MSIM Development, Inc., owner.

SUBJECT - Application January 8, 2002 - Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

258-31 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 26, Borough of Queens.

258-33 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 27, Borough of Queens.

258-35 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 28, Borough of Queens.

258-37 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 128, Borough of

WHEREAS, by the letter dated July 15, 2003, the Department of Environmental Protection has reviewed the above revised project and requires the applicant to revise the location of the proposed construction to provide a permanent 25 ft. "Sewer Corridor Easement" located within the owner's properties with no permanent structures being built within this "Sewer Corridor" for the future drainage for the purpose of installation, maintenance and/or reconstruction of the 10 inch dia. Sanitary and 12 inch dia. Storm sewers; and

WHEREAS, by letter dated August 27, 2003, the applicant has agreed with DEP's request and has revised the site plan to provide for the "Sewer Corridor Easement"; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the DOB Borough Commissioner, dated May 1, 2002 acting on N.B. Application No. 401378237, 401378246, 401378228, 401378479, 401378460, is modified under the power vested in the Board by Section 35 of the General City

Queens.

258-39 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 29, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES - None.

ACTION OF THE BOARD - Appeals granted.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings Borough Commissioner dated May 1, 2002, acting on N.B. Application Nos. 401378237, 401378246, 401378228, 401378479, and 401378460, reads in pertinent part:

"Proposed Construction is located in the bed of a finally mapped street is contrary to Article 111, Section 35 of the General City Law and must be referred to the Board of Standards and Appeals,"; and

WHEREAS, this appeal is filed to allow five one-family dwellings to be built in a portion of the bed of a mapped street known as 147th Avenue, between Francis Lewis Boulevard and Hook Creek Boulevard; and

WHEREAS, the Fire Department has reviewed the above project and has required that the interior buildings be sprinklered in accordance with Local Law 10/99, RS17-2B of the NYC Admin. Code, that a new 8" water main be installed within the development, and that a new hydrant with fender guards be installed; and

WHEREAS, by the letter dated November 20, 2002, the Department of Transportation has reviewed the above project and has no objections as this site is not currently included in DOT's Capital Improvement Program; and

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 September 2, 2003"-(1) sheet; and that the proposal comply with all applicable zoning requirements; that all other applicable laws, rules, and regulations shall be complied with; and on further condition

THAT the 25 foot sewer corridor easement that is acceptable to the DEP is created and recorded prior to the issuance of the Certificate of Occupancy;

THAT the interior buildings be sprinklered as per Local Law 10/99, a new 8" water main be installed within the development and a new hydrant with fender guards be installed;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

MINUTES

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 30, 2003.

117-03-A

APPLICANT - Molly Abady (Luca Sartini, Toni Vastinar.

OWNER OF PREMISES: Memorial Hospital.

SUBJECT - Application April 11, 2003 - An appeal challenging the Department of Buildings determination, dated March 24, 2003, in which the Department has stated that the project (research laboratory), is allowed as a Use Group 4, hospital "related facility".

As a "related facility", (Sloan Kettering) the use is allowed as of right in a residential district.

PREMISES AFFECTED - 411/25 East 68th Street, Mid-block, between First and York Avenues, Block 1463, Lots 5, 9 and 11, Borough of Manhattan.

APPEARANCES -

For Applicant: None.

ACTION OF THE BOARD - Appeal denied.

THE VOTE TO GRANT -

Affirmative:.....0

Negative: Chairman Chin, Vice-Chair Babbar,

WHEREAS, the afore-mentioned C.P.C. approvals reference the proposed facility, and note that the designation of the MSKCC as a large-scale community facility development allows C.P.C. to waive certain bulk regulations for the proposed facility; and

WHEREAS, the development contains various medical facilities (including a hospital) and related uses, located within a three-block area, generally bounded by East 66th Street on the south, East 69th Street on the north, First Avenue on the west, and York Avenue on the east - said area making up the Memorial Sloan-Kettering Cancer Center ("MSKCC") campus; and

WHEREAS, the proposed facility will be situated on the north block of the MSKCC campus, which currently contains an existing MSKCC research facility, vacant land and a church; and

WHEREAS, the middle block of the MSKCC campus contains various medical buildings, the Radiation Oncology Building, Memorial Hospital ("Memorial"), and Winston Surgical Pavilion; and

WHEREAS, the record shows that the proposed facility will be sited directly across the street from Memorial; and

WHEREAS, the south block of the MSKCC campus

Commissioner Caliendo and Commissioner Miele.....4

THE RESOLUTION -

WHEREAS, the instant appeal comes before the Board in response to a determination issued March 24, 2003 by the New York City Department of Buildings ("DOB") to certain aggrieved individuals (collectively, the "appellants"), who had requested revocation of a DOB permit allowing construction of a proposed medical research facility (the "proposed facility") at the subject premises; and

WHEREAS, said DOB determination states, in part, "The Department of Buildings has reviewed your concerns and has determined that the project is allowed as a Use Group 4, hospital 'related facility'. As a 'related facility', the use is allowed as of right in a residential district;" and

WHEREAS, the record shows that on May 21, 2001, a DOB plan examiner issued an objection to the new building application for the proposed facility, on the basis that the paperwork submitted with the application indicated that the proposed facility was a laboratory, and best categorized under Use Group ("UG") 9 or 17, and thus not permitted as-of-right in an R8 or R9 zoning district; and

WHEREAS, the record shows that this particular objection was satisfied as of November 14, 2002, and that DOB subsequently issued a new building permit for the proposed facility on January 10, 2003; and

WHEREAS, the subject premises is located within R8 and R9 zoning districts, and also within a designated large-scale community facility development (the "development"), which was the subject of recent approvals by the City Planning Commission ("CPC"), dated November 28, 2001, under application numbers C010547ZMM, C010548ZSM, and N010549ZMM; and

contains the Rockefeller Research Laboratory, staff housing and offices; and

WHEREAS, appellants note that prior to issuance of its March 24, 2003 decision, DOB issued an objection to the application for the proposed facility, which stated that the proposed facility should be classified as a UG 9 or 17 research lab; and

WHEREAS, appellants claim that the proposed facility is a UG 17 use, pursuant to Z.R. §42-14(b), which lists, in part, permitted UG 17 uses, and which includes "laboratories, research, experimental, testing" as a listed use; and

WHEREAS, appellants further claim that since the proposed facility properly falls under UG 17, it is not permitted as-of-right in R8 or R9 zoning districts; and

WHEREAS, appellants contend that because the proposed facility will not be used for direct patient care and is not owned or operated by a particular hospital, it can not be considered a "hospital related facility", which, pursuant to Z.R. §22-14, is listed as UG 4; and

WHEREAS, appellants argue that, pursuant to Z.R. §§22-00 and 42-00, which both provide "Whenever a use is specifically listed in a Use Group and also could be construed to be incorporated within a more inclusive listing,

MINUTES

either in the same or another Use Group, the more specific listing shall control,” the proposed facility must be characterized as a UG 17 research laboratory; and

WHEREAS, appellants maintain that representatives of MSKCC did not file for a Certificate of Need for the proposed facility with the New York State Department of Health (“NYSDOH”), pursuant to Section 2802 of the Public Health Law, and in correspondence to NYSDOH, stated that such certificate is not necessary for a facility that does not meet the definition of a hospital, does not provide direct treatment to patients, and is not sufficiently related to a hospital; and

WHEREAS, appellants assert that since the proposed facility is not hospital related per the Public Health Law, it can not be a hospital related facility pursuant to Z.R. §22-14; and

WHEREAS, appellants contend that there will be no involvement in patient care at Memorial by staff at the proposed facility; and

WHEREAS, appellants argue that because the proposed facility is a UG 17 research laboratory, it can not be a community facility, and therefore may not enjoy any community facility floor area bonus; thus its proposed bulk is contrary to zoning regulations; and

WHEREAS, appellants contend that the proposed facility would have a deleterious effect on the immediate community; and

WHEREAS, DOB represents that the proposed facility and Memorial are owned by entities which are under the same ownership umbrella of MSKCC; and

WHEREAS, DOB notes that the relevant lots within the development are all owned by related entities of MSKCC; and

WHEREAS, the record indicates that tissue research conducted at the proposed facility depends on the proximity to the patients from whom the tissue samples will be taken; and

WHEREAS, DOB maintains, and the Board agrees, that the requirements of the NYSDOH in evaluating the necessity of a Certificate of Need are separate and distinct from those of DOB in evaluating the proposed facility in light of the Z.R.; and

WHEREAS, the Board notes that the record shows that a facility at 435 E. 67th Street was defined by DOB as a hospital related facility, and that said facility contains laboratories, tissue culture rooms, research, and animal housing; and

WHEREAS, the Board notes that the March 24, 2003 DOB determination, issued by DOB’s Manhattan Borough Commissioner, overruled the DOB objection related to the Use Group categorization of the proposed facility, issued on May 21, 2001 by a DOB plan examiner; and

WHEREAS, the Board observes that DOB plan examination objections are routinely overruled upon reconsideration by DOB Borough Commissioners, and that the existence of such an overruled objection is not binding upon DOB or the Board; and

WHEREAS, the Board notes that CPC, in its recent approvals concerning the development, discussed the

WHEREAS, the record shows that the medical facilities within the development are owned by various MSKCC-related but separate corporate entities, including Memorial, the Sloan Kettering Institute for Cancer Research (“SKI”), and SKI Realty, and that said entities, while separate, share members of boards of managers and have established joint committees; and

WHEREAS, the record shows that the subject premises was originally purchased by Memorial, with ownership subsequently transferred to SKI when it was decided that the property would be utilized for its currently contemplated purposes; and

WHEREAS, DOB notes that it relied upon CPC’s finding that the proposed facility is part of a large-scale community facility development, which also includes Memorial, in classifying the proposed facility a UG 4 hospital related facility; and

WHEREAS, DOB notes that the projected use of the proposed facility for cancer research is directly related to the services provided by Memorial, a leading hospital for cancer care, and that Memorial has a programmatic need for a state-of-the-art facility of the type proposed; and

WHEREAS, DOB further notes that researchers at the proposed facility will collaborate with Memorial’s treatment providers for patient care purposes, and that the two facilities will share staff; and

WHEREAS, the record indicates that the employees of the proposed facility will be employees of MSKCC and that many of the physicians conducting research at the facility will also be treating patients at Memorial, though some outside researchers may conduct research at the proposed facility; and

proposed facility as part of said development (a large-scale community facility development pursuant to Z.R. §12-10); and

WHEREAS, the Board notes that the environmental impacts of the proposed facility have been duly considered, and that an Environmental Impact Statement has been filed and adopted by the Board; and

WHEREAS, the Board notes that in its prior decision concerning the proposed facility, BSA case number 130-01-BZ (the “prior decision”), it found that the proposed facility would “not have any significant adverse impacts upon the quiet, privacy, light, and air of the surrounding neighborhood”; and

WHEREAS, the Board notes that the record shows that the proposed facility will be a not-for-profit entity, primarily used for cancer research, and that Memorial is a leading hospital specializing in the treatment of cancer, and that the two facilities will be directly across the street from one another; and

WHEREAS, the Board observes that in the prior decision, MSKCC demonstrated that the proposed facility must be in close proximity to the clinical treatment facilities located across the street (Memorial); and

WHEREAS, the Board notes that in the prior decision, MSKCC demonstrated that “its programmatic needs for future growth and a world-renowned cancer center require

MINUTES

the requested state-of-the-art laboratories and related equipment and office units which will provide for research and related clinical integration within the limited land which it has available for development in the immediate proximity to its other clinical and research buildings"; and

WHEREAS, the Board notes that in the prior decision, it determined that the existing MSKCC research facility, which will be replaced by the proposed facility, is a community facility; and

WHEREAS, the Board finds that Z.R. §§22-00 and 42-00 are inapplicable to the instant facts, as the proposed facility meets the definition of hospital related facility, as set forth at Z.R. §22-14(a); and

WHEREAS, the Board finds that, based on the evidence, the proposed facility is a UG 4 hospital related facility, and is therefore permitted as of right in R8 and R9 zoning districts; and

WHEREAS, consequently, the Board finds that, based on the evidence, the March 24, 2003 DOB determination described above was reasonable; and

Therefore, it is resolved that the final determination of the New York City Department of Buildings, dated March 24, 2003, is upheld and this appeal is denied.

Adopted by the Board of Standards and Appeals, September 30, 2003.

177-03-A

APPLICANT - Eric Palatnik, P.C., for Lai Ho Chen, owner.

SUBJECT - Application May 23, 2003 - Proposed residential

WHEREAS, by the letter dated July 14, 2003, the Department of Environmental Protection has reviewed the above project and requires the applicant to show a 25 ft. "Sewer Corridor Easement" within the bed of Blackstone Avenue; and

WHEREAS, this permanent "Sewer Corridor" is to be partially located within Block 5942, Lot 192 (the subject application) and also within Block 5492, Lot 308 for the future installation, maintenance and/or reconstruction of a 15 inch diameter combined sewer located in Blackstone Avenue between West 252nd Street and West 254th Street; and

WHEREAS, by an affidavit dated September 10, 2003, the owner of both Lot 192 and Lot 308 has consented to the grant of an easement to DEP for both properties; and

WHEREAS, by letter dated July 21, 2003, the Department of Transportation has reviewed the above project and has no objection as this site is not currently included in DOT's Capital Improvement Program; and

WHEREAS, the site rests within an Natural Area (NA) designated area, under the Zoning Resolution, which requires that a Certification be obtained from the Department of City Planning prior to the issuance of any work permits; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the DOB Borough Commissioner, dated May 1, 2003, acting on N.B.

structure, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 626 West 254th Street, between Arlington and Independence Avenues, Block 5942, Lot 192, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Appeal granted.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Department of Buildings Borough Commissioner, dated May 1, 2003, N.B. Application No. 200780360, reads in pertinent part:

"Proposed residential structure in the bed of a final mapped street is contrary to General City Law Section 35"; and

WHEREAS, this appeal is filed to allow a single two-story dwelling to be built in the bed of mapped streets known as Blackstone Avenue and West 254th Street; and

Application No. 200780360, is modified under the power vested in the Board by Section 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 September 4, 2003"-(1) sheet; and that the proposal comply with all applicable zoning requirements; that all other applicable laws, rules, and regulations shall be complied with; and on further condition

THAT the aforementioned 25 foot sewer corridor easement, as consented to by the DEP, is created and recorded prior to the issuance of the Certificate of Occupancy;

THAT a Certification from the Department of City Planning be obtained before issuance of a work permit;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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)

MINUTES

and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals,
September 30, 2003.

180-03-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Julieta Pizzini, owner.

SUBJECT - Application May 28, 2003 - Proposed two-family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 86 Sweetbrook Road, southwest corner of Getz Avenue, Block 5523, Lot 83, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES - None.

ACTION OF THE BOARD - Appeal granted.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Department of Resolved, that the decision of the Staten Island Borough Commissioner, dated April 29, 2003 acting on N.B. Application No. 500605197, is modified under the power vested in the Board by Section 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 September 2, 2003"-(1) sheet; and that the proposal comply with all applicable zoning requirements; that all other applicable laws, rules, and regulations shall be complied with; on further condition

THAT the 12' 6" "sewer corridor easement", that is acceptable to DEP, is created and recorded prior to the issuance of the Certificate of Occupancy;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals,
September 30, 2003.

Buildings Borough Commissioner, dated April 29, 2003, acting on N.B. Application No. 500605197, reads in pertinent part:

"Proposed Construction is located within the bed of a mapped street is contrary to Section 35 of the General City Law"; and

WHEREAS, this appeal is filed to allow a single two-story, two-family dwelling to be built in a portion of the bed of a mapped street known as Getz Avenue between Sweetbrook Road and Genesee Avenue; and

WHEREAS, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated July 21, 2003, the Department of Transportation has reviewed the above project and has no objections as this site is not currently included in DOT's Capital Improvement Program; and

WHEREAS, by letter dated September 12, 2003, the Department of Environmental Protection has reviewed the revised site plan for the proposed development showing a 12' 6" clearance on the owner's property in the bed of the mapped street (Getz Avenue) for the permanent "Sewer Corridor"; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

91-03-A

APPLICANT - Paul Gregory, R.A., for 349 Broadway Group LP, owner.

SUBJECT - Application March 21, 2003 - Proposed increase in the number of loft dwelling units in an existing nine story mixed use building, must comply with Local Law 10/99 regarding sprinklers.

PREMISES AFFECTED - 349 Broadway, a/k/a 93 Leonard Street, northwest corner, Block 174, Lot 37, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Paul Gregory and Irving E. Minkin.

For Opposition: Ganine A. Gaylari, Department of Buildings.

ACTION OF THE BOARD - Laid over to November 25, 2003, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 10:30 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, SEPTEMBER 30, 2003
2:00 P.M.**

MINUTES

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

210-02-BZ thru 213-02-BZ

CEQR #03-BSA-010Q thru CEQR #03-BSA-013Q

APPLICANT - Sheldon Lobel, P.C., for Mark Grane, owner.
SUBJECT - Application July 15, 2002 - under Z.R. §72-21 to permit in an R5 zoning district with a C1-2 commercial overlay, a two-story and cellar mixed use building with commercial use on the ground floor and residential use on the second floor, which does not comply with the zoning requirements for floor area ratio, lot coverage, open space ratio, and lot area per dwelling unit, contrary to Z.R. §35-32, §23-141, §23-22 and §35-40.

PREMISES AFFECTED -

78-01 Myrtle Avenue, northeast corner of 78th Street, Block 3827, Lot 50, Borough of Queens.

78-03 Myrtle Avenue, between 78th and 79th Streets, (20' east of 78th Street), Block 3827, Lot 49, Borough of Queens.

78-05 Myrtle Avenue, between 78th and 79th Streets, (39.15' east of 78th Street), Block 3827, Lot 48, Borough of Queens.

3. Proposed open space for the residential portion of the building does not meet the minimum open space required by Section 23-141 of the Zoning Resolution.
4. Proposed number of dwelling units in the mixed building does not meet the minimum lot area per dwelling unit required pursuant to Sections 23-22 and 35-40 of the Zoning Resolution.”; and

WHEREAS, a public hearing was held on this application on May 20, 2003, after due notice by publication in *The City Record*, and laid over to June 24, 2003, August 5, 2003, and then to September 30, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit a two-story and cellar mixed-use building with commercial use on the ground floor and residential use on the second floor, which does not comply with the zoning requirements for floor area ratio, lot coverage, open space ratio, and lot area per dwelling unit, contrary to Z.R. §§35-32, 23-141, 23-22 and 35-40; and

WHEREAS, this application is one of four applications filed by the applicant, seeking to develop four mixed-use buildings located at 78-01 thru 78-07 Myrtle Avenue, on Block 3827, Lots 47, 48, 49, and 50; and

WHEREAS, the subject parcel is irregularly shaped

78-07 Myrtle Avenue, between 78th and 79th Streets, (58.30' east of 78th Street), Block 3827, Lot 47, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 13, 2002, acting on Application No. 401397010 reads:

- “1. Proposed total floor area of the building exceeds the maximum permitted for a mixed building and is therefore contrary to Section 35-32 of the Zoning Resolution.
2. Proposed lot coverage of residential portion of the building exceeds the maximum lot coverage permitted by Section 23-141 of the Zoning Resolution.

and measures 20' by 88'5", with a total lot area of 1807.1 square feet, and is located in a C1-2 overlay within an R5 district on the north east corner of Myrtle Avenue and 78th Street; and

WHEREAS, the subject property is currently improved with a two-story and cellar building with a total floor area of 3,124 square feet, containing two residential dwellings on the second floor, medical offices on the first floor, and storage and boiler rooms in the cellar; and

WHEREAS, the owner proposes a two-story and cellar mixed use building containing two single-family residential dwellings on the second floor, Use Group 4 medical offices on the first floor, and accessory storage for the medical offices in the cellar; and

WHEREAS, the applicant asserts that the subject property is very narrow and has an irregular shape, which make a complying development difficult, thus posing an unnecessary hardship on the owner; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, the evidence in the record, including a feasibility study, shows that a complying development would not yield a reasonable rate of return; and

WHEREAS, the record indicates that the surrounding area consists largely of residential uses mixed with some retail uses; and

WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development

MINUTES

of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R5 zoning district with a C1-2 commercial overlay, a two-

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 30, 2003.

324-02-BZ

CEQR #03-BSA-071K

APPLICANT - Law Office of Howard Goldman, PLLC, for Henry Weinstein, owner; 752 Pacific LLC, lessee.

SUBJECT - Application October 31, 2002 - under Z.R. §72-21 to permit the proposed conversion of a vacant industrial building into a forty-nine unit residential building, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 752 Pacific Street, between Carlton and Underhill Avenues, Block 1129, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Chris Wright.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, September 30, 2003.

story and cellar mixed use building with commercial use on the ground floor and residential use on the second floor, which does not comply with the zoning requirements for floor area ratio, lot coverage, open space ratio, and lot area per dwelling unit, contrary to Z.R. §35-32, §23-141, §23-22 and §35-40, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 15, 2002"- (3) sheets, "September 2, 2003"- (1) sheet and "September 23, 2003"- (2) sheets and *on further condition*;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located in the premises shall be removed within 48 hours;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT where applicable, the proposed building shall comply with the requirements of Local Law 58/87;

THAT Lots 49 and 50 of Block 3827 share common exits;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

377-02-BZ

CEQR #03-BSA-117K

APPLICANT - Sheldon Lobel, P.C., for Rabbi Naftali Babad, owner; Cong. Kahal Tarnopol (long term lessee).

SUBJECT - Application December 31, 2002- under Z.R. §72-21 to permit in an R5 zoning district, the merger and expansion of a proposed community facility building, with an accessory Rabbi's quarters, which does not comply with the zoning requirements for floor area ratio, side yards, and rear yard, contrary to Z.R. §§24-35, 24-36, and 24-161.

PREMISES AFFECTED - 165 Parkville Avenue, north side, 198' west of Ocean Parkway, Block 5423, Lots 60 and 61, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 26, 2003, acting on Application No. 301340582 reads:

1. Proposed plans are contrary to Z.R. 24-35 in that the proposed side yard is less than 8 feet.
2. Proposed plans are contrary to Z.R. 24-36 in

MINUTES

that the proposed rear yard is less than 30 feet.

3. Proposed plans are contrary to Z.R. 24-161 in that the proposed floor area ratio is greater than 2.0 permitted.”; and

WHEREAS, a public hearing was held on this application on June 24, 2003 after due notice by publication in *The City Record*, and laid over to July 15, 2003, August 12, 2003 then to September 30, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, Community Board 14 voted in support of the subject application on March 13, 2003; and

WHEREAS, this is an application under Z.R. §72-21, to permit the merger and expansion of 2 two-story and basement buildings to become 1 three-story building with cellar and basement, to be occupied as a synagogue, with an accessory residence for the Rabbi (the “proposed building”); and

WHEREAS, the applicant asserts that the programmatic needs and continued growth of the synagogue depend on approval of the proposed building, as the existing facilities do not have enough room for the congregation and do not provide the appropriate atmosphere for religious practice; and

WHEREAS, the applicant further asserts that the existing building’s space limitations lead to over-crowding, a lack of space for women on the high holidays, and does not meet the programmatic needs of the congregation, and therefore creates a unique burden on the congregation, leading to practical difficulties in strictly complying with certain bulk regulations of the Z.R.; and

WHEREAS, the applicant contends that the larger design of the proposed building will accommodate the growth of the congregation, and provide a suitable religious environment; and

WHEREAS, the Board finds that the programmatic needs of the proposed community facility, when combined with the physical limitations of the existing buildings, create an unnecessary hardship with strict compliance with the provisions of the Zoning Resolution, and that the relief requested is in furtherance of the applicant’s not-for-profit status; and

WHEREAS, the Board finds that a reasonable return finding is inapplicable to this application as the intended user of the proposed building is a not-for-profit religious organization; and

WHEREAS, the record indicates that the surrounding area consists of dwellings, health centers, a garage, a factory, and a police station; and

WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the proposed building, a community facility, will have a floor area ratio of 2.17%, which does not comply with Z.R. §24-161, no side yards, which does not comply with Z.R. §24-35, and no rear yards, which does not comply with Z.R. §24-36; and

WHEREAS, the subject parcel is approximately 42 feet wide and the existing buildings extend the width of the lot, with no existing side yards; and

WHEREAS, the subject property is within an R5 zoning district and is currently improved with 2 two-story and cellar buildings with a total floor area of 6,885 square feet, containing two residential dwellings on the first and second floors of each building, a synagogue and Rabbi’s study in the basement of one building, and a recreation room in the basement of the other building; and

WHEREAS, the applicant proposes the combination of the two buildings, the addition of a cellar, containing a boiler room, bathrooms and a mikva, the extension of the basement, containing the synagogue, the reduction in size of the first floor, containing synagogue area and offices, the change in use of the second floor to accessory dwelling for the Rabbi, and the addition of the third level to contain more space for the Rabbi’s dwelling; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R5 zoning district, the merger and expansion of a proposed community facility building, with an accessory Rabbi’s quarters, which does not comply with the zoning requirements for floor area ratio, side yards, and rear yard, contrary to Z.R. §§24-35, 24-36, and 24-161, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received June 16, 2003”-(5) sheets, “July 7, 2003”-(2) sheets, “July 22, 2003”-(2) sheets and “September 23, 2003”-(2) sheets, and *on further condition*;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located in the premises shall be removed within 48 hours;

MINUTES

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT where applicable, the proposed building will comply with the requirements of Local Law 58/87;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 30, 2003.

140-03-BZ

WHEREAS, the decision of the Borough Commissioner, dated April 29, 2003 acting on Application No. 500602154 reads:

- “1. PROPOSED OFFICE BUILDING USE GROUP 6 IS NOT PERMITTED AS-OF-RIGHT IN A RESIDENTIAL R3-2 ZONE, THEREFORE IS REFERRED TO THE BOARD OF STANDARDS & APPEALS FOR A VARIANCE . Sec. 22-00 Z.R.
2. THERE ARE NO BULK, PARKING, AND SIGN REGULATIONS FOR AN OFFICE BUILDING USE GROUP 6 IN A RESIDENTIAL R3-2 ZONE”;

WHEREAS, a public hearing was held on this application on September 9, 2003 after due notice by publication in The City Record and laid over to September 30, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R3-2 zoning district, the proposed office building, Use Group 6, contrary to Z.R. §22-00; and

WHEREAS, the premises is located on an oversized zoning lot containing 19,688 square feet of lot area, currently developed with a one-story one-family dwelling with an attached garage, located adjacent to a mapped park, as well as commercial developments; and

WHEREAS, the record indicates the subject property is burdened in that it has sanitary sewers only on Eaton Place, approximately 650 feet to the north, and the applicant notes that the lack of sanitary sewers makes subdivision of the property impracticable because the Department of Environmental Protection requires that any newly created lots not fronting on sewers be a minimum of 10,000 square feet with a street frontage of at least 100

CEQR #03-BSA-178R

APPLICANT - Lipton Associates, for Lipton Real Estate Corp., owner.

SUBJECT - Application April 29, 2003 - under Z.R. §72-21 to permit in an R3-2 zoning district, the proposed office building, Use Group 6, contrary to Z.R. §22-00.

PREMISES AFFECTED - 1855 Richmond Avenue, east side, 650.06' south of Eton Place, Block 2030, Lot 48, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Mark Lipton.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

feet; and

WHEREAS, the applicant represents that the frontage along Richmond Avenue, a heavily trafficked arterial roadway, is only 100 feet, therefore only one zoning lot can be created; and

WHEREAS, the existing home was developed in the late 1930s, prior to the widening of Richmond Avenue and the applicant notes that Richmond Avenue has transformed from a main thoroughfare to a commercial arterial roadway, with professional offices on both sides developed either as-of-right or by Board variance; and

WHEREAS, the record indicates that the subject zoning lot is burdened by an irregular shape, a history of development with an existing obsolete structure, and is surrounded by non-conforming adjacent uses; and

WHEREAS, therefore, the aforementioned unique physical conditions, namely the oversized lot, developed with an obsolete non-complying one-family one-story detached dwelling, not fronting on a street with sewers, adjacent to a park and commercially developed non-conforming lots, makes development of the site with a conforming R3-2 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 entire premises with a conforming use would not yield the owner a reasonable return; and

WHEREAS, the Board notes that the instant proposal creates a mixture of residential, retail, and office uses; and

WHEREAS, the record indicates that the proposed parking structure will lessen any potential congestion generated by the introduction of the subject use; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to

MINUTES

the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 30, 2003.

149-03-BZ

CEQR #03-BSA-187Q

APPLICANT - Petraro & Jones, LLP, for Angelo Stratigakis, owner.

SUBJECT - Application May 14, 2003 - under Z.R. §72-21, to permit in an R5 zoning district, the erection of a three-story, three-family dwelling, Use Group 2, which creates non-compliances with respect to floor area ratio, open space ratio lot coverage, front yard and building height contrary to Z.R. §§23-141(c), 23-45, 23-46 and 23-631(d) and (e).

PREMISES AFFECTED - 23-08 Sound Avenue, at the intersection of Sound and 42nd Streets, and 23rd Road, Block 781, lot 46, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Patrick Jones.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 9, 2003, acting on NB Application No. 401606393, reads:

“1. PROPOSED FLOOR AREA EXCEEDS

and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, in an R3-2 zoning district, the proposed office building, Use Group 6, contrary to Z.R. §22-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received April 29, 2003”-(7) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located in the premises shall be removed within 48 hours;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT where applicable, the proposed building will comply with the requirements of Local Law 58/87;

THAT the above conditions shall be noted in the Certificate of Occupancy;

- THAT ALLOWED BY SEC. 23-141(c)
2. PROPOSED OPEN SPACE RATIOS {sic} DEFICIENT PER 23-141(c)
 3. PROPOSED LOT COVERAGE EXCEEDS THAT ALLOWED BY 23-141 (c)
 4. PROPOSED BUILDING DOES NOT PROVIDE THE FRONT YARDS REQUIRED BY SECTION 23-45
 5. PROPOSED BUILDING HEIGHT DOES NOT COMPLY WITH SECTION 23-631(d & e); and

WHEREAS, a public hearing was held on this application on September 9, 2003 after due notice by publication in *The City Record*, and then laid over to September 30, 2003 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., and Commissioner Peter Caliendo and Commissioner Joel Miele P.E.; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R5 zoning district, the erection of a three-story, three-family dwelling (Use Group 2), which creates non-compliances with respect to floor area ratio, open space ratio lot coverage, front yard and building height, contrary to Zoning Resolution §§23-141(c), 23-45, 23-46 and 23-631(d) and (e); and

WHEREAS, the subject zoning lot is triangular and wedge shaped with lot lines of 52 feet, 87 feet and 101 feet containing a lot area of approximately 2,239 square feet with frontages along Sound Avenue, 23rd Road, and 42nd Street; and

WHEREAS, the record indicates that the proposed dwelling will replace an existing, vacant, one-story, one-family, frame, siding-clad, flat roof structure; and

WHEREAS, the proposed dwelling will contain brick facing with a combined gable and pitched roof and will feature an integrated garage with capacity for two vehicles, which the applicant notes complies with the parking requirements for a three family dwelling; and

MINUTES

WHEREAS, the aforementioned unique physical conditions, namely the triangular and wedge shape of the lot with frontages on three different streets, makes its occupancy for a complying R5 development impractical and creates practical difficulties in developing the site in conformity with current zoning; and

WHEREAS, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict compliance with zoning will provide a reasonable return; and

WHEREAS, upon site inspection, the Board has noted that the applicant's proposal is contextually compatible with the surrounding homes and neighborhood; 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

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, under Z.R. §72-21, to permit, in an R5 zoning district, the erection of a three-story, three-family dwelling, Use Group 2, which creates non-compliances with respect to floor area ratio, open space ratio lot coverage, front yard and building height contrary to Z.R. §§23-141(c), 23-45, 23-46 and 23-631(d) and (e); on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 16, 2003"- (10) sheets, and on further condition:

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located in the premises shall be removed within 48 hours;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT where applicable, the proposed building will comply with the requirements of Local Law 58/87;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 30, 2003.

adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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.

CEQR #03-BSA-197K

APPLICANT - The Law Office of Fredrick A. Becker, for Abraham Gutwein and Shirley Gutwein, owners.

SUBJECT - Application May 28, 2003 - under Z.R. §73-6223 to permit the enlargement of an existing one-family dwelling, Use Group 1, in 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 - 2615 Avenue "N", north side, 40' west of East 27th Street, Block 7662, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated May 9, 2003, acting on Application No. 301534711 reads:

“THE PROPOSED ENLARGEMENT OF THE EXISTING ONE FAMILY RESIDENCE IN AN R2 ZONING DISTRICT :

1. CREATES NON-COMPLIANCE WITH RESPECT TO FLOOR AREA RATION (sic) BY EXCEEDING THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRARY TO SECTION 23-141 OF THE ZONING RESOLUTION.
2. CREATES NON-COMPLIANCE WITH RESPECT TO THE OPEN SPACE RATIO AND IS CONTRARY TO SECTION 23-141 OF THE ZONING RESOLUTION.”; and

WHEREAS, a public hearing was held on this application on August 5, 2003 and then laid over to September 30, 2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the

MINUTES

Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §§73-03 and 73-622 to permit the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, contrary to Z.R. §23-141; and

WHEREAS, the applicant represents that the overall design of the proposed house will remain similar to neighborhood conditions; and

WHEREAS, the Board finds that the proposed *Resolved* that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the enlargement of an existing one-family dwelling, Use Group 1, in 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, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received May 28, 2003"- (7) sheets and "July 11, 2003"-(4) sheets; and *on further condition*;

THAT there shall be no habitable room in the cellar;
THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located in the premises shall be removed within 48 hours;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 30, 2003.

182-03-BZ

CEQR #03-BSA-198K

APPLICANT - Eric Palatnik, P.C., for Solomon Scharf, owner.
SUBJECT - Application May 29, 2003 - under Z.R. §73-622 to permit the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, contrary to Z.R. §§23-141

enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the perimeter wall height will comply with all applicable zoning regulations; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

and 23-47.

PREMISES AFFECTED - 1238 East 24th Street, between Avenues "L" and "M", Block 7641, Lot 62, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated May 9, 2003, acting on Application No. 301539360 reads:

"Obtain special permit approval from the Board of Standards and Appeals for the following objections:

1. Proposed floor area contrary to zr 23-141.
2. Proposed open space ration contrary to zr 23-141.
3. Proposed rear yard contrary to zr 23-47.";

WHEREAS, a public hearing was held on this application on September 9, 2003 and then laid over to September 30, 2003 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, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §§73-03 and 73-622 to permit the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, and rear yard contrary to Z.R. §§23-141 and 23-47; and

WHEREAS, the applicant represents that the overall design of the proposed house will remain similar to neighborhood conditions; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the perimeter wall height will comply with

MINUTES

all applicable zoning regulations; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-622 and 73-03, to permit the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district, which does not comply with the zoning requirements for

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT where applicable, the proposed building will comply with the requirements of Local Law 58/87;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 30, 2003.

360-02-BZ

APPLICANT - Law offices of Howard Goldman, PLLC, for S & Y Enterprises, LLC, owner.

SUBJECT - Application December 13, 2002 - under Z.R. §72-21 to permit the proposed conversion and enlargement of an existing warehouse, into a residential building with 83 units and 41 parking spaces, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 130 North Fourth Street, between Berry Street and Bedford Avenue, Block 2351, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Chris Wright.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 1:30 P.M., for continued hearing.

374-02-BZ

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

SUBJECT - Application December 30, 2002 - under Z.R. §§73-481 and 73-49 to permit the proposed 1,660 space parking garage, located within the medical center campus, in an R3-2 zoning district, which exceeds the number of spaces permitted by

floor area ratio, open space ratio and rear yard, contrary to Z.R. §§23-141 and 23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received September 16, 2003"-(6) sheets; and *on further condition*;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located in the premises shall be removed within 48 hours;

Z.R. §§25-12 and 25-13, and also will have rooftop parking that is only permitted pursuant to Z.R. §25-11, which requires a special permit as per Z.R. §73-481 and §73-49.

PREMISES AFFECTED - 267-20 74th Avenue, block bounded by 74th and 76th Avenues, also 263rd Street and the Queens/Nassau Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker.

For Opposition: Richard C. Hellenbrecht.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Miele3

Negative:0

Abstain: Commissioner Calendio.....1

ACTION OF THE BOARD - Laid over to October 21, 2003, at 1:30 P.M., for decision, hearing closed.

36-03-BZ

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

SUBJECT - Application January 29, 2003 - under Z.R. §73-481 to permit the proposed increase in the total number of parking spaces, through the use of attended parking, at an accessory parking garage, for an existing medical center, which requires a special permit as per Z.R. §73-481.

PREMISES AFFECTED - 271-17 76th Avenue, located on a block bounded by 76th Avenue, 74th Avenue, and the Queens/Nassau county border, Block 8520, Lot 2, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker.

For Opposition: Richard C. Hellenbrecht.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Miele3

Negative:0

Abstain: Commissioner Calendio.....1

ACTION OF THE BOARD - Laid over to October 21, 2003, at 1:30 P.M., for decision, hearing closed.

40-03-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Ben

MINUTES

Gardner, owner.

SUBJECT - Application January 30, 2003 - under Z.R. § 72-21 to permit the proposed construction of a twenty-seven unit residential complex, in a three story building, with retail use on the ground floor, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 124-20 Jamaica Avenue, corner of 125th Street, Block 9333, Lot 7, Borough of Queens.

Negative:0

ACTION OF THE BOARD - Laid over to October 21, 2003, at 1:30 P.M., for decision, hearing closed.

44-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Josephine Valletta, owner; Nissan Lift of New York, lessee.

SUBJECT - Application February 7, 2003 - under Z.R. §72-21 to permit the proposed enlargement, both vertically and horizontally of an existing non-conforming one story commercial use, Use Group 16, located in an R5 zoning district, which is contrary to Z.R. §54-30.

PREMISES AFFECTED - 97-20 99th Street, 100' south of 97th Avenue, between 97th and 101st Avenues, Block 9075, Lot 32, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Elisa Hwu.

ACTION OF THE BOARD - Laid over to October 21, 2003, at 1:30 P.M., for continued hearing.

96-03-BZ

APPLICANT - Agusta & Ross, for Brucha Building Corp., owner.

SUBJECT - Application March 27, 2003 - under Z.R. §72-21 to permit the proposed erection of a five story, ten unit multiple dwelling, Use Group 2, upon a vacant shallow corner zoning lot, located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 86 Franklin Avenue, a/k/a 450/52 Park Avenue, southwest corner, Block 1898, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Laid over to October 28, 2003, at 1:30 P.M., for continued hearing.

97-03-BZ-98-03-BZ

APPLICANT - Agusta & Ross, for Coconut International Realty Corp./Blue Sky, Inc., owner.

SUBJECT - Application March 27, 2003 - under Z.R. §72-21 to permit the proposed erection of a multiple dwelling, Use Group 2, upon a vacant irregularly shaped zoning lot, located in an R7-1/M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

461 Flushing Avenue, northside, 72' east of Bedford

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Howard Goldman.

For Opposition: Paul Hundermank, Maria Ferrara and Steve Motamued.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Avenue, Block 2263, Lot 86, Borough of Brooklyn.

463 Flushing Avenue, northside, 124'10" east of Bedford

Avenue, Block 2263, Lot 84, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to October 21, 2003, at 1:30 P.M., for decision, hearing closed.

120-03-BZ

APPLICANT - Mothiur Rahman, for Earth Properties & Construction Corp., owner.

SUBJECT - Application April 16, 2003- under Z.R. §72-21 to permit the legalization of an existing public parking lot, Use Group 8, located in an R-5 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 1810 Loring Place, northeast corner of West Tremont Avenue, Block 2879, Lot 51, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Mothiur Rahman.

ACTION OF THE BOARD - Laid over to October 28, 2003, at 1:30 P.M., for continued hearing.

148-03-BZ

APPLICANT - Francis R. Angelino, Esq., for North West Real Estate, LLC, owner.

SUBJECT - Application May 12, 2003- under Z.R. §72-21 to permit the proposed conversion of the remaining two units on the second and third floors, and the addition of two floor and a penthouse for residential use, in an existing small basement and three-story loft building, located in an M1-6 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 111/13 West 28th Street, between Sixth and Seventh Avenues, 164'-4" west of Sixth Avenue, Block 804, Lots 1101-1105 (formerly 28 and 29), Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Frances R. Angelino, Breck Perkins, Patricia Kirshmer and James Cookee.

For Opposition: Michael Kwartler and Pamela Kraft.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner

MINUTES

Caliendo and Commissioner Miele4
Negative:0

ACTION OF THE BOARD - Laid over to October 28, 2003, at 1:30 P.M., for decision, hearing closed.

150-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Bolshy Gulliver, Inc., owner.

SUBJECT - Application May 15, 2003 - under Z.R. §72-21 to permit the proposed construction of three additional floors above a one story and basement building, to form a mixed-use building, to contain as of right uses on the first floor and basement level, and a nine residential units on the remaining three floors, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 136 Metropolitan Avenue, between Wythe Avenue and Berry Street, Block 2364, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane and A.J. Loeffzoz.

ACTION OF THE BOARD - Laid over to October 28, 2003, at 1:30 P.M., for continued hearing.

187-03-BZ

APPLICANT - Marvin B. Mitzner, Esq. of Fischbein Badillo Wagner Harding, for Robert Hollander and Steve Abrahms, owners.

SUBJECT - Application June 6, 2003 - under Z.R. §73-125 to permit the reestablishment of an expired special permit, previously granted under Cal. No. 142-88-BZ, which permitted medical offices, Use Group 4, that exceeded 1,500 square feet of floor area in an R2 zoning district.

PREMISES AFFECTED - 214-02 24th Avenue, southeast corner of Bell Boulevard, Block 6001, Lot 55, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Marvin Mitzner.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to October 21, 2003, at 1:30 P.M., for decision, hearing closed.

189-03-BZ

APPLICANT - Eric Palatnik, P.C., for 830 East 233rd Street Corp, owner; BP Products North America, lessee.

SUBJECT - Application June 6, 2003 - under Z.R. §73-211 to permit the continued use of the premises as a gasoline service station, the alteration of the existing signage, and the legalization of the enlargement of the zoning lot on which the existing station rests, is contrary to §32-35.

PREMISES AFFECTED - 836 East 233rd Street, northwest corner of Bussing Avenue, Block 4857, Lots 44 and 41, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to October 21, 2003, at 1:30 P.M., for continued hearing.

219-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Homes for the Homeless Summer Camp, Inc., owner.

SUBJECT - Application June 25, 2003 - under Z.R. §72-21 to permit the legalization of an existing philanthropic institution with sleeping accommodations, Use Group 3, in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 175-15 Rockaway Boulevard, north side, between 175th Street and 149th Road, Block 13381, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Howard Hornstein, Peter Geis, Denise Scaravella, Harold Smith and Frank Martarella.

For Opposition: Richard C. Hellenbrecht, James C. Gadsden, Joseph S. Goldbloom, Patricia H. Hagan and Ella Smith.

ACTION OF THE BOARD - Laid over to October 28, 2003, at 1:30 P.M., for continued hearing.

220-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Homes for the Homeless Summer Camp, Inc., owner.

SUBJECT - Application June 25, 2003 - under Z.R. §72-21 to permit the legalization of an existing philanthropic institution with sleeping accommodations, Use Group 3, in an M1-1 zoning district, and the addition of a new building that does not comply with the rear yard requirement, is contrary to Z.R. §42-00 and §43-23 and §43-27.

PREMISES AFFECTED - 175-21 149th Avenue, a/k/a 175-48 148th Road, 140' east of 175th Street, Block 13380, Lots 11 and 63 (Tentative Lot 11), Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Howard Hornstein, Peter Geis, Denise Scaravella, Harold Smith and Frank Martarella.

For Opposition: Richard C. Hellenbrecht, James C. Gadsden, Joseph S. Goldbloom, Patricia H. Hagan and Ella Smith.

ACTION OF THE BOARD - Laid over to October 28, 2003, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

MINUTES

Adjourned: 4:00 P.M.

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, No. 42

October 16, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

John E. Reisinger, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

CONTENTS

| | |
|--------------------------------------|-----|
| DOCKET | 707 |
| CALENDAR of November 25, 2003 | |
| Morning | 708 |
| Afternoon | 709 |

CONTENTS

MINUTES of Regular Meetings,

Affecting Calendar Numbers:

578-71-BZ 833/47 4th Avenue, Brooklyn
297-72-BZ 630-646 East Fordham Road, The Bronx
1059-84-BZ 943/61 Kings Highway aka 2032 Coney Island Avenue, Brooklyn
545-56-BZ 2001-2007 Williamsbridge Road, The Bronx
803-61-BZ 1416 Hylan Boulevard, Staten Island
289-63-BZ 150 East 61st Street, Manhattan
39-66-BZ 43-70 Kissena Boulevard, Queens
444-67-BZ 187-39 Hillside Avenue, Queens
36-70-BZ 200-204 West 79th Street, Manhattan
608-85-BZ 33-56 11th Street, Queens
132-86-BZ 102-09/11 Roosevelt Avenue, Queens
132-92-BZ 3948-52 Amboy Road, Staten Island
31-96-BZ 41 East 20th Street, Manhattan
172-97-BZ 1023 Brighton Beach Avenue, Brooklyn
215-03-A 11 Kildare Walk, Queens
216-03-A 73 Reid Avenue, Queens
226-03-A 30 Reid Avenue, Queens
227-03-A 5 Bath Walk, Queens
228-03-A 32 Gotham Walk, Queens
233-03-A 25 Gotham Walk, Queens
287-02-A thru
289-02-A 3, 5, 7 Reynolds Court, Staten Island
212-03-A &
213-03-A 129-32 & 129-36 Hook Creek Boulevard, Queens
247-03-A 18 Gotham Walk, Queens

CONTENTS

Afternoon Calendar.....719

Affecting Calendar Numbers:

297-01-BZ 201 East 23rd Street, Manhattan
279-02-BZ 76 Aster Court, Brooklyn
334-02-BZ 1281 Atlantic Avenue, Brooklyn
335-02-BZ 1283 Atlantic Avenue, Brooklyn
336-02-BZ 1287 Atlantic Avenue, Brooklyn
249-01-BZ 9 White Street, Brooklyn
185-02-BZ 93/101 North Ninth Street, Brooklyn
202-02-BZ 133-20 Rockaway Boulevard, Queens
222-02-BZ 2547 East 12th Street, Brooklyn
258-02-BZ 7/13 Ash Street, Brooklyn
281-02-BZ 18 Exeter Street, Brooklyn
315-02-BZ 223/27 West 60th Street, Manhattan
73-03-BZ 400 Lenox Avenue, Manhattan
80-03-BZ 602 39th Street, Brooklyn
83-03-BZ 2100 Hermany Avenue, The Bronx
105-03-BZ thru
107-03-BZ 45-78, 45-78A & 45-80 161st Street, Queens
118-03-BZ 1101 Prospect Avenue, Brooklyn
138-03-BZ 79-59/77 Cooper Avenue, Queens
139-03-BZ 247-54 90th Avenue, Queens
141-03-BZ 10 Graham and Flushing Avenues, Brooklyn
144-03-BZ 188-16 Northern Boulevard, Queens
152-03-BZ 41 Varick Avenue, Brooklyn
178-03-BZ 114-02 VanWyck Expressway, Queens
207-03-BZ 2316 Avenue "J", Brooklyn

MINUTES of Special Hearing,

COMPLIANCE CALENDAR

Wednesday, October 8, 2003

Morning Calendar..... 730

Affecting Calendar Numbers:

62-83-BZ 696 Pacific Street, 529/39 Dean Street and 549/59 Dean Street, Brooklyn
173-94-BZ 165-10 144th Road, Queens

ZONING CALENDAR

Wednesday, October 8, 2003

Morning Calendar..... 730

Affecting Calendar Number:

69-03-BZ 32/40 Bond Street, Manhattan

CORRECTIONS..... 731

Affecting Calendar Numbers:

219-97-BZ 130-11 North Conduit Avenue, Queens

DOCKET

New Case Filed Up to October 7, 2003

306-03-BZ B.BK. 192 Water Street, between Jay and Bridge Streets, Block 41, Lot 11, Borough of Brooklyn. Alt.#301159537. Proposed conversion of a four story industrial building, located in an M1-2 zoning district, into a residential dwelling, also the addition of two floors, for a total of 18 loft-style dwelling units, is contrary to Z.R. §§42-00 and 43-00.

COMMUNITY BOARD #2BK

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.

307-03-BZ B.M. 543/45 West 110th Street, (aka Cathedral Parkway), and 2840/46 Broadway, northeast corner, Block 1882, Lots 1 and 6, Borough of Manhattan. Applic.#103516358. Proposed construction of a 15-story residential building, Use Group 2, located in R-8 and C1-4 zoning districts, which does not comply with the zoning requirements for lot coverage, maximum building height, street walls and setback, is contrary to Z.R.§35-24, §23-633 and §23-145.

COMMUNITY BOARD #9M

308-03-BZ B.BX. 557/71 Grand Concourse, west side, 31.6' north of East 149th Street, Block 2347, Lots 24 and 19, Borough of The Bronx. Applic.#200772654. Proposed extension to an existing gasoline service station, to include an accessory convenience store, also the addition of another lot that will be used for accessory parking, is contrary to a previous variance granted by the Board under Cal. No.193-50-BZ and Z.R.§32-25.

COMMUNITY BOARD #4BX

309-03-BZ B.M. 744/48 Greenwich Street, west side, between Perry and West 11th Streets, Block 633, Lots 20 and 119, Applic.#103433009. Proposed erection of a six-story residential building, Use Group 2, on a zoning lot, divided by C6-1 and R6 zoning districts, which does not comply with the zoning requirements for floor area, height and setback limit per table A, is contrary to Z.R.§§23-145 and 23-633.

COMMUNITY BOARD #2M

310-03-BZ B.BK. 2223 Avenue "M", corner of East 23rd Street, Block 7640, Lot 1, Borough of Brooklyn. Applic.#301626701. 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 open space ratio, is contrary to Z.R.§23-141.

COMMUNITY BOARD #14BK

CALENDAR

NOVEMBER 25, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, November 25, 2003, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

633-87-BZ

APPLICANT - Martyn & Don Weston, for The Fristachi Trust, owner.

SUBJECT - Application October 1, 2003 - reopening for an extension of term of variance which expired September 7, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 216 Grand Street, southwest corner of Driggs Avenue, Block 2393, Lots 27 & 29, Borough of Brooklyn.

COMMUNITY BOARD #1BK

33-92-BZ

APPLICANT - Sheldon Lobel, P.C., for D & K Realty, owner.

SUBJECT - Application September 9, 2003 - reopening for an extension of term of variance which expired August 10, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 95-01 Brisbin Street, aka 143-02 95th Avenue, south side of Atlantic Avenue between Brisbin and Allendale Streets, Block 10007, Lot 1, Borough of Queens.

COMMUNITY BOARD #12Q

145-95-BZ

APPLICANT - Sullivan Chester & Gardner, P.C., for LRHC, Inc., d/b/a Lucille Roberts, owner.

SUBJECT - Application June 5, 2003 - reopening for dismissal.

PREMISES AFFECTED - 80 Fifth Avenue, southwest corner of West 14th Street, Block 577, Lot 39, Borough of Manhattan.

COMMUNITY BOARD #2M

NOVEMBER 25, 2003, 1:30 P.M.

268-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Williamsburg Bridge Towers, LLC, owner.

SUBJECT - Application October 4, 2002 - under Z.R. §72-21 to permit the proposed construction of a seven story Class Multiple A Dwelling, with nine dwelling units, Use Group 2, located in an M1-1

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, November 25, 2003, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

246-03-BZ

APPLICANT - Eric Palatnik, P.C., for Carol Feldsher, owner.

SUBJECT - Application September 19, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space, rear and side yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 1371 East 23rd Street, east side, between Avenues "N and M", Block 7659, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #14BK

248-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Ross & Ross, owner; Bally Total Fitness, lessee.

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to permit the proposed operation of a physical culture establishment, in an existing two story commercial building, with mezzanine and cellar, that is located in C1-5(R7-2) zoning district.

PREMISES AFFECTED - 1915 Third Avenue, southeast corner of East 106th Street, Block 1655, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #11M

249-03-BZ

APPLICANT - Sheldon Lobel, P.C., for D & J Herms Realty, Inc., owner.

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to permit the proposed four story building, with penthouse and cellar, to contain nine residential units on the second, third and fourth floors, and one commercial unit on the ground floor, on a site that is located in C8-2 zoning district, which does not permit residential use, is contrary to §32-10.

PREMISES AFFECTED - 265 Bedford Avenue, southeast corner of North First Street, Block 2381, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 176 South Fourth Street, between Driggs Avenue and South Fifth Place, Block 2446, Lot 78, Borough of Brooklyn.

COMMUNITY BOARD #1BK

CALENDAR

COMMUNITY BOARD #8M

270-03-BZ

APPLICANT - Joseph P. Morsellino, for Cord Meyer Development, LLC, owner.

SUBJECT - Application August 26, 2003 - under Z.R. §72-21 to permit the proposed erection and maintenance of a mixed use building, Use Groups 2 and 6, with less than the required open space, and which exceeds the permitted floor area ratio, located on a site that is divided by two zoning districts (C4-2 and R7-1), is contrary to §35-23, §23-142, §35-33 and §35-32.

PREMISES AFFECTED - 108-36/50 Queens Boulevard, southeast corner of 71st Road, Block 3257, Lot 1 (formerly 1 and 42), Borough of Queens.

COMMUNITY BOARD #6Q

Pasquale Pacifico, Executive Director

272-03-BZ

APPLICANT - Rampulla Associates Architects, for Robert Brown/Daniel Brown, owners.

SUBJECT - Application October 3, 2003 - under Z.R. §72-21 to permit the proposed construction of a cellar and two story retail building, Use Group 6, with accessory off-street parking for twenty-five cars, with a curb cut on Hylan Boulevard which is not permitted, also the proposed building in the required arterial setback is not permitted, is contrary to Z.R. §22-10, §107-251(a) and §107-251(b).

PREMISES AFFECTED - 4106 Hylan Boulevard, south side, between Goodall and Glover Streets, Block 5307, Lots 6, 7, 13 and 14 (tentative Lot 6), Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

294-03-BZ

APPLICANT - Robert Loos, Esq., Sybil H. Pollet, Esq., for The Metropolitan Club, Inc., owner.

SUBJECT - Application September 10, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing six story community facility, Use Group 4, located in R10-H and C5-1 zoning districts, and the Special Park Improvement District, which does not comply with the zoning requirements for lot coverage, rear yard, rear yard equivalent and front walls, is contrary to Z.R. §24-11, §33-26, §24-36, §54-31 and §92-042(c).

PREMISES AFFECTED - One East 60th Street, northeast corner of Fifth Avenue, Block 1375, Lot 1, Borough of Manhattan.

REGULAR MEETING

TUESDAY MORNING OCTOBER 7, 2003

10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, July 29, 2003, were approved as printed in the Bulletin of August 7, 2003, Volume 88, No. 30.

SPECIAL ORDER CALENDAR

578-71-BZ

APPLICANT - Walter T. Gorman, P.E., for The Richard W.

MINUTES

Schenkel Trust and Schenkel Investments, L.P., owner; One Hess Plaza, lessee.

SUBJECT - Application May 27, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 833/47 4th Avenue, southeast corner of 30th Street, Block 673, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD - Application re-opened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on August 5, 2003, after due notice by publication in The City Record, laid over to September 16, 2003 and then to October 7, 2003 for decision; and

WHEREAS, on February 1, 1972, under Z.R. §73-11, the Board granted a special permit allowing the reconstruction of two existing automotive service stations into one automotive station with accessory uses; and

WHEREAS, Community Board 7, Brooklyn, recommends conditional approval of this application; and

WHEREAS, the instant application seeks to erect an accessory convenience store and a new steel canopy, and install six (6) multi-product dispensers and one (1) diesel pump; and

WHEREAS, the proposal will also eliminate the accessory auto repairs as the service station discontinued operation in January 2003.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution, pursuant to Zoning Resolution Section 73-111, said resolution having been adopted on February 1, 1972 as amended through August 9, 1988, so that as amended this portion of the resolution shall read:

"to permit the erection of a new one-story accessory convenience store; the erection of a new steel canopy over six (6) multi-product dispensers and one (1) diesel dispenser, and the installation of six (6) multi-product dispensers and one diesel pump, on condition

THAT all work shall substantially conform to drawings as they

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on September 16, 2003, after due notice by publication in The City Record, laid over to October 7, 2003 for decision; and

WHEREAS, in 1949, under Calendar Number 890-48-BZ, the Board granted a variance allowing the extension of an existing garage for more than 5 automobiles, and the addition of automotive repairs and a showroom; and

WHEREAS, in 1972, under the instant Calendar Number, the premises were enlarged and a subsequent application further

apply to the objections above noted, filed with this application marked "Received September 23, 2003"- (6) sheets; and on further condition;

THAT trees and other landscaping are provided and maintained in accordance with BSA approved plans;

THAT lighting shall be positioned down and away from residential uses:

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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."

(DOB Application#s301543649, 301543667 & 301543676)

Adopted by the Board of Standards and Appeals, October 7, 2003.

297-72-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for J.B. Campus Realty, Ltd., owner.

SUBJECT - Application July 3, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 630-646 East Fordham Road, southwest corner of Belmont and East Fordham Road, Block 3078, Lot 48, Borough of The Bronx.

COMMUNITY BOARD #6BX

APPEARANCES -

For Applicant: Howard Hornstein and Barbara Hair.

ACTION OF THE BOARD - Application re-opened and resolution amended.

enlarged the premises and granted a special permit for rooftop parking pursuant to Z.R. §73-49; and

WHEREAS, the record indicates that since the 1948 application, the property has housed a facility for the sales, storage and service of automobiles; and:

WHEREAS, the building sits on an irregularly shaped parcel that occupies the entire block front on the south side of East Fordham Road between Hughes Avenue and Belmont Avenue, currently zoned C8-1 for the first 100' from East Fordham Road with the remainder, less than 20% in an R6 district; and

WHEREAS, the site's lot area is approximately 23,217 square feet, with the current structure occupying approximately 20,292 square feet; and

WHEREAS, the applicant represents that the proposed bank

MINUTES

would only occupy approximately 3,669 square feet of floor area; and

WHEREAS, the Board notes that banks are permitted in C8 zoning districts and that relief is only required for the portion located in the R6 district.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution, pursuant to Z.R. §§11-412 and 11-413, said resolution having been adopted on February 23, 1949 as amended through July 18, 1972, so that as amended this portion of the resolution shall read:

"to permit the change in use from an automotive sales and service facility (Use Group 16) to a bank (Use Group 6), on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 3, 2003"- (7) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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."

(DOB Application # 200777276)

Adopted by the Board of Standards and Appeals, October 7, 2003.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution, pursuant to Zoning Resolution Sections 72-01 and 72-22, so that as amended this portion of the resolution shall read:

"to allow an extension of the permitted use to the first floor, with installation of an elevator and internal stair, and a change in the hours of operation, from 6 a.m. to midnight, Monday through Friday, on condition:

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 10, 2003"- (4) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the hours of operation shall be limited to the following: Monday through Friday, 6 a.m. to midnight; Saturday, 9 a.m. to 6 p.m., and Sunday, 9 a.m. to 5 p.m.;

1059-84-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for BMS Realty Co., owner, Bally Fitness Corp., lessee.

SUBJECT - Application June 10, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 943/61 Kings Highway aka 2032 Coney Island Avenue, northwest corner of intersection Kings Highway & Coney Island Avenue, Block 6666, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Barbara Hair and Howard Hornstein.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on September 16, 2003, after due notice by publication in The City Record, and then to October 7, 2003 for decision; and

WHEREAS, on May 7, 1985, the Board granted a special permit under Z.R. §73-36, to permit, in an C4-2 zoning district, the extension of an existing physical culture establishment ("PCE") into the second floor of a two (2) story commercial building; and subsequently granted an extension of term of said special permit on October 16, 1996; and

WHEREAS, the applicant requests an amendment to the resolution to allow an extension of the use to the first floor of the building (including installation of an elevator and an interior stair), and a change in the hours of operation to 6 a.m. to midnight, Monday through Friday; and

WHEREAS, the applicant represent that the existing conditions substantially comply with approved plans, and that the proposed extension of the PCE into the first floor of the building is not expected to adversely impact existing parking conditions.

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT a new certificate of occupancy 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; 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."

(DOB Application #301528942)

Adopted by the Board of Standards and Appeals, October 7, 2003.

MINUTES

545-56-BZ

APPLICANT - Walter T. Gorman, P.E., for Williamsbridge Road Realty Corp., owner; Williamsbridge Auto Repairs/Service Station; lessee.

SUBJECT - Application July 22, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 2001-2007 Williamsbridge Road aka 1131-39 Neill Avenue, northwest corner of Neill Avenue, Block 4306, Lot 20, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to October 28, 2003, at 10 A.M., for decision, hearing closed.

803-61-BZ

APPLICANT - Eric Palatnik, P.C., for Philip and Martin Blessinger, owner; BP Products North America, owner.

SUBJECT - Application July 10, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired November 14, 2001.

PREMISES AFFECTED - 1416 Hylan Boulevard, corner of Hylan Boulevard and Reid Avenue, Block 3350, Lot 30, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to November 18, 2003, at 10 A.M., for continued hearing.

444-67-BZ

APPLICANT - Eric Palatnik, P.C., for Hillside 188th Street Corp, owner; BP Products North America, owner.

SUBJECT - Application June 3, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 187-39 Hillside Avenue, northwest corner of 87-88 to 87-96 188th Street, Block 9960, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to October 28, 2003, at 10 A.M., for continued hearing.

36-70-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 200 West 79th Street Owners, Inc., owner; Amstore Limited Partnership, lessee.

SUBJECT - Application April 22, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 200-204 West 79th Street, a/k/a 380 Amsterdam Avenue, west side of Amsterdam between West 78th

289-63-BZ

APPLICANT - Sheldon Lobel, P.C., for 61st LP, owner; Imperial Parking Systems, lessee.

SUBJECT - Application July 1, 2003 - reopening for an extension of term of variance which expired June 27, 2003.

PREMISES AFFECTED - 150 East 61st Street (aka 775 Lexington Avenue), south east corner of intersection of East 61st Street and Lexington Avenue, Block 1395, Lot 50, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to November 18, 2003, at 10 A.M., for continued hearing.

39-66-BZ

APPLICANT - Sheldon Lobel, P.C., for Jonathan Woodner Company, owner.

SUBJECT - Application August 4, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired April 30, 2003.

PREMISES AFFECTED - 43-70 Kissena Boulevard, south side of Kissena Boulevard, 304.22' west of Elder Avenue, Block 5137, Lot 102, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to November 5, 2003, at 10 A.M., for continued hearing.

Street and 79th Streets, Block 1170,, Lot 7501 FKA 29, 30, 32, 34, 35, 36, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Howard Hornstein and Barbara Hair.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to October 28, 2003, at 10 A.M., for decision, hearing closed.

608-85-BZ

APPLICANT - The Agusta Group, for J.C. Organization, LLC, owner.

SUBJECT - Application May 13, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 17, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 33-56 11th Street, west side 11th Street, 235' south of 33rd Road, Block 319, Lot 36, Borough of Queens.

MINUTES

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Philip P. Agusta.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to October 28, 2003, at 10 A.M., for decision, hearing closed.

132-86-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Cristobal F. Rosero, owner.

SUBJECT - Application April 9, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 8, 2002.

PREMISES AFFECTED - 102-09/11 Roosevelt Avenue, northside 196.16', west of 103rd Street, Block 1770, Lots 47 & 48, Corona, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to November 25, 2003, at 10 A.M., for decision, hearing closed.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to October 21, 2003, at 10 A.M., for decision, hearing closed.

172-97-BZ

APPLICANT - Harold Weinberg, P.E., for Oceana Holding Corporation, Inc., owner.

SUBJECT - Application July 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 11, 2002.

PREMISES AFFECTED - 1023 Brighton Beach Avenue, north side, between Brighton 11th and Brighton 12th Street, Block B-8709, L-60, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

132-92-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Joseph DiStefano, owner.

SUBJECT - Application February 27, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expires July 19, 2004 and for an amendment to the resolution.

PREMISES AFFECTED - 3948-52 Amboy Road, south side of Amboy Road between Hillside Terrace and Brown Avenue, Block 5142, Lot 22, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Fredrick A. Becker, Thomas Masucci and Joseph DiStefano.

ACTION OF THE BOARD - Laid over to December 9, 2003, at 10 A.M., for continued hearing.

31-96-BZ

APPLICANT - Eric Palatnik, P.C., for Jane Goldberg, owner.

SUBJECT - Application July 1, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired February 11, 2003.

PREMISES AFFECTED - 41 East 20th Street, between Broadway and Park Avenue South, Block 849, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Eric Palatnik.

For Applicant: Harold Weinberg, P.E..

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to December 9, 2003, at 10 A.M., for decision, hearing closed.

MINUTES

APPEALS CALENDAR

215-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Leo & Barbara MacCourtney, lessees.

SUBJECT - Application June 24, 2003 - Proposed building not fronting on a legally mapped street, and has an upgraded private disposal system in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED - 11 Kildare Walk, east side, 154.99' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES - None.

ACTION OF THE BOARD -Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Resolved, that the decision of the Queens Borough Commissioner, dated June 10, 2003, acting on ALT 1. Application No. 401578315 is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 2, 2003"- (1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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 private disposal system comply in all respects with DOB policy; and

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals on October 7, 2003

Commissioner, dated June 10, 2003 acting on ALT 1. Application No. 401578315, reads in pertinent part:

"A1. The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York.

A2- The private disposal system being upgraded in the bed of a private service road which serves as a street which is contrary to Department of Building policy"; and

WHEREAS, by the letter dated August 7, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated August 7, 2003 the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

WHEREAS, by letter dated August 20, 2003 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.

216-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Brendan & Joann Dolan, lessees.

SUBJECT - Application June 24, 2003 - Proposed building not fronting on a legally mapped street, and located partially within the bed of a mapped street is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 73 Reid Avenue, east side, 287.35' north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES - None.

ACTION OF THE BOARD -Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated June 10, 2003 acting on ALT 1. Application No. 401627343, reads in pertinent part:

"For Board of Standards & Appeals Only

A1- The site is located partially in the bed of a mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect 35 of the General City Law.

A2- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting

MINUTES

directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York."; and

WHEREAS, by the letter dated July 29, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated August 6, 2003 the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

WHEREAS, by letter dated September 3, 2003 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 June 10, 2003, acting on ALT 1. Application No. 401627343 is modified under the power vested in the Board by §§35& 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 2, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district **226-03-A**

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; John Sullivan, lessee.

SUBJECT - Application July 1, 2003 - Proposed first floor alterations, and a partial new second floor addition, to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 30 Reid Avenue, south side, 264.91' west of Marshall Avenue, Block 16350, Part of Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated June 11, 2003 acting on ALT 1. Application No. 401633194, reads in pertinent part:

"A1- The street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York, Therefore:

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law

B) Existing dwelling to be altered does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York."; and

WHEREAS, by the letter dated July 18, 2003 , the Fire

requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals on October 7, 2003.

Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated June 11, 2003, acting on ALT 1. Application No. 401633194 is modified under the power vested in the Board by Section '36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received July 1, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals on October 7, 2003

MINUTES

227-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Lisa & Thomas Good, lessee.

SUBJECT - Application July 1, 2003 - Proposed first floor alterations and additions, also a partial new second floor addition, to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 5 Bath Walk, west side, 56.00' north of Proposed 12th Avenue, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD -Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

Resolved, that the decision of the Queens Borough Commissioner, dated June 11, 2003, acting on ALT 1. Application No. 401633185 is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 16, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals on October 7, 2003.

228-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; William F. & Kerry A. Dolan, lessee.

SUBJECT - Application July 1, 2003 - Proposed first floor alterations and additions, also a partial new second floor addition, to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 32 Gotham Walk,west side, 62.26'

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated June 11, 2003 acting on ALT 1. Application No. 401633185, reads in pertinent part:

"A1- The street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York, Therefore:

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law

B) Existing dwelling to be altered does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York."; and

WHEREAS, by the letter dated July 18, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

north of Stehn Promenade, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated June 11, 2003 acting on ALT 1. Application No. 401639786, reads in pertinent part:

"A1- The existing building to be altered lies within the bed of a mapped street contrary to General City Law Article 3, Section 35"; and

WHEREAS, by the letter dated July 18, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated August 6, 2003 the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

WHEREAS, by letter dated September 9, 2003 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 June 11, 2003, acting on ALT 1. Application No. 401639786 is modified under the power vested in the Board by Section 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 September 16, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning

MINUTES

district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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 PREMISES AFFECTED - 25 Gotham Walk, east side, 102.01' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD -Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated June 30, 2003 acting on ALT 1. Application No. 401633167, reads in pertinent part:

"A1- The Street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York, Therefore:

- A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law
- B) Existing dwelling to be altered does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York."; and

WHEREAS, by the letter dated August 15, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated June 30, 2003, acting on ALT 1. Application No. 401633167 is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received July 7, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

related to the relief granted."

Adopted by the Board of Standards and Appeals on October 7, 2003

233-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Patti & Ken Damstron, lessees.

SUBJECT - Application July 7, 2003 - Proposed first floor alterations and additions, also a partial new second floor addition, to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals on October 7, 2003

287-02-A thru 289-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Ocean Park Estates, owner.

SUBJECT - Application October 23, 2002 - Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

- 3 Reynolds Court, north side, 363.9' east of Reynolds Street, Block 2981, Lot 93, Borough of Staten Island.
- 5 Reynolds Court, north side, 363.1' east of Reynolds Street, Block 2981, Lot 95, Borough of Staten Island.
- 7 Reynolds Court, north side, 300' east of Reynolds Street, Block 2981, Lot 97, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to November 5, 2003, at 10 A.M., for continued hearing.

212-03-A & 213-03-A

APPLICANT - Tai Lawal Calibre Building Services, Inc., for Nabat Development Corp., owner.

SUBJECT - Application June 20, 2003 - Proposed single family dwelling, located partially within the bed of a mapped street, is

MINUTES

contrary to Section 35, Article 3 of the General Law.

PREMISES AFFECTED -

129-32 Hook Creek Boulevard, east side, between
129th Road and 130th Avenue, Block 12891, Lot 2,
Borough of Queens.

129-36 Hook Creek Boulevard, east side, between
129th Road and 130th Avenue, Block 12891, Lot 4,
Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

247-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point
Cooperative, owner; Bruce Hannaway, lessee.

SUBJECT - Application July 30, 2003 - Proposed alteration and
enlargement of an existing single family residence, not fronting on a
legally mapped street, is a contrary to Section 36, Article 3 of the
General City Law.

PREMISES AFFECTED - 18 Gotham Walk, west side, 226.99'
south of Oceanside Avenue, Block 16350, Lot 400, Borough of
Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to October 28,
2003, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:05 A.M.

REGULAR MEETING

TUESDAY AFTERNOON, OCTOBER 7, 2003

1:30 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner
Caliendo and Commissioner Miele

ZONING CALENDAR

297-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Snake River
Development LLC, owner; Synergy Fitness 23rd Street Inc.,
lessee.

SUBJECT - Application April 15, 2002 - under Z.R. §73-36, to

For Applicant: O. Charles Isadom.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to October 28,
2003, at 10 A.M., for decision, hearing closed.

permit the legalization of an existing physical culture establishment,
Use Group 9, located on the second floor of an existing two story
building, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 201 East 23rd Street, northeast corner
of Third Avenue, Block 904, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For the Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application dismiss for lack of
prosecution.

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner
Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, this application, originally heard on June 11,
2002, requested the legalization of an existing physical culture
establishment, located on the second floor of an existing two story
building at the subject premises, in a C1-2 in R3-2 zoning district;
and

WHEREAS, a public hearing was held on this application on
June 11, 2002 laid over to July 23, 2002, October 1, 2002,
November 19, 2002, January 7, 2003, March 25, 2003, July 22,
2003, and then to October 7, 2003; and

WHEREAS, the applicant has repeatedly failed to provide the
Board with requested information pertinent to deciding this matter;
and

WHEREAS, by letter dated September 29, 2003, the
applicant's representative withdrew as counsel as regards the
referenced matter; and

WHEREAS, therefore, after multiple Public Hearings and
adjournments, the Board finds that it must dismiss this case for lack
of prosecution.

Adopted by the Board of Standards and Appeals, October 7,
2003.

279-02-BZ

APPLICANT - Harold Weinberg, P.E., for Michael Pellegrino,
owner.

SUBJECT - Application May 2, 2003 - under Z.R. §73-622 to
permit the legalization of a second story to an existing one story,
one family dwelling, Use Group 1, located in an R4 zoning district,
which does not comply with the zoning requirements for lot
coverage, floor area ratio and side yard, is contrary to Z.R. §23-

MINUTES

141, §23-47 and §54-31.

PREMISES AFFECTED - 76 Aster Court, east side, 34'0" north of Channel Avenue, south of Bijou Avenue, Block 8946, Lot 844, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 29, 2003, acting on Application No. 301420335, reads:

"THE ENLARGEMENT OF THE ONE FAMILY RESIDENCE IN AN R4 ZONING DISTRICT.

1. CREATES NON-COMPLIANCE WITH RESPECT TO LOT COVERAGE AND IS CONTRARY TO SECTION 23-141 OF THE ZONING RESOLUTION (ZR)

2. CREATES A NEW NON-COMPLIANCE WITH RESPECT TO FLOOR AREA RATIO AND IS CONTRARY TO SECTION 23-141;

3. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO SIDE YARDS AND IS CONTRARY TO SECTIONS 23-47 & 54-31;

4. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO FRONT YARDS AND IS CONTRARY TO SECTION 54-31"; and

WHEREAS, a public hearing was held on this application on July 15, 2003 after due notice by publication in The City Record, and then laid over to August 5, 2003, September 16, 2003 and then to October 7, 2003 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 Peter Caliendo, and Commissioner Joel Miele, P.E.; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R4 zoning district, the legalization of a second story to an existing one-story, one-family dwelling (Use Group 1), which creates non-compliances with respect to lot coverage, floor area ratio, side yards and front yard, contrary to Z.R. §§23-141, 23-47 and 54-31; and

WHEREAS, the applicant originally sought a special permit under Z.R. §73-622, but during the hearing of July 15, 2003, it was discovered that the application could not meet the special permit findings and the applicant agreed to pursue the instant variance; and

WHEREAS, the record indicates that the subject lot is both narrow and shallow, with a width of 34' and a depth of approximately 52'-6", with a lot area of 1785 square feet, which the applicant notes would not comply with the minimum lot size required under Z.R. §23-32; and

WHEREAS, the Board acknowledges that the site is within 100' of the corner, and therefore no rear yard is required; and

WHEREAS, the Board agrees with the applicant's assertions that the existing on-site structure would require massive structural alterations to comply with existing bulk regulations; and

WHEREAS, the aforementioned unique physical conditions,

For Applicant: Harold Weinberg.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

namely a narrow and shallow lot, makes its occupancy for a complying R4 use impractical and creates practical difficulties in developing the site in conformity with current zoning; and

WHEREAS, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict compliance with zoning will provide a reasonable return; and

WHEREAS, upon site inspection, the Board has noted that the applicant's proposal is contextually compatible with the surrounding homes and neighborhood; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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 Z.R., limited to the objection cited, under Z.R. §72-21, to permit, in an R4 zoning district, the legalization of a second story to an existing one-story, one-family dwelling (Use Group 1), which creates non-compliances with respect to lot coverage, floor area ratio, side yards and front yard, contrary to Z.R. §§23-141, 23-47 and 54-31; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 2, 2003"-(12) sheets, and on further condition:

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located in the premises shall be removed within 48 hours;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

MINUTES

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 7, 2003.

334-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 1287 Atlantic Realty LLC, owner.

SUBJECT - Application November 13, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy in a one story, four unit building, which is located within an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1281 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Application granted on condition.
THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated October 22, 2002, acting on Application No. 301220355 reads:

"PROPOSED CONVERSION OF THE BUILDING INTO RESIDENTIAL DWELLINGS IS NOT PERMITTED IN A MANUFACTURING DISTRICT AS PER SECTION 42-00 OF THE ZONING RESOLUTION"; and

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in The City Record, and then laid over to June 3, 2003, July 15, 2003, August 5, 2003, and September 9, 2003 and then to October 7, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to

WHEREAS, the applicant further argues that the width of the subject block creates unusually deep lots, compounding the negative effects on development created by division of the lot by two zoning districts, and leading to development which is "ununiform and obscure"; and

WHEREAS, the applicant maintains that the subject building is

legalize the residential use of a building which is located within an M1-1 manufacturing district, contrary to Z.R. §42-00; and

WHEREAS, this application is one of three concurrent applications filed by the applicant, seeking to legalize three buildings located at 1281, 1283, and 1287 Atlantic Avenue, on Block 1867, Lot 72; and

WHEREAS, the three subject buildings are:

Building "A" (1287 Atlantic Avenue), with four-stories, approximately 52.3 feet in height, containing 15,588 square feet in floor area, occupied as a mixed-use building, with approximately 2,993 square feet of floor area on the ground level used by the property owner for his lighting design business and the remaining 12,595 square feet of floor area divided into 12 units and occupied residentially;

Building "B" (1281 Atlantic Avenue), with four stories, 30 feet in width, 46 feet in height, containing 6,360 square feet of floor area, and divided into 8 residentially occupied units; and Building "C" (1283 Atlantic Avenue), one-story with mezzanine, approximately 68 feet in length, 65 feet in width and 20 feet in height, containing 5,758 square feet in floor area, and divided into 4 residentially occupied units; and

WHEREAS, both the subject building and the other two buildings (plus one additional building not the subject of an application) are situated entirely on Block 1867, Lot 72; and

WHEREAS, the applicant represents that the adjacent lots 75 and 76 contain sixteen accessory parking spaces, for use by the residents of the subject buildings; and

WHEREAS, the record shows that the subject lot is irregularly shaped, in that it has 70 feet of frontage along Atlantic Avenue, running north 149 feet, then east 60 feet, then north 85 feet, then west 64 feet, then north 14 feet, then west 120 feet, then south 150 feet, then west approximately 54 feet, then south 99 feet back to Atlantic Avenue; and

WHEREAS, the applicant represents that the subject lot is divided by two zoning districts, with a slight majority of the lot, fronting Atlantic Avenue, designated M1-1, and the rear portion designated R6; and

WHEREAS, the subject building is entirely within the M1-1 portion of the lot; and

WHEREAS, the applicant states that Building A was opened to residential occupancy in October 2001 and Buildings B and C were opened to residential occupancy in April 2002, and that all three buildings have been completely renovated; and

WHEREAS, the applicant argues that the configuration of the subject lot permits only irregular development that would fail to make efficient use of the land if developed as-of-right, in that the division of the site by two zoning districts would: lead to unusual building placement within the site, leave portions of the land left undeveloped and unusable, and necessitate vertical construction and attendant increased costs; and

obsolete and not suitable for modern as-of-right use, in that it lacks elevators and has ceiling heights insufficient for stacking of goods; and

WHEREAS, the applicant notes that, prior to renovation, the subject building had been vacant for at least 10 years and had fallen into a deteriorated state; and

MINUTES

WHEREAS, the Board finds that the aforementioned unique physical conditions create unnecessary hardship in developing the site in conformity with the current applicable zoning regulations; and

WHEREAS, the evidence in the record, including a feasibility study, shows that a complying development would not yield a reasonable rate of return; and

WHEREAS, the record indicates that the surrounding area and the subject block consists of residential uses, and some factory and warehouse uses; and

WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to legalize the residential use of a building which is located within an M1-1 manufacturing district, contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 22, 2003 - (1) sheet and "May 22, 2003"- (25) sheets, and on further condition;

THAT the premises shall comply with all applicable fire safety measures;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located in the premises shall be removed within 48 hours;

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in The City Record, and then laid over to June 3, 2003, July 15, 2003, August 5, 2003, and September 9, 2003 and then to October 7, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to legalize the residential use of a building which is located partially within an M1-1 manufacturing district, contrary to Z.R. §42-00;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 7, 2003.

335-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 1287 Atlantic Realty LLC, owner.

SUBJECT - Application November 13, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy in a one story, four unit building, which is located within an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1283 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated November 7, 2002, acting on Application No. 301220382 reads:

"PROPOSED CONVERSION OF THE BUILDING INTO RESIDENTIAL DWELLINGS IS NOT PERMITTED IN A MANUFACTURING DISTRICT AS PER SECTION 42-00 OF THE ZONING RESOLUTION"; and

and

WHEREAS, this application is one of three concurrent applications filed by the applicant, seeking to legalize three buildings located at 1281, 1283, and 1287 Atlantic Avenue, on Block 1867, Lot 72; and

WHEREAS, the three subject buildings are:

Building "A" (1287 Atlantic Avenue), with four-stories, approximately 52.3 feet in height, containing 15,588 square feet in floor area, occupied as a mixed-use building, with approximately 2,993 square feet of floor area on the ground level used by the property owner for his lighting design business and the remaining 12,595 square feet of floor area

MINUTES

divided into 12 units and occupied residentially;

Building "B" (1281 Atlantic Avenue), with four stories, 30 feet in width, 46 feet in height, containing 6,360 square feet of floor area, and divided into 8 residentially occupied units; and Building "C" (1283 Atlantic Avenue), one-story with mezzanine, approximately 68 feet in length, 65 feet in width and 20 feet in height, containing 5,758 square feet in floor area, and divided into 4 residentially occupied units; and

WHEREAS, both the subject building and the other two buildings (plus one additional building not the subject of an application) are situated entirely on Block 1867, Lot 72; and

WHEREAS, the applicant represents that the adjacent lots 75 and 76 contain sixteen accessory parking spaces, for use by the residents of the subject buildings; and

WHEREAS, the record shows that the subject lot is irregularly shaped, in that it has 70 feet of frontage along Atlantic Avenue, running north 149 feet, then east 60 feet, then north 85 feet, then west 64 feet, then north 14 feet, then west 120 feet, then south 150 feet, then west approximately 54 feet, then south 99 feet back to Atlantic Avenue; and

WHEREAS, the applicant represents that the subject lot is divided by two zoning districts, with a slight majority of the lot, fronting Atlantic Avenue, designated M1-1, and the rear portion designated R6; and

WHEREAS, the subject building is located partially within the M1-1 portion of the lot; and

WHEREAS, the applicant states that Building A was opened to residential occupancy in October 2001 and Buildings B and C were opened to residential occupancy in April 2002, and that all three buildings have been completely renovated; and

WHEREAS, the applicant argues that the configuration of the subject lot permits only irregular development that would fail to make efficient use of the land if developed as-of-right, in that the division of the site by two zoning districts would: lead to unusual building placement within the site, leave portions of the land left undeveloped and unusable, and necessitate vertical construction and attendant increased costs; and

WHEREAS, the applicant further argues that the width of the

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to legalize the residential use of a building which is located partially within an M1-1 manufacturing district, contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received "May 22, 2003"- (24) sheets, "June 23, 2003"- (1) sheet and "September 22, 2003"- (1) sheet, and on further condition;

THAT the premises shall comply with all applicable fire safety measures;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located in the premises shall be removed within 48 hours;

THAT all windows on the east side of the building shall have

subject block creates unusually deep lots, compounding the negative effects on development created by division of the lot by two zoning districts, and leading to development which is "ununiform and obscure"; and

WHEREAS, the applicant maintains that the subject building is obsolete and not suitable for modern as-of-right use, in that it lacks elevators and has ceiling heights insufficient for stacking of goods; and

WHEREAS, the applicant notes that, prior to renovation, the subject building had been vacant for at least 10 years and had fallen into a deteriorated state; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create unnecessary hardship in developing the site in conformity with the current applicable zoning regulations; and

WHEREAS, the evidence in the record, including a feasibility study, shows that a complying development would not yield a reasonable rate of return; and

WHEREAS, the record indicates that the surrounding area and the subject block consists of residential uses, and some factory and warehouse uses; and

WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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.

an automatic dry fire sprinkler head with orifice directed against the windows, in the area as noted on the drawings marked "Received September 22, 2003";

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 7, 2003.

MINUTES

336-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 1287 Atlantic Realty LLC, owner.

SUBJECT - Application November 13, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy in a one story, four unit building, which is located within an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1287 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated November 7, 2002, acting on Application No. 301220373 reads:

"PROPOSED CONVERSION OF THE BUILDING INTO RESIDENTIAL DWELLINGS IS NOT PERMITTED IN A MANUFACTURING DISTRICT AS PER SECTION 42-00 OF THE ZONING RESOLUTION"; and

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in The City Record, and then laid over to June 3, 2003, July 15, 2003, August 5, 2003, and September 9, 2003 and then to October 7, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and

WHEREAS, the record shows that the subject lot is irregularly shaped, in that it has 70 feet of frontage along Atlantic Avenue, running north 149 feet, then east 60 feet, then north 85 feet, then west 64 feet, then north 14 feet, then west 120 feet, then south 150 feet, then west approximately 54 feet, then south 99 feet back to Atlantic Avenue; and

WHEREAS, the applicant represents that the subject lot is divided by two zoning districts, with a slight majority of the lot, fronting Atlantic Avenue, designated M1-1, and the rear portion designated R6; and

WHEREAS, the subject building is entirely within the M1-1 portion of the lot; and

WHEREAS, the applicant states that Building A was opened to residential occupancy in October 2001 and Buildings B and C were opened to residential occupancy in April 2002, and that all three buildings have been completely renovated; and

WHEREAS, the applicant argues that the configuration of the subject lot permits only irregular development that would fail to make efficient use of the land if developed as-of-right, in that the division of the site by two zoning districts would: lead to unusual building placement within the site, leave portions of the land left undeveloped and unusable, and necessitate vertical construction and attendant increased costs; and

WHEREAS, the applicant further argues that the width of the subject block creates unusually deep lots, compounding the

neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to legalize the residential use of a building which is located within an M1-1 manufacturing district, contrary to Z.R. §42-00; and

WHEREAS, this application is one of three concurrent applications filed by the applicant, seeking to legalize three buildings located at 1281, 1283, and 1287 Atlantic Avenue, on Block 1867, Lot 72; and

WHEREAS, the three subject buildings are:

Building "A" (1287 Atlantic Avenue), with four-stories, approximately 52.3 feet in height, containing 15,588 square feet in floor area, occupied as a mixed-use building, with approximately 2,993 square feet of floor area on the ground level used by the property owner for his lighting design business and the remaining 12,595 square feet of floor area divided into 12 units and occupied residentially;

Building "B" (1281 Atlantic Avenue), with four stories, 30 feet in width, 46 feet in height, containing 6,360 square feet of floor area, and divided into 8 residentially occupied units; and Building "C" (1283 Atlantic Avenue), one-story with mezzanine, approximately 68 feet in length, 65 feet in width and 20 feet in height, containing 5,758 square feet in floor area, and divided into 4 residentially occupied units; and

WHEREAS, both the subject building and the other two buildings (plus one additional building not the subject of an application) are situated entirely on Block 1867, Lot 72; and

WHEREAS, the applicant represents that the adjacent lots 75 and 76 contain sixteen accessory parking spaces, for use by the residents of the subject buildings; and

negative effects on development created by division of the lot by two zoning districts, and leading to development which is "ununiform and obscure"; and

WHEREAS, the applicant maintains that the subject building is obsolete and not suitable for modern as-of-right use, in that it lacks elevators and has ceiling heights insufficient for stacking of goods; and

WHEREAS, the applicant notes that, prior to renovation, the subject building had been vacant for at least 10 years and had fallen into a deteriorated state; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create unnecessary hardship in developing the site in conformity with the current applicable zoning regulations; and

WHEREAS, the evidence in the record, including a feasibility study, shows that a complying development would not yield a reasonable rate of return; and

WHEREAS, the record indicates that the surrounding area and the subject block consists of residential uses, and some factory and warehouse uses; and

WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

MINUTES

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to legalize the residential use of a building which is located within an M1-1 manufacturing district, contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 22, 2003"-(24) sheets, "June 23, 2003"-(1) sheet and "September 22, 2003"-(1) sheet, and on further condition;

THAT all windows on the east side of the building shall have an automatic dry fire sprinkler head with orifice directed against the windows, in the area as noted on the drawings marked "Received SUBJECT - Application August 7, 2001 - under Z.R. § 72-21, to permit the proposed conversion of an existing four story manufacturing building, Use Group 17, to joint living/working quarters, Use Group 17D, located in an M1-2 zoning district, which is contrary to Z.R. §42-14.

PREMISES AFFECTED - 9 White Street, a/k/a 210/22 Varet Street, southwest corner, Block 3117, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Josef Friedman.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to December 9, 2003, at 1:30 P.M., for decision, hearing closed.

185-02-BZ

APPLICANT - Sheldon Lobel, P.C., for North Ninth Street Realty, LLC., owner.

SUBJECT - Application June 5, 2002 - under Z.R. §72-21 to permit the proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 93/101 North Ninth Street, north side, between Wythe Avenue and Berry Street, Block 2303, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #1BK

September 22, 2003";

THAT the premises shall comply with all applicable fire safety measures;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located in the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 7, 2003.

249-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for B.Z.V. Enterprise Corporation, owner.

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to November 5, 2003, at 1:30 P.M., for continued hearing.

202-02-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for Hajj D. Corp., owner.

SUBJECT - Application July 1, 2002 - under Z.R. §72-243 to permit the proposed construction of an accessory drive-thru facility in conjunction with an eating and drinking establishment, Use Group 6, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 133-20 Rockaway Boulevard, between 133rd and 134th Streets, Block 11757, Lot 55, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to November 25, 2003, at 1:30 P.M., for continued hearing.

222-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Eugene & Francine Simonetti, owner.

SUBJECT - Application August 5, 2002 - under Z.R. §72-21 to

MINUTES

permit the proposed nine family residential development, Use Group 2, located in an R4 zoning district, which exceeds the permitted floor area and number of dwelling units, and provide less than the required parking, which is contrary to Z.R. §23-141b, §23-22 and §25-23.

PREMISES AFFECTED - 2547 East 12th Street, east side, 280' north of Avenue "Z", Block 7433, Lot 159, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to November 25, 2003, at 1:30 P.M., for decision, hearing closed.

258-02-BZ

APPLICANT - Jesse Masyr, Esq., Wachtel & Masyr, LLP, for Inex Fulton, owner.

SUBJECT - Application September 24, 2002 - under Z.R. §72-21 to permit the proposed conversion of a one and four story

APPEARANCES -

For Applicant: Harold Weinberg.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to October 28, 2003, at 1:30 P.M., for decision, hearing closed.

315-02-BZ

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for 225-227 West 60th Street, LLC, owner.

SUBJECT - Application October 25, 2002 - under Z.R. §72-21 to permit the proposed construction of a mixed-use building, containing college facilities and apartments, Use Groups 2 and 3, located in an R8 zoning district, which does not comply with the zoning requirements for floor area ratio, number of dwelling units, setback, rear setback, sky exposure plane and lot coverage, is contrary to Z.R. §23-142, §24-11, §24-20, §24-16, §24-33 and §24-522.

PREMISES AFFECTED - 223/27 West 60th Street, north side, between Amsterdam and West End Avenues, Block 1152, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Howard Weiss.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to October 28,

manufacturing building to residential use, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 7/13 Ash Street, a/k/a 1164/66 Manhattan Avenue, northeast corner, Block 2477, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to November 5, 2003, at 1:30 P.M., for continued hearing.

281-02-BZ

APPLICANT - Harold Weinberg, P.E., for Jacob Farhi, owner.
SUBJECT - Application October 18, 2002- under Z.R. §73-622 to permit the legalization of an enlargement at the rear of an existing one family residence, Use Group 1, located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio, also side and rear yards, and is contrary to Z.R. §23-141, §54-31, §23-47 and §23-461.

PREMISES AFFECTED - 18 Exeter Street, east side, 126'-4½" south of Oriental Boulevard, north of Hampton Avenue, Block 8730, Lot 53, Borough of Brooklyn.

COMMUNITY BOARD #15BK

2003, at 1:30 P.M., for decision, hearing closed.

73-03-BZ

APPLICANT - Mark A. Levine, Esq., for Uptown Partners, contract vendee.

SUBJECT - Application February 20, 2003 - under Z.R. §72-21 to permit the proposed construction of a 24-story mixed use building (residential and commercial), in an R7-2 zoning district, which does not comply with the zoning requirements for lot coverage, floor area, setbacks and exposure planes, and also has commercial use on the same floor as residential use, is contrary to Z.R. §23-142, §23-632, §23-64 and §32-421.

PREMISES AFFECTED - 400 Lenox Avenue, situated between West 129th and 130th Streets, Block 1727, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #10M

APPEARANCES -

For Applicant: Mark A. Levine, Antonio Martins and Jack Freeman.

For Opposition: Carlos Vargas-Ramos, Beverly Smith, Daniel Perez, Georging Bailey, Rosetta Williams, Gulsen Calik, Claris C, N Schreta, Noreen Clark-Smith and Paulette Akonnor.

ACTION OF THE BOARD - Laid over to November 18, 2003, at 1:30 P.M., for continued hearing.

80-03-BZ

APPLICANT - Fredrick A. Becker, Esq., for C & L Pioneer Enterprises LLC, owner.

SUBJECT - Application March 4, 2003 - under Z.R. §72-21 to

MINUTES

permit the proposed construction of two multi-story multiple dwellings, also the use of a community facility (school), in one of the buildings, Use Groups 2 and 4, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 602 39th Street, southeast corner of Sixth Avenue, Block 914, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Opposition: Stuart A. Klein, Richard Lipsky, Leah Archibald and Felix Banger.

ACTION OF THE BOARD - Laid over to November 18, 2003, at 1:30 P.M., for continued hearing.

83-03-BZ

APPLICANT - The Agusta Group, for Ms. Hilda Lovera, owner.
SUBJECT - Application March 12, 2003 - under Z.R. §72-21 to permit the proposed erection and maintenance of a three family dwelling, Use Group 2, located in an R4 zoning district, which does not qualify for development under the Predominantly Built Up Regulations, regarding shape of lot and size of block, is contrary to Z.R. §23-141(c).

PREMISES AFFECTED -

45-78 161st Street, north of 46th Avenue, Block 5439, Lot 88, Borough of Queens.

45-78A 161st Street, north of 46th Avenue, Block 5439, Lot 89, Borough of Queens.

45-80 161st Street, north of 46th Avenue, Block 5439, Lot 90, Borough of Queens

COMMUNITY BOARD #7Q

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to October 28, 2003, at 1:30 P.M., for decision, hearing closed.

118-03-BZ

APPLICANT - Slater & Beckerman, LLP, for 1101 Prospect LLC, owner.

SUBJECT - Application April 11, 2003 - under Z.R. § 72-21 to permit the proposed construction of a six-story residential and community facility building, Use Groups 2 and 4, located in an R5B zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, number of dwelling units, community facility bulk regulations, front and yards, height and setback, is contrary to Z.R. §23-141(b), §23-22, §24-01, §24-162, §23-45, §24-34, §24-35 and §24-521.

PREMISES AFFECTED - 1101 Prospect Avenue, a/k/a 1677 11th Avenue, northeast corner, Block 5256, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

permit the proposed construction of a two family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, front yard and the maximum number of dwelling units, which is contrary to Z.R. §23-141, §23-45 and §23-22.

PREMISES AFFECTED - 2100 Hermany Avenue, southeast corner of Olmstead Avenue, Block 3685, Lot 9, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Opposition: EDOTT.

ACTION OF THE BOARD - Laid over to November 5, 2003, at 1:30 P.M., for continued hearing.

105-03-BZ thru 107-03-BZ

APPLICANT - Joseph P. Morsellino, for Joseph Parisano, owner.
APPEARANCES - None.

ACTION OF THE BOARD - Laid over to November 9, 2003, at 1:30 P.M., for postponed hearing.

138-03-BZ

APPLICANT - Agusta & Ross, for C & M Service Center, owner.

SUBJECT - Application June 19, 2003 - under Z.R. §§11-412 & 11-413 to permit the proposed modification and enlargement of a former gasoline service station, to reflect, the elimination of the gasoline sales and to permit a compensating enlargement to facilitate an accessory store, larger repair bays and auto sales, is contrary to Z.R. §32-10.

PREMISES AFFECTED - 79-59/77 Cooper Avenue, north side, at the corner of 69th Road, Block 3801, Lot 35, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Laid over to October 28, 2003, at 1:30 P.M., for continued hearing.

139-03-BZ

APPLICANT - Alfonso Duarte, for Sanjoy Augustine, owner.
SUBJECT - Application April 29, 2003 - under Z.R. §72-21 to permit the proposed erection of a two family dwelling, Use Group 2A, located in an R3-A zoning district, which does not comply with the zoning requirements, for rear yard and floor area ratio, is contrary to Z.R. §23-47 and §23-141(b).

PREMISES AFFECTED - 247-54 90th Avenue, south side, 225.51' west of Commonwealth Boulevard, Block 8662, Lot 28, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Alfonso Duarte.

MINUTES

For Opposition: Richard Hellenbrecht, Angela Augugliaro and Carol Gomez.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to December 16, 2003, at 1:30 P.M., for decision, hearing closed.

141-03-BZ

APPLICANT - Petraro & Jones, LLP, for Reva Holding Corp., owner.

SUBJECT - Application May 1, 2003- under Z.R. §72-21 to THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to October 21, 2003, at 1:30 P.M., for decision, hearing closed.

144-03-BZ

APPLICANT - H. Irving Sigman, for Ching Kuo Chiang, owner.

SUBJECT - Application May 8, 2003 - under Z.R. § 72-21 to permit the proposed development of a two story building on vacant land, for stores, Use Group 6, on the first floor with accessory storage in the cellar, two dwelling units, Use Group 2, on the second floor, and open accessory parking, located in an R3-2 zoning district, is contrary to Z.R. §§22-00 and 23-00.

PREMISES AFFECTED - 188-16 Northern Boulevard, southwest corner of 189th Street, Block 5510, Lot 38, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: H. Irving Sigman and James Rodgers.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to October 28, 2003, at 1:30 P.M., for decision, hearing closed.

152-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Derby Textile Co., owner.

SUBJECT - Application May 15, 2003 - under Z.R. § 72-21 to permit the proposed conversion of the Third and Fourth floors, of an existing four story and cellar building, located in an M1-2 zoning district, to residential use, Use Group 2, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 41 Varick Avenue, northwest corner of Harrison Place, Block 2999, Lot 24, Borough of Brooklyn.

COMMUNITY BOARD #1BK

permit the proposed addition to an existing retail building, for new retail space (a new sporting goods store), Use Group 6, without on-lot parking and loading berths, located in a C4-3 zoning district, is contrary to Z.R. §36-21 and §36-62.

PREMISES AFFECTED - 10 Graham Avenue, a/k/a 747/49 Broadway, at the intersection of Ghaham and Flushing Avenues and Broadway, Block 3127, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Patrick Jones.

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

APPEARANCES -

For Applicant: Janice Cahalane and Alex Freed.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to December 9, 2003, at 1:30 P.M., for decision, hearing closed.

178-03-BZ

APPLICANT - Eric Palatnik, P.C., for King Carmichael, owner; BP Products North America, lessee.

SUBJECT - Application May 23, 2003 - under Z.R. §73-211 to permit the continued use of the premises as an automotive service station, Use Group 16, also a modification to the existing signage, located in a C2-2 within an R3-2 zoning district, which is contrary to Z.R. §32-35.

PREMISES AFFECTED - 114-02 Van Wyck Expressway, southwest corner of Linden Boulevard, Block 11661, Lot 7, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to October 28, 2003, at 1:30 P.M., for decision, hearing closed.

207-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Charles Herzka, owner.

SUBJECT - Application June 19, 2003 - under Z.R. §73-622 to permit the proposed enlargement of a single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, and side and rear yards, is contrary to §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 2316 Avenue "J", south side,

MINUTES

between East 23rd and East 24th Streets, Block 7605, Lot 47,
Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner
Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to October 28,
2003, at 1:30 P.M., for decision, hearing closed.

COMPLIANCE CALENDAR

WEDNESDAY MORNING, OCTOBER 8, 2003

10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner
Caliendo and Commissioner Miele

62-83-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Shaya B. Pacific, LLC.

SUBJECT - Reopening for possible rescindment.

PREMISES AFFECTED - 696 Pacific Street, 529/39 Dean
Street and 549/59 Dean Street, Block 1128, Lots 16, 18, 37, 65,
68, 70, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Chris Wright.

For Opposition: Paul Sheridan.

ACTION OF THE BOARD - Laid over to November 18,
2003, at 10 A.M., on the Special Order Calendar.

173-94-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Richard A. Shelala.

SUBJECT - Reopening for possible rescindment.

PREMISES AFFECTED - 165-10 144th Road, Block 13271,
Lot 17, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam Rothkrug.

In Favor: Richard Shelala.

ACTION OF THE BOARD - Laid over to November 18,
2003, at 10 A.M., on the Special Order Calendar.

Pasquale Pacifico, Executive Director.

Adjourned: 4:30 P.M.

SPECIAL ORDER CALENDAR
WEDNESDAY MORNING, OCTOBER 8, 2003

10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar and
Commissioner Caliendo.

ZONING CALENDAR

69-03-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S.
Friedman, Esq., for Bond Street, LLC, owner.

SUBJECT - Application February 12, 2003 - under Z.R. § 72-21
to permit the proposed development of a 15-story mixed-use
building, consisting of residential apartments and local retail usage,
located in an M1-5B zoning district, where residential use is not
permitted is contrary to Z.R. §42-10.

PREMISES AFFECTED - 32/40 Bond Street, mid-block portion
fronting on north side, of Bond Street between Lafayette and the
Bowery, Block 530, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Shelly Friedman, Gary Handel, Robert Pauls

For Opposition: Jeffrey Mulligan, City Planning; Greg Torhquist,
Susan Rosenthal, Michael Trese, Denise Martin, Keranus
Galuppo, Sadie Brandt, Jean-Yves Noblet, David Reck, CB#2;
Peter Hoffman, Peter Grightsill, Jones, Chair NoHo Neighbor and
Anthony Marano.

ACTION OF THE BOARD - Laid over to November 12,
2003, at 10 A.M., on the Special Hearing Calendar for continued
hearing.

Pasquale Pacifico, Executive Director.

MINUTES

Adjourned: 12:30 P.M.

CORRECTIONS

***CORRECTION**

These resolution adopted on December 10, 2002, under Calendar No. 219-97-BZ and printed in Volume 87, Bulletin Nos. 49-50, is hereby corrected to read as follows:

219-97-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco Corp., owner.

SUBJECT - Application September 26, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 130-11 North Conduit Avenue, North Conduit between 130th Street and 130th Place, Block 11864, Lots 13 and 16, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John A. Yacovone, Fire Department

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 30, 2002, acting on Application No. 400773016 states:

"Proposed amendment to BSA Cal. No. 219-97-BZ which seeks to decrease total illuminated signage by 43 sf and add a 35' by 7' addition to the proposed structure is contrary to previous BSA approval and therefore requires approval from the NYC Board of Standards and Appeals."; and

WHEREAS, the applicant has a reopening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on November 19, 2002, and laid over to December 10, 2002 for decision; and

WHEREAS, on February 23, 1999 the Board granted an

application for the above-referenced premises permitting the construction and use of an automotive service station with an accessory convenience store; and

WHEREAS, the applicant seeks to amend the resolution to permit the alteration to various signage, resulting in a decrease of 43 square feet of total signage, and to permit the addition of a 35' by 7' addition to the existing building.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the variance pursuant to §§72-01 and 72-22, said resolution having been adopted February 23, 1999, so that as amended this portion of the resolution shall read:

"to permit the alteration to various signage, resulting in a decrease of 43 square feet of total signage, and to permit the addition of a 35' by 7' addition to the existing building, on condition;

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received September 26, 2002'-(3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

THAT the above condition shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within eighteen (18) months from the date of this 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."

Adopted by the Board of Standards and Appeals, December 10, 2002.

****The resolution has been corrected to add: "THAT a Certificate of Occupancy shall be obtained within eighteen (18) months from the date of this resolution;". Corrected in**

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, Nos. 43-44

October 30, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

John E. Reisinger, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

CONTENTS

DOCKET

CALENDAR of November 25, 2003

Morning

Afternoon

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, October 21, 2003**

Morning Calendar

Affecting Calendar Numbers:

| | |
|----------------------|--|
| 465-63-BZ | 333 West 26 th Street, Manhattan |
| 813-63-BZ | 699/717 West End Avenue, Manhattan |
| 1122-81-BZ | 105-14 Astoria Boulevard, Queens |
| 177-86-BZ | 851 Forest Avenue, Staten Island |
| 31-96-BZ | 41 East 20 th Street, Manhattan |
| 67-02-BZ | 143-22 Franklin Avenue and 143-25 Ash Avenue, Queens |
| 203-02-BZ | 110-18 Northern Boulevard, Queens |
| 276-02-BZ | 160 Norfolk Street, Brooklyn |
| 867-55-BZ, Vol. II | 66-11 Borden Avenue, Queens |
| 779-57-BZ | 137-21 Jamaica Avenue, Queens |
| 202-62-BZ | 950 Allerton Avenue, Bronx |
| 254-63-BZ | 301 East 66 th Street, a/k/a 1260-1274 Second Avenue, Manhattan |
| 207-68-BZ | 115-58 Dunkirk Street, Queens |
| 873-77-BZ | 62-66 Fresh Pond Road, Queens |
| 1043-80-BZ | 1680/88 Albany Avenue, a/k/a 4024 Marginal Street, Brooklyn |
| 405-82-BZ | 8-14 Ford Street, Brooklyn |
| 84-03-BZ | 35-40 30 th Street, a/k/a 35-37 29 th Street, Queens |
| 134-03-A | 240 Riverside Boulevard, Manhattan |
| 225-03-A | 21 Park End Terrace, Queens |
| 45-03-A thru 64-03-A | 69/67/65/63/61/59/55/53/51/49/45/43/41/39/37/35/31/29 Hall Avenue, Staten Island |
| 256-03-A | 62-66 Fresh Pond Road, Queens |
| 259-03-A | 4 Newport Walk, Queens |

CONTENTS

Afternoon Calendar.....

Affecting Calendar Numbers:

| | |
|-----------------------------|--|
| 40-03-BZ | 124-20 Jamaica Avenue, Queens |
| 97-03-BZ & 98-03-BZ | 461/463 Flushing Avenue, Brooklyn |
| 100-03-BZ | 3448 Bedford Avenue, Brooklyn |
| 141-03-BZ | 10 Graham Avenue, a/k/a 747/49 Broadway, Brooklyn |
| 187-03-BZ | 214-02 24 th Avenue, Queens |
| 189-03-BZ | 836 East 233 rd Street, Bronx |
| 209-03-BZ | 150 Central Park South, Manhattan |
| 284-01-BZ | 275 Castleton Avenue, Staten Island |
| 60-02-BZ | 3849 Bedford Avenue, Brooklyn |
| 75-02-BZ | 460 Union Street, Brooklyn |
| 229-02-BZ thru 231-02-BZ | 24/32/42 Walton Street, Brooklyn |
| 254-02-BZ | 41/45 South Fifth Street, Brooklyn |
| 326-02-BZ | 2238 Church Avenue, Brooklyn |
| 360-02-BZ | 130 North Fourth Street, Brooklyn |
| 374-02-BZ | 267-20 74 th Avenue, Queens |
| 36-03-BZ | 271-17 76 th Avenue, Queens |
| 44-03-BZ | 97-20 99 th Street, Queens |
| 68-03-BZ | 649 39 th Street, Brooklyn |
| 146-03-BZ | 1511 Third Avenue, a/k/a 201 East 85 th Street, Manhattan |
| 179-03-BZ | 402 Avenue "U", a/k/a 2133 East Second Street, Brooklyn |
| 190-03-BZ & 191-03-A | 87-48 215 th Place, Queens |
| 206-03-BZ | 980 Madison Avenue, Manhattan |
| 222-03-BZ | 30-04 73 rd Street, Queens |
| 231-03-BZ | 63 and 65 Columbia Street, Brooklyn |
| 232-03-BZ | 32-25 75 th Street, Queens |
| 237-03-BZ | 3077 Bedford Avenue, Brooklyn |

DOCKETS

New Case Filed Up to October 21, 2003

311-03-A B.S.I. 140 Jackson Avenue,
west side, 103.90' south of Robin Road, Block 3124, Lot 500, Borough of Staten Island. Applic. #500596170. Proposed two-story, two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

312-03-A B.S.I. 144 Jackson Avenue,
west side, 137.33' south of Robin Road, Block 3124, Lot 502, Borough of Staten Island. Applic. #500596161. Proposed two-story, two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

313-03-A B.S.I. 146 Jackson Avenue,
west side, 154.95' south of Robin Road, Block 3124, Lot 180, Borough of Staten Island. Applic. #500596152. Proposed two-story, two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

314-03-BZ B.M. 18 West 18th Street,
a/k/a 25 West 17th Street, a through lot, 356' west of the intersection of Fifth Avenue and 17th and 18th Streets, Block 819, Lot 56, Borough of Manhattan. Applic. #102589094. The legalization of an existing school, Use Group 3A, located in an 11 story loft building, in an M1-6M zoning district, is contrary to Z.R. §42-00 and §42-12.
COMMUNITY BOARD #5M

315-03-A B.Q. 102-03 Dunton Court,
east of 102nd Street, Block 14240, Lot 1237, Borough of Queens. Applic. #401712287. Proposed erection of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

316-03-A B.Q. 102-05 Dunton Court,
east of 102nd Street, Block 14240, Lot 1235, Borough of Queens. Applic. #401712278. Proposed erection of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

317-03-A B.Q. 102-13 Dunton Court,
east of 102nd Street, Block 14240, Lot 1233, Borough of Queens. Applic. #401712269. Proposed erection of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

318-03-A B.Q. 102-15 Dunton Court,
east of 102nd Street, Block 14240, Lot 1231, Borough of Queens. Applic. #401712250. Proposed erection of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

319-03-A B.Q. 102-21 Dunton Court,
east of 102nd Street, Block 14240, Lot 1229, Borough of Queens. Applic. #401712241. Proposed erection of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

320-03-A B.Q. 102-23 Dunton Court,
east of 102nd Street, Block 14240, Lot 1227, Borough of Queens. Applic. #401712232. Proposed erection of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

321-03-A B.Q. 102-31 Dunton Court,
east of 102nd Street, Block 14240, Lot 1225, Borough of Queens. Applic. #401712223. Proposed erection of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

322-03-A B.Q. 102-33 Dunton Court,
east of 102nd Street, Block 14240, Lot 1223, Borough of Queens. Applic. #401712214. Proposed erection of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

323-03-A B.Q. 117-36 166th Street,
between 119th Avenue and Foch Boulevard, Block 12356, Lot 36 and p/o of 39, New Lot 38, Borough of Queens. N.B. #401401871. Proposed construction of a two-story, two-family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

DOCKETS

324-03-A B.Q. 117-38 166th Street,
between 119th Avenue and Foch Boulevard, Block 12356,
Part of Lot 39, New Lot 40, Borough of Queens. N.B.
#401401862. Proposed construction of a two-story, two-
family dwelling, located within the bed of a mapped street,
is contrary to Section 35, 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

NOVEMBER 25, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, November 25, 2003, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

633-87-BZ

APPLICANT - Martyn & Don Weston, for The Fristachi Trust, owner.

SUBJECT - Application October 1, 2003 - reopening for an extension of term of variance which expired September 7, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 216 Grand Street, southwest corner of Driggs Avenue, Block 2393, Lots 27 & 29, Borough of Brooklyn.

COMMUNITY BOARD #1BK

33-92-BZ

APPLICANT - Sheldon Lobel, P.C., for D & K Realty, owner.

SUBJECT - Application September 9, 2003 - reopening for an extension of term of variance which expired August 10, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 95-01 Brisbin Street, aka 143-02 95th Avenue, south side of Atlantic Avenue between Brisbin and Allendale Streets, Block 10007, Lot 1, Borough of Queens.

COMMUNITY BOARD #12Q

145-95-BZ

APPLICANT - Sullivan Chester & Gardner, P.C., for LRHC, Inc., d/b/a Lucille Roberts, owner.

SUBJECT - Application June 5, 2003 - reopening for dismissal.

PREMISES AFFECTED - 80 Fifth Avenue, southwest corner of West 14th Street, Block 577, Lot 39, Borough of Manhattan.

COMMUNITY BOARD #2M

NOVEMBER 25, 2003, 1:30 P.M.

268-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Williamsburg Bridge Towers, LLC, owner.

SUBJECT - Application October 4, 2002 - under Z.R. §72-21 to permit the proposed construction of a seven story Class Multiple A Dwelling, with nine dwelling units, Use Group 2, located in an M1-1

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, November 25, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

246-03-BZ

APPLICANT - Eric Palatnik, P.C., for Carol Feldsher, owner.

SUBJECT - Application September 19, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space, rear and side yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 1371 East 23rd Street, east side, between Avenues "N and M", Block 7659, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #14BK

248-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Ross & Ross, owner; Bally Total Fitness, lessee.

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to permit the proposed operation of a physical culture establishment, in an existing two story commercial building, with mezzanine and cellar, that is located in C1-5(R7-2) zoning district.

PREMISES AFFECTED - 1915 Third Avenue, southeast corner of East 106th Street, Block 1655, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #11M

249-03-BZ

APPLICANT - Sheldon Lobel, P.C., for D & J Herms Realty, Inc., owner.

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to permit the proposed four story building, with penthouse and cellar, to contain nine residential units on the second, third and fourth floors, and one commercial unit on the ground floor, on a site that is located in C8-2 zoning district, which does not permit residential use, is contrary to §32-10.

PREMISES AFFECTED - 265 Bedford Avenue, southeast corner of North First Street, Block 2381, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 176 South Fourth Street, between Driggs Avenue and South Fifth Place, Block 2446, Lot 78, Borough of Brooklyn.

COMMUNITY BOARD #1BK

CALENDAR

270-03-BZ

APPLICANT - Joseph P. Morsellino, for Cord Meyer Development, LLC, owner.

SUBJECT - Application August 26, 2003 - under Z.R. §72-21 to permit the proposed erection and maintenance of a mixed use building, Use Groups 2 and 6, with less than the required open space, and which exceeds the permitted floor area ratio, located on a site that is divided by two zoning districts (C4-2 and R7-1), is contrary to §35-23, §23-142, §35-33 and §35-32.

PREMISES AFFECTED - 108-36/50 Queens Boulevard, southeast corner of 71st Road, Block 3257, Lot 1 (formerly 1 and 42), Borough of Queens.

COMMUNITY BOARD #6Q

272-03-BZ

APPLICANT - Rampulla Associates Architects, for Robert Brown/Daniel Brown, owners.

SUBJECT - Application October 3, 2003 - under Z.R. §72-21 to permit the proposed construction of a cellar and two story retail building, Use Group 6, with accessory off-street parking for twenty-five cars, with a curb cut on Hylan Boulevard which is not permitted, also the proposed building in the required arterial setback is not permitted, is contrary to Z.R. §22-10, §107-251(a) and §107-251(b).

PREMISES AFFECTED - 4106 Hylan Boulevard, south side, between Goodall and Glover Streets, Block 5307, Lots 6, 7, 13 and 14 (tentative Lot 6), Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

294-03-BZ

APPLICANT - Robert Loos, Esq., Sybil H. Pollet, Esq., for The Metropolitan Club, Inc., owner.

SUBJECT - Application September 10, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing six story community facility, Use Group 4, located in R10-H and C5-1

REGULAR MEETING
TUESDAY MORNING, OCTOBER 21, 2003
10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, August 5, 2003, were approved as printed in the Bulletin of August 14, 2003, Volume 88, No. 32.

zoning districts, and the Special Park Improvement District, which does not comply with the zoning requirements for lot coverage, rear yard, rear yard equivalent and front walls, is contrary to Z.R. §24-11, §33-26, §24-36, §54-31 and §92-042(c).

PREMISES AFFECTED - One East 60th Street, northeast corner of Fifth Avenue, Block 1375, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

Pasquale Pacifico, Executive Director

SPECIAL ORDER CALENDAR**465-63-BZ**

APPLICANT - Francis R. Angelino, Esq., for Mutual Redevelopment Houses, Inc., owner; Impact Parking Corp., lessee.

SUBJECT - Application July 15, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of

MINUTES

time which expired October 10, 2002.

PREMISES AFFECTED - 333 West 26th Street, between Eighth & Ninth Avenues, north side, 245.75' west of Eighth Avenue, Block 751, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Francis R. Angelino.

ACTION OF THE BOARD - Rules of Practice and Procedure Waived, application re-opened and time to obtain a new certificate of occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Miele and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requests a waiver of the rules of practice and procedure and a re-opening to amend the resolution allowing for an extension of time to obtain a new certificate of occupancy which expired on October 10, 2002; and

WHEREAS, a public hearing was held on this application on September 30, 2003, after due notice by publication in The City Record, and laid over to October 21, 2003 for decision; and

WHEREAS, on October 3, 2000, the Board granted a 15 year extension of the term of the variance permitting the use of surplus spaces for transient parking, not to exceed 275 spaces.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, said resolution having been adopted on July 23, 1963 as amended through October 3, 2000, so that as amended this portion of the resolution shall read:

“to extend the time to obtain a new Certificate of Occupancy so that a new Certificate of Occupancy shall be obtained within thirty-six (36) months from October 10, 2002, *on condition*

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the term of the variance which expired on January 22, 2002; and

WHEREAS, a public hearing was held on this application on September 30, 2003 after due notice by publication in *The City Record*, and laid over to October 21, 2003 for decision; and

WHEREAS, on January 14, 1964, the Board granted an application to permit in a residence use district, for a term of 15 years, the use of 30 transient parking spaces, for the unused and surplus tenant spaces within an existing multiple dwelling’s accessory garage.

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 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.” (DOB# 102240889)

Adopted by the Board of Standards and Appeals, October 21, 2003.

813-63-BZ

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin LLP, for Selma R. Miller, owner; Central Parking Corporation, lessee.

SUBJECT - Application August 6, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 22, 2002.

PREMISES AFFECTED - 699/717 West End Avenue, west side of West End Avenue between West 94th and 95th Streets, Block 1253, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Steven Sinacori.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, and term of Variance extended.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele? ? ? ?4

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele? ? ? ?4

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele? ? ? ?4

Negative:0

THE RESOLUTION -

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the Variance which expired on January 22, 2002, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the Variance for an additional ten (10) years from January 22, 2002 to expire on January 22, 2012, *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 6, 2003”-(1) sheet; and on further condition;

THAT the premises shall be maintained free of debris

MINUTES

and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT a License from the Department of Consumer Affairs shall be obtained within one year from the date of this grant, and that a copy of the License shall be forwarded to the Board's Executive Director by October 21, 2004; and

THAT a recapture notice informing residents of their right to claim the parking spaces shall be posted by the garage and by the mailboxes;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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." (DOB Application #103456920)

Adopted by the Board of Standards and Appeals, October 21, 2003.

1122-81-BZ

APPLICANT - The Agusta Group, for Brothers Roofing Supplies Co., Inc., owner.

SUBJECT - Application June 12, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 9, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 105-14 Astoria Boulevard, southwest corner of 106th Street and Astoria Boulevard, Block 1692, Lots 3, 5, 9 and 11, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES - None.

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT hours of operation shall remain limited to 7:00 A.M. to 5:30 P.M. Monday through Friday and Saturday 8:00 A.M. to 1:00 P.M., closed Sunday;

THAT landscaping shall be provided and maintained in accordance with BSA approved plans;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended and term of Variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Miele and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on August 12, 2003, after due notice by publication in *The City Record*, and laid over to September 9, 2003, and then to September 30, 2003 and then to October 21, 2003 for decision; and

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on November 9, 2002, and an amendment to the resolution; and

WHEREAS, the applicant seeks to amend the prior plan to show the installation of a fire wall on the east side of the building; and

WHEREAS, on November 9, 1992, the Board permitted a one-story enlargement to a non-conforming roofing and metal supply establishment (U.G. 17); and

WHEREAS, the applicant represents that the perimeter of the building, including the enlargement, is as approved by the Board.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, pursuant to Zoning Resolution Sections 72-01 and 72-22, extends the term of the Variance which expired on November 9, 2002 so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the Variance for an additional ten (10) years from November 9, 2002 expiring on November 9, 2012 and to allow the installation of a firewall on the east side of the building, on condition:

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 12, 2003"-(1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

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. (DOB Application #401550451)"

Adopted by the Board of Standards and Appeals, October 21, 2003.

177-86-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Harry & Brady Santoro.

MINUTES

SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 851 Forest Avenue, north side 348'
West of Broadway, Block 220, Lot 78, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Application dismissed.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner
Miele? ? ? ? ? ...4

Negative:0

Adopted by the Board of Standards and Appeals,
October 21, 2003.

31-96-BZ

APPLICANT - Eric Palatnik, P.C., for Jane Goldberg, owner.
SUBJECT - Application July 1, 2003 - request for a waiver of the
Rules of Practice and Procedure and reopening for an extension of
term of variance which expired February 11, 2003.

PREMISES AFFECTED - 41 East 20th Street, between
Broadway and Park Avenue South, Block 849, Lot 29, Borough of
Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Rules of Practice and
Procedure waived, application reopened, and term of the

THAT the above conditions and all conditions from
prior resolutions shall appear on the certificate of
occupancy;

THAT this approval is limited to the relief granted by
the Board in response to specifically cited and filed
DOB/other jurisdiction objection(s) only;

THAT the 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. ”
(DOB Application #101010790)

Adopted by the Board of Standards and Appeals,
October 21, 2003.

67-02-BZ

special permit extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Miele and Commissioner
Caliendo.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this
application on September 30, 2003, after due notice by
publication in *The City Record*, and laid over to October 7,
2003 then to October 21, 2003 for decision; and

WHEREAS, the applicant requests a waiver of the
Rules of Practice and Procedure, a re-opening, and an
extension of the term of the special permit, which expired on
February 11, 2003; and

WHEREAS, on February 11, 1997, the Board
permitted the legalization of an existing physical culture
establishment on the second floor of an existing three-story
commercial building.

Resolved, that the Board of Standards and Appeals,
waives the Rules of Practice and Procedure, *reopens and
amends* the resolution, pursuant to Z.R. §§72-01 and 72-22,
and extends the term of the Variance which expired on
February 11, 2003, so that as amended this portion of the
resolution shall read:

“to permit the extension of the term of the special
permit for an additional ten (10) years from February
11, 2003, expiring on February 11, 2013, on condition

THAT all work shall substantially conform to drawings
as they apply to the objections above noted, filed with this
application marked “Received October 10, 2003”- (2)
sheets; and on further condition;

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 all individuals practicing massage at the
premises shall hold valid New York State Licenses for such
practice which licenses shall be prominently displayed;

THAT the premises shall be maintained free of debris
and graffiti;

THAT any graffiti located on the premises shall be
removed within 48 hours;

APPLICANT - Davidoff & Malito, LLP, by Howard S. Weiss,
Esq. And Juan D. Reyes, III, Esq., for Korean Presbyterian Church
of Queens, owner.

SUBJECT - Application July 18, 2003 - reopening for an extension
of time to obtain a certificate of occupancy which expired June 18,
2002.

PREMISES AFFECTED - 143-22 Franklin Avenue and 143-25
Ash Avenue, 210' north of intersection of Franklin Avenue and
Bowe Street and 211' north of intersection of Ash Avenue and
Bowe Street, Block 5184, Lots 9 and 53, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Juan Reyes.

ACTION OF THE BOARD - Application re-opened and
time extended to obtain a new certificate of occupancy.

THE VOTE TO GRANT -

MINUTES

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Miele and Commissioner Caliendo.....4

Negative:.....0
THE RESOLUTION -

WHEREAS, the applicant requests a re-opening and amendment to the resolution to allow for an extension of time to obtain a new certificate of occupancy which expired on June 18, 2003; and

WHEREAS, a public hearing was held on this application on September 30, 2003, after due notice by publication in The City Record, and laid over to October 21, 2003 for decision; and

WHEREAS, on June 18, 2002, the Board granted a special permit pursuant to Z.R. §73-52 allowing an accessory off-site parking lot for a community facility.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, pursuant to Z.R. §73-52 said resolution having been adopted on June 18, 2002, so that as amended this portion of the resolution shall read:

“to extend the time to obtain a new Certificate of Occupancy so that a new Certificate of Occupancy shall be obtained within twenty-four months (24) months from June 18, 2003, *on condition*

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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)

276-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Morton Osterman.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 160 Norfolk Street, west side, 300' north of Oriental Boulevard, and south of Shore Boulevard, Block 8756, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

Adopted by the Board of Standards and Appeals, October 21, 2003.

and/or configuration(s) not related to the relief granted.” (DOB# 401395904)

Adopted by the Board of Standards and Appeals, October 21, 2003.

203-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Marcello Porcelli, Fabrizio Realty Corp.

LESSEE: BP AMOCO, plc

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 110-18 Northern Boulevard, between 110 and 111th Streets, Block 1725, Lots 1, 3, 4, 7, 8, 11, 12, & 13, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

Adopted by the Board of Standards and Appeals, October 21, 2003.

867-55-BZ, Vol. II

APPLICANT - Carl. A. Sulfaro, Esq., for 66-15 JR Realty Corp., owner.

SUBJECT - Application June 17, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 19, 2001.

PREMISES AFFECTED - 66-11 Borden Avenue, northeast corner of Clinton Avenue, Block 2394, Lot 8, Maspath, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to January 13, 2004, at 10 A.M., for continued hearing.

779-57-BZ

APPLICANT - Eric Palatnik, P.C., for Tira Holding Corporation, owner; BP Products North America, lessee.

SUBJECT - Application May 23, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of

MINUTES

term of variance which expired March 11, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 137-21 Jamaica Avenue, northeast corner of Jamaica Avenue and Van Wyck Expressway, Block 9618, Lot 30, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to November 5, 2003, at 10 A.M., for decision, hearing closed.

202-62-BZ

APPLICANT - Sheldon Lobel, P.C., for Motiva Enterprises, LLC, owners.

SUBJECT - Application April 1, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired April 3, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 950 Allerton Avenue, triangular lot bound by Allerton Avenue, Williamsbridge Road and Paulding Avenue, Block 4447, Lot 62, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

TO VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner

873-77-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for John Brunjes, owner.

SUBJECT - Application August 11, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 62-66 Fresh Pond Road, southwest corner of Fresh Pond Road and Metropolitan Avenue, Block 3521, Lots 35, 37, 45, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Peter Geis, Howard Hornstein and T. Younger.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to November 18, 2003, at 10 A.M., for decision, hearing closed.

1043-80-BZ

APPLICANT - Rothkrug & Rothkrug Weinberg & Spector for RANS 1680 Building Corp., owner.

SUBJECT - Application December 17, 2001 - request for a

Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to November 5, 2003, at 10 A.M., for decision, hearing closed.

254-63-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 301 East 66th Street Condominium, owner.

SUBJECT - Application July 10, 2003 - reopening for an extension of term of variance which expired June 20, 2003.

PREMISES AFFECTED - 301 East 66th Street, a/k/a 1260-1274 Second Avenue, East side of Second Avenue from East 66th Street to East 67th Street, Block 1441, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Laid over to November 25, 2003, at 10 A.M., for continued hearing.

207-68-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Deerfield Meadows Inc., d/b/a Castro Convertibles, owner.

SUBJECT - Application July 14, 2003 - reopening for an extension of term of variance which expired June 18, 2003.

PREMISES AFFECTED - 115-58 Dunkirk Street, westerly side of Dunkirk Street, 80' north of Newburg Street, Block 10315, Lots 134, 225, 227, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Laid over to December 16, 2003, at 10 A.M., for continued hearing.

waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 3, 2000.

PREMISES AFFECTED - 1680/88 Albany Avenue a/k/a 4024 Marginal Street, southwest corner of Albany Avenue and Marginal Street, Block 7744, Lots 47, 49, 50, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Adam Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to January 13, 2004, at 10 A.M., for decision, hearing closed.

405-82-BZ

APPLICANT - Anthony M. Salvati, For John H. Wallace, owner.

SUBJECT - Application July 23, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 18, 2003.

PREMISES AFFECTED - 8-14 Ford Street, 41.74' south of the intersection of Ford and Carroll Streets, Block 1415, Lots 31-34,

MINUTES

Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Laid over to November 18, 2003, at 10 A.M., for continued hearing.

84-03-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Nissan Perla

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 35-40 30th Street, a/k/a 35-37 29th Street, frontage on West side of 30th Street, east side of 29th Street, between 35th and 36th Avenues, Block 341, Lot 6, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to October 28, 2003, at 10 A.M., for continued hearing.

134-03-A

APPLICANT - James Periconi, Esq., for Olive Freud.

OWNER OF RECORD - Hudson Waterfront Associate.

SUBJECT - Application April 21, 2003 - An appeal challenging the Department of Buildings' March 20, 2003 denial of applicant's

WHEREAS, said DOB determination states, in part, "[T]he Department properly issued its approval and permit ... for the referenced application and ... denies your revocation request" and "[B]ased upon our review, nothing in the CPC approvals conditioned the issuance of the Department's approval and permit ... on the closure of the 72nd Street off ramp. Because the building plans filed conform to building plans approved by the CPC, the Department has no basis to refuse to issue or to revoke the permit"; and

WHEREAS, Building A is located within a planned general large-scale development of residential and commercial uses, comprised of 15 development parcels, facing Riverside Drive South (the "development"); and

WHEREAS, on October 26, 1992, the City Planning Commission ("CPC") approved certain special permits related to the development (the "special permits"); and

WHEREAS, the CPC resolution approving the special permits states that the development must be constructed in accordance with plans set forth in the CPC resolution; that the development must include mitigation measures as set forth in the Final Environmental Impact Statement prepared for the development (the "FEIS"); and that the development would be allowed only after a restrictive declaration is recorded and filed; and

WHEREAS, CPC approved changes to the City Map in order to extend the existing street system into the development site, and to eliminate several streets in order to consolidate the development parcels, and also amended ZR Zoning Map 8c to allow for higher density at the

request to revoke the permit for construction at said premises, enforce the conditions of the Special Permit and Restrictive Declaration, Art. II, §2.01(d), dated December 17, 1992, and to enforce the conditions of the Mapping Agreement, dated May 27, 1998.

PREMISES AFFECTED - 240 Riverside Boulevard, a/k/a "Building A", between West 72nd Street and Riverside Boulevard, Block 1171, Lot 105, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: James Periconi.

For Opposition: Steven Russo.

For Administration: Lisa M. Orrantia, Department of Buildings.

ACTION OF THE BOARD - Appeal denied.

THE VOTE TO GRANT -

Affirmative:.....0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

THE RESOLUTION -

WHEREAS, the instant appeal comes before the Board in response to a determination issued March 20, 2003, by respondent New York City Department of Buildings ("DOB"), to a representative of the appellant, who had requested revocation of a DOB permit allowing construction of a residential building ("Building A") at the subject premises; and

development; and

WHEREAS, on December 17, 1992, the owner of the premises, as required by the special permits, entered into a restrictive declaration concerning the development, restricting its construction in a manner consistent with the special permits, the City Map change, and the rezoning; and

WHEREAS, on May 27, 1998, the City and the owner entered into a mapping agreement, in which the owner agreed to perform work "substantially in accordance with" the requirements set forth in a NYC Department of Transportation ("DOT") letter dated January 23, 1998, and said mapping agreement was accepted by CPC on July 16, 1998; and

WHEREAS, DOB issued excavation, foundation and structural framing permits for Building A under Application No. 101236002 on July 1, 2002, and under Application Nos. 103177893 and 103173888 on August 1, 2002, and a builder's pavement plan permit on July 24, 2002 (collectively, the "DOB permits"); and

WHEREAS, appellant claims that the special permits and the mapping agreement contain a condition providing that the developer of the premises must undertake the work necessary to connect Riverside Boulevard to 72nd Street in conjunction with the construction of Building A, as well as close the off ramp from Riverside Drive to 72nd Street, and further claims that DOB must ensure that construction of the road connection, and the ramp closure, occur simultaneously with the building construction; and

WHEREAS, by letter dated November 5, 2002,

MINUTES

appellant's representative requested of DOB that work not proceed on Building A until it was established how and when construction of the roadway connection would occur; and

WHEREAS, by letter dated December 19, 2002, appellant's representative requests that the DOB permit issued on or around November 25, 2002 be revoked, and by letter January 30, 2003, repeated this request; and

WHEREAS, appellant also challenges as improper DOB's approval of amended plans for Building A in or around November 25, 2002, in that DOB did not require simultaneous construction of the road connection as a condition of approval of said amendment; and

WHEREAS, appellant maintains that since the road connection is not occurring simultaneously with construction of Building A, the DOB permits were issued improperly and must be revoked; and

WHEREAS, appellant alleges that she will "suffer the additional air pollution and traffic congestion" from construction of Building A, if the ramp is not closed and the road connection is not constructed; and

WHEREAS, DOB states that the special permits contains no provision mandating simultaneous construction of Building A and the road connection or closure of the ramp, but rather that the special permits merely reference the road connection and ramp closure as necessary; and

WHEREAS, DOB notes that no CPC approved plans related to the special permits mandate that the ramp

WHEREAS, DOB argues that the FEIS did not place conditions on the issuance of permit for construction of Building A, and, further, that DOB has no authority to enforce provisions of an environmental impact statement; and

WHEREAS, the record shows that DOB approved amended plans for the construction of Building A on November 25, 2002, but that said amended plans related to changes in the individual layout of the units within the building, and had no impact on the prior DOB authorizations related to the foundation and structural work for Building A; and

WHEREAS, the Board notes that CPC - the agency that issued the special permits, participated in the mapping agreement, and reviewed the FEIS - by letter dated August 5, 2003, supported the position of DOB in the instant appeal; and

WHEREAS, based on its review of the evidence, the Board finds that the subject DOB permits were properly issued, and that there is no requirement in any of the above-mentioned agreements, special permits or related actions, that the ramp be closed or the roadway be constructed prior to their issuance; and

WHEREAS, consequently, the Board finds that, based on the evidence, the March 20, 2003 DOB determination described above was reasonable; and

Therefore, it is resolved that the final determination of the New York City Department of Buildings, dated March 20, 2003, is upheld and this appeal is denied.

Adopted by the Board of Standards and Appeals, October 21, 2003.

closure or construction of the road connection occur simultaneously; and

WHEREAS, DOB maintains that the restrictive declaration does not require that ramp closure or construction of the road connection occur prior to DOB permitting of Building A; and

WHEREAS, DOB further maintains that the mapping agreement does not require prior or simultaneous construction of the road connection or ramp closure with Building A, in that the DOT letter, as incorporated into the mapping agreement, only contains the statement that street improvements are to be "completed in phases generally in conjunction with the associated phase of development", and that such language only sets forth an approximate time frame, and in no way imposes any restrictions on DOB's permitting process; and

WHEREAS, DOB notes that while the new building plans for Building A do show the building fronting on Riverside Boulevard, the permit approval only relates to the subject zoning lot's compliance with the laws of which DOB has jurisdiction, and not the streets outside of the zoning lot; and

WHEREAS, DOB further notes that the issued builder's pavement plan permit also does not require that the streets be laid out prior to permits being issued for construction of Building A, but only prior to issuance of a certificate of occupancy; and

225-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Msgr. Ronald A. Newland, lessee.

SUBJECT - Application July 1, 2003 - Proposed first floor enlargement, and a proposed new second story to an existing single family dwelling, situated within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 21 Park End Terrace, north side of Rockaway Point Boulevard, 94.61' west of Bayside Drive, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES - None.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated June 13, 2003 acting on ALT 1. Application No. 401618923, reads in pertinent part:

"A1- The existing building to be altered lies within the bed of a mapped street contrary to General City Law

MINUTES

article 3, Section 35"; and

WHEREAS, by the letter dated July 18, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated August 11, 2003 the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

WHEREAS, by letter dated September 9, 2003 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 June 13, 2003, acting on ALT 1. Application No. 401618923 is modified under the power vested in the Board by Section 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 September 16, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, SUBJECT - Application February 10, 2003 - Proposed two family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED -

69 Hall Avenue, north side, 595.62' west of Willowbrook Road, Block 2091, Lot 85, Borough of Staten Island.

67 Hall Avenue, north side, 570.62' west of Willowbrook Road, Block 2091, Lot 80, Borough of Staten Island.

65 Hall Avenue, north side, 545.62' west of Willowbrook Road, Block 2091, Lot 79, Borough of Staten Island.

63 Hall Avenue, north side, 520.62' west of Willowbrook Road, Block 2091, Lot 78, Borough of Staten Island.

61 Hall Avenue, north side, 495.62' west of Willowbrook Road, Block 2091, Lot 77, Borough of Staten Island.

59 Hall Avenue, north side, 465.62' west of Willowbrook Road, Block 2091, Lot 76, Borough of Staten Island.

55 Hall Avenue, north side, 435.62' west of Willowbrook Road, Block 2091, Lot 75, Borough of Staten Island.

53 Hall Avenue, north side, 410.62' west of Willowbrook Road, Block 2091, Lot 74, Borough of Staten Island.

51 Hall Avenue, north side, 385.62' west of Willowbrook Road, Block 2091, Lot 73, Borough of Staten Island.

49 Hall Avenue, north side, 355.62' west of Willowbrook Road, Block 2091, Lot 72, Borough of

and regulations shall be complied with; *on further condition* THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals on October 21, 2003.

45-03-A thru 64-03-A

APPLICANT - Robert E. Englert, A.I.A., for Sleepy Hollow Development Corp., owner.

Staten Island.

45 Hall Avenue, north side, 325.62' west of Willowbrook Road, Block 2091, Lot 71, Borough of Staten Island.

43 Hall Avenue, north side, 300.62' west of Willowbrook Road, Block 2091, Lot 70, Borough of Staten Island.

41 Hall Avenue, north side, 275.62' west of Willowbrook Road, Block 2091, Lot 69, Borough of Staten Island.

39 Hall Avenue, north side, 250.62' west of Willowbrook Road, Block 2091, Lot 68, Borough of Staten Island.

37 Hall Avenue, north side, 225.62' west of Willowbrook Road, Block 2091, Lot 67, Borough of Staten Island.

35 Hall Avenue, north side, 200.62' west of Willowbrook Road, Block 2091, Lot 66, Borough of Staten Island.

31 Hall Avenue, north side, 267.12' west of Willowbrook Road, Block 2091, Lot 65, Borough of Staten Island.

29 Hall Avenue, north side, 143.62' west of Willowbrook Road, Block 2091, Lot 63, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Robert E. Englert.

ACTION OF THE BOARD - Laid over to December 16, 2003, at 10 A.M., for continued hearing.

256-03-A

APPLICANT - Fischbein Badillo Wagner Harding, for John Brunjes, owner.

SUBJECT - Application August 11, 2003 - Proposed construction, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 62-66 Fresh Pond Road, southwest corner of Metropolitan Avenue, Block 3521, Lots 35, 37 and 45, Borough of Queens.

COMMUNITY BOARD #5Q

MINUTES

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to November 18, 2003, at 10 A.M., for decision, hearing closed.

259-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Raymond McCleary, lessee.

SUBJECT - Application August 13, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located partially in the bed of a private service road is contrary to Section 36, Article 3 of the General City Law and The Department of

REGULAR MEETING
TUESDAY AFTERNOON, OCTOBER 21, 2003
2:00 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

40-03-BZ

CEQR #03-BSA-130Q

APPLICANT - Law Offices of Howard Goldman, PLLC, for Ben Gardner, owner.

SUBJECT - Application January 30, 2003 - under Z.R. § 72-21 to permit in an M1-1 zoning district, the erection of a twenty-seven unit residential complex, in a three-story building with retail uses on the ground floor, which is contrary to Z.R. Section 42-00.

PREMISES AFFECTED - 124-20 Jamaica Avenue, corner of 125th Street, Block 9333, Lot 7, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Chris Wright.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele? ? ? ? ? ...4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 31, 2002 acting on Application No. 401565356 reads:

‘THE PROPOSED RESIDENTIAL BUILDING LOCATED WITHIN AN M1-1 ZONING DISTRICT

Buildings’ policy.

PREMISES AFFECTED - 4 Newport Walk, west side, 368.86’ south of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

For Applicant: Prudence DiBello

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to November 5, 2003, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:00 A.M.

IS CONTRARY TO THE USE REGULATIONS OF SECTION 42-00 OF THE ZONING RESOLUTION AND REQUIRES A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS.”;and

WHEREAS, a public hearing was held on this application on July 15, 2003 after due notice by publication in *The City Record*, and laid over to September 30, 2003, and then to October 21, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-1 zoning district, the erection of a twenty-seven unit residential complex, in a three-story building with retail uses on the ground floor, which is contrary to Z.R. §42-00; and

WHEREAS, the subject undeveloped parcel, though zoned M1-1, is located in the middle of a residential neighborhood on the corner of Jamaica Avenue and 125th Street; and

WHEREAS, the record indicates that the M1-1 designation is inconsistent with the actual uses because the majority of the area is zoned R5, R3-1 and R2; and

WHEREAS, moreover, the records shows that most of the site fronts on 125th Street, which is entirely residential, and the site is also across the street from a large R5 zone, which the applicant represents is typical of an area characterized by a residential neighborhood with supporting retail uses along the major avenues; and

WHEREAS, the Board notes that prior to 1947, the site was located in a residential zone, which was later changed to a commercial business use district and in 1961 to its present designation; and

WHEREAS, the applicant represents that 125th Street is a narrow street therefore, a conforming development would be difficult because the introduction of truck traffic to the area would burden the surrounding residential uses; and

WHEREAS, the applicant proposes to erect a 27 unit

MINUTES

residential complex on a 17,403 square foot lot which would also include an as-of-right commercial component and will provide 18 parking spaces; and

WHEREAS, therefore, Board finds that the aforementioned unique physical conditions create an unnecessary undue hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

WHEREAS, the record indicates that the surrounding area is characterized by single and multiple family homes of one to three stories with supporting retail uses; and

WHEREAS, therefore, Board finds that the proposed
WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-1 zoning district, the erection of a twenty-seven unit residential complex, in a three-story building with retail uses on the ground floor, which is contrary to Z.R. Section 42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 14, 2003"- (9) sheets, and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 21, 2003.

application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and
CEQR #03-BSA-157K

APPLICANT - Agusta & Ross, for Coconut International Realty Corp./Blue Sky, Inc., owner.

SUBJECT - Application March 27, 2003 - under Z.R. §72-21 to permit in an R7-1/M1-2 zoning district, the erection of two multiple dwelling, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

461 Flushing Avenue, northside, 72' east of Bedford Avenue, Block 2263, Lot 86, Borough of Brooklyn.

463 Flushing Avenue, northside, 124'10" east of Bedford Avenue, Block 2263, Lot 84, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele? ? ? ? ?4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 20, 2003 acting on Lot 84 (Application No. 301410159) reads:

"PROPOSED RESIDENTIAL USE GROUP 2 NOT PERMITTED IN M1-2 ZONING DISTRICT AS PER Z.R. 42-00 77-211"; and acting on Lot 86 (Application No. 301410140) reads:

"PROPOSED RESIDENTIAL USE GROUP 2 NOT PERMITTED IN LOTS LOCATED PARTIALLY IN M1-2 ZONING DISTRICT AS PER Z.R. 42-00 77-211".

WHEREAS, a public hearing was held on this application on August 5, 2003 after due notice by publication in *The City Record*, and laid over to September 16, 2003 and September 30, 2003 then to October 21, 2003 for decision; and

WHEREAS, Community Board No. 1 in Brooklyn recommends approval of the subject application; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman

MINUTES

Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R7-1/M1-2 zoning district, the erection of two multiple dwellings, which are contrary to Z.R. §42-00; and

WHEREAS, the subject site is located on the northerly side of Flushing Avenue, 72 feet easterly of the intersection of Bedford Avenue in the Williamsburg section of Brooklyn, with 105 feet, 8 inches of frontage on Flushing Avenue; and

WHEREAS, the applicant represents that the subject parcel is vacant and irregularly shaped; and

WHEREAS, the applicant contends that there are

WHEREAS, the record indicates that due to overhead openings of a substandard height and loading access that would require blocking the intersection of Flushing Avenue and Bedford Avenue, the above buildings have inadequate and substandard loading and unloading capacities; and

WHEREAS, moreover, the floor plate divides yielding less than five thousand square feet, which is unsuitable for most industrial and/or warehouse uses; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary undue hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

WHEREAS, the record indicates that the area has become increasingly residential, therefore, the introduction of twenty-six apartments will be insignificant; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning

unique conditions on the subject lot which render practical difficulty in conforming with the underlying zoning regulations; and

WHEREAS, the applicant proposes to erect two seven story Quality Housing compliant multiple dwellings containing 26 apartments (13 per building); and

WHEREAS, evidence in the record indicates that the subject site is of an irregular shape and oriented towards the street near a busy intersection; and

WHEREAS, further, the site is developed with an approximately one hundred year old hodgepodge of formerly interconnected and functionally obsolete light industrial buildings; and

Resolution, limited to the objection cited, to permit, in an R7-1/M1-2 zoning district, the erection of two multiple dwelling, which is contrary to Z.R. §42-00, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 24, 2003"-(12) sheets and *on further condition*;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

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 the specifically cited and filed Department of Buildings objection 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;

THAT the above conditions shall be noted in the Certificate of Occupancy.

Adopted by the Board of Standards and Appeals, October 21, 2003.

100-03-BZ

CEQR #03-BSA-159K

APPLICANT - Sheldon Lobel, P.C., for Gabe and Roberta Levy, owners.

SUBJECT - Application March 28, 2003 - under Z.R. §73-622 to permit the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district, which does not comply with the zoning requirements for side yards, rear yard, floor area ratio and open space ratio, contrary to Z.R. §§23-141, 23-47, and 23-461(a).

PREMISES AFFECTED - 3448 Bedford Avenue, between Avenues "M" and "N", Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

WHEREAS, a public hearing was held on this application on July 15, 2003 and laid over to September 9, 2003 and then to October 21, 2003 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 and Commissioner Joel Miele; and

WHEREAS, a special permit is sought pursuant to Z.R. §§73-03 and 73-622 to legalize the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district, which does not comply with the zoning requirements for side yards, rear yard, floor area ratio and open space ratio, contrary to Z.R. §§23-141, 23-47, and 23-461(a); and

WHEREAS, the applicant further represents that the overall design of the proposed house will remain similar to neighborhood conditions; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the enlargement into the side yard does not result in a decrease in the existing minimum width of open area between the building and the side lot line; and

WHEREAS, the enlargement of the building into the rear yard is not located within 20 feet of the rear lot line; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the perimeter wall height will comply with all applicable zoning regulations; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to legalize the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district, which does not comply with the zoning requirements for side yards, rear yard, floor area ratio and open space ratio, contrary to Z.R. §§23-141, 23-47, and 23-461(a), *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received August 25, 2003"-(10) sheets and "Received September 30, 2003"-(1) sheet; and *on further condition*;

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated August 20, 2003, acting on Application No. 301414084 reads:

"Obtain special permit approval from the Board of Standards and Appeals as per Section 73-622 of the Zoning Resolution for the following objection:

1. Proposed side yard is contrary to Z.R: 23-461(a)
2. Proposed rear yard is contrary to ZR: 23-47
3. Proposed floor area is contrary to ZR: 23-141
4. Proposed open space ratio is contrary to ZR: 23-141"; and

THAT there shall be no habitable room in the cellar;

THAT there shall be no access to the balcony;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 21, 2003.

141-03-BZ

CEQR #03-BSA-179K

APPLICANT - Petraro & Jones, LLP, for Reva Holding Corp., owner.

SUBJECT - Application May 1, 2003- under Z.R. §72-21 to permit in a C4-3 zoning district, the enlargement of an existing retail building to include new retail space (Use Group 6), which does not provide the required on-lot parking or loading berths, contrary to Z.R. §§36-21 and 36-62.

PREMISES AFFECTED - 10 Graham Avenue, a/k/a 747/49 Broadway, at the intersection of Ghaham and Flushing Avenues and Broadway, Block 3127, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Patrick Jones.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

MINUTES

WHEREAS, the decision of the Borough Commissioner, dated April 11, 2003, acting on Application No. 301509231, reads:

“As per Section 36-21 ZR building is difficult (sic) in parking and as per Section 36-62 Building is difficult (sic) in loading docks referred (sic) to the Board of Standards and Appeals for a Variance.”; and

WHEREAS, a public hearing was held on this

WHEREAS, this is an application under Z.R. §72-21, to permit, in a C4-3 zoning district, the enlargement of an existing retail building to include new retail space (Use Group 6), which does not provide the required on-lot parking or loading berths, contrary to Z.R. §§36-21 and 36-62; and

WHEREAS, the subject site is currently occupied by a five-story with cellar and sub-cellar, retail/commercial building, with a one story extension, said building having 112,022 square feet of floor area; and

WHEREAS, the applicant proposes to add 18,075 square feet of floor area at a newly constructed second level built above the existing one story extension; and

WHEREAS, the applicant represents that the additional floor area will be utilized as retail space, to be leased by a sporting goods retail outlet; and

WHEREAS, the applicant notes that the proposed total floor results in a floor area ratio that complies with the permitted floor area ratio for a C4-3 zoning district; and

WHEREAS, pursuant to Z.R. §§36-21 and 36-62, forty-five (45) new parking spaces and two (2) new loading berths would be required; and

WHEREAS, the applicant notes that the subject zoning lot features 15 lot lines; has frontage on four streets; and is irregularly shaped; and

WHEREAS, the applicant represents that the existing building's physical configuration is obsolete, in that the building's footprint covers the entirety of the lot, and no berths or parking spaces have historically existed at the building; and

WHEREAS, the applicant maintains that to provide required parking on the lot would require that the building's one story portion be partially demolished; that some of the proposed second floor space be eliminated; and that structural reinforcement be provided for third level rooftop parking; and

WHEREAS, the applicant states that provision of a ramp servicing the rooftop parking area would further diminish the size of the proposed second level, and that necessary curb cuts, if placed at the only feasible location, could increase traffic congestion; and

WHEREAS, the applicant notes that the subject site is well served by public transportation; that most patrons of the proposed retail outlet would arrive by public transportation; and that a municipal parking lot is three blocks away; and

WHEREAS, the applicant notes further that the existing building has not had loading berths since at least 1947, and that installing loading berths now would cause the loss of retail floor area; and

application on September 9, 2003 after due notice by publication in the City Record, and laid over to October 7, 2003 and then to October 21, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Commissioner Peter Caliendo, and Commissioner Joel Miele; and

WHEREAS, the subject application has been conditionally approved by Community Board 1; and

WHEREAS, the applicant represents that the current retail uses at the building take deliveries at curbside, and that the NYC Department of Transportation, by letter dated March 18, 2003 (which is part of the subject application's record), stated that it does not object to the use of a part of the Flushing Avenue side of the building to receive curbside deliveries; and

WHEREAS, the Board finds that the site's irregular shape, history of 100 percent lot coverage, and lack of both of on-lot parking and loading berths, constitutes a unique physical condition leading to unnecessary hardship and practical difficulties in developing the site in conformity with the current zoning regulations applicable to required parking and loading berths; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the site in compliance with the current zoning regulations applicable to required parking and loading berths would not yield a reasonable return; and

WHEREAS, therefore, the evidence in the record demonstrates that a complying development would not yield a reasonable return; and

WHEREAS, the record indicates that both the use and the bulk are permitted under current zoning, that the vicinity in which the subject lot is situated is well served by public transportation; and that a parking garage is three blocks away; and

WHEREAS, the applicant represents that the immediate neighborhood is comprised primarily of a mix of retail and multiple-family residences; that five commercial buildings, one parking lot, and one mixed-use building are adjacent to the subject building; and that the proposed retail outlet will afford the residents of the immediate neighborhood an additional retail opportunity; and

WHEREAS, therefore, the Board finds that the instant application will not alter the essential character of the surrounding neighborhood, nor impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that 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 the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

MINUTES

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in a C4-3 zoning district, the enlargement of an existing retail building to include new retail space (Use Group 6), which does not provide the required on-lot parking or loading berths, contrary to Z.R. §§36-21 and 36-62, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 17, 2003"-(10) sheets and "Received October 14, 2003"-(2) sheets; *and on further condition:*

THAT the premises shall comply with all applicable fire safety measures;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located in the premises shall be removed within 48 hours;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 21, 2003.

187-03-BZ

CEQR #03-BSA-203Q

APPLICANT - Marvin B. Mitzner, Esq. of Fischbein Badillo Wagner Harding, for Robert Hollander and Steve Abrahms, owners.

SUBJECT - Application June 6, 2003 - under Z.R. §73-125 to permit in an R-2 zoning district, the operation of a medical office (Use Group 4).

PREMISES AFFECTED - 214-02 24th Avenue, southeast corner of Bell Boulevard, Block 6001, Lot 55, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, and Commissioner Caliendo and Commissioner

require the preparation of an Environmental Impact Statement.

Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 7, 2003 acting on Application No. 401592772, reads:

"Special Permit under Section 73-125 of the Zoning Resolution to permit medical offices exceeding 1,500 s.f. of floor area in an R2 Zoning District granted under BSA No. 142-88-BZ expired on October 25, 1998. Obtain renewal, extension of new special permit"; and

WHEREAS, a public hearing was held on this application on August 12, 2003, after due notice by publication in the *City Record*, laid over to September 30, 2003 and then to October 21, 2003 for decision; and

WHEREAS, this is an application under Z.R. §§73-03 and 73-125, to permit the operation of a medical office (Use Group 4), located in an R2 zoning district, which requires a special permit; and

WHEREAS, both the Borough President and Community Board 11 has recommended conditional approval of this application; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by committees of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar and Commissioner Joel Miele; and

WHEREAS, the subject premises is an irregularly shaped lot, 100 ft. by 122 ft., improved with a one-story building with 2,580 sq. ft. of total floor area; and

WHEREAS, the subject property, under BSA calendar No. 685-78-BZ, was previously granted a special permit pursuant to Z.R. §73-125, issued for a term of five years, but not renewed; and

WHEREAS, the building located at the subject site has housed medical and dental uses for the last 25 years; and

WHEREAS, the subject property, under BSA calendar No. 142-88-BZ, was granted a second special permit pursuant to Z.R. §73-125, issued for a term of five years, and renewed for a second five-year term in 1994; and

WHEREAS, the lot area is 8,767 square feet while the open space is 6,217 square feet, and the required open space is only 3,817 square feet; and

WHEREAS, the site provides a total of six accessory off-street parking spaces, as required; and

WHEREAS, the site is buffered with mature landscaping as previously approved in the prior Board actions; and

WHEREAS, the Board finds that the applicant satisfies all the requirements of §73-125 concerning open area, distribution, parking, landscaping and screening; and

WHEREAS, the applicant represents that the facility provides necessary health care to the community, without any apparent negative impacts; and

WHEREAS, the applicant states the size of the facility is relatively small, and for that reason, should not impact traffic; and

MINUTES

WHEREAS, the owner of the premises has submitted an affidavit stating that there will be no valet parking on the subject site; and

WHEREAS, the Board finds that the subject use will not alter the essential character of the surrounding

WHEREAS, therefore, the Board finds that the application meets the general findings required for special permits, pursuant to Z.R. §73-03(a); and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings and *grants* a special permit under Z.R. §73-03 and §73-125, to permit, in an R-2 zoning district, the operation of a medical office (Use Group 4), *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received June 6, 2003"-(2) sheets; and *on further condition*;

THAT no valet parking will occur in connection with the site;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, October 21, 2003.

189-03-BZ

CEQR #03-BSA-204X

APPLICANT - Eric Palatnik, P.C., for 830 East 233rd Street Corp, owner; BP Products North America, lessee.

SUBJECT - Application June 6, 2003 - under Z.R. §73-211 to permit in a C2-2/R5 zoning District, the legalization of an enlargement of the zoning lot housing an existing automotive service station.

PREMISES AFFECTED - 836 East 233rd Street, northwest corner of Bussing Avenue, Block 4857, Lots 44 and 41, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele? ? ?4

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele? ?4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 19, 2003 acting on Application No. 200788870 reads:

"Proposed continuance of Gas Station use in C2-2 in R-5 Zone is not in conformance with ZR Section 32-35 and therefore requires a Special Permit by BSA pursuant to ZR Section 73-211. In addition, application to seek changes to existing signage and enlargement of zoning lot to encompass lots 44 & 41. Application must be referred to the Board of Standards and Appeals"; and

WHEREAS, a public hearing was held on this application on September 9, 2003 after due notice by publication in *The City Record*, and laid over to September 30, 2003, and then to October 21, 2003 for decision; and

WHEREAS, Community Board No. 12 in the Bronx recommended approval of the application; 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., and Commissioner Peter Caliendo and Commissioner Joel Miele P.E.; and

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211 and 73-03, on a site previously the subject of applications before the Board, to permit in a C2-2/R5 zoning District, the continuance of an automotive service station use, as well as an enlargement of the zoning lot upon which the existing automotive service station is situated; and

WHEREAS, on November 6, 1958 under Calendar Number 292-58-BZ, as amended through June 27, 1995, the Board approved an automotive service station on lot 44, and the instant application seeks to legalize the enlargement of the zoning lot to encompass lot 41 and the improvements thereon; and

WHEREAS, lot 41 is approximately 25' by 170', located on the south side of the premises, contains parking, and is screened from adjacent residential uses by a 3 foot, 9 inch masonry wall supporting a 4 foot high chain link fence with privacy slats; and

WHEREAS, the record indicates that the instant application meets the requirements of Z.R. §§73-211(a) because at 14,860 square feet, it complies with the requirement that the site contain a minimum lot area of 7,500 square feet; and

WHEREAS, Z.R. §73-211(b) limits the proposed use to 15,000 square feet for sites not located on an arterial highway or

MINUTES

major street; and

WHEREAS, the subject site is located on Bussing Avenue and East 233rd Street, which the Board finds is a major intersection; and

WHEREAS, therefore, the Board finds that Z.R. §73-211(b) though applicable is not violated by the subject application; and

WHEREAS, the Board has also determined that the entrances and exits are planned so that at maximum operation, vehicular traffic into or from the premises will cause a minimum obstruction on the streets or sidewalks; and

WHEREAS, the applicant also proposes to install 73.10 square feet of illuminated signage and 38.6 square feet of non-illuminated signage and Z.R. §§32-643 and 32-642 allow 100 square feet and 300 square feet, respectively; and

WHEREAS, the Board finds that the proposed use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-211 and 73-03.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §§73-211 and 73-03, on a site previously before the Board, to permit in a C2-2/R5 zoning District, the legalization of an enlargement of the zoning lot housing an existing automotive service station, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received October 10, 2003"-(5) sheets; and *on further condition*;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT landscaping be provided and maintained in accordance with BSA approved plans;

THAT there shall be no used car sales on the premises;

THAT there shall be no parking of cars on the sidewalk at any time;

THAT any automobile vacuums shall only be operated between the hours of 9:00 A.M.- 7:00 P.M.;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring October 21, 2013;

THAT construction shall be completed in accordance with Z.R. §73-70;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within 2 years 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;

WHEREAS, the subject property is currently improved with a 37-story mixed-use building, containing commercial

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

Adopted by the Board of Standards and Appeals, October 21, 2003.

209-03-BZ

CEQR #03-BSA-213M

APPLICANT - The Law Office of Fredrick A. Becker, for 150 Central Park South Incorporated, owner; Exhale Mindbody Spa, lessee.

SUBJECT - Application June 19, 2003 - under Z.R. §72-21 to permit a proposed physical culture establishment located in a portion of the cellar, first floor and second floor of a 37 story residential building, in an R10-H zoning district, contrary to Z.R. §22-00.

PREMISES AFFECTED - 150 Central Park South, south side, between Avenue of the Americas and Seventh Avenue, Block 1011, Lot 52, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 17, 2003, acting on Application No. 103473224 reads:

"Physical Cultural Establishment is a use not permitted as of right in R10-H district and it is contrary to ZR 22-00"; and

WHEREAS, a public hearing was held on this application on September 16, 2003, after due notice by publication in *The City Record*, and then to October 21, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit a proposed physical culture establishment located in a portion of the cellar, first floor and second floor of a 37-story residential building, in an R10-H zoning district, contrary to Z.R. §22-00; and

and community facility uses on the first and second floors and residential use on the upper floors; and

MINUTES

WHEREAS, the subject building was formerly used as a hotel, but is now a residential cooperative; and

WHEREAS, the applicant represents that there is a history of commercial use of the lower floors dating back at least two decades; and

WHEREAS, the applicant asserts that lower level of the building, due to its previous configuration for hotel use, has an awkward layout and lacks a sufficient street presence for a commercial enterprise such as an independent restaurant or Use Group 6 retail; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, the evidence in the record, including a feasibility study, shows that a complying development would not yield a reasonable rate of return; and

WHEREAS, the applicant proposes the creation of a facility with "a spa like environment", with body treatments as well as certain health related classes, and that the impact of such use on the neighborhood will be negligible; and

WHEREAS, the record indicates that the surrounding area consists largely of residential uses mixed with some commercial uses; and

WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has further determined that the evidence in the record supports the findings required to be made under Z.R. §§73-36 and 73-03; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objection cited, to permit a

APPEARANCES -
For Applicant: Patrick Jones.

For Opposition: Diane O'Donnell, Rosemarie Mallindo and James

proposed physical culture establishment located in a portion of the cellar, first floor and second floor of a 37 story residential building, in an R10-H zoning district, contrary to Z.R. §22-00, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 19, 2003"-(1) sheet, "October 15, 2003"-(2) sheets and "October 17, 2003"-(1) sheets, and *on further condition*;

THAT the grant of this variance will be for a term of ten (10) years, from October 21, 2003 to October 21, 2013;

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 the hours of operation shall be limited to Monday through Friday, 6:30 am to 9:00 pm, and Saturday and Sunday 8:00 am to 8:00 pm;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located in the premises shall be removed within 48 hours;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT where applicable, the proposed building shall comply with the requirements of Local Law 58/87;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 21, 2003.

284-01-BZ

APPLICANT - Stanley K. Schlein, Esq., for Silver Lake Realty Partnership, owner.

SUBJECT - Application October 3, 2001 - under Z.R. §72-21, to permit the proposed expansion of an existing nursing home, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, is contrary to Z.R. §24-111.

PREMISES AFFECTED - 275 Castleton Avenue, 26' east of the northeast corner of Castleton Avenue and Harbor View Court, Block 119, Lot 104, Borough of Staten Island.

COMMUNITY BOARD #1SI

Bilezikjian.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner

MINUTES

Caliendo and Commissioner Miele.....4
Negative:0

ACTION OF THE BOARD - Laid over to December 9, 2003, at 1:30 P.M., for decision, hearing closed.

60-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Naomi Kunin, owner.
SUBJECT - Application February 15, 2002 - under Z.R. §72-21, to permit the legalization of an interior enlargement in an existing one family dwelling, Use Group 1, which creates non-compliance with respect to floor area ratio and rear yard, which is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 3849 Bedford Avenue, east side, 380.0' south of Quentin Road, Block 6808, Lot 71, Borough of Brooklyn

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Ivory Martin.

ACTION OF THE BOARD - Laid over to January 6, 2004, at 1:30 P.M., for continued hearing.

75-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 460 Union Street LLC, contract vendee.

SUBJECT - Application March 12, 2002 - under Z.R. §72-21 to permit the proposed construction of a six story, 64-unit residential building, Use Group 2, located in an M2-1 zoning district, is contrary to §42-00.

PREMISES AFFECTED - 460 Union Street, bounded by Union, Bond and Presidents Streets, and Gowanus Canal, Block 438, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Howard Goldman, Joseph Porrodelmio, Michael Inori and Szolvstorg Buckley Scotto.

For Opposition: Linda Marianno, Bette Stoltz, Cynthia Simmons, Ahia Mattera, David Morris, Enid Braun, Phaedra Thomas, Josh Wallack, Ernest Migliaccio and other.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to February 3, 2004, at 1:30 P.M., for decision, hearing closed.

PREMISES AFFECTED - 2238 Church Avenue, 213.8' east of the corner formed by the intersection of Flatbush and Church Avenues, Block 5103, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Gary H. Silver.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

229-02-BZ thru 231-02-BZ

APPLICANT - Mark A. Levine, Esq., of Herrick, Feinstein, LLP, for Simon Dushinsky and Issac Rabinowitz, owners.

SUBJECT - Application August 15, 2002 - under Z.R. §72-21 to permit the proposed construction of a six-story building containing twelve units, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

24 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 5, Borough of Brooklyn.

32 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 7, Borough of Brooklyn.

42 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mark A. Levine, Robert Pauls and Ronald Bass.

ACTION OF THE BOARD - Laid over to December 9, 2003, at 1:30 P.M., for continued hearing.

254-02-BZ

APPLICANT - Klein & O'Brien, LLP, for Malka Ausch, owner.

SUBJECT - Application September 18, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy, Use Group 2, in an existing three-story building and the proposed use, in the one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 41/45 South Fifth Street, bounded on the west by Kent Avenue, and on the east by Wythe Avenue, Block 2441, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Peter Brightbell.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to January 13, 2004, at 1:30 P.M., for continued hearing.

326-02-BZ

APPLICANT - Gary H. Silver, Architect, P.C., for 230 Church Avenue Realty, LLC, owner; JF Fitness Inc., DBA Church Avenue Fitness, lessee.

SUBJECT - Application November 1, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, which occupies the cellar of the subject premises, located in a C4-2 zoning district, which requires a special permit as per Z.R. §32-31.

Negative:0

ACTION OF THE BOARD - Laid over to November 5, 2003, at 1:30 P.M., for decision, hearing closed.

360-02-BZ

APPLICANT - Law offices of Howard Goldman, PLLC, for S & Y Enterprises, LLC, owner.

SUBJECT - Application December 13, 2002 - under Z.R. §72-21 to permit the proposed conversion and enlargement of an existing

MINUTES

warehouse, into a residential building with 83 units and 41 parking spaces, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 130 North Fourth Street, between Berry Street and Bedford Avenue, Block 2351, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Chris Wright.

ACTION OF THE BOARD - Laid over to October 28, 2003, at 1:30 P.M., for continued hearing.

374-02-BZ

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

SUBJECT - Application December 30, 2002 - under Z.R. §§73-481 and 73-49 to permit the proposed 1,660 space parking garage, located within the medical center campus, in an R3-2 zoning district, which exceeds the number of spaces permitted by Z.R. §§25-12 and 25-13, and also will have rooftop parking that is only permitted pursuant to Z.R. §25-11, which requires a special permit as per Z.R. §73-481 and §73-49.

PREMISES AFFECTED - 267-20 74th Avenue, block bounded by 74th and 76th Avenues, also 263rd Street and the Queens/Nassau Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker.

ACTION OF THE BOARD - Laid over to November 18, 2003, at 1:30 P.M., for deferred decision.

36-03-BZ

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

SUBJECT - Application January 29, 2003 - under Z.R. §73-481 to permit the proposed increase in the total number of parking spaces, through the use of attended parking, at an accessory parking garage, for an existing medical center, which requires a special permit as per Z.R. §73-481.

PREMISES AFFECTED - 271-17 76th Avenue, located on a block bounded by 76th Avenue, 74th Avenue, and the Queens/Nassau county border, Block 8520, Lot 2, Borough of Queens.

146-03-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for 1511 Third Avenue Associates, LLC, c/o The Related Companies, L.P., owner; Equinox 85th Street, Inc, lessee.

SUBJECT - Application May 9, 2003 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located on the second floor, and portions of the third and fourth floors, in a four story commercial and community facility building, in an C2-8A zoning district, which requires a special permit.

PREMISES AFFECTED - 1511 Third Avenue, a/k/a 201 East

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker.

ACTION OF THE BOARD - Laid over to November 18, 2003, at 1:30 P.M., for deferred decision.

44-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Josephine Valletta, owner; Nissan Lift of New York, lessee.

SUBJECT - Application February 7, 2003 - under Z.R. §72-21 to permit the proposed enlargement, both vertically and horizontally of an existing non-conforming one story commercial use, Use Group 16, located in an R5 zoning district, which is contrary to Z.R. §54-30.

PREMISES AFFECTED - 97-20 99th Street, 100' south of 97th Avenue, between 97th and 101st Avenues, Block 9075, Lot 32, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to November 5, 2003, at 1:30 P.M., for decision, hearing closed.

68-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Torah M. Sinai, Inc., owner.

SUBJECT - Application February 11, 2003 - under Z.R. §72-21 to permit the proposed conversion of an existing building, which is located in an area designated as a manufacturing district, to be used for a day care center, Use Group 3, and office use, Use Group 6, without the required parking, and is contrary to Z.R. §42-00 and §44-21.

PREMISES AFFECTED - 649 39th Street, northwest corner of Seventh Avenue, Block 903, Lots 79, 80 and 83, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to November 25, 2003, at 1:30 P.M., for continued hearing.

85th Street, southwest corner of Block bounded by Second and Third Avenues, and East 85th and 86th Streets, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES - None.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner

MINUTES

Caliendo and Commissioner Miele.....4
Negative:0

ACTION OF THE BOARD - Laid over to December 9, 2003, at 1:30 P.M., for decision, hearing closed.

179-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Sephardic Foundation for Torah Studies, Inc, owner.

SUBJECT - Application May 28, 2003 - under Z.R. §72-21 to permit the proposed construction of a synagogue and twenty-one apartments, Use Groups 2 and 4, with a twenty-three car garage, accessory to the residential use, located in an R6-A zoning district, which does not comply with the zoning requirements for floor area, base and building height, is contrary to Z.R. §24-11 and §23-633.

PREMISES AFFECTED - 402 Avenue "U", aka 2133 East Second Street, southeast corner, Block 7129, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to November 25, 2003, at 1:30 P.M., for decision, hearing closed.

190-03-BZ & 191-03-A

APPLICANT - Sheldon Lobel, P.C., for Satya Sanatan Dharma Sabha, Inc., owner.

SUBJECT - Application June 9, 2003 - under Z.R. § 72-21 to permit the legalization of a portion of a two-story building to a temple, to convert the remainder of the building to a temple, an enlargement to the building, which does not comply with the zoning requirements for height, side and front yards, and is contrary to Z.R. §24-521, §24-35 and §24-34; also to permit an enlargement to the building, of Class II-D construction, located within the fire district, which is contrary to §§27-301 and 27-305 of the NYC

222-03-BZ

APPLICANT - Alfonso Duarte, for Emanuel T. Lorras, owner.

SUBJECT - Application June 27, 2003 - under Z.R. §72-21 to permit the proposed enlargement of the second floor of an existing one family dwelling, that will be converted into a two family dwelling, located in an R4 zoning district, which will encroach into the required front yard, is contrary to Z.R. §23-45 and §54-313.

PREMISES AFFECTED - 30-04 73rd Street, southwest corner of 30th Avenue, Block 1121, Lot 6, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Alfonso Duarte.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Administrative Code.

PREMISES AFFECTED - 87-48 215th Place, corner of Hillside Avenue, Block 10682, Lot 45, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: D.C. Bharrati, Satya Sanatan Dharama and Michael Just.

For Opposition: Stacy Harvey, Department of Buildings.

For Administration: Anthony Scaduto, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to December 9, 2003, at 1:30 P.M., for decision, hearing closed.

206-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 974 Madison Avenue Company, LP, owner; Exhale Mindbody Spa, lessee.

SUBJECT - Application June 18, 2003 - under Z.R. §73-36 to permit the proposed physical establishment, located on the second floor of a five story commercial building, in a C5-1 (MP) zoning district, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 980 Madison Avenue, west side, between East 76th and East 77th Streets, Block 1391, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #14M

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to November 5, 2003, at 1:30 P.M., for decision, hearing closed.

Negative:0

ACTION OF THE BOARD - Laid over to November 5, 2003, at 1:30 P.M., for decision, hearing closed.

231-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Isaac Douek Jacqueline Douek Maurice Douek, owners.

SUBJECT - Application July 29, 2003 - under Z.R. §72-21 to permit the proposed construction of a six story building, with a mezzanine and cellar, to contain eighteen residential units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 63 and 65 Columbia Street, southeast corner of Congress Street, Block 299, Lots 7 and 8, Borough of

MINUTES

Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Jan Cahalane, Howard Koeppe and Frank Smith.

For Opposition: Joseph Donnelly and Howard Mantilla.

ACTION OF THE BOARD - Laid over to January 27, 2004, at 10 A.M., for continued hearing.

232-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Lacher Koeppe Realty Corporation, owner.

SUBJECT - Application July 2, 2003 - under Z.R. §72-21 to permit the proposed additional storage of vehicles, on the roof of an existing automotive storage facility, Use Group 16c, located in an R4 zoning district, which is contrary to Calendar No. 171-93-BZ and Z.R. 22-00.

PREMISES AFFECTED - 32-25 75th Street, eastside, 100' north of Northern Boulevard, Block 1171, Lot 46, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliando and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to November 18, 2003, at 1:30 P.M., for decision, hearing closed.

237-03-BZ

APPLICANT - Eric Palatnik, P.C., for Sydel Rand, owner.

SUBJECT - Application July 9, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, located in an R-2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, is contrary to Z.R. §23-141(a) and §23-47.

PREMISES AFFECTED - 3077 Bedford Avenue, east side, between Avenues I and J, Block 7589, Lot 25, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliando and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to November 5, 2003, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 5:30 P.M.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, No. 45

November 6, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

John E. Reisinger, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

CONTENTS

| | |
|-------------------------------------|-----|
| DOCKET | 764 |
| CALENDAR of December 9, 2003 | |
| Morning | 765 |
| Afternoon | 766 |

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, October 28, 2003**

Morning Calendar767

Affecting Calendar Numbers:

| | |
|------------|---|
| 545-56-BZ | 2001-2007 Williamsbridge Road, The Bronx |
| 36-70-BZ | 200-204 West 79 th Street, Manhattan |
| 608-85-BZ | 33-56 11 th Street, Queens |
| 84-03-BZ | 35-40 30 th Street, Queens |
| 931-57-BZ | 535 Vanderbilt Avenue, Staten Island |
| 444-67-BZ | 187-39 Hillside Avenue, Queens |
| 785-67-BZ | 577/89 Marcy Avenue, Brooklyn |
| 1255-80-BZ | 35-33 31 st Street, Queens |
| 370-82-BZ | 242-02 61 st Avenue, Queens |
| 515-89-BZ | 50 East 78 th Street, Manhattan |
| 235-01-BZ | 2009 Mermaid Avenue, Brooklyn |
| 2-02-BZ | 3872 Third Avenue, The Bronx |
| 212-03-A | 129-32 Hook Creek Boulevard, Queens |
| 213-03-A | 129-36 Hook Creek Boulevard, Queens |
| 247-03-A | 18 Gotham Walk, Queens |
| 292-03-A | 919 Bayside Walk, Queens |
| 293-03-A | 928 Bayside Walk, Queens |

CONTENTS

Afternoon Calendar.....773

Affecting Calendar Numbers:

281-02-BZ 18 Exeter Street, Brooklyn
315-02-BZ 223/27 West 60th Street, Manhattan
105-03-BZ thru
107-03-BZ 45-78, 45-78A and 45-80 161st Street, Queens
144-03-BZ 188-16 Northern Boulevard, Queens
148-03-BZ 111/13 West 28th Street, Manhattan
178-03-BZ 114-02 Van Wyck Expressway, Queens
207-03-BZ 2316 Avenue J, Brooklyn
360-02-BZ 130 North Fourth Street, Brooklyn
70-03-BZ 761 East 84th Street, Brooklyn
77-03-BZ &
78-03-BZ 260-32 & 260-34 Grand Central Parkway, Queens
85-03-BZ 922/26 Bedford Avenue, Brooklyn
96-03-BZ 86 Franklin Avenue, Brooklyn
111-03-BZ thru
115-03-BZ 1685, 1687, 1689, 1691 & 1693 60th Street, Brooklyn
120-03-BZ 1810 Loring Place, The Bronx
131-03-BZ &
132-03-A 80-03 192nd Street, Queens
138-03-BZ 79-59/77 Cooper Avenue, Queens
142-03-BZ 140-20 Farmers Boulevard, Queens
150-03-BZ 136 Metropolitan Avenue, Brooklyn
219-03-BZ 175-15 Rockaway Boulevard, Queens
220-03-BZ 175-21 149th Avenue, Queens

CORRECTIONS787

Affecting Calendar Numbers:

149-02-BZ 1821 Richmond Avenue, Staten Island
150-02-BZ 1837 Richmond Avenue, Staten Island

DOCKETS

New Case Filed Up to October 28, 2003

325-03-BZ B.S.I. 307 Hamden Avenue, north side, 90' east of Boundary Avenue, Block 3687, Lot 6, Borough of Staten Island. Applic.#500509602. Proposed construction of a one family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirement for front yard, is contrary to Z.R.§23-45.

COMMUNITY BOARD #2SI

326-03-BZ B.S.I. 309 Hamden Avenue, north side, 130' east of Boundary Avenue, Block 3687, Lot 8, Borough of Staten Island. Applic.#500509611. Proposed construction of a one family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirement for front yard, is contrary to Z.R.§23-45.

COMMUNITY BOARD #2SI

327-03-BZ B.Q. 175-35 148TH Road, between Guy Brewer Boulevard and 175th Street, Block 13379, Lot 21, Borough of Queens.Alt.Type 1#401706196. Proposed enlargement of an existing warehouse, located in an M1-1 zoning district, requires a special permit from the Board as per Z.R. §73-53.

COMMUNITY BOARD #13Q

328-03-BZ B.S.I. 930/36 Richmond Avenue, between Forest Avenue and Monsey Place, Block 1706, Lots 36 and 39, Borough of Staten Island. Applic.#500644207. Proposed enlargement and structural alterations, in furtherance of a proposed change of use from an existing motor vehicles repair shop, to an automobile laundry, auto reservoirs, auto lubritorium and accessory offices, Use Group 16, located C1-1 within an R3-2 zoning district, is contrary to a previous variance granted by the Board under Cal. No. 542-41-BZ and Z.R§11-52, §52-22 and §52-14.

COMMUNITY BOARD #1Q

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

DECEMBER 9, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, December 9, 2003, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

465-55-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 325 North Macquesten Parkway Corporation, owner; Abko Inc dba Carwash Associates, lessee.

SUBJECT - Application June 13, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 486/496 Coney Island Avenue aka 804/826 Church Avenue, west side of Coney Island Avenue 91' 9 1/8" south of the corner of Church Avenue and Coney Island Avenue) Block 5341, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #12BK

138-68-BZ

APPLICANT - Francis R. Angelino, Esq., for Martin A. Gleason Funeral Home, LLC, owner.

SUBJECT - Application October 6, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 10-25 150th Street, northeast corner of 11th Avenue, Block 4515, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

799-89-BZ

APPLICANT - Kalb & Rosenfeld, P.C., for 1470 Bruckner Boulevard Corp., owner.

SUBJECT - Application August 8, 2003 - reopening for an extension of term of variance which expired July 13, 2003.

PREMISES AFFECTED - 1470 Bruckner Boulevard, southeast corner of Bruckner Boulevard and Colgate Avenue, Block 3649, Lots 30 and 27, Borough of The Bronx.

COMMUNITY BOARD #9BX

SUBJECT - Application June 20, 2003 - under Z.R.§72-21 to permit the proposed expansion and also the conversion of an existing warehouse, to residential use, Use Group 2, located in an M1-4(Special LIC District), which does not comply with the zoning requirements for the new use, floor area and total height, is contrary to Z.R.§43-12,§43-43 and §42-10.

385-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for Bais Tziporah, Inc., owner.

SUBJECT - Application October 2, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1449 39th Street, northside 290' west of intersection of 39th Street and 15th Avenue, Block 5347, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEALS CALENDAR

311-03-A thru 313-03-A

APPLICANT - Rudolf J. Beneda, A.I.A., for M.Y.H.P. Building Corp., owner.

SUBJECT - Application October 9, 2003 - Proposed two-story, two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

140 Jackson Avenue, west side, 103.90' south of Robin Road, Block 3124, Lot 500, Borough of Staten Island.

144 Jackson Avenue, west side, 137.33' south of Robin Road, Block 3124, Lot 502, Borough of Staten Island.

146 Jackson Avenue, west side, 154.95' south of Robin Road, Block 3124, Lot 180, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

DECEMBER 9, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, December 9, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

211-03-BZ

APPLICANT - Eric Palatnik, P.C., for Simon Blitz, Contract Vendee.

PREMISES AFFECTED - 529-535 48th Avenue, between Vernon Boulevard and Fifth Street, Block 30, Lot 9, Borough of Queens.

COMMUNITY BOARD #1Q

CALENDAR

230-03-BZ

APPLICANT - Alfred V. Saulo, Architect, for Mike Graziano, owner.

SUBJECT - Application July 2, 2003 - under Z.R. §72-21 to permit the proposed erection of a one family detached residence, Use Group 1, located in an R-3A zoning district, which does not comply with the zoning requirements for front yard is contrary to Z.R. §23-45.

PREMISES AFFECTED - 144 Billop Avenue, southeast corner of Brighton Street, Block 7881, Lots 67, 1 and 2, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

241-03-BZ

APPLICANT - Moshe M. Friedman, P.E., for Chaya Knopf, owner.

SUBJECT - Application July 10, 2003 - under Z.R. §73-622 to permit the 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, open space ratio, rear yard and minimum side yard, is contrary to Z.R. §23-141(a), §23-47 and §23-48.

PREMISES AFFECTED - 1183 East 28th Street, east side, 100' north of Avenue "L", Block 7628, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #14BK

242-03-BZ

APPLICANT - Moshe M. Friedman, P.E., for Sion Maslaton, owner.

SUBJECT - Application July 10, 2003 - 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, open space ratio, rear yard, side yard, minimum side yard, lot coverage and perimeter wall, is contrary to Z.R. §23-141(b), §23-47 and §23-48 and §23-631(b)

PREMISES AFFECTED - 1858 East 26th Street, west side, 285'-0" north of Avenue "S", Borough of Brooklyn.

COMMUNITY BOARD #15BK

**REGULAR MEETING
TUESDAY MORNING, OCTOBER 28, 2003
10:00 A.M.**

Present: Chairman Chin, Commissioner Caliendo and Commissioner Miele.

Absent: Vice-Chair Babbar.

266-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for 1710-2 McDonald Realty, LLC, owner.

SUBJECT - Application August 21, 2003 - under Z.R. §73-50 to permit the proposed enlargement of an existing warehouse (furniture), situated in an M1-1 zoning district, by constructing a one-story addition at the rear, that will encroach into the required yard between district boundaries, is contrary to Z.R. §43-302.

PREMISES AFFECTED - 1710/12 McDonald Avenue, west side, 60' south of Avenue "O", Block 6607, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #11BK

289-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Aldo Paronich, owner.

SUBJECT - Application August 29, 2003 - under Z.R. §73-53 to permit the legalization of an existing contractor' establishment, Use Group 16, located in an M1-1 zoning district, which is currently overbuilt by 21% beyond the permitted floor area ratio of 1.0 is contrary to Z.R. §43-12.

PREMISES AFFECTED - 440 Morgan Avenue, southeast corner of Frost Street, Block 2869, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #1BK

309-03-BZ

APPLICANT - Howard A. Zipser, Stadtmauer Bailkin, LLP, for James Horvath, owner.

SUBJECT - Application October 6, 2003 - under Z.R. §72-21 to permit the proposed erection of a six-story residential building, Use Group 2, on a zoning lot, divided by C6-1 and R6 zoning districts, which does not comply with the zoning requirements for floor area, height and setback limit per table A, which is contrary to Z.R. §§23-145 and 23-633.

PREMISES AFFECTED - 744/48 Greenwich Street, west side, between Perry and West 11th Streets, Block 633, Lots 20 and 119, Borough of Manhattan.

COMMUNITY BOARD #2M

Pasquale Pacifico, Executive Director

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, August 12, 2003, were approved as printed in the Bulletin of August 21, 2003, Volume 88, No. 33.

SPECIAL ORDER CALENDAR**545-56-BZ**

APPLICANT - Walter T. Gorman, P.E., for Williamsbridge Road

MINUTES

Realty Corp., owner; Williamsbridge Auto Repairs/Service Station; lessee.

SUBJECT - Application July 22, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 2001-2007 Williamsbridge Road aka 1131-39 Neill Avenue, northwest corner of Neill Avenue, Block 4306, Lot 20, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD - Application re-opened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Caliendo and Commissioner Miele.....3
Negative:0
Absent: Vice-Chair Babbar1

THE RESOLUTION-

WHEREAS, a public hearing was held on this application on October 7, 2003 after due notice by publication in The City Record, and laid over to October 28, 2003 decision; and

WHEREAS, the applicant seeks permission for the erection of a new canopy; and

WHEREAS, on October 29, 1957, the Board permitted the erection and maintenance of a gasoline service station with accessory uses; and

Resolved, that the Board of Standards and Appeals reopens and amends the resolution pursuant to Z.R. §11-412 and reopens and amends the resolution, adopted on October 29, 1957, amended through August 6, 2002, so that as amended this portion of the resolution shall read: "to permit the erection of a metal canopy," on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 22, 2003"-(4) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

WHEREAS, the Board notes that at the time of the variance, half of the zoning lot was in an R10 equivalent district and half in an R9 equivalent district and that a floor area increase was allowed as-of-right for a Plaza in the R10 portion of the lot but not in the R9 portion; and

WHEREAS, the variance required a certain amount of open space around the entire building including along Amsterdam Avenue and West 78th Streets; and

WHEREAS, subsequently, the Board permitted, in the R9 zoning district, an open sidewalk café for a term of five years under Calendar Number 374-75-BZ; 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."

(DOB Applications # 200794649

Adopted by the Board of Standards and Appeals, October 28, 2003.

36-70-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 200 West 79th Street Owners, Inc., owner; Amstore Limited Partnership, lessee.

SUBJECT - Application April 22, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 200-204 West 79th Street, a/k/a 380 Amsterdam Avenue, west side of Amsterdam between West 78th Street and 79th Streets, Block 1170,, Lot 7501 FKA 29, 30, 32, 34, 35, 36, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Barbara Hair.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Caliendo and Commissioner Miele.....3
Negative:0
Absent: Vice-Chair Babbar1

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on June 24, 2003, after due notice by publication in The City Record, laid over to September 9, 2003, October 7, 2003 and then to October 28, 2003 for decision; and

WHEREAS, the applicant has requested an amendment seeking to allow an open air café in summer and an enclosed café in winter, within a privately own public plaza; and

WHEREAS, the proposal would have also required the placement of public seating and tables where waiter service would not be permitted, and signage to inform the public; and

WHEREAS, on May 12, 1970, the Board granted a variance pursuant to Z.R. §72-21 permitting the construction of an 18-story residential building with ground floor commercial uses; and

WHEREAS, the record indicates that the café increased the degree of non-compliance in floor area ratio and open space ratio; and

WHEREAS, therefore, on November 17, 1981, the Board permitted the applicant to withdraw an application to extend the term; and

WHEREAS, at the request of the West 78th Street Block Association and with the knowledge of the Department of City Planning, the applicant has revised the plans and eliminated public tables and seating; and

Resolved, that the Board of Standards and Appeals reopens and amends the resolution, pursuant to Z.R. § 72-01 and 72-22,

MINUTES

said resolution having been adopted on May 12, 1970 so that as amended this portion of the resolution shall read:

"To permit, in a privately own public plaza, an open air café in the summer time and an enclosed café in winter," on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 29, 2003"- (3) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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."

(DOB Application # 103429176)

Adopted by the Board of Standards and Appeals, October 28, 2003.

608-85-BZ

APPLICANT - The Agusta Group, for J.C. Organization, LLC, owner.

SUBJECT - Application May 13, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 17, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 33-56 11th Street, west side 11th Street, 235' south of 33rd Road, Block 319, Lot 36, Borough of Queens.

"to permit the extension of the term of the Variance for an additional ten (10) years from June 17, 2001, expiring on June 17, 2011, and to legalize the construction of a second mezzanine in the rear of the subject building, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 30, 2003" -(1) sheet and "October 14, 2003"- (2) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT buffering at the rear and the side of the subject property, in the form of Evergreen or similar trees, shall be provided and maintained in accordance with BSA approved plans;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the

COMMUNITY BOARD #1Q

APPEARANCES - None.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended and term of Variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Caliendo and

Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar1

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on July 22, 2003, after due notice by publication in The City Record, and laid over to September 16, 2003, October 7, 2003, and then to October 28, 2003 for decision; and

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on June 17, 2001, and an amendment to the resolution; and

WHEREAS, Community Board 1 recommended conditional approval of the subject application; and

WHEREAS, the applicant seeks to renew the term of a previously granted variance, permitting the erection of a one (1) story and mezzanine structure for use as a commercial woodworking and cabinetry shop, with accessory offices, which did not conform to the use regulations; and

WHEREAS, the applicant also seeks an amendment to the Resolution to allow for the legalization of another mezzanine at the rear of the building; and

WHEREAS, since June 17, 1986, the Board has exercised jurisdiction over the premises under the instant calendar number; and

WHEREAS, the record indicates that the premises has been continuously occupied as a commercial woodworking and cabinetry shop since June 17, 1986; and

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, reopens and amends the resolution, pursuant to Zoning Resolution §§72-01 and 72-22, extends the term of the Variance which expired on June 17, 2001, so that as amended this portion of the resolution shall read:

Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

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."

(DOB Application #401390990)

Adopted by the Board of Standards and Appeals, October 28, 2003.

84-03-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Nissan Perla

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 35-40 30th Street, a/k/a 35-37 29th

MINUTES

Street, frontage on West side of 30th Street, east side of 29th Street, between 35th and 36th Avenues, Block 341, Lot 6, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Commissioner Caliendo and Commissioner Miele.....3
Negative:0
Absent: Vice-Chair Babbar1

Adopted by the Board of Standards and Appeals, October 28, 2003.

931-57-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Ziya Ercan, owner; Time Service Station, Inc., lessee.

SUBJECT - Application June 13, 2003 - reopening for an extension of term of variance which expires May 9, 2004 and for an amendment to the resolution.

PREMISES AFFECTED - 535 Vanderbilt Avenue, a/k/a 1047 Van Duzer Street, northeast corner of Vanderbilt Avenue and Van Duzer Street, Block 650, Lot 30, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Laid over to January 13, 2004, at 10 A.M., for continued hearing.

444-67-BZ

APPLICANT - Eric Palatnik, P.C., for Hillside 188th Street Corp,

1255-80-BZ

APPLICANT - Gerald J. Caliendo, R.A., for Constantine Plagakis, owner.

SUBJECT - Application May 30, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 2, 2001.

PREMISES AFFECTED - 35-33 31st Street, east side of 31st Street, 217.71' North of 36th Avenue, Block 604, Lot 10, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Gerald J. Caliendo.

For Opposition: Angel Hernandez, Jamie Jimenez and Maria C. Tripopi.

ACTION OF THE BOARD - Laid over to December 16, 2003, at 10 A.M., for continued hearing.

370-82-BZ

APPLICANT - Walter T. Gorman, P.E., for Douglaston Plaza Shopping Center, LLC, owner.

SUBJECT - Application August 21, 2003 - reopening for an

owner; BP Products North America, owner.

SUBJECT - Application June 3, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 187-39 Hillside Avenue, northwest corner of 87-88 to 87-96 188th Street, Block 9960, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to November 25, 2003, at 10 A.M., for continued hearing.

785-67-BZ

APPLICANT - Eric Palatnik, P.C., for Park Circle Realty Associates, owner; BP Products North America, lessee.

SUBJECT - Application August 18, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 18, 2001.

PREMISES AFFECTED - 577/89 Marcy Avenue, southeast corner of Marcy Avenue and Myrtle Avenue, Brooklyn.

COMMUNITY BOARD #4BK

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and Commissioner Miele.....3
Negative:0
Absent: Vice-Chair Babbar1

ACTION OF THE BOARD - Laid over to December 9, 2003, at 10 A.M., for decision, hearing closed.

extension of time which expired October 16, 2003.

PREMISES AFFECTED - 242-02 61st Avenue, southwest corner of 245th Place, Block 8286, Lot 185, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and Commissioner Miele.....3
Negative:0
Absent: Vice-Chair Babbar1

ACTION OF THE BOARD - Laid over to November 18, 2003, at 10 A.M., for decision, hearing closed.

515-89-BZ

APPLICANT - Sheldon Lobel, P.C., for 50 East 78th Street, L.P., owner.

SUBJECT - Application August 23, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time which expired October 16, 1998.

PREMISES AFFECTED - 50 East 78th Street, 78th Street

MINUTES

between Madison and Park Avenues, Block 1392, Lot 47,
Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and
Commissioner Miele.....3
Negative:0
Absent: Vice-Chair Babbar1

ACTION OF THE BOARD - Laid over to November 18,
2003, at 10 A.M., for decision, hearing closed.

235-01-BZ

APPLICANT - Rothkrug & Rothkrug for Mermaid Commons,
LLC, owner; Coney Island Memorial Chapel, Inc., lessee.

SUBJECT - Application July 10, 2001 - reopening for a rehearing
for reconsideration.

PREMISES AFFECTED - 2009 Mermaid Avenue, a/k/a 2879
West 21st Street, a/k/a 2882 West 20th Street, northwest corner of
West 20th Street and Mermaid Avenue, Block 7018, Lot 42
(Tentatively), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Adam Rothkrug, William Ortega, Giovanni Carlo
and Chu Seto..

For Opposition: Adele Cohen, Ivana Wong and Yun Zhi Lio.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and

212-03-A

APPLICANT - Tai Lawal Calibre Building Services, Inc., for
Nabat Development Corp., owner.

SUBJECT - Application June 20, 2003 - Proposed single family
dwelling, located partially within the bed of a mapped street, is
contrary to Section 35, Article 3 of the General Law.

PREMISES AFFECTED - 129-32 Hook Creek Boulevard, east
side, between 129th Road and 130th Avenue, Block 12891, Lot 2,
Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Michael Kaye.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Caliendo and
Commissioner Miele.....3
Negative:0
Absent: Vice-Chair Babbar1

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough
Commissioner, dated June 20, 2003 acting on NB. Application
No. 401623711, reads in pertinent part:

" 1. Comply with Section 35 G.C.L. partly in the bed of a
mapped street

Respectfully request waiver of above objection

Commissioner Miele.....3
Negative:0
Absent: Vice-Chair Babbar1

ACTION OF THE BOARD - Laid over to November 18,
2003, at 10 A.M., for decision, hearing closed.

2-02-BZ

APPLICANT - Sheldon Lobel, P.C., for City of New York c/o
NYC Economic Development Corp., owner; Bronx Preparatory
Charter School, lessee.

SUBJECT - Application September 15, 2003 - reopening for an
amendment to the resolution.

PREMISES AFFECTED - 3872 Third Avenue, a/k/a 532 East
172nd Street, southeast corner of Third Avenue and East 172nd
Street, Block 2929, Lot 8, Borough of The Bronx.

COMMUNITY BOARD #3BX

APPEARANCES -

For Applicant: Irving Minkin.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and
Commissioner Miele.....3
Negative:0
Absent: Vice-Chair Babbar1

ACTION OF THE BOARD - Laid over to November 25,
2003, at 10 A.M., for decision, hearing closed.

Respectfully request approval of application."

WHEREAS, by letter dated June 27, 2003, the Fire
Department has reviewed the above project and has no objections;
and

WHEREAS, by letter dated September 2, 2003, the
Department of Environmental Protection has indicated that they have
no objections to the above project; and

WHEREAS, by letter dated October 7, 2003, the Department
of Transportation has reviewed the above project and has
requested that as a condition of the approval, the portion of both
Lots 2 & 4 extending into the bed of Hook Creek Boulevard remain
unbuilt 40-feet west of the existing curb cut line of Hook Creek
Boulevard to accommodate the reconstruction of the existing
30-foot roadway and 10 feet for the necessary sidewalks; and

WHEREAS, by letter dated October 22, 2003 the applicant
has agreed to DOT's request and revised their site plans; 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 June 20, 2003, acting on NB. Application
No. 401623711, is modified under the power vested in the Board
by Section 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 October 28, 2003"-(1) sheet; and

MINUTES

that the proposal comply with all applicable R2 zoning district requirements and all other applicable laws, rules, and regulations; and on further condition

THAT the portion of Lot 2 & 4 shall remain unbuilt 40-feet west of the existing curb cut line of Hook Creek Boulevard to accommodate the reconstruction of the existing 30-foot roadway and 10 feet for the necessary sidewalks;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals on October 28, 2003.

213-03-A

WHEREAS, by letter dated September 2, 2003, the Department of Environmental Protection has indicated they have no objections to the above project; and

WHEREAS, by letter dated October 7, 2003, the Department of Transportation has reviewed the above project and has requested that as a condition of the approval, the portion of both Lots 2 & 4 extending into the bed of Hook Creek Boulevard remain unbuilt 40-feet west of the existing curb cut line of Hook Creek Boulevard to accommodate the reconstruction of the existing 30-foot roadway and 10 feet for the necessary sidewalks; 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 June 20, 2003, acting on NB. Application No. 401623711, is modified under the power vested in the Board by Section 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 October 28, 2003"-(1) sheet; and that the proposal comply with all applicable R2 zoning district requirements and all other applicable laws, rules, and regulations; and on further condition

THAT the portion of Lot 2 & 4 shall remain unbuilt 40-feet west of the existing curb cut line of Hook Creek Boulevard to accommodate the reconstruction of the existing 30-foot roadway and 10 feet for the necessary sidewalks;

THAT the premises shall be maintained free of debris and graffiti;

APPLICANT - Tai Lawal Calibre Building Services, Inc., for Nabat Development Corp., owner.

SUBJECT - Application June 20, 2003 - Proposed single family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General Law.

PREMISES AFFECTED - 129-36 Hook Creek Boulevard, east side, between 129th Road and 130th Avenue, Block 12891, Lot 4, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Michael Kaye.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Caliendo and

Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated June 20, 2003 acting on NB. Application No. 401623169, reads in pertinent part:

" 1. Comply with Section 35 G.C.L. partly in the bed of a mapped street

Respectfully request waiver of above objection

Respectfully request approval of application."

WHEREAS, by letter dated June 27, 2003, the Fire Department has reviewed the above project and has no objections; and

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals on October 28, 2003.

247-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Bruce Hannaway, lessee.

SUBJECT - Application July 30, 2003 - Proposed alteration and enlargement of an existing single family residence, not fronting on a legally mapped street, is a contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 18 Gotham Walk, west side, 226.99' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

MINUTES

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Caliendo and
Commissioner Miele.....3
Negative:0
Absent: Vice-Chair Babbar1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated July 28, 2003, acting on ALT 1. Application No. 401684879, reads in pertinent part:

"A1- The street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York, Therefore:

- A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law
- B) Existing dwelling to be altered does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York."; and

WHEREAS, by letter dated August 15, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Adopted by the Board of Standards and Appeals on October 28, 2003

292-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Karen Carey & George Zandalasini, lessees.
SUBJECT - Application September 5, 2003 - Proposed alteration and enlargement, to single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 919 Bayside Walk, 716.86' north of Beach 209th Street, Block 16350, Lot 300, Borough of Queens.
COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and
Commissioner Miele.....3
Negative:0
Absent: Vice-Chair Babbar1

ACTION OF THE BOARD - Laid over to November 18, 2003, at 10 A.M., for decision, hearing closed.

293-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Lorraine & William Baker, lessees.
SUBJECT - Application September 5, 2003 - Proposed alteration and enlargement, to single family dwelling, not fronting on a legally

Resolved, that the decision of the Queens Borough Commissioner, dated July 28, 2003, acting on ALT 1. Application No. 401684879 is modified under the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received July 30, 2003"- (1) sheet; and that the proposal comply with all applicable R4 zoning district requirements and all other applicable laws, rules, and regulations; and on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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.

mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 928 Bayside Walk, 457.43' north of Beach 209th Street, Block 16350, Lot 300, Borough of Queens.
COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and
Commissioner Miele.....3
Negative:0
Absent: Vice-Chair Babbar1

ACTION OF THE BOARD - Laid over to November 18, 2003, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 10:55 A.M.

REGULAR MEETING
TUESDAY AFTERNOON, OCTOBER 28, 2003
2:00 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

281-02-BZ

MINUTES

APPLICANT - Harold Weinberg, P.E., for Jacob Farhi, owner.
SUBJECT - Application October 18, 2002- under Z.R. §73-622 to permit the legalization of an enlargement at the rear of an existing one family residence, Use Group 1, located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio, also side and rear yards, and is contrary to Z.R. §23-141, §54-31, §23-47 and §23-461.

PREMISES AFFECTED - 18 Exeter Street, east side, 126'-4½" south of Oriental Boulevard, north of Hampton Avenue, Block 8730, Lot 53, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Caliendo and

Commissioner Miele.....3

Negative:0

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the legalization of an enlargement at the rear of an existing one-family residence, Use Group 1, located in an R3-1 zoning district which does not comply with the zoning requirements for floor area ratio, side and rear yards contrary to Z.R. §§23-141, 54-31, 23-47, and 23-461; and

WHEREAS, the perimeter wall height will comply with all applicable zoning regulations; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the legalization of an enlargement at the rear of an existing one-family residence, Use Group 1, located in an R3-1 zoning district which does not comply with the zoning requirements for floor area ratio, side and rear yards contrary to Z.R. §§ 23-141, 54-31, 23-47, and 23-461, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received May 9, 2003"-(12) sheets and "September 30, 2003"-(1) sheet; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of

Absent: Vice-Chair Babbar1

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated October 15, 2002, acting on Application No. ALT 301420996 reads:

"BOARD OF STANDARDS AND APPEALS DENIAL

1. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO FLOOR AREA RATIO AND IS CONTRARY TO SECTIONS 23-141& 54-31;

2. CREATES A NEW NON-COMPLIANCE WITH RESPECT TO REAR YARD AND IS CONTRARY TO SECTION 23-47 ZR;

3. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO SIDE YARD AND IS CONTRARY TO SECTIONS 23-461 AND 54-31"; and

WHEREAS, a public hearing was held on this application on August 5, 2003 and then laid over to September 16, 2003, October 7, 2003 and then to October 28, 2003 for decision; and occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, October 28, 2003.

315-02-BZ

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for 225-227 West 60th Street, LLC, owner.

SUBJECT - Application October 25, 2002- under Z.R. §72-21 to permit the proposed construction of a mixed-use building, containing college facilities and apartments, Use Groups 2 and 3, located in an R8 zoning district, which does not comply with the zoning requirements for floor area ratio, number of dwelling units, setback, rear setback, sky exposure plane and lot coverage, is contrary to Z.R. §23-142, §24-11, §24-20, §24-16, §24-33 and §24-522.

PREMISES AFFECTED - 223/27 West 60th Street, north side, between Amsterdam and West End Avenues, Block 1152, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Howard Weiss.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and

Commissioner Miele.....3

MINUTES

Negative:0
 Absent: Vice-Chair Babbar1
THE VOTE TO CLOSE HEARING -
 Affirmative: Chairman Chin, Commissioner Caliendo and
 Commissioner Miele.....3
 Negative:0
 Absent: Vice-Chair Babbar1
THE VOTE TO GRANT -
 Affirmative: Chairman Chin, Commissioner Caliendo and
 Commissioner Miele.....3
 Negative:0
 Absent: Vice-Chair Babbar1
THE RESOLUTION-

WHEREAS, a public hearing was held on this application on May 20, 2003, after due publication in The City Record, laid over to June 24, 2003, July 22, 2003, August 12, 2003, September 16, 2003, October 7, 2003 and then to October 28, 2003 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, Commissioner Joel Miele and Commissioner Peter Caliendo; and

WHEREAS, this is an application to permit, in an R8 zoning district, the proposed construction of a 18-story building with community facility space in the cellar, basement, ground floor, second and third floors, and residential apartments on floors four through eighteen, which creates non-compliance with respect to the provisions of Zoning Resolution §§23-142, 24-11, 24-16, 24-20, 24-522 and 24-552; and

WHEREAS, the project site is located at 225-227 West 60th Street, between Amsterdam and West End Avenues, in an R8 (Residential) zoning district; and

WHEREAS, the project site consists of three adjacent lots that form a single zoning lot (hereinafter referred to collectively as the "Subject Lot" or the "Zoning Lot") with the total frontage along West 60th Street measuring 125 feet and with a depth of 100.416 feet, yielding a total lot area of 12,552 square feet; and

WHEREAS, the Subject Lot is improved with two buildings which were combined for use as a single building (the "Building"); one of the buildings, which consists of three stories, was constructed in the late 1800's and the second building, a four-story structure, was erected in 1952; and

WHEREAS, the applicant represents that until February 2002, the Building was occupied by EMSIG Manufacturing Corporation, which operated a button factory with accessory offices and storage, however, the manufacturing use is not permitted in the R8 district as a matter of right, and it is presumed that such occupancy constituted a legal non-conforming use of the Building under the provisions of Article V of the Zoning Resolution; and

WHEREAS, the record indicates that the Subject Lot is flanked by Public School I91 and a school playground to the east; two public parking lots to the north; a parking lot and repair garage for taxis to the west; and directly across the street, a 33-story apartment tower, and to its south, a two-story building operated by the Department of Parks and Recreation with an adjacent outdoor pool; and

WHEREAS, the decision of the Borough Commissioner, dated October 22, 2002, acting on Application No.103273208, reads in pertinent part:

- "Sect 23-142 Increase residential FAR 6.02 to 8.62 reduce open space from 8,085 to 5,817 sq. ft.
- Sect 24-11 Increase community facility and total FAR from 6.50 to 10.89 increase from 65% to 70.12%
- Sect 24-20, 24-16 I[n]crease dwelling units from 71 to 101
- Sect 24-522 Reduce setback from 20 ft. to 14 ft. waive sky exposure plane
- Sect 24-552 Waive rear setback of 20 feet above 125 ft."; and

WHEREAS, the applicant proposes to erect a mixed-use building consisting of community facility space in the cellar, basement, first, second and third floors, and residential apartments on the upper floors; and

WHEREAS, separate entrances and lobbies will be provided for the community facility and residential uses; and

WHEREAS, the applicant represents that while the existing building may have served the needs of the prior owner in the operation of its button manufacturing business, the Building is not viable in its present form for another factory use because the Building, as a non-conforming factory, is functionally obsolete, with conditions such as undersized loading docks and a maze-like floor plan, and cannot be reasonably adapted for the continuation of a non-conforming manufacturing use or conforming residential use; and

WHEREAS, the applicant has provided evidence of topographical conditions, such as a combination of above ground contaminants including asbestos containing materials, above ground storage tanks, hazardous waste, lead-based paint, pollution control residues, as well as below ground contaminants such as fuel oil substances which are specific to the old manufacturing building, all of which are peculiar to and inherent in the Zoning Lot; and that create practical difficulties and unnecessary hardship in developing the site with a conforming use; and

WHEREAS, the record also indicates the existence of subsurface broken, fractured, and seamy rock which will require channel drilling around the perimeter of the subject site and to minimize the amount of rock overbreak extending beyond the property limits, an extensive network of steel rock bolts will be needed on all four sides of the excavation to secure potentially unstable rock blocks or rock wedges; also steel straps and strongbacks will be needed to "knit" together extremely fractured zones, and pockets of highly weathered rock may be encountered in the sidewalls of the excavation and below the rock surface, which will require removal and replacement with concrete; and

WHEREAS, the applicant has also provided documentation which indicates that there is bedrock unusually close to the surface of the site as well as an extreme downward slope of the Subject Lot from east to west along West 60th Street varying 9 feet over a 125 foot frontage, or about 7%; and

WHEREAS, the applicant represents that that these conditions combine to make the development of a new building significantly more costly; and

WHEREAS, the existing obsolete, non-conforming

MINUTES

manufacturing building combined with topographical subsurface conditions such as soil contamination, a bedrock condition, the existence of broken, fractured, and seamy rock and an unusually steep grade on a zoning lot, constitute unique physical conditions inherent in the Subject Lot creating practical difficulties or unnecessary hardship so as to satisfy the finding required by

WHEREAS, the financial report analyzed a conforming residential/community facility development as well as a conforming residential/medical office development, and found that in both cases the as-of-right use of the property would result in a capital loss and provide no return on investment; and

WHEREAS, the Board finds that evidence in the record, including the financial analysis, demonstrate that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, the applicant contends that the proposed building would not alter the essential character of the neighborhood or district in which the Zoning Lot is located, would not impair the appropriate use and development of adjacent property, would not be detrimental to the public welfare, and would, in fact, provide a benefit to the neighborhood as a whole; and

WHEREAS, the applicant represents the proposed uses of the building are permitted as-of-right in the R8 District and consistent with the development of the surrounding area; and

WHEREAS, the applicant states that, in addition, the proposed building is in keeping with the scale of nearby buildings, including the two residential towers which are 33-stories and 35-stories high, which are located across the street from the subject zoning lot on West 60th Street, as well as other residential buildings of similar height, on nearby blocks; and

WHEREAS, in response to community based concerns and at the request of the Board, the applicant has reduced the size and scale of the project-the proposed FAR has been reduced from 10.89 to 10.0, the total floor area has been reduced from 136,732 square feet to 125,520 square feet, the number of dwelling units has been reduced from 101 to 95, the extent of the sky exposure plane encroachment has been reduced by the elimination of the 19th floor, the rear yard obstruction noncompliance has been eliminated, and the height of the building has been reduced from 207.50 feet to 195.33 feet; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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.

§72-21 (a) of the Zoning Resolution; and

WHEREAS, a detailed financial analysis has been provided to the Board demonstrating that because of such physical conditions there is no reasonable possibility that the development of the Zoning Lot in strict conformity with the provisions of the Zoning Resolution will bring a reasonable return; and

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an R8 zoning district, the proposed construction of a 18-story building with community facility space in the cellar, basement, ground floor, second and third floors, and residential apartments on floors four through eighteen, which creates non-compliance with respect to the provisions of Zoning Resolution §§23-142, 24-11, 24-16, 24-20, 24- 522 and 24-552, 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 1, 2003"-(12) sheets and "October 24, 2003"-(3) sheets; and on further condition:

THAT the premises shall comply with all applicable fire safety measures;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located in the premises shall be removed within 48 hours;

THAT substantial construction shall be completed in accordance with Z.R. '72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 28, 2003.

105-03-BZ thru 107-03-BZ

APPLICANT - Joseph P. Morsellino, for Joseph Parisano, owner.
SUBJECT - Application April 4, 2003 - under Z.R. §72-21 to permit the proposed erection and maintenance of a three family dwelling, Use Group 2, located in an R4 zoning district, which does not qualify for development under the Predominantly Built Up Regulations, regarding shape of lot and size of block, is contrary to Z.R. §23-141(c).

PREMISES AFFECTED -

45-78 161st Street, north of 46th Avenue, Block 5439, Lot 88, Borough of Queens.

MINUTES

45-78A 161st Street, north of 46th Avenue, Block 5439, Lot 89,
Borough of Queens.

45-80 161st Street, north of 46th Avenue, Block 5439, Lot 90,
Borough of Queens

COMMUNITY BOARD #7Q

APPEARANCES -

Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Applications granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Caliendo and

Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 13, 2003, acting on NB Application No. 401560146, reads:

"1. PROPOSED DEVELOPMENT DOES NOT COMPLY WITH SECTION 23-141B OF THE ZONING RESOLUTION. MAXIMUM PERMITTED FLOOR AREA AND FAR FOR AN R4 ZONING DISTRICT ARE EXCEEDED.

2. THE MAXIMUM PERMITTED NUMBER OF DWELLING UNITS IS EXCEEDED. PROPOSED NUMBER OF DWELLING UNITS DOES NOT COMPLY WITH SECTION 23-22, FACTOR FOR DETERMINING MAXIMUM NUMBER OF DWELLING UNITS FOR AN R4.

REFER TO BOARD OF STANDARDS AND APPEALS."; and

WHEREAS, a public hearing was held on this application on October 7, 2003 after due notice by publication in The City Record, and then laid over to October 28, 2003 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., and Commissioner Peter Caliendo and Commissioner Joel Miele P.E.; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R4 zoning district, the erection of a three-story, three-family dwelling (Use Group 2), which does not qualify for development under the regulations applicable to predominantly built up areas, regarding shape of lot and size of block, contrary to Z.R. §23-141(c); and

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, under Z.R. §72-21, to permit, in an R4 zoning district, the erection of a three-story, three-family dwelling (Use Group 2), which does not qualify for development under the predominantly built up area regulations, regarding shape of lot and size of block contrary to Z.R. §23-141(c); on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 4, 2003"- (4) sheets and

WHEREAS, the subject zoning lot is an irregularly shaped parcel located in a predominantly built up area, where more than half of the dwellings are three family dwellings; and

WHEREAS, however, the record indicates that the subject site is not eligible for development under the predominantly built up area regulations because the block is 4.13 acres, which is .13 of an acre over the 4 acres permitted under the definition of predominantly built up area as set forth at Z.R. § 12-10; and

WHEREAS, the site is also directly across the street from a non-conforming commercial development, which the applicant represents impacts on residential development; and

WHEREAS, moreover, the rear of the site is irregularly shaped and precludes the development of complying R4 dwellings; and

WHEREAS, the aforementioned unique physical conditions, namely the site's irregular shape, its location across from a non-conforming commercial use and its location adjacent to and near three-family dwellings makes its occupancy for a complying R4 development impractical and creates practical difficulties in developing the site in conformity with current zoning; and

WHEREAS, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict compliance with zoning will provide a reasonable return; and

WHEREAS, upon site inspection, the Board has noted that the applicant's proposal is contextually compatible with the surrounding homes and neighborhood; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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.

"July 2, 2003"- (4) sheets, and on further condition:

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located in the premises shall be removed within 48 hours;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only

MINUTES

for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 28, 2003.

144-03-BZ

APPLICANT - H. Irving Sigman, for Ching Kuo Chiang, owner.
SUBJECT - Application May 8, 2003 - under Z.R. § 72-21 to permit the proposed development of a two story building on vacant land, for stores, Use Group 6, on the first floor with accessory storage in the cellar, two dwelling units, Use Group 2, on the second floor, and open accessory parking, located in an R3-2 zoning district, is contrary to Z.R. §§22-00 and 23-00.

PREMISES AFFECTED - 188-16 Northern Boulevard, southwest corner of 189th Street, Block 5510, Lot 38, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: H. Irving Sigman and James Rodgers.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Caliendo and

Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 27, 2003, acting on Application No. 401604019 reads:

"1.The use of the premises for stores (Use Group 6) on the first floor with accessory storage in the cellar and open accessory parking and two dwelling units (Use Group 2) in an R3-2 zoning district is contrary to Sections #22-00 and #23-00 of the Zoning Resolution.

2. The proposed FAR, lot coverage and open space are contrary to Sec. 23-141 ZR.

WHEREAS, the current proposal is to develop the lot with a two-story and cellar building, containing four retail stores, Use Group 6, on the first floor, and two dwelling units on the second floor; and

WHEREAS, the cellar will be used for accessory storage for the stores, and the open area at grade will provide accessory parking for 16 cars; and

WHEREAS, the history of development of the lot and the previous Board approval demonstrate that the lot has a unique condition giving rise to an unnecessary hardship in developing it with a conforming use; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

WHEREAS, the record indicates that Northern Boulevard is developed predominantly with commercial uses; and

3. The proposed number of dwelling units is contrary to Sec. 23-22 ZR and Sec. 23-24 ZR.

4. The proposed front yards are contrary to Sec. 23-45 ZR.

5. The proposed height of the front and west side perimeter walls and required setbacks are contrary to Sec. 23-631(b)."; and

WHEREAS, a public hearing was held on this application on October 7, 2003 after due notice by publication in The City Record, and laid over to October 28, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, to permit, in an R3-2 zoning district, the construction of a two-story building with accessory storage in the cellar level, retail stores (Use Group 6) on the first floor, two residential units (Use Group 2) on the second floor and open accessory parking, which is contrary to Z.R. §§22-00, 23-00, 23-141, 23-22, 23-24, 23-45 and 23-631; and

WHEREAS, the subject site is located on an irregularly shaped lot measuring 80 by 104.52 feet, situated on the southwest corner of the intersection of Northern Boulevard and 189th Street; and

WHEREAS, on August 18, 1949, Certificate of Occupancy No. 57526 was issued to the premises for the sale and display of used cars, which became a non-conforming use in 1961 when the property was rezoned to R3-2; and

WHEREAS, on May 24, 1977 under Calendar No. 14-77-A, the Board revoked this certificate of occupancy upon application by the Department of Buildings finding that the site contained a non-conforming use of "land with minor improvements" that was required to be discontinued within three years of the enactment of the 1961 Zoning Resolution; and

WHEREAS, on August 1, 1995, under Calendar No. 195-94-BZ, the Board granted a variance on the subject zoning lot to permit the construction of a one-story retail commercial building (Use Group 6) without a cellar and with an accessory parking lot for eight cars; and

WHEREAS, the applicant represents that the building proposed under Calendar No. 195-94-BZ was never developed as the owner at the time was unable to obtain tenants; and

WHEREAS, the Board notes the proposed dwelling units are an as-of-right use; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant

MINUTES

areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R3-2 zoning district, the construction of a two-story building with accessory storage in the cellar level, retail stores (Use Group 6) on the first floor, two residential units (Use Group 2) on the second floor and open accessory parking, which is contrary to Z.R. §§ 22-00, 23-00, 23-141, 23-22, 23-24, 23-45 and 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 July 10, 2003"- (10) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT buffering at the side of the subject property abutting the two story, one family dwelling on the adjacent lot, in the form of Evergreen or similar trees, shall be provided and maintained in accordance with BSA approved plans;

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

"THE PROPOSED RESIDENTIAL USE (USE GROUP 2) @ 2ND, 3RD, 4TH, 5TH PENTHOUSE FLOORS AND NEW ENLARGEMENT OF HOUSE PENTHOUSE IS CONTRARY TO SEC 42-00 (ZR) IN THAT RESIDENTIAL (USE GROUP 2) IS NOT PERMITTED AS OF RIGHT IN AN M1-6 ZONING DISTRICT."; and

WHEREAS, a public hearing was held on this application on September 30, 2003 after due notice by publication in The City Record, and laid over to October 28, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-6 zoning district, the proposed conversion of the remaining two units on the second and third floors, as well as the addition of two floors and a penthouse for residential use, in an existing small three-story and basement loft building, which is contrary to Z.R. §42-00; and

WHEREAS, the subject site has a frontage of 43 feet along the north side of West 28th Street between 6th and 7th Avenues

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, October 28, 2003.

148-03-BZ

APPLICANT - Francis R. Angelino, Esq., for North West Real Estate, LLC, owner.

SUBJECT - Application May 12, 2003- under Z.R. §72-21 to permit the proposed conversion of the remaining two units on the second and third floors, and the addition of two floor and a penthouse for residential use, in an existing small basement and three-story loft building, located in an M1-6 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 111/13 West 28th Street, between Sixth and Seventh Avenues, 164'-4" west of Sixth Avenue, Block 804, Lots 1101-1105 (formerly 28 and 29), Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: David Sinclair.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Caliendo and

Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 24, 2003, acting on Application No. 103390910 reads:

and is improved with a basement and three-story loft building; and

WHEREAS, the record indicates that the site was originally developed with two residential buildings, which were later combined into one building and converted to commercial use, and residential use was later re-established on the upper floors, with the residential units being designated as Interim Multiple Dwellings ("IMD") by the New York City Loft Board; and

WHEREAS, the applicant represents that the history of development of the site has resulted in a wood and masonry building with a non-fireproof structure that is burdened with light floor loads, a lack of elevator service, small floor sizes, low ceiling heights, small stairways, and a lack of loading areas; and

WHEREAS, the applicant represents that the current building is functionally obsolete and that the development of a conforming use on site would yield unnecessary hardship;

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

MINUTES

WHEREAS, the evidence in the record shows that many of the buildings neighboring the subject site have been converted to residential use, including multiple dwellings directly to the south and the north, and IMD buildings directly to the east, and that many buildings on the subject block are mixed use; and

WHEREAS, the applicant represents that the amount of proposed residential units, and the retention of conforming commercial uses on the first floor and in the basement, lead to only minimal impact on the neighborhood; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 28, 2003.

178-03-BZ

APPLICANT - Eric Palatnik, P.C., for King Carmichael, owner; BP Products North America, lessee.

SUBJECT - Application May 23, 2003 - under Z.R. §73-211 to permit the continued use of the premises as an automotive service station, Use Group 16, also a modification to the existing signage, located in a C2-2 within an R3-2 zoning district, which is contrary to Z.R. §32-35.

PREMISES AFFECTED - 114-02 Van Wyck Expressway, southwest corner of Linden Boulevard, Block 11661, Lot 7, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited to permit, in an M1-6 zoning district, the proposed conversion of the remaining two units on the second and third floors, as well as the addition of two floors and a penthouse for residential use, in an existing small three story and basement loft building, which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 12, 2003-(15) sheets; and on further condition;

THAT all livable rooms fronting West 28th Street shall be provided with mechanical ventilation in addition to natural light and air provided by windows;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

Affirmative: Chairman Chin, Commissioner Caliendo and

Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar1

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and

Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar1

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Caliendo and

Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 19, 2003 acting on Application No. 401638885 reads:

“Proposed continuance of Gas Station use in C2-2 in R3-2 Zone is not in conformance with ZR Section 32-35 and therefore requires a Special Permit by BSA pursuant to ZR Section 73-211. In addition, application to seek changes to existing signage. Application must be referred to the Board of Standards and Appeals”; and

WHEREAS, a public hearing was held on this application on August 12, 2003 after due notice by publication in The City Record, and laid over to October 7, 2003 and then to October 28, 2003 for decision; and

MINUTES

WHEREAS, Community Board No. 10 in Queens recommended approval of the application; 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 Peter Caliendo and Commissioner Joel Miele P.E.; and

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211 and 73-03, on a site previously the subject of applications before the Board, to permit in a C2-2/R5 zoning District, the legalization of an automotive service station use, as well as approval of modifications to existing signage; and

WHEREAS, on or around May 7, 1948, under Calendar Number 512-48-BZ, as amended and/or extended at various times, the Board approved a variance of the use district regulations applicable at the time to allow a gasoline service station on the subject lot; and

WHEREAS, on or around October 14, 1987, under Calendar Number 844-87-BZ, the Board granted a special permit for construction of, and the use of the subject lot as, a self-service gasoline station, for a term of ten (10) years; and

WHEREAS, the grant under Calendar Number 844-87-BZ included a Conditional Negative Declaration (the "1989 CND"), which contained various requirements to be satisfied, all related to

WHEREAS, the applicant further represents that there will be no lubrication, repair or washing of cars at the subject premises; and

WHEREAS, the applicant also proposes to install 66.25 square feet of illuminated signage; and

WHEREAS, the Board finds that the proposed signage modifications comply fully with Z.R. §73-211(5)(i), which allows a total surface area of 150 square feet of illuminated signage; and

WHEREAS, the Board finds that the existing screening at the subject premises complies with Z.R. §73-211(4); and

WHEREAS, the Board finds that the site is so designed as to provide reservoir space for five waiting automobiles within the zoning lot in addition to spaces available at the pumps; and

WHEREAS, the Board finds that the proposed use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-211 and 73-03.

Resolved that the Board of Standards and Appeals issues a Negative Declaration stipulated on the conditions noted below under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §§73-211 and 73-03, on a site previously before the Board, to permit in a C2-2/R3-2 zoning District, the legalization of an automotive service station use, as well as approval of modifications to existing signage, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked

the use of the premises as a gasoline service station; and

WHEREAS, the special permit granted under Calendar Number 844-87-BZ expired on December 5, 1999; and

WHEREAS, the applicant represents that the subject premises has been continuously utilized as a gasoline service station since December 5, 1999; and

WHEREAS, the record indicates that the instant application meets the requirements of Z.R. §73-211(a) because the subject lot's area is 8,917 square feet, and therefore complies with the requirement that the site contain a minimum lot area of 7,500 square feet; and

WHEREAS, Z.R. §73-211(b) limits the proposed use to 15,000 square feet for sites not located on an arterial highway or major street; and

WHEREAS, the subject site is located on Bussing Avenue and East 233rd Street, which the Board finds is a major intersection; and

WHEREAS, therefore, the Board finds that Z.R. §73-211(b) is not applicable to the subject application; and

WHEREAS, the Board has also determined that the entrances and exits are planned so that at maximum operation, vehicular traffic into or from the premises will cause a minimum obstruction on the streets or sidewalks; and

"Received September 26, 2003"- (5) sheets ; and on further condition;

THAT within six months from the date of this grant, the applicant shall:

- (1) Obtain NYC Department of Environmental Protection ("DEP") sign-off that the DEP-related requirements contained in the 1989 CND have been satisfied or that no further action is necessary, and submit proof of same to the Board;
- (2) Submit a revised letter and revised EAS to the BSA stating that there are five 4,000 gallon petroleum underground storage tanks (USTs) on the subject site;
- (3) Submit an affidavit filed with New York City Fire Department regarding the removal of the twelve 550 gallon USTs;
- (4) Provide a New York State Department of Environmental Conservation ("DEC") PBS Facility Information Report that reflects the removal of the twelve 550 gallon USTs. The current DEC Form reflects the closure of six 550 gallon USTs;
- (5) Conduct a second search with ("DEC") confirming if there were or were not, any petroleum spills on the subject site;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT landscaping be provided and maintained in accordance with BSA approved plans;

THAT there shall be no used car sales on the premises;

THAT there shall be no parking of cars on the sidewalk at any time;

THAT the term of this special permit shall be limited to six (6) months from the date of this grant, expiring April 28, 2004, at which time a new application must be submitted;

THAT the above conditions shall appear on the Certificate of

MINUTES

Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

Adopted by the Board of Standards and Appeals, October 28, 2003.

207-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Charles Herzka, owner.
THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner dated June 16, 2003, acting on Application No. 301537460 reads:

1. Proposed floor area ratio exceeds allowable under ZR 23-141.
2. Proposed open space ratio exceeds allowable under ZR 23-141.
3. Proposed side yard less than required under ZR 23-461.
4. Proposed rear yard less than required under ZR 23-47"; and

WHEREAS, a public hearing was held on this application on October 7, 2003 and then laid over to October 28, 2003 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, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §§73-03 and 73-622 to permit the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, side yards, and rear yards, contrary to Z.R. §§23-141, 23-461 and 23-47; and

WHEREAS, the applicant represents that the overall design of the proposed house will remain similar to neighborhood conditions; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the enlargement into the side yard does not result in a decrease in the existing minimum width of open area between the building and the side lot line; and

WHEREAS, the enlargement of the building into the rear yard is not located within 20 feet of the rear lot line; and

WHEREAS, the perimeter wall height will comply with all

SUBJECT - Application June 19, 2003 - under Z.R. §73-622 to permit the proposed enlargement of a single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, and side and rear yards, is contrary to §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 2316 Avenue "J", south side, between East 23rd and East 24th Streets, Block 7605, Lot 47, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.
THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Caliendo and

Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar1

applicable zoning regulations; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-622 and 73-03 to permit the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, side yards, and rear yards, contrary to Z.R. §§23-141, 23-461 and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received June 19, 2003"-(5) sheets and October 14, 2003"-(1) sheet; and on further condition;

THAT there shall be no habitable room, or maid's room, in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located in the premises shall be removed within 48 hours;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT no waiver of administrative code requirements is granted in connection with cellar plumbing fixtures;

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.

MINUTES

Adopted by the Board of Standards and Appeals, October 28, 2003.

360-02-BZ

APPLICANT - Law offices of Howard Goldman, PLLC, for S & Y Enterprises, LLC, owner.

SUBJECT - Application December 13, 2002 - under Z.R. §72-21 to permit the proposed conversion and enlargement of an existing warehouse, into a residential building with 83 units and 41 parking spaces, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 130 North Fourth Street, between

70-03-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Flatlands 84th Realty Corp., owner.

SUBJECT - Application February 13, 2003 - under Z.R. §72-21 to permit the reestablishment of an expired variance, previously granted under Cal. No. 29-68-BZ, which permitted a one story contractor's establishment, in an R-5 zoning district, also the legalization of a one story enlargement to the establishment, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 761 East 84th Street, east side, 89'-0" north of Flatlands Avenue, Block 8005, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Carl A. Sulfaro

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and

Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar1

ACTION OF THE BOARD - Laid over to November 25, 2003, at 1:30 P.M., for decision, hearing closed.

77-03-BZ & 78-03-BZ

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., for Better Luxury Homes, Inc., owner.

SUBJECT - Application March 3, 2003 - under Z.R. §72-21 to permit the proposed construction of a one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirement for minimum rear yard, and is contrary to Z.R. §23-47.

PREMISES AFFECTED -

260-32 Grand Central Parkway, east side, 9' south of 267th Street, Block 8443, Lot 123, Borough of Queens.

260-34 Grand Central Parkway, east side, 9' south of 267th Street, Block 8443, Lot 120, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

Berry Street and Bedford Avenue, Block 2351, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Chris Wright.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and

Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar1

ACTION OF THE BOARD - Laid over to November 18, 2003, at 1:30 P.M., for decision, hearing closed.

For Applicant: Gerald J. Caliendo.

For Opposition: Judith Brambrut, Richard Hellenbrecht, Andrea Marshak and Carla Sickel.

ACTION OF THE BOARD - Laid over to November 25, 2003, at 1:30 P.M., for continued hearing.

85-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for 926 Bedford LLC, owner; Department of General Services, lessee.

SUBJECT - Application March 13, 2003 - under Z.R. 72-21 to permit the proposed combining of three tax lots into a single zoning and tax lot, and also the proposed construction of a two-story building, that will be used for the manufacturing (primary assembly) of materials handling equipment, located in an R6 zoning district, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 922/26 Bedford Avenue, a/k/a 371 Willoughby Avenue, northwest corner, Block 1914, Lots 43, 44 and 46 (Tentative Lot 43), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Adam W. Rothkrug and Tom McKnight.

ACTION OF THE BOARD - Laid over to December 9, 2003, at 1:30 P.M., for continued hearing.

96-03-BZ

APPLICANT - Agusta & Ross, for Brucha Building Corp., owner.

SUBJECT - Application March 27, 2003 - under Z.R. §72-21 to permit the proposed erection of a five story, ten unit multiple dwelling, Use Group 2, upon a vacant shallow corner zoning lot, located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 86 Franklin Avenue, a/k/a 450/52 Park Avenue, southwest corner, Block 1898, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

MINUTES

For Applicant: Mitchell Ross.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and
Commissioner Miele.....3
Negative:0
Absent: Vice-Chair Babbar1

ACTION OF THE BOARD - Laid over to November 25, 2003, at 1:30 P.M., for decision, hearing closed

PREMISES AFFECTED -

1685 60th Street, northwest corner of 17th Avenue,
Block 5510, Lot 150, Borough of Brooklyn.
1687 60th Street, northwest corner of 17th Avenue,
Block 5510, Lot 149, Borough of Brooklyn.
1689 60th Street, northwest corner of 17th Avenue,
Block 5510, Lot 148, Borough of Brooklyn.
1691 60th Street, northwest corner of 17th Avenue,
Block 5510, Lot 147, Borough of Brooklyn.
1693 60th Street, northwest corner of 17th Avenue,
Block 5510, Lot 47, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Peter Geis and Howard Hornstein.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and
Commissioner Miele.....3
Negative:0
Absent: Vice-Chair Babbar1

ACTION OF THE BOARD - Laid over to November 25, 2003, at 1:30 P.M., for decision, hearing closed

120-03-BZ

APPLICANT - Mothiur Rahman, for Earth Properties & Construction Corp., owner.

SUBJECT - Application April 16, 2003- under Z.R. §72-21 to permit the legalization of an existing public parking lot, Use Group 8, located in an R-5 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 1810 Loring Place, northeast corner of West Tremont Avenue, Block 2879, Lot 51, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Mothiur Rahman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and
Commissioner Miele.....3
Negative:0
Absent: Vice-Chair Babbar1

ACTION OF THE BOARD - Laid over to November 25, 2003, at 1:30 P.M., for decision, hearing closed

111-03-BZ thru 115-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 909 East 5th Street, LLC, owner.

SUBJECT - Application April 7, 2003 - under Z.R. §72-21 to permit the proposed three story, three family residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, wall and building height, front yard and the parking requirements, is contrary to Z.R. §23-141, §23-631, §23-45 and §25-23.

131-03-BZ & 132-03-A

APPLICANT - The Agusta Group, for Dr. S.K. Bhat & Dr. Unnila Bhat, owner.

SUBJECT - Application April 18, 2003 - under Z.R. §72-11, 72-21 & 73-125 to permit the proposed conversion of the first floor and cellar of an existing one family dwelling, to medical offices, and also to add a two-story enlargement, to create space necessary for larger examination rooms, creates non-compliance with respect to side yard, floor area ratio, front yard, floor area and cellar space, which is contrary to §24-35, §24-34, §22-14 and §24-161; and proposed conversion of the first floor and cellar of an existing one family dwelling, of frame construction Class IIC, to medical offices (occupancy group E), is not permitted inside the Fire District as per Table 4-1, Section 27-302 of the NYC Building Code.

PREMISES AFFECTED - 80-03 192nd Street, southeast corner of Union Turnpike, Block 7269, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Philip P. Agusta.

For Opposition: Bob Harris.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and
Commissioner Miele.....3
Negative:0
Absent: Vice-Chair Babbar1

ACTION OF THE BOARD - Laid over to December 23, 2003, at 1:30 P.M., for decision, hearing closed.

138-03-BZ

APPLICANT - Agusta & Ross, for C & M Service Center, owner.

SUBJECT - Application June 19, 2003 - under Z.R. §§11-412 & 11-413 to permit the proposed modification and enlargement of a former gasoline service station, to reflect, the elimination of the gasoline sales and to permit a compensating enlargement to facilitate an accessory store, larger repair bays and auto sales, is contrary to Z.R. §32-10.

PREMISES AFFECTED - 79-59/77 Cooper Avenue, north side, at the corner of 69th Road, Block 3801, Lot 35, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Mitchell Ross.

THE VOTE TO CLOSE HEARING -

MINUTES

Affirmative: Chairman Chin, Commissioner Caliendo and
Commissioner Miele.....3
Negative:0
Absent: Vice-Chair Babbar1

ACTION OF THE BOARD - Laid over to November 25, 2003, at 1:30 P.M., for decision, hearing closed.

SUBJECT - Application May 1, 2003 - under Z.R. §§11-412 & 11-413

to permit the proposed auto repair shop, Use Group 16, located in a C2-2 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 140-20 Farmers Boulevard, northwest corner of 142nd Avenue, Block 12592, Lot 315, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Phaniel Soba.

ACTION OF THE BOARD - Laid over to November 25, 2003, at 1:30 P.M., for continued hearing.

150-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Bolshy Gulliver, Inc., owner.

SUBJECT - Application May 15, 2003 - under Z.R. §72-21 to permit the proposed construction of three additional floors above a one story and basement building, to form a mixed-use building, to contain as of right uses on the first floor and basement level, and a nine residential units on the remaining three floors, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 136 Metropolitan Avenue, between Wythe Avenue and Berry Street, Block 2364, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to November 18, 2003, at 1:30 P.M., for continued hearing.

219-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Homes for the Homeless Summer Camp, Inc., owner.

SUBJECT - Application June 25, 2003 - under Z.R. §72-21 to permit the legalization of an existing philanthropic institution with sleeping accommodations, Use Group 3, in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 175-15 Rockaway Boulevard, north side, between 175th Street and 149th Road, Block 13381, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

For Opposition: Senator Ada L. Smith, Assemblyman Michele Titus, Irving Poy on behalf of Queens Borough President, Justice Daniel W. Joy, Richard Hellenbrecht, Michael DuNalle, James

142-03-BZ

APPLICANT - George Sirinakis/Phaniel Soba, for Ishamael Miller, owner.

Gulston, J. Clifford Gacksten and D. Sanders, Jr.

For Administration: Patti Hagan

ACTION OF THE BOARD - Laid over to December 16, 2003, at 1:30 P.M., for continued hearing.

220-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Homes for the Homeless Summer Camp, Inc., owner.

SUBJECT - Application June 25, 2003 - under Z.R. §72-21 to permit the legalization of an existing philanthropic institution with sleeping accommodations, Use Group 3, in an M1-1 zoning district, and the addition of a new building that does not comply with the rear yard requirement, is contrary to Z.R. §42-00 and §43-23 and §43-27.

PREMISES AFFECTED - 175-21 149th Avenue, a/k/a 175-48 148th Road, 140' east of 175th Street, Block 13380, Lots 11 and 63 (Tentative Lot 11), Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

ACTION OF THE BOARD - Laid over to December 16, 2003, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 4:15 P.M.

CORRECTIONS

*CORRECTION

These resolution adopted on February 25, 2003, under Calendar Nos. 149-02-BZ and 150-02-BZ and printed in Volume 88, Bulletin Nos. 9-10, is hereby corrected to read as follows:

149-02-BZ

CEQR #02-BSA-197R

APPLICANT - Land Planning & Engineering Consultants, P.C., by Vito J. Fossella, P.E., for My Florist Inc., owner; Sisters, LLC, lessee.

SUBJECT - Application May 8, 2002 - under Z.R. §72-21 to permit in an R3-2 zoning district, the construction of two one-story buildings one housing a 7,326 square foot eating and drinking establishment, and the other housing a 3,831 square foot bank contrary to Z.R. §22-10.

PREMISES AFFECTED - 1821 Richmond Avenue, southeast corner of Eton Place, Block 2030, Lot 68, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated May 3, 2002 acting on Application No. 500509782 reads:

“1. THE PROPOSED APPLICATION TO CHANGE EXISTING USE “RESELLING PRODUCTS NOT PRODUCED ON SAME LOT” APPROVED BY BSA UNDER CALENDAR # 269-71-BZ TO EATING AND DRINKING ESTABLISHMENT USE GROUP 6 IN R3-2 DISTRICT IS NOT PERMITTED AS-OF-RIGHT AND THEREFORE IS REFERRED TO THE BOARD OF STANDARDS AND APPEALS FOR VARIANCE.”; and

WHEREAS, a public hearing was held on this application on January 14, 2003 after due notice by publication in the *City Record*, and laid over to February 25, 2003 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 Peter Caliendo and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, to permit, in an R3-2 zoning district, the construction of two one-story buildings

one housing a 7,326 square foot eating and drinking establishment, and the other housing a 3,831 square foot bank contrary to Z.R. §22-10; and

WHEREAS, on January 11, 1972 under Calendar Number 269-71-BZ the Board permitted, on a plot with greenhouses, the sale of agricultural products grown off-site as amended through May 4, 1982, to include open accessory off street parking

WHEREAS, the subject site is an oversized irregularly shaped lot containing 84,153 square feet currently developed with approximately 20,000 square feet of greenhouse space, with approximately 8,000 square feet used for retail; and

WHEREAS, the record indicates that the greenhouse was developed at the turn of the 20th Century and has been family owned since its inception; and

WHEREAS, the applicant represents that in an attempt to remain competitive, the nursery has been amended and altered without economic success, because the trend is to convert nurseries to florists, landscape facilities, or specialized furniture facilities; and

WHEREAS, the evidence indicates that Richmond Avenue has transformed from a main thoroughfare to a commercial arterial roadway, developed on both sides with as-of-right or legal non-conforming professional offices, retail establishments or community facility uses; and

WHEREAS, the subject site is located on a Street without sanitary sewers adjacent to a mapped parkland and a commercial lot pursuant to 118-01-BZ; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, an irregularly shaped oversized corner lot, the site’s history with a Board approved non-conforming uses, and evidence indicating that the commercial greenhouse is now obsolete, presents an undue hardship in developing the site with a conforming development; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the cellar with a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that replacing approximately 20,000 square feet of greenhouse space with one 7,800 square foot building and one 3,800 square foot building separated by a parking lot would not upset the character of the surrounding neighborhood; and

WHEREAS, the Board notes that the area surrounding the subject application, is characterized by commercial and eating and drinking establishments; and

WHEREAS, therefore, the Board finds that the introduction of an eating and drinking establishment and a bank use at the subject premises 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, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

CORRECTIONS

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 the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, on a site previously before the Board, to permit, in an R3-2 zoning district, the construction of two one-story buildings one housing a 7,326 square foot eating and drinking establishment, and the other housing a 3,831 square foot bank contrary to Z.R. §22-10, 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 23, 2002"-(2) sheets and "January 28, 2003"-(1) sheet; and on further condition;

THAT the term of the variances shall be limited to ten (10) years from the date of this grant expiring February 25, 2003;

THAT all signage on the premises shall comply with C1 and C2 regulations and shall not exceed a total of 150 square feet;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, February 25, 2003.

****The resolutions has been corrected to add to the conditions: "THAT all signage on the premises shall comply with C1 and C2 regulations and shall not exceed a total of 150 square feet;". Corrected in Bulletin No. 45, Vol. 88, dated November 6, 2003.**

150-02-BZ

CEQR #02-BSA-197R

APPLICANT - Land Planning & Engineering Consultants, P.C., by Vito J. Fossella, P.E., for My Florist Inc., owner; Sisters, LLC, lessee.

SUBJECT - Application May 8, 2002 - under Z.R. §72-21 to permit in an R3-2 zoning district, the construction of two one-story buildings one housing a 7,326 square foot eating and drinking establishment, and the other housing a 3,831 square foot bank contrary to Z.R. §22-10.

PREMISES AFFECTED - 1837 Richmond Avenue, southeast corner of Eton Place, Block 2030, Lot 68, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated May 3, 2002 acting on Application No. 500509782 reads:

"1. THE PROPOSED APPLICATION TO CHANGE EXISTING USE "RESELLING PRODUCTS NOT PRODUCED ON SAME LOT" APPROVED BY BSA UNDER CALENDAR # 269-71-BZ TO EATING AND DRINKING ESTABLISHMENT USE GROUP 6 IN R3-2 DISTRICT IS NOT PERMITTED AS-OF-RIGHT AND THEREFORE IS REFERRED TO THE BOARD OF STANDARDS AND APPEALS FOR VARIANCE."; and

WHEREAS, a public hearing was held on this application on January 14, 2003 after due notice by publication in the *City Record*, and laid over to February 25, 2003 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 Peter Caliendo and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21,

CORRECTIONS

zoning district, the construction of two one-story buildings one housing a 7,326 square foot eating and drinking

WHEREAS, on January 11, 1972 under Calendar Number 269-71-BZ the Board permitted, on a plot with greenhouses, the sale of agricultural products grown off-site as amended through May 4, 1982, to include open accessory off street parking; and

WHEREAS, the subject site is an oversized irregularly shaped lot containing 84,153 square feet currently developed with approximately 20,000 square feet of greenhouse space, with approximately 8,000 square feet used for retail; and

WHEREAS, the record indicates that the greenhouse was developed at the turn of the 20th Century and has been family owned since its inception; and

WHEREAS, the applicant represents that in an attempt to remain competitive, the nursery has been amended and altered without economic success, because the trend is to convert nurseries to florists, landscape facilities, or specialized furniture facilities; and

WHEREAS, the evidence indicates that Richmond Avenue has transformed from a main thoroughfare to a commercial arterial roadway, developed on both sides with as-of-right or legal non-conforming professional offices, retail establishments or community facility uses; and

WHEREAS, the subject site is located on a Street without sanitary sewers adjacent to a mapped parkland and a commercial lot pursuant to 118-01-BZ; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, an irregularly shaped oversized corner lot, the site's history with a Board approved non-conforming uses, and evidence indicating that the commercial greenhouse is now obsolete, presents an undue hardship in developing the site with a conforming development; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the cellar with a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that replacing approximately 20,000 square feet of greenhouse space with one 7,800 square foot building and one 3,800 square foot building separated by a parking lot would not upset the character of the surrounding neighborhood; and

WHEREAS, the Board notes that the area surrounding the subject application, is characterized by commercial and eating and drinking establishments; and

WHEREAS, therefore, the Board finds that the introduction of an eating and drinking establishment and a bank use at the subject premises 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

bank contrary to Z.R. §22-10; and

the owner or a predecessor in title; and

WHEREAS, the Board finds that 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 the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, on a site previously before the Board, to permit, in an R3-2 zoning district, the construction of two one-story buildings one housing a 7,326 square foot eating and drinking establishment, and the other housing a 3,831 square foot bank contrary to Z.R. §22-10, *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 23, 2002"-(2) sheets and "January 28, 2003"-(1) sheet; and on further condition;

THAT the term of the variances shall be limited to ten (10) years from the date of this grant expiring February 25, 2003;

THAT all signage on the premises shall comply with C1 and C2 regulations and shall not exceed a total of 150 square feet;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure

compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, February 25, 2003.

****The resolutions has been corrected to add to the conditions: “*THAT all signage on the premises shall comply with C1 and C2 regulations and shall not exceed a total of 150 square feet;*”. Corrected in Bulletin No. 45, Vol. 88, dated November 6, 2003.**

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, No. 46

November 14, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

John E. Reisinger, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

CONTENTS

| | |
|--------------------------------------|---------|
| DOCKET | 793-794 |
| CALENDAR of December 16, 2003 | |
| Morning | 795 |
| Afternoon | 796 |

CONTENTS

**MINUTES of Regular Meetings,
Wednesday, November 5, 2003**

Morning Calendar797

Affecting Calendar Numbers:

| | |
|---------------------------|--|
| 779-57-BZ | 137-21 Jamaica Avenue, Queens |
| 202-62-BZ | 950 Allerton Avenue, Bronx |
| 1152-64-BZ | 2385 Richmond Avenue, Staten Island |
| 39-66-BZ | 43-70 Kissena Boulevard, Queens |
| 546-82-BZ | 148-15 89 th Avenue, Queens |
| 245-90-BZ | 1054 43 rd Street, Brooklyn |
| 259-03-A | 4 Newport Walk, Queens..... |
| 287-02-A thru 289-02-A | 3/5/7 Reynolds Court, Staten Island |
| 99-01-A, Vol. II | 37-18 74 th Street, Queens |

CONTENTS

Afternoon Calendar.....800

Affecting Calendar Numbers:

258-02-BZ 7/13 Ash Street, a/k/a 1164/66 Manhattan Avenue, Brooklyn
326-02-BZ 2238 Church Avenue, Brooklyn
44-03-BZ 97-20 99th Street, Queens
206-03-BZ 980 Madison Avenue, Manhattan
237-03-BZ 3077 Bedford Avenue, Brooklyn
233-01-BZ 537 West 19th Street, Manhattan
161-02-BZ 2433 Knapp Street, Brooklyn
185-02-BZ 93/101 North Ninth Street, Brooklyn
350-02-BZ 6389 Amboy Road, Staten Island
83-03-BZ 2100 Hermany Avenue, Bronx
92-03-BZ 472 West 130th Street, Manhattan
222-03-BZ 30-04 73rd Street, Queens
243-03-BZ 2420 Amsterdam Avenue, Manhattan
245-03-BZ 160-11 Willets Point Boulevard, Queens
250-03-BZ 1861 East 21st Street, Brooklyn
257-03-BZ 3575 Boston Road, Bronx
269-03-BZ 333 Pearl Street, Manhattan

MINUTES of Special Hearing,

Wednesday Morning, November 12, 2003.....809

Affecting Calendar Numbers:

69-03-BZ 32-40 Bond Street, Manhattan

DOCKETS

New Case Filed Up to November 5, 2003

329-03-BZ B.BK. 142 Coffey Street, between Conover and Van Brunt Streets, Block 586, Lots 37 and 38 (Tentative Lot 37), Borough of Brooklyn. Alt. Type 1 #3011533473. Proposed off-site residential accessory parking, for the proposed development at 135 Coffey Street, is contrary to Z.R. §25-52.

COMMUNITY BOARD #6BK

330-03-A B.BK. 79 Wolcott Street, between Van Brunt and Richard Streets, Block 576, Tentative Lot 12, Borough of Brooklyn. N.B. #301499974. Proposed area of openings in the rear wall, and distance from a window to a rear lot line, for a proposed four story residential building, is contrary to Article 15, Table 3-4 of the NYC Building Code, and Article 3, Title 1, Sections 26 and 30 of the Multiple Dwelling Law.

331-03-A B.Q. 37-44 103rd Street, west side, 410.75' south of 37th Avenue, Block 1768, Lot 32, Borough of Queens. Applic. #401574603. The legalization of an existing mercantile occupancy, within a frame class IID construction building, located within the fire district, is not permitted as per §27-296 and Table 4-1 of the NYC Building Code.

332-03-BZ B.Q. 34-38 38th Street, through block between 37th and 38th Streets, 115' north of 35th Avenue, Block 645, Lot 10, Borough of Queens. Alt. #401390936. Proposed addition to an existing sports complex, which does not comply with the zoning requirements for rear yard equivalent, number of required loading berths, and minimum vertical clearance, is contrary to Z.R. §43-28(b), §44-52 and §44-581.

COMMUNITY BOARD #1Q

333-03-BZ B.BK. 371 Stockholm Street, between Wyckoff and St. Nicholas Avenues, Block 3249, Lot 35, Borough of Brooklyn. Applic. #301571243. The reestablishment of a variance previously granted by the Board under Cal. No. 18-77-BZ, which permitted a 40 car parking lot in an R6 zoning district.

COMMUNITY BOARD #4BK

334-03-A B.Q. 40 Graham Place, Block 16350, Lot 400, Borough of Queens. Alt.1 #401696241. Proposed second story enlargement, to an existing one family dwelling, located within the bed of a mapped street, not fronting on a legally mapped street, and has an upgraded private disposal system in the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law, and Department of Buildings' Policy.

335-03-A B.Q. 47 Tioga Walk, east side, 110.96' south of Sixth Avenue, Block 16350, Lot 400, Borough of Queens. Alt.1 #401717406. Proposed enlargement, to an existing one family dwelling, located within the bed of a mapped street, not fronting on a legally mapped street, and has an upgraded private disposal system in the bed of a private service road, is contrary to Sections 35 and 36, Article 3 of the General City Law, and Department of Buildings' Policy.

336-03-A B.Q. 112 Beach 216th Street, Block 16350, Lot 400, Borough of Queens. Alt.1 #401699961. Proposed enlargement, to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

337-03-BZ B.M. 342 Madison Avenue, (a/k/a 16 East 44th Street), west blockfront, between East 43rd and 44th Streets, Block 1278, Lots 8, 14, 15, 17, 62, 63 and 65, Borough of Manhattan. Applic. #103434230. Proposed enlargement of an existing 21-story office, retail and church building with irregular E-shaped floor plates, will require variances to modify the Special Street Wall requirement of the Grand Central subdistrict, and permit the transfer of floor area across a zoning district boundary, which is not permitted as per Z.R. §81-621, §77-02, §33-17 and §81-211.

COMMUNITY BOARD #5M

DOCKETS

338-03-BZ B.BK. 726 Avenue "Z",
south side, 203.56' east of Ocean Parkway, Block 7238,
Lot 32, Borough of Brooklyn. Alt 1. #301266500. The
legalization of commercial offices and a dental laboratory
on the second floor of a two story building, located in an R5
zoning district, is contrary to Z.R. §22-11.

COMMUNITY BOARD #13BK

**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

DECEMBER 16, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, December 16, 2003, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

772-67-BZ

APPLICANT - Carl A. Sulfaro, Esq., for 1234 Forest Avenue Realty Corp., owner.

SUBJECT - Application September 9, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction which expired January 24, 2003.

PREMISES AFFECTED - 1234 Forest Avenue, southeast corner of Jewett Avenue, Block 354, Lot 32, Borough of Staten Island.

COMMUNITY BOARD #1SI

739-76-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Cord Myer Development Corp., owner; Peter Pan Games of Bayside, owner.

SUBJECT - Application September 26, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired April 10, 2003.

PREMISES AFFECTED - 212-95 26th Avenue, 26th Avenue and Bell Boulevard, Block 5900, Lot 2, Borough of Queens.

COMMUNITY BOARD #7Q

109-97-BZ

APPLICANT - The Agusta Group, for Max Blauner for Blauers, LLC, owner.

SUBJECT - Application October 24, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1201-1239 Lafayette Avenue, northwest corner of Barretto Street, and northeast corner of Tiffany Street, Block 2739, Lot 15, Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEALS CALENDAR

203-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Marcello Porcelli, owner; BP Amoco, PLC, lessee.

SUBJECT - Application July 1, 2002 - under Z.R. §72-21 to permit the proposed construction of a new automotive service

315-03-A thru 322-03-A

APPLICANT - Joseph P. Morsellino, Esq., for John Contrubis, et al, owner; Stellar Development, LLC, lessee.

SUBJECT - Application October 16, 2003 - Proposed erection of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

102-03 Dunton Court, east of 102nd Street, Block 14240, Lot 1237, Borough of Queens.

102-05 Dunton Court, east of 102nd Street, Block 14240, Lot 1235, Borough of Queens.

102-13 Dunton Court, east of 102nd Street, Block 14240, Lot 1233, Borough of Queens.

102-15 Dunton Court, east of 102nd Street, Block 14240, Lot 1231, Borough of Queens.

102-21 Dunton Court, east of 102nd Street, Block 14240, Lot 1229, Borough of Queens.

102-23 Dunton Court, east of 102nd Street, Block 14240, Lot 1227, Borough of Queens.

102-31 Dunton Court, east of 102nd Street, Block 14240, Lot 1225, Borough of Queens.

102-33 Dunton Court, east of 102nd Street, Block 14240, Lot 1223, Borough of Queens.

COMMUNITY BOARD #10Q

DECEMBER 16, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, December 16, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

164-02-BZ

APPLICANT - Stuart A. Klein, Esq, for Marian Begley, owner.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21 to permit 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).

PREMISES AFFECTED - 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.

COMMUNITY BOARD #10BX

station with an accessory convenience store, Use Group 16, that is located in a C1-2 within an R5 zoning district, is contrary to §32-31.

PREMISES AFFECTED - 110-18 Northern Boulevard, between 110th and 111th Streets, Block 1725, Lots 1, 3, 4, 7, 8, 11, 12

CALENDAR

and 13, (Tentative Lot 1), Borough of Queens.

COMMUNITY BOARD #3Q

82-03-BZ

APPLICANT - Sullivan Chester & Gardner LLP, for Diamond Street Properties, Inc., owners.

SUBJECT - Application March 5, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing two story building, to four stories, and the change of use from manufacturing/warehouse facility, to mixed use (residential and commercial), located in an M3-1 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED - 51 North 8th Street, a/k/a 91 Kent Avenue, northeast corner, Block 2309, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

264-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Samuel Halon and Chaya Halon, owner.

SUBJECT - Application August 21, 2003 - under Z.R. §73-622 to permit the proposed enlargement of a single family residence, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and side yard, is contrary to Z.R. §23-141 and §23-461.

PREMISES AFFECTED - 2713 Avenue "N", 66' west of East 28th Street, Block 7663, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #14BK

286-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Classic Closeouts, LLC, owner.

SUBJECT - Application August 28, 2003 - under Z.R. §72-21 to permit the proposed renovation of the existing building, to facilitate a retail store with accessory storage, as well as offices with accessory storage, Use Group 6, located in C1-2 and R5 zoning districts, is contrary to Z.R. §22-00.

PREMISES AFFECTED - 148 Beach 116th Street, 200' north of the Ocean Promenade, Block 16188, Lot 30, Borough of Queens.

COMMUNITY BOARD #14Q

301-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Leonard Wassner and Isabell Wassner, owners.

SUBJECT - Application September 22, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R2 zoning district, which

REGULAR MEETING

WEDNESDAY MORNING, NOVEMBER 5, 2003

10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on

does not comply with the zoning requirements for floor area, open space ratio, rear and side yards, and is contrary to Z.R. §23-141, §23-46 and §23-47.

PREMISES AFFECTED - 1103 East 22nd Street, between Avenues "J" and "K", Block 7604, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #14BK

Pasquale Pacifico, Executive Director

Tuesday morning and afternoon, September 9, 2003, were approved as printed in the Bulletin of September 18, 2003, Volume 88, No. 34-37.

SPECIAL ORDER CALENDAR

MINUTES

779-57-BZ

APPLICANT - Eric Palatnik, P.C., for Tira Holding Corporation, owner; BP Products North America, lessee.

SUBJECT - Application May 23, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 11, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 137-21 Jamaica Avenue, northeast corner of Jamaica Avenue and Van Wyck Expressway, Block 9618, Lot 30, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended and term of Special Permit extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Miele and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on September 16, 2003, after due notice by publication in *The City Record*, and laid over to October 21, 2003, and then to November 5, 2003 for decision; and

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on March 11, 2003, and an amendment to the resolution; and

WHEREAS, the applicant seeks approval for the addition of a small enlargement to the existing structure at the northwest corner of the premises, modifications to the interior of the existing structure, and proposed modifications to existing signage; and

WHEREAS, since October 30, 1957, the Board has exercised jurisdiction over the premises under the subject calendar number, with further actions occurring since that date, the most recent being a reopening and amendment on the SOC calendar, granted on September 23, 1994; and

WHEREAS, the record indicates that the premises has been continuously occupied as an automotive service station since 1957; and

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, pursuant to Zoning Resolution §§ 11-411 and 11-412, extends the term of the Variance which expired on March 11, 2003, so that as amended this **202-62-BZ**

APPLICANT - Sheldon Lobel, P.C., for Motiva Enterprises, LLC, owners.

SUBJECT - Application April 1, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired April 3, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 950 Allerton Avenue, triangular lot bound by Allerton Avenue, Williamsbridge Road and Paulding

portion of the resolution shall read:

“to permit the extension of the term of the variance for an additional ten (10) years from March 11, 2003 expiring on March 11, 2013, and to approve the addition of a small enlargement to the existing structure at the northwest corner of the premises, modifications to the interior of the existing structure, and proposed modifications to existing signage, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received October 10, 2003”- (5) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT landscaping shall be provided and maintained in accordance with BSA approved plans;

THAT the hours of operation shall be: gas sales - 6 am to 11 pm, Monday through Sunday, auto repairs – 8 am to 6 pm, Monday through Friday, and 8 am to 3 pm on Saturday;

THAT lighting shall be positioned down and away from any adjacent residential uses;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.” (DOB Application #400987606)

Adopted by the Board of Standards and Appeals, November 5, 2003.

Avenue, Block 4447, Lot 62, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: Elisa Hwn.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended and term of Variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,

MINUTES

Commissioner Miele and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on June 24, 2003, after due notice by publication in *The City Record*, and laid over to August 12, 2003, September 9, 2003, September 30, 2003, October 21, 2003, and then to November 5, 2003 for decision; and

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on April 3, 2001, and an amendment to the resolution; and

WHEREAS, the applicant seeks the legalization of the conversion of the repair bay area to a retail convenience store, accessory to the existing gasoline service station; and WHEREAS, the amendment will provide five (5) parking space and will alter the existing signage; and

WHEREAS, since April 3, 1956, the Board has exercised jurisdiction over the premises under different calendar numbers on the Zoning, Appeals and Special Order Calendars; and

WHEREAS, the record indicates that the premises has been continuously occupied as a gasoline service station and related uses since 1955; and

WHEREAS, on October 23, 1962, under the instant Calendar Number, the Board granted an application to permit the erection of an enlargement to the accessory building to the existing gas station at the subject site; and

WHEREAS, uses at the subject premises have been amended through December 4, 1991.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, pursuant to Zoning Resolution §§72-01 and 72-22, extends the term of the Variance which expired on April 3, 2001, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the Variance for an additional ten (10) years from April 3, 2001, expiring on April 3, 2011, and to legalize the conversion of the repair bay to a convenience store accessory to the existing gasoline service station, and the alteration of existing signage, 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 4, 2003”- (7) sheets; and on further condition;

39-66-BZ

APPLICANT - Sheldon Lobel, P.C., for Jonathan Woodner Company, owner.

SUBJECT - Application August 4, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired April 30, 2003.

PREMISES AFFECTED - 43-70 Kissena Boulevard, south side of Kissena Boulevard, 304.22' west of Elder Avenue, Block 5137, Lot 102, Borough of Queens.

COMMUNITY BOARD #7Q

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT landscaping shall be provided and maintained in accordance with BSA approved plans;

THAT lighting shall be positioned down and away from residential uses;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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.” (DOB Application #200742287)

Adopted by the Board of Standards and Appeals, November 5, 2003.

1152-64-BZ

APPLICANT - Eric Palatnik, P.C., for Ford Leasing Development Company, owner.

SUBJECT - Application August 27, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 2385 Richmond Avenue, between Nome Avenue and Richmond Hill Road, Block 2402, Lot 200, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to November 25, 2003, at 10 A.M., for decision, hearing closed.

APPEARANCES -

For Applicant: Elisa Hwn.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to November 25, 2003, at 10 A.M., for decision, hearing closed.

546-82-BZ

MINUTES

APPLICANT - Pasquale Carpentiere, for Pasquale Carpentiere, owner; Ganesh Budhu, lessee.

SUBJECT - Application July 2, 2003 - reopening for an extension of term of variance which expired June 14, 2003.

PREMISES AFFECTED - 148-15 89th Avenue, west side 110' east of 148th Street, Block 9693, Lot 60, Jamaica, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Pasquale Carpentiere.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to November 25, 2003, at 10 A.M., for decision, hearing closed.

245-90-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Margarita Herskovich and Lyubov Herskovich, owners.

SUBJECT - Application June 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 29, 2001.

PREMISES AFFECTED - 1054 43rd Street, south side of 43rd Street, Block 5602, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to December 9, 2003, at 10 A.M., for continued hearing.

259-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Raymond McCleary, lessee.

SUBJECT - Application August 13, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located partially in the bed of a private service road is contrary to Section 36, Article 3 of the General City Law and The Department of Buildings' policy.

Resolved, that the decision of the Queens Borough Commissioner, dated July 28, 2003, acting on ALT 1. Application No. 401623310 is modified under the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received August 13, 2003"- (1) sheet; and that the proposal comply with all applicable R4 zoning district requirements and all other applicable laws, rules, and regulations; and *on further condition*

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by

PREMISES AFFECTED - 4 Newport Walk, west side, 368.86' south of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES - None.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated July 31, 2003, acting on ALT 1. Application No. 401623310 reads in pertinent part:

"For Board of Standards & Appeals Only

A1- The site and building is not fronting on an official mapped street therefore no permit or Certificate can be issued as per Article 3, Section 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 (C26-401.1) of the Administrative Code of the City of New York.

A-2 The upgraded private disposal system is partially in the bed of a private service road contrary to Department of Buildings policy."; and

WHEREAS, by letter dated September 12, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated September 10, 2003, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated September 8, 2003, the Department of Environmental Protection has reviewed the above project and has no objections;

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the private disposal system comply in all respects with DOB policy;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals on November 5, 2003.

MINUTES

287-02-A thru 289-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Ocean Park Estates, owner.

SUBJECT - Application October 23, 2002 - Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

3 Reynolds Court, north side, 363.9' east of Reynolds Street, Block 2981, Lot 93, Borough of Staten Island.

5 Reynolds Court, north side, 363.1' east of Reynolds Street, Block 2981, Lot 95, Borough of Staten Island.

7 Reynolds Court, north side, 300' east of Reynolds Street, Block 2981, Lot 97, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to December 16, 2003, at 10 A.M., for continued hearing.

99-01-A, Vol. II

APPLICANT - The Agusta Group, for Nicolo Balducci, Executor for Serafina Balducci, owner.

SUBJECT - Application August 7, 2003 - To restore to calendar-proposed to legalize the conversion of a two story and cellar frame two (2) family dwelling to stores (U.G. 6).

PREMISES AFFECTED - 37-18 74th Street, west of 74th Street, 161.107' south of 37th Avenue, Block 1284, Lot 47, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Philip P. Agusta.

For Opposition: Janine A. Gaslard.

ACTION OF THE BOARD - Laid over to December 16, 2003, at 10 A.M., for continued hearing.

326-02-BZ

CEQR #03-BSA-073K

APPLICANT - Gary H. Silver, Architect, P.C., for 230 Church Avenue Realty, LLC, owner; JF Fitness Inc., DBA Church Avenue Fitness, lessee.

SUBJECT - Application November 1, 2002 - under Z.R. §73-36 to permit in a C4-2 zoning district, the legalization of an existing physical culture establishment, encompassing approximately 13,309 square feet, at the cellar level of a one-story commercial building, contrary to Z.R. §32-31.

PREMISES AFFECTED - 2238 Church Avenue, 213.8' east of the corner formed by the intersection of Flatbush and Church Avenues, Block 5103, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Gary H. Silver.

ACTION OF THE BOARD - Application granted on

Pasquale Pacifico, Executive Director.

Adjourned: 10:35 A.M.

REGULAR MEETING WEDNESDAY AFTERNOON, NOVEMBER 5, 2003 2:00 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

258-02-BZ

CEQR #03-BSA-042K

APPLICANT - Jesse Masyr, Esq., Wachtel & Masyr, LLP, for Inex Fulton, owner.

SUBJECT - Application September 24, 2002 - under Z.R. §72-21 to permit the proposed conversion of a one and four story manufacturing building to residential use, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 7/13 Ash Street, a/k/a 1164/66 Manhattan Avenue, northeast corner, Block 2477, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Kerry Johnson.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele
.....4

Negative:.....0

Adopted by the Board of Standards and Appeals, November 5, 2003.

condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele
.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated April 23, 2003 acting on ALT I. Application No. 300130551 reads:

“Zoning objection for proposed use on cellar level.

Physical Culture or Health Establishments, including gymnasiums (not permitted under the Use Group 9) are Not as of Right, and require BSA approval as per Zoning Regulation section 32-31.”; and

WHEREAS, a public hearing was held on this

MINUTES

application on September 16, 2003, after due notice by publication in *The City Record* and held over to October 21, 2003 and then to November 5, 2003 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 Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §§73-36 and 73-03 to permit, in a C4-2 zoning district, the legalization of an existing physical culture establishment ("PCE"), encompassing approximately 13,309 square feet, at the cellar level of a one-story commercial building, contrary to Z.R. §32-31; and

WHEREAS, the subject use is a state-of-the art fitness center offering cardio vascular equipment and facilities for weight training; and

WHEREAS, the hours of operation for the subject use will be limited to 6:00 a.m. to 11:00 p.m., Monday to Friday, and 8:00 a.m. to 8:00 p.m. Saturday and Sunday; and

WHEREAS, the applicant represents that the subject PCE does not and will not offer massages; and

WHEREAS, the subject building is located on the south side of Church Avenue east of the corner it forms with Flatbush Avenue, and west of Bedford Avenue; and

WHEREAS, the record indicates that the block's character is characterized by numerous low-rise retail and office commercial buildings; and

WHEREAS, the subject use is located within an existing commercially zoned building which has been commercially occupied since 1932; and

WHEREAS, the Board finds that the proposed use will not alter the essential character of the surrounding neighborhood, nor will it impair the future use and development of the surrounding area; and

WHEREAS, the applicant asserts that the proposed PCE will have no adverse impact on the privacy, light, quiet, and air of the surrounding area, as the facility is located at the basement level of a one-story commercial building; and

WHEREAS, the proposed project will not interfere with

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 all signage shall comply with the underlying signage regulations;

THAT the hours of operation shall be limited the hours of operation for the subject use will be limited to 6:00 a.m. to 11:00 p.m., Monday to Friday, and 8:00 a.m. to 8:00 p.m. Saturday and Sunday;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to the specifically cited and filed Department of Buildings objection only;

the existing street system or any pending public improvement project; 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 73-03; 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 and 73-03 to permit, in a C4-2 zoning district, the legalization of an existing physical culture establishment, encompassing approximately 13,309 square feet, at the cellar level of a one-story commercial building, contrary to Z.R. §32-31, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received October 27, 2003"- (2) sheets; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years, from November 5, 2003 to expire on November 5, 2013;

THAT if massages are offered they will be performed by New York State licensed massage therapists;

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, November 5, 2003.

44-03-BZ

CEQR #03-BSA-133Q

APPLICANT - Sheldon Lobel, P.C., for Josephine Valletta, owner; Nissan Lift of New York, lessee.

SUBJECT - Application February 7, 2003 - under Z.R. §72-21 to permit the proposed vertical and horizontal enlargement of

MINUTES

an existing non-conforming one-story commercial use, Use Group 16, within an R5 zoning district, which is contrary to Z.R. §54-30.

PREMISES AFFECTED - 97-20 99th Street, 100' south of 97th Avenue, between 97th and 101st Avenues, Block 9075, Lot 32, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 8, 2003, acting on Application No. 401592193 reads:

“Respectfully request objection to above referenced premises in that:

The proposed enlargement horizontally and vertically to the existing non conforming use group 16 in an R5 district is contrary to ZR54-30.”; and

WHEREAS, a public hearing was held on this application on July 15, 2003 after due notice by publication in *The City Record*, and laid over to August 12, 2003, September 30, 2003, and October 21, 2003 and then to November 5, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman

WHEREAS, the applicant has submitted an affidavit attesting that no auto dismantling is occurring or will occur on the subject premises; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no

Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed vertical and horizontal enlargement of an existing non-conforming one-story commercial use, Use Group 16, within an R5 zoning district, which is contrary to Z.R. §54-30; and

WHEREAS, the subject zoning lot extends 100 feet along the westerly side of 99th Street and 100 feet south of 97th Avenue, and is currently improved with a one-story commercial structure; and

WHEREAS, the applicant represents that the subject zoning lot is irregularly and asymmetrically shaped with a depth of 123 feet for only 28 feet of the width of the property; and

WHEREAS, the applicant asserts that the existing building is under-built, occupying only 40 percent of the zoning lot, resulting in the inefficient use of the lot; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary undue hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

WHEREAS, the applicant states that the area is a mixed-use area, containing residential, manufacturing and commercial uses; and

WHEREAS, the record shows that there are a number of other pre-existing industrial uses on the subject block; and

foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed vertical and horizontal enlargement of an existing non-conforming one-story commercial use, Use Group 16, within an R5 zoning district, which is contrary to Z.R. §54-30, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received September 2, 2003”- (6) sheets; and *on further condition*;

THAT no auto dismantling or other UG 17 or 18 uses shall occur on the premises;

THAT the applicant shall comply with all applicable fire safety measures;

MINUTES

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 5, 2003.

206-03-BZ

CEQR #03-BSA-210M

APPLICANT - The Law Office of Fredrick A. Becker, for 974 Madison Avenue Company, LP, owner; Exhale Mindbody Spa, lessee.

SUBJECT - Application June 18, 2003 - under Z.R. §73-36 to permit in a C1-5 (MP) zoning district, the legalization of an existing physical culture establishment, located on the second floor of a five story commercial building contrary to

WHEREAS, this is an application under Z.R. §73-36 to permit, in a C1-5 (MP) zoning district, the legalization of an existing physical culture establishment ("PCE"), located on the second floor of a five story commercial building, contrary to Z.R. §32-10; and

WHEREAS, the subject space is entered from stairs or elevators located in the ground floor lobby, which the applicant represents provides access to people with disabilities including those using wheelchairs; and

WHEREAS, the existing use is a traditional spa environment rather than a fitness-oriented facility, with hours of operation of: Monday through Friday 6:30 A.M. to 9:00 P.M., and Saturday and Sunday 8:00 A.M. to 8:00 P.M.; and

WHEREAS, the record indicates that the subject use will contain treatment rooms in conjunction with the core fusion and yoga studios, with treatment rooms being used for massages and facials; and

WHEREAS, further, the applicant represents that all massages will be performed by massage therapists licensed by New York State; and

WHEREAS, the Board finds that the proposed use will

Z.R. §32-10.

PREMISES AFFECTED - 980 Madison Avenue, west side, between East 76th and East 77th Streets, Block 1391, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #14M

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated June 17, 2003 acting on ALT I. Application No. 103459963 reads:

"proposed physical culture establishment is not a permitted use as of right within C5-1 zoning district hence it is contrary to ZR Sec. 32-10.;" and

WHEREAS, a public hearing was held on this application on September 16, 2003, after due notice by publication in *The City Record* and held over to October 21, 2003, and then to November 5, 2003 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 Peter Caliendo and Commissioner Joel Miele; and

not alter the essential character of the surrounding neighborhood, nor will it impair the future use and development of the surrounding area; and

WHEREAS, the applicant asserts that the proposed PCE will have no adverse impact on the privacy, light, quiet, and air of the surrounding area, as the facility is located on the second floor of a five story commercial building; and

WHEREAS, the proposed project will not interfere with the existing street system or any pending public improvement project; 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 73-03; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

MINUTES

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, 73-03 and 99-00 et seq, to permit, in a C1-5 (MP) zoning district, the legalization of an existing physical culture establishment, located on the second floor of a five story commercial building contrary to Z.R. §32-10, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received, October 15, 2003" - (3) sheets; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from November 5, 2003 to expire on November 5, 2013;

THAT all massages at the premises will 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 all signage shall comply with applicable signage regulations;

THAT the hours of operation shall be limited to Monday through Friday 6:30 A.M. to 9:00 P.M., and Saturday and **237-03-BZ**

CEQR #04-BSA-007K

APPLICANT - Eric Palatnik, P.C., for Sydel Rand, owner.

SUBJECT - Application July 9, 2003 - under Z.R. §73-622 to legalize the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 3077 Bedford Avenue, east side, between Avenues I and J, Block 7589, Lot 25, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

Sunday 8:00 A.M. to 8:00 P.M.;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to the specifically cited and filed Department of Buildings objection 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, November 5, 2003.

WHEREAS, the decision of the Borough Commissioner dated June 20, 2003, acting on Application No. 301537969 reads:

1. Plans are contrary to Z.R. 23-141(a) in that the proposed Floor Area Ratio (FAR) exceeds the permitted .5.
2. Plans are contrary to Z.R. 23-141(a) in that the proposed Open Space Ratio (OSR) is less than the minimum required 150.0.
3. Proposed plans are contrary to Z.R. 23-47 in that the proposed rear yard is less than the minimum required 30”"; and

WHEREAS, a public hearing was held on this application on October 21, 2003 and laid over to November 5, 2003 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 and Commissioner Joel Miele; and

WHEREAS, a special permit is sought pursuant to Z.R. §§73-03 and 73-622 to legalize the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district, which does not comply with the zoning requirements

MINUTES

for floor area ratio, open space ratio and rear yard, contrary to Z.R. §§23-141 and 23-47; and

WHEREAS, the applicant represents that the overall design of the proposed house will remain similar to neighborhood conditions, and that the scale of the home in no way impairs the future development of the surrounding area; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the enlargement of the building into the rear yard is not located within 20 feet of the rear lot line; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the perimeter wall height will comply with all applicable zoning regulations; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to legalize the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, contrary to Z.R. §§23-141 **233-01-BZ**

APPLICANT - Rampulla Associates Architects, for Heller Realty Corporation, owner.

SUBJECT - Application July 9, 2001 - under Z.R. §72-21, to permit the proposed construction of a mixed use 16 story commercial/residential building, Use Groups 2 and 6, in an M1-5 zoning district, in which the residential use with accessory off street parking spaces is not permitted, and also does not meet the zoning requirement for outer courts, which is contrary to Z.R. §42-10, §13-11, §13-12 and §23-84.

PREMISES AFFECTED - 537 West 19th Street, northwest corner of 11th Avenue, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to November 18, 2003, at 1:30 P.M., for deferred decision.

161-02-BZ

APPLICANT - SFS Associates, for Coral Cove, LLC, owner.

SUBJECT - Application May 20, 2002 - under Z.R. § 72-21 to permit the 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

and 23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received August 18, 2003"-(10) sheets and "October 24, 2003"-(1) sheet; and *on further condition*;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 5, 2003.

wall, height, lot area per dwelling unit, setback, sky exposure and parking, is contrary to Z.R. §§23-00 and 25-00.

PREMISES AFFECTED - 2433 Knapp Street, corner of Knapp Street and Avenue "X", Block 8833, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Peter Hirshman, Robert Pauls, Donald Letnik.

For Opposition: Dan Cavanagh, George Broadherd and Kathryn Gavitt.

ACTION OF THE BOARD - Laid over to February 3, 2003, at 1:30 P.M., for continued hearing.

185-02-BZ

MINUTES

APPLICANT - Sheldon Lobel, P.C., for North Ninth Street Realty, LLC., owner.

SUBJECT - Application June 5, 2002 - under Z.R. §72-21 to permit the proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 93/101 North Ninth Street, north side, between Wythe Avenue and Berry Street, Block 2303, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to December 9, 2003, at 1:30 P.M., for continued hearing.

350-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Advance Investments, owner.

SUBJECT - Application November 25, 2002 - under Z.R. §73-27 to permit the proposed use of an existing building as a funeral establishment, Use Group 7, with accessory off-street parking for 12 automobiles, located in a C1-1(R3-2) (SRD) zoning district, requires a special permit as per Z.R. §32-31.

ACTION OF THE BOARD - Laid over to December 23, 2003, at 1:30 P.M., for continued hearing.

92-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Parkside Inc., owner.

SUBJECT - Application March 25, 2003 - under Z.R. §73-52 to permit the proposed residential development of an entire zoning lot, on a lot divided by an R7-2 and M1-1 district boundary, which requires a special permit.

PREMISES AFFECTED - 472 West 130th Street, southwesterly corner of the intersection of West 130th Street and Convent Avenue, Block 1969, Lots 64, 67 and 68, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to December 9, 2003, at 1:30 P.M., for continued hearing.

222-03-BZ

APPLICANT - Alfonso Duarte, for Emanuel T. Lorras, owner.

SUBJECT - Application June 27, 2003 - under Z.R. §72-21 to permit the proposed enlargement of the second floor of an existing one family dwelling, that will be converted into a two family dwelling, located in an R4 zoning district, which will encroach into the required front yard, is contrary to Z.R. §23-45 and §54-313.

PREMISES AFFECTED - 30-04 73rd Street, southwest corner of 30th Avenue, Block 1121, Lot 6, Borough of Queens.

PREMISES AFFECTED - 6389 Amboy Road, west side, 258' north of Weir Avenue, Block 7534, Lot 186, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Laid over to December 9, 2003, at 1:30 P.M., for continued hearing.

83-03-BZ

APPLICANT - The Agusta Group, for Ms. Hilda Lovera, owner.

SUBJECT - Application March 12, 2003 - under Z.R. §72-21 to permit the proposed construction of a two family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, front yard and the maximum number of dwelling units, which is contrary to Z.R. §23-141, §23-45 and §23-22.

PREMISES AFFECTED - 2100 Hermany Avenue, southeast corner of Olmstead Avenue, Block 3685, Lot 9, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES - None.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Alfonso Duarte.

ACTION OF THE BOARD - Laid over to November 18, 2003, at 1:30 P.M., for deferred decision.

243-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Motiva Enterprises, LLC, owner.

SUBJECT - Application July 16, 2003 - under Z.R. §11-412 to permit the reestablishment of a previous variance granted by the Board, Under Cal. No. 8-78-BZ, which permitted a gasoline service station with accessory uses, Use Group 16, on a site that is divided by an R7-2 and C8-3 district boundary, also the conversion of a portion of the building to an accessory convenient store, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 2420 Amsterdam Avenue, between West 180th and West 181st Streets, Block 2152, Lots 77 and 83, Borough of Manhattan.

MINUTES

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to November 25, 2003, at 1:30 P.M., for continued hearing.

245-03-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Joshua Muss c/o Allied Enterprises, owner; Franchise Realty Interstate, lessee.

SUBJECT - Application July 22, 2003 - under Z.R. §72-243 to permit the proposed accessory drive-through facility, for an existing eating and drinking establishment, Use Group 6, in a C1-2 zoning district, which is contrary to Z.R. §32-41.

PREMISES AFFECTED - 160-11 Willets Point Boulevard, northeast corner of Francis Lewis Boulevard, Block 4758, Lot 100, Borough of Queens.

COMMUNITY BOARD #7Q

PREMISES AFFECTED - 1861 East 21st Street, between Quentin Road and Avenue "R", Block 6804, Lot 66, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to December 9, 2003, at 1:30 P.M., for decision, hearing closed.

257-03-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Dorothy Sauerbrun, owner; Walgreens, lessee.

SUBJECT - Application August 12, 2003 - under Z.R. §72-21 to permit the proposed erection and maintenance of a drugstore, located in a C8-1 and R-5 zoning district, that provides 21 parking spaces, instead of the required 35, and also will provide a 10' side yard, rather than the required 15', is contrary to Z.R. §36-21 and §33-291.

PREMISES AFFECTED - 3575 Boston Road, northwest corner of East 222nd Street and Boston Post Road, Block 4729, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to December 9,

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to December 9, 2003, at 1:30 P.M., for decision, hearing closed.

250-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Rebecca Jakubowitz, owner.

SUBJECT - Application July 31, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, rear and side yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

2003, at 1:30 P.M., for decision, hearing closed.

269-03-BZ

APPLICANT - Wolf, Block, Schorr and Solis-Cohen LLP by David E. Bronston, for Southbridge Towers, Inc., owner; Cellular Telephone Company d/b/a AT&T Wireless Services, lessees.

SUBJECT - Application August 26, 2003 - under Z.R. §73-30 to permit the proposed installation of a wireless telecommunications facility (30' radio communications monopole), on the grassy lawn portion of subject property, located in an R-8 zoning district, which requires a special permit as per Z.R. §22-21.

PREMISES AFFECTED - 333 Pearl Street, northwest corner of Frankfort Street, Block 94, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Paul Vissiano, Paul Houitz and David Bronston.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to November 25, 2003, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 3:25 P.M.

MINUTES

SPECIAL HEARING

WEDNESDAY MORNING, NOVEMBER 12, 2003

10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

69-03-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for Bond Street, LLC, owner.

SUBJECT - Application February 12, 2003 - under Z.R. § 72-21 to permit the proposed development of a 15-story mixed-use building, consisting of residential apartments and local retail usage, located in an M1-5B zoning district, where residential use is not permitted is contrary to Z.R. §42-10.

PREMISES AFFECTED - 32/40 Bond Street, mid-block portion fronting on north side, of Bond Street between Lafayette and the Bowery, Block 530, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Shelly Friedman.

For Opposition: Doris Diether, Zalla Jones, Chair NoHo Neighbor and Tizane Hauolt.

ACTION OF THE BOARD - Laid over to December 10, 2003, at 10 A.M., on the Special Hearing Calendar for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 10:15 A.M.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, No. 47

November 27, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

John E. Reisinger, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

CONTENTS

| | |
|--------------------------------------|---------|
| DOCKET | 813-814 |
| CALENDAR of December 23, 2003 | |
| Morning | 815 |
| Afternoon | 816 |
| CALENDAR of January 6, 2004 | |
| Morning | 817 |
| Afternoon | 818 |

CONTENTS

MINUTES of Regular Meetings,
Tuesday, November 18, 2003

Morning Calendar819

Affecting Calendar Numbers:

| | |
|------------|--|
| 873-77-BZ/ | 62-66 Fresh Pond Road, Queens |
| 253-06-A | |
| 370-82-BZ | 242-02 61 st Avenue, Queens |
| 515-89-BZ | 50 East 78 th Street, Manhattan |
| 389-37-BZ | 31-08 to 31-12 45 th Street, Queens |
| 803-61-BZ | 1416 Hylan Boulevard, Staten Island |
| 289-63-BZ | 150 East 61 st Street, Manhattan |
| 140-71-BZ | 12-40/42 150 th Street, Queens |
| 994-77-BZ | 89-43/49 Doran Avenue, Queens |
| 405-82-BZ | 8-14 Ford Street, Brooklyn |
| 489-82-BZ | 2025 Atlantic Avenue, aka 228 Hopkinson Avenue, Brooklyn |
| 62-83-BZ | 696 Pacific Street, Brooklyn |
| 69-91-BZ | 49-61 West 62 nd Street, Manhattan |
| 235-01-BZ | 2009 Mermaid Avenue, Brooklyn |
| 361-02-BZ | 214 25 th Street, Brooklyn |
| 292-03-A | 919 Bayside Walk, Queens |
| 293-03-A | 928 Bayside Walk, Queens |
| 235-03-A & | |
| 236-03-A | 119 Kenilworth Avenue & 18 Winston Street, Staten Island |
| 254-03-A | 423 Cross Bay Boulevard, Queens |
| 297-03-A | 101-10 Metropolitan Avenue, Queens |

CONTENTS

Afternoon Calendar.....825

Affecting Calendar Numbers:

233-01-BZ 537 West 19th Street, Manhattan
96-03-BZ 86 Franklin Avenue, Brooklyn
222-03-BZ 30-04 73rd Street, Queens
232-03-BZ 32-25 75th Street, Queens
241-02-BZ 130 Third Street, Brooklyn
256-02-BZ 160 Imlay Street, Brooklyn
360-02-BZ 130 North Fourth Street, Brooklyn
374-02-BZ 267-20 74th Avenue, Queens
36-03-BZ 271-17 76th Avenue, Queens
73-03-BZ 400 Lenox Avenue, Manhattan
80-03-BZ 602 39th Street, Brooklyn
108-03-BZ thru
110-03-BZ 135 Coffey Street, 71 & 79 Walcott Street, Brooklyn
150-03-BZ 136 Metropolitan Avenue, Brooklyn
184-03-BZ 165-02 120th Avenue, Queens
199-03-BZ thru
205-03-BZ 148, 152 & 156 Classon Avenue and 81, 85 & 89 Emerson Place, Brooklyn
238-03-BZ 2305 Olean Street, Brooklyn
240-03-BZ 83-10 and 83-16 188th Street, Queens
244-03-BZ 3975 Bedford Avenue, Brooklyn
251-03-BZ &
252-03-BZ 217-25 106th Avenue, Queens
253-03-BZ 163-15 Northern Boulevard, Queens
298-03-BZ 260 Park Avenue South, Manhattan

CORRECTIONS834

Affecting Calendar Numbers:

178-03-BZ 114-02 Van Wyck Expressway, Queens

DOCKET

New Case Filed Up to November 18, 2003

339-03-BZ B.S.I. 122 Arthur Kill Road, between Clarke and Newvale Avenues, Blocks 4475 and 4463, Lots 1 and 175, Borough of Staten Island. Alt.II#500645929. Proposed installation of a non-accessory radio tower, disguised as an eighty-two feet (82') flagpole, together with related equipment at the base thereof ("facility"), on said premises, located in an R3-2 zoning district, requires a special permit from the Board as per §73-30.

COMMUNITY BOARD #3SI

340-03-BZ B.M. 408 Greenwich Street, aka 22/24 Hubert Street, between Laight and Hubert Streets, Block 217, Lot 23, Borough of Manhattan. N.B.#103447646. Proposed nine story mixed use building, commercial and residential (Use Groups 2 and 6), located in an M1-5 zoning district, which does not comply with the zoning requirements for floor area ratio, setback, perimeter wall height, sky exposure plane and open space, is contrary to Z.R. §42-00, §43-12 and §43-42.

COMMUNITY BOARD #1M

341-03-BZ B.M. 343 West 16th Street, between Eighth and Ninth Avenues, Block 740, Lot 12, Borough of Manhattan. Applic.#103420647. Proposed construction of a new residential building, on a merged zoning lot with an existing multiple dwelling, which creates non-compliances with respect, floor area ratio, number of dwelling units, and rear yard equivalent, is contrary to Z.R. §23-145, §23-22 and §23-533.

COMMUNITY BOARD #4M

342-03-BZ B.M. 92/94 Greene Street, aka 109 Mercer Street, 100' north of Spring Street, Block 499, Lot 1, Borough of Manhattan. Applic.#103595174. Proposed seven-story building, that will have retail use in its cellar and first floor, and residential use on its upper six floors, Use Groups 2 and 6, located in an M1-5A zoning district, is contrary to Z.R. §42-14D, §42-00, §42-10 and §43-12.

COMMUNITY BOARD #2M

343-03-BZ B.BK. 90 Havemeyer Street, between Hope Street and Metropolitan Avenue, Block 2368. Lot 26(Former Lots 26, 27 and 28), Borough of Brooklyn. N.B.#301574035. Proposed construction of seven story, nineteen unit, residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

344-03-BZ D.SBS 2777 Flatbush Avenue, corner of

Mill Basin, Block 8591, Part of Lots 980 and 175, Borough of Brooklyn. Applic.#2003141. The legalization of the reconstruction and extension of an existing building, being operated as an eating and drinking establishment, located in a C-3 zoning district, is contrary to Z.R. §32-00.

COMMUNITY BOARD #18BK

345-03-A D.SBS. 2777 Flatbush Avenue, corner of Mill Basin, Block 8591, Part of Lots 980 and 175, Borough of Brooklyn. Applic.#2003141. The legalization of the reconstruction and extension of an existing building, being operated as an eating and drinking establishment, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

346-03-BZ B.Q. 156-05 Cross Island Parkway, east of 156th Street, Block 4566, Lot 78 (tentative Lot No. 94), Borough of Queens. Alt.1#401484773.

The legalization of an existing two family dwelling, Use Group 2, located in an R2 zoning district, which does not comply with the zoning requirements, regarding the number of units permitted on the zoning lot, is contrary to Z.R. §23-22.

COMMUNITY BOARD #7Q

347-03-BZ B.BK. 2611 Avenue "N", between East 26th and East 27th Streets, Block 7662, Lot 5, Borough of Brooklyn. Alt.1#301654430. Proposed enlargement of an existing single family residence, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, is contrary to Z.R. §23-141(a).

COMMUNITY BOARD #14BK

348-03-BZ B.Q. 66-18 74th Street, west side, 169' south of Juniper Valley Road, Block 3058, Lot 35, Borough of Queens. Applic.#401729509. Proposed construction of a three story, one family semi-detached dwelling, which does not comply with the minimum eight foot side yard, is contrary to Z.R. §23-461(a).

COMMUNITY BOARD #5Q

DOCKET

349-03-BZ B.Q. 85-14 63RD Drive, east side, between Fitchett Street and Woodhaven Boulevard, Block 3115, Lot 21, Borough of Queens. Applic.#401582603. The legalization of the conversion of a two family dwelling, into a three family dwelling, is contrary to Z.R. §22-12, which only permits two family dwelling in R3-1 zoning districts.

COMMUNITY BOARD #6Q

350-03-BZ B.Q. 85-16 63RD Drive, east side, between Fitchett Street and Woodhaven Boulevard, Block 3115, Lot 22, Borough of Queens. Applic.#401585334. The legalization of the conversion of a two family dwelling, into a three family dwelling, is contrary to Z.R. §22-12, which only permits two family dwelling in R3-1 zoning districts.

COMMUNITY BOARD #6Q

351-03-A B.Q. 23 Pelham Walk, east side, 240.61' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens. Alt.1#401721455. Proposed reconstruction and enlargement of the first floor, and the addition of a 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.

352-03-A B.Q. 362-1/2 Sea Breeze Avenue, south side, 43.19' west of Beach 181st Street, Block 16340, Part of Lot 50, Borough of Queens. Alt.1#401732354. Proposed reconstruction and enlargement of the first floor, and the addition of a second story, to an existing one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

353-03-A B.Q. 396 Sea Breeze Avenue, east side, of Beach 182nd Street, Block 16340, Lot 50, Borough of Queens. Alt.1#401712401. Proposed reconstruction and enlargement of an existing one family dwelling, situated within the bed of a mapped street, and not fronting on a legally mapped street is contrary to Sections 35 and 36, Article 3 of the General City Law.

354-03-BZ B.M. 209/15 East 51st Street, between Second and Third Avenues, Block 1325, Lot6, Borough of Manhattan. Alt.1#103548626. Proposed physical culture establishment, in the cellar of a multi-story mixed -use building which sits on property divided by an R8-B and a C6-6/R8-B district boundary, is contrary to Z.R. §22-10 and §32-10.

COMMUNITY BOARD #6M

355-03-BZ B.Q. 64-01/07 Grand Avenue, northeast corner of 64th Street, Block 2716, Lot 1, Borough of Queens.

N.B.#401601423. Proposed four story and penthouse mixed-use multiple dwelling, Use Groups 2 and 6, in a C2-2/R4 zoning district, which does not comply with the zoning requirements for residential floor area, building height, number of dwelling units and residential front yard, is contrary to Z.R. §23-141, §23-60, §35-20, §23-22 and §23-45.

COMMUNITY BOARD #5Q

356-03-BZ B.BK. 2311 Avenue "J", between East 23rd and East 24th Streets, Block 7587, Lot 6, Borough of Brooklyn. Alt.1#301664349. Proposed enlargement to an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space and side yard, is contrary to Z.R. §23-141 and §23-461.

COMMUNITY BOARD #14BK

357-03-BZ B.BK. 144 North 12th Street, aka 33 Berry Street, southwest corner, Block 2290, Lot 5, Borough of Brooklyn. N.B. #301480706. Proposed four story and penthouse, thirty-four unit multiple dwelling, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #1BK

358-03-BZ B.BK. 1651 52nd Street, north side, 334'-4 1/2" west of 17th Avenue, Block 5466, Lot 69, Borough of Brooklyn. Applic.#301642453. Proposed enlargement to an existing single family residence, Use Group 1, located in an R5 zoning district, which does not comply with the zoning requirements for lot coverage, also rear and side yards, is contrary to Z.R. §23-146 and §23-47.

COMMUNITY BOARD #12BK

359-03-A B.Q. 220-43 135th Avenue, north side, 670' from 219th Street, Block 13101, Lot 15, Borough of Queens. N.B.#401712535. Proposed two story one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

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

DECEMBER 23, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, December 23, 2003, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

731-61-BZ

APPLICANT - Richard A. Kaplin, Esq., for McLaughlin & Sons, Inc., owner.

SUBJECT - Application October 24, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 31, 2001.

PREMISES AFFECTED - 9620 Third Avenue, 97th Street and Third Avenue, Block 6121, Lots 31 and 33, Borough of Brooklyn.

COMMUNITY BOARD #10BK

27-00-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Emanuel N. Hartofilis, owner; VanDoren Oil Co., Inc. Lessee.

SUBJECT - Application October 28, 2003 - 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 - 110-35 Horace Harding Expressway, northwest corner of VanDoren Street, Block 1970, Lot39, Borough of Queens.

COMMUNITY BOARD #4Q

200-00-BZ

APPLICANT - The Agusta Group, for Blans Development Corp., owner.

SUBJECT - Application August 28, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 107-24 37th Avenue, aka 37-16 108th Street, southwest corner of 108th Street and 37th Avenue, Block 1773, Lot 10, Borough of Queens.

COMMUNITY BOARD #3Q

106-02-BZ

APPLICANT - Eric Palatnik, P.C., for Beth Jacobs of Boro Park

334-03-A
APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Theresa McKeever, lessee.

SUBJECT - Application October 28, 2003 - Proposed second story enlargement, to an existing one family dwelling, located within the bed of a mapped street, not fronting on a legally mapped street,

Inc., owner.

SUBJECT - Application October 2, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 4502 14th Avenue aka 1371 46th Street, 14th Avenue and 46th Street, Block 5617, Lots 38, 43, 50, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEALS CALENDAR

123-03-A thru 127-03-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Collier Realty, LLC., owner.

SUBJECT - Application April 17, 2003 - Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

437 Beach 28th Street, west side, 141.5" south of Brookhaven Avenue, Block 15793, Lot 9, Borough of Queens.

435 Beach 28th Street, west side, 174.9" south of Brookhaven Avenue, Block 15793, Lot 10, Borough of Queens.

431 Beach 28th Street, west side, 200.2" south of Brookhaven Avenue, Block 15793, Lot 12, Borough of Queens.

434 Beach 29th Street, east side, 10" south of Brookhaven Avenue, Block 15793, Lot 48, Borough of Queens.

436 Beach 29th Street, east side, 39.3" south of Brookhaven Avenue, Block 15793, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

128-03-A thru 130-03-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Brookside Development Corp., owner.

SUBJECT - Application April 18, 2003 - Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

22 Brookside Loop, west side, 162' south of Woodrow Road, Block 7022, Lot 5, Borough of Staten Island.

26 Brookside Loop, west side, 25.5' south of Woodrow Road, Block 7022, Lot 8, Borough of Staten Island.

30 Brookside Loop, west side, 341.5' south of Woodrow Road, Block 7022, Lot 10, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

and has an upgraded private disposal system in the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law, and Department of Buildings= Policy.

PREMISES AFFECTED - 40 Graham Place, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

CALENDAR

335-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Robert Kelly, lessee.

SUBJECT - Application October 28, 2003 - Proposed enlargement, to an existing one family dwelling, located within the bed of a mapped street, not fronting on a legally mapped street, and has an upgraded private disposal system in the bed of a private service road, is contrary to Sections 35 and 36, Article 3 of the General City Law, and Department of Buildings' Policy.

PREMISES AFFECTED - 47 Tioga Walk, east side, 110.96 south of Sixth Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

336-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Patricia Devine, lessee.

SUBJECT - Application October 28, 2003 - Proposed enlargement, to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 112 Beach 216th Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

DECEMBER 23, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, December 23, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

PREMISES AFFECTED - 1455 East 24th Street, east side, 450' south of Avenue "N", Block 7678, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #14BK

217-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Mr. Vincenzo Adragna, owner.

SUBJECT - Application June 24, 2003 - under Z.R. §72-21 to permit the proposed one story and cellar expansion, of an existing

ZONING CALENDAR

84-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Nissan Perla, Partner: N.P. Holdings, LLC, owner.

SUBJECT - Application October 24, 2003 - under Z.R. §72-21 to permit the proposed nine (9) story plus penthouse residential building, Use Group 2, located in an R5, C1-2 overlay zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage, total height, perimeter wall height, lot area per dwelling unit and the required number of parking spaces, is contrary to Z.R. §23-141, §23-631, §23-222 and §25-521.

PREMISES AFFECTED - 35-40 30th Street, a/k/a 35-37 29th Street, between 35th and 36th Avenues, Block 341, Lot 6, Borough of Queens.

COMMUNITY BOARD #1Q

133-03-BZ

APPLICANT - Harold Weinberg, P.E., for Natan Bukai, owner.

SUBJECT - Application April 22, 2003 - under Z.R. §73-622 to permit the proposed erection of an additional story, and a rear enlargement, to an existing two family dwelling, and to change the use of the altered premises to a one family residence, Use Group 1, which does not zoning requirements for floor area ratio and minimum rear yard, is contrary to Z.R. §23-141 and §54-31.

PREMISES AFFECTED - 2354 East 5th Street, west side, 100'-0" south of Avenue "W", between Avenue "W" and Angel Court, Block 7180, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #15BK

210-03-BZ

APPLICANT - Harold Weinberg, P.E. & Jack Gamill, P.E., for Mordechai Beityakov, owner.

SUBJECT - Application June 20, 2003 - under Z.R. §73-622 to permit the proposed erection of a two-story enlargement, at the rear of 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, open space ratio and rear yard, is contrary to Z.R. §23-141, §23-47 and §54-31.

one story and cellar retail building, Use Group 6, located in an R5 zoning district, which is contrary to Z.R. §52-22.

PREMISES AFFECTED - 140/42 Pennsylvania Avenue, southeast corner of Liberty Avenue, Block 3703, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #5BK

265-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 2856-2860 Steinway Street, LLC by Lloyd Goldman, owner; TSI Astoria

CALENDAR

Inc. dba New York Sports Club, lessee.

SUBJECT - Application August 21, 2003 - under Z.R. §73-36 to permit the proposed physical culture establishment, located on the second and third floors of an existing three story commercial structure, situated within C2-2 and C4-2A zoning districts.

PREMISES AFFECTED - 28-56/60 Steinway Street, northwest corner of 30th Avenue, Block 662, Lot 41, Borough of Queens.

COMMUNITY BOARD #1Q

Pasquale Pacifico, Executive Director

JANUARY 6, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, January 6, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

633-87-BZ

APPLICANT - Martyn & Don Weston, for The Fristachi Trust, owner.

SUBJECT - Application October 1, 2003 - reopening for an extension of term of variance which expired September 7, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 216 Grand Street, southwest corner of Driggs Avenue, Block 2393, Lots 27 & 29, Borough of Brooklyn.

COMMUNITY BOARD #1BK

268-03-BZ

APPLICANT - Eric Palatnik, P.C., for Park Circle Realty Associates, owner; BP Products North America, lessee.

SUBJECT - Application August 22, 2003 - under Z.R. §§11-411 & 11-412 to permit the reestablishment of a previous variance granted under Cal. No. 704-53-BZ for an automotive service station, the legalization of the existing air station, vacuum and beverage machines, and the modification of the existing signage, which is contrary to Z.R. §32-35.

PREMISES AFFECTED - 145-55 Guy Brewer Boulevard, a/k/a 145-51/67 Guy Brewer Boulevard and 145-54/66 Farmers Boulevard, northeast corner, Block 13313, Lot 40, Borough of Queens.

COMMUNITY BOARD #13Q

246-03-BZ

33-92-BZ

APPLICANT - Sheldon Lobel, P.C., for D & K Realty, owner. SUBJECT - Application September 9, 2003 - reopening for an extension of term of variance which expired August 10, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 95-01 Brisbin Street, aka 143-0295th Avenue, south side of Atlantic Avenue between Brisbin and Allendale Streets, Block 10007, Lot 1, Borough of Queens.

COMMUNITY BOARD #12Q

JANUARY 6, 2004, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, January 6, 2004, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

294-03-BZ

APPLICANT - Robert Loos, Esq., Sybil H. Pollet, Esq., for The Metropolitan Club, Inc., owner.

SUBJECT - Application September 10, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing six story community facility, Use Group 4, located in R10-H and C5-1 zoning districts, and the Special Park Improvement District, which does not comply with the zoning requirements for lot coverage, rear yard, rear yard equivalent and front walls, is contrary to Z.R. §24-11, §33-26, §24-36, §54-31 and §92-042(c).

PREMISES AFFECTED - One East 60th Street, northeast corner of Fifth Avenue, Block 1375, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPLICANT - Eric Palatnik, P.C., for Carol Feldsher, owner.

SUBJECT - Application September 19, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space, rear and side yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 1371 East 23rd Street, east side, between Avenues "N and M", Block 7659, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #14BK

248-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Ross & Ross, owner; Bally Total Fitness, lessee.

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to

CALENDAR

permit the proposed operation of a physical culture establishment, in an existing two story commercial building, with mezzanine and cellar, that is located in C1-5(R7-2) zoning district.

PREMISES AFFECTED - 1915 Third Avenue, southeast corner of East 106th Street, Block 1655, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #11M

249-03-BZ

APPLICANT - Sheldon Lobel, P.C., for D & J Herms Realty, Inc., owner.

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to permit the proposed four story building, with penthouse and cellar, to contain nine residential units on the second, third and fourth floors, and one commercial unit on the ground floor, on a site that is located in C8-2 zoning district, which does not permit residential use, is contrary to §32-10.

PREMISES AFFECTED - 265 Bedford Avenue, southeast corner of North First Street, Block 2381, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

270-03-BZ

APPLICANT - Joseph P. Morsellino, for Cord Meyer Development, LLC, owner.

SUBJECT - Application August 26, 2003 - under Z.R. §72-21 to permit the proposed erection and maintenance of a mixed use building, Use Groups 2 and 6, with less than the required open space, and which exceeds the permitted floor area ratio, located on a site that is divided by two zoning districts (C4-2 and R7-1), is contrary to §35-23, §23-142, §35-33 and §35-32.

PREMISES AFFECTED - 108-36/50 Queens Boulevard, southeast corner of 71st Road, Block 3257, Lot 1 (formerly 1 and 42), Borough of Queens.

COMMUNITY BOARD #6Q

REGULAR MEETING

TUESDAY MORNING, NOVEMBER 18, 2003

10:00 A.M.

Present: Chairman Chin, Commissioner Caliendo and Commissioner Miele.

Absent: Vice-Chair Babbar.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, September 16, 2003, were approved as printed in the Bulletin of September 25, 2003, Volume 88, Nos. 38-39.

SPECIAL ORDER CALENDAR

873-77-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for John Brunjes, owner.

SUBJECT - Application August 11, 2003 - reopening for an amendment to the resolution.

272-03-BZ

APPLICANT - Rampulla Associates Architects, for Robert Brown/Daniel Brown, owners.

SUBJECT - Application October 3, 2003 - under Z.R. §72-21 to permit the proposed construction of a cellar and two story retail building, Use Group 6, with accessory off-street parking for twenty-five cars, with a curb cut on Hylan Boulevard which is not permitted, also the proposed building in the required arterial setback is not permitted, is contrary to Z.R. §22-10, §107-251(a) and §107-251(b).

PREMISES AFFECTED - 4106 Hylan Boulevard, south side, between Goodall and Glover Streets, Block 5307, Lots 6, 7, 13 and 14 (tentative Lot 6), Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

Pasquale Pacifico, Executive Director

PREMISES AFFECTED - 62-66 Fresh Pond Road, southwest corner of Fresh Pond Road and Metropolitan Avenue, Block 3521, Lots 35, 37, 45, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Peter Geis.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION-

WHEREAS, a public hearing was held on this application on October 21, 2003, after due notice by publication in The City Record, and laid over to November 18, 2003 for decision; and

WHEREAS, the subject application has a companion appeals case, Calendar Number 256-03-A; and

WHEREAS, the subject application seeks a reopening and an amendment to the variance for a change in use from an existing Use Group 6 diner to a Use Group 6 bank; and

MINUTES

WHEREAS, on February 21, 1978, when the zoning district was R5, the Board granted an application to permit the erection of a one-story enlargement to an existing diner which increased the degree of non-compliance of said structure.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution, so that as amended this portion of the resolution shall read:

"to permit the change in use from a Use Group 6 diner to a Use Group 6 bank", 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 11, 2003"- (7) sheets and "November 12, 2003" - (1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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."

(DOB Alt. # 998/62)

Adopted by the Board of Standards and Appeals, November 18, 2003.

WHEREAS, by letter dated October 20, 2003, the Department of Environmental Protection has indicated that they find the proposal acceptable on condition that the applicant submit an application for relocation of the fire hydrant prior to issuance of a building construction permit; and

WHEREAS, by letter dated October 2, 2003, the Department of Transportation ("DOT") has indicated that it has reviewed the above project; no objections to the project are stated in the letter, but DOT does recommend that left hand turns from the proposed driveways be prohibited for safety reasons and that the proposed signage not obstruct the line of vision at the intersection; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated August 1, 2003, acting on ALT 1. Application No. 401705561 is modified under the power vested in the Board by Sections 35 and 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received November 12, 2003" -(1) sheet; and that the proposal comply with all applicable C1-2, C2-2, & R5-B zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; and on further condition

THAT the premises shall be maintained free of debris and graffiti;

256-03-A

APPLICANT - Fischbein Badillo Wagner Harding, for John Brunjes, owner.

SUBJECT - Application August 11, 2003 - Proposed construction, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 62-66 Fresh Pond Road, southwest corner of Metropolitan Avenue, Block 3521, Lots 35, 37 and 45, Borough of Queens.

COMMUNITY BOARD #5Q

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated August 1, 2003, acting on Application No. 401705561, reads in pertinent part:

"CONSTRUCTION IN THE BED OF A MAPPED STREET IS CONTRARY TO GENERAL CITY LAW '35, THEREFORE MUST BE REFERRED TO THE BOARD OF STANDARDS AND APPEALS"; and

WHEREAS, the subject application has a companion case on the Special Order calendar, Calendar Number 873-77-BZ; and

WHEREAS, by the letter dated October 21, 2003, the Fire Department has reviewed the above project and has no objections; and

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals on November 18, 2003.

370-82-BZ

APPLICANT - Walter T. Gorman, P.E., for Douglaston Plaza Shopping Center, LLC, owner.

SUBJECT - Application August 21, 2003 - reopening for an extension of time which expired October 16, 2003.

PREMISES AFFECTED - 242-02 61st Avenue, southwest corner of 245th Place, Block 8286, Lot 185, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Arthur Sullivan.

MINUTES

ACTION OF THE BOARD - Application reopened and time to obtain a Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3
Negative:0
Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the applicant requests a waiver of the rules of practice and procedure and a re-opening to amend the resolution, allowing for an extension of time to obtain a new certificate of occupancy, which expired on October 16, 2003; and

WHEREAS, a public hearing was held on this application on October 28, 2003, after due notice by publication in The City Record, and laid over to November 18, 2003 for decision; and

WHEREAS, on December 14, 1982, the Board permitted, in an R4 zoning district, within an existing shopping center, the conversion of former retail store space into a multiplex theatre with accessory signs.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution to extend the time to obtain a Certificate of Occupancy which expired on May 11, 2000, said resolution having been adopted on December 14, 1982 amended through June 2, 1998, so that as amended this portion of the resolution shall read:

"to extend the time to obtain a new Certificate of Occupancy SUBJECT - Application August 23, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time which expired October 16, 1998.

PREMISES AFFECTED - 50 East 78th Street, 78th Street between Madison and Park Avenues, Block 1392, Lot 47, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened and time to obtain a Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3
Negative:0
Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the applicant requests a waiver of the rules of practice and procedure and a re-opening to amend the resolution allowing for an extension of time to obtain a new certificate of occupancy which expired on May 11, 2000; and

WHEREAS, a public hearing was held on this application on October 28, 2003, after due notice by publication in The City Record, and laid over to November 18, 2003 for decision; and

WHEREAS, on May 11, 1999, the Board granted the extension of term of a special permit, until October 7, 2007, for a commercial art gallery, on condition that a Certificate of Occupancy be obtained by May 11, 2000.

Resolved, that the Board of Standards and Appeals, waives the rules of practice and procedures reopens and amends the

so that a new Certificate of Occupancy shall be obtained within twenty-five (25) months from October 16, 2003, on condition; THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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."

(DOB Alt # 401225456)

Adopted by the Board of Standards and Appeals, November 18, 2003.

515-89-BZ

APPLICANT - Sheldon Lobel, P.C., for 50 East 78th Street, L.P., owner.

resolution to extend the time to obtain a Certificate of Occupancy which expired on May 11, 2000, said resolution having been adopted on October 16, 1990 amended through May 11, 1999, so that as amended this portion of the resolution shall read:

"to extend the time to obtain a new Certificate of Occupancy so that a new Certificate of Occupancy shall be obtained within sixty (60) months from May 11, 2000", on condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the 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."

(DOB Alt #265/30)

Adopted by the Board of Standards and Appeals, November 18, 2003.

389-37-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Rosemarie Fiore, Georgette Fiore ad George Fiore, owner.

SUBJECT - Application July 2, 2003 - reopening for an extension of term of variance which expired June 13, 2003.

MINUTES

PREMISES AFFECTED - 31-08 to 31-12 45th Street, 44-09 Newtown Road, 44-16 31st Avenue, 1.01' feet west of 45th Street, Block 710, Lots 5, 6, 17, 18, 19, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 16, 2003, at 10 A.M., for decision, hearing closed.

803-61-BZ

APPLICANT - Eric Palatnik, P.C., for Philip and Martin Blessinger, owner; BP Products North America, owner.

SUBJECT - Application July 10, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension
PREMISES AFFECTED - 150 East 61st Street (aka 775 Lexington Avenue), south east corner of intersection of East 61st Street and Lexington Avenue, Block 1395, Lot 50, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to January 6, 2004, at 10 A.M., for continued hearing.

140-71-BZ

APPLICANT - Carl A Sulfaro, Esq., for 12-42 150 Realty Corp., owner; Stork's Bakery, lessee.

SUBJECT - Application June 17, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 12-40/42 150th Street, southwest corner of 12th Road, Block 4505, Lot 29, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to January 6, 2004, at 10 A.M., for decision, hearing closed.

994-77-BZ

APPLICANT - Joseph P. Morsellino, for Rutledge Apartments, owner; DNS Automotive Inc., lessee.

SUBJECT - Application June 12, 2003 - reopening for an extension of term of variance which expired May 23, 2003.

PREMISES AFFECTED - 89-43/49 Doran Avenue, northside of

of term of variance which expired November 14, 2001.

PREMISES AFFECTED - 1416 Hylan Boulevard, corner of Hylan Boulevard and Reid Avenue, Block 3350, Lot 30, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 9, 2003, at 10 A.M., for decision, hearing closed.

289-63-BZ

APPLICANT - Sheldon Lobel, P.C., for 61st LP, owner; Imperial Parking Systems, lessee.

SUBJECT - Application July 1, 2003 - reopening for an extension of term of variance which expired June 27, 2003.

Woodhaven Boulevard, Block 3872, Lot 49, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Laid over to January 6, 2004, at 10 A.M., for continued hearing.

405-82-BZ

APPLICANT - Anthony M. Salvati, For John H. Wallace, owner.

SUBJECT - Application July 23, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 18, 2003.

PREMISES AFFECTED - 8-14 Ford Street, 41.74' south of the intersection of Ford and Carroll Streets, Block 1415, Lots 31-34, Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES -

For Applicant: Peter Hirshman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 9, 2003, at 10 A.M., for decision, hearing closed.

489-82-BZ

APPLICANT - Beryl J. Levi, for Tower Isles Frozen Foods, Ltd., owner.

SUBJECT - Application October 3, 2003 - request for a waiver of

MINUTES

the Rules of Practice and Procedure, reopening for an extension of term of variance which expired February 1, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 2025 Atlantic Avenue, aka 228 Hopkinson Avenue, north side of Atlantic Avenue bounded by Radde Place and Hopkinson Avenue, Block 1564, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #16BK

APPEARANCES -

For Applicant: Beryl J. Levi.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to January 13, 2003, at 10 A.M., for decision, hearing closed.

69-91-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 61 West 62 Owners Corp., owner; TSI Lincoln, Inc. dba New York Sports Club, lessee.

SUBJECT - Application September 12, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 26, 2001.

PREMISES AFFECTED - 49-61 West 62nd Street aka 61-67 Columbus Avenue aka 1881-1887 Broadway, West 62nd Street on the northeast corner of Columbus Avenue, Block 1115, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 9, 2003, at 10 A.M., for decision, hearing closed.

235-01-BZ

APPLICANT - Rothkrug & Rothkrug for Mermaid Commons, LLC, owner; Coney Island Memorial Chapel, Inc., lessee.

SUBJECT - Application July 10, 2001 - reopening for a rehearing for reconsideration.

PREMISES AFFECTED - 2009 Mermaid Avenue, a/k/a 2879 West 21st Street, a/k/a 2882 West 20th Street, northwest corner of West 20th Street and Mermaid Avenue, Block 7018, Lot 42 (Tentatively), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to December 9, 2003, at 10 A.M., for deferred decision.

62-83-BZ, Vol. II

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Shaya B. Pacific, LLC.

SUBJECT - Reopening for possible rescindment.

PREMISES AFFECTED - 696 Pacific Street, 529/39 Dean Street and 549/59 Dean Street, Block 1128, Lots 16, 18, 37, 65, 68, 70, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Chris Wright.

For Opposition: Paul Sheridan.

ACTION OF THE BOARD - Laid over to February 3, 2004, at 10 A.M., for continued hearing.

361-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: 214 25 Street Corp.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 214 25th Street, between Fourth and Fifth Avenue, Block 655, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

In Favor: Marianne Russo.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to January 13, 2004, at 10 A.M., for decision, hearing closed.

292-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Karen Carey & George Zandalasini, lessees.

SUBJECT - Application September 5, 2003 - Proposed alteration and enlargement, to single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 919 Bayside Walk, 716.86' north of Beach 209th Street, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

MINUTES

WHEREAS, the decision of the Queens Borough Commissioner, dated August 26, 2003, acting on ALT 1. Application No. 401684888, reads in pertinent part:

"A1- The street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York, Therefore:

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law

B) Existing dwelling to be altered does not have at least 8%

Resolved, that the decision of the Queens Borough Commissioner, dated August 26, 2003, acting on ALT 1. Application No. 401684888 is modified under the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 5, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals on November 18, 2003

293-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Lorraine & William Baker, lessees.

SUBJECT - Application September 5, 2003 - Proposed alteration and enlargement, to single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 928 Bayside Walk, 457.43' north of Beach 209th Street, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough

of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York."; and

WHEREAS, by the letter dated September 22, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Commissioner, dated August 26, 2003, acting on ALT 1. Application No. 401689776, reads in pertinent part:

"A1- The street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York, Therefore:

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law

B) Existing dwelling to be altered does not have at least 8%

of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York."; and

WHEREAS, by the letter dated September 22, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated August 26, 2003, acting on ALT 1. Application No. 401689776 is modified under the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 5, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals on November 18, 2003.

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals on November 18, 2003.

Adopted by the Board of Standards and Appeals on November 18, 2003.

235-03-A & 236-03-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for

MINUTES

Castle View Associates, LLC, owner.

SUBJECT - Application July 9, 2003 - Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 119 Kenilworth Avenue, east side, 40' south of Winston Street, Block 5725, Lot 32, Borough of Staten Island.

18 Winston Street, south side, 100' west of Woodrow Road, Block 5725, Lot 48, Borough of Staten Island.

ACTION OF THE BOARD - Laid over to December 9, 2004, at 10 A.M., for decision, hearing closed.

254-03-A

APPLICANT - Petraro & Jones, LLP, for Robert J. Eckert, II ad Jessica Rojas Eckert, owners.

SUBJECT - Application August 8, 2003 - Proposed construction of a single family dwelling, located partially within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 423 Cross Bay Boulevard, west side, 150.69' north of 191st Avenue, Block 15306, Lot 6 (tentative), Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Patrick Jones.

ACTION OF THE BOARD - Laid over to December 16, 2003, at 10 A.M., for continued hearing.

297-03-A

APPLICANT - Fischbein Badillo Wagner Harding, for 101-02/10 Metropolitan, owner.

SUBJECT - Application September 11, 2003 - Proposed construction, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 101-10 Metropolitan Avenue, aka 91-51/99 71st Avenue, southwest corner, Block 3896, Lot 42, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: Peter Geis and Howard Hornstein.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 23, 2004, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:15 A.M.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam W. Rothkrug

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

REGULAR MEETING

TUESDAY AFTERNOON, NOVEMBER 18, 2003

2:00 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

233-01-BZ

APPLICANT - Irving Minkin, Esq., for Heller Realty Corporation, owner.

SUBJECT - Application July 9, 2001 - under Z.R. §72-21, to permit the proposed construction of a mixed use 16 story commercial/residential building, Use Groups 2 and 6, in an M1-5 zoning district, in which the residential use with accessory off street parking spaces is not permitted, and also does not meet the zoning requirement for outer courts, which is contrary to Z.R. §42-10, §13-11, §13-12 and §23-84.

PREMISES AFFECTED - 537 West 19th Street, northwest corner of 11th Avenue, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Irving Minkin and Ken Heller.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 11, 2001 acting on Application No. 102291280, reads:

"1) PROPOSED RESIDENTIAL USE (USE GROUP 2) IN AN M1-5 IS NOT PERMITTED PURSUANT TO 42-10 Z.R.

2) THERE ARE NO APPLICABLE BULK OR PARKING REGULATIONS FOR RESIDENTIAL USES IN AN M1-5 DISTRICT.

3) ACCESSORY OFF STREET PARKING SPACES

MINUTES

ARE NOT PERMITTED AS SHOWN ON PLANS PURSUANT TO 13-11 / 13-12 ZR.

4) THE WIDTHS OF THE OUTER COURTS ARE CONTRARY TO 23-84 ZR."; and

WHEREAS, a public hearing was held on this application on

WHEREAS, the site and surrounding area have had numerous site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 for the construction of a proposed sixteen-story mixed use commercial and residential building, Use Groups 2 and 6, in an M1-1 Zoning District, in which a residential use with accessory off street parking is not permitted and which does not meet the zoning requirements for outer courtyards, contrary to Z.R. §42-10, §13-11, §13-12 and §23-84; and

WHEREAS, the subject zoning lot has a total lot area of 12,529.4 square feet, is currently being used for public parking (Use Group 8), and is improved with a small attendant's booth, paved areas and lighting fixtures; and

WHEREAS, the applicant contends that due to the location of the site across West Street from the Chelsea Piers amusement center "with a massive bulk with a height of 80 feet," a low-rise residence would be esthetically unmarketable; and

WHEREAS, though the Board has no opinion as to the merit of the assertion above, it notes that the applicant has failed to document why the site could not support an as-of-right manufacturing or commercial building, where esthetics and window views are far less imperative for marketability; and

WHEREAS, the record shows a long history of automotive and commercial uses on the subject property; and

WHEREAS, the record indicates that within a 400 foot radius, the subject property is surrounded by numerous garages, warehouses, parking facilities and commercial properties; and

WHEREAS, the Board notes that the area within an 800 foot radius is still dominated by manufacturing, commercial and warehouse uses; and

WHEREAS, the proposed building rises to a height of 185 feet; and

WHEREAS, the Board notes that the surrounding area is comprised mostly of low rise development with the exception of a small amount of buildings; and

WHEREAS, the Board finds that, if constructed, the proposed building would tower over all of the other buildings within a 800 foot radius, exceeding the next highest building by 45 feet; and

WHEREAS, the proposed building has an Floor Area Ratio ("FAR") of 9.81 while the underlying zoning district regulations permit a maximum FAR of 5.0 for commercial and manufacturing uses and 6.5 for community facility uses; and

WHEREAS, on the plans submitted to the Board on October 9, 2003, the applicant claims that the equivalent residential zoning designation for a M1-5 district is an R10 zoning district, which permits an FAR of 10.0; and

WHEREAS, on the aforementioned plans, the applicant "Proposed residential use not permitted in subject M1-1 zoning district must be referred to the Board of Standard and

October 1, 2002, after due notice by publication in The City Record, and laid over to December 17, 2002, March 4, 2003, June 17, 2003, August 12, 2003, November 5, 2003 and then to November 18, 2003 for decision; and

further asserts states that since the proposed FAR of 9.81 is less than 10, that this bulk is "THEREFORE O.K."; and

WHEREAS, the Board is unaware of any section of the New York City Zoning Resolution which supports the applicant's assertion regarding equivalent zoning designations for manufacturing districts and therefore, the Board finds no merit in the applicant's contention that the proposed FAR is acceptable; and

WHEREAS, for the foregoing reasons the Board finds that the proposed application would alter the essential character of the surrounding neighborhood; and

WHEREAS, therefore, the subject application fails to meet the requirements of Z.R. §72-21(c) and it must be denied.

Resolved, the decision of the Borough Commissioner, dated June 11, 2001 acting on Application No. 102291280 must be sustained and the application denied.

Adopted by the Board of Standards and Appeals, November 18, 2003.

96-03-BZ

APPLICANT - Agusta & Ross, for Brucha Building Corp., owner.
SUBJECT - Application March 27, 2003 - under Z.R. §72-21 to permit the proposed erection of a five story, ten unit multiple dwelling, Use Group 2, upon a vacant shallow corner zoning lot, located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 86 Franklin Avenue, a/k/a 450/52 Park Avenue, southwest corner, Block 1898, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 28, 2003, acting on Application No. 301491936 reads: Appeals. There are no applicable bulk yard or parking regulations."; and

MINUTES

WHEREAS, a public hearing was held on this application on August 5, 2003 after due notice by publication in The City Record, and laid over to September 16, 2003, September 30, 2003 and October 28, 2003 and then to November 18, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed erection of a five story, 10 unit multiple dwelling (Use Group 2) upon a vacant lot within an M1-1 zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, the subject zoning lot is 3,372.3 square feet, and situated on the southwest corner of Franklin and Park Avenues; and

WHEREAS, the applicant represents that the subject zoning lot is vacant, shallow, and uniquely burdened by extensive remains of substantial foundations and rubble-filled cellars from pre-existing but now demolished residential buildings, and that said materials must be removed prior to any new construction on the subject lot; and

WHEREAS, the Board finds that the combination of the aforementioned unique physical conditions create an unnecessary hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

WHEREAS, the applicant states that the area is predominantly residential, and in spite of the site's M1-1 zoning designation, that the surrounding adjacent uses are residential; and

WHEREAS, the record shows that the height of the proposed building is in scale with the height of neighboring residential buildings, many of which are the same height or higher; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Alfonso Duarte.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed erection of a five story, 10 unit multiple dwelling (Use Group 2) situated on a vacant lot within an M1-1 zoning district, which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 14, 2003"- (12) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the premises shall comply with all applicable fire safety measures;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 18, 2003.

222-03-BZ

APPLICANT - Alfonso Duarte, for Emanuel T. Loras, owner.

SUBJECT - Application June 27, 2003 - under Z.R. §72-21 to permit, within an R4 zoning district, the proposed enlargement of the attic level of a one family dwelling, to be converted into a two family dwelling, with said enlargement encroaching upon the required front yard, contrary to Z.R. §23-45.

PREMISES AFFECTED - 30-04 73rd Street, southwest corner of 30th Avenue, Block 1121, Lot 6, Borough of Queens.

Absent: Commissioner Miele.....1

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated June 13, 2002, acting on Application No. 401573631 reads, in part:

“The proposed enlargement on second floor encroaches into front yard and is contrary to Section 23-45 Z.R.”; and

WHEREAS, a public hearing was held on this application on

MINUTES

October 21, 2003, after due notice by publication in The City Record, and laid over to November 5, 2003, and then to November 18, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R4 zoning district, the proposed enlargement of the attic level of a one family dwelling, to be converted into a two family dwelling, with said enlargement encroaching upon the required front yard, contrary to Z.R. §23-45; and

WHEREAS, the building is on a corner lot, and there is presently a 5'-0" encroachment into the front yard at the first floor level; and

WHEREAS, the Board agrees with the applicant's assertions that to enlarge the existing building in compliance with existing zoning regulations as to front yards would require expensive and structurally infeasible construction methods, and lead to an aesthetically displeasing residential structure; and

WHEREAS, the aforementioned unique physical conditions, namely the location of the building on a corner lot combined with the existing non-complying front yard, creates practical difficulties in developing the site in conformity with current zoning; and

WHEREAS, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict compliance with zoning will provide a reasonable return; and

WHEREAS, upon site inspection, the Board has noted that the applicant's proposal is contextually compatible with the surrounding homes and neighborhood, in that there are other two story dwellings in the immediate vicinity; 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, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

232-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Lacher Koeppel Realty Corporation, owner.

SUBJECT - Application July 2, 2003 - under Z.R. §72-21 to permit the proposed additional storage of vehicles, on the roof of an existing automotive storage facility, Use Group 16c, located in an R4 zoning district, which is contrary to Calendar No. 171-93-BZ and Z.R. 22-00.

PREMISES AFFECTED - 32-25 75th Street, eastside, 100' north of Northern Boulevard, Block 1171, Lot 46, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, within an R4 zoning district, the proposed enlargement of the attic level of a one family dwelling, to be converted into a two family dwelling, with said enlargement encroaching upon the required front yard, contrary to Z.R. §23-45, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 27, 2003"-(2) sheets and "September 5, 2003"-(1) sheet, and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located in the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 18, 2003.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 27, 2003, updated March 25, 2003 and again on June 27, 2003, acting on Application No. 401563287, reads:

"A denial for the purpose of filing with the Board of Standards and Appeals is herewith requested for the following objection(s):

#2) Comply with BSA cal no 171-93-BZ

#4) BSA approval is required prior to approval; in that:

MINUTES

increase to existing non-conforming use non-complying building. Existing use approved as per BSA# 171-93-BZ."; and

WHEREAS, a public hearing was held on this application on October 21, 2003 after due notice by publication in The City Record, and laid over to November 18, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed additional storage of vehicles on the roof of an existing automotive storage facility, Use Group 16c, located in an R4 zoning district, which is contrary to BSA Calendar No. 171-93-BZ and Z.R. 22-00; and

WHEREAS, the applicant represents that the subject property is comprised of a large, irregular shaped lot, which has a long history of automotive and commercial uses; and

WHEREAS, the applicant asserts that prior to a 1947 zoning restriction, which designated a portion of the property for residential use, the use of a portion of the property was unrestricted and was developed with a gasoline service station; and

WHEREAS, the record shows that on September 30, 1952, under Calendar No. 35-52-BZ, the Board granted an extension of use for an existing gasoline service station, auto repair, lubricatorium, and parking lot; and

WHEREAS, the record shows that on December 16, 1958, the resolution under Calendar No. 35-52-BZ was amended to permit the construction of a one-story building with increased floor area to be used as a bowling alley, restaurant, bar and lounge, with accessory parking; and

WHEREAS, the applicant represents that in 1991 the property was vacated and sometime after it was converted into an automobile storage facility; and

WHEREAS, the record shows that on November 22, 1994, under Calendar No. 171-93-BZ, the Board granted the legalization

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed additional storage of vehicles on the roof of an existing automotive storage facility, Use Group 16c, located in an R4 zoning district, which is contrary to BSA Calendar No. 171-93-BZ and Z.R. 22-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 28, 2003"- (3) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the premises shall comply with all applicable fire safety

of the existing automobile storage facility; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, namely the long history of automotive and commercial uses on the subject property and the lot's irregular shape, create an unnecessary hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

WHEREAS, the record shows a long history of automotive and commercial uses on the subject property; and

WHEREAS, the applicant represents that the subject zoning lot borders a C8-1 zoning district to the south; and

WHEREAS, the applicant also represents that there is an automobile sales establishment across the street, which the establishment on the subject property services, and there is also an automobile establishment adjacent to the subject property; and

WHEREAS, the applicant asserts the proposed building will stand three inches lower than the existing structure and the rooftop parking will not be visible from the street, due to the height of the parapet; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and measures;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 18, 2003.

241-02-BZ

APPLICANT - Sheldon Lobel, P.C., for HFK Inc., owner.

SUBJECT - Application August 30, 2002 - under Z.R. §72-21 to

MINUTES

permit the proposed conversion to residential use, of two connected vacant manufacturing building, Use Group 2, located in an M2-1 zoning district, that will provide 48 residential loft type units, and is contrary to Z.R. §42-00.

PREMISES AFFECTED - 130 Third Street, corner of Bond and Third Streets, Block 466, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Janice Cahalane and Buddy Scotio.

For Opposition: Ernest Migliaccio, Bette Stoltz Mrs. Celia Maniero Cacace, Joseph J. Ferrara, Serafine Tomassth Empere and Phaedra Thomas.

THE VOTE TO CLOSE HEARING

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to February 3, 2004, at 1:30 P.M., for decision, hearing closed.

256-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 160 Imlay Street Real Estate LLC, owner.

SUBJECT - Application September 18, 2002- under Z.R. §72-01 to permit the proposed development of a vacant six story manufacturing building, and the addition of three floors, for residential use, Use Group 2, located in an M2-1 zoning district, which is contrary to Z.R. §42-00 and §43-00.

PREMISES AFFECTED - 160 Imlay Street, bounded by Imlay, Verona and Commerce Streets, and Atlantic Basin, Block 515, Lot 75, Borough of Brooklyn.

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 16, 2003, at 1:30 P.M., for continued hearing.

374-02-BZ

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

SUBJECT - Application December 30, 2002 - under Z.R. §§73-481 and 73-49 to permit the proposed 1,660 space parking garage, located within the medical center campus, in an R3-2 zoning district, which exceeds the number of spaces permitted by Z.R. §§25-12 and 25-13, and also will have rooftop parking that is only permitted pursuant to Z.R. §25-11, which requires a special permit as per Z.R. §73-481 and §73-49.

PREMISES AFFECTED - 267-20 74th Avenue, block bounded by 74th and 76th Avenues, also 263rd Street and the Queens/Nassau Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of Queens.

COMMUNITY BOARD #13Q

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Howard Goldman, Florence Neal, Buddy Scotto, Manuel Ortiz-Arroyo..

For Opposition: Peter Basta Brightbill, Ernest Migliaccio, Matt Yale, Don Muchow, Lou Jones, Celia Maniero Cacace and Phaedra Thomas.

For Administration: John McGehrick Red Hook Civic.

THE VOTE TO CLOSE HEARING

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 23, 2004, at 1:30 P.M., for decision, hearing closed.

360-02-BZ

APPLICANT - Law offices of Howard Goldman, PLLC, for S & Y Enterprises, LLC, owner.

SUBJECT - Application December 13, 2002- under Z.R. §72-21 to permit the proposed conversion and enlargement of an existing warehouse, into a residential building with 83 units and 41 parking spaces, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 130 North Fourth Street, between Berry Street and Bedford Avenue, Block 2351, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

THE VOTE TO REOPEN HEARING -

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to December 9, 2003, at 1:30 P.M., for deferred decision.

36-03-BZ

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

SUBJECT - Application January 29, 2003 - under Z.R. §73-481 to permit the proposed increase in the total number of parking spaces, through the use of attended parking, at an accessory parking garage, for an existing medical center, which requires a special permit as per Z.R. §73-481.

PREMISES AFFECTED - 271-17 76th Avenue, located on a block bounded by 76th Avenue, 74th Avenue, and the Queens/Nassau county border, Block 8520, Lot 2, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to December 9, 2003, at 1:30 P.M., for deferred decision.

73-03-BZ

MINUTES

APPLICANT - Mark A. Levine, Esq., for Uptown Partners, contract vendee.

SUBJECT - Application February 20, 2003 - under Z.R. §72-21 to permit the proposed construction of a 24-story mixed use building (residential and commercial), in an R7-2 zoning district, which does not comply with the zoning requirements for lot coverage, floor area, setbacks and exposure planes, and also has commercial use on the same floor as residential use, is contrary to Z.R. §23-142, §23-632, §23-64 and §32-421.

PREMISES AFFECTED - 400 Lenox Avenue, situated between West 129th and 130th Streets, Block 1727, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #10M

APPEARANCES -

For Applicant: Mark A. Levine, Joseph Holland, Antonio Martins and Joanne Gray.

For Opposition: Carlos Vargas-Ramos, Georgina Bailey, Paulette Akonnor, Rosetta Williams and Juanita H.

ACTION OF THE BOARD - Laid over to December 16, 2003, at 1:30 P.M., for continued hearing.

80-03-BZ

APPLICANT - Fredrick A. Becker, Esq., for C & L Pioneer Enterprises LLC, owner.

SUBJECT - Application March 4, 2003 - under Z.R. §72-21 to permit the proposed construction of two multi-story multiple dwellings, also the use of a community facility (school), in one of the buildings, Use Groups 2 and 4, located in an M1-2 zoning

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 9, 2004, at 1:30 P.M., for decision, hearing closed.

150-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Bolshy Gulliver, Inc., owner.

SUBJECT - Application May 15, 2003 - under Z.R. §72-21 to permit the proposed construction of three additional floors above a one story and basement building, to form a mixed-use building, to contain as of right uses on the first floor and basement level, and a nine residential units on the remaining three floors, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 136 Metropolitan Avenue, between Wythe Avenue and Berry Street, Block 2364, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to December 16,

district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 602 39th Street, southeast corner of Sixth Avenue, Block 914, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Opposition: Stuart A. Klein.

ACTION OF THE BOARD - Laid over to December 16, 2003, at 1:30 P.M., for continued hearing.

108-03-BZ thru 110-03-BZ

APPLICANT - Eric Palatnik, P.C., for FAC Homeownership HDFC, owners.

SUBJECT - Application April 4, 2003 - under Z.R. §72-21 to permit the proposed construction of a four story residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for height, setback, also front and rear yards, is contrary to Z.R. §23-631, §23-45 and §23-47.

PREMISES AFFECTED -

135 Coffey Street, between Conover and Van Brunt Streets, Block 597, Tentative Lots 9 and 11, Former Lots Numbers, 9-11, 13, 14, 37 and 38, Borough of Brooklyn.

71 Walcott Street, between Richard and Van Brunt Streets, Block 596, Tentative Lot 24, Former Lots Numbers, 23-29 and 43, Borough of Brooklyn.

79 Walcott Street, between Richard and Van Brunt Streets, Block 596, Tentative Lot 12, Former Lots Numbers, 12-15, 22, 23, 49 and 50, Borough of Brooklyn.

2003, at 1:30 P.M., for continued hearing.

184-03-BZ

APPLICANT - The Agusta Group, for Troy McKenzie, owner.

SUBJECT - Application June 3, 2003 - under Z.R. §72-21 to permit the proposed construction of a two-story, two-family detached dwelling, Use Group 2, located in an R3-2 zoning district, which encroaches into the required front yards, is contrary to Z.R. §23-45.

PREMISES AFFECTED - 165-02 120th Avenue, southeast corner of 165th Street, Block 12381, Lot 90, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Philip P. Agusta.

For Opposition: Sheila Vandeyar, Nellie B. Wright and Natalie K. Nelson.

THE VOTE TO CLOSE HEARING

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 16, 2004, at 1:30 P.M., for decision, hearing closed.

199-03-BZ thru 205-03-BZ

MINUTES

APPLICANT - Stuart A. Klein, Esq., for Classon Holding Co., owner.

SUBJECT - Application June 17, 2003 - under Z.R. §72-21 to permit the proposed seven story residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED -

148 Classon Avenue, between Myrtle and Park Avenues, Block 1895, Proposed Lot 42, Borough of Brooklyn.

152 Classon Avenue, between Myrtle and Park Avenues, Block 1895, Proposed Lot 46, Borough of Brooklyn.

156 Classon Avenue, between Myrtle and Park Avenues, Block 1895, Proposed Lot 47, Borough of Brooklyn.

77 Emerson Place, between Myrtle and Park Avenues, Block 1895, Proposed Lot 117, Borough of Brooklyn.

81 Emerson Place, between Myrtle and Park Avenues, Block 1895, Proposed Lot 116, Borough of Brooklyn.

85 Emerson Place, between Myrtle and Park Avenues, Block 1895, Proposed Lot 115, Borough of Brooklyn.

89 Emerson Place, between Myrtle and Park Avenues, Block 1895, Proposed Lot 114, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Stuart Klein.

For Opposition: Cataldo Leone and Jean Baptiste Bruna.

ACTION OF THE BOARD - Laid over to January 13, APPLICANT - Sheldon Lobel, P.C., for Young Israel of Jamaica Estates, Inc., owner.

SUBJECT - Application July 10, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing two story synagogue, Use Group 4, located in an R1-2 zoning district, which does not comply with the zoning requirements for floor area ratio, building height, side yards, rear yard, also the proposed addition of lot 39 to the existing building, is contrary to Z.R. §24-10, §24-111, §24-521, §24-35 and §24-36, and a previous variance granted under Cal. No. 815-85-BZ.

PREMISES AFFECTED - 83-10 and 83-16 188th Street, south side, between Midland Parkway and Radnor Road, Block 7263, Lots 35 and 39, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Jordan Most, David Weprin, Meir Mishkoff.

For Opposition: Linda Gordon, Fred Montas, Doreen Fusco and others.

ACTION OF THE BOARD - Laid over to January 13, 2004, at 1:30 P.M., for continued hearing.

244-03-BZ

APPLICANT - Eric Palatnik, P.C., for Victor Falah, owner.

SUBJECT - Application July 17, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for side yard, rear yard, floor area and open space ratio, is contrary to Z.R. §23-461, §23-47 and §23-141.

PREMISES AFFECTED - 3975 Bedford Avenue, between Avenues "S" and "R", Block 6831, Lot 56, Borough of Brooklyn.

COMMUNITY BOARD #15BK

2004, at 1:30 P.M., for continued hearing.

238-03-BZ

APPLICANT - Harold Weinberg, P.E., for Congregation Derech Emunah, owner.

SUBJECT - Application July 9, 2003 - under Z.R. §72-21 to permit the proposed side and rear enlargements, to an existing synagogue and parsonage, Use Group 4, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, side and rear yards, is contrary to Z.R. §24-11, §24-35 and §24-36.

PREMISES AFFECTED - 2305 Olean Street, north side, 16'-1½" east of East 23rd Street, Block 7677, Lot 63, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg, Rabbi Chaim Segelbaum, Arnold Binet, Sholomo Abecasis, Menashe Omari, Menachem Wiederman, Gershum Weinbraub and others.

ACTION OF THE BOARD - Laid over to December 23, 2003, at 1:30 P.M., for continued hearing.

240-03-BZ

APPEARANCES -

For Applicant: Eric Palatnik

ACTION OF THE BOARD - Laid over to December 16, 2003, at 1:30 P.M., for continued hearing.

251-03-BZ & 252-03-BZ

APPLICANT - Sheldon Lobel, P.C., for A.N. Glory Associates, owner.

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to permit

the proposed construction of a semi-detached two-story, two family dwelling, Use Group 2, having on-site accessory parking, on a lot having that has a non-complying rear yard, is contrary to Z.R. §23-47.

PREMISES AFFECTED - 217-25 106th Avenue, corner of 217th Street, Block 11104, Lot 268, Borough of Queens.

217-31 106th Avenue, corner of 217th Street, Block 11104, Lot 270, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Jordan Most and Myran Dubin.

THE VOTE TO CLOSE HEARING

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 16, 2003, at 1:30 P.M., for decision, hearing closed.

253-03-BZ

APPLICANT - Sheldon Lobel, P.C., for 163-15 Northern Flushing

MINUTES

Corp., owner.

SUBJECT - Application August 4, 2003 - under Z.R. §72-21 to permit the proposed reduction in the number of required parking spaces, for an as of right, two story and basement building, to be used as five retail stores, located in a C2-2/R4 zoning district, is contrary to Z.R. §36-21.

PREMISES AFFECTED - 163-15 Northern Boulevard, bounded by 164th Street and Station Road, Block 5338, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 16, 2003, at 1:30 P.M., for decision, hearing closed.

298-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 260 Park Avenue South, owner.

SUBJECT - Application September 12, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing eight story building, by allowing available floor area to cross district boundary lines, from the adjacent building, that is located in an M1-5M zoning district, to said premises that is located in a C6-4A zoning district, which would exceed the maximum floor area permitted, and is contrary to Z.R. §23-145.

PREMISES AFFECTED - 260 Park Avenue South, west side, between East 20th and East 21st Streets, Block 849, Lot 43, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Howard Hornstein.

ACTION OF THE BOARD - Laid over to December 9, 2003, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 5:25 P.M.

CORRECTIONS

*CORRECTION

These resolution adopted on October 28, 2003, under Calendar No. 178-03-BZ and printed in Volume 88, Bulletin No. 45, is hereby corrected to read as follows:

178-03-BZ

CEQR#03-BSA-195Q

APPLICANT - Eric Palatnik, P.C., for King Carmichael, owner; BP Products North America, lessee.

SUBJECT - Application May 23, 2003 - under Z.R. §73-211 to permit the continued use of the premises as an automotive service station, Use Group 16, also a modification to the existing signage, located in a C2-2 within an R3-2 zoning district, which is contrary to Z.R. §32-35.

PREMISES AFFECTED - 114-02 Van Wyck Expressway, southwest corner of Linden Boulevard, Block 11661, Lot 7, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar1

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar1

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 19, 2003 acting on Application No. 401638885 reads: "Proposed continuance of Gas Station use in C2-2 in R3-2 Zone is not in conformance with ZR Section 32-35 and therefore requires a Special Permit by BSA pursuant to ZR Section 73-211. In addition, application to seek changes to existing signage. Application must be referred to the Board of Standards and Appeals"; and

WHEREAS, a public hearing was held on this application on August 12, 2003 after due notice by publication in The City Record, and laid over to October 7, 2003 and then to October 28, 2003 for decision; and

WHEREAS, Community Board No. 10 in Queens recommended approval of the application; 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 Peter Caliendo and Commissioner Joel Miele P.E.; and

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211 and 73-03, on a site previously the subject of applications before the Board, to permit in a C2-2/R5 zoning District, the legalization of an automotive service station use, as well as approval of modifications to existing signage; and

WHEREAS, on or around May 7, 1948, under Calendar Number 512-48-BZ, as amended and/or extended at various times, the Board approved a variance of the use district regulations applicable at the time to allow a gasoline service station on the subject lot; and

WHEREAS, on or around October 14, 1987, under Calendar Number 844-87-BZ, the Board granted a special permit for construction of, and the use of the subject lot as, a self-service gasoline station, for a term of ten (10) years; and

WHEREAS, the grant under Calendar Number 844-87-BZ included a Conditional Negative Declaration (the "1989 CND"), which contained various requirements to be satisfied, all related to the use of the premises as a gasoline service station; and

WHEREAS, the special permit granted under Calendar Number 844-87-BZ expired on December 5, 1999; and

WHEREAS, the applicant represents that the subject premises has been continuously utilized as a gasoline service station since December 5, 1999; and

WHEREAS, the record indicates that the instant application meets the requirements of Z.R. §73-211(a) because the subject lot's area is 8,917 square feet, and therefore complies with the requirement that the site contain a minimum lot area of 7,500 square feet; and

WHEREAS, Z.R. §73-211(b) limits the proposed use to 15,000 square feet for sites not located on an arterial highway or major street; and

WHEREAS, the subject site is located at the corner of the Van Wyck service road and Linden Boulevard, which the Board finds is a major intersection; and

WHEREAS, therefore, the Board finds that Z.R. §73-211(b) is not applicable to the subject application; and

WHEREAS, the Board has also determined that the entrances and exits are planned so that at maximum operation, vehicular traffic into or from the premises will cause a minimum obstruction on the streets or sidewalks; and

WHEREAS, the applicant further represents that there will be no lubrication, repair or washing of cars at the subject premises; and

WHEREAS, the applicant also proposes to install 66.25 square feet of illuminated signage; and

WHEREAS, the Board finds that the proposed signage modifications comply fully with Z.R. §73-211(5)(i), which allows a total surface area of 150 square feet of illuminated signage; and

CORRECTIONS

WHEREAS, the Board finds that the existing screening at the subject premises complies with Z.R. §73-211(4); and

WHEREAS, the Board finds that the site is so designed as to provide reservoir space for five waiting automobiles within the zoning lot in addition to spaces available at the pumps; and

WHEREAS, the Board finds that the proposed use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-211 and 73-03.

Resolved that the Board of Standards and Appeals issues a Negative Declaration stipulated on the conditions noted below under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §§73-211 and 73-03, on a site previously before the Board, to permit in a C2-2/R3-2 zoning District, the legalization of an automotive service station use, as well as approval of modifications to existing signage, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received September 26, 2003"-(5) sheets ; and on further condition;

THAT within six months from the date of this grant, the applicant shall:

- (1) Obtain NYC Department of Environmental Protection ("DEP") sign-off that the DEP-related requirements contained in the 1989 CND have been satisfied or that no further action is necessary, and submit proof of same to the Board;
- (2) Submit a revised letter and revised EAS to the BSA stating that there are five 4,000 gallon petroleum underground storage tanks (USTs) on the subject site;
- (3) Submit an affidavit filed with New York City Fire Department regarding the removal of the twelve 550 gallon USTs;
- (4) Provide a New York State Department of Environmental Conservation ("DEC") PBS Facility Information Report that reflects the removal of the twelve 550 gallon USTs. The current DEC Form reflects the closure of six 550 gallon USTs;
- (5) Conduct a second search with ("DEC") confirming if there were or were not, any petroleum spills on the subject site;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT landscaping be provided and maintained in accordance with BSA approved plans;

THAT there shall be no used car sales on the premises;

THAT there shall be no parking of cars on the side walk at any time;

THAT the term of this special permit shall be limited to six (6) months from the date of this grant, expiring April 28, 2004, at which time a new application must be submitted;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

Adopted by the Board of Standards and Appeals, October 28, 2003.

****The resolution has been corrected in that the portion which read: "WHEREAS, the subject site is located on Bussing Avenue and East 233rd Street, which the Board finds is a major intersection" now reads: "WHEREAS, the subject site is located at the corner of the Van Wyck service road and Linden Boulevard, which the Board finds is a major intersection". . Corrected in Bulletin No. 47, Vol. 88, dated November 27, 2003.**

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, No. 48-50

December 18, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

John E. Reisinger, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

CONTENTS

DOCKET

CALENDAR of

Morning

Afternoon

CONTENTS

MINUTES of Regular Meetings,
Wednesday, December 9, 2003

Morning Calendar

Affecting Calendar Numbers:

| | |
|---------------|---|
| 803-61-BZ | 1416 Hylan Boulevard, Staten Island |
| 785-67-BZ | 577/89 Marcy Avenue, Brooklyn |
| 405-82-BZ | 8-14 Ford Street, Brooklyn |
| 69-91-BZ | 49-61 West 62 nd Street, Manhattan |
| 172-97-BZ | 1023 Brighton Beach Avenue, Brooklyn |
| 235-01-BZ | 2009 Mermaid Avenue, Brooklyn |
| 2-02-BZ | 3872 Third Avenue, Bronx |
| 465-55-BZ | 486/496 Coney Island Avenue, Brooklyn |
| 138-68-BZ | 10-25 150 th Street, Queens |
| 799-89-BZ | 1470 Bruckner Boulevard, Bronx |
| 245-90-BZ | 1054 43 rd Street, Brooklyn |
| 132-92-BZ | 3948-52 Amboy Road, Staten Island |
| 145-95-BZ | 80 Fifth Avenue, Manhattan |
| 385-01-BZ | 1449 39 th Street, Brooklyn |
| 235-03-A | 119 Kenilworth Avenue, Staten Island |
| 236-03-A | 18 Winston Street, Staten Island |
| 311-03-A thru | 140/144/146 Jackson Avenue, Staten Island |
| 313-03-A | |

CONTENTS

Afternoon Calendar.....

Affecting Calendar Numbers:

| | |
|-----------------------------|--|
| 374-02-BZ | 267-20 74 th Avenue, Queens |
| 36-03-BZ | 271-17 76 th Avenue, Queens |
| 146-03-BZ | 1511 Third Avenue, Manhattan |
| 152-03-BZ | 41 Varick Avenue, Brooklyn |
| 245-03-BZ | 160-11 Willets Point Boulevard, Queens |
| 250-03-BZ | 1861 East 21 st Street, Brooklyn |
| 257-03-BZ | 3575 Boston Road, Bronx |
| 249-01-BZ | 9 White Street, Brooklyn |
| 284-01-BZ | 275 Castleton Avenue, Staten Island |
| 185-02-BZ | 93/101 North Ninth Street, Brooklyn |
| 229-02-BZ thru 231-02-BZ | 24/32/42 Walton Street, Brooklyn |
| 350-02-BZ | 6389 Amboy Road, Staten Island |
| 85-03-BZ | 922/26 Bedford Avenue, Brooklyn |
| 92-03-BZ | 472 West 130 th Street, Manhattan |
| 108-03-BZ thru 110-03-BZ | 135 Coffey Street and 71/79 Walcott Street, Brooklyn |
| 118-03-BZ | 1101 Prospect Avenue, Brooklyn |
| 190-03-BZ & 191-03-A | 87-48 215 th Place, Queens |
| 211-03-BZ | 529-535 48 th Avenue, Queens |
| 230-03-BZ | 144 Billop Avenue, Staten Island |
| 241-03-BZ | 1183 East 28 th Street, Brooklyn |
| 242-03-BZ | 1858 East 26 th Street, Brooklyn |
| 266-03-BZ | 1710/12 McDonald Avenue, Brooklyn |
| 289-03-BZ | 440 Morgan Avenue, Brooklyn |
| 298-03-BZ | 260 Park Avenue South, Manhattan |
| 309-03-BZ | 744/48 Greenwich Street, Manhattan |

CONTENTS

DISMISSAL CALENDAR.....**Wednesday, December 10, 2003****Affecting Calendar Numbers:**

| | |
|-----------------------------|---|
| 102-03-BZ | 291 Kent Avenue, Brooklyn |
| 147-03-BZ | 567 Third Avenue, Manhattan |
| 157-03-BZ thru 175-03-BZ | 41/37/33/29/25/21/17/11 Mackay Avenue & 288/284/280 Wild Avenue & 12/16/20/24/28/32/36/40 Walton Avenue, Staten Island |
| 186-03-BZ | 525 Union Avenue, Brooklyn |
| 192-03-BZ | 509 East 165 th Street, Bronx |
| 258-03-BZ | 47 Thames Street, Brooklyn |
| 260-03-BZ | 20 Grand Avenue, Brooklyn |
| 263-02-BZ | 1800 Coney Island Avenue, Brooklyn |
| 290-02-BZ thru 314-02-BZ | 114-01/03/05/07/09/11/13/15/21/23/25/27/29/31/33/35 Taipei Court & 114-20/22/24/26/28/30/32/34/36 Taipei Court, Queens |
| 69-03-BZ | 32/40 Bond Street, Manhattan |
| 81-03-BZ | 857 East 169 th Street & 1351 Lyman Place, Bronx |
| 156-03-BZ | 135-35 Northern Boulevard, Queens |
| 193-03-BZ | 824-834 Kent Avenue, Brooklyn |

DOCKETS

New Case Filed Up to December 9, 2003

360-03-BZ B.BK. 736-46 Linden Boulevard, southwest corner of Linden Boulevard, Block 4675, Lot 6, Borough of Brooklyn. Alt.1 #301647617. The reestablishment of an expired special permit, previously granted by the Board under Calendar No. 257-87-BZ, which permitted a drive-through facility for an eating and drinking establishment in a C1-2(R5) zoning district.
COMMUNITY BOARD #17BK

361-03-BZ B.BK. 2277 East 2nd Street, between Avenue "W" and Gravesend Neck Road, Block 7154, Lot 62, Borough of Brooklyn. Alt.1 #301664722. Proposed enlargement of an existing single family residence, Use Group 1, located in an R4 (OP) zoning district, which does not comply with the zoning requirements for open space ratio, lot coverage and rear yard, is contrary to Z.R. §23-141 and §23-47.
COMMUNITY BOARD #15BK

362-03-BZ B.M. 428 West 45th Street, between Ninth and Tenth Avenues, Block 1054, Part of Lot 48, Borough of Manhattan. Alt.1 #103568827. The continued use of the premises for private parking, accessory to commercial use, and for storage accessory to commercial use, changed from previously approved storage of combustible chemical solvents, is contrary to a previously Cal. No. 1071-40-BZ Vol.II and Z.R. §22-00.
COMMUNITY BOARD #4M

363-03-BZ B.BX. 480 East 176th Street, between Bathgate and Washington Avenues, Block 2917, Lots 17, 20, 23, 25 and 27, Borough of The Bronx. Alt.1 #200808199. Proposed seven story residential building, Use Group 2, containing 116 units, located in an M1-4 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #6BX

364-03-BZ B.Q. 34-11 Far Rockaway Boulevard, southeast corner of Sea Girt Boulevard, Block 15950, Lots 14 and 24, Borough of Queens. N.B. #401724862. Proposed construction of an automotive car wash and Lubritorium, Use Group 2, located in a C2-2(R6) zoning district, is contrary to Z.R. §32-00.
COMMUNITY BOARD #14Q

365-03-BZ B.Q. 224-20 Prospect Court, a/k/a 225th Street, northwest corner, Block 13071, Lot 74, Borough of Queens. N.B. #401554938. The construction of a two story, two family dwelling, Use Group 2, which does not provide the required side yard, is contrary to Z.R. §23-462.
COMMUNITY BOARD #13Q

366-03-BZ B.BK. 2001 East 7th Street, southeast corner of Avenue "S", Block 7089, Lot 77, Borough of Brooklyn. Alt.1 #301662216. Proposed vertical enlargement to an existing school, Use Group 3, located in an R5 Ocean Parkway-Subdistrict, which does not comply with the zoning requirements for floor area, floor area ratio, open space, lot coverage, front yard, side yards, minimum side yard, loading, height and setback, is contrary to Z.R. §113-51, §24-11, §113-545, §23-45, §113-543, §23-461, §113-55, §23-631 and §113-22(a).
COMMUNITY BOARD #15BK

367-03-BZ B.Q. 714 Beach 20th Street, between New Haven and Cornaga Avenues, Block 15564, Lots 25 and 55, Borough of Queens. Applic. #401734138. Proposed conversion of a former movie theater, to a warehouse with ancillary retail space, located in C 1-2, C4-2 and R-5 zoning districts, with loading occurring within the R-5 portion of the site, does not comply with the zoning requirements, for perimeter wall height, total height, side and rear yards, sky exposure, off-street parking and loading, is contrary to Z.R. §32-00, §22-00, §23-631d, §23-461, §23-543, §36-21 and §36-681.
COMMUNITY BOARD 14Q

368-03-BZ B.Q. 110-42 Merrick Boulevard, between 111th Avenue and 110th Road, Block 10200, Former Lots 65 and 67-76 (Tent.Lot 71), Borough of Queens. N.B. #401723685. Proposed four story mixed use residential community facility(with ground floor retail), located in a C-1-2 within an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, open space(§23-141), maximum permitted floor area/dwelling units(§23-22), front side and rear yards (§23-45, 23-461, 23-462 and 23-47), height, setback and perimeter walls(23-631), accessory parking requirements (§25-23), floor area ratio and density requirements for community facilities and commercial

DOCKETS

369-03-BZ B.Q. 99-01/23 Queens
Boulevard,
between 66th Road and 67th Avenue, Block 2118, Lot 1,
Borough of Queens. Applic. #401454608. Proposed
physical culture establishment, to be located in the cellar,
and the ground floor level, in an existing two story building,
located in an R7-1/C1-2 zoning district, is contrary to Z.R.
§32-10.

COMMUNITY BOARD #6Q

370-03-BZ B.BK. 143/53 Roebling
Street,
a/k/a 17/19 Hope Street, east side, between Hope Street
and Metropolitan Avenue, Block 2368, Lot 1, Borough of
Brooklyn. Applic. #301634710. Proposed conversion of
floors two and above, in five attached buildings of four, five
and six stories, into residential use, located in an M1-1
zoning district, is contrary to Z.R.§42-00.

COMMUNITY BOARD #1BK

**DESIGNATIONS: D-Department of Buildings; B.BK.-
Department of Buildings, Brooklyn; B.M.-Department of
Buildings, Manhattan; B.Q.-Department of Buildings,
Queens; B.S.I.-Department of Buildings, Staten Island;
B.BX.-Department of Building, The Bronx; H.D.-Health
Department; F.D.-Fire Department.**

CALENDAR

JANUARY 13, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, January 3, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

56-96-BZ

APPLICANT - The Agusta Group by Philip P. Agusta, R.A., for Yong Brothers Trading, Inc., owner; Pine Village Corp., lessee.
SUBJECT - Application November 14, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired January 9, 2003.
PREMISES AFFECTED - 32-02 Linden Place aka 135-20 32nd Avenue, southwest corner of Linden Place and 32nd Avenue, Block 4950, Lot 48, Borough of Queens.
COMMUNITY BOARD #7Q

1068-64-BZ

APPLICANT - Alfonse Duarte, P.E., for NWRE 202 Corp., owner; Xiaomeng Li, lessee.
SUBJECT - Application November 13, 2003 - request for a rehearing.
PREMISES AFFECTED - 202-01 Northern Boulevard, northeast corner of 202nd Street, Block 6263, Lot 29, Borough of Queens.
COMMUNITY BOARD #11Q

234-98-BZ

APPLICANT - Walter T. Gorman, P.E., for Jose Vasquez, owner; Harlem Hand Carwash, lessee.
SUBJECT - Application November 18, 2003 - reopening for an extension of time to complete construction which expires on November 23, 2003.
PREMISES AFFECTED - 2600-2614 Adam Clayton Powell Jr. Blvd., aka 2600-2614 7th Avenue, west side of Adam Clayton Powell Jr. Blvd, blockfront from W150th Street to W. 151st Street, Block 2036, Lot 29, Borough of Manhattan.
COMMUNITY BOARD #10M

281-99-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF THE PREMISES: Enopac Holding LLC.
SUBJECT - On remand from the New York County Supreme Court.
PREMISES AFFECTED - 6055 Strickland Avenue, west side of Strickland Avenue roughly between the prolongation of Mayfair
353-03-A
APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Clifford Ris, lessee.
SUBJECT - Application November 18, 2003 - Proposed

Avenue and East 59th Place, Block 8470, Lots 1060, 1070, 1076, Borough of Brooklyn.
COMMUNITY BOARD #18BK

APPEALS CALENDAR

323-03-A & 324-03-A

APPLICANT - Sheldon Lobel, P.C., for Infinity Homes, Inc., owner.
SUBJECT - Application October 21, 2003 - Proposed construction of a two-story, two-family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City law.
PREMISES AFFECTED -
117-36 166th Street, between 119th Avenue and Foch Boulevard, Block 12356, Lot 36 and p/o of 39, New Lot 38, Borough of Queens.
117-38 166th Street, between 119th Avenue and Foch Boulevard, Block 12356, Part of Lot 39, New Lot 40, Borough of Queens.
COMMUNITY BOARD #12Q

351-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Dawn & Joseph Henderson, lessees.
SUBJECT - Application November 18, 2003 - Proposed reconstruction and enlargement of the first floor, and the addition of a 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.
PREMISES AFFECTED - 23 Pelham Walk, east side, 240.61' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.
COMMUNITY BOARD #14Q

352-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Kerry & Larry Gresser, lessees.
SUBJECT - Application November 18, 2003 - Proposed reconstruction and enlargement of the first floor, and the addition of a second story, to an existing one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.
PREMISES AFFECTED - 362-1/2 Sea Breeze Avenue, south side, 43.19' west of Beach 181st Street, Block 16340, Part of Lot 50, Borough of Queens.
COMMUNITY BOARD #14Q

reconstruction and enlargement of an existing one family dwelling, situated within the bed of a mapped street, and not fronting on a legally mapped street is contrary to Sections 35 and 36, Article 3 of the General City Law.

CALENDAR

PREMISES AFFECTED - 396 Sea Breeze Avenue, east side, of Beach 182nd Street, Block 16340, Lot 50, Borough of Queens.
COMMUNITY BOARD #14Q

JANUARY 13, 2004, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, January 13, 2004, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

276-02-BZ

APPLICANT - Harold Weinberg, P.E., for Morton Osterman, owner.

SUBJECT - Application October 10, 2002 - under Z.R. §73-622 to permit the proposed erection of a second story, and a rear enlargement to an existing one family dwelling, Use Group 1, located in an R3-1 zoning district, which creates non-compliance with regards to floor area ratio, open space ratio, lot coverage, and rear and side yards, is contrary to Z.R. §23-141, §23-47, §54-31 and §23-461.

PREMISES AFFECTED - 160 Norfolk Street, west side, 300'0 north of Oriental Boulevard and south of Shore Boulevard, Block 8756, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #15BK

188-03-BZ

APPLICANT - Agusta & Ross, for North Berry Capital Group, LLC, owner.

SUBJECT - Application June 3, 2003 - under Z.R. §72-21 to permit the proposed forty-three unit multiple dwelling, with retail space on the ground floor, and underground accessory parking throughout for twenty-two vehicles, Use Groups 2 and 6, located in an M1-2 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 118 Berry Street, 116 North Seventh Street, a/k/a 116/26 North Seventh Street and 118/20 Berry Street, northwest corner, Block 2326, Lots 18 and 19 (tentative Lot 18), Borough of Brooklyn.

COMMUNITY BOARD #1BK

188-03-BZ

APPLICANT - Agusta & Ross, for North Berry Capital Group, LLC, owner.

PREMISES AFFECTED - 2223 Avenue "M", corner of East 23rd Street, Block 7640, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #14BK

327-03-BZ

APPLICANT - Sheldon Lobel, P.C., for New Century Limited Partnership, owner.

SUBJECT - Application November 12, 2003 - under Z.R. §73-53

SUBJECT - Application June 3, 2003 - under Z.R. §72-21 to permit the proposed forty-three unit multiple dwelling, with retail space on the ground floor, and underground accessory parking throughout for twenty-two vehicles, Use Groups 2 and 6, located in an M1-2 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 118 Berry Street, 116 North Seventh Street, a/k/a 116/26 North Seventh Street and 118/20 Berry Street, northwest corner, Block 2326, Lots 18 and 19 (tentative Lot 18), Borough of Brooklyn.

COMMUNITY BOARD #1BK

208-03-BZ

APPLICANT - Law Offices of Stuart A. Klein for Shell Road, LLC, owner; Orion Caterers, Inc., lessee.

SUBJECT - Application June 19, 2003 - under Z.R. §72-21 to permit the legalization of an expansion of an existing catering hall, Use Group 9, located in a split C1-2(overlay of R-4) and M1-1 zoning district, which does not comply with the zoning requirements for floor area ratio, rear yard, and parking, is contrary to Z.R. §33-121, 33-292, §36-21, §43-26 and §44-20.

PREMISES AFFECTED - 2555 Shell Road, east side, between Avenue "X" and Bouck Court, Block 7192, Lot 74, Borough of Brooklyn.

COMMUNITY BOARD #11BK

307-03-BZ

APPLICANT - Fried, Frank Harris, Shriver & Jacobson, by Adrienne W. Bernard, Esq., for Clatco Company, LLC, 543 Realty Co., LLC and Broadway 110 Developers, LLC, owners.

SUBJECT - Application October 2, 2003 - under Z.R. §72-21 to permit the proposed construction of a 15-story residential building, Use Group 2, located in R-8 and C1-4 zoning districts, which does not comply with the zoning requirements for lot coverage, maximum building height, street walls and setback, and is contrary to Z.R. §35-24, §23-633 and §23-145.

PREMISES AFFECTED - 543/45 West 110th Street, (aka Cathedral Parkway), and 2840/46 Broadway, northeast corner, Block 1882, Lots 1 and 6, Borough of Manhattan.

COMMUNITY BOARD #9M

310-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Albert Dweck, owner.
SUBJECT - Application October 6, 2003 - under Z.R. §73-622 to permit the 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 open space ratio, is contrary to Z.R. §23-141.

to permit the proposed enlargement of an existing warehouse, located in an M1-1 zoning district, which requires a special permit.
PREMISES AFFECTED - 175-35 148th Road, between Guy Brewer Boulevard and 175th Street, Block 13379, Lot 21, Borough of Queens.

COMMUNITY BOARD #13Q

CALENDAR

340-03-BZ

APPLICANT - Davidoff & Malito, LLP, by Howard B. Weiss, Esq., for Ramirez Properties, LLC, owner.

SUBJECT - Application November 5, 2003 - under Z.R. §72-21 to permit the proposed nine story mixed use building, commercial and residential (Use Groups 2 and 6), located in an M1-5 zoning district, which does not comply with the zoning requirements for floor area ratio, setback, perimeter wall height, sky exposure plane and open space, is contrary to Z.R. §42-00, §43-12 and §43-42.

PREMISES AFFECTED - 408 Greenwich Street, aka 22/24 Hubert Street, between Laight and Hubert Streets, Block 217, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #1M

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, DECEMBER 9, 2003
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, September 30, 2003, were approved as printed in the Bulletin of October 9, 2003, Volume 88, No. 40-41.

SPECIAL ORDER CALENDAR

803-61-BZ

APPLICANT - Eric Palatnik, P.C., for Philip and Martin Blessinger, owner; BP Products North America, owner.

SUBJECT - Application July 10, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired November 14, 2001.

PREMISES AFFECTED - 1416 Hylan Boulevard, corner of Hylan Boulevard and Reid Avenue, Block 3350, Lot 30, Borough of Staten Island.

MINUTES

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, and term of Variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Miele and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the term of the variance which expired on November 14, 2001; and

WHEREAS, a public hearing was held on this application on October 7, 2003 after due notice by publication in *The City Record*, laid over to November 18, 2003 and then to December 9, 2003 for decision; and

WHEREAS, on November 14, 1961, the Board granted an application to permit, in a C2-1 within an R3 zoning district, erection of an automotive service station with accessory uses.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, pursuant to Zoning Resolution §§72-01 and 72-22, said resolution having been adopted on November 14, 1961 as amended through June 9, 1992 expiring November 14, 2001, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the Variance for an additional ten (10) years from November 14, 2001 expiring on November 14, 2011, *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 8, 2003”-(5) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT the sale of automobiles is prohibited at the site;

THAT any graffiti located on the premises shall be removed within 48 hours;

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the term of the variance which expired on July 18, 2001; and

WHEREAS, a public hearing was held on this application on October 28, 2003 after due notice by publication in *The City Record*, and laid over to December 9, 2003 for decision; and

WHEREAS, on December 19, 1967, the Board granted an application to permit, in an R6 zoning district, the enlargement in lot area of an automotive service station with accessory uses.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, pursuant to Zoning Resolution §§72-01 and 72-22, said resolution having been adopted

THAT there shall be no parking of vehicles on the sidewalk; and

THAT all lighting shall be pointed down and away from residential uses;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year of this 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; 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.” (DOB Alt-1 Application # 500623104)

Adopted by the Board of Standards and Appeals, December 9, 2003.

785-67-BZ

APPLICANT - Eric Palatnik, P.C., for Park Circle Realty Associates, owner; BP Products North America, lessee.

SUBJECT - Application August 18, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 18, 2001.

PREMISES AFFECTED - 577/89 Marcy Avenue, southeast corner of Marcy Avenue and Myrtle Avenue, Brooklyn.

COMMUNITY BOARD #4BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, and term of Variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Miele and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION -

on December 19, 1967 as amended through July 21, 1992 expiring July 18, 2001, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the Variance for an additional ten (10) years from July 18, 2001 expiring on January 18, 2011, *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 8, 2003”-(5) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT there shall be no parking of vehicles on the sidewalk;

MINUTES

THAT all lighting shall be pointed down and away from residential uses;

THAT there shall be no car washing or car washing activity on the premises;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year of this 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; 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.” (DOB Alt. Type 1 Application # 301619390)

Adopted by the Board of Standards and Appeals, December 9, 2003.

405-82-BZ

APPLICANT - Anthony M. Salvati, For John H. Wallace, owner.
SUBJECT - Application July 23, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 18, 2003.

PREMISES AFFECTED - 8-14 Ford Street, 41.74' south of the intersection of Ford and Carroll Streets, Block 1415, Lots 31-34, Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES - None.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, and term of Variance extended.

THAT upon expiration of the term of this Variance, the applicant/owner shall return to the Board of Standards and Appeals for an extension, and at such time, will submit with the application a financial study examining the feasibility of residential use of the premises;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year of this 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; 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.” (DOB Alt. Application # 3676/59)

Adopted by the Board of Standards and Appeals,

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo, and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the term of the variance which expired on January 18, 2003; and

WHEREAS, a public hearing was held on this application on October 21, 2003 after due notice by publication in *The City Record*, and laid over to November 18, 2003, and then to December 9, 2003 for decision; and

WHEREAS, on January 18, 1983, the Board granted an application to permit, in an R7-1 district, on a plot previously before the Board, the reestablishment of an expired variance for an existing parking lot with six individual garages.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the resolution pursuant to Z.R. §§72-01 and 72-22, said resolution having been adopted on October 26, 1948 as amended through January 18, 1993 expiring January 18, 2003, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the Variance for an additional five (5) years from January 18, 2003 to expire on January 18, 2008, *on condition that* all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received November 6, 2003”-(1) sheet; and on further condition;

THAT a DCA license shall be obtained upon approval;
THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

December 9, 2003.

69-91-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 61 West 62 Owners Corp., owner; TSI Lincoln, Inc. dba New York Sports Club, lessee.

SUBJECT - Application September 12, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 26, 2001.

PREMISES AFFECTED - 49-61 West 62nd Street aka 61-67 Columbus Avenue aka 1881-1887 Broadway, West 62nd Street on the northeast corner of Columbus Avenue, Block 1115, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES - None.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended, and term of special permit extended.

MINUTES

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Miele and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on November 18, 2003, after due notice by publication in The City Record, and then to December 9, 2003 for decision; and

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term of the special permit which expired on November 26, 2001; and

WHEREAS, on November 26, 1991, the Board granted an application to permit in a C4-7 (L) district, the legalization of the expansion to the first and second floors of an existing physical culture establishment located in the cellar and sub-cellar of a twenty-six story mixed use building for a term of ten years.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the special permit which expired on November 26, 2001, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the special permit for an additional ten (10) years from November 26, 2001 to expire on November 26, 2011, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received September 12, 2003”- (6) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of

WHEREAS, a public hearing was held on this application on April 8, 2003 after due notice by publication in *The City Record*, laid over May 20, 2003, July 15, 2003, September 16, 2003, October 7, 2003 and then to December 9, 2003 for decision; and

WHEREAS, the subject property is partially within a C1-3/R6 zoning district and partially within a R6 zoning district; and

WHEREAS, under Calendar No. 530-32-BZ, the Board granted a variance allowing construction of a movie theater in a residential zoning district; and

WHEREAS, the applicant represents that subsequent alterations to the approved theater divided the space into four separate theaters; and

WHEREAS, the applicant states that in 1995 alteration permits were obtained to change the use of the theater to a UG 6 Eating and Drinking Establishment; and

WHEREAS, under the instant calendar number, the Board approved an interior enlargement and a change in use from UG 6 Eating and Drinking Establishment to UG 9

occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; 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.” (DOB Alteration Type I Application #103528826)

Adopted by the Board of Standards and Appeals, December 9, 2003.

172-97-BZ

APPLICANT - Harold Weinberg, P.E., for Oceana Holding Corporation, Inc., owner.

SUBJECT - Application July 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 11, 2002.

PREMISES AFFECTED - 1023 Brighton Beach Avenue, north side, between Brighton 11th and Brighton 12th Street, Block B-8709, L-60, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application Denied

THE VOTE TO GRANT -

Affirmative:0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the term of the variance which expired on January 11, 2002; and

Banquet Hall on the first floor and mezzanine, with a term that expired on January 11, 2002; and

WHEREAS, the applicant made the instant application on July 19, 2002; and

WHEREAS, on September 25, 2002, the Board issued a Notice of Objections to the applicant, to which the applicant did not respond for approximately four months; and

WHEREAS, consequently, the Board placed the subject item on the dismissal calendar for failure to prosecute; and

WHEREAS, the applicant then responded to the Notice of Objections, and the case was placed back on the Special Order calendar; and

WHEREAS, subsequently, the Board has requested the following items from the applicant: operating plans, a detailed signage analysis, a copy of the existing lease agreement, and a legalized fire system; and

WHEREAS, the applicant has submitted copies of Department of Buildings Records Request forms that

MINUTES

indicate that the records were not found, but has not submitted, as requested, a detailed signage analysis; and

WHEREAS, in a late submission, the applicant has submitted alleged translations of descriptions of operations from lessees of the subject premises, as well as a sprinkler plan; and

WHEREAS, the Board finds that the applicant has been given considerable opportunity to complete this application and that no satisfactory progress has been made, in that the applicant has failed to timely submit requested items, namely a detailed signage analysis and detailed operating plans; and

WHEREAS, the Board finds that the items that have been submitted by the applicant are insufficient to warrant a grant of the requested relief.

Resolved, that the Board of Standards and Appeals hereby denies the subject application.

Adopted by the Board of Standards and Appeals, December 9, 2003.

235-01-BZ

APPLICANT - Rothkrug & Rothkrug for Mermaid Commons, LLC, owner; Coney Island Memorial Chapel, Inc., lessee.

SUBJECT - Application July 10, 2001 - reopening for a rehearing for reconsideration.

PREMISES AFFECTED - 2009 Mermaid Avenue, a/k/a 2879 West 21st Street, a/k/a 2882 West 20th Street, northwest corner of West 20th Street and Mermaid Avenue, Block 7018, Lot 42 (Tentatively), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES - Adam Rothkrug.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

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 Joel Miele and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit, under Z.R. §73-27 to permit, in a C1-2/R5 zoning district, the proposed construction of a one-story funeral establishment (Use Group 7), contrary to Z. R. §32-21; and

WHEREAS, the subject premises is a parcel on the southern part of a larger block, with a total area of 26,503 square feet, consisting of eleven vacant tax lots and a portion of one additional tax lot (lot no. 38); and

WHEREAS, this application entails the proposed amalgamation of these separate tax lots into a single tax lot (lot no. 42); and

WHEREAS, the proposed funeral establishment would have a total floor area of 5,316 sq. ft., with a first floor containing four chapels, the largest of which would be approximately 800 square feet, as well as offices, an embalming room and storage; and

WHEREAS, the applicant states that a total of 35 off-street parking spaces would be provided; and

WHEREAS, pursuant to Z.R. §73-27(a), the Board may permit funeral establishments in a C1 or C4 district

Affirmative: Vice-Chair Babbar and Commissioner Caliendo.....2

Negative: Chairman Chin and Commissioner Miele.....2

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 2, 2001, acting on Application No. 301162328 reads:

“PROPOSED FUNERAL ESTABLISHMENT, USE GROUP 7, IN A C1-2/R5 DISTRICT REQUIRES A SPECIAL PERMIT FROM THE BOARD OF STANDARDS & APPEALS”; and

WHEREAS, previously, a public hearing was held on this application on December 18, 2001, after due notice by publication in *The City Record*, and laid over to February 5, 2002 and March 19, 2002, and then to May 7, 2002 for decision when it was re-opened and laid over for continued hearing to June 11, 2002, and then to July 16, 2002 for decision; and

WHEREAS, the subject application was denied on July 16, 2002, based on a two affirmative, two negative and one abstention vote; and

WHEREAS, the Board’s July 16, 2002 decision was appealed to the Supreme Court of New York State in an Article 78 proceeding, and subsequently remanded back to the Board on June 2, 2003 for a full vote of every member; and

WHEREAS, the application was then reopened and placed on the Special Order calendar; and

WHEREAS, a public hearing was held on the remanded application on September 9, 2003, after due notice by publication in *The City Record* and then to October 28, 2003 for continued hearing, and then to November 18, 2003 and December 9, 2003 for decision; and

provided that there are serious difficulties involved in placing such use within a district wherein such use is permitted as-of-right and from which it could serve the needs of its prospective clientele, which make it necessary to locate such use in a C1 or C4 district; and

WHEREAS, the opposition to the application contends that there are numerous sites in the Coney Island neighborhood where the proposed funeral establishment could be sited; and

WHEREAS, the opposition also contends that there are homeowners in the neighborhood who would be willing to sell their property for siting of the proposed funeral establishment; and

WHEREAS, the applicant claims that Coney Island is a geographically segregated area, with limited availability of zones in which the proposed funeral establishment would be a permitted use, and that Mermaid Avenue is the principal commercial strip, with the street frontage predominantly zoned C1-2; and

WHEREAS, the applicant maintains that none of the parcels of land suggested by the opposition as alternative sites are attainable or viable for the proposed use as they are either too small or improperly zoned; and

WHEREAS, the applicant argues that the “serious difficulties” standard of Z.R. §73-27(a) does not require an

MINUTES

applicant to initiate sale negotiations with parties who do not have property on the market; and

WHEREAS, a majority of the Board, based upon their inspection of the subject area and review of the evidence in the record, find that the applicant has sufficiently refuted the existence of appropriate parcels in the Coney Island neighborhood other than the subject parcel for siting of the proposed funeral establishment; and

WHEREAS, accordingly, this majority of the Board finds that there are serious difficulties in locating such use in a district where it is permitted as-of-right and, therefore, that the applicant's proposal meets the requirements of ZR §73-27(a); and

WHEREAS, pursuant to Z.R. §73-27(b), the Board must find that the site for the proposed funeral establishment is located so as to cause minimum interruption of the continuity of the frontage devoted to retail shopping uses; and

WHEREAS, the opposition contends that there is significant retail activity in the immediate neighborhood, and that the proposed funeral establishment would interrupt the continuity of the retail frontage; and

WHEREAS, the applicant maintains that there is no continuity of frontage devoted to retail shopping uses for the proposed funeral establishment to interrupt; and

WHEREAS, two members of the Board, based upon their inspection of the subject area and review of evidence in the record, find that the proposed funeral establishment would cause only minimum interruption of the continuity of

WHEREAS, only two members of the Board find that the applicant has met all of the findings necessary for a grant of a special permit pursuant to Z.R. §73-27; and

WHEREAS, pursuant to the Board's Rules of Practice and Procedure §1-01.1(e) and New York City Charter §663, a special permit may not be granted unless there is a concurring vote of at least three members of the Board, and an action that fails to receive the requisite three votes will be deemed a denial.

Resolved that the decision of the Borough Commissioner, described above, is sustained and the subject application is hereby denied.

Adopted by the Board of Standards and Appeals, December 9, 2003.

2-02-BZ

APPLICANT - Sheldon Lobel, P.C., for City of New York c/o NYC Economic Development Corp., owner; Bronx Preparatory Charter School, lessee.

SUBJECT - Application September 15, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 3872 Third Avenue, a/k/a 532 East 172nd Street, southeast corner of Third Avenue and East 172nd Street, Block 2929, Lot 8, Borough of The Bronx.

the frontage devoted to retail shopping uses, as there are only a few retail stores on the street frontage; and

WHEREAS, however, two other members of the Board, based upon their inspection of the subject area and review of evidence in the record, find that the proposed funeral establishment would cause more than minimal interruption of continuity of the retail shopping use frontage, in that the proposed funeral establishment would envelope another retail establishment on the same block, surrounding it on both sides, and would also create a 200 foot, block-long separation between the retail frontage of the block directly to the west and the retail frontage of the block directly to the east; and

WHEREAS, these same two members of the Board note that the existence of actual retail shopping on the frontage is not relevant; rather, what matters is that the frontage is zoned commercial (C1-2), and is therefore devoted to retail shopping use; and

WHEREAS, pursuant to Z.R. §73-27(c), the Board must find that the proposed use is so located as to draw a minimum of vehicular traffic to and through local streets in residential areas; and

WHEREAS, based upon its review of the record and its site inspection, the Board in its entirety finds that the applicant has met the finding set forth at Z.R. §73-27(c), in that its location will not lead to any significant increase in traffic on the immediate local streets; and

COMMUNITY BOARD #3BX

APPEARANCES - None.

ACTION OF THE BOARD - Application re-opened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Miele and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on October 28, 2003, after due notice by publication in *The City Record*, and laid over to December 9, 2003 for decision; and

WHEREAS, the applicant has requested a reopening of the of the resolution and an amendment seeking the elimination of sixteen (16) on-site accessory parking spaces and permission to erect the proposed gymnasium building section on grade as a one-story structure; and

WHEREAS, on November 8, 2002, the Board granted a variance and a special permit pursuant to Z.R. §§72-21 and 73-19 permitting a school in an M1-4 zoning district, and a variance of the rear yard requirements and restrictions on construction within 30 feet of the rear lot line coinciding with rear lot lines of lots in the adjoining residential district; and

MINUTES

WHEREAS, the record indicates that as construction progressed the cost of the project was much higher than anticipated; and

WHEREAS, the Board notes that the subject 16 on-site accessory parking spaces were volunteered by the applicant and were not a Board condition.

It is *resolved*, that the Board of Standards and Appeals *reopens and amends* the resolution, pursuant to Z.R. § 72-01 and 72-22, said resolution having been adopted on November 8, 2002, so that as amended this portion of the resolution shall read:

“To permit, the elimination of sixteen (16) on-site accessory parking spaces and to allow the erection of the proposed gymnasium on grade as a one-story structure in accordance with revised plans,” *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received October 9, 2003”- (13) sheets; and *on further condition*;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

PREMISES AFFECTED - 486/496 Coney Island Avenue aka 804/826 Church Avenue, west side of Coney Island Avenue 91' 9 1/8" south of the corner of Church Avenue and Coney Island Avenue) Block 5341, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Fredrick A. Becker, Stephen Bernard, Hagay Keren, Burton Russell and Arthur Russell.

ACTION OF THE BOARD - Laid over to January 27, 2004, at 10 A.M., for continued hearing.

138-68-BZ

APPLICANT - Francis R. Angelino, Esq., for Martin A. Gleason Funeral Home, LLC, owner.

SUBJECT - Application October 6, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 10-25 150th Street, northeast corner of 11th Avenue, Block 4515, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Frances R. Angelino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to December 23, 2003, at 10 A.M., for decision, hearing closed.

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year of this 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; 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.” (DOB Application NB # 200702463)

Adopted by the Board of Standards and Appeals, December 9 2003.

465-55-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 325 North Macquesten Parkway Corporation, owner; Abko Inc dba Carwash Associates, lessee.

SUBJECT - Application June 13, 2003 - reopening for an amendment to the resolution.

799-89-BZ

APPLICANT - Kalb & Rosenfeld, P.C., for 1470 Bruckner Boulevard Corp., owner.

SUBJECT - Application August 8, 2003 - reopening for an extension of term of variance which expired July 13, 2003.

PREMISES AFFECTED - 1470 Bruckner Boulevard, southeast corner of Bruckner Boulevard and Colgate Avenue, Block 3649, Lots 30 and 27, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Robert Reichelscheimer.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to December 23, 2003, at 10 A.M., for decision, hearing closed.

245-90-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Margarita Herskovich and Lyubov Herskovich, owners.

SUBJECT - Application June 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 29, 2001.

PREMISES AFFECTED - 1054 43rd Street, south side of 43rd Street, Block 5602, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #12BK

MINUTES

APPEARANCES -

For Applicant: Fredrick Becker.

ACTION OF THE BOARD - Laid over to January 22, 2004, at 10 A.M., for continued hearing.

132-92-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Joseph DiStefano, owner.

SUBJECT - Application February 27, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expires July 19, 2004 and for an amendment to the resolution.

PREMISES AFFECTED - 3948-52 Amboy Road, south side of Amboy Road between Hillside Terrace and Brown Avenue, Block 5142, Lot 22, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Fredrick A. Becker.

385-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for Bais Tziporah, Inc., owner.

SUBJECT - Application October 2, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1449 39th Street, northside 290' west of intersection of 39th Street and 15th Avenue, Block 5347, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Josef Friedman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to December 23, 2003, at 10 A.M., for decision, hearing closed.

235-03-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for Castle View Associates, LLC, owner.

SUBJECT - Application July 9, 2003 - Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 119 Kenilworth Avenue, east side, 40' south of Winston Street, Block 5725, Lot 32, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam W. Rothkrug

ACTION OF THE BOARD - Laid over to January 13, 2004, at 10 A.M., for continued hearing.

145-95-BZ

APPLICANT - Sullivan Chester & Gardner, P.C., for LRHC, Inc., d/b/a Lucille Roberts, owner.

SUBJECT - Application June 5, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired November 13, 2002.

PREMISES AFFECTED - 80 Fifth Avenue, southwest corner of West 14th Street, Block 577, Lot 39, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Jeffrey Chester.

ACTION OF THE BOARD - Laid over to January 13, 2004, at 10 A.M., for continued hearing.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Staten Island Borough Commissioner, dated June 13, 2003 acting on N.B. Application No. 500605384, reads in pertinent part:

“Street giving access to the proposed building is not placed on the official map of the City of New York, therefore:

- A. No permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 36 of the General City Law; and
- B. Permit may not be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York.”; and

WHEREAS, at the November 18, 2003 hearing the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Staten Island Borough Commissioner, dated June 13, 2003, acting on N.B. Application No. 500605384 is modified under the power vested in the Board by §36 of the General City Law,

MINUTES

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 July 9, 2003"- (1) one sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; *on further condition*

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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 APPEARANCES -

For Applicant: Adam W. Rothkrug

ACTION OF THE BOARD - Appeal granted on condition.
THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Staten Island Borough Commissioner, dated June 13, 2003 acting on N.B. Application No. 500583451, reads in pertinent part:

"Street giving access to the proposed building is not placed on the official map of the City of New York, therefore:

- A. No permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 36 of the General City Law; and
- B. Permit may not be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York."; and

WHEREAS, at the November 18, 2003 hearing the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Staten Island Borough Commissioner, dated June 13, 2003, acting on N.B. Application No. 500605384 is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision

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 on December 9, 2003

236-03-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for Castle View Associates, LLC, owner.

SUBJECT - Application July 9, 2003 - Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 18 Winston Street, south side, 100' west of Woodrow Road, Block 5725, Lot 48, Borough of Staten Island.

COMMUNITY BOARD #3SI

noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received July 9, 2003"- (1) one sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; *on further condition*

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals on December 9, 2003

311-03-A thru 313-03-A

APPLICANT - Rudolf J. Beneda, A.I.A., for M.Y.H.P. Building Corp., owner.

SUBJECT - Application October 9, 2003 - Proposed two-story, two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

140 Jackson Avenue, west side, 103.90' south of Robin Road, Block 3124, Lot 500, Borough of Staten Island.

MINUTES

144 Jackson Avenue, west side, 137.33' south of Robin Road, Block 3124, Lot 502, Borough of Staten Island.
146 Jackson Avenue, west side, 154.95' south of Robin Road, Block 3124, Lot 180, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to February 24, 2004, at 10 A.M., for postponed hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:00 A.M.

REGULAR MEETING TUESDAY AFTERNOON, DECEMBER 9, 2003 2:00 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

374-02-BZ

CEQR #03-BSA-114Q

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

SUBJECT - Application December 30, 2002 - under Z.R. §§73-481 and 73-49 to permit in an R3-2 zoning district, a proposed 1,660 space parking garage and the creation of rooftop parking, which are contrary to Z.R. §§ 25-11, 25-12 and 25-13.

PREMISES AFFECTED - 267-20 74th Avenue, block bounded by 74th and 76th Avenues, also 263rd Street and the Queens/Nassau Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, and Commissioner Miele.....3

Negative:0

Abstaining: Commissioner Caliendo1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 20, 2002, acting on NB Application No. 401573784, reads:

“The proposed parking structure is contrary to the following section of the NYC ZR:

- 1) “ZR 25-11, General Provisions, Permitted Accessory Off Street Parking Spaces. Open parking is not permitted above a story other than above a basement. and
- 2) ZR 25-12, 25-13, Maximum Size of Accessory Group Parking Facilities and Modification of Maximum Size Group Parking Facilities. Total number of proposed parking spaces exceed 150-space maximum of §25-12 and 225-space maximum of §25-13.”; and

WHEREAS, a public hearing was held on this application on June 3, 2003 after due notice by publication in *The City Record*, laid over to July 15, 2003 and September 30, 2003 and then to October 21, 2003 for decision; and then the decision was deferred on October 21, 2003, deferred again on November 18, 2003, and then to December 9 for decision; and

WHEREAS, Community Board No. 13 in Queens recommends conditional approval of the subject application; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application for two special permits under Z.R. §§73-03, 73-481 and 73-49, to allow, in an R3-2 zoning district, a proposed 1,660 space parking garage and the creation of rooftop parking, which are contrary to Z.R. §§25-11, 25-12 and 25-13; and

WHEREAS, the subject lot is a 48 acre, 1,926,213 square foot parcel, that is roughly rectangular, with “out-parcels” at the northeasterly and northwesterly corners, bounded by 76th Avenue and 263rd Street; and

WHEREAS, the Long Island Jewish Hospital, Schneider Children’s Hospital and Zucker Hillside Hospital comprise the subject medical center, a 829 bed voluntary, non-profit tertiary care teaching medical center serving the greater Metropolitan New York area; and

WHEREAS, in the northeasterly corner of the block, the

MINUTES

zoning lot is notched to accommodate an approximately 130,000 square “out-parcel” (Lot 175) which is occupied by a non-affiliated healthcare institution; and

WHEREAS, in the northwesterly corner of the block, a rectangular parcel is occupied by a medical center that is affiliated with the applicant; and

WHEREAS, the record indicates that the proposed attended parking is needed to meet the programmatic requirements of the subject medical center; and

WHEREAS, the main entrance to the proposed garage will be from the North, adjacent to the Emergency Department and will be configured to permit easy pedestrian access; and

WHEREAS, the proposal will also provide an entrance on the West face of the subject garage, across an internal roadway from Hillside Hospital and another entrance on the South face to serve the patients and visitors to Schneider Children’s Hospital; and

WHEREAS, the record indicates that changes in the needs of the medical center’s patients and visitors including changes in the nature of patient visits make the existing parking resources inadequate; and

WHEREAS, the applicant represents that the length of in-patient hospital stays have decreased and ambulatory patient visits have increased; and

WHEREAS, moreover, the reconfiguration of the internal roadway system within the campus to accommodate the route for emergency vehicles and several other modernization projects have increased patient visits and parking needs; and

WHEREAS, the subject campus contains 1,789 parking spaces; additionally, the medical center leases 800 parking spaces on the eastside of Lakeville Road across from the main entrance located in Nassau County; and

WHEREAS, the applicant represents that many visitors and staff have been displaced from 350 parking spaces that are not available on the south side of the campus due to an ongoing road construction project; and

WHEREAS, the Board notes that the entrance to the proposed parking garage is approximately one-half a mile along interior campus roads and far from neighborhood streets; and

WHEREAS, the record indicates that vehicles proceeding to the proposed garage will turn into the campus at the main entrance and proceed west on a four-lane private roadway; and

WHEREAS, the Zoning Resolution requires the medical center to provide one accessory parking space per five beds, for a total of 166 parking spaces, but it exceeds this number based on its programmatic need and its pledge to the community that the facility would minimize parking impacts in the neighborhood; and

WHEREAS, the existing garage is on the major entrance way, entirely within the applicant’s campus, from a

WHEREAS, the proposed parking garage will contain 307,345 square feet of floor area housing seven levels above grade, two levels below grade and parking on the roof and provide spaces for 1,660 cars ; and

WHEREAS, the lower levels will be operated as attended parking and the upper levels will be self-park, and the applicant anticipates that the upper levels will be used by hospital staff and the lower levels by patients and visitors to the medical center; and

four-lane roadway running westerly from its interchange with Lakeville Road; and

WHEREAS, the record indicates that there is reservoir space inside the entrances to the proposed garage and on the private roadway on the campus that exceeds the minimums required by Z.R. §73-481(b); and

WHEREAS, the Board notes that the instant application will not generate any new traffic as the proposed attended parking will only serve staff, patients, and visitors to the medical center complex; and

WHEREAS, the record indicates that the proposed rooftop parking is not visible from adjacent streets and it will not impair the essential character or the future use or development of adjacent areas; and

WHEREAS, therefore, the Board finds that the proposed use will not impair the character or the future use or development of the surrounding residential or mixed use neighborhood; and

WHEREAS, therefore, the Board finds that the subject proposal meets the findings required to be made under Z.R. §§73-03, 73-481 and 73-49; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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.

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type I Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings and *grants* two special permits pursuant to Z.R. §§73-03, 73-481 and 73-49 to allow, in an R3-2 zoning district, a proposed 1,660 space parking garage and the creation of rooftop parking, which are contrary to Z.R. §§ 25-11, 25-12 and 25-13, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received October 27, 2002”- (9) sheets; and *on further condition*;

MINUTES

THAT there shall be no loitering on the premises;

THAT lighting shall be directed down and away from residential uses, and in accordance with BSA approved plans;

THAT substantial construction shall be completed in accordance with Z.R. §73-70;

THAT prior to filing plans with the Department of Buildings, the Applicant shall submit to Community Board

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals December 9, 2003.

36-03-BZ

CEQR #03-BSA-129Q

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

SUBJECT - Application January 29, 2003 - under Z.R. §73-481 to permit in an R3-2 zoning district, the proposed increase in the total number of parking spaces, through the use of attended parking at an accessory parking garage, for an existing medical center, contrary to Z.R. §§ 25-12 and 25-13.

PREMISES AFFECTED - 271-17 76th Avenue, located on a block bounded by 76th Avenue, 74th Avenue, and the Queens/Nassau county border, Block 8520, Lot 2, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, and Commissioner Miele.....3

Negative:0

Abstaining: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 3, 2003, acting on Application No. 401379156, reads:

“The proposed increase in the total number of parking spaces is contrary to the following section of the NYC ZR: ZR 25-12, 25-13, Maximum Size of Accessory Group Parking Facilities and Modification of Maximum Size of Group Parking Facilities. Total number of proposed parking

Number 13 for its information, a landscaping plan for the frontage of its property along 74th Avenue and 76th Avenue.

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

spaces exceed 150-space maximum of ZR§25-12 and 225 maximum of §25-13”; and

WHEREAS, a public hearing was held on this application on June 3, 2003 after due notice by publication in *The City Record*, laid over to July 15, 2003 and September 30, 2003 and then to October 21, 2003 for decision; and then the decision was deferred on October 1, 2003 and then to November 18, 2003, and then to December 9, 2003 for decision; and

WHEREAS, Community Board No. 13 in Queens recommends conditional approval of the subject application; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit under Z.R. §73-481, to allow, in an R3-2 zoning district, the proposed increase in the total number of parking spaces through the use of attended parking at an accessory parking garage, for an existing medical center, contrary to Z.R. §§ 25-12 and 25-13; and

WHEREAS, the subject lot is a 48 acre, 1,926,213 square foot parcel, that is roughly rectangular, with “out-parcels” at the northeasterly and northwesterly corners, bounded by 76th Avenue and 263rd Street; and

WHEREAS, the Long Island Jewish Hospital, Schneider Children’s Hospital and Zucker Hillside Hospital comprise the subject medical center, a 829 bed voluntary, non-profit tertiary care teaching facility serving the greater Metropolitan New York area; and

WHEREAS, in the northeasterly corner of the block, the zoning lot is notched to accommodate an approximately 130,000 square “out-parcel” (Lot 175), which is occupied by a non- affiliated healthcare institution; and

WHEREAS, in the northwesterly corner of the block, a rectangular parcel is occupied by a medical center that is affiliated with the applicant; and

WHEREAS, the record indicates that the proposed attended parking is needed to meet the programmatic requirements of the subject medical center; and

WHEREAS, the existing three level garage contains 921 accessory parking spaces and the instant application seeks to increase that number by 343 for a total of 1,264; and

MINUTES

WHEREAS, the record indicates that changes in the needs of the medical center's patients and visitors including changes in the nature of patient visits make the existing parking resources inadequate; and

WHEREAS, the applicant further represents that reconfiguration of the internal roadway system within the campus to accommodate the route for emergency vehicles and several other modernization projects have increased patient visits and parking needs; and

WHEREAS, the subject campus contains 1,789 parking spaces, and, additionally, the medical center leases 800 parking spaces on the eastside of Lakeville Road across from the main entrance located in Nassau County; and

WHEREAS, the applicant represents that many visitors and staff have been displaced from 350 parking spaces that are not available on the south side of the campus due to an ongoing road construction project; and

WHEREAS, the Board notes that the existing garage was erected in 1981 and expanded in 1988 to its present capacity of 921 spaces; and

WHEREAS, the entrance to the existing garage is from the intersection of the medical center's driveway with Lakeville Road; and

WHEREAS, Lakeville Road is a six lane, primary thoroughfare in Nassau County; and

WHEREAS, the Zoning Resolution requires the medical center to provide one accessory parking space per five beds, for a total of 166 parking spaces, but it exceeds this number based on its programmatic need; and

WHEREAS, the medical center has pledged to the community that the facility would minimize parking impacts in the neighborhood through provision of parking; and

WHEREAS, the existing garage is on the major entrance way, entirely within the applicant's campus, from a four-lane roadway running westerly from its interchange with Lakeville Road; and

WHEREAS, the record indicates that there is reservoir space inside the entrances to the existing garage and on the private roadway on the campus; and

WHEREAS, the Board notes that the instant application will not generate any new traffic as the proposed attended parking will only serve staff, patients, and visitors to the medical center campus; and

WHEREAS, therefore, the Board finds that the proposed use will not impair the character or the future use or development of the surrounding residential or mixed use neighborhood; and

WHEREAS, therefore, the Board finds that the subject proposal meets the findings required to be made under Z.R. §§73-03 and 73-481; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern;

WHEREAS, the applicant represents that the length of in-patient hospital stays have decreased and ambulatory patient visits have increased; and

and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type I Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings and *grants* a special permit pursuant to Z.R. §73-481, to allow, in an R3-2 zoning district, the proposed increase in the total number of parking spaces, through the use of attended parking at an accessory parking garage, for an existing medical center, contrary to Z.R. §§ 25-12 and 25-13, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received October 27, 2003" - (6) sheets; and *on further condition*;

THAT there shall be no loitering on the premises;

THAT lighting shall be directed down and away from residential uses, and in accordance with BSA approved plans;

THAT substantial construction shall be completed in accordance with Z.R. §73-70;

THAT prior to filing plans with the Department of Buildings, the Applicant shall submit to Community Board Number 13 for its information, a landscaping plan for the frontage of its property along 74th Avenue and 76th Avenue;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals December 9, 2003.

MINUTES

146-03-BZ

CEQR #03-BSA-184M

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for 1511 Third Avenue Associates, LLC, c/o The Related Companies, L.P., owner; Equinox 85th Street, Inc, lessee.

SUBJECT - Application May 9, 2003 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located on the second floor, and portions of the third and fourth floors, in a four story commercial and community facility building, in an C2-8A zoning district, which requires a special permit.

PREMISES AFFECTED - 1511 Third Avenue, a/k/a 201 East 85th Street, southwest corner of Block bounded by Second and Third Avenues, and East 85th and 86th Streets, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Opposition: Martin Mitzner.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:0

Negative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated April 9, 2003 acting on Alt. 1 Application No. 102589110 reads:

“1. Proposed use is a physical culture establishment, which requires a special permit from the Board of Standards and Appeals pursuant to Zoning Resolution Section 73-36”; and

WHEREAS, a public hearing was held on this application on June 24, 2003, after due notice by publication in *The City Record*, with continued hearings on August 13 and October 21, 2003, and then to December 9, 2003 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 Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, on previous occasions and under separate applications related to the site, a site and neighborhood examination was conducted by former Vice-Chair Paul Bonfilio, former Chairman Gaston Silva, former Vice-Chair Robert Flahive, former Commissioner Cecil P. Joseph, former Commissioner Rosemary Palladino and former Commissioner Mitchell Korbey; and

WHEREAS, under Calendar No. 34-96-BZ, through the

WHEREAS, this is an application under Z.R. §73-36 to permit the legalization of a physical culture establishment (“PCE”) on the second and portions of the third and fourth floors of a four story mixed-use building, which requires a special permit pursuant to Z.R. §32-10; and

WHEREAS, the subject premises is a corner lot with approximately 77 feet 6 inches of frontage on Third Avenue and 125 feet of frontage on East 85th Street, and is partially within a C2-8A and partially within an R8B zoning district; and

WHEREAS, the subject premises is currently improved with a four-story and basement commercial building; and

WHEREAS, the applicant states that the subject building is currently occupied by a retail clothing store on the first floor, and by the PCE on the second and parts of the third and fourth floors; and

WHEREAS, at the time of application, the applicant represented that the site has a total lot area of 10,285 square feet, with 34,770 square feet of floor area; and

WHEREAS, the subject premises and PCE has been the subject of four prior Board cases, filed under Calendar Nos. 34-96-BZ, 332-01-BZ, 119-99-A and 139-02-A; and

WHEREAS, under Calendar No. 34-96-BZ, an application was made for a special permit under Z.R. §73-36 in order to legalize the subject PCE; and

WHEREAS, the Board reviewed the initial application and noted that the building originally had a rectangular foot print at the first and second floors, but that the third and fourth floors had a smaller “L” shaped configuration with a gap in the rear; and

WHEREAS, at some point before applying to the Board under Calendar No. 34-96-BZ, the applicant enlarged the third and fourth floors to match the size of the floors below; and

WHEREAS, upon further review of the initial application, the Board noted that the building was non-complying with regards to commercial floor area as originally built (without the enlargement), but was under the limits for residential or community facility floor area; and

WHEREAS, the plans submitted by the applicant under Calendar No. 34-96-BZ showed that 2,200 square feet of floor area was added to the building on each of the third and fourth floors, leading to a total of 4,400 square feet of new floor area; and

WHEREAS, in response to the Board’s inquiry regarding the infill enlargement, the applicant revised the application to provide for 4,852 square feet of community facility floor area; and

course of hearings and site inspections by the Board, it was

MINUTES

discovered that contrary to the applicant's representations, the space that was designated for community facility use was in fact being used by the PCE; and

WHEREAS, subsequently, the applicant was informed that since the area used for the commercial use exceeded the maximum commercial floor area for the applicable zoning district and also increased the existing non-complying condition, a special permit under Z.R. §73-36 was no longer the appropriate relief and a variance application under Z.R. §72-21 was indicated; and

WHEREAS, consequently, the applicant revised the application to request a variance under Z.R. §72-21; and

WHEREAS, subsequent to its site visit and a thorough review of the record, the Board determined that the applicant failed to provide substantial evidence of a practical difficulty arising from a unique physical condition related to the site, and also failed to prove that they could not realize a reasonable return from a use that conformed with the underlying zoning regulations, and that therefore the findings set forth at Z.R. §72-21(a) and (b) were not met; thus, on July 18, 2000, the Board denied the variance application made under Calendar No. 34-96-BZ; and

WHEREAS, under Calendar No. 119-99-A, an administrative appeal, the appellant, an adjacent property owner, sought a revocation of Department of Buildings ("DOB") permits that legalized the construction of a rear yard encroachment on the second, third, and fourth floors of the subject building; and

WHEREAS, evidence in the record indicates that the building permits were granted by DOB to allow for this extension to be used as mechanical space; specifically, for water conservation devices; and

WHEREAS, similar to the proceedings under Calendar No. 34-96-BZ, during the course of hearings and site inspections by the Board, it was again discovered that contrary to the applicant's representation, the area designated as mechanical space was actually being used by the PCE as commercial floor area for location of laundry machines, and not for water conservation devices; and

WHEREAS, on April 12, 2000, the Board granted the appeal under Calendar No. 119-99-A and revoked the Department of Buildings permits, finding that the rear yard structure could not be considered a permitted rear yard obstruction as defined in Z.R. §33-23(b); and

WHEREAS, the above Board determinations were adjudicated and upheld in court, and the impermissible portions of the rear yard structure were then supposed to be removed; and

WHEREAS, under Calendar No. 332-01-BZ, which was an application for a special permit under Z.R. §73-36,

WHEREAS, this modification to the 1995 Certificate of Occupancy reads: "That commercial usage in the subject building shall be limited to the pre-existing, legally non-complying 30,340 square feet of area; That any additional

the applicant proposed to rectify the unlawful enlargement of the PCE on the third and fourth floors through an arrangement that purported to provide separation between a proposed community facility tenant and the subject PCE; and

WHEREAS, upon evaluating the application, the Board noted that such arrangement was impractical in its configuration, as it divided the proposed community facility between two floors and provided no separation between the proposed community facility space and the PCE, and also that no tenant had been secured for the community facility space; and

WHEREAS, the Board also noted a "pattern of misrepresentation with regard to the use of the illegally built space" by the applicant during the proceeding; and

WHEREAS, therefore, the Board denied the special permit application under Calendar No. 332-01-BZ on December 10, 2002; and

WHEREAS, the applicant subsequently challenged the Board's denial in an Article 78 proceeding, and the matter was remanded to the Board for further consideration; and

WHEREAS, while the public hearing process of Calendar No. 332-01-BZ was proceeding, the Board also heard an application made under Calendar No. 139-02-A, an administrative appeal of an April 17, 2002 Department of Buildings determination declining to seek a revocation or modification of Certificate of Occupancy Number 107549, issued on July 7, 1995 to the subject building; and

WHEREAS, the appellant, an adjacent property owner, contended that the presence of the PCE in the subject building constituted a non-conforming use subject to the lapse provisions of Z.R. §52-60 et. seq.; and

WHEREAS, upon a review of the record and of the definition of non-conforming use as set forth at Z.R. §12-10, the Board found that, with the exception of the 4,400 square feet addition constructed after the 1995 Certificate of Occupancy was issued, the subject building's excess commercial floor area did not constitute a non-conforming use, but was rather a non-complying condition with regard to the commercial floor area as per Z.R. §33-12; and

WHEREAS, the Board nevertheless found that the Certificate of Occupancy needed modification to provide an adequate representation of permitted uses; and

WHEREAS, in its resolution issued under Calendar No. 139-02-A on December 10, 2002, the Board ordered such modification; and

floor area other than aforementioned 30,340 square feet and in particular, the 4,400 square foot infill addition, shall be built and used in compliance and conformance with all underlying zoning regulations."; and

MINUTES

WHEREAS, the applicant now asserts that the instant special permit application for a legalization of the subject PCE addresses the concerns of the Board set forth in its previous Resolutions related to the subject premises, as described above, in that the community facility space on the third and fourth floors has been reconfigured, a path of egress benefiting the occupants of the proposed community facility has been approved by DOB, and a lease has been entered into between the owner of the building and the proposed community facility user (“JASA”); and

WHEREAS, in support of one of its assertions, the applicant submitted a copy of an executed Lease Agreement between the owner and JASA; and

WHEREAS, the applicant represents that DOB has approved, through a reconsideration, the means of egress from said community facility, provided that a restrictive declaration approved as to form by DOB is executed and filed, creating an easement through the PCE for the benefit of JASA; and

WHEREAS, the Board has reviewed the reconsideration and notes that DOB has in fact approved such an egress route; and

WHEREAS, the Board notes that, as represented by the applicant, the egress route will also be utilized by patrons and staff of the PCE in an emergency, and by handicapped patrons of the PCE on a non-emergency basis, and, as a consequence, the Board finds that there is no actual separation between JASA’s space and that used by the PCE; and

WHEREAS, additionally, the applicant has failed to demonstrate to the Board’s satisfaction why an egress corridor for JASA’s exclusive use could not be constructed at the rear of their space, thereby separating it from the PCE; and

WHEREAS, accordingly, the Board finds that the applicant has failed to address one of the primary concerns of the Board in this application and in the application under Calendar No. 332-01-BZ, namely the creation of a truly separate community facility space; and

WHEREAS, the Board also finds that the applicant has failed to address one of the other primary concerns of the Board in this application and in the application under Calendar No. 332-01-BZ, namely the impracticality of dividing a modest-sized community facility space between the third and fourth floor instead of consolidating the use on one floor; and

WHEREAS, moreover, the Fire Department has expressed its strong reservation to the proposed second

WHEREAS, in a submission dated November 5, 2003, which included a series of drawings reflecting the results of the October 15 and 16 inspections, the opposition maintains that, among other things: there is a discrepancy between the amount of commercial floor area represented to exist in the subject building as stated by the applicant and the actual measured amount by the opposition, such

means of egress, stating that the proposed egress path leading from JASA’s space is convoluted and could potentially be hazardous, especially to the elderly clientele of JASA; and

WHEREAS, the Board notes that, although the applicant did receive a reconsideration on the proposed egress path, it nevertheless does not comply with the strict letter of the Building Code’s exiting requirements, in that it proceeds through another tenancy; and

WHEREAS, therefore, the Board finds the proposed egress path insufficient to provide safe and effective egress to the proposed community facility use; and

WHEREAS, pursuant to Z.R. §73-36(a)(1), the Board must find that the proposed PCE is so located as to not impair the essential character or the future use or development of the surrounding area”; and

WHEREAS, the Board finds that given the insufficient egress path, the legalization of the subject PCE at its present location would impair the use of the space of its proposed neighbor, JASA, in that JASA’s staff and clientele would not be afforded absolutely safe egress from the subject building through the PCE, and thus the finding set forth at Z.R. §73-36(a)(1) has not been met; and

WHEREAS, pursuant to Z.R. §73-03(a), the Board must find that the hazards or disadvantages of the proposed special permit use are outweighed by the advantages to be derived by the community by the grant of the special permit; and

WHEREAS, the Board finds that the disadvantages of the insufficient egress route to JASA are not outweighed by the advantages to the community of having the PCE, given the potential for injury during a fire or other emergency, and thus the finding set forth at Z.R. §73-03(a) has not been met; and

WHEREAS, at the August 13, 2003 hearing on the subject application, the applicant was instructed by the Board to allow the opposition to take measurements of the subject building in order to determine the respective square footages allocated between existing and proposed uses; and

WHEREAS, the applicant and opposition subsequently disagreed in correspondence as to the extent to which measurements were to be taken; and

WHEREAS, the measurements were finally taken by the opposition on October 15 and 16, 2003; and

that Equinox would be occupying 5,755 sq. ft. in excess of permitted commercial floor area; certain areas on the 3rd and 4th floor designated as mechanical space and therefore not included in floor area have now in fact been converted to floor area, thereby increasing the degree of non-compliance; a portion of the laundry room has been improperly deducted as mechanical space; the lobby areas

MINUTES

in front of the elevators on the 3rd and 4th floors have been improperly designated as exclusively community facility floor area when they are in fact being used partially by the PCE; and there is a cavity above the rear yard enclosure that enlarges the height of said enclosure above what is permitted; and

WHEREAS, in a submission dated November 18, 2003 which included three sets of plans, the applicant responded to the opposition, contending, in part: that upon review of the subject building's pre-1974 and current existing floor area, the pre-existing floor area was 36,548 sq. ft. and the current commercial floor area is 34,973 sq. ft.; that the previously submitted drawings contained incorrect floor area calculations, in that they did not account for a mezzanine level used for commercial and mechanical uses that is noted on the two previous C of Os, and in that they failed to measure lot area correctly, but that said miscalculations do not impact a conclusion that the Building currently has less commercial floor area than existed pre-1974; that any conversion of mechanical space is offset by the addition of community facility or other mechanical space; that the mechanical deductions were approved in a DOB reconsideration; that the lobby spaces on the 3rd and 4th floors have now been allocated between commercial and community facility space; and that the PCE will address the three foot cavity above the rear yard enclosure through demolition, and has applied to DOB to reinstate its structural work application to allow it to remove the structure; and

WHEREAS, the Board notes that the applicant has submitted five separate sets of plans in conjunction with the subject application B one on May 9, 2003, one on July 15, 2003, and three on November 18, 2003; and

WHEREAS, the Board has not received an adequate explanation from the applicant as to why, after 4 previous applications and numerous hearings, it is now submitting plans with floor area calculations different from all other previously submitted plans; and

WHEREAS, the applicant has also not adequately addressed why its calculations differ from those of the opposition; and

WHEREAS, the Board further notes that only after the opposition has pointed out discrepancies between its own measurements and the previous representations of the applicant, has the applicant conceded that the measurements are inaccurate; and

WHEREAS, the applicant has failed to completely remove the impermissible rear yard obstruction, which it was ordered to do well before the filing of the instant application; and

245-03-BZ

CEQR # 04-BSA-015Q

APPLICANT - Joseph P. Morsellino, Esq., for Joshua Muss c/o Allied Enterprises, owner; Franchise Realty Interstate, lessee.

WHEREAS, like in the prior cases, the Board finds that the applicant has engaged in a pattern of misrepresentation in the subject application, insofar as it has: supplied the Board with contradictory information concerning the available legal commercial floor area, failed to remove the rear yard obstruction in its entirety as it promised and as it was ordered to do, and failed to adequately address the concerns of the Board as to the creation of a completely separate community facility space; and

WHEREAS, the Board possesses the authority under the law to deny the grant of a special permit if it determines that an applicant has engaged in misrepresentation before it; and

WHEREAS, moreover, as discussed above, the Board finds that the instant application fails to meet certain of the findings required for the grant of this special permit, set forth at Z.R. §73-36(a)(1) and §73-03(a).

Resolved, that the Board upholds the decision of the Manhattan Borough Commissioner, dated April 9, 2003, and hereby denies the instant application for a special permit.

Adopted by the Board of Standards and Appeals, December 9, 2003.

152-03-BZ

CEQR #03-BSA-190K

APPLICANT - Sheldon Lobel, P.C., for Derby Textile Co., owner.

SUBJECT - Application May 15, 2003 - under Z.R. § 72-21 to permit the proposed conversion of the Third and Fourth floors, of an existing four story and cellar building, located in an M1-2 zoning district, to residential use, Use Group 2, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 41 Varick Avenue, northwest corner of Harrison Place, Block 2999, Lot 24, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Adopted by the Board of Standards and Appeals, December 9, 2003.

SUBJECT - Application July 22, 2003 - under Z.R. §72-243 to permit in a C1-2 zoning district, the proposed accessory drive-thru facility for an eating and drinking establishment contrary to Z.R. §32-41.

PREMISES AFFECTED - 160-11 Willets Point Boulevard,

MINUTES

northeast corner of Francis Lewis Boulevard, Block 4758, Lot 100, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph Morsellino.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated June 25, 2003, acting on Alteration Type I Application No. 401574060 reads:

“Refer application to the Board of Standards and Appeals as an accessory(sic) drive through facility in a C1-2 zoning district is contrary to ZR 32-41.”; and

WHEREAS, a public hearing was held on this application on November 5, 2003, after due notice by publication in The City Record, and laid over to December 9, 2003 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, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application for a special permit under Z.R. §§73-243 and 73-03, on a site previously before the Board, to permit, in a C1-2 zoning district, the proposed accessory drive-thru facility for an eating and drinking establishment contrary to Z.R. §32-41; and

WHEREAS, on August 14, 1990, under Calendar Number 268-89-BZ, the Board denied an application for a special permit pursuant to Z.R. §73-243; and

WHEREAS, the Board found that the 268-89-BZ application failed to make the findings of Z.R. §73-243, because the proposal, with both its entrance and exit on Francis Lewis Boulevard, would interfere with the traffic flow in the immediate vicinity; and

WHEREAS, the record of the prior application demonstrated that the additional parking, loading and refuse storage area of Willets Point Boulevard would be too congested with insufficient space to maneuver within

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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

the site; and

WHEREAS, on May 6, 2003, the Board found that the applicant had submitted substantial new evidence that was not available at the time of the initial hearing demonstrating a material change in circumstance and granted a rehearing; and

WHEREAS, under Z.R. §73-243, the application must demonstrate that the drive-through facility provides reservoir space for not less than ten automobiles, causes minimum interference with traffic flow in the immediate vicinity, that the eating and drinking establishment with accessory drive-thru facility complies with accessory off-street parking regulations, that the character of the commercially-zoned street frontage within 500 feet of the subject premises reflects substantial orientation toward motor vehicles, that the drive-thru facility will not have an undue adverse impact on any residences in the immediate area, and that there is adequate buffering between the drive-thru facility and adjacent residential uses; and

WHEREAS, Francis Lewis Boulevard and Willets Point Boulevard are both heavily trafficked, commercially oriented main thoroughfares; and

WHEREAS, the instant proposal contains reservoir space for up to ten (10) automobiles, and the proposed layout ensures that the drive-thru facility will cause minimum interference with traffic flow in the immediate vicinity, and provides for eleven (15) off-street accessory parking spaces, exceeding the 8 required under applicable accessory off-street parking regulations; and

WHEREAS, the record indicates that within 500 feet of the premises the existing frontages are commercial in nature; and

WHEREAS, the applicant represents that fencing and screening will be installed in the rear of the site to further minimize adverse impacts on any nearby residences; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-243 and 73-03; and

Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §§73-03 and 73-243, on a site previously before the Board, to permit, in a C1-2 zoning district, the proposed accessory drive-thru

MINUTES

facility for an eating and drinking establishment contrary to Z.R. §32-41, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 22, 2003"-(3) sheets and "December 9, 2003"-(1) sheet; and on further condition;

THAT the term of this special permit shall be limited to five (5) years from the date of this grant, to expire on December 9, 2008;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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 the specifically cited and filed Department of Building objection 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; and

THAT the above conditions shall be noted in the Certificate of Occupancy.

Adopted by the Board of Standards and Appeals, December 9, 2003.

250-03-BZ

CEQR #04-BSA-019K

APPLICANT - Sheldon Lobel, P.C., for Rebecca Jakubowitz, owner.

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, rear and side yards and is contrary to Z.R. §§23-141, 23-47, and 23-461; and

SUBJECT - Application July 31, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, rear and side yards and is contrary to Z.R. §§23-141, 23-47, and 23-461.

PREMISES AFFECTED - 1861 East 21st Street, between Quentin Road and Avenue "R", Block 6804, Lot 66, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 25, 2003, acting on Application No. ALT. I. 301533044 reads:

1. PLANS AREA CONTRARY TO Z.R. 23-141(b) IN THAT THE PROPOSED FLOOR AREA RATIO (FAR) EXCEEDS THE PERMITTED .5.
2. PLANS ARE CONTRARY TO Z.R. 23-141(b) IN THAT THE PROPOSED OPEN SPACE RATIO (OSR) IS LESS THAN THE MINIMUM REQUIRED .65.
3. PLANS AREA CONTRARY TO Z.R. 23-141(b) IN THAT THE PROPOSED LOT COVERAGE EXCEEDS THE MAXIMUM PERMITTED .35.
4. PLANS ARE CONTRARY TO Z.R. 23-47 IN THAT THE PROPOSED REAR YARD IS LESS THAN THE MINIMUM REQUIRED 30'.
5. PLANS ARE CONTRARY TO Z.R. 23-461 IN THAT THE PROPOSED SIDE YARD IS LESS THAN THE MINIMUM REQUIRED SIDE YARD OF 5'."; and

WHEREAS, a public hearing was held on this application on November 5, 2003 and then laid over to December 9, 2003 for decision; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the enlargement into the side yard does not result in a decrease in the existing minimum width of open area between the building and the side lot line; and

WHEREAS, the enlargement of the building into the rear yard is not located within 20 feet of the rear lot line; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the perimeter wall height will comply with

MINUTES

all applicable zoning regulations; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, rear and side yards and is contrary to Z.R. §§23-141, 23-47, and 23-461, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received July 31, 2003"- (9) sheets and "November 12, 2003"- (1) sheet; and *on further condition*;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, December 9, 2003.

4) THE PROPOSED COMMERCIAL CURB CUT IN AN R-5 ZONING DISTRICT IS CONTRARY TO SECTION 22-00 OF THE ZONING RESOLUTION";and

WHEREAS, a public hearing was held on this application on November 5, 2003 after due notice by publication in the City Record, and laid over to December 9, 2003 for decision; and

WHEREAS, Community Board No. 12 in The Bronx recommended approval of the subject application; 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

257-03-BZ

CEQR #04-BSA-024X

APPLICANT - Joseph P. Morsellino, Esq., for Dorothy Sauerbrun, owner; Walgreens, lessee.

SUBJECT - Application August 12, 2003 - under Z.R. §72-21 to permit the proposed erection and maintenance of a drugstore located in a C8-1 and R5 zoning district, that provides 21 parking spaces, instead of the required 35 parking spaces and also will provide a 10 foot 9 inch side yard, rather than the required 15 foot side yard, which is contrary to Z.R. §§36-21 and 33-291.

PREMISES AFFECTED - 3575 Boston Road, northwest corner of East 222nd Street and Boston Post Road, Block 4729, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 29, 2003 acting on Application No. 200782849 reads:

- "1) IN AN R-5 ZONING DISTRICT USE GROUP 6 IS CONTRARY TO SECTION 22-00 OF THE ZONING RESOLUTION
- 2) SIDE YARD REQUIRED ALONG DISTRICT BOUNDARY AS PER SECTION 33-291 OF THE ZONING RESOLUTION
- 3) THE PROPOSED COMMERCIAL PARKING IS CONTRARY TO SECTION 36-21 OF THE ZONING RESOLUTION

Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed erection and maintenance of a drugstore located in a C8-1 and R5 zoning district, that provides 21 parking spaces, instead of the required 35 parking spaces and also will provide a 10 foot nine inch side yard, rather than the required 15 foot side yard, which is contrary to Z.R. §§36-21 and 33-291; and

WHEREAS, the subject property is located within C8-1 and R5 zoning districts where the applicant contends that the proposed drugstore is permitted as-of-right; and

WHEREAS, the Department of Buildings issued an objection for the use and curb cut within the R5 district; and

MINUTES

WHEREAS, the applicant represents that in order to build a one-story drug store of the size required today, a variance from parking regulations is needed; and

WHEREAS, the subject property is an irregularly shaped lot that is currently developed with a fast food restaurant establishment; and

WHEREAS, the applicant represents that the subject property has historically been used for commercial purposes; and

WHEREAS, the applicant asserts that strict compliance with the parking requirements of the zoning resolution, namely the requirement that the subject property have 35 parking spaces, would cause the proposed structure to be inadequate in size and configuration to serve the needs of its customers; and

WHEREAS, the applicant represents that the proposed curb cut is a pre-existing condition; and

WHEREAS, the applicant represents that the proposed side yard measure 10 feet and 9 inches and that to provide the required 15 foot side yard would further increase the degree of non-compliance with respect to parking spaces; and

WHEREAS, the Board finds that the site's history of development with commercial uses and its irregular shape constitute a unique physical conditions leading to an undue hardship in developing the site with a conforming or complying development; and

WHEREAS, the evidence demonstrates that a complying development would not yield a reasonable return; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that the surrounding area is largely developed with commercial and residential uses; and

WHEREAS, the premises is currently developed with a commercial establishment; and

WHEREAS, therefore, the Board finds that the instant THAT the applicant shall comply with all applicable fire safety measures;

THAT construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT all doors used for required egress will comply with the Administrative Code, as determined by the Department of Buildings; and

THAT the Department of Buildings must ensure

applications 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, the Board finds that 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 the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, 21 to permit the proposed erection and maintenance of a drugstore located in a C8-1 and R5 zoning district, that provides 21 parking spaces, instead of the required 35 parking spaces and also will provide a 10 foot 9 inch side yard, rather than the required 15 foot side yard, which is contrary to Z.R. §§36-21 and 33-291, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 25, 2003"- (1) sheet and "Received October 27, 2003"- (4) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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, December 9, 2003.

249-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for B.Z.V. Enterprise Corporation, owner.

SUBJECT - Application August 7, 2001 - under Z.R. § 72-21, to permit the proposed conversion of an existing four story manufacturing building, Use Group 17, to joint living/working quarters, Use Group 17D, located in an M1-2 zoning district, which

MINUTES

is contrary to Z.R. §42-14.

PREMISES AFFECTED - 9 White Street, a/k/a 210/22 Varet Street, southwest corner, Block 3117, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Josef Friedman.

ACTION OF THE BOARD - Laid over to January 27, 2004, at 1:30 P.M., for deferred decision.

284-01-BZ

APPLICANT - Stanley K. Schlein, Esq., for Silver Lake Realty Partnership, owner.

SUBJECT - Application October 3, 2001 - under Z.R. §72-21, to permit the proposed expansion of an existing nursing home, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, is contrary to Z.R. §24-111.

PREMISES AFFECTED - 275 Castleton Avenue, 26' east of the northeast corner of Castleton Avenue and Harbor View Court, Block 119, Lot 104, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Patrick Jones.

THE VOTE TO REOPEN HEARING -

229-02-BZ thru 231-02-BZ

APPLICANT - Mark A. Levine, Esq., of Herrick, Feinstein, LLP, for Simon Dushinsky and Issac Rabinowitz, owners.

SUBJECT - Application August 15, 2002 - under Z.R. §72-21 to permit the proposed construction of a six-story building containing twelve units, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

24 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 5, Borough of Brooklyn.

32 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 7, Borough of Brooklyn.

42 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mark A. Levine and Robert Pauls.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to January 6, 2004, 2003, at 1:30 P.M., for deferred decision.

185-02-BZ

APPLICANT - Sheldon Lobel, P.C., for North Ninth Street Realty, LLC., owner.

SUBJECT - Application June 5, 2002 - under Z.R. §72-21 to permit the proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 93/101 North Ninth Street, north side, between Wythe Avenue and Berry Street, Block 2303, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to December 23, 2003, at 1:30 P.M., for decision, hearing closed.

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to January 6, 2004, at 1:30 P.M., for decision, hearing closed.

350-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Advance Investments, owner.

SUBJECT - Application November 25, 2002 - under Z.R. §73-27 to permit the proposed use of an existing building as a funeral establishment, Use Group 7, with accessory off-street parking for 12 automobiles, located in a C1-1(R3-2) (SRD) zoning district, requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 6389 Amboy Road, west side, 258' north of Weir Avenue, Block 7534, Lot 186, Borough of Staten Island.

MINUTES

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Laid over to December 23, 2003, at 1:30 P.M., for deferred decision.

85-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for 926 Bedford LLC, owner; Department of General Services, lessee.

SUBJECT - Application March 13, 2003 - under Z.R. 72-21 to permit the proposed combining of three tax lots into a single zoning and tax lot, and also the proposed construction of a two-story building, that will be used for the manufacturing (primary assembly) of materials handling equipment, located in an R6 zoning district, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 922/26 Bedford Avenue, a/k/a 371 Willoughby Avenue, northwest corner, Block 1914, Lots 43, 44 and 46 (Tentative Lot 43), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Laid over to January 13, 2004, at 1:30 P.M., for continued hearing.

135 Coffey Street, between Conover and Van Brunt Streets, Block 597, Tentative Lots 9 and 11, Former Lots Numbers, 9-11, 13, 14, 37 and 38, Borough of Brooklyn.

71 Walcott Street, between Richard and Van Brunt Streets, Block 596, Tentative Lot 24, Former Lots Numbers, 23-29 and 43, Borough of Brooklyn.

79 Walcott Street, between Richard and Van Brunt Streets, Block 596, Tentative Lot 12, Former Lots Numbers, 12-15, 22, 23, 49 and 50, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Eric Palatnikk.

ACTION OF THE BOARD - Laid over to January 27, 2004, at 1:30 P.M., for deferred decision.

118-03-BZ

APPLICANT - Slater & Beckerman, LLP, for 1101 Prospect LLC, owner.

SUBJECT - Application April 11, 2003 - under Z.R. § 72-21 to permit the proposed construction of a six-story residential and community facility building, Use Groups 2 and 4, located in an R5B zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, number of dwelling

92-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Parkside Inc., owner.

SUBJECT - Application March 25, 2003 - under Z.R. §73-52 to permit the proposed residential development of an entire zoning lot, on a lot divided by an R7-2 and M1-1 district boundary, which requires a special permit.

PREMISES AFFECTED - 472 West 130th Street, southwesterly corner of the intersection of West 130th Street and Convent Avenue, Block 1969, Lots 64, 67 and 68, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to December 23, 2003, at 1:30 P.M., for continued hearing.

108-03-BZ thru 110-03-BZ

APPLICANT - Eric Palatnik, P.C., for FAC Homeownership HDFC, owners.

SUBJECT - Application April 4, 2003 - under Z.R. §72-21 to permit the proposed construction of a four story residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for height, setback, also front and rear yards, is contrary to Z.R. §23-631, §23-45 and §23-47. PREMISES AFFECTED -

units, community facility bulk regulations, front and yards, height and setback, is contrary to Z.R. §23-141(b), §23-22, §24-01, §24-162, §23-45, §24-34, §24-35 and §24-521.

PREMISES AFFECTED - 1101 Prospect Avenue, a/k/a 1677 11th Avenue, northeast corner, Block 5256, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to February 24, 2004, at 1:30 P.M., for postponed hearing.

190-03-BZ & 191-03-A

APPLICANT - Sheldon Lobel, P.C., for Satya Sanatan Dharma Sabha, Inc., owner.

SUBJECT - Application June 9, 2003 - under Z.R. § 72-21 to permit the legalization of a portion of a two-story building to a temple, to convert the remainder of the building to a temple, an enlargement to the building, which does not comply with the zoning requirements for height, side and front yards, and is contrary to Z.R. §24-521, §24-35 and §24-34; also to permit an enlargement to the building, of Class II-D construction, located within the fire district, which is contrary to §§27-301 and 27-305 of the NYC Administrative Code.

PREMISES AFFECTED - 87-48 215th Place, corner of Hillside

MINUTES

Avenue, Block 10682, Lot 45, Borough of Queens.
COMMUNITY BOARD #13Q
APPEARANCES -

ACTION OF THE BOARD - Laid over to January 13, 2004, at 1:30 P.M., for deferred decision.

211-03-BZ

APPLICANT - Eric Palatnik, P.C., for Simon Blitz, Contract Vendee.

SUBJECT - Application June 20, 2003 - under Z.R. §72-21 to permit the proposed expansion and also the conversion of an existing warehouse, to residential use, Use Group 2, located in an M1-4(Special LIC District), which does not comply with the zoning requirements for the new use, floor area and total height, is contrary to Z.R. §43-12, §43-43 and §42-10.

PREMISES AFFECTED - 529-535 48th Avenue, between Vernon Boulevard and Fifth Street, Block 30, Lot 9, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Gennaro D. Massaro and Doreen Malloy.

ACTION OF THE BOARD - Laid over to January 27,

241-03-BZ

APPLICANT - Moshe M. Friedman, P.E., for Chaya Knopf, owner.

SUBJECT - Application July 10, 2003 - under Z.R. §73-622 to permit the 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, open space ratio, rear yard and minimum side yard, is contrary to Z.R. §23-141(a), §23-47 and §23-48.

PREMISES AFFECTED - 1183 East 28th Street, east side, 100' north of Avenue "L", Block 7628, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Joseph Friedman.

For Opposition: Shirley Simon.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to January 6, 2004, at 1:30 P.M., for decision, hearing closed.

242-03-BZ

APPLICANT - Moshe M. Friedman, P.E., for Sion Maslaton, owner.

SUBJECT - Application July 10, 2003 - under Z.R. §73-622 to

2004, at 1:30 P.M., for continued hearing.

230-03-BZ

APPLICANT - Alfred V. Saulo, Architect, for Mike Graziano, owner.

SUBJECT - Application July 2, 2003 - under Z.R. §72-21 to permit the proposed erection of a one family detached residence, Use Group 1, located in an R-3A zoning district, which does not comply with the zoning requirements for front yard is contrary to Z.R. §23-45.

PREMISES AFFECTED - 144 Billop Avenue, southeast corner of Brighton Street, Block 7881, Lots 67, 1 and 2, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Alfred Saulo.

For Opposition: Charles Cross.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to January 6, 2004, at 1:30 P.M., for decision, hearing closed.

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, open space ratio, rear yard, side yard, minimum side yard, lot coverage and perimeter wall, is contrary to Z.R. §23-141(b), §23-47 and §23-48 and §23-631(b)

PREMISES AFFECTED - 1858 East 26th Street, west side, 285'-0" north of Avenue "S", Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Joseph Friedman.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to January 6, 2004, at 1:30 P.M., for decision, hearing closed.

266-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for 1710-2 McDonald Realty, LLC, owner.

SUBJECT - Application August 21, 2003 - under Z.R. §73-50 to permit the proposed enlargement of an existing warehouse (furniture), situated in an M1-1 zoning district, by constructing a one-story addition at the rear, that will encroach into the required yard between district boundaries, is contrary to Z.R. §43-302.

PREMISES AFFECTED - 1710/12 McDonald Avenue, west side,

MINUTES

60' south of Avenue "O", Block 6607, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Dr. Joseph Knoll.

ACTION OF THE BOARD - Laid over to January 13, 2004, at 1:30 P.M., for continued hearing.

289-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Aldo Paronich, owner.
SUBJECT - Application August 29, 2003 - under Z.R. §73-53 to permit the legalization of an existing contractor' establishment, Use Group 16, located in an M1-1 zoning district, which is currently overbuilt by 21% beyond the permitted floor area ratio of 1.0 is contrary to Z.R. §43-12.

PREMISES AFFECTED - 440 Morgan Avenue, southeast corner
PREMISES AFFECTED - 260 Park Avenue South, west side, between East 20th and East 21st Streets, Block 849, Lot 43, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Howard Hornstein and Barbara Hair.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to December 23, 2003, at 1:30 P.M., for decision, hearing closed.

309-03-BZ

APPLICANT - Howard A. Zipser, Stadtmauer Bailkin, LLP, for James Horvath, owner.

SUBJECT - Application October 6, 2003 - under Z.R. §72-21 to permit the proposed erection of a six-story residential building, Use Group 2, on a zoning lot, divided by C6-1 and R6 zoning districts, which does not comply with the zoning requirements for floor area, height and setback limit per table A, which is contrary to Z.R.§§23-145 and 23-633.

PREMISES AFFECTED - 744/48 Greenwich Street, west side, between Perry and West 11th Streets, Block 633, Lots 20 and 119, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Zipser, Shawn Basler, James Horvath, Miguel Jeronimo, Rebecca Daniels, Dean Breier, Jan Hashey, Rebacca Davids, Abbas Shah and others.

For Opposition: Barry Mallin, Shirley Wright, Barbara Schlachet, Mariopie Cott, Fred Newman, Chatherine Immgraham and Eric Graham.

of Frost Street, Block 2869, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to January 27, 2004, at 1:30 P.M., for continued hearing.

298-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 260 Park Avenue South, owner.

SUBJECT - Application September 12, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing eight story building, by allowing available floor area to cross district boundary lines, from the adjacent building, that is located in an M1-5M zoning district, to said premises that is located in a C6-4A zoning district, which would exceed the maximum floor area permitted, and is contrary to Z.R.§23-145.

ACTION OF THE BOARD - Laid over to January 27, 2004, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 4:20 P.M.

MINUTES

DISMISSAL CALENDAR
WEDNESDAY MORNING, DECEMBER 10, 2003
10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

102-03-BZ

CEQR #03-BSA-160K

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Southside Realty Holdings, LLC
SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 291 Kent Avenue, 35-37 South 2nd Street, 29-33 South 3rd Street, east side of Kent Avenue, between South 2nd and South 3rd Streets, Block 2415, Lots 10, 14, 15, 41, 42, 43, 114, 116, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Favor: Jordan Most.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, December

10, 2003.

147-03-BZ

CEQR #03-BSA-185M

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: 567 3rd Avenue, LLC.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 567 Third Avenue, easterly side of Third Avenue between 37th Street and 38th Street, 74.1' north of 37th Street, Block 918, Lot 4, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Favor: Fredrick A. Becker.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, December 10, 2003.

157-03-BZ thru 175-03-BZ

MINUTES

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Block 2647 Realty Corp.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED -

41 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 23, Borough of Staten Island.

37 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 25, Borough of Staten Island.

33 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 27, Borough of Staten Island.

29 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 29, Borough of Staten Island.

25 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 31, Borough of Staten Island.

21 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 33, Borough of 20 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 11, Borough of Staten Island.

24 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 13, Borough of Staten Island.

28 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 15, Borough of Staten Island.

32 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 17, Borough of Staten Island.

36 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 19, Borough of Staten Island.

40 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 21, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES - None.

ACTION OF THE BOARD - Application dismissed.

THE VOTE TO DISMISS -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, December 10, 2003.

186-03-BZ

CEQR #03-BSA-202K

APPLICANT - New York City Board of Standards and

Staten Island.

17 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 35, Borough of Staten Island.

11 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 37, Borough of Staten Island.

288 Wild Avenue, south side, between Mackay and Walton Avenues, Block 2647, Lot 01, Borough of Staten Island.

284 Wild Avenue, south side, between Mackay and Walton Avenues, Block 2647, Lot 03, Borough of Staten Island.

280 Wild Avenue, south side, between Mackay and Walton Avenues, Block 2647, Lot 05, Borough of Staten Island.

12 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 07, Borough of Staten Island.

16 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 09, Borough of Staten Island.

Appeals.

OWNER OF PREMISES: Mount Carmel Plaza, LLC

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 525 Union Avenue, west side of Union Avenue, 48' south of intersection of Withers Street and Union Avenue, Block 2315, Lot 14, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Favor: Jordan Most.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, December 10, 2003.

192-03-BZ

CEQR #03-BSA-206X

APPLICANT - New York City Board of Standards and Appeals

OWNER OF PREMISES: Sharon Baptist Board of Directors, Inc.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 509 East 165th Street, between Washington and Third Avenue, Block 2370, Lot 45, Borough of The Bronx.

COMMUNITY BOARD #3BX

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

MINUTES

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, December
10, 2003.

258-03-BZ

CEQR #04-BSA-025K

APPLICANT - New York City Board of Standards and
Appeals.

OWNER OF PREMISES: 47 Thames Realty, LLC

SUBJECT - to dismiss the application for lack of
prosecution.

PREMISES AFFECTED - 47 Thames Street, between
Morgan Street and Knickerbocker Avenue, Block 3008, Lot
31, Borough of Brooklyn.

COMMUNITY BOARD #1BK

PREMISES AFFECTED - 20 Grand Avenue, between
Flushing Avenue and Park Avenue, Block 1877, Lot 35,
Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, December
10, 2003.

263-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Sando Realty by David Mosher

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 1800 Coney Island Avenue, west side,
260' north of Avenue O, south of Avenue N, Block 6592, Lot 34,
Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Favor: Harold Weinberg.

ACTION OF THE BOARD - Laid over to January 13,
2004, at 10 A.M., SOC Calendar, for continued hearing.

290-02-BZ thru 314-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Edgewater Development, Inc.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED -

114-01 Taipei Court, west side, 576' west of 115th

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner
Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, December
10, 2003.

260-03-BZ

CEQR #04-BSA-026K

APPLICANT - New York City Board of Standards and
Appeals.

OWNER OF PREMISES: 376 East 94th Street Realty, LLC.

SUBJECT - to dismiss the application for lack of
prosecution.

Street, Block 4019, Lot 125, Borough of Queens.

114-03 Taipei Court, west side, 576' west of 115th

Street, Block 4019, Lot 126, Borough of Queens.

114-05 Taipei Court, west side, 576' west of 115th

Street, Block 4019, Lot 127, Borough of Queens.

114-07 Taipei Court, west side, 576' west of 115th

Street, Block 4019, Lot 128, Borough of Queens.

114-09 Taipei Court, west side, 576' west of 115th

Street, Block 4019, Lot 129, Borough of Queens.

114-11 Taipei Court, west side, 576' west of 115th

Street, Block 4019, Lot 130, Borough of Queens.

114-13 Taipei Court, west side, 576' west of 115th

Street, Block 4019, Lot 131, Borough of Queens.

114-15 Taipei Court, west side, 576' west of 115th

Street, Block 4019, Lot 132, Borough of Queens.

114-21 Taipei Court, north side, 501' west of 115th

Street, Block 4019, Lot 133, Borough of Queens.

114-23 Taipei Court, north side, 491' west of 115th

Street, Block 4019, Lot 134, Borough of Queens.

114-25 Taipei Court, north side, 471' west of 115th

Street, Block 4019, Lot 135, Borough of Queens.

114-27 Taipei Court, north side, 451' west of 115th

Street, Block 4019, Lot 136, Borough of Queens.

114-29 Taipei Court, north side, 421' west of 115th

Street, Block 4019, Lot 137, Borough of Queens.

114-31 Taipei Court, north side, 411' west of 115th

Street, Block 4019, Lot 138, Borough of Queens.

114-33 Taipei Court, northwest corner of 115th Street,
Block 4019, Lot 139, Borough of Queens.

114-35 Taipei Court, north side, 371' west of 115th

Street, Block 4019, Lot 141, Borough of Queens.

114-20 Taipei Court, south side, 501' west of 115th

Street, Block 4019, Lot 124, Borough of Queens.

114-22 Taipei Court, south side, 491' west of 115th

Street, Block 4019, Lot 123, Borough of Queens.

114-24 Taipei Court, south side, 471' west of 115th

Street, Block 4019, Lot 122, Borough of Queens.

114-26 Taipei Court, south side, 451' west of 115th

MINUTES

Street, Block 4019, Lot 121, Borough of Queens.
114-28 Taipei Court, south side, 431' west of 115th Street, Block 4019, Lot 119, Borough of Queens.
114-30 Taipei Court, south side, 411' west of 115th Street, Block 4019, Lot 117, Borough of Queens.
114-32 Taipei Court, south side, 391' west of 115th Street, Block 4019, Lot 116, Borough of Queens.
114-34 Taipei Court, south side, 371' west of 115th Street, Block 4019, Lot 115, Borough of Queens.
114-36 Taipei Court, south side, 391' west of 115th Street, Block 4019, Lot 114, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Favor: Adam Rothkrug.

PREMISES AFFECTED - 32/40 Bond Street, mid-block portion fronting on north side, of Bond Street between Lafayette and the Bowery, Block 530, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Favor: Shelly Friedman, Zalla Jones and Peter Brightsdin.

ACTION OF THE BOARD - Laid over to February 3, 2004, at 10 A.M., SOC Calendar, for continued hearing.

81-03-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Vinicio Ramirez

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 857 East 169th Street/1351 Lyman Place, north side of E. 169th Street west of corner formed by East 169th Street and Lyman Place, Block 2970, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #3BX

APPEARANCES -

For Favor: Timothy Rice.

ACTION OF THE BOARD - Laid over to December 23, 2003, at 10 A.M. SOC Calendar, for continued hearing.

156-03-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: RKO Plaza LLC & Farrington Street Developers, LLC.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 135-35 Northern Boulevard, north side of intersection of Main Street and Northern Boulevard, Block 4958, Lots 48 and 38, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to February 10, 2004, at 10 A.M., SOC Calendar, for continued hearing.

69-03-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for Bond Street, LLC, owner.

SUBJECT - Application February 12, 2003 - under Z.R. § 72-21 to permit the proposed development of a 15-story mixed-use building, consisting of residential apartments and local retail usage, located in an M1-5B zoning district, where residential use is not permitted is contrary to Z.R. §42-10.

ACTION OF THE BOARD - Laid over to March 10, 2004, at 10 A.M., for continued hearing.

193-03-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Park and Kent Associates, Inc.
SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 824-834 Kent Avenue, south side of Park Avenue, east of Taafee Place, Block 1897, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Favor: Jim Plotxin.

ACTION OF THE BOARD - Laid over to January 27, 2004, at 10 A.M., SOC Calendar, for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:00 A.M.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 88, Nos. 51-52

December 25, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

John E. Reisinger, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

CONTENTS

| | |
|-------------------------------------|---------|
| DOCKET | 878-879 |
| CALENDAR of January 27, 2004 | |
| Morning | 880 |
| Afternoon | 881 |
| CALENDAR of February 3, 2004 | |
| Morning | 881 |
| Afternoon | 882 |

CONTENTS

MINUTES of Regular Meetings,
Tuesday, December 16, 2003

Morning Calendar883

Affecting Calendar Numbers:

| | |
|------------------|--|
| 389-37-BZ | 31-08 to 31-12 45 th Street, Queens |
| 772-67-BZ | 1234 Forest Avenue, Staten Island |
| 207-68-BZ | 115-58 Dunkirk Street, Queens |
| 1255-80-BZ | 35-33 31 st Street, Queens |
| 109-97-BZ | 12301-1239 Lafayette Avenue, The Bronx |
| 189-99-BZ | 460 Quincy Avenue, The Bronx |
| 99-01-A, Vol. II | 37-18 74 th Street, Queens |
| 287-02-A thru | |
| 289-02-A | 3/5/7 Reynolds Court, Staten Island |
| 45-03-A tru | |
| 64-03-A | Hall Avenue, Staten Island |
| 254-03-A | 423 Cross Bay Boulevard, Queens |
| 315-03-A thru | |
| 322-03-A | Dunton Court, Queens |

CONTENTS

Afternoon Calendar.....887

Affecting Calendar Numbers:

| | |
|-----------|---|
| 184-03-BZ | 165-02 120 th Avenue, Queens |
| 251-03-BZ | 217-25 106 th Avenue, Queens |
| 252-03-BZ | 217-31 106 th Avenue, Queens |
| 253-03-BZ | 163-15 Northern Boulevard, Queens |
| 164-02-BZ | 1913 Hobart Avenue, The Bronx |
| 360-02-BZ | 130 North Fourth Street, Brooklyn |
| 73-03-BZ | 400 Lenox Avenue, Manhattan |
| 80-03-BZ | 602 39 th Street, Brooklyn |
| 82-03-BZ | 51 North 8 th Street, Brooklyn |
| 139-03-BZ | 247-54 90 th Avenue, Queens |
| 150-03-BZ | 136 Metropolitan Avenue, Brooklyn |
| 219-03-BZ | 175-15 Rockaway Boulevard, Queens |
| 220-03-BZ | 175-21 149 th Avenue, Queens |
| 244-03-BZ | 3975 Bedford Avenue, Brooklyn |
| 264-03-BZ | 2713 Avenue N, Brooklyn |
| 286-03-BZ | 148 Beach 116 th Street, Queens |
| 301-03-BZ | 1103 East 22 nd Street, Brooklyn |

DOCKETS

New Case Filed Up to December 16, 2003

371-03-BZ B.M. 655 Fifth Avenue, southwest corner, block bounded by Fifth and Madison Avenues, and East 52nd and East 53rd Streets, Block 1288, Lot 1, Borough of Manhattan. Alt.1#103531830. The legalization of the eighth and ninth floors of an existing nine story building, for use as a physical culture establishment, located in a C5-3(MiD) zoning district, is contrary to Z.R.§32-10.

COMMUNITY BOARD #5M

372-03-BZ B.M. 663 Fifth Avenue, southwest corner, block bounded by Fifth and Madison Avenues, and East 52nd and East 53rd Streets, Block 1288, Lot 3, Borough of Manhattan. Alt.1#103503497. The legalization of the eighth floor, and the roof, of an existing eight story building, for use as a physical culture establishment, located in a C5-3(MiD) zoning district, is contrary to Z.R.§32-10.

COMMUNITY BOARD #5M

373-03-BZ B.BX. 293 East 207th Street, north side, 80' west of Perry Avenue, Block 3343, Lot 683, Borough of The Bronx. Applic. #200804353. Proposed off-site accessory parking lot, to be located in an R7-zoning district, is contrary to Z.R. §25-52.

COMMUNITY BOARD #7BX

374-03-BZ B.Q. 114-17 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 32, Borough of Queens. N.B.#401594976. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R.§42-10.

COMMUNITY BOARD #7Q

375-03-BZ B.Q. 114-19 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 33, Borough of Queens. N.B.#401594985. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R.§42-10.

COMMUNITY BOARD #7Q

376-03-BZ B.Q. 114-36A Taipei Court, south side, 351' west of 115th Street, Block 4019, Lot 13, Borough of Queens. N.B.#401595038. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R.§42-10.

COMMUNITY BOARD #7Q

377-03-BZ B.M. 25 Bond Street, south side, 70' east of Lafayette Street, Block 529, Lot 21, Borough of Manhattan. Applic.#103600499. Proposed mixed-use building, located in an M1-5B zoning district, which creates non-compliance with regards to residential and retail uses, also public parking and floor area, is contrary to Z.R.§42-00,§42-14, §32-17 and §43-12.

COMMUNITY BOARD #2M

378-03-BZ B.BK. 2920 Coney Island Avenue, west side, 53.96' north of Shore Parkway, Block 7244, Lot 98, Borough of Brooklyn. Applic.#301642097. Proposed erection of a two story building, for use as a non-profit school for teaching circus skills, Use Group 3, located in an R3-1 zoning district, which creates non-compliance with respect to lot coverage, side and front yards, perimeter wall height, sky exposure plane and setback, is contrary to Z.R. §24-11. §24-34, §24-35 and §24-521.

COMMUNITY BOARD #15BK

379-03-A B.Q. 127 Arcadia Walk, east side, 501.12' south of Rockaway Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens. Alt.1#401731097. Proposed reconstruction and enlargement of an existing one family dwelling, situated within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

380-03-A B.Q. 3 Essex Walk, east side, 205.36' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens. Alt.1#401721446. Proposed reconstruction and enlargement of an existing one family dwelling, situated within the bed of a mapped street, and does not front on a legally mapped street is contrary to Sections 35 and 36, Article 3 of the General City Law.

DOCKETS

381-03-BZ B.BK. 6023 Fort Hamilton Parkway, aka 6013/23 Fort Hamilton Parkway, aka 6012/24 Tenth Avenue, and aka 973/83 61st Street, northeast corner, Block 5715, Lot 55, Borough of Brooklyn.

Alt.1#301536620. Proposed expansion of existing social security offices, and the addition of school by adding a second floor, to an existing one story building, located in an M1-1 zoning district, which does not comply with the zoning requirements for Use Group and floor area, is contrary to Z.R. §42-00, §43-12 and §43-122.

COMMUNITY BOARD 12BK

382-03-BZ B.M. 406 West 31st Street, south side, between Ninth and Tenth Avenues, Block 728, Lot 42, Borough of Manhattan. Applic.#103586193.

Proposed conversion of a fifteen-story with cellar and basement manufacturing loft building, to a dormitory, Use Group 3A, located in an M1-5 zoning district, is contrary to Z.R. §42-12.

COMMUNITY BOARD #4M

383-03-A B.M. 5 Beekman Street, southwest corner of Nassau Street, southeast corner of Theater Alley, Block 90, Lot 14, Borough of Manhattan.

Applic.#103497823. Proposed retention of the existing 10-story atrium and open access stair unenclosed, which is contrary to the "Old Code", Art.26-209(6.4.1.9)(2), as part of a "residential conversion" of an existing Commercial Class "E" building to a residential J-2 occupancy.

384-03-BZ B.BX. 804 East 138th Street, south side, 155.52' east of Willow Avenue, Block 2589, Lots 15 and 16, Borough of The Bronx. Alt.1#200812834.

Proposed operation of a Use Group 4A health facility, on a portion of a zoning lot, located in an M1-2 zoning district, is contrary to Z.R. §42-11.

COMMUNITY BOARD #1BX

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

JANUARY 27, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, January 27, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

628-39-BZ

APPLICANT - Rothkrug, Rothkrug Weinberg & Spector, for R-9-2 Inc., owner; D2 Developers Inc., lessee.

SUBJECT - Application October 10, 2003 - reopening for an extension of term of variance which expired December 12, 2003.

PREMISES AFFECTED - 1531/41 Plimpton Avenue, northwest corner of Plimpton Avenue and Featherbed Lane, Block 2875, Lots 51 and 56, Borough of The Bronx.

COMMUNITY BOARD #5BX

973-57-BZ

APPLICANT - Sheldon Lobel, P.C., for Bill Wolf Petroleum Corp., owner.

SUBJECT - Application October 16, 2003 - reopening for an extension of term of variance which expired October 28, 2003.

PREMISES AFFECTED - 60-04 Metropolitan Avenue on the southwest corner of 60th Street, Block 3492, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #5M

400-70-BZ

APPLICANT - Sheldon Lobel, P.C., for Amerada Hess Corporation, owner.

SUBJECT - Application November 7, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 134-07 Cross Bay Boulevard (formerly 134-15 Croo Bay Boulevard) Cross Bay Boulevard at northeast corner of Linden Boulevard, Block 11493, Lots 79 & 87, Borough of Queens.

COMMUNITY BOARD #10Q

PREMISES AFFECTED - 1404/06 Stebbins Avenue, northeast corner of East 170th Street, Block 2965, Lot 36, Borough of The Bronx.

COMMUNITY BOARD #3BX

APPEALS CALENDAR

331-03-A

APPLICANT - The Agusta Group, for Nelson Catano, owner.
SUBJECT - Application October 27, 2003 - The legalization of an existing mercantile occupancy, within a frame class IID construction building, located within the fire district, is not permitted as per §27-296 and Table 4-1 of the NYC Building Code.

PREMISES AFFECTED - 37-44 103rd Street, west side, 410.75' south of 37th Avenue, Block 1768, Lot 32, Borough of Queens.

COMMUNITY BOARD #3Q

JANUARY 27 2004, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, January 27, 2004, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

239-03-BZ

APPLICANT - Jay A. Segal, Greenberg Traurig, LLP, for West Broadway Arches c/o Mr. Chuck Seltzer, owner.

SUBJECT - Application July 10, 2003 - under Z.R. § 73-01 & 73-53 to permit the proposed extension of the uses (studios w/accessory living/sleeping/accommodations) allowed on floors two through six of the West Broadway portion of the building, to the ground floor portion of the building, located in M1-5A and R7-2 zoning districts, is contrary to Z.R. §42-14D.

PREMISES AFFECTED - 468 West Broadway and 140 Thompson Street, fronting on West Broadway and Thompson Street, between West Houston and Prince Streets, Block 516, Lot 7, Borough of Manhattan.

COMMUNITY BOARD #2M

261-03-BZ

APPLICANT - Sheldon Lobel, P.C., for PLK Realty Corp., owner.

SUBJECT - Application August 18, 29003 - under Z.R. §72-21 to permit the legalization of an existing one story building, as an auto repair shop, Use Group 16, located in an R7-1 zoning district, which is contrary to Z.R. §23-00.

267-03-BZ

APPLICANT - Stuart A. Klein, Esq., for North 14th Street Realty Associates, LLC, owner.

SUBJECT - Application August 21, 2003 - under Z.R. §72-21 to

CALENDAR

permit the proposed construction of three attached six and seven story buildings, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 2/6 Berry Street, 194/96 North 14th Street, south side, between Wythe Avenue to the west and Berry Street to the east, Block 2279, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #1BK

271-03-BZ

APPLICANT - Law Office of Fredrick A. Becker, for Frank Scelta, owner.

SUBJECT - Application August 27, 2003 - under Z.R. §72-21 to permit the proposed construction of a five family, three-story multiple dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10, §42-11 and §42-12.

PREMISES AFFECTED - 976 Metropolitan Avenue, between Catherine Street and Morgan Avenue, Block 2918, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #1BK

290-03-BZ

APPLICANT - Petraro & Jones, LLP, for Graceful Services, Inc., owner; Joseph B. Rosenblatt, lessee.

SUBJECT - Application September 3, 2003 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located on the second floor of a four story building, in a C2-8(TA special district), which requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 1097 Second Avenue, west side, 40' south of East 56th Street, Block 1331, Lot 126, Borough of Manhattan.

COMMUNITY BOARD #6M

308-03-BZ

APPLICANT - Catapano Engineering, P.C., for Grand Concourse Realty Corp., owner.

SUBJECT - Application October 6, 2003 - under Z.R. §73-211 to permit the proposed extension to an existing gasoline service station, to include an accessory convenience store, also the addition of another lot that, will be used for accessory parking, which is contrary to a previous variance granted under Cal. No.193-50-BZ

SUBJECT - Application October 7, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired and for an amendment to

PREMISES AFFECTED - 20/24 2nd Avenue a/k/a 30/32 East 1st Street, northeast corner of 2nd Avenue and East 1st Street, Block 443, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #3M

FEBRUARY 3, 2004, 1:30 P.M.

and Z.R. §32-25.

PREMISES AFFECTED - 557/71 Grand Concourse, west side, 31.6' north of East 149th Street, Block 2347, Lots 24 and 19, Borough of The Bronx.

COMMUNITY BOARD #4BX

329-03-BZ

APPLICANT - Eric Palatnik, P.C., for FAC Homeownership HDFC; contract vendee.

SUBJECT - Application October 24, 2003 - under Z.R. §72-21 to permit the proposed off-site residential accessory parking, for the proposed development at 135 Coffey Street, is contrary to Z.R. §25-52.

PREMISES AFFECTED - 142 Coffey Street, between Conover and Van Brunt Streets, Block 586, Lots 37 and 38 (Tentative Lot 37), Borough of Brooklyn.

COMMUNITY BOARD #6BK

330-03-A

APPLICANT - Eric Palatnik, P.C., for FAC Homeownership HDFC; contract vendee.

SUBJECT - Application October 24, 2003 - Proposed area of openings in the rear wall, and distance from a window to a rear lot line, for a proposed four story residential building, is contrary to Article 15, Table 3-4 of the NYC Building Code, and Article 3, Title 1, Sections 26 and 30 of the Multiple Dwelling Law.

PREMISES AFFECTED - 79 Wolcott Street, between Van Brunt and Richard Streets, Block 576, Tentative Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #6BK

FEBRUARY 3, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, February 3, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

85-58-BZ

APPLICANT - Maxfield Blaufeux & Heywood Blaufeux, for Estate of Hyman Badzanower, owner; Westfield second Associates, owner

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, February 3, 2004, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

221-03-BZ

APPLICANT - Martyn & Don Weston, for 253 West 28th Street,

CALENDAR

Corp., owner.

SUBJECT - Application June 26, 2003 - under Z.R. §72-21 to permit the legalization of three existing residential units, located on the third, fourth and fifth floors, of a five story mixed use building, in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 253/55 West 28th Street, north side, 105'-1" east of Eighth Avenue, Block 778, Lot 7, Borough of Manhattan.

COMMUNITY BOARD #5M

262-03-BZ

APPLICANT - Eric Palatnik, P.C., for Sam Dagan, owner.

SUBJECT - Application August 18, 2003 - under Z.R. §73-622 to permit the legalization of an enlargement to an existing one family dwelling, which does not comply with the zoning requirements for floor area and rear yard, is contrary to Z.R. §23-47 and §23-142.

PREMISES AFFECTED - 1564 East 28th Street, west side, between Avenue "P" and Kings Highway, Block 7688, Lot 82, Borough of Brooklyn.

COMMUNITY BOARD #15BK

273-03-BZ thru 285-03-BZ

APPLICANT - Sheldon Lobel, P.C., for 211 Building Corp., owner.

SUBJECT - Application August 27, 2003 - under Z.R. §72-21 to permit the proposed construction of a two-story, semi-detached, two family residence, located in an R-2 zoning district, which does not comply with the zoning requirements for zoning district, number of dwelling units, floor area, floor area ratio, and open space ratio, is contrary to Z.R. §23-22, §23-141 (a) and §23-141.

PREMISES AFFECTED -

211-51 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 92, Borough of Queens.

211-49 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 93, Borough of Queens.

211-47 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 94, Borough of Queens.

211-45 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 95, Borough of Queens.

211-43 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 96, Borough of Queens.

211-41 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 97, Borough of Queens.

211-54 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 98, Borough of Queens.

REGULAR MEETING

TUESDAY MORNING, DECEMBER 16, 2003

10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, October 7, 2003, were approved as printed in the Bulletin of October 16, 2003, Volume 88, No. 42.

211-52 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 99, Borough of Queens.

211-50 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 100, Borough of Queens.

211-48 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 101, Borough of Queens.

211-46 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 102, Borough of Queens.

211-44 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 103, Borough of Queens.

211-42 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 104, Borough of Queens.

COMMUNITY BOARD #13Q

337-03-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for 340 Madison Owner, LLC c/o Macklowe Properties, 142 West 57th Street, owners.

SUBJECT - Application October 31, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing 21-story office, retail and church building with irregular E-shaped floor plates, will require variances to modify the Special Street Wall requirement of the Grand Central subdistrict, and permit the transfer of floor area across a zoning district boundary, which is not permitted as per Z.R. §81-621, §77-02, §33-17 and §81-211.

PREMISES AFFECTED - 342 Madison Avenue, (a/k/a 16 East 44th Street), west blockfront, between East 43rd and 44th Streets, Block 1278, Lots 8, 14, 15, 17, 62, 63 and 65, Borough of Manhattan.

COMMUNITY BOARD #5M

354-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Edelman, Edward & UNED Associates, LLC, owner.

SUBJECT - Application November 18, 2003 - under Z.R. §72-21 to permit the proposed physical culture establishment, in the cellar of a multi-story mixed -use building which sits on property divided by an R8-B and a C6-6/R8-B district boundary, which is contrary to Z.R. §22-10 and §32-10.

PREMISES AFFECTED - 209/15 East 51st Street, between Second and Third Avenues, Block 1325, Lot6, Borough of Manhattan.

COMMUNITY BOARD #6M

Pasquale Pacifico, Executive Director

SPECIAL ORDER CALENDAR

389-37-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Rosemarie Fiore, Georgette Fiore ad George Fiore, owner.

SUBJECT - Application July 2, 2003 - reopening for an extension of term of variance which expired June 13, 2003.

PREMISES AFFECTED - 31-08 to 31-12 45th Street, 44-09 Newtown Road, 44-16 31st Avenue, 1.01' feet west of 45th Street, Block 710, Lots 5, 6, 17, 18, 19, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

MINUTES

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Application re-opened and term of variance extended.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele.....4
Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele.....4
Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele.....4
Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the term of the variance, which expired on June 13, 2003; and

WHEREAS, a public hearing was held on this application on November 18, 2003, after due notice by publication in The City Record, and laid over to December 16, 2003 for decision; and

WHEREAS, on April 5, 1938 the Board granted an application to permit partially in a business use district and partially in a residence use district, use of the portion of the premises within the business district to be used for parking and storage of more than 5 motor vehicles.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution, pursuant to Z.R. § 11-4111, said resolution having been adopted on April 5, 1938 as amended through March 1, 1994 expiring June 13, 2003, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional five (5) years from June 13, 2003 expiring on June 13, 2008, on condition that all work shall substantially conform to drawings filed with this application marked "Received December 11, 2003- (1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed

739-76-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Cord Myer Development Corp., owner; Peter Pan Games of Bayside, owner.

SUBJECT - Application September 26, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired April 10, 2003.

PREMISES AFFECTED - 212-95 26th Avenue, 26th Avenue and Bell Boulevard, Block 5900, Lot 2, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele.....4
Negative:0

ACTION OF THE BOARD - Laid over to January 6, 2004, at 10 A.M., for decision, hearing closed.

within 48 hours;

THAT upon expiration of the term of this Variance, the applicant/owner shall return to the Board of Standards and Appeals for an extension, and at such time, will submit with the application a financial study examining the feasibility of residential use of the premises;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year of this 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 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."

(DOB Application #401647143)

Adopted by the Board of Standards and Appeals, December 16, 2003.

772-67-BZ

APPLICANT - Carl A. Sulfaro, Esq., for 1234 Forest Avenue Realty Corp., owner.

SUBJECT - Application September 9, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction which expired January 24, 2003.

PREMISES AFFECTED - 1234 Forest Avenue, southeast corner of Jewett Avenue, Block 354, Lot 32, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to February 3, 2004, at 10 A.M., for postponed hearing.

207-68-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Deerfield Meadows Inc., d/b/a Castro Convertibles, owner.

SUBJECT - Application July 14, 2003 - reopening for an extension of term of variance which expired June 18, 2003.

PREMISES AFFECTED - 115-58 Dunkirk Street, westerly side of Dunkirk Street, 80' north of Newburg Street, Block 10315, Lots 134, 225, 227, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,

MINUTES

Commissioner Caliendo and Commissioner Miele.....4
Negative:0
ACTION OF THE BOARD - Laid over to January 6, 2004,
at 10 A.M., for decision, hearing closed.

1255-80-BZ

APPLICANT - Gerald J. Caliendo, R.A., for Constantine Plagakis,
owner.

SUBJECT - Application May 30, 2003 - request for a waiver of
the Rules of Practice and Procedure and reopening for an extension
of term of variance which expired June 2, 2001.

PREMISES AFFECTED - 35-33 31st Street, east side of 31st
Street, 217.71' North of 36th Avenue, Block 604, Lot 10, Borough
of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sandy Anagnostov.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,

Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to January 6, 2004,
at 10 A.M., for decision, hearing closed.

109-97-BZ

APPLICANT - The Agusta Group, for Max Blauner for Blauers,
LLC, owner.

SUBJECT - Application October 24, 2003 - reopening for an
amendment to the resolution.

PREMISES AFFECTED - 1201-1239 Lafayette Avenue,
northwest corner of Barretto Street, and northeast corner of Tiffany

PREMISES AFFECTED - 37-18 74th Street, west of 74th Street,
161.107' south of 37th Avenue, Block 1284, Lot 47, Borough of
Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Philip P. Agusta.

ACTION OF THE BOARD - Laid over to January 13,
2004, at 10 A.M., for continued hearing.

287-02-A thru 289-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for
Ocean Park Estates, owner.

SUBJECT - Application October 23, 2002 - Proposed one family
dwelling, not fronting on a legally mapped street, is contrary to
Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

3 Reynolds Court, north side, 363.9' east of Reynolds
Street, Block 2981, Lot 93, Borough of Staten Island.

5 Reynolds Court, north side, 363.1' east of Reynolds
Street, Block 2981, Lot 95, Borough of Staten Island.

Street, Block 2739, Lot 15, Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Philip P. Agusta.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,

Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to January 6, 2004,
at 10 A.M., for decision, hearing closed.

189-99-BZ

APPLICANT -The Agusta Group by Philip P. Agusta, R.A.,
M.U.P., for 460 Quincy Avenue Realty Corporation, owner.

SUBJECT - Application October 21, 2003 - request for a waiver
of the Rules of Practice and Procedure and reopening for an
extension of time to complete construction which expired November
14, 2001.

PREMISES AFFECTED - 460 Quincy Avenue, southeast corner
of Dewey Avenue, Block 5578, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #10BX

APPEARANCES -

For Applicant: Philip P. Agusta.

ACTION OF THE BOARD - Laid over to January 13,
2004, at 10 A.M., for continued hearing.

99-01-A, Vol. II

APPLICANT - The Agusta Group, for Nicolo Balducci, Executor
for Serafina Balducci, owner.

SUBJECT - Application August 7, 2003 - To restore to calendar-
proposed to legalize the conversion of a two story and cellar frame
two (2) family dwelling to stores (U.G. 6).

7 Reynolds Court, north side, 300' east of Reynolds
Street, Block 2981, Lot 97, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,

Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to January 6, 2004,
at 10 A.M., for decision, hearing closed.

45-03-A thru 64-03-A

APPLICANT - Robert E. Englert, A.I.A., for Sleepy Hollow
Development Corp., owner.

SUBJECT - Application February 10, 2003 - Proposed two family
attached frame building, not fronting on a legally mapped street, and
located within the bed of a mapped street, is contrary to Sections 35
and 36, Article 3 of the General City Law.

PREMISES AFFECTED -

MINUTES

69 Hall Avenue, north side, 595.62' west of Willowbrook Road, Block 2091, Lot 85, Borough of Staten Island.

67 Hall Avenue, north side, 570.62' west of Willowbrook Road, Block 2091, Lot 80, Borough of Staten Island.

65 Hall Avenue, north side, 545.62' west of Willowbrook Road, Block 2091, Lot 79, Borough of Staten Island.

63 Hall Avenue, north side, 520.62' west of Willowbrook Road, Block 2091, Lot 78, Borough of Staten Island.

61 Hall Avenue, north side, 495.62' west of Willowbrook Road, Block 2091, Lot 77, Borough of Staten Island.

59 Hall Avenue, north side, 465.62' west of Willowbrook Road, Block 2091, Lot 76, Borough of Staten Island.

55 Hall Avenue, north side, 435.62' west of Willowbrook Road, Block 2091, Lot 75, Borough of Staten Island.

53 Hall Avenue, north side, 410.62' west of Willowbrook Road, Block 2091, Lot 74, Borough of Staten Island.

51 Hall Avenue, north side, 385.62' west of Willowbrook Road, Block 2091, Lot 73, Borough of Staten Island.

49 Hall Avenue, north side, 355.62' west of Willowbrook Road, Block 2091, Lot 72, Borough of Staten Island.

45 Hall Avenue, north side, 325.62' west of

SUBJECT - Application August 8, 2003 - Proposed construction of a single family dwelling, located partially within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 423 Cross Bay Boulevard, west side, 150.69' north of 191st Avenue, Block 15306, Lot 6 (tentative), Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Patrick Jones.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo3

Negative:0

Not Voting: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to January 6, 2004, at 10 A.M., for decision, hearing closed.

315-03-A thru 322-03-A

APPLICANT - Joseph P. Morsellino, Esq., for John Contrubis, et al, owner; Stellar Development, LLC, lessee.

SUBJECT - Application October 16, 2003 - Proposed erection of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

102-03 Dunton Court, east of 102nd Street, Block 14240, Lot

Willowbrook Road, Block 2091, Lot 71, Borough of Staten Island.

43 Hall Avenue, north side, 300.62' west of Willowbrook Road, Block 2091, Lot 70, Borough of Staten Island.

41 Hall Avenue, north side, 275.62' west of Willowbrook Road, Block 2091, Lot 69, Borough of Staten Island.

39 Hall Avenue, north side, 250.62' west of Willowbrook Road, Block 2091, Lot 68, Borough of Staten Island.

37 Hall Avenue, north side, 225.62' west of Willowbrook Road, Block 2091, Lot 67, Borough of Staten Island.

35 Hall Avenue, north side, 200.62' west of Willowbrook Road, Block 2091, Lot 66, Borough of Staten Island.

31 Hall Avenue, north side, 267.12' west of Willowbrook Road, Block 2091, Lot 65, Borough of Staten Island.

29 Hall Avenue, north side, 143.62' west of Willowbrook Road, Block 2091, Lot 63, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to February 3, 2004, at 10 A.M., for continued hearing.

254-03-A

APPLICANT - Petraro & Jones, LLP, for Robert J. Eckert, II and Jessica Rojas Eckert, owners.

1237, Borough of Queens.

102-05 Dunton Court, east of 102nd Street, Block 14240, Lot 1235, Borough of Queens.

102-13 Dunton Court, east of 102nd Street, Block 14240, Lot 1233, Borough of Queens.

102-15 Dunton Court, east of 102nd Street, Block 14240, Lot 1231, Borough of Queens.

102-21 Dunton Court, east of 102nd Street, Block 14240, Lot 1229, Borough of Queens.

102-23 Dunton Court, east of 102nd Street, Block 14240, Lot 1227, Borough of Queens.

102-31 Dunton Court, east of 102nd Street, Block 14240, Lot 1225, Borough of Queens.

102-33 Dunton Court, east of 102nd Street, Block 14240, Lot 1223, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Joseph P. Morsellino and Thomas Gusaivelli.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,

Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to January 6, 2004, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

MINUTES

Adjourned: 10:35 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, DECEMBER 16, 2003
2:00 P.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

184-03-BZ

APPLICANT - The Agusta Group, for Troy McKenzie, owner.
SUBJECT - Application June 3, 2003 - under Z.R. to permit the proposed construction of a two-story, two-family detached dwelling, Use Group 2, located in an R3-2 zoning district, which encroaches into the required front yards, and is therefore contrary to Z.R. §23-45.

PREMISES AFFECTED - 165-02 120th Avenue, southeast corner of 165th Street, Block 12381, Lot 90, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Sheldon Leffler.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT

WHEREAS, the subject property is a triangular shaped corner lot, occupying the entire block, measuring 4,660.6 square feet in area; and

WHEREAS, the applicant states that the subject lot is presently used as green space, although it is privately owned, and is allegedly maintained by the New York City Parks Department without the consent of the owner; and

WHEREAS, the proposed building will be a two-story, two-family dwelling, with an attached 2-car garage; and

WHEREAS, the applicant proposes to have 5 feet yards on two frontages in lieu of the required 15 foot front yard, which will allow a building with a reasonable floor plan to be constructed; and

WHEREAS, the applicant represents that due to the small shape and size of the zoning lot, a conforming building would produce a very small and unmarketable floor plan; and

WHEREAS, the Boards finds that the unique physical conditions of the subject zoning lot, as discussed above, create a practical difficulty with strict compliance with the bulk provisions of the Zoning Resolution; and

WHEREAS, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict compliance with zoning will provide a reasonable return; and

WHEREAS, the applicant represents that the proposed building is not out of context with the height and bulk of neighboring properties and it will not adversely impact local residential dwellings; and

WHEREAS, the record indicates that the neighborhood surrounding the site is characterized by residential uses, with houses of similar bulk and height as that proposed; and

WHEREAS, opposition to the application contends that the subject lot has been used a green space and that the proposed

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated May 27, 2003 acting on Application No. 401641201 reads: "1. The proposed 2 family dwelling encroaches [sic] on the required 15th [sic] Ft. front yards facing 165th St. and Smith Street, therefore is contrary to section 23-45 of the zoning resolution"; and

WHEREAS, a public hearing was held on this application on September 16, 2003 after due notice by publication in The City Record and then laid over to November 18, 2003 and then to December 16, 2003 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, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a two-story, two-family detached dwelling, Use Group 2, located in an R3-2 zoning district, which encroaches into the required front yards, and is therefore contrary to Z.R. §23-45; and

development would negatively impact the character of the neighborhood; and

WHEREAS, the Board notes, however, that the subject lot is privately owned property and not public park land; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent property nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed construction of a two-story, two-family detached dwelling, Use Group 2, located in an R3-2 zoning district, which encroaches into the required front yards, and is therefore contrary to Z.R. §23-45, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with

MINUTES

this application marked "Received June 3, 2003"- (8) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant will comply with all applicable fire safety measures;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and PREMISES AFFECTED - 217-25 106th Avenue, corner of 217th Street, Block 11104, Lot 268, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT

Affirmative: Chairman Chin, Vice-Chair Babbar,

Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 2, 2003, and acting on Application No. 401603121, reads:

"1) PROPOSED NEW BUILDING: WITHOUT PROVIDING ADEQUATE REAR YARD CONTRARY TO SECTION 23-47 Z.R."; and

WHEREAS, a public hearing was held on this application on November 18, 2003 after due notice by publication in The City Record, and laid over to December 16, 2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a semi-detached two-story, two family dwelling, Use Group 2, having on-site accessory parking, on a lot that has a non-complying rear yard, which is contrary to Z.R. §23-47; and

WHEREAS, the zoning lot is vacant and measures 3,598 square feet in area; and

WHEREAS, the subject property fronts an unmapped and un-built cul-de-sac, which was originally intended to be a through street, and the partial de-mapping of this cul-de-sac caused the subject property to be shallow with a curved front lot line and an

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, December 16, 2003.

251-03-BZ

APPLICANT - Sheldon Lobel, P.C., for A.N. Glory Associates, owner.

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to permit the proposed construction of a semi-detached two-story, two family dwelling, Use Group 2, having on-site accessory parking, on a lot that has a non-complying rear yard, which is contrary to Z.R. §23-47.

irregular shape; and

WHEREAS, this application seeks to construct a two-story, two-family dwelling that measures 22 feet by 47 feet 10 inches in area, 28 feet and 10 inches in height, and has a total floor area of 2, 015 square feet; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, namely the property's unusually small depth and irregular shape, makes its occupancy for a conforming use impractical and creates practical difficulty in developing the site in conformity with the current zoning; and

WHEREAS, the applicant asserts that the above mentioned physical constraints on the property make an as-of-right development financially unworkable; and

WHEREAS, the applicant represents that strict compliance with the rear yard requirements of the zoning resolution would yield unusual and thus unmarketable building configurations; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that the subject property neighbors a number of two-story residential structures, as well as a multiple dwelling structure, and that the surrounding area is predominantly residential; 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

MINUTES

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, to permit the proposed construction of a semi-detached two-story, two family dwelling, Use Group 2, having on-site accessory parking, on a lot that has a non-complying rear yard,

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT substantial construction be completed and a Certificate of Occupancy be obtained in accordance with Z.R. §72-23;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 16, 2003.

252-03-BZ

APPLICANT - Sheldon Lobel, P.C., for A.N. Glory Associates, owner.

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to permit the proposed construction of a semi-detached two-story, two-family dwelling, Use Group 2, having on-site accessory parking, on a lot that has a non-complying rear yard, which is contrary to Z.R. §23-47.

PREMISES AFFECTED - 217-31 106th Avenue, corner of 217th Street, Block 11104, Lot 270, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT

Affirmative: Chairman Chin, Vice-Chair Babbar,

Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 2, 2003 and acting on Application No. 401609158, reads:

"1) PROPOSED NEW BUILDING: WITHOUT

which is contrary to Z.R. §23-47, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 31, 2003"-(10) sheets and "December 2, 2003" -(1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant will comply with all applicable fire safety measures;

PROVIDING ADEQUATE REAR YARD CONTRARY TO SECTION 23-47 Z.R."; and

WHEREAS, a public hearing was held on this application on November 18, 2003 after due notice by publication in The City Record, and laid over to December 16, 2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a semi-detached two-story, two-family dwelling, Use Group 2, having on-site accessory parking, on a lot that has a non-complying rear yard, which is contrary to Z.R. §23-47; and

WHEREAS, the subject property fronts an unmapped and un-built cul-de-sac, which was originally intended to be a through street, and the partial de-mapping of this cul-de-sac caused the subject property to be shallow with a curved front lot line and an irregular shape; and

WHEREAS, the applicant represents that the zoning lot has an arcing front lot line of approximately 71 feet, an angled westerly lot line of 15 feet and 55 feet, a rear lot line of 45 feet, an easterly lot line of 137 feet and a 22 foot southerly lot line; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, namely the property's unusually small depth and irregular shape, makes its occupancy for a conforming use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the applicant asserts that the above mentioned physical constraints on the property make an as-of-right development financially unworkable; and

WHEREAS, the applicant represents that strict compliance with the rear yard requirements of the zoning resolution would yield unusual, and thus unmarketable, building configurations; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that the subject property neighbors a number of two-story residential structures, as well as a multiple dwelling structure, and that the surrounding area is

MINUTES

predominantly residential; 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 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, to permit the proposed construction of a semi-detached two-story, two-family dwelling, Use Group 2, having on-site accessory parking, on a lot that has a non-complying rear yard, which is contrary to Z.R. §23-47, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 31, 2003"-(10) sheets and "December 2, 2003" -(1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant will comply with all applicable fire safety measures;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT substantial construction be completed and a Certificate of Occupancy be obtained in accordance with Z.R. §72-23;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 16, 2003.

253-03-BZ

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

APPLICANT - Sheldon Lobel, P.C., for 163-15 Northern Flushing Corp., owner.

SUBJECT - Application August 4, 2003 - under Z.R. §72-21 to permit, on a site previously before the Board, the proposed construction of a two-story and basement retail building, with five stores, that provides 4 parking spaces instead of the required 26 parking spaces, which is contrary to Z.R. §36-21.

PREMISES AFFECTED - 163-15 Northern Boulevard, bounded by 164th Street and Station Road, Block 5338, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT

Affirmative: Chairman Chin, Vice-Chair Babbar,

Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated July 29, 2003 acting on Application No. 401690728 reads:

"1. Proposed retail space with four (4) parking spaces is contrary to ZR Section 36-21 (Parking requirements) and therefore must be filed with the Board of Standards and Appeals for their decision."; and

WHEREAS, a public hearing was held on this application on November 18, 2003 after due notice by publication in the City Record, and laid over to December 9, 2003 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 and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit, on a site previously before the Board, the proposed construction of a two-story and basement retail building, with five stores, that provides 4 parking spaces instead of the required 26 parking spaces, which is contrary to Z.R. § 36-21; and

WHEREAS, in 1952 under Calendar No. 705-51-BZ, the Board granted a variance on the subject property, noting the unique location and shape of the zoning lot, which permitted a gasoline service station;

WHEREAS, the subject property is located within C2-2 and R4 zoning district where the applicant contends that the proposed retail uses are permitted as-of-right; and

WHEREAS, the applicant represents that the subject lot is triangular in shape, measuring 196 feet by 156 feet by 125 feet, bound by Northern Boulevard, Station Road and 164th Street; and

MINUTES

WHEREAS, the applicant notes that if each of the retail stores were to be developed separately, on five separate lots, accessory parking would not be required; and

WHEREAS, the applicant asserts that strict compliance with the parking requirements of the zoning resolution, namely the requirement that the subject property have 26 parking spaces, would cause the proposed structure to be inadequate in size and configuration to serve the needs of its customers; and

WHEREAS, the Board finds unique physical conditions exist on the lot, leading to practical difficulties in developing the site with a conforming or complying development; and

WHEREAS, the evidence demonstrates that a complying development would not yield a reasonable return; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that the surrounding area is largely developed with commercial and residential uses; and

WHEREAS, therefore, the Board finds that the instant application 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, the Board finds that 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 the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, on a site previously before the Board, the proposed construction of a two-story and basement retail building, with five stores, that provides 4 parking spaces instead of the required 26 parking spaces, which is contrary to Z.R. §36-21, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application
SUBJECT - Application July 1, 2002 - under Z.R. §72-21 to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, that is located in a C1-2 within an R5 zoning district, is contrary to §32-31.

PREMISES AFFECTED - 110-18 Northern Boulevard, between

marked "Received December 1, 2003"- (6) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 16, 2003.

164-02-BZ

APPLICANT - Stuart A. Klein, Esq, for Marian Begley, owner.
SUBJECT - Application May 23, 2002 - under Z.R. §72-21 to permit 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).
PREMISES AFFECTED - 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.
COMMUNITY BOARD #10BX

APPEARANCES -

For Applicant: Peter Brightbill.

ACTION OF THE BOARD - Laid over to February 3, 2003, at 1:30 P.M., for continued hearing.

203-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Marcello Porcelli, owner; BP Amoco, PLC, lessee.
110th and 111th Streets, Block 1725, Lots 1, 3, 4, 7, 8, 11, 12 and 13, (Tentative Lot 1), Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Sheldon Lobel, Cris Tartaglia and John Lombardo.
THE VOTE TO CLOSE HEARING -

MINUTES

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele.....4
Negative:0
ACTION OF THE BOARD - Laid over to February 3,
2003, at 1:30 P.M., for decision, hearing closed.

360-02-BZ

APPLICANT - Law offices of Howard Goldman, PLLC, for S & Y Enterprises, LLC, owner.

SUBJECT - Application December 13, 2002 - under Z.R. §72-21 to permit the proposed conversion and enlargement of an existing warehouse, into a residential building with 83 units and 41 parking spaces, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 130 North Fourth Street, between Berry Street and Bedford Avenue, Block 2351, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Chris Wright and Henry Radusky.

ACTION OF THE BOARD - Laid over to February 3,
2003, at 1:30 P.M., for continued hearing.

73-03-BZ

APPLICANT - Mark A. Levine, Esq., for Uptown Partners, contract vendee.

SUBJECT - Application February 20, 2003 - under Z.R. §72-21 to permit the proposed construction of a 24-story mixed use building (residential and commercial), in an R7-2 zoning district, which does not comply with the zoning requirements for lot coverage, floor area, setbacks and exposure planes, and also has commercial use on the same floor as residential use, is contrary to Z.R. §23-142, §23-632, §23-64 and §32-421.

PREMISES AFFECTED - 400 Lenox Avenue, situated between West 129th and 130th Streets, Block 1727, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #10M

APPEARANCES -

For Applicant: Mark A. Levine, William Brothers, Antonio Martins and others.

For Applicant: Jeffrey Chester and Anthony Argento.

ACTION OF THE BOARD - Laid over to February 24,
2004, at 1:30 P.M., for continued hearing.

139-03-BZ

APPLICANT - Alfonso Duarte, for Sanjoy Augustine, owner.

SUBJECT - Application April 29, 2003 - under Z.R. §72-21 to

For Opposition: Carlos Vargas-Ramos, Georgina Bailey, Paulette Akonnor, Rosetta WilliamS and Juanita H.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to January 13,
2003, at 1:30 P.M., for decision, hearing closed.

80-03-BZ

APPLICANT - Fredrick A. Becker, Esq., for C & L Pioneer Enterprises LLC, owner.

SUBJECT - Application March 4, 2003 - under Z.R. §72-21 to permit the proposed construction of two multi-story multiple dwellings, also the use of a community facility (school), in one of the buildings, Use Groups 2 and 4, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 602 39th Street, southeast corner of Sixth Avenue, Block 914, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Laid over to January 13,
2004, at 1:30 P.M., for continued hearing.

82-03-BZ

APPLICANT - Sullivan Chester & Gardner LLP, for Diamond Street Properties, Inc., owners.

SUBJECT - Application March 5, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing two story building, to four stories, and the change of use from manufacturing/ warehouse facility, to mixed use (residential and commercial), located in an M3-1 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED - 51 North 8th Street, a/k/a 91 Kent Avenue, northeast corner, Block 2309, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

permit the proposed erection of a two family dwelling, Use Group 2A, located in an R3-A zoning district, which does not comply with the zoning requirements, for rear yard and floor area ratio, is contrary to Z.R. §23-47 and §23-141(b).

PREMISES AFFECTED - 247-54 90th Avenue, south side, 225.51' west of Commonwealth Boulevard, Block 8662, Lot 28, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES - None.

MINUTES

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to March 2, 2004, at 1:30 P.M., for continued hearing.

150-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Bolshy Gulliver, Inc., owner.

SUBJECT - Application May 15, 2003 - under Z.R. §72-21 to permit the proposed construction of three additional floors above a one story and basement building, to form a mixed-use building, to contain as of right uses on the first floor and basement level, and a nine residential units on the remaining three floors, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 136 Metropolitan Avenue, between Wythe Avenue and Berry Street, Block 2364, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane and A. J. Leffler.

ACTION OF THE BOARD - Laid over to January 13, 2004, at 1:30 P.M., for continued hearing.

219-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Homes for the Homeless Summer Camp, Inc., owner.

SUBJECT - Application June 25, 2003 - under Z.R. §72-21 to permit the legalization of an existing philanthropic institution with sleeping accommodations, Use Group 3, in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 175-15 Rockaway Boulevard, north side, between 175th Street and 149th Road, Block 13381, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

SUBJECT - Application July 17, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for side yard, rear yard, floor area and open space ratio, is contrary to Z.R. §23-461, §23-47 and §23-141.

PREMISES AFFECTED - 3975 Bedford Avenue, between Avenues "S" and "R", Block 6831, Lot 56, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to February 3, 2004, at 1:30 P.M., for decision, hearing closed.

220-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Homes for the Homeless Summer Camp, Inc., owner.

SUBJECT - Application June 25, 2003 - under Z.R. §72-21 to permit the legalization of an existing philanthropic institution with sleeping accommodations, Use Group 3, in an M1-1 zoning district, and the addition of a new building that does not comply with the rear yard requirement, is contrary to Z.R. §42-00 and §43-23 and §43-27.

PREMISES AFFECTED - 175-21 149th Avenue, a/k/a 175-48 148th Road, 140' east of 175th Street, Block 13380, Lots 11 and 63 (Tentative Lot 11), Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

For Derrick Warmington, Lonnie W. Glover, James Guhston and J. Clifford Gacksden.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

ACTION OF THE BOARD - Laid over to February 3, 2004, at 1:30 P.M., for decision, hearing closed.

244-03-BZ

APPLICANT - Eric Palatnik, P.C., for Victor Falah, owner.

Negative:0

ACTION OF THE BOARD - Laid over to January 13, 2004, at 1:30 P.M., for decision, hearing closed.

264-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Samuel Halon and Chaya Halon, owner.

SUBJECT - Application August 21, 2003 - under Z.R. §73-622 to permit the proposed enlargement of a single family residence, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and side yard, is contrary to Z.R. §23-141 and §23-461.

PREMISES AFFECTED - 2713 Avenue "N", 66' west of East 28th Street, Block 7663, Lot 5, Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra J. Altman

ACTION OF THE BOARD - Laid over to January 13, 2004 P.M., for continued hearing.

286-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Classic Closeouts, LLC, owner.

SUBJECT - Application August 28, 2003 - under Z.R. §72-21 to permit the proposed renovation of the existing building, to facilitate a retail store with accessory storage, as well as offices with accessory storage, Use Group 6, located in C1-2 and R5 zoning districts, is contrary to Z.R. §22-00.

PREMISES AFFECTED - 148 Beach 116th Street, 200' north of the Ocean Promenade, Block 16188, Lot 30, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Elisa Hwu and Sheldon Lobel

ACTION OF THE BOARD - Laid over to January 27, 2004, at 1:30 P.M., for continued hearing.

301-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Leonard Wassner and Isabell Wassner, owners.

SUBJECT - Application September 22, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space ratio, rear and side yards, and is contrary to Z.R. §23-141, §23-46 and §23-47.

PREMISES AFFECTED - 1103 East 22nd Street, between Avenues "J" and "K", Block 7604, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra J. Altman

ACTION OF THE BOARD - Laid over to January 13, 2004, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 3:55 P.M.